

VII. STANDING COMMITTEES**B. Finance, Audit and Facilities Committee**Adoption of Chapter 478-137 WAC, Use of University of Washington Bothell and Cascadia Community College Joint FacilitiesRECOMMENDED ACTION

It is the recommendation of the administration and the Finance, Audit and Facilities Committee that the Board of Regents adopt proposed new Chapter 478-137 WAC, Use of University of Washington Bothell and Cascadia Community College Joint Facilities.

BACKGROUND

The University of Washington, Bothell (UW Bothell) and Cascadia Community College (Cascadia CC) share Washington State's only co-located higher education campus. The co-location agreement provides that the institutions have dedicated and joint building spaces.

UW Bothell has been able to govern operation of its dedicated campus facilities under Chapter 478-136 WAC, Use of University of Washington Facilities (Cascadia CC's dedicated facilities are governed by new Chapter 132Z-140 WAC). While both institutions have separate rules that govern the use of their unique facilities, there are currently no rules to govern the use of shared spaces. These new rules would allow the institutions to improve the efficiency and effectiveness of shared campus spaces by common use guidelines and by establishing a committee of members from both institutions to review use requests.

The University of Washington has worked with Cascadia CC in developing these joint rules and the College's Board of Trustees is scheduled to adopt identical joint facility use rules as Chapter 132Z-141 WAC during its June meeting. If adopted, both Washington Administrative Code chapters would take effect simultaneously.

A joint public hearing for both institutions concerning these new WAC chapters was held at the campus on May 17, 2006. Notices of the public hearing were published in the campus newspaper, The Commons, and in University Week, as well as being publicized in the online event calendars for both institutions. No opposition to the proposed rules was voiced at the hearing or by written comment during the open comment period. Ms. Carol Niccolls was the designated hearing officer and her report of that hearing is attached.

VII. STANDING COMMITTEES

A. Academic and Student Affairs Committee

Adoption of Chapter 478-137 WAC, Use of University of Washington Bothell and Cascadia Community College Joint Facilities (continued p. 2)

The proposed new Chapter 478-137 WAC (copy attached), has been reviewed by the Office of the Attorney General (both the UW Division and the Education Division for Cascadia CC) and approved by the UW Office of the President, UW Bothell Office of the Chancellor, and the Office of the President, Cascadia CC.

ATTACHMENTS:

Hearing Officer's report
Proposed new Chapter 478-137 WAC

Office of the President

May 19, 2006

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 proposed new Chapter 132Z-141 WAC, "Use of Joint Cascadia Community College and University of Washington, Bothell, Facilities," and new Chapter 478-137 WAC, "Use of Joint University of Washington, Bothell, and Cascadia Community College Facilities." This joint Washington Administrative Code public hearing commenced at 12:00 Noon on Wednesday, May 17, 2006, in Room LB1 205 of the Library/Media Center on the co-located University of Washington, Bothell and Cascadia Community College 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 State of Washington Code Reviser: a Preproposal Statement of Inquiry (published as WSR 05-11-011, in the *Washington State Register* on June 1, 2005) and a notice of Proposed Rule Making (published as WSR 06-08-083, in the *Washington State Register* on April 19, 2006). Campus notice that the hearing would be held was published on May 2, 2006, in *The Commons* and on May 4, 2006, in *University Week*. Additionally, notice of the public hearing was included in the online events calendar for the Bothell campus.

Analysis

No individuals attended the hearing to provide comment on these proposed chapters and no written comments were received by either institution. The proposed chapters, which cover identical subjects for each institution, were reviewed by the Office of the Attorney General, and approved by the Office of the Chancellor, University of Washington, Bothell and the Office of the President, Cascadia Community College.

Recommendation

The University of Washington, Bothell and Cascadia Community College share Washington State's only co-located higher education campus. The co-location agreement provides that the institutions have dedicated and joint building and outdoor spaces. While both institutions have separate rules that govern the use of their unique facilities, there are currently no rules that govern the use of shared spaces. These new rules would allow the

institutions to improve the efficiency and effectiveness of shared campus space by establishing the purposes to which these joint facilities may be used by students, faculty, staff and the general public. These rules establish both a Joint Committee on Facility Use and a Wetlands Oversight Committee to be comprised of members from both institutions. The committees are charged with establishing procedures, and reviewing and approving requests for these shared spaces. Additionally, these rules place limitations on the use of the shared facilities with regard to alcoholic beverages, smoking, political and commercial activities, as well as providing for other health, safety, and liability restrictions.

I recommend that the Board of Regents adopt the proposed Chapter 478-137 WAC, "Use of Joint University of Washington, Bothell, and Cascadia Community College Facilities."

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

Sincerely yours,

Carol S. Niccolls
Special Counsel to the President

cc: Ms. Rebecca Goodwin Deardorff
Mr. Anthony Guerrero
Dr. Steven G. Olswang
Ms. Michele M. Sams

Chapter 478-137 WAC

USE OF JOINT UNIVERSITY OF WASHINGTON, BOTHELL, AND CASCADIA COMMUNITY COLLEGE FACILITIES

NEW SECTION

WAC 478-137-010 Purpose. The colocated campus of the University of Washington, Bothell, and Cascadia Community College operates joint facilities that provide benefits to each educational institution. The purpose of this chapter is to define the facilities jointly operated by the institutions and to ensure that these joint facilities are reserved primarily for activities related to the educational missions of the institutions. Further, the joint facilities may be used for a variety of activities, providing the primary function the facility or space was intended to serve is not compromised. Reasonable time, place, and manner restrictions may be placed on the use of joint facilities.

The rules set forth in this chapter have been jointly developed and agreed upon by the two institutions of higher education, and adopted and codified in separate chapters of the Washington Administrative Code by each of the institutions. Rules for the use of dedicated facilities of the University of Washington, Bothell, and Cascadia Community College are governed by chapter 478-136 WAC and chapter 132Z-140 WAC, respectively.

NEW SECTION

WAC 478-137 -020 Definitions. (1) "College" shall mean Cascadia Community College.

(2) "Institutions" shall mean University of Washington, Bothell, and Cascadia Community College.

(3) "Joint facilities" shall mean those structures, spaces, campus grounds, and parking lots operated jointly by the institutions. Specific rules also apply to parking lots (chapters 132Z-116 and 478-117 WAC).

(4) "University" shall mean University of Washington, Bothell.

(5) "Use of facilities" includes, but is not limited to: The holding of classes, events, the posting and removal of signs, all

forms of advertising, commercial and community activities, and charitable solicitation.

(6) "Wetlands" shall mean campus grounds to the east of Campus Way N.E. and east of 110th N.E. between N.E. 185th and Beardslee Blvd., and the Chase House.

NEW SECTION

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 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
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.

NEW SECTION

WAC 478-137-040 Use of joint facilities. When allocating use of joint facilities, the highest priority shall be given to activities specifically related to the institutions' missions. No arrangements will be made that may interfere with or operate to the detriment of the institutions' own instruction, research, public assembly, and student activities. In particular, joint facilities are used primarily for:

(1) The regularly established instruction, research, public assembly, and student activities of the institutions and their departments.

(2) Cultural, educational, or recreational activities of the students, faculty, or staff of the university or college.

(3) Short courses, conferences, seminars, or similar events, when arranged under the sponsorship of the institutions or their departments.

(4) Public events of a cultural or professional nature brought to the campus at the request of institution departments or committees or institutionally sanctioned student organizations and presented with their active sponsorship and active participation.

(5) Activities or programs sponsored by other educational institutions, by state or federal agencies, by charitable agencies or civic or community organizations whose activities are of widespread public service and of a character appropriate to the institutions. However, joint facilities will not be made available for instructional or related purposes that compete with courses or programs offered by the institutions.

(6) Faculty, staff, registered or official student organizations of the institutions may use joint facilities to hold events for university or college faculty, staff and students provided such uses comply with these rules on use of joint facilities. These events do not, however, require either preliminary approval by an academic or administrative unit or final approval by the joint committee on facility use.

(7) Faculty, staff, registered or official student organizations of the institutions may use joint facilities to hold events to which the general public is invited when the event has preliminary approval by an academic or administrative unit of one of the institutions and final approval of the appropriate designee. The appearance of an invited speaker on campus does not represent an endorsement by the institutions of the speaker's views.

(8) Noninstitution organizations and individuals may use joint facilities to hold events which have received preliminary approval by an academic or administrative unit of one of the institutions and final approval of the appropriate designee. The general public may be invited to such events.

(9) Reasonable conditions may be imposed to regulate the timeliness of requests, to determine the appropriateness of space assigned, time of use, and proper maintenance of the facilities. Subject to the same limitations, joint facilities shall be made available for assignment to individuals or groups within the institutions. Arrangements by both organizations and individuals must be made through the appropriate facility designee. Allocation of space shall be made in accordance with these rules and on the basis of time, space, priority of request and the demonstrated needs of the applicant.

NEW SECTION

WAC 478-137-050 Limitations on use. (1) Freedom of expression is a highly valued and indispensable quality of

university and college life. However, joint facilities may not be used in ways that obstruct or disrupt the institutions' operations, the freedom of movement, or any other lawful activities. Additionally, use of joint facilities may be subject to reasonable time, place and manner restrictions.

(2) Joint facilities may be used for events and forums regarding ballot propositions and/or candidates who have filed for public office providing the event has received preliminary approval by an administrative or academic unit of one of the institutions and final approval by the appropriate facility designee. There are, however, certain limitations on the use of joint facilities for these political activities.

(a) First priority for the use of joint facilities shall be given to regularly scheduled university and college activities.

(b) Joint 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 paid. Use of state funds for payment of facility rental costs is prohibited.

(c) Forums or debates may be scheduled at full facility rental rates if all parties to a ballot proposition election or all candidates who have filed for office for a given position, regardless of party affiliation, are given equal access to the use of facilities within a reasonable time.

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

(e) Public areas outside joint facility 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 institutions is not disrupted and entrances to and exits from buildings are not blocked.

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

(3) Joint facilities may not be used for private or commercial purposes such as sales, advertising, or promotional activities unless such activities are consistent with the institution's mission, as determined by the appropriate designee.

(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 media or publications of the institutions. 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 478-137-010 the institutions will make their joint facilities available only for purposes related to their educational missions, including but not limited to instruction, research, public assembly, community programs, and

student activities. When permission is granted to use joint facilities for approved instructional or related purposes, as a condition of approval, the user of joint facilities agrees to include in all materials nonendorsement statements in the form approved by the appropriate designee. "Materials" includes all communications, advertisement, and any other printed, electronic, or broadcast/telecast information related to the user's activities offered in joint facilities. The designee will determine the content, size of print and placement of the nonendorsement language. The institutions will not make their joint facilities available for instructional or related purposes that compete with courses or programs offered by the university or college.

(6) Solicitation, or distribution of handbills, pamphlets and similar materials by anyone, whether a member of the university and college 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) Electronic amplification on the grounds of the campus shall not be permitted unless approved by the joint committee on facility use.

(8) No person may use joint facilities to camp. "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. This provision does not prohibit use of joint facilities where a university or college employee remains overnight to fulfill the responsibilities of his or her position.

(9) The institutions are committed to maintaining a safe and healthful work and educational environment for all faculty, staff, students, and visitors. In accordance with the Washington Clean Indoor Air Act (chapter 70.160 RCW), the Use of University of Washington facilities (chapter 478-136 WAC) and Cascadia Community College facility use (chapter 1322-140 WAC), the following smoking policy is intended to protect nonsmokers from exposure to smoke in their campus-associated environments and to protect life and property against fire hazards:

(a) Smoking is prohibited inside all university or college vehicles, inside buildings and parking structures owned or occupied by the university or college and/or used by university or college faculty, staff or students and at any outside areas or locations that may directly or indirectly affect the air supply of buildings or carry smoke into buildings.

(b) The institutions may designate specific outdoor locations as smoking areas. Signage will be placed to indicate the designated locations.

(c) Any student, staff, or faculty member who violates the smoking policy may be subject to disciplinary action. In addition, violations of the smoking policy may be subject to appropriate enforcement.

(10) Alcoholic beverages may be possessed, sold, served, and consumed at joint 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 joint 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.

(d) Except as provided in (c) of this subsection, alcoholic beverages may be possessed, sold, served, and consumed at joint 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 joint committee on facility use and an application to the committee must be accompanied by a request for written authorization under (e) or (f) of this subsection or proof that the seller holds an appropriate license; and

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

(iii) 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.

(e) Written authorization to apply for a special occasion license to sell alcoholic beverages at joint facilities must be obtained from the joint committee on facility use prior to applying for a special occasion license from the Washington state liquor control board. Authorization should be requested through the facilities use coordinator for the joint committee on facility use 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 license shall accompany the license application filed with the Washington state liquor control board.

(f) Written authorization to apply for a banquet permit to serve and consume alcoholic beverages at joint facilities must be obtained from the university chancellor or college president prior to applying for the permit from the Washington state liquor control board. Authorization should be requested sufficiently in advance of the program to allow timely consideration. Written authorization to apply for such permit shall accompany the permit 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.

NEW SECTION

WAC 478-137-060 Safety and liability. (1) It is the responsibility of any person or organization requesting the use of joint facilities to comply with all applicable policies, procedures, rules and regulations of the institutions, and applicable local, state and federal laws, including but not limited to fire, health and safety regulations.

(2) permission to an organization not affiliated with one of the institutions or to a registered or official student organization of the university or college for the use of joint 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, 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 one million dollars per occurrence must be provided to the state office of risk management before approval for the requested use will be granted.