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**Higher Education Committee**

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**HB 2123**

**Brief Description:** Requiring adoption of rules regulating off-campus conduct.

**Sponsors:** Representatives Murray, Cox, Kenney, Quall and McIntire.

**Brief Summary of Bill**

- Requires each higher education institution to adopt rules regarding disruptive off-campus conduct that apply while students are proximate to, but not on, campus.
- The rules must not violate students' civil rights and must provide due process. Institutions report on their rules by December 1, 2005.

**Hearing Date:** 3/01/05; 2/02/06

**Staff:** Nina Oman (786-7152).

**Background:**

Although the statutory language varies slightly, the Boards of Regents and Trustees of public institutions of higher education have broad authority to exercise full control of the institution and its property of various kinds. Using this broad authority, each community and technical college and four-year institution has adopted a student code of conduct through administrative rule. Regarding the issue of off-campus behavior of students, the codes fall into three categories:

- 1. The student code of conduct applies only to on-campus behavior.** For example, the code of conduct for the University of Washington states: "The Board of Regents of the University of Washington has established the following regulations on student conduct and student discipline on the university campus." The codes of three community colleges selected at random for this analysis all apply only to student conduct on-campus or at a college-sponsored activity.
- 2. The student code of conduct might be applied to off-campus behavior.** The codes of conduct for Central Washington University (Central), Eastern Washington University, Western Washington University (Western), and The Evergreen State College (Evergreen) contain language that could be interpreted in some circumstances to apply to off-campus behavior of students. For example, Western's code states: "While the university does not act as a policing agent for students when they are off-campus, the university reserves the right to take action if a student's behavior is determined to threaten the health, safety, and/or property of the university and its members." Evergreen's code states: "Students may be accountable

to civil and criminal authorities and to the college for acts occurring on or off campus which constitute violations of law." (Note: Central has updated its Student Judicial Code and is pursuing a formal change to the Washington Administrative Code.)

- 3. The student code of conduct clearly applies to certain off-campus behavior.** Currently only Washington State University's code of conduct clearly provides that "...students acknowledge the university's authority to take disciplinary action for conduct on or off university property. Off-campus conduct may be addressed when it is detrimental to the university mission."

**Summary of Bill:**

Each public institution of higher education must adopt rules regarding disruptive off-campus conduct, including sanctions, that apply while students are in neighborhoods, businesses, or public places proximate to the campus. Disruptive conduct is that which results in a citation or conviction for violating laws or ordinances, and either interferes with the institution's reputation or relationship with the community or violates the institution's policies. The rules must not violate students' civil rights and must provide due process procedures for students accused of disruptive conduct. Each institution must report the substance of its rules to legislative committees by December 1, 2005.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.