

MINUTES
Board of Regents
September 25, 2006

The Board of Regents of Washington State University met pursuant to call in Open Meeting at 9:30 a.m., on Monday, September 25, 2006 at Lighty Student Services Room 405, Pullman, WA and via teleconference.

Present via videoconference: Regent Kenneth Alhadeff, Chair; V. Lane Rawlins, President

Present via teleconference: Regents Elizabeth Cowles, Fran Forgette, Laura Jennings, Joe King, Connie Niva, Chris Marr, and Kyle Smith; Senior Assistant Attorney General Antoinette Ursich

Present, Lighty Student Services Conference Room 405: Robert C. Bates, Provost and Academic Vice President; Vice President for University Relations Sally Savage, Interim Vice President for Student Affairs Alton Jamison,

1. **Chair of the Board of Regents.** Regent Alhadeff welcomed everyone to the Board Meeting. He indicated that the purpose of the meeting is to consider proposed amendments to WAC 504-24-020, drafted to enable WSU police and security to resume routine security patrols in the common areas of the residence halls. He asked Interim Vice President for Student Affairs Alton Jamison to provide background to this issue, with appropriate commentary from Rich Heath or Toni Ursich, followed by comments from President Rawlins and the Regents.

2. **Report from the Interim Vice President from Student Affairs.** Interim Vice President Al Jamison provided additional background for the need to ask for this emergency rule for the next 120 days until the code is changed. He emphasized that the main concern is the safety of the students.

The Regents reviewed the facts presented that gave rise to the recommendation to adopt an emergency rule. They found that the WSU police have conducted security patrols in the common hallways and other common areas of WSU residence halls for considerable time and that other higher education institutions also provide routine security patrols. They also discussed the May 19, 2006, ruling by Whitman County's Superior Court Judge and the portions of the current rule that give rise to the expectation of privacy, as found by the Court. The Regents felt that the Judge's interpretation of the rule brings into question WSU's ability to allow WSU staff and agents into the halls to perform routine duties. The Regents emphasized their concern about the authority of the police to enter, given the Judge's interpretation of the rule, and that the police had halted their routine patrols. The Regents found that residence hall assistants were very apprehensive about being required to perform security duties in their halls previously performed by police and that since the commencement of Fall Semester, there had been several problems in the residence halls directly related to this issue.

The Regents stressed their concerns for student safety and lack of clear security measures in place and that this poses a serious risk to the safety of students. At the same time, the Regents were concerned about the students' civil liberties, specifically their right to privacy. Regent Cowles thanked Associate Vice President Heath for providing draft police protocols that would guide police activity in the residence halls.

Senior Assistant Attorney General Toni Ursich pointed out that the rule would be in place for only 120 days and that the public would have an opportunity to comment on the permanent adoption of this rule at a public hearing, which is held as part of the rule-making procedures.

A complete copy of the factual findings in support of the adoption of amendments to WAC 504-24-020 is attached as Exhibit A to the minutes.

The Board took action on the following:

Consider Proposed Amendments to WAC 504-24-020. It was moved and seconded that the Board of Regents approve the amendments to WAC 504-24-020 and adopt that rule on an emergency basis. Carried.

3. ADJOURN

At 10:00 a.m. the Regents Meeting adjourned.

Approved by the Board of Regents at its meeting held on October 20, 2006, at The Student Academic Center Room 241, WSU Spokane, Spokane, Washington.

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