

## **ACTION ITEM #2**

### Conduct on Campus Code (Elson S. Floyd)

TO ALL MEMBERS OF THE BOARD OF REGENTS

**SUBJECT:** Proposed new Washington Administrative Code (WAC) establishing a conduct on campus code.

**PROPOSED:** That the Board of Regents adopt the proposed WAC establishing a conduct on campus code.

**SUBMITTED BY:** Elson S. Floyd, President

**SUPPORTING  
INFORMATION:**

One consistent theme across the various reports that have been issued recently focusing on incidents in higher education is that of conduct, and the need to have a policy that recognizes both the right of individuals to express their views and opinions, and the expectation that such activity be undertaken in a lawful manner. WSU has several existing related policies that address use of facilities for all purposes including expression and assembly, and others that address conduct for specific groups, such as students. This proposed WAC focuses on conduct and applies to the whole university community. The policy affirms the right of individuals within the university community to exercise their rights and the expectation that such conduct is undertaken lawfully and respectfully, and specifies conduct that is prohibited across the university community.

Conduct prohibited under the proposed WAC includes:

- Intentional and substantial disruption of teaching;
- Unlawfully threatening harm or endangering health or safety;
- Malicious damage or misuse of property;
- Refusal to comply with lawful order to leave campus;
- Possession or use of firearms or dangerous weapons;
- Unlawful possession, use of alcohol/controlled substances; and
- Intentionally inciting others to engage in prohibited conduct.

This WAC was presented to the Board last fall as a future action item. The WAC has been reviewed internally and moved through the public rulemaking process. The public hearing for the WAC was held on February 28. No third parties attended the hearing or

submitted comments on the WAC. The internal review resulted in only minor changes from the version presented as a future action item.

ATTACHMENT: Proposed WAC

**Chapter 504-31 WAC**  
**CONDUCT ON CAMPUS CODE**

NEW SECTION

**WAC 504-31-010 General policy.** It is the policy of Washington State University to support and promote each individual's right to express their views and opinions for or against actions or ideas in which the individual has an interest, to associate freely with others, and to assemble peacefully.

The above rights exist in equal measure for each member of the university community. They exist regardless of the professional stature or rank of the individual and regardless of the degree of acceptability among others of the views or opinions advocated. Each individual has an obligation to respect the rights of all members of the university community.

This rule shall be read and applied together with any other applicable university policies and rules, in the event of a conflict more specific provisions shall take precedence. WAC 504-35-150 shall apply to violations of this rule.

NEW SECTION

**WAC 504-31-020 Prohibited conduct.** In order to assure the above rights to all members of the university community and to maintain a peaceful atmosphere in which the university may continue to make its unique contribution to society, the following types of conduct are hereby prohibited on or in property either owned, controlled, or operated by the university which is used or set aside for university purposes, hereinafter referred to as the university campus:

(1) Conduct that intentionally and substantially obstructs or disrupts teaching or freedom of movement or other lawful activities on the university campus;

(2) Physical abuse of any person or conduct that unlawfully threatens imminent bodily harm or endangers the health or safety of any person on the university campus;

(3) Malicious damage to or malicious misuse of university

property, or the property of any person where such property is located on the university campus;

(4) Refusal to comply with any lawful order to leave the university campus or any portion thereof;

(5) Possession or use of firearms, explosives, dangerous chemicals or other dangerous weapons or instrumentalities on the university campus. This prohibition does not apply to possession of such items for authorized university purposes; possession of such items by authorized law enforcement officers; individuals who have obtained prior written approval from the university chief of police, president, or designee; or lawful possession of firearms by persons other than students in privately owned vehicles while on any university campus.

(6) Unlawful possession, use, distribution, or manufacture of alcohol or controlled substances on the university campus or during university-sponsored activities;

(7) Intentionally inciting others to engage immediately in any of the conduct prohibited herein, which incitement leads directly to such conduct. (Inciting is advocacy that prepares the group addressed for imminent action and steels it to the conduct prohibited herein.)