

USE OF COLLEGE FACILITIES FOR FIRST AMENDMENT ACTIVITIES—EDMONDS COMMUNITY COLLEGE

NEW SECTION

WAC 132Y-136-010 Statement of purpose. Edmonds Community College is an educational institution provided and maintained by the people of the state of Washington. College facilities are reserved primarily for educational use including, but not limited to, instruction, research, public assembly of college groups, student activities and other activities directly related to the educational mission of the college. The public character of the college does not grant to individuals the right to substantially interfere with, or otherwise disrupt the normal activities for and to which the college's facilities and grounds are dedicated. Accordingly, the college is a designated public forum opened for the purposes recited herein and further subject to the time, place, and manner provisions set forth in these rules.

The purpose of the time, place, and manner regulations set forth in this policy is to establish procedures and reasonable controls for the use of college facilities 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 to the fullest extent possible. The college intends to open its campus to noncollege groups to the extent that the usage does not conflict with the rights of college groups or substantially disrupt the educational process.

NEW SECTION

WAC 132Y-136-020 Definitions. (1) "College facilities" includes all land, buildings, facilities, structures, grounds, office space, parking lots and other property in the possession of, owned, controlled, or leased/rented by the college, and agencies or institutions that have educational agreements with the college, including associated web sites and distance learning classroom environments.

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

(3) "First Amendment activities" 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 constitutionally protected assemblies to share information, perspectives or viewpoints.

(4) "Noncollege group" means individuals, or combinations of individuals, who are not currently enrolled students or current employees of Edmonds Community College or who are not officially affiliated with, or invited guests of a recognized student organization, recognized employee group, or the administration of the college.

(5) "Public forum areas" means those areas of the campus that the college has designated as places for expressive activities protected by the First Amendment, subject to reasonable time, place, or manner provisions.

(6) "Sponsor" means that when a college group invites a noncollege group onto campus, the college group will be responsible for the activity and will designate an individual to be present at all times during the activity. The sponsor will ensure that those participating in the sponsored activity are aware of the college's rules and policies governing the activity. This definition does not apply to noncollege groups that rent college facilities.

NEW SECTION

WAC 132Y-136-030 Use of facilities. (1) There shall be no camping on college facilities or grounds between the hours of 9:00 p.m. and 7:00 a.m. Camping is defined to include sleeping, 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.

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

(3) College groups are encouraged to notify the center for student engagement/leadership no later than forty-eight hours in advance of the activity. However, unscheduled activities are permitted so long as the activity does not displace any other activities occurring at the college.

(4) All sites used for First Amendment 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.

(5) 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 First Amendment activities conducted pursuant to this policy.

(6) The activity must not be conducted in such a manner to obstruct vehicular, bicycle, pedestrian or other traffic or otherwise interfere with ingress or egress to the college, college buildings or

facilities, or college activities. The activity must not create safety hazards or pose safety risks to others.

(7) The activity must not substantially 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 activity must not substantially infringe on the rights and privileges of college students, employees or invitees to the college.

(8) 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.

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

NEW SECTION

WAC 132Y-136-040 Additional requirements for noncollege groups.

(1) College facilities 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 these rules.

(2) The college designates on the campus map its grounds and outdoor spaces as the public forum area(s) for use by noncollege groups for First Amendment activities on campus. Nothing in these rules prohibits noncollege groups from engaging in First Amendment activities at open public meetings, subject to the requirements of RCW 42.30.050.

(3) Noncollege groups may use the public forum areas for First Amendment activities between the hours of 7:00 a.m. and 9:00 p.m., and for no longer than five hours from beginning to end.

(4) Before engaging in First Amendment activities, all noncollege groups are encouraged to provide notice to and register with campus safety and security no later than forty-eight hours prior to the activity of the noncollege group's presence on campus and to acknowledge receipt of these rules and to ensure that there are not scheduling conflicts. The notice does not involve any application or approval process, and therefore, the ability to use designated public forum areas will not be denied unless they are already reserved for use by another group. This notice is intended to provide the college with knowledge of the noncollege group's presence on campus so that the college can notify the appropriate members of its staff whose services might be needed or impacted by the use of the designated public forum area. When registering, the individual or group should provide 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 the activity;

(d) The type of sound amplification devices to be used in connection with the activity, if any; and

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

NEW SECTION

WAC 132Y-136-050 Distribution of materials. Information may be distributed as long as it is not obscene or does not promote the imminent prospect of actual violence or harm. The distributor 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. Non-college groups may distribute materials only on the grounds and outside spaces of the campus designated as public forum areas.

NEW SECTION

WAC 132Y-136-060 Consequences for violation of provisions in this chapter. (1) Noncollege groups who violate these rules will be advised of the specific nature of the violation, and if they persist in the violation, will be subject to an order from the college public safety department to leave the college campus. Such a request will be deemed to withdraw the license or privilege to enter onto or remain upon any portion of the college premises of the person or group of persons requested to leave, and subject such individuals to the provisions of chapter 9A.52 RCW or municipal ordinance. Persons failing to comply with such an order to leave the college 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 criminal trespass proceedings.

(2) 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 department for action in accordance with established college policies.