

# Chapter 172-122 WAC

## GENERAL CONDUCT CODE

### WAC

172-122-110	Bomb threats.
172-122-120	Weapons.
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172-122-210	Restriction of access.
172-122-310	Use of tobacco, electronic cigarettes, and related products.

### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

172-122-100	Civil demonstrations. [Statutory Authority: RCW 28B.35.120(12). WSR 92-22-001, § 172-122-100, filed 10/21/92, effective 11/21/92.] Repealed by WSR 12-04-062, filed 1/30/12, effective 3/1/12. Statutory Authority: RCW 28B.35.120(12).
172-122-300	Smoking regulations. [Statutory Authority: RCW 28B.35.120(12). WSR 92-22-001, § 172-122-300, filed 10/21/92, effective 11/21/92.] Repealed by WSR 12-08-019, filed 3/26/12, effective 4/26/12. Statutory Authority: RCW 28B.35.120(12).
172-122-400	Pet control. [Statutory Authority: RCW 28B.35.120(12). WSR 92-22-001, § 172-122-400, filed 10/21/92, effective 11/21/92.] Repealed by WSR 14-24-041, filed 11/24/14, effective 12/25/14. Statutory Authority: RCW 28B.35.120(12).
172-122-410	Penalties for violations of pet control regulations. [Statutory Authority: RCW 28B.35.120(12). WSR 92-22-001, § 172-122-410, filed 10/21/92, effective 11/21/92.] Repealed by WSR 14-24-041, filed 11/24/14, effective 12/25/14. Statutory Authority: RCW 28B.35.120(12).
172-122-500	Posters. [Statutory Authority: RCW 28B.35.120(12). WSR 92-22-001, § 172-122-500, filed 10/21/92, effective 11/21/92.] Repealed by WSR 12-04-063, filed 1/30/12, effective 3/1/12. Statutory Authority: RCW 28B.35.120(12).

**WAC 172-122-110 Bomb threats.** Any university employee or student who receives a bomb threat must immediately notify the university police. University employees and students who fail to report bomb threats will be subject to disciplinary action by the university.

Bomb threats against the university will be prosecuted to the full extent of the law.

[Statutory Authority: RCW 28B.35.120(12). WSR 92-22-001, § 172-122-110, filed 10/21/92, effective 11/21/92.]

**WAC 172-122-120 Weapons.** Violations of this section are subject to appropriate disciplinary or legal action.

(1) Possession, carrying, discharge or other use of any weapon is prohibited on property owned or controlled by Eastern Washington University, except as permitted in subsections (2) through (5) of this section. Examples of weapons under this section include, but are not limited to: Explosives, chemical weapons, shotguns, rifles, pistols, air guns, BB guns, pellet guns, longbows, hunting bows, throwing weapons, stun guns, electroshock weapons, and any item that can be used as an object of intimidation and/or threat, such as replica or look-a-like weapons.

(2) Commissioned law enforcement officers may carry weapons, which have been issued by their respective law enforcement agencies, while on campus or other university

controlled property, including residence halls. Law enforcement officers must notify the university police of their presence on campus upon arrival.

(3) A person may possess a personal protection spray device, as authorized by RCW 9.91.160, while on property owned or controlled by Eastern Washington University.

(4) A person may bring a weapon onto campus for display or demonstration purposes directly related to a class or other educational activity, provided that they obtain prior authorization from the university police department. The university police department shall review any such request and may establish conditions to the authorization.

(5) Weapons that are owned by the institution for use in organized recreational activities or by special groups, such as EWU ROTC or university-sponsored clubs or teams, must be stored in a location approved by the university police department. These weapons must be checked out by the advisor or coach and are to be used only in organized recreational activities or by legitimate members of the club or team in the normal course of the club or team's related activity.

[Statutory Authority: RCW 28B.35.120(12). WSR 14-24-040, § 172-122-120, filed 11/24/14, effective 12/25/14; WSR 92-22-001, § 172-122-120, filed 10/21/92, effective 11/21/92.]

**WAC 172-122-200 Notice of trespass.** (1) The president of Eastern Washington University, or the president's designee, has the authority to grant, deny, or withdraw permission for people to be on university property. Any individual who is on university property must comply with university rules. Access to university property may be limited to certain times, certain uses, or certain groups of people. People who are on university property or within a university building without permission may be ordered to leave by any university official.

(2) People who remain on university property without permission, who disrupt university activities, interfere with people's ability to access buildings, or whose conduct threatens the health, safety, or security of anyone on campus may be removed from university property and given a twenty-four-hour trespass notice by the president, the president's designee, or a member of the university police department.

(3) In the event a person's conduct continues to threaten the health, safety, or security of anyone on campus, the president or president's designee may trespass the person from university property for up to five years, except expelled students may permanently be trespassed from campus. Any prior license or privilege to be on university property is revoked by the notice of trespass.

(4) A person who is trespassed from university property shall be given a written notice of trespass identifying:

- (a) The reason why the person is being trespassed;
- (b) The duration and scope of the trespass;
- (c) The method for appealing the notice; and

(d) A warning that failing to comply with the notice may result in the person's arrest and criminal charges under chapter 9A.52 RCW. The notice shall be delivered in the manner specified in chapter 9A.52 RCW.

(5) Appeals.

(a) If a current student is trespassed from campus, the initial trespass notice is considered an interim restriction under WAC 172-121-140 and the student will receive an emergency appeal hearing under WAC 172-121-140 with the vice president for student affairs or designee. The authority to bar students from university property in this regulation is separate from and in addition to the authority of the dean of students or vice president for student affairs under the student conduct code, chapter 172-121 WAC. At the conclusion of the entire student conduct process, a student who is expelled may be permanently trespassed from university property in accordance with WAC 172-121-210 (1)(k).

(b) If a current employee is trespassed from a particular portion of campus the employee does not need to access to perform his or her job (e.g., ejected from Roos Field during a football game), the employee can appeal the decision under (c) of this subsection. If an employee is trespassed from all university property because his or her conduct threatens the health, safety, or security of anyone on campus, the employee will be considered to have been placed on paid administrative leave by issuance of the trespass notice and the university will follow its normal employment processes for investigating the alleged behavior and determining what level of discipline, if any, is appropriate.

(c) All other persons who have been removed or trespassed from university property may appeal the decision by submitting to the president or president's designee, by certified mail, a letter stating the reasons the person should not be barred from university property within twenty-one days of issuance of the trespass notice. The trespass notice will remain in effect during the pendency of any review period. The president or president's designee shall review all relevant information and issue a written order affirming, modifying, or revoking the trespass order within twenty days after the request for review is received. This decision is the university's final decision.

[Statutory Authority: RCW 28B.35.120(12) and 42.56.070. WSR 18-06-022, § 172-122-200, filed 2/27/18, effective 3/30/18. Statutory Authority: RCW 28B.35.120(12). WSR 92-22-001, § 172-122-200, filed 10/21/92, effective 11/21/92.]

**WAC 172-122-210 Restriction of access.** The president of Eastern Washington University shall be authorized to reasonably restrict the access to any portion of real property or any building or facility thereon or attached thereto, owned by the university by designating the person, persons, or class of persons who is privileged to enter on or into or remain on university-owned real property or buildings or facilities thereon or attached thereto. Additionally, the president may prescribe reasonable hours of occupancy and reasonable conduct during occupancy for those persons or class of persons which are privileged to enter on or into or remain in any building or facility owned by Eastern Washington University.

[Statutory Authority: RCW 28B.35.120(12). WSR 92-22-001, § 172-122-210, filed 10/21/92, effective 11/21/92.]

**WAC 172-122-310 Use of tobacco, electronic cigarettes, and related products.** Eastern Washington University is committed to providing a safe and healthy environment for its employees, students and visitors. In light of the associated health risks, the use of tobacco, electronic cigarettes, and related products in or on university owned or leased property is restricted as described herein.

(1) The use of tobacco, electronic cigarettes, and related products is prohibited:

(a) Within any building or vehicle owned or leased by EWU, to include residence halls and university apartments; and

(b) Within twenty-five feet of entrances, exits, windows that open, and ventilation intakes of any building owned, leased, or operated by EWU; and

(c) Anywhere within the boundaries of the Arévalo Student Mall. The Arévalo Student Mall is enclosed by a rectangle surrounded by the southwest elevation of Patterson Hall, the northwest elevation of Tawanka Hall, the northeast elevation of JFK Library and the southeast elevation of the Pence Union Building.

(2) For the purposes of this section, "tobacco, electronic cigarettes, and related products" includes any cigarette, cigar, pipe, bidi, clove cigarette, e-cigarette/cigar/pipe, waterpipe (hookah) and smokeless or spit tobacco, dissolvable tobacco, snuff or snoose.

(3) Distribution or sale of tobacco, electronic cigarettes, or related products in or on EWU owned or leased property is prohibited. Advertising or sponsorship of tobacco, electronic cigarettes or related products is prohibited on EWU property or at University-affiliated events, including the use of brand or corporate names, trademarks, logos, symbols or mottos. EWU will neither solicit nor accept any grant or gift from a manufacturer, distributor or retailer whose principal business is tobacco, electronic cigarettes, or related products.

(4) Any person intentionally violating this section may be subject to a civil fine of up to one hundred dollars. Local law enforcement agencies may enforce this section by issuing a notice of infraction, assessed in the same manner as traffic infractions, as described under chapter 70.160 RCW. Any student, staff or faculty member who violates this section may also be subject to disciplinary action by the university.

[Statutory Authority: RCW 28B.35.120(12) and 42.56.070. WSR 18-06-023, § 172-122-310, filed 2/27/18, effective 3/30/18. Statutory Authority: RCW 28B.35.120(12). WSR 12-08-019, § 172-122-310, filed 3/26/12, effective 4/26/12.]