

ACTION ITEM #3
WAC Revisions: Facilities Use Rules
(Toni Ursich)

TO ALL MEMBERS OF THE BOARD OF REGENTS

SUBJECT: WAC Revisions: Facilities Use Rules

PROPOSED: That the Board of Regents amend WAC 504-28-030 (Scheduling of Events); repeal WAC chapter 504-32 (Use of Terrell Mall); adopt new WAC chapter 503-33 (First Amendment and Free Speech Activities); repeal all sections of WAC chapter 504-34 (Facility Use Regulations), except WAC 504-34-140; rename WAC chapter 504-34 (Posting and Literature Distribution); and rename and amend WAC 504-34-140 (Signs, Posters, Handbills and Flyers); adopt new WAC chapter 504-35 (Facility Use Rules for other than First Amendment/Free Speech Activities); and amend WAC 504-36-020 (Control of Pets).

SUBMITTED BY: Greg Royer, Vice President for Business and Finance

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 Chapters 504-28, 504-32, 504-34, and 504-36 govern use of WSU facilities. Most of these rules were adopted in 1974, 1977, 1987, or 1995 and have not been amended since those times. Many of these rules are out of date and no longer reflect the policies governing use of WSU facilities, and they do not address the regional campuses as they were adopted before those campuses were created. In addition, the statutory and case law regarding the use of university campuses for First Amendment and political purposes has changed since these rules were adopted.

The WSU Facilities Use Committee and the WSU Division of the Attorney General's Office have been working for several years to draft rules that are consistent with current use policies and current law, and to specifically address facilities use issues at all of the campuses. These new and amended rules have been circulated widely for comment throughout university groups and campuses, and changes have been made to reflect the comments that were received prior to the formal comment period.

The rule proposals were published in the October 1, 2008, edition of the Washington State Register. Notice was provided as required by law of the opportunity to make comments regarding the proposed rules at a hearing on October 30, 2008, or to submit written comments by that date. The hearing was held in Pullman on October 30, 2008, as provided in the notice. The three regional campuses were able to participate in the hearing by video conference. No one at any of the four locations submitted oral comments at the hearing, and no one submitted written comments.

The proposed rule changes are set forth in full at:

<http://apps.leg.wa.gov/documents/laws/wsr/2008/19/08-19-105.htm>.

MEMORANDUM

DATE: October 31, 2008

TO: Elson S. Floyd
President

FROM: Ralph Jenks 
Rules Coordinator

SUBJECT: Updates to the University's Facilities Use Rules: Amending WAC 504

This report is filed pursuant to RCW 34.05.325(4).

On October 30, 2008, a public hearing was conducted regarding the pending proposed updates to the University's facilities use rules, including the following changes: Amend WAC 504-28-030; repeal chapter 504-32 WAC and create new chapter 504-33 WAC, repeal all sections of chapter 504-34 WAC except WAC 504-34-140; rename chapter 504-34 WAC and rename and amend WAC 504-34-140; create new chapter 504-35 WAC; and amend WAC 504-36-020. Rich Heath, Senior Associate Vice President for Administrative Services, provided comments on behalf of the administration at this hearing.

Prior to the hearing, notice of opportunity to make public comment on this proposal, either verbally or in writing, was published in The Daily Evergreen, The VanCougar, the Washington State Register, and on the Office of Procedures, Records, and Forms website, requesting written comments no later than the close of business on October 30, 2008.

No comments were received, oral or written, from the public regarding this proposal.

dlb

cc: Rich Heath, Senior Associate Vice President for Administrative Services
Chris Hoyt, Executive Assistant to the President and Board of Regents