

WAC 172-121-140 Supportive measures and interim restrictions.

(1) Supportive measures. During the complaint review, the director of SRR or designee, will evaluate the circumstances and determine if any supportive measures to assist or protect the parties during the conduct code process are needed. Supportive measures may be available before or after the filing of a complaint or where no formal complaint is filed. Supportive measures are provided to students free of charge and may include, but are not limited to, safety planning with the university, mutual restrictions on contact between the parties, academic or workplace modifications, providing counseling for the complainant and/or respondent, or campus housing modifications. The purpose of a supportive measure is to provide an equitable process for both students that minimizes the possibility of a hostile environment on campus. Supportive measures are designed to restore or preserve equal access to the university's educational programs or activities without unreasonably burdening either party, including protecting the safety of all parties and the university's educational environment, or deterring harassment.

(2) Interim restrictions. The SRR director or designee may take immediate action(s) against a student or student organization after conducting an individualized safety and risk analysis without prior notice or hearing. Simultaneously, the director shall refer the allegations to the conduct review officer. Interim restrictions are subject to the following:

(a) Interim restriction actions may only be imposed in the following situations:

(i) When a student or student organization poses an immediate threat to:

(A) The physical health or safety of any student or any other individual;

(B) The student's own physical safety and well-being; or

(C) Any property of the EWU community; or

(ii) When it is believed that the student's or student organization's continued attendance or presence may cause disorder, substantially interfere with or impede the lawful activities of others, or imperil the physical or mental health and safety of members of the EWU community.

(b) During the interim restriction period, a student may be restricted by any or all of the following means:

(i) Denial of access including, but not limited to: Assignment to alternate EWU housing or removal from EWU housing, limitation of access to EWU facilities, or restriction of communication with specific individuals or groups;

(ii) Interim suspension, including temporary total removal from EWU or restriction of access to campus;

(iii) Mandatory medical/psychological assessment of the student's capability to remain enrolled at EWU.

(3) The director of SRR or designee will determine what restriction(s) will be placed on a student.

(4) The director of SRR or designee will prepare a brief memorandum for record containing the reasons for the interim restriction. The director will serve the memorandum on the restricted student and notify all other persons or offices bound by it. At a minimum, the memorandum will state:

(a) The alleged act(s) or behavior(s) of the student or student organization which prompted the interim restriction;

(b) How those alleged act(s) or behavior(s) could constitute a violation of the student conduct code;

(c) How the circumstances of the case necessitated the interim restriction action(s); and

(d) An explanation of the process for emergency appeal reviews.

(5) Emergency appeal review.

(a) If a student has been suspended on an interim basis, the student will automatically receive an emergency appeal review with the vice president for student affairs, or designee. If the interim restriction is something less than a suspension, the student or student organization subject to the interim restriction must file a written appeal with the vice president for student affairs or designee within five business days after service of the interim restriction. In all cases, the student must submit any information the student wishes the vice president to consider submitted within 10 business days after service of the interim restriction. The appealing party should outline the desired modification(s) to the interim restriction as well as the specific challenge(s) to the interim restriction decision. Challenges to interim restriction decisions are limited to the criteria identified in WAC 172-121-140(1) upon which the interim restriction was imposed (threat to health or safety of the EWU community, potential for creating campus disorder, impeding the lawful activity of others, etc.). Appealing parties are limited to submitting their own written statements. Any other evidence should be submitted to the investigator or provided to the CRO under the regular hearing process.

(b) The vice president for student affairs, or designee, will conduct an emergency appeal review after receiving the respondent's review and complainant's response, if any. Emergency appeal reviews will address only the interim restriction decision of the director and the basis on which the restriction modification or termination is requested by the appealing party. The emergency appeal review does not replace the regular hearing process. In the emergency appeal review, the vice president will only review materials available to and information considered by the director and/or dean of students at the time the interim restriction was imposed, written statements by the appellant, and information that becomes available as a part of EWU's investigation that the vice president deems relevant.

(c) During the emergency appeal review, the vice president for student affairs or designee will review available materials and statements. The vice president for student affairs will issue a written decision upholding, modifying, or terminating the interim restriction action. The written decision shall include a rationale for the basis of the decision and be issued within 15 business days of the date of service of an interim restriction.

(d) The interim restriction does not replace the regular hearing process, which will proceed as quickly as feasible consistent with this chapter.

(e) Duration. An interim restriction will remain in effect until terminated, in writing, by the student disciplinary council, CRO, or the vice president for student affairs.

[Statutory Authority: RCW 28B.35.120(12). WSR 24-22-047, s 172-121-140, filed 10/28/24, effective 11/28/24; WSR 24-01-030, § 172-121-140, filed 12/8/23, effective 1/8/24; WSR 21-01-102, § 172-121-140, filed 12/11/20, effective 1/11/21; WSR 20-19-046, § 172-121-140, filed 9/10/20, effective 10/11/20; WSR 20-01-032, § 172-121-140, filed 12/6/19, effective 1/6/20. Statutory Authority: RCW

28B.35.120(12) and 42.56.070. WSR 19-01-047, § 172-121-140, filed 12/13/18, effective 1/13/19. Statutory Authority: RCW 28B.35.120(12). WSR 17-17-031, § 172-121-140, filed 8/9/17, effective 9/9/17; WSR 15-24-050, § 172-121-140, filed 11/23/15, effective 12/24/15; WSR 13-24-123, § 172-121-140, filed 12/4/13, effective 1/4/14; WSR 09-12-001, § 172-121-140, filed 5/20/09, effective 6/20/09.]