

ACTION ITEM #8

WSU All Campuses, Amendments to WAC Chapter 504-33 Facility Use Rules for First Amendment/Free Speech Activities (Olivia Yang/Bill Gardner)

May 6, 2016

TO ALL MEMBERS OF THE BOARD OF REGENTS

SUBJECT: WSU All Campuses, Amendments to WAC Chapter 504-33, Facility Use Rules for First Amendment/Free Speech Activities

PROPOSED: That the Board of Regents adopt the amendments to WAC Chapter 504-33 addressed below, relating to Facility Use Rules for First Amendment /Free Speech Activities.

SUBMITTED BY: Olivia Yang, Interim Vice President for Finance and Administration

**SUPPORTING
INFORMATION:**

The Board of Regents has authority pursuant to Chapter 28B.30 RCW and Chapter 34.05 RCW to adopt, amend, and repeal rules published in the Washington Administrative Code. WAC Chapter 504.33 concerns rules related to Facility Use Rules for First Amendment/Free Speech Activities on the WSU Campuses. A summary of the proposed amendments follows, and a copy of the chapter, illustrating the specific changes is appended as Attachment A. This Action Item differs from the Future Action Item presented at the March 24-25, 2016 meeting, in that we have clarified the limitations on non-university groups and individuals. Section 504-33-035, as previously written, was not clear that all limited public forum areas are available to non-university groups and individuals except for the interior of all facilities. Additionally, section 504-33-040 describes policy exceptions, and thus was not necessary to address in 504-33-035. The proposed changes have been reviewed by the Washington State University's Division of the Office of the Attorney General.

Summary of proposed Facility Use Rules for First Amendment/Free Speech Activities:

- 504-33-012: New section describes the general policy and purpose; much of this was previously in 504-33-20, which is now removed.

- 504-33-015: Clarifies definitions, and broadens the limited public forum areas to include all facilities, at all campuses, with the exception of the interior or immediate vicinity of facilities used to support university research, academic instruction, or health services.
- 504-33-025: Clarifies the procedure for providing notice of first amendment activities at each of the campuses; removes the 14-day notice requirement; removes subsections 4 through 11, as these are incorporated by reference to other WAC chapters, or provided for elsewhere in this revision.
- 504-33-030: Modifies the duration of events to remove 8-hour per day restriction; maintains 5-day limitation. Provides for limitations previously included in section 504-33-025 related to the distribution of materials; utility connections; area clean-up and damage; and safety measures. The subsection related to sound amplification, previously in 504-33-025, has been removed as it is incorporated by reference to 504-35-030. Subsection 7 clarifies, but does not change restrictions on Martin Stadium and Beasley Coliseum for game days and other major events.
- 504-33-035: New section includes additional limitations for non-university groups and individuals by restricting the use of the interior of facilities; and providing for advance notice of 5 business days.
- 504-33-040: Subsection 1 clarifies exceptions to the policy and provides a process for seeking exceptions; Subsections 2 and 3 clarifies termination of use.
- 504-33-050: Removed the requirement for posting of a bond.

Chapter Copy, illustrating specific changes is appended as Attachment A.

"Attachment A"

WAC 504-33-010 Title. This chapter is known as the Washington State University facility use rules for first amendment/free speech activities.

[Statutory Authority: RCW 28B.30.150. WSR 08-24-026, § 504-33-010, filed 11/24/08, effective 12/25/08.]

NEW SECTION

WAC 504-33-012 Use of university facilities for first amendment/free speech activities—General policy and purpose. The university believes that freedom of expression is an indispensable quality of university life, and that active participation in political and social expression both enhances the education of the individual and contributes to the betterment of society. The university is committed to respecting and promoting the rights afforded by the first amendment to the Constitution of the United States, including the right to free speech, petition, and assembly.

The university further recognizes that it has an obligation to maintain an atmosphere that allows it to carry out its broad missions of teaching, research, and public service in the course of the normal operations of the university.

To achieve the objectives of chapter 504-33 WAC, it is essential that free expression be accomplished in a manner that allows for the orderly function of normal university operations. Thus, the purpose of the time, place, and manner regulations set forth in chapter 504-33 WAC is to promote opportunities for exercise of the rights protected by the first amendment to the Constitution of the United States on the university campus and to ensure that these activities do not interfere with the furtherance of the university's mission-related responsibilities for which the university's buildings, facilities, and grounds are dedicated by the state of Washington.

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AMENDATORY SECTION (Amending WSR 08-24-026, filed 11/24/08, effective 12/25/08)

WAC 504-33-015 Definitions. (1) "Nonuniversity group or individual," for the purposes of this policy, means a collection of individuals that is neither a university affiliate, a registered student organization, nor a recognized employee group. The term also includes the individual members of these groups, when acting on behalf of the group, and individuals who are not currently enrolled students, current university employees, or employees of a university affiliate.

(2) "University group or individual," for purposes of this policy, means registered student organizations as defined in WAC 504-28-010, or a recognized employee group of the university, and also encompasses the individual members of these groups when acting on behalf of the group. The term also includes individuals who are currently enrolled students or current employees.

(3) "University affiliates" or "affiliated entities" means those entities that have formal relationships with the university and also encompass those entities' officers, agents, and employees. The terms include, but are not limited to, the university foundation, the university research foundation, the office of the attorney general, the 4-H foundation, and the United States Department of Agriculture—Agricultural Research Service. (~~(A list of affiliated entities is available on the campus use committee web site. The web site can be found by accessing the university's web site at:~~ <http://www.wsu.edu/>.)

(4) "Limited public forum areas" means those areas of each campus (~~(that the university has chosen to be open)~~) available as places for expressive activities protected by the first amendment, subject to reasonable time, place (~~(or)~~), and manner restrictions.

(~~(a) At the Pullman~~) At each university campus, the (~~(designated)~~) limited public forum areas are(~~(+~~
~~(i) The Glenn Terrell Mall; and~~
~~(ii) The public sidewalks adjacent to public roads.~~
~~(b) At the Spokane campus, the designated limited public forum areas are:~~

~~(i) The patio outside the main entrance to the Phase I Classroom Building; and~~

~~(ii) The public sidewalks adjacent to public roads.~~

~~(c) At the Tri-Cities campus, the designated limited public forum areas are:~~

~~(i) The Atrium Courtyard; and~~

~~(ii) The public sidewalks adjacent to public roads.~~

~~(d) At the Vancouver campus, the designated limited public forum areas are:~~

~~(i) The area of campus plaza directly east of the cafeteria extending to the stone wall; and~~

~~(ii) The public sidewalks adjacent to public roads.~~

~~(e) In addition to the public forum areas identified herein, the chancellors of the Spokane, Tri-Cities, and Vancouver campuses and the university president may designate additional areas of the campuses under their authority as public forums. Such additional public forum areas shall be set forth in the university's business policies and procedures manual)) all university facilities, with the exception of the interior or immediate vicinity of university facilities used to support university research, academic instruction, or health services.~~

(5) "First amendment activities" refers to any activity protected by the first amendment to the Constitution of the United States. Such first amendment activities may include, but are not necessarily limited to, informational picketing, petition circulation, the 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/or~~), and other types of constitutionally protected assemblies to share information, perspective, or viewpoints.

(6) "University facilities" means all buildings and grounds owned or controlled by the university and the streets, sidewalks, malls, parking lots, and roadways within the boundaries of property owned or controlled by the university.

[Statutory Authority: RCW 28B.30.150. WSR 08-24-026, § 504-33-015, filed 11/24/08, effective 12/25/08.]

AMENDATORY SECTION (Amending WSR 08-24-026, filed 11/24/08, effective 12/25/08)

WAC 504-33-025 Procedure for providing notice of use of limited public forum ((~~facilities~~) area for first amendment activities.

~~((Subject to the regulations and requirements of this policy, university and nonuniversity groups))~~ (1) Groups and individuals may use the university's limited public forum areas for those activities protected by the first amendment(~~(-~~

~~(1) Notice to use the limited public forum areas is to be provided))~~ to the Constitution of the United States, subject to the requirements set forth in chapter 504-33 WAC.

(2) Notice. The group or individual desiring to use a limited public forum area to engage in first amendment activities is requested to provide notice of the intended use of the desired limited public forum area as follows:

(a) At the Pullman campus(~~(+~~
~~(i))~~), notice to the campus police(~~(+ and~~
~~(ii) For requests to use the Glenn Terrell Mall, to the scheduling office))~~).

(b) At the Spokane campus, notice to:

(i) ~~((~~Te~~))~~ The campus office of student affairs; and

(ii) ~~((~~Te~~))~~ The campus security office.

(c) At the Tri-Cities campus, notice to:

(i) ~~((~~Te~~))~~ The campus office of student affairs; and

(ii) ~~((~~Te~~))~~ The campus security office.

(d) At the Vancouver campus, notice to:

(i) ~~((~~Te~~))~~ The campus office of ((~~business affairs~~)) finance and operations; and

(ii) ~~((~~Te~~))~~ The campus ((~~security office~~)) police.

~~((2) Timing of notice. All groups must provide the required notice no later than fourteen calendar days in advance of use of the limited public forum. However, events may be permitted with less notice so long as the event does not interfere with any other function occurring at the facility.))~~

(3) Content of notice. The notice ~~((to use the))~~ of use of a limited public forum area~~((s))~~ for first amendment activities is to contain:

(a) The contact information for the group or individual that will conduct the event, including group name, contact person name, address, e-mail address, and telephone number ~~((of the individual, group, entity, or organization sponsoring the event or use (hereinafter "the sponsoring organization"));~~ and

~~(b) The name, address, and telephone number of a contact person for the sponsoring organization;~~ and

~~(c))~~; and

~~(b)~~ The date, time, and ~~((requested location of the event;~~ and ~~(d))~~ limited public forum area to be used for the first amendment activities; and

~~(c)~~ The nature and purpose of the ~~((event))~~ first amendment activities; and

~~((e))~~ ~~(d)~~ The estimated number of people expected to ~~((participate in the event))~~ attend the first amendment activities, both as participants and as spectators.

~~((4) Sound amplification. The use of sound amplification devices for free speech purposes is not allowed.~~

~~(5) Duration of events. In order to allow for the expression of a wide range of viewpoints and discussion of an array of issues, university group events may not last longer than eight hours per day, and may continue no longer than five days from beginning to end. Nonuniversity events and university affiliate events may not last longer than five hours per day and may continue over no more than three days, from beginning to end. These limitations upon the duration of events will be excused, on a day to day basis, upon request when there are no competing requests to use the facility.~~

~~(6) Distribution of materials. Signs, posters, literature, handbills, leaflets, and pamphlets may be distributed in accordance with WAC 504-34-140. The sponsoring organization is encouraged, but not required, to include its name and address on the distributed information.~~

~~(7) Commercial transactions. Speech that does no more than propose a commercial transaction is prohibited in connection with the use of the facility or event.~~

~~(8) The limited public forum used by the group must be cleaned up and left in its original condition and may be subject to inspection by a representative of the university after the event. Reasonable charges may be assessed against the sponsoring organization for the costs of cleanup or for the repair of damaged property.~~

~~(9) The use of the facility must comply with all requirements of WAC 504-35-030.~~

~~(10) The university and/or government authorities may specify additional fire, safety, sanitation, and special regulations for the event, and the user must obey those regulations.~~

~~(11) The university will not provide utility connections or hook-ups.)~~

[Statutory Authority: RCW 28B.30.150. WSR 08-24-026, § 504-33-025, filed 11/24/08, effective 12/25/08.]

AMENDATORY SECTION (Amending WSR 08-24-026, filed 11/24/08, effective 12/25/08)

WAC 504-33-030 (~~(Additional requirements for scheduling at times of university authorized or sponsored events.)~~) Limitations on use of limited public forum areas. (1) The use of a limited public forum (~~(may not be used on the same date as any previously scheduled university 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 university event or activity)~~) area must comply with all requirements of WAC 504-35-030.

(2) Duration of events. In order to allow for the expression of a wide range of viewpoints and to allow the utilization of university facilities for a wide range of purposes, the use of a limited public forum area for first amendment activities may not continue for longer than five calendar days from beginning to end.

(3) Distribution of materials. Signs, posters, literature, handbills, leaflets, and pamphlets may be distributed in accordance with WAC 504-34-140.

(4) The university will not provide utility connections or hook-ups.

(5) The group or individual utilizing the limited public forum area must return the limited public forum area to its original condi-

tion after the use and is responsible for the costs of cleanup and the costs to repair damages to the limited public forum area and other university property that arise from such use.

(6) The university and/or government authorities may specify reasonable additional fire, safety, sanitation, insurance, and impact-mitigating requirements for the use of the limited public forum area, and the group or individual utilizing the limited public forum area must meet those requirements.

(7) Where more than five hundred people are expected to attend an event in Martin Stadium or Beasley Coliseum, or on the days of any football or basketball game, the following restrictions apply to uses of limited public forum areas for first amendment activities:

(a) The sidewalks and other outdoor areas and streets adjacent to Martin Stadium may not be used for first amendment activities during the ~~((three hour))~~ period ~~((preceding))~~ beginning three hours prior to a football game or other event at Martin Stadium ~~((until))~~ and ending two hours after the game or event has ended, except that sidewalks opposite ~~((the))~~ Martin Stadium may continue to be used for first amendment activities during these time periods, so long as the first amendment activities do not unduly interfere with the flow of pedestrian or vehicular traffic. Where the ~~((free speech activity is))~~ first amendment activities are expected to ~~((draw a crowd of))~~ include more than fifty total people as participants and spectators, the Glenn Terrell Mall may not be used for first amendment activities during these time periods.

(b) The sidewalks and other outdoor areas and streets adjacent to Beasley Coliseum may not be used for first amendment activities during the ~~((two hour))~~ period ~~((preceding))~~ beginning two hours prior to the start of a game or other event at Beasley Coliseum ~~((until))~~ and ending two hours after the game or event has ended, except that sidewalks opposite ~~((the))~~ Beasley Coliseum may continue to be used for first amendment activities during these time periods, so long as the activities do not unduly interfere with the flow of pedestrian or vehicular traffic.

[Statutory Authority: RCW 28B.30.150. WSR 08-24-026, § 504-33-030, filed 11/24/08, effective 12/25/08.]

NEW SECTION

WAC 504-33-035 Additional limitations on use of limited public forum areas by nonuniversity groups and individuals. Nonuniversity groups and individuals may use the university's limited public forum areas for those activities protected by the first amendment to the Constitution of the United States, subject to the requirements set forth in chapter 504-33 WAC, and the following additional limitations: with the exception of the interior or immediate vicinity of any university facility used to support university research, academic instruction, or health services, unless:

(1) Nonuniversity groups and individuals may not use ~~Use of the interior or immediate vicinity of the any university facility is authorized by the university president or his or her designee (as to the Pullman campus), or the applicable chancellor of the Spokane, Tri-Cities, or Vancouver campuses or his or her designee (as to such campuses); and~~

(2) Nonuniversity groups and individuals must provide notice ~~Notice is provided five business days prior to the intended use of the desired limited public forum area, in accordance with WAC 504-33-025 (2) and (3).~~

[]

AMENDATORY SECTION (Amending WSR 08-24-026, filed 11/24/08, effective 12/25/08)

WAC 504-33-040 ((Grant and)) Policy exceptions; termination, limitation of license to use facilities. (1) Exceptions to policy.

(a) The university president or his or her designee(~~(; any university vice president; the chancellors)~~) (as to the Pullman campus), or each chancellor of the Spokane, Tri-Cities, or Vancouver campuses or his or her designee(~~(s; or the designee of the vice president for business and finance may authorize first amendment activities which are reasonably determined not to disrupt university activities, despite a literal violation of this policy statement. Such determinations will be made without consideration of the content or message of the first amendment activities.)~~) (as to such campuses) may, but are not required to, make reasonable exceptions to the policy set forth in

chapter 504-33 WAC, provided he or she determines, after reasonable inquiry, that:

(i) The use of the limited public forum area that is the subject of the exception request will not interfere with any other function occurring at the limited public forum area or result in an unreasonable disruption of normal university functions or operations; and

(ii) Adequate impact-mitigating measures related to safety or university operations can be implemented prior to the start of the use of the limited public forum area.

(b) In order to allow for adequate time for review of the request, the group or individual seeking an exception under this subsection is requested to seek such exception at least five business days' prior to the intended use of the desired limited public forum area.

(2) Termination, limitation of license. The university president or his or her designee (~~(; any university vice president; the chancellors~~)) (as to the Pullman campus), or each chancellor of the Spokane, Tri-Cities, or Vancouver campuses or (~~(designees; or the designee of the vice president for business and finance may, at any time,)~~) his or her designee (as to such campuses), may limit, terminate, cancel, relocate, or prohibit the use of (~~(facilities if the event is disrupting normal university functions. Any of these individuals may refuse to allow a proposed use of facilities if they)~~) a limited public forum area for first amendment activities, if he or she determines, after reasonable inquiry, that (~~(the use or event cannot be conducted without disrupting normal)~~) such action is reasonably necessary to prevent or stop:

(a) Substantial harm or threat of substantial harm to the safety of persons; or

(b) Substantial damage to property; or

(c) Substantial disruption of university functions or operations.

~~((Such))~~

(3) Any determinations (~~(will)~~) made under subsections (1) or (2) of this section are to be made without consideration of the content or message of the (~~(first amendment)~~) expressive activities.

[Statutory Authority: RCW 28B.30.150. WSR 08-24-026, § 504-33-040, filed 11/24/08, effective 12/25/08.]

WAC 504-33-060 Criminal trespass. Any person believed to be violating these regulations may be barred from campus in accordance with the procedures outlined in WAC 504-35-150.
[Statutory Authority: RCW 28B.30.150. WSR 08-24-026, § 504-33-060, filed 11/24/08, effective 12/25/08.]

REPEALER

The following sections of the Washington Administrative Code are repealed:

- | | |
|----------------|---|
| WAC 504-33-020 | Use of limited public forum areas—
Purpose. |
| WAC 504-33-050 | Posting of a bond and hold harmless
statement. |

Attachment A -- Clean Copy

WAC 504-33-010 Title. This chapter is known as the Washington State University facility use rules for first amendment/free speech activities.

[Statutory Authority: RCW 28B.30.150. WSR 08-24-026, § 504-33-010, filed 11/24/08, effective 12/25/08.]

NEW SECTION

WAC 504-33-012 Use of university facilities for first amendment/free speech activities—General policy and purpose. The university believes that freedom of expression is an indispensable quality of university life, and that active participation in political and social expression both enhances the education of the individual and contributes to the betterment of society. The university is committed to respecting and promoting the rights afforded by the first amendment to the Constitution of the United States, including the right to free speech, petition, and assembly.

The university further recognizes that it has an obligation to maintain an atmosphere that allows it to carry out its broad missions of teaching, research, and public service in the course of the normal operations of the university.

To achieve the objectives of chapter 504-33 WAC, it is essential that free expression be accomplished in a manner that allows for the orderly function of normal university operations. Thus, the purpose of the time, place, and manner regulations set forth in chapter 504-33 WAC is to promote opportunities for exercise of the rights protected by the first amendment to the Constitution of the United States on the university campus and to ensure that these activities do not interfere with the furtherance of the university's mission-related responsibilities for which the university's buildings, facilities, and grounds are dedicated by the state of Washington.

WAC 504-33-015 Definitions. (1) "Nonuniversity group or individual," for the purposes of this policy, means a collection of individuals that is neither a university affiliate, a registered student organization, nor a recognized employee group. The term also includes the individual members of these groups, when acting on behalf of the group, and individuals who are not currently enrolled students, current university employees, or employees of a university affiliate.

(2) "University group or individual," for purposes of this policy, means registered student organizations as defined in WAC 504-28-010, or a recognized employee group of the university, and also encompasses the individual members of these groups when acting on behalf of the group. The term also includes individuals who are currently enrolled students or current employees.

(3) "University affiliates" or "affiliated entities" means those entities that have formal relationships with the university and also encompass those entities' officers, agents, and employees. The terms include, but are not limited to, the university foundation, the university research foundation, the office of the attorney general, the 4-H foundation, and the United States Department of Agriculture—Agricultural Research Service.

(4) "Limited public forum areas" means those areas of each campus available as places for expressive activities protected by the first amendment, subject to reasonable time, place, and manner restrictions.

At each university campus, the limited public forum areas are all university facilities, with the exception of the interior or immediate vicinity of university facilities used to support university research, academic instruction, or health services.

(5) "First amendment activities" refers to any activity protected by the first amendment to the Constitution of the United States. Such first amendment activities may include, but are not necessarily limited to, informational picketing, petition circulation, the 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 constitutionally protected assemblies to share information, perspective, or viewpoints.

(6) "University facilities" means all buildings and grounds owned or controlled by the university and the streets, sidewalks, malls, parking lots, and roadways within the boundaries of property owned or controlled by the university.

[Statutory Authority: RCW 28B.30.150. WSR 08-24-026, § 504-33-015, filed 11/24/08, effective 12/25/08.]

WAC 504-33-025 Procedure for providing notice of use of limited public forum area for first amendment activities. (1) Groups and individuals may use the university's limited public forum areas for those activities protected by the first amendment to the Constitution of the United States, subject to the requirements set forth in chapter 504-33 WAC.

(2) Notice. The group or individual desiring to use a limited public forum area to engage in first amendment activities is requested to provide notice of the intended use of the desired limited public forum area as follows:

(a) At the Pullman campus, notice to the campus police.

(b) At the Spokane campus, notice to:

(i) The campus office of student affairs; and

(ii) The campus security office.

(c) At the Tri-Cities campus, notice to:

(i) The campus office of student affairs; and

(ii) The campus security office.

(d) At the Vancouver campus, notice to:

(i) The campus office of finance and operations; and

(ii) The campus police.

(3) Content of notice. The notice of use of a limited public forum area for first amendment activities is to contain:

(a) The contact information for the group or individual that will conduct the event, including group name, contact person name, address, e-mail address, and telephone number; and

(b) The date, time, and limited public forum area to be used for the first amendment activities; and

(c) The nature and purpose of the first amendment activities; and

(d) The estimated number of people expected to attend the first amendment activities, both as participants and as spectators.

[Statutory Authority: RCW 28B.30.150. WSR 08-24-026, § 504-33-025, filed 11/24/08, effective 12/25/08.]

WAC 504-33-030 Limitations on use of limited public forum areas.

(1) The use of a limited public forum area must comply with all requirements of WAC 504-35-030.

(2) Duration of events. In order to allow for the expression of a wide range of viewpoints and to allow the utilization of university facilities for a wide range of purposes, the use of a limited public forum area for first amendment activities may not continue for longer than five calendar days from beginning to end.

(3) Distribution of materials. Signs, posters, literature, handbills, leaflets, and pamphlets may be distributed in accordance with WAC 504-34-140.

(4) The university will not provide utility connections or hook-ups.

(5) The group or individual utilizing the limited public forum area must return the limited public forum area to its original condition after the use and is responsible for the costs of cleanup and the costs to repair damages to the limited public forum area and other university property that arise from such use.

(6) The university and/or government authorities may specify reasonable additional fire, safety, sanitation, insurance, and impact-mitigating requirements for the use of the limited public forum area, and the group or individual utilizing the limited public forum area must meet those requirements.

(7) Where more than five hundred people are expected to attend an event in Martin Stadium or Beasley Coliseum, or on the days of any football or basketball game, the following restrictions apply to uses of limited public forum areas for first amendment activities:

(a) The sidewalks and other outdoor areas and streets adjacent to Martin Stadium may not be used for first amendment activities during the period beginning three hours prior to a football game or other event at Martin Stadium and ending two hours after the game or event has ended, except that sidewalks opposite Martin Stadium may continue to be used for first amendment activities during these time periods, so long as the first amendment activities do not unduly interfere with

the flow of pedestrian or vehicular traffic. Where the first amendment activities are expected to include more than fifty total people as participants and spectators, the Glenn Terrell Mall may not be used for first amendment activities during these time periods.

(b) The sidewalks and other outdoor areas and streets adjacent to Beasley Coliseum may not be used for first amendment activities during the period beginning two hours prior to the start of a game or other event at Beasley Coliseum and ending two hours after the game or event has ended, except that sidewalks opposite Beasley Coliseum may continue to be used for first amendment activities during these time periods, so long as the activities do not unduly interfere with the flow of pedestrian or vehicular traffic.

[Statutory Authority: RCW 28B.30.150. WSR 08-24-026, § 504-33-030, filed 11/24/08, effective 12/25/08.]

NEW SECTION

WAC 504-33-035 Additional limitations on use of limited public forum areas by nonuniversity groups and individuals. Nonuniversity groups and individuals may use the university's limited public forum areas for those activities protected by the first amendment to the Constitution of the United States, subject to the requirements set forth in chapter 504-33 WAC and the following additional limitations:

(1) Nonuniversity groups and individuals may not use the interior of any university facility; and

(2) Nonuniversity groups and individuals must provide notice five business days prior to the intended use of the desired limited public forum area, in accordance with WAC 504-33-025 (2) and (3).

WAC 504-33-040 Policy exceptions; termination, limitation of license to use facilities. (1) Exceptions to policy.

(a) The university president or his or her designee (as to the Pullman campus), or each chancellor of the Spokane, Tri-Cities, or Vancouver campuses or his or her designee (as to such campuses) may, but are not required to, make reasonable exceptions to the policy set

forth in chapter 504-33 WAC, provided he or she determines, after reasonable inquiry, that:

(i) The use of the limited public forum area that is the subject of the exception request will not interfere with any other function occurring at the limited public forum area or result in an unreasonable disruption of normal university functions or operations; and

(ii) Adequate impact-mitigating measures related to safety or university operations can be implemented prior to the start of the use of the limited public forum area.

(b) In order to allow for adequate time for review of the request, the group or individual seeking an exception under this subsection is requested to seek such exception at least five business days' prior to the intended use of the desired limited public forum area.

(2) Termination, limitation of license. The university president or his or her designee (as to the Pullman campus), or each chancellor of the Spokane, Tri-Cities, or Vancouver campuses or his or her designee (as to such campuses), may limit, terminate, cancel, relocate, or prohibit the use of a limited public forum area for first amendment activities, if he or she determines, after reasonable inquiry, that such action is reasonably necessary to prevent or stop:

(a) Substantial harm or threat of substantial harm to the safety of persons; or

(b) Substantial damage to property; or

(c) Substantial disruption of university functions or operations.

(3) Any determinations made under subsections (1) or (2) of this section are to be made without consideration of the content or message of the expressive activities.

[Statutory Authority: RCW 28B.30.150. WSR 08-24-026, § 504-33-040, filed 11/24/08, effective 12/25/08.]

WAC 504-33-060 Criminal trespass. Any person believed to be violating these regulations may be barred from campus in accordance with the procedures outlined in WAC 504-35-150.

[Statutory Authority: RCW 28B.30.150. WSR 08-24-026, § 504-33-060, filed 11/24/08, effective 12/25/08.]

REPEALER

The following sections of the Washington Administrative Code are repealed:

- | | |
|----------------|---|
| WAC 504-33-020 | Use of limited public forum areas—
Purpose. |
| WAC 504-33-050 | Posting of a bond and hold harmless
statement. |