

**WESTERN WASHINGTON UNIVERSITY
ITEM SUBMITTED TO THE BOARD OF TRUSTEES**

TO: Members of the Board of Trustees

FROM: President Sabah Randhawa

DATE: February 9, 2017

**SUBJECT: Extension Request - Emergency Rules:
WAC 516-24-130, Demonstrations
WAC 516-52-020 Firearms and Dangerous Weapons**

PURPOSE: Action Item

Purpose of Submittal:

Request an extension of the emergency rules approved by the Board of Trustees on October 13, 2017 in response to the manifestation of violence and intimidation observed in on-campus demonstrations in Washington State and across the United States over the past eight months. Immediate changes to the rules were necessary in order to preserve the integrity of Western Washington University's educational mission, to protect the health, safety and welfare of students, faculty and staff, and to preserve University property and scarce state resources while at the same time preserving its strong commitment to freedom of expression. It is requested that the emergency rules be extended while the rule revision committee continues with the permanent rule making process.

Permanent rule development timeline:

Public hearing and report to President Randhawa in March
Board of Trustees review/approval April 13

Proposed Motion:

MOVED, that the Board of Trustees of Western Washington University, upon recommendation of the President, approve an extension of the emergency rule change to WAC 516-24-130, Demonstrations.

Proposed Motion:

MOVED, that the Board of Trustees of Western Washington University, upon recommendation of the President, approve an extension of the emergency rule change to WAC 516-52-020, Firearms and Dangerous Weapons.

Background:

In August 2017 the University formed a steering committee to consider the issue of how to prepare itself to ensure safety and security on the campus while, at the same time, preserving its strong commitment to freedom of expression. The steering committee was broadly constructed from campus community leaders who would reasonably be involved in preparing for or responding to serious acts of protest violence or intimidation that might occur on Western's campus. The committee was co-chaired by Ted Pratt, Dean of Students and Darin Rasmussen, Director of Public Safety/Chief of Police. It included representatives from the following offices

and departments: President's Office, Provost's Office, Dean of Students, Equal Opportunity Office, Public Safety Department, Risk Management, Human Resources Department, Attorney General, Communications and Marketing, Space Administration/Management, and the Ethnic Student Center.

The committee met on a weekly basis to identify those most emergent issues that faced the campus. Through the use of a SCOT analysis that looked at the strengths, challenges, opportunities, and threats facing Western with regard to this particular concern.

Following the SCOT analysis, subcommittees were formed to focus on both the short-term and long-term needs, with attention placed primarily on addressing the short-term needs. These subcommittees included: Internal and External Events; Emergency Preparedness and Response Management; Conduct, Rights, and Responsibilities; Education and Training; and, Communications and Emergency Messaging.

The committee identified nine critical, but attainable priorities that could be achieved or at least be initiated in the brief time window that remained before Fall Quarter got under way. These priorities are:

- Development of an emergency rule change to Chapter 516-36 WAC, Use of University Facilities-Scheduling and to WAC 516-24-130, Demonstrations. The purpose of these changes is to immediately, on an interim basis, address designated forums, time and notice requirements, sponsorship requirements, risk assessments of campus events, and a cost recovery process.
- Development of an emergency rule change to WAC 516-52-020 Firearms and Dangerous Weapons. The purpose of this change is to immediately, on an interim basis, address weapons, armor, and armaments on campus.
- Identifying gatekeepers in the event scheduling and approval process and development of protocols and training to ensure consistent application to individuals seeking to hold events on campus.
- Implementation of a University Freedom of Expression webpage.
- Development of key talking points regarding freedom of expression boundaries that highlight the rights and responsibilities for university policies and freedom of expression. This included development of FAQ's.
- Organization and production of an education and training event or series of events centered on freedom of expression, how to define it, and ways to allow different points of view to be expressed.
- Development of a University Communications Plan.
- Requesting funding for response equipment, barricades, bollards, and training for emergency responders including University Police, and in some cases support by Facilities Management personnel.
- Development of standardized checklists to be used for assessing the need for a risk assessment, conducting a risk assessment, and for operational response.

The development of the proposed emergency rule changes was conducted by the subcommittee on Internal and External Events, co-chaired by Eric Alexander, Associate Dean for Student Engagement and Francis Halle, Director of Space Administration/Management, and included representatives from the Attorney General's Office, Risk Management, Public Safety Department, and others which considered changes to Chapter 516-36 WAC, Use of University Facilities-Scheduling and to WAC 516-24-130, Demonstrations; and the subcommittee on Emergency Preparedness and Response Management, chaired by Darin Rasmussen, Director of Public Safety/Chief of Police, and included representatives from the Attorney General's Office, Facilities Management, Public Safety Department, Risk Management, and Environmental Health and Safety.

In drafting and considering the proposed emergency rule changes, the subcommittees reviewed input from many other universities within Washington as well as across the country including the University of Virginia and the University of California, Berkeley.

Following the August 11, 2017 incident at the University of Virginia (UVA), the Deans Working Group identified areas in need of improvement. These included: a) The policies that UVA had in place to govern protests and demonstrations; and b) the application of existing UVA protocols for responding to a demonstration that did not conform to past patterns.

The proposed emergency rule changes recommended by the steering committee seek to address directly and indirectly those key areas identified above, and will put in place greater clarity, process, and protections to address the above areas at Western, allowing time to utilize Western's existing collaborative and transparent process to implement permanent long-range solutions. The President has approved establishing permanent changes. In the coming months, community input will be sought for these proposed permanent rule changes.