

SENATE BILL REPORT

ESHB 2807

As of February 20, 2004

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

Brief Description: Providing for regulating off-campus conduct.

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

Brief History:

Committee Activity: Higher Education: 2/23/04.

SENATE COMMITTEE ON HIGHER EDUCATION

Staff: Jean Six (786-7423)

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 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: Ninety days after adjournment of session in which bill is passed.