

VII. STANDING COMMITTEES

B. Finance, Audit & Facilities Committee

Amendment of Chapter 478-136 WAC, Use of University of Washington Facilities, and Amendment of WAC 478-137-030, Administrative AuthorityRECOMMENDED ACTION:

It is the recommendation of the administration and the Finance, Audit and Facilities Committee that the Board of Regents adopt the amendments to Chapter 478-136 WAC, "Use of University of Washington Facilities," and the related housekeeping amendment to WAC 478-137-030, "Administrative Authority."

BACKGROUND:

The primary purpose of amending the University's rules governing the use of its facilities is to extend to each of the University's three campuses a separate Committee for the Use of University Facilities (hereafter Committee) that can provide local guidance, specific to the unique facilities at each campus location, while adhering to the limitations on use provided in Chapter 478-136 WAC that apply to all University facilities and grounds. These proposed amendments better serve each campus to establish use patterns for new facilities and grounds at their respective campuses, as well as responding to routine requests for facilities use and guidance.

The amended rules continue to charge the President with delegating to the UW Seattle Committee Chair oversight for all UW facilities and grounds not located on either the UW Bothell or UW Tacoma campuses. The amended rules now also delegate from the President to the chancellors, the authority to establish their own Committees and subdelegate to their appointed chairs the responsibility for oversight of facilities and grounds maintained on their respective campuses. Additionally, these amended rules stipulate that the chairs of each of the three campus Committees will confer with one another to promote a uniform application of the use rules maintained in Chapter 478-136 WAC.

Other amendments to this chapter implement the following improvements:

- Streamlining the request process language for sponsorship and approval of events;
- Reorganization of various sections for clarity of purpose, including establishing a separate section for the Alcoholic Beverage Policy, without change to that policy;
- New and updated contact information for all three campus Committee chairs;

VII. STANDING COMMITTEES

B. Finance, Audit & Facilities Committee

Amendment of Chapter 478-136 WAC, Use of University of Washington Facilities, and Amendment of WAC 478-137-030, Administrative Authority
(continued p. 2)

- New definitions to define the terms “chair” and “Committee on the Use of University Facilities,” and further define the existing definition for “facility or facilities”; and
- General updating of text to reflect current practice.

Also, two housekeeping amendments are proposed for WAC 478-137-030, “Administrative Authority,” from the chapter, “Use of Joint University of Washington, Bothell and Cascadia Community College Facilities,” in order to clarify the title and responsibilities of an existing facilities use coordinator (from that of the new chair of the Committee role) for a committee that regulates only the use of joint facilities on that co-located campus.

As required by the Washington Administrative Code rule-making process, the public was notified that a hearing would be held to consider these proposed rules amendments via notices in the *Washington State Register, The Daily, University Week*, and included in various online campus calendars. The hearing officer’s report is attached; although, no oral testimony or written comments were received.

The proposed rule amendments have been reviewed by the Attorney General’s Office, and endorsed by the UW chancellors, the current Secretary of the Committee on the Use of University Facilities, and the Office of the President.

Attachments

1. Proposed amendments to Chapter 478-136 WAC, “Use of University of Washington Facilities,” and amendments to WAC 478-137-030, “Administrative Authority”
2. Hearing Officer’s Report (concerning public hearing held on May 17, 2010)

AMENDATORY SECTION (Amending WSR 97-24-047, filed 11/26/97, effective 12/27/97)

WAC 478-136-010 Use of university facilities--General policy.

The University of Washington is an educational institution provided and maintained by the people of the state in order to carry out its broad mission of teaching, research and public service. The purpose of this policy is to ensure that all university facilities (~~((operated by the university))~~) are reserved primarily for educational use including, but not limited to, instruction, research, public assembly, student activities, and recreational activities related to educational use. Further, each facility may be used for a variety of activities, ~~((so))~~ as long as the primary function the facility was intended to serve is protected. Reasonable time, place, and manner restrictions may be placed on the use of university facilities.

AMENDATORY SECTION (Amending WSR 07-03-136, filed 1/23/07, effective 2/23/07)

WAC 478-136-012 Definitions. (1) "Chair" of the committee on the use of university facilities means the person delegated authority by the president of the University of Washington and the chancellors of the University of Washington to authorize the use of university facilities, as provided for herein, for activities which take place on their respective campuses or at locations governed by their respective campuses; who oversee the committee on the use of university facilities for their respective campuses; and who liaise with other chairs to promote coordination in the application of this policy across campuses. The University of Washington attorney general's division shall provide legal guidance to the chair as needed.

(2) "Committee on the use of university facilities" means a committee appointed by the chair of the committee on the use of university facilities, which meets on a schedule to be determined by the chair, to provide nonbinding guidance to the chair on the application of these rules. Committee representatives might include representatives for UW police, environmental health and safety, risk management, student affairs, student government, and faculty and staff representatives.

(3) "Facility" or "facilities" includes all structures, grounds, parking lots, waterfront, and airspace owned or operated by the University of Washington, except where a "facility" is

excluded from the application of this rule pursuant to a contract (such as a lease or rental agreement). Specific rules also apply to parking lots, bicycle and skateboard use (chapters 478-116, 478-117, and 478-118 WAC), boat moorage facilities (chapter 478-138 WAC and *University Handbook*, Volume 4, Part VII, Chapter 3, Section 2), residence halls (chapter 478-156 WAC), airspace use (*University Handbook*, Volume 4, Part VII, Chapter 3, Section 5), nonuniversity speakers on campus (*University Handbook*, Volume 4, Part VII, Chapter 3, Section 4), and use of facilities by the Associated Students University of Washington (ASUW), Graduate and Professional Student Senate (GPSS), and other affected organizations (*University Handbook*, Volume 3, Part III, Chapter 5).

~~((2))~~ (4) "Use of facilities" includes, but is not limited to ~~((:))~~, the holding of events, the posting and removal of signs, all forms of advertising, commercial activities, and charitable solicitation.

~~((3) "Approved event" means a use of university facilities which has received preliminary approval from an academic or administrative unit and which has received final approval from the committee on the use of university facilities.)~~

AMENDATORY SECTION (Amending WSR 05-21-133, filed 10/19/05, effective 11/19/05)

WAC 478-136-015 Delegated and administrative responsibilities. (1) The board of regents has delegated to the president of the university the authority to regulate the use of university facilities.

~~((2))~~ Under this authority, the president has ~~((appointed))~~ acted or will act as follows:

(a) Delegate to the chair for the committee on the use of university facilities ~~((: To provide for proper))~~ with respect to facilities located on or governed by those located on the Seattle campus and for all other university facilities except for those located on the campuses for which there is a chancellor, the authority to review ~~((of))~~ the use of university facilities; to establish within the framework of this policy guidelines and procedures governing such use; to approve or disapprove requested uses; and to establish policies regarding fees and rental schedules where appropriate. Inquiries ~~((concerning the use of university facilities may))~~ to the chair for the Seattle campus should be directed to:

University of Washington Seattle
~~((Secretary))~~ Seattle Chair of the Committee on the Use of
University Facilities
~~((239M Gerberding Hall))~~
Box 351241
Seattle, WA 98195-1241

(or phone: 206-543-9233, or e-mail sprogram@uw.edu).

~~((3) Preliminary approval))~~ (b) Delegate to the chancellors of the University of Washington campuses, with respect to facilities located on or governed by those located on their campus, the authority to review the use of university facilities; to establish within the framework of this policy guidelines and procedures governing such use; to approve or disapprove requested uses; and to establish policies regarding fees and rental schedules where appropriate.

(c) Delegate the chancellors the authority to subdelegate the authorities provided for in (b) of this subsection to a chair of the committee on the use of university facilities for facilities located on or governed by those located on their respective campuses. For the current UW campuses, other than the Seattle campus, inquiries concerning the use of university facilities may be directed to:

University of Washington Bothell
Bothell Chair of the Committee on the Use of University
Facilities
Office of the Vice-Chancellor for Administration and
Planning
Box 358520
18115 Campus Way N.E.
Bothell, WA 98011

or

University of Washington Tacoma
Tacoma Chair of the Committee on the Use of University
Facilities
1900 Commerce Street, GWP 312
Box 358430
Tacoma, WA 98402

(or, for the University of Washington Tacoma, phone: 253-692-5645).

(d) Directs the chairs for each committee on the use of university facilities to confer with one another to promote a uniform application of this chapter.

(2) Sponsorship of an event by an academic or administrative unit of the university implies that ~~((a responsible))~~ an official with authority to make such decisions for the academic or administrative unit has applied his or her professional judgment to the content of the program, the qualifications of the individuals conducting the event, the manner of presentation, and has concluded, on behalf of his or her academic or administrative unit, that the event is consistent with ~~((the teaching, research, and/or public service mission of the university))~~ this chapter.

~~((4) Final))~~ (3) Approval of a facilities use request by the ~~((committee on the use of university facilities implies))~~ appropriate committee chair means that the committee ~~((has reviewed))~~ chair has determined that the proposed event ~~((with regard to: The general facilities policy; the direct and indirect~~

~~costs to the institution; environmental, health and safety concerns; wear and tear on the facilities; appropriateness of the event to the specific facility; and the impact of the event on the campus community, surrounding neighborhoods and the general public.~~

~~(5) The university will not make its facilities or services available to organizations which do not assure the university that they will comply with the terms of the Americans with Disabilities Act (ADA, 42 U.S.C. 12132, 12182) and the Rehabilitation Act of 1973 (RA, 29 U.S.C. 794). Uses must not impose restrictions nor alter facilities in a manner which would violate the ADA or RA.~~

~~(6) The university will not make its facilities or services available to organizations which do not assure the university that they do not discriminate against any person because of race, color, religion, national origin, sex, sexual orientation, age, handicap, or status as a Vietnam era or disabled veteran, except where such organizations have been exempted from provisions of applicable state or federal laws or regulations.~~

~~(7) Individuals who violate the university's use of facilities regulations and approved users who violate university contract terms for use of facilities may be advised of the specific nature of the violation and, if continued, individuals may be requested to leave university property or be refused future use of university facilities. Failure to comply with a request to leave university property could subject such individuals to arrest and criminal prosecution under provisions of applicable state, county, and city laws)) is consistent with this chapter.~~

AMENDATORY SECTION (Amending WSR 97-24-047, filed 11/26/97, effective 12/27/97)

WAC 478-136-025 Users. (1) Faculty, staff, and registered student organizations or official student ~~((organizations))~~ governments may use university facilities to hold events for faculty, staff, and students provided such uses comply with this general policy on use of university facilities and specific facilities use policies of individual university units. These events do not~~((, however,))~~ require either ~~((preliminary approval))~~ sponsorship by an academic or administrative unit or ~~((final))~~ approval by a chair of the committee on the use of university facilities.

(2) Faculty, staff, and registered student organizations or official student ~~((organizations))~~ governments may use university facilities to hold events to which the general public is invited when the event ~~((has preliminary approval))~~ is sponsored by an academic or administrative unit and ~~((final approval of))~~ approved by the appropriate chair of the committee on the use of university facilities.

(3) Nonuniversity organizations and individuals may use

university facilities to hold events which ~~((have received preliminary approval))~~ are sponsored by a university academic or administrative unit and ~~((final approval))~~ approved by the appropriate chair of the committee on the use of university facilities. The general public may be invited to such events.

AMENDATORY SECTION (Amending WSR 07-03-136, filed 1/23/07, effective 2/23/07)

WAC 478-136-030 Limitations on use. (1) First priority for the use of campus facilities shall be given to regularly scheduled university activities. Additionally, use of university facilities may be subject to reasonable time, place, and manner restrictions that take into account, among other considerations, the general facilities policy; the direct and indirect costs to the institution; environmental, health and safety concerns; wear and tear on the facilities; appropriateness of the event to the specific facility; and the impact of the event on the campus community, surrounding neighborhoods, and the general public.

~~(2)~~ Freedom of expression is a highly valued and indispensable quality of university life. However, university facilities may not be used in ways which obstruct or disrupt university operations, the freedom of movement, or any other lawful activities. ~~((Additionally, use of university facilities may be subject to reasonable time, place and manner restrictions.))~~ No activity may obstruct entrances, exits, staircases, doorways, hallways, or the safe and efficient flow of people and vehicles.

~~((+2))~~ (3) University facilities may be used for political activities (including events and forums regarding ballot propositions and/or candidates who have filed for public office ((so long as)) only if the event has ((received preliminary approval)) been sponsored by an administrative or academic unit and ((final approval)) approved by the ((committee on the use of university facilities. There are, however, certain limitations on the use of university facilities for these political activities.)) appropriate committee chair, and subject to the following limitations:

(a) ~~((First priority for the use of campus facilities shall be given to regularly scheduled university activities.~~

(b) ~~University facilities may be used for political purposes such as events and forums regarding ballot propositions and/or candidates who have filed for public office only when)~~ The full rental cost of the facility ((is)) must be paid((. However, use of)) and state funds ((for payment of facility)) may not be used to pay rental costs ((is prohibited)) or any other costs associated with the event.

~~((c) Forums or debates may be scheduled at full facility rental rates if all parties to a ballot proposition election or)~~

(b) All candidates who have filed for office for a given position, regardless of party affiliation, ~~((are))~~ must be given equal access to the use of facilities within a reasonable time.

~~((d))~~ (c) No person shall solicit contributions on university property for political uses, except in instances where this limitation conflicts with applicable federal law regarding interference with the mails.

~~((e))~~ ~~Public areas outside university buildings may be used for political purposes such as events and forums regarding ballot propositions and/or candidates who have filed for public office, excluding solicitation of funds, provided the other normal business of the university is not disrupted and entrances to and exits from buildings are not blocked.~~

~~((f))~~ (d) University facilities ~~((or services))~~ may not be used to establish or maintain offices or headquarters for political candidates or partisan political causes.

~~((3))~~ (4) University facilities may not be used for private or commercial purposes such as sales, advertising, or promotional activities unless such activities serve an educational purpose, as determined by the appropriate chair of the committee on the use of university facilities (see also subsection (7) of this section, concerning residence halls).

~~((4))~~ Nothing in these rules is intended to alter or affect the regular advertising, promotional, or underwriting activities carried on, by, or in the regular university media or publications. Policies concerning advertising, promotional or underwriting activities included in these media or publications are under the jurisdiction of and must be approved by their respective management or, where applicable, advisory committees, in accordance with applicable state and federal laws.

(5) ~~((In accordance with WAC 478-136-010, the university will make its facilities available only for purposes related to the educational mission of the university, as determined by the committee on the use of university facilities, including but not limited to instruction, research, public assembly, and student activities.))~~ When permission is granted to use university facilities for approved instructional or related purposes, as a condition of approval, the user of university facilities agrees to include in all materials nonendorsement statements in the form approved by the ~~((committee on the use of university facilities))~~ appropriate committee chair. "Materials" includes all communications, advertisement, and any other printed, electronic, or broadcast/telecast information related to the user's activities offered in university facilities. The committee ~~((will))~~ chair may determine the content, size of print and placement of the nonendorsement language. The university will not make its facilities available for instructional or related purposes that compete with courses or programs offered by the university.

(6) Solicitation, or distribution of handbills, pamphlets and similar materials by anyone, whether a member of the university community or of the general public, is not permitted in those areas of campus to which access by the public is restricted or where such

solicitation or distribution would significantly impinge upon the primary business being conducted.

(7) Solicitation and distribution of materials in university residence halls are governed by residence hall policies. No solicitation of a commercial nature is permitted in university residence halls. Commercial advertising may be allowed, and is restricted to certain designated areas of each residence hall, when it is related to the university's mission and approved by the department of housing and food services.

(8) Outdoor electronic amplification (~~((on the grounds of the campus))~~) is prohibited with the following exceptions:

(a) The lawn area immediately west of the Seattle campus Husky Union Building (HUB) will be available for open-air speaking events using directional and volume-controlled speech amplification equipment provided by the university. Use of the Husky Union Building lawn site will be available to registered or official student organizations and faculty or staff groups on a first-come, first-served basis. The amplification system will be issued upon presentation of a currently valid student, faculty or staff identification card at the Husky Union Building Reservation Office.

(b) The committee (~~((on the use of university facilities))~~) chair with authority to permit the use of a facility may grant permission(~~(, under special circumstances,)~~) for the use of (~~((other))~~) amplification equipment (~~((on the lawn site west of the Husky Union Building or))~~) in other outdoor locations. Permission should be requested (~~((through:~~

~~University of Washington
Secretary to the Committee on the
Use of University Facilities
239M Gerberding Hall
Box 351241
Seattle, WA 98195-1241~~

~~(or phone: 206-543-9233),)~~ from the appropriate committee chair sufficiently in advance of the program to allow timely consideration.

(9) (a) No person may use university facilities to camp, except if permission to do so has been granted in accordance with the provisions of chapters 478-116 and 478-136 WAC or except as provided in (b) of this subsection. "Camp" means to remain overnight, to erect a tent or other shelter, or to use sleeping equipment, a vehicle, or a trailer camper, for the purpose of or in such ways as will permit remaining overnight. Violators are subject to arrest and criminal prosecution under applicable state, county and city laws.

(b) This provision does not prohibit use of the university residence facilities in accordance with chapter 478-156 WAC or the use of facilities where the employee remains overnight to fulfill the responsibilities of his or her position or where a student remains overnight to fulfill the requirements of his or her course of study.

(10) Within the limits of applicable laws, the University of

Washington is committed to establishing and maintaining safe conditions for persons attending football games in Husky Stadium or other athletic events or concerts in (~~campus~~) university facilities. Accordingly, the rules enumerated below will apply to all such events and be strictly enforced.

(a) The possession or consumption of alcoholic beverages or illegal drugs is prohibited, except for alcohol allowed under a permit or license (~~obtained under subsection (13) of this section~~) as provided in WAC 478-136-041. In addition to having the beverages or drugs confiscated, violators may be subject to university disciplinary action and/or legal proceedings, and removal from the events.

(b) Air horns, glass bottles, cans, picnic baskets, bota bags, ice chests, and thermoses (in excess of two-quart capacity) are prohibited. Individuals possessing such will not be admitted to, or will be removed from, Husky Stadium or other athletic or concert facilities until the items have been stored temporarily at locations provided for that purpose or disposed of in some other manner.

(c) Except for designated outdoor smoking sites, as provided in WAC 478-136-035, smoking is prohibited in all portions of all athletic stadia, including, but not limited to, the seating areas, public concourses, and enclosed and covered spaces.

(d) All persons entering events in Husky Stadium or other athletic venues or events in other (~~campus~~) university auditoria or facilities shall be subject to having all containers, bags, backpacks, coolers, or similar items visually inspected. Security personnel shall first ask permission to visually inspect the item and advise the person that he/she may refuse. Persons who refuse to allow inspection shall be allowed to return the item to a vehicle or otherwise dispose of it, after which admission shall be allowed. Persons who refuse the visual inspection and refuse to dispose of the item shall be denied entry.

(11) Only public service announcements and acknowledgment of sponsors will be allowed on scoreboards at athletic venues.

(a) For purposes of this section, a public service announcement is defined as an announcement which promotes the activities or services of federal, state or local governments, including the University of Washington, or nonprofit organizations, or generally contributes to the community's welfare and interests.

(b) In acknowledgment of their sponsorship of the scoreboards or sponsorship of events and programs, sponsors may propose public service announcements for display on the scoreboard during athletic events. The public service announcement may be accompanied by a sponsor's name or logo(~~(r)~~) but (~~in keeping with university policy~~) may not directly promote the products or services of the company. The text and graphics of public service announcements must be submitted at least three days in advance to the department of intercollegiate athletics for approval by the university.

(c) In addition to these public service announcements, sponsors also may be acknowledged by the display of corporate logos, trademarks, or other approved messages upon panels located

on the scoreboard.

~~(12) ((Alcoholic beverages may be possessed, sold, served, and consumed at university facilities only if the procedures set forth in this section are followed.~~

~~(a) The appropriate permits/licenses for possession, sale, service, and consumption of alcohol must be obtained from the Washington state liquor control board.~~

~~(b) Permits/licenses must be displayed during the event and all other guidelines and restrictions established by the Washington state liquor control board must be followed.~~

~~(c) Alcoholic beverages may be possessed, sold, served, and consumed at the faculty center, as so designated by the university board of regents to the Washington state liquor control board, pursuant to a spirits, beer, and wine private club license issued by the Washington state liquor control board.~~

~~(d) Alcoholic beverages may be possessed, sold, served, and consumed at university facilities leased to a commercial tenant under a lease that includes authorization for the tenant to apply and hold a license issued by the Washington state liquor control board.~~

~~(e) Except as provided in (c) and (d) of this subsection, alcoholic beverages may be possessed, sold, served, and consumed at university facilities only under permits/licenses issued by the Washington state liquor control board and only as follows:~~

~~(i) Events at which alcohol is to be sold must be approved by the committee on the use of university facilities and an application to the committee must be accompanied by a request for written authorization under (f) of this subsection or proof that the seller holds an appropriate license; and~~

~~(ii) Events at athletic venues at which alcohol is to be possessed, sold, served, or consumed must not be within the spectator viewing areas and must have restricted attendance, and a university unit, or an individual or organization applying for a permit/license must have obtained approval under (f) of this subsection; and~~

~~(iii) A university unit, or an individual or organization applying for a permit/license must have obtained approval under (f) of this subsection; and~~

~~(iv) Sale, service, and consumption of alcohol is to be confined to specified room(s) or area(s) specified on the license or permit. Unopened containers may not be sold or served. No alcohol is permitted to be taken off premises.~~

~~(f) Written authorization to apply for a special occasion license to sell alcoholic beverages or a banquet permit to serve and consume alcoholic beverages at university facilities must be obtained from the committee on the use of university facilities prior to applying for a special occasion license or banquet permit from the Washington state liquor control board. Authorization should be requested through the University of Washington, secretary to the committee on the use of university facilities, sufficiently in advance of the program to allow timely consideration. (Note: Some license applications must be filed with the Washington state~~

~~liquor control board at least thirty days or more before the event.) Written authorization to apply for such a permit/license shall accompany the application filed with the Washington state liquor control board.~~

~~(g) Consumption, possession, dispensation, or sale of alcohol is prohibited except for persons of legal age) The university will not make its facilities or services available to organizations which do not assure the university that they will comply with the terms of the Americans with Disabilities Act (ADA, 42 U.S.C. 12132, 12182) and the Rehabilitation Act of 1973 (RA, 29 U.S.C. 794). Uses must not impose restrictions nor alter facilities in a manner which would violate the ADA or RA.~~

~~(13) The university will not make its facilities or services available to organizations which do not assure the university that they do not discriminate against any person because of race, color, religion, national origin, sex, sexual orientation, age, handicap, or status as a Vietnam era or disabled veteran, except where such organizations have been exempted from provisions of applicable state or federal laws or regulations.~~

~~(14) Individuals who violate the university's use of facilities rules and approved users who violate university contract terms for use of facilities may be advised of the specific nature of the violation and, if continued, individuals may be requested to leave university property or be refused future use of university facilities. Failure to comply with a request to leave university property could subject such individuals to arrest and criminal prosecution under provisions of applicable state, county, and city laws.~~

AMENDATORY SECTION (Amending WSR 07-03-136, filed 1/23/07, effective 2/23/07)

WAC 478-136-035 No smoking policy for university facilities.

(1) The University of Washington is committed to maintaining a safe and healthful work and educational environment for all faculty, staff, students, and visitors. Accordingly, the University of Washington establishes the following no smoking policy, consistent with chapter 70.160 RCW (I-901), to protect individuals from exposure to second-hand smoke in their university-associated environments and to protect life and property against fire hazards.

(a) Except as provided in subsection (1)(b) and (c) of this section, smoking of all kinds is prohibited in all university facilities, including, but not limited to, vehicles, inside all buildings owned, occupied, or managed by the university and/or used by the university's faculty, staff, students, or visitors, and at any outside areas or locations, including, but not limited to, bus shelters, benches, and walkways.

(b) Smoking, while not permitted in on-campus residence halls,

may be permitted in a limited portion of designated university student housing in accordance with smoking regulations established for those facilities by the vice-president and vice-provost for student life, the appropriate chancellor, or their designees.

(c) Smoking may be permitted in specific designated outdoor locations approved by the director of environmental health and safety as smoking areas in accordance with chapter 70.160 RCW and published on the environmental health and safety web site. Signage also identifies the designated locations.

(2) Violations of the university no smoking policy are subject to enforcement by the University of Washington police department or other jurisdictional law enforcement agencies with regulatory responsibility. In addition, any student, staff, or faculty member who violates the university no smoking policy may be subject to disciplinary action.

NEW SECTION

WAC 478-136-041 Alcoholic beverage policy. Alcoholic beverages may be possessed, sold, served, and consumed at university facilities only if the procedures set forth in this section are followed.

(1) The appropriate permits/licenses for possession, sale, service, and consumption of alcohol must be obtained from the Washington state liquor control board.

(2) Permits/licenses must be displayed during the event and all other guidelines and restrictions established by the Washington state liquor control board must be followed.

(3) Alcoholic beverages may be possessed, sold, served, and consumed at the University of Washington club, as so designated by the university board of regents to the Washington state liquor control board, pursuant to a spirits, beer, and wine private club license issued by the Washington state liquor control board.

(4) Alcoholic beverages may be possessed, sold, served, and consumed at university facilities leased to a commercial tenant under a lease that includes authorization for the tenant to apply and hold a license issued by the Washington state liquor control board.

(5) Except as provided in subsections (3) and (4) of this section, alcoholic beverages may be possessed, sold, served, and consumed at university facilities only under permits/licenses issued by the Washington state liquor control board and only as follows:

(a) Events at which alcohol is to be sold must be approved by the appropriate committee chair for the committee on the use of university facilities and an application to the chair must be accompanied by a request for written authorization under subsection (6) of this section or proof that the seller holds an appropriate

license; and

(b) Events at athletic venues at which alcohol is to be possessed, sold, served, or consumed must not be within the spectator viewing areas and must have restricted attendance; and

(c) A university unit, or an individual or organization applying for a permit/license must have obtained approval under subsection (6) of this section; and

(d) Sale, service, and consumption of alcohol is to be confined to specified room(s) or area(s) identified on the license or permit. Unopened containers may not be sold or served. No alcohol is permitted to be taken off-premises.

(6) Written authorization to apply for a special occasion license to sell alcoholic beverages or a banquet permit to serve and consume alcoholic beverages at university facilities must be obtained from the appropriate committee chair for the committee on the use of university facilities prior to applying for a special occasion license or banquet permit from the Washington state liquor control board. Authorization should be requested sufficiently in advance of the program to allow timely consideration. (Note: Some license applications must be filed with the Washington state liquor control board at least thirty days or more before the event.) Written authorization to apply for such a permit/license shall accompany the application filed with the Washington state liquor control board.

(7) Consumption, possession, dispensation, or sale of alcohol is prohibited except for persons of legal age.

AMENDATORY SECTION (Amending WSR 03-24-045, filed 11/26/03, effective 12/27/03)

WAC 478-136-060 Safety and liability. (1) It is the responsibility of any person or organization requesting the use of university facilities to comply with all applicable university policies, procedures, rules and regulations, and applicable local, state and federal laws, including but not limited to fire, health and safety regulations.

(2) Permission to a nonuniversity organization (~~(or to)~~), a registered student organization, or an official student government for the use of university facilities is granted with the express understanding and condition that such organization assumes full responsibility for any loss, damage or claims arising out of such use.

When the event involves physical activity, the sale of alcohol, or otherwise will increase the risk of bodily injury above the level inherent in the facilities to be used, proof of appropriate liability insurance coverage with limits of at least \$1,000,000 per occurrence must be provided to the university's office of risk management before approval for the requested use

will be granted.

AMENDATORY SECTION (Amending WSR 06-13-022, filed 6/13/06, effective 8/1/06)

WAC 478-137-030 Administrative authority. (1) The board of regents of the University of Washington and the board of trustees for Cascadia Community College have delegated to the chancellor of the university and the president of the college, respectively, the authority to regulate the use of joint facilities on the colocated campus.

(2) Under this authority, the chancellor of the university and the president of the college designate the coordination for use of joint facilities to an appointed joint committee on facility use and designate the use of the wetlands to the wetlands oversight committee. The chancellor of the university and the president of the college shall each appoint representatives to the joint committee on facility use to develop suggested event procedures. Each designee shall review the use of the facilities; establish administrative procedures governing such use that are consistent with these rules; approve or disapprove requested uses and establish policies regarding fees and rental schedules unique to joint facilities as appropriate. Additionally, the joint committee on facility use shall act as an appeals board for decisions of the wetlands oversight committee regarding wetlands use requests. Inquiries concerning the use of joint facilities may be directed to:

University of Washington, Bothell
Office of Administrative Services
Joint Facilities Use Coordinator
Box 358535
18115 Campus Way N.E.
Bothell, WA 98011

(Phone: 425-352-3556 or e-mail: facuse@uwb.edu); and
Cascadia Community College
Finance and Operations Office
Director of Auxiliary Services and Capital Projects
18345 Campus Way N.E.
Bothell, WA 98011
(Phone: 425-352-8269).

(3) Preliminary approval of an event by an academic or administrative unit of the university or college implies that a responsible official has applied his or her professional judgment to the content of the program, the qualifications of the individuals conducting the event, the manner of presentation, and has concluded that the event is consistent with the teaching, research, and/or public service mission of the institutions.

(4) Final approval of a joint facilities use request by the

appropriate designee on the use of joint facilities implies that the designee has reviewed the proposed event with regard to: The rules in this chapter; the direct and indirect costs to the institutions; environmental, health and safety concerns; wear and tear on the facilities; appropriateness of the event to the specific facility; and the impact of the event on the institutions, surrounding neighborhoods and the general public.

(5) The institutions will not make their joint facilities or services available to organizations that do not assure the institutions that they will comply with the terms of the Americans with Disabilities Act (ADA, 42 U.S.C. 12132, 12182) and the Rehabilitation Act of 1973 (RA, 29 U.S.C. 794). Uses must not impose restrictions nor alter facilities in a manner which would violate the ADA or RA.

(6) The institutions will not make their joint facilities or services available to organizations which do not assure the institutions that they do not discriminate against any person because of race, color, religion, national origin, sex, sexual orientation, age, handicap, or status as a Vietnam era or disabled veteran, except where such organizations have been exempted from provisions of applicable state or federal laws or regulations.

(7) Individuals who violate the institutions' use of joint facilities regulations and approved users who violate the institutions' contract terms for use of joint facilities may be advised of the specific nature of the violation and individuals may be requested to leave the property or be refused future use of joint facilities. Failure to comply with a request to leave the property may subject such individuals to arrest and criminal prosecution under provisions of applicable state, county, and city laws.

May 19, 2010

President Mark A. Emmert
Office of the President
University of Washington
Box 351230

Dear President Emmert,

Pursuant to your delegation, I served as the Hearing Officer to receive public comment on the University of Washington's proposed amendments to Chapter 478-136 WAC, "Use of University of Washington Facilities," and related housekeeping amendments to WAC 478-137-030, "Administrative Authority." The hearing commenced at 12:00 p.m. on Monday, May 17, 2010, in Room 309 of the Husky Union Building (HUB) at the University of Washington, Seattle campus. I am pleased to provide you a report of that hearing.

As required by the Administrative Procedure Act, the University filed the following notices with the Washington State Code Reviser: a Preproposal Statement of Inquiry (published as WSR 10-04-017 in the *Washington State Register* on February 17, 2010) and a notice of Proposed Rule Making (published as WSR 10-08-066 in the *Washington State Register* on April 21, 2010). Notice that the hearing would be held was published in *The Daily* and in *University Week* on May 6, 2010. In addition, notice of the public hearing was sent to all three UW campuses for various UW news units and UW online events calendars. The written comment period began February 17, 2010, and ended May 17, 2010.

Public Comment

No individuals attended the hearing to provide comment on these proposed amendments, no individuals requested access to the conference phone lines for the purpose of presenting testimony, and no written comments were received.

Analysis and Recommendation

The proposed amendments to Chapter 478-136 WAC, "Use of University of Washington Facilities," establish a separate Committee on the Use of University Facilities for each of the University's three campuses. Amendments also include newly delegated authority from the President to the Chancellors to appoint a chair for the UW Bothell and UW Tacoma committees (amending the previous secretary of the committee role) and add liaison responsibilities between the three committee chairs. In addition, the chapter is reorganized for clarity and updated where necessary to reflect current practice. The proposed housekeeping amendments to WAC 478-137-030, "Administrative Authority," clarify the meaning of the rule without changing its effect.

The proposed revisions have been reviewed by the Attorney General's Office and endorsed by the UW Chancellors and the current Secretary of the Committee for the Use of University Facilities.

It is my recommendation that the Board of Regents adopt the amendments to Chapter 478-136 WAC and WAC 478-137-030.

An audio tape of the hearing has been deposited with the Secretary of the Board of Regents.

Sincerely yours,

Carol S. Nicolls
Special Counsel to the President

cc: Dr. Kenyon Chan
Ms. Rebecca Goodwin Deardorff
Ms. Joan Goldblatt
Dr. Gus Kravas
Ms. Joanne Matson
Mr. William Nicholson
Dr. Patricia Spakes
Ms. V'ella Warren