

WSR 23-23-171

PROPOSED RULES

WASHINGTON STATE UNIVERSITY

[Filed November 22, 2023, 9:11 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-18-090.

Title of Rule and Other Identifying Information: Health and safety regulations, chapter 504-36 WAC.

Hearing Location(s): On January 4, 2024, at 4:00 p.m. Join Zoom meeting from PC, Mac, Linux, iOS, or Android <https://wsu.zoom.us/j/97419335026?pwd=a0VMOWdkSmw3Y0RCSWRQK2VVOWtMUT09>, Meeting ID 974 1933 5026, Passcode 663606; or join by telephone +1 253 215 8782 or +1 669 900 9128 (Enter meeting ID and passcode when prompted). No in-person meetings are being scheduled.

Date of Intended Adoption: March 11, 2024.

Submit Written Comments to: Deborah Bartlett, Rules Coordinator, P.O. Box 641225, Pullman, WA 99164-1225, email prf.forms@wsu.edu, by January 4, 2024.

Assistance for Persons with Disabilities: Contact Joy B. Faerber, phone 509-335-2005, email prf.forms@wsu.edu, by January 2, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Washington State University (WSU) is updating the health and safety rules.

Reasons Supporting Proposal: To meet industry best practices applicable to safety and security at WSU spectator events, WSU administration is clarifying authority to bar reentry to events and the use of security screening, metal detection, and video security systems. The clear bag policy section is updated for clarification. Personnel titles are updated to reflect the current organization of the OneWSU system.

Statutory Authority for Adoption: RCW 28B.30.150.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: WSU, public.

Name of Agency Personnel Responsible for Drafting: Danielle Hess, Executive Director, Policy and Governance, Compliance and Risk Management, French Administration, Pullman, WA 99164-1045, 509-335-6893; Implementation: Leslie Brunelli, Executive Vice President, Finance and Administration, French Administration 442, Pullman, WA 99164-1048, 509-335-5524; and Enforcement: Vicky Murray, Associate Vice President, WSU Police, Public Safety, French Administration 442, Pullman, WA 99164-1048, 509-335-5524.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. WSU does not consider this rule to be a significant legislative rule.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules relate only to internal governmental operations that are not subject to violation by a nongovernment party; and rules only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect.

Is exempt under RCW 19.85.025(4).

Scope of exemption for rule proposal:

Is fully exempt.

November 22, 2023
Deborah L. Bartlett
Director
Policies, Records, and Forms
University Rules Coordinator

OTS-5044.1

AMENDATORY SECTION (Amending WSR 10-21-025, filed 10/11/10, effective 11/11/10)

WAC 504-36-020 Control of animals. This section governs the control of animals and pets on property owned or controlled by Washington State University.

(1) This section does not apply to animals owned by the university or under its care, custody, and/or control.

(2) Subsections (3) and (8) of this section do not apply to trained guide dogs or service animals that are being used by persons with disability.

(3) Animals are not permitted in university buildings, except in facilities that are the site of university-authorized events, such as stock shows, horse shows, parades, or demonstrations at sporting events, where the animals are participants in said events, or as allowed by university housing policies.

The executive vice president for (~~(business and)~~) finance and administration, the president, (~~(the)~~) chancellor (~~(of a branch campus)~~), or such other person as the president may designate, may waive this subsection for guide dogs in training or service animals in training, provided that such animals are present on campus with trainers or handlers who have a demonstrated history of training such animals.

(4) Animals are not permitted on university property unless under immediate control of their keeper, except as otherwise allowed under this rule. "Keeper" includes an owner, handler, trainer, or any person responsible for the control of an animal. "Under control" means the restraint of an animal by means of a leash or other device that physically restrains the animal to the keeper's immediate proximity. An animal which is otherwise securely confined while in or upon any motor vehicle, including a trailer, is deemed to be under control.

(5) The requirement that animals be under immediate control of their keeper does not apply to:

(a) A dog being exercised in any area designated by the university as leash optional;

(b) A dog undergoing training at a certified dog obedience class on the university campus and authorized by the dean of the college of veterinary medicine, the executive vice president for (~~(business and)~~) finance and administration, the president, chancellor, or (~~(the president's)~~) their designee;

(c) A dog while being exhibited in an organized dog show on university property;

(d) A dog trained to aid law enforcement officers while being used for law enforcement purposes or during demonstrations to illustrate the dog's capabilities;

(e) A dog trained and under the control of a university farm manager to aid farm managers while moving or handling livestock; and

(f) An animal participating in a university-authorized event, such as a stock show, horse show, parade, extension or outreach event, or demonstrations at a sporting, teaching, or agricultural event.

(6) Any stray dog or other animal that is running loose on university property is subject to impound by local authorities in accordance with the municipal or county ordinances that apply to each campus.

(7) The keeper of any animal must remove for disposal any fecal matter deposited by the animal on university premises before the keeper leaves the area where the matter was deposited. This requirement does not apply to an individual who, by reason of disability, is unable to comply, or to individuals bringing animals to university-authorized events where arrangements have been made for the removal of fecal matter.

(8) The executive vice president for ((business and)) finance and administration, the president, ((the)) a chancellor ((of a branch campus)), a service animal administrator, or such other person as designated by the president, may designate areas on a campus otherwise open to the public as restricted from access by dogs or other animals even when under the control of their keepers for safety reasons or where the presence of dogs or other animals conflicts with the educational or research missions of the university.

AMENDATORY SECTION (Amending WSR 18-23-085, filed 11/19/18, effective 12/20/18)

WAC 504-36-030 Spectator events—Safety rules. (1) Protection of the safety and general welfare of students, faculty and staff, performers and officials, and members of the general public attending or participating in spectator events on campus is a primary concern of Washington State University.

(2) The following rules of conduct apply to all spectator events of Washington State University. "Spectator event," for the purposes of this section, means ticketed or nonticketed athletic or entertainment events held on any portion of university property (~~(, including, but not limited to, Martin Stadium and the Beasley Coliseum))~~ and all campuses and locations (hereafter the "event site").

(a) Behavior which in the judgment of designated university officials, as defined in subsection (4) of this section, constitutes a disruption of the event or a safety hazard for other spectators or participants is prohibited.

(b) For ticketed events, an individual is entitled to occupy only the seat for which ~~((he or she has))~~ they have the proper ticket.

(c) Photographing or making audio or visual recordings of a spectator event for commercial purposes is not permitted without specific written permission from the WSU athletic department (for athletic events) or the performer and applicable designated university official (for entertainment events).

(d) Aisles, walkways, and stairs must be kept clear of hazards and obstacles at all times to ensure safe and easy passage for all persons.

~~(e) ((Possession and/or consumption of illegal drugs or marijuana is prohibited. Possession and/or consumption of alcoholic beverages is permitted subject to restrictions.~~

~~(i) Any illegal drugs, marijuana, or alcoholic beverages, except for such beverages provided in accordance with (e)(ii) of this subsection, found in the possession of a spectator or otherwise found on the event site may be confiscated and delivered to the custody of designated university officials for law enforcement purposes or for disposal, as appropriate.~~

~~(ii) Alcoholic beverages may be possessed, sold, served, and consumed at event sites only under a valid permit or license issued by the Washington state liquor and cannabis board. Events at which alcoholic beverages are possessed, sold, served, and consumed must comply with the restrictions imposed by the Washington state liquor and cannabis board and restrictions and policies imposed by the university, have restricted attendance, and be limited to specified room(s) or area(s). Possession, consumption, service, dispensation, or sale of alcohol is prohibited except to persons of legal age.~~

~~(f) Smoking and other uses of tobacco and/or nicotine products are prohibited in all areas of the Pullman campus in accordance with chapter 504-38 WAC and all areas of the Vancouver campus in accordance with chapter 504-37 WAC.~~

~~(g)) All WSU campuses and locations are tobacco free.~~

~~(f) Unless otherwise expressly permitted by the specific event rules, each spectator is allowed to bring one empty disposable or non-disposable water bottle into the event site, provided that the capacity of the water bottle is no more than one and one-half liters. All other beverage containers and devices used for carrying beverage containers are prohibited. ((All such items are subject to a visual inspection by designated university officials upon entry to the event site. If designated university officials make the determination that a given container or device is prohibited, the possessor of the container or device must remove the container or device from the event site premises or may surrender the container or device to such designated university officials for disposal.~~

~~(h) Each spectator is allowed to bring the following sizes and styles of bags into the event site, provided that, for seated events, the bags are small enough to fit completely under the spectator's seat, where such bags must be kept.~~

~~(i) Bags made of clear plastic, vinyl, or PVC that are no larger than fourteen inches by eight inches by fourteen inches.~~

~~(ii) Clear drawstring bags that are no larger than fourteen inches by fourteen inches.~~

~~(iii) One gallon clear plastic freezer bags (Ziploc bag or similar).~~

~~(iv) Small clutch bags, with or without a handle strap, that are no larger than four and one-half inches by six and one-half inches (the approximate size of a hand).~~

~~(v) Exceptions are made for medically necessary items after proper inspection upon entrance.~~

~~(vi) The clear bag policy is enforced at various venues at the discretion of university personnel and management. Exceptions may also be made depending on the venue.~~

~~(i))~~ (g) For events that have been designated by university officials as subject to the clear bag policy in subsection (3)(d) of this section, bags brought to the event site must comply with the following rules:

(i) Subject to the following exceptions, each spectator is allowed to bring only one bag into an event site. The bag must be clear (clear plastic, vinyl, or PVC) and no larger than 14 inches by eight inches by 14 inches. In addition to one clear bag as described, a spectator may bring the following, subject to additional inspection upon entrance:

(A) One small clutch bag, with or without a handle strap, that is no larger than four and one-half inches by six and one-half inches (the approximate size of a hand).

(B) An additional clear bag of the size specified above for medically necessary items.

(C) An additional clear bag of the size specified above for supplies (such as diapers, wipes, and similar items) for babies and small children.

(ii) For seated events, any bag(s) must be small enough to fit completely under the spectator's seat, where such bags must be kept.

(h) For events that have been designated by university officials as subject to the clear bag policy, prohibited bags and containers include, but are not limited to:

(i) Purses larger than a clutch bag;

(ii) Coolers;

(iii) Briefcases;

(iv) Backpacks and hydration packs;

(v) Fanny packs;

(vi) Cinch bags;

(vii) Luggage of any kind;

(viii) Computer or camera bags;

(ix) Binocular cases;

(x) Any bag (~~larger than the permissible sizes specified in subsection (h))~~) that does not meet the requirements of (g) of this ~~(section)~~ subsection.

~~((j))~~ (i) For events that have been designated by university officials as subject to the clear bag policy, spectators are allowed to bring personal items, e.g., keys, cellular telephones, wallet, makeup, in their pockets if they choose not to use a clear bag.

~~((k) Additional items such as diapers, wipes, and other supplies for babies and small children are allowed if placed in an approved clear bag.~~

~~(l) All items are subject to a visual inspection by designated university officials upon entry into the event site. If designated university officials make the determination that a given bag is prohibited, the possessor of the bag must remove the bag from the event site premises or may surrender the bag to such designated university officials for disposal.~~

~~(m))~~ (j) The following items are ~~(also)~~ prohibited in ~~(the)~~ all event sites:

(i) Fireworks, weapons, explosive devices, or artificial noise-making devices (such as airhorns);

(ii) Items deemed potentially dangerous ~~(or unacceptable)~~ by designated university officials;

(iii) Drones;

(iv) Laser pointers;

(v) Extension items used to hold cellular telephones or cameras in place (e.g., "selfie sticks");

(vi) Flag poles, or any items that act as an extension of an arm and have a flag or sign affixed;

(vii) Footballs, frisbees, sport balls, any kind of inflatable balls, or any other projectiles;

(viii) Umbrellas;

(ix) Seat cushions with rigid frames, unless expressly permitted by the specific event rules. Seatback cushions must:

(A) Be soft sided;

(B) Contain no pockets or zippers; and

(C) Be no wider than (~~eighteen~~) 18 inches.

(x) Pets or animals, except as allowed by WAC 504-36-020 or as otherwise required by state or federal law;

(xi) Food and beverages, unless expressly permitted by the specific event rules or purchased from a vendor within the event site;

(xii) Possessing and/or consuming illegal drugs or marijuana.

Possession and/or consumption of alcoholic beverages is permitted subject to restrictions.

(A) Any illegal drugs, marijuana, or alcoholic beverages, except for such beverages provided in accordance with (j) (xii) (B) of this subsection, found in the possession of a spectator or otherwise found on the event site may be confiscated and delivered to the custody of designated university officials for law enforcement purposes or for disposal, as appropriate.

(B) Alcoholic beverages may be possessed, sold, served, and consumed at event sites only under a valid permit or license issued by the Washington state liquor and cannabis board. Events at which alcoholic beverages are possessed, sold, served, and consumed must comply with the restrictions imposed by the Washington state liquor and cannabis board, the restrictions and policies imposed by the university, and all applicable laws.

(3) Designated university officials, as defined in subsection (4) of this section, are authorized to act to the fullest extent of the law to enforce the prohibitions set forth in subsection (2) of this section. This includes, but is not limited to, the following:

(a) Designated university officials may perform an inspection of all items, bags, and persons entering or present at any event site.

(b) Designated university officials may use additional methods of security screening including, but not limited to, video security systems, metal detection, and other technologies, to detect the presence of prohibited items at an event site.

(c) The university chief of police/director of public safety, or designee; the director of campus safety or equivalent for locations other than Pullman, or designee; in consultation with the event sponsor, may implement a no reentry policy for any event.

(d) The clear bag policy is enforced at various venues at the discretion of university personnel and management. Exceptions may also be made depending on the venue. If a designated university official makes the determination that a given bag is prohibited, the possessor of the bag must remove the bag from the event site premises or may surrender the bag to such designated university official for disposal.

(~~(3) Where~~) (e) When there is reasonable cause to believe that a person is violating, or is attempting to violate, the requirements identified in subsection (2) of this section, such person is denied license or privilege to enter or remain in or upon the event site premises, and designated university officials may take necessary ac-

tion to deny entry or to remove such persons from the event site premises.

(f) Prohibited items found in the possession of a spectator or otherwise found on the event site are to be confiscated and delivered to the custody of designated university officials for law enforcement purposes or for disposal, as appropriate.

(g) Violation of the requirements identified in subsection (2) of this section or failure to vacate the event site premises upon request of designated university officials may result in university disciplinary action (if applicable), a no trespass order under WAC 504-35-150 (Administrative control—Trespass) barring the individual from campus, and/or subsequent legal proceedings under federal or state law and/or the Washington Administrative Code.

(4) For purposes of this section, designated university officials include the president of the university or designee, the executive vice president for finance and administration or designee, campus chancellor or designee of the campus where the event site is located, and the following officials:

(a) Director of athletics or designee for athletic events;

(b) Director of the Beasley Coliseum or designee for Beasley Coliseum events;

(c) Director of the Compton Union Building or designee for events in the Compton Union Building;

(d) Director of the School of Music or designee for events sponsored by that school;

(e) The WSU (~~executive director~~) chief of police/director of public safety, the director of campus safety or equivalent for locations other than Pullman, or designee;

(f) Officers of the WSU police department when (i) acting at the request of any of the above-named officials to enforce university regulations, or (ii) enforcing state laws or local ordinances;

(g) Campus safety personnel, contracted or hired security personnel, and crowd management personnel when:

(i) Acting at the direction of the above-named officials or designees to enforce university regulations; or

(ii) Enforcing state laws or local ordinances.