

MODEL CODE FOR USE OF COLLEGE FACILITIES FOR EXPRESSIVE ACTIVITY

5/3/12 (updated 3/17; 2/18; 10/18; 7/20). This is intended as a model to be adapted to local circumstances.

010. Definitions.

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

(2) "Noncollege groups" means individuals, or combinations of individuals, who are not currently enrolled students or current employees of the College and who are not officially affiliated or associated with, or invited guests of a recognized student organization, recognized employee group, or the administration of the college. *[Delete this definition if choosing Option 3 in .020 below].*

(3) "Public Use areas" means those areas of each campus that the college has chosen to open as places where noncollege groups may assemble for expressive activity protected by the First Amendment, subject to reasonable time, place or manner restrictions. *[Delete this definition if not opening areas to noncollege groups (i.e., Option 3 in .020 below)].*

(4) "College facilities" includes all buildings, structures, grounds, office space and parking lots.

(5) "Expressive activity" includes, but is not necessarily 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 assemblies to share information, perspective or viewpoints

020. Statement of purpose.

_____ College District 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 an unlimited license to engage in activity which limits, substantially interferes with, or otherwise disrupts the normal activities to which the College's facilities and grounds are dedicated. Accordingly, the College designates the outdoor common areas of the College as a limited public forum dedicated to the use of college groups, subject to the time, place, and manner limitations and restrictions set forth in this policy.

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. 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 seeking to assemble in common areas of the campus for expressive activity. 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.

[Option 1] The college designates its grounds and outdoor spaces as the public use area(s) for use by noncollege groups for expressive activity on campus.

[Option 2] The College designates (identify an accessible zone that is something less than all outdoor spaces) as public use areas open to noncollege groups as set forth herein.¹

[Option 3] Anyone seeking to engage in expressive activity on College premises must be part of a college group, as defined in this chapter.²

030. Time, Place, and Manner Restrictions

(1) Subject to the regulations and requirements of this policy, groups may use the campus limited forums for expressive activities between the hours of [7:00 a.m. and 10:00 p.m.]

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

(3) Groups are encouraged to notify the campus public safety department no later than twenty-four hours in advance of an event. However, unscheduled events are permitted so long as the event does not materially disrupt any other function occurring at the facility.

(4) All sites used for expressive activity should be cleaned up and left in their original condition and may be subject to inspection by a representative of the college after the event. Reasonable charges may be assessed against the sponsoring organization for the costs of extraordinary clean-up or for the repair of damaged property.

(5) All fire, safety, sanitation or special regulations specified for the event are to be obeyed. The college cannot and will not provide utility connections or hook-ups for purposes of expressive activity conducted pursuant to this policy.

¹ There is some peril here if the college attempts to restrict such groups to remote areas of the college where there is no audience for the expressive activity.

² This option effectively bars non-college groups from engaging in free speech activities on campus, reserving the campus for those specifically invited by the college community. For some campuses this may not be tenable for their community or it may prove difficult to enforce.

(6) The event 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, or to college buildings or facilities, or to college activities or events. The event must not create safety hazards or pose unreasonable safety risks to college students, employees or invitees to the college.

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

(8) There shall be no overnight camping on college facilities or grounds. Camping is defined to include sleeping, carrying on 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.

(9) 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.

(10) The event must also be conducted in accordance with any other applicable College policies and regulations, local ordinances and state or federal laws.

040. Additional requirements for noncollege groups.

(1) Noncollege groups may use designated public use areas identified in this policy for expressive activity between the hours of 6:00 a.m. and 10:00 p.m.

(2) Noncollege groups that seek to engage in expressive activity on the designated public use area(s) are *encouraged*³ to provide notice to the campus public safety office no later than twenty-four hours prior to the event, along with the following information solely to ensure (1) the area is not otherwise scheduled and (2) to give the College an opportunity to assess any security needs:

(a) The name, address and telephone number of a contact person for the individual, group,

³ We have used the word “encourage” intentionally, though it would be more efficient to require such notice in order to ensure space is available and assess security needs. Washington’s courts have construed article I, § 5 of our state constitution to prohibit prior restraint on a person’s ability to speak in a forum once it is opened to the public. A notice requirement would likely be viewed as a prior restraint on speech. Therefore, the “encouragement” language is a more supportable approach.

- entity or organization sponsoring the event; and
- (b) The date, time and requested location of the event; and
 - (c) The nature and purpose of the event; and
 - (d) The estimated number of people expected to participate in the event.

When using College buildings or athletic fields, an individual or organization may be required to post a bond and/or obtain insurance to protect the College against cost or other liability in accordance with the College's facility use policy.

When the College grants permission to use its facilities it is with the express understanding and condition that the individual or organization assumes full responsibility for any loss or damage.

050. Distribution of Materials

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. The sponsoring organization is encouraged, but not required, to include its name and address on the distributed information.

[Option 1] Such areas are reserved for College groups only.⁴

[Option 2] Non-college groups may distribute materials only at the site designated for noncollege groups.

All posted materials shall be dated and posted in accordance with the manner provided at the site. Posted materials may remain posted for a maximum of 14 (*or choose another number*) days, after which they will be removed.⁵

-060 Trespass

(1) Noncollege groups who violate these rules, or whose conduct jeopardizes the health or safety of others, will be advised of the specific nature of the violation, and if they persist in the violation, will be requested by the campus president or designee to leave the college property. Such a request will be deemed to withdraw the license or privilege to enter onto or remain upon any portion of the college facilities of the person or group of persons requested to leave, and subject such individuals to arrest under the criminal trespass provisions of chapter [9A.52](#) RCW or municipal ordinance.

⁴ College may choose not to allow outside groups to post materials on campus.

⁵ This provides a content-neutral basis on which to control what gets posted. Materials without a date or past due date may be removed regardless of content, as long as college does not remove some outdated content while letting other outdated content to remain.

(2) When the college revokes the license or privilege of any person to be on college property, temporarily or for a stated period of time, that person may file a request for review of the decision with the vice president of administration or designee within ten days of receipt of the trespass notice. The request must contain the reasons why the individual disagrees with the trespass notice. The trespass notice will remain in effect during the pendency of any review period. The decision of the vice president of administration or designee will be the final decision of the college and should be issued within five work days.⁶

(3) Members of the college community (students, faculty, and staff) who do not comply with these regulations will be reported to the appropriate college office for action in accord with established college policies.

⁶ College may already have a trespass provision elsewhere in its code. We recommend that college include some due process when barring a non-student from campus, particularly when they are engaged in 1st Amendment activities.