

HOUSE BILL REPORT

ESHB 2807

As Passed House:

February 16, 2004

Title: An act relating to off-campus disruptive behavior of higher education students.

Brief Description: Providing for regulating off-campus conduct.

Sponsors: By House Committee on Higher Education (originally sponsored by Representatives Murray, Cox, Quall, McIntire, Kenney and Edwards).

Brief History:

Committee Activity:

Higher Education: 2/4/04 [DPS].

Floor Activity:

Passed House: 2/16/04, 91-3.

Brief Summary of Engrossed Substitute Bill

- Requires each higher education institution to adopt rules regarding disruptive off-campus of conduct that apply while students are proximate to, but not on, campus.
- The rules must not violate students' civil rights and provide due process. Institutions report on their rules by December 1, 2004.

HOUSE COMMITTEE ON HIGHER EDUCATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 8 members: Representatives Kenney, Chair; Fromhold, Vice Chair; Cox, Ranking Minority Member; Priest, Assistant Ranking Minority Member; Boldt, Condotta, Jarrett and Ormsby.

Minority Report: Do not pass. Signed by 3 members: Representatives Chase, McCoy and Morrell.

Staff: Barbara McLain (786-7383).

Background:

Although the statutory language varies slightly, a board of regents or trustees of a public higher education institution has broad authority to exercise full control of the institution and its property of various kinds, except as otherwise provided by law. Using this broad authority, each community and technical college and four-year institution has adopted a student code of conduct through administrative rule. With 36 codes, each is somewhat different. 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 code for Central Washington University states: "The university....is not responsible for conduct of students off 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 Eastern Washington University, Western Washington University, 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, 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."
- 3. The student code of conduct clearly applies to certain off-campus behavior.** Only Washington State University's code of conduct clearly states 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 Engrossed Substitute Bill:

Each institution of higher education must adopt rules regarding disruptive off-campus conduct of that apply while students are in neighborhoods, businesses, or public places proximate to the campus. Disruptive conduct is conduct that 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 protections for students accused of disruptive conduct. Each institution must report the substance of its rules to legislative committees by December 1, 2004.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: (In support of original bill) This bill is not an attempt to infringe upon the political or civil rights of students. It is not an attack on all students of any one university or based on any one incident. The surrounding neighborhoods around campus feel the full brunt of such behavior as street marauding, public and private property theft and destruction, malicious littering, vehicle speeding, public drunkenness, and excessive noise. For years the university has refused to take responsibility for these students. If students knew they could face loss of scholarships, lack of graduation, or expulsion, maybe they would think twice. The police department is missing an important deterrent. Extra patrols are not sufficient to deal with the problem; they are costly and distract the police from other more dangerous crimes.

(In support with concerns) There should be some flexibility to limit the policy to certain types of infractions and certain locations. The language is too broad.

Testimony Against: (Opposed to original bill) Many students live or work entirely away from the campus. The net is too broad and the rules unenforceable. Extra patrols around impacted neighborhoods are having an effect. Changing the student conduct code is not simple; there are concerns about due process and civil rights of students. The language is vague and inappropriately gives the university almost limitless responsibility outside its own boundaries. Students have already taken a pro-active role in encouraging improved behavior. Students should be punished if they break the law, but not be subject to additional penalties from the university. The bill is unnecessary. At least one university already extends its reach to off-campus behavior under current law. This is an example of government overstepping its boundaries.

Persons Testifying: (In support of original bill) Representative Murray, prime sponsor; Kent Wills, University Park Community Club; Jim Pugel, Seattle Police Department; and Bob Scales, City of Seattle.

(In support with concerns) Jeff Gombosky, Eastern Washington University.

(Opposed to original bill) Edie Harding, The Evergreen State College; Randy Hodgins, University of Washington; Cammie Croft and David Owens, Associated Students of the University of Washington; Christian Gunter, Graduate and Professional Student Senate; and Jerry Sheehan, American Civil Liberties Union.

Persons Signed In To Testify But Not Testifying: None.