

MINUTES FOR THE SENATE EXECUTIVE COMMITTEE MEETING  
May 7, 2007, 2:30 p.m.  
142 Gerberding

Present: Stygall, Luchtel, Emmert, Wise, Breidenthal, Murphy, Collins, Philipsen, Lovell, Harrington, Dillon, Bowen, Kaminsky, Sjavik, Booth-LaForce, Fabien, Killien, Balick, Wilkinson, Gill.

Absent: Annabi, Schaufelberger, Heckel, Jain, Astley, Stern, Stein, Erdly, Baldasty, Roy, Silberstein, Emery, White, Friese.

Guests: Niccolls, Crutchfield, Godfrey, Yerxa

Chair Gail Stygall called the meeting to order at 2:35

1. Approval of Agenda. Approved
2. Approval of Minutes of the 9 April 2007, Senate Executive Committee Meeting and 26 April 2007, Faculty Senate meeting (distributed via E-mail).

Chair Stygall explained that in order to save trees and relieve SEC members of the sheer weight of paper needed for this meeting, the Senate office has decided that from now on it will send minutes from the previous Senate and SEC meetings by e-mail as soon as they are ready for SEC review, but no later than the mailing of the SEC agenda. This will allow SEC members more time to read and review the minutes well before the meeting and will eliminate the bother of printing and carrying extra paper to meetings. This month it would have been fifty-seven extra pages.

There were no additions or corrections to the minutes of the April 9 SEC meeting or the April 26 Senate meeting and the minutes were approved.

3. Opening Remarks from the Chair.  
Gail Stygall, Chair of the Faculty Senate.

"Today our agenda is a bit lighter than usual, so I'm going to take this opportunity to make a few final remarks. This is my last Senate Executive Committee meeting as chair, and though you will hear from me next year as chair of the Senate Committee on Planning and Budgeting, it won't be quite the same. The SEC is the true workhorse of shared governance at the University of Washington. Collectively, the group representatives, the Council chairs, and the Senate officers come together to plan the Senate's work each year. This year we accomplished a number of things—we have sent forward legislation supporting our colleagues at Bothell and Tacoma; we have also sent forward legislation changing the method by which the Secretary of the Faculty is chosen. Legislation on removing the Distance Learning designator on UW transcripts has already gone to the faculty and been returned. Other than legislation, we have asked questions about risk and the shuttle buses, risk and security, the Faculty Effort Certification, and how salaries are allocated. There is, of course, work yet to be done. We need to ask more questions about how Educational Outreach relates to the faculty and who counts as faculty there. The Faculty Council on Educational Outreach and the Faculty Council on Faculty Affairs are already at work examining the proposed new contracts from Educational Outreach. We also need to continue to tweak and fine tune the RCEP process. And we continue to need to bring our colleagues on the south campus more firmly into the process of shared governance. But these are all problems for Dan to solve.

"I want to thank a number of people who made this year possible for me. Without Nancy Bradshaw, the Senate office simply doesn't run. Dan and Ashley performed their duties exceptionally well. David Lovell and J.W. Harrington were outstanding in bringing a faculty perspective to Olympia. And I will say more about all of these people at the Faculty Senate meeting on the 24th. But here I want to say thanks to the Group Representatives for bringing new issues to the SEC and to the faculty councils for working steadily throughout the year. Jan Sjavik, chair of the Faculty Council on Faculty

Affairs, deserves my special thanks for taking on an ever-increasing workload to that council. FCFA took on both the selection process for the Secretary of the Faculty and led the way on proposing changes in the faculty salary policy. Both were difficult and time consuming tasks and they and Jan in particular deserve thanks. I also want to thank Gerry Philipsen for putting the faculty councils and office of university committees back on track beautifully and in a very short period of time.

"I hope that all of you have enjoyed the year as much as I have. My thanks to all of you."

4. Report from the President  
Mark A. Emmert, President.

President Emmert opened with a discussion about the mandate from the State Legislature to create another UW campus. This has been an odd political process. State budget proviso language was added to the capital budget bill saying that the University is being called upon to establish another campus in Skagit, Snohomish or Island Counties. The campus will have an emphasis on science, engineering and technology. It will have working relations with local businesses and industry as well as with other local institutions of higher education – and it will be required to admit freshmen and sophomores from the outset.

He reported that the University is attempting to remain as flexible as possible while meeting the needs and the politics of the moment. Efforts to establish a proposal for an independent campus failed, and this was the fallback. The bill also includes \$4.5 million for planning purposes and for purchasing real estate. The University will take a much greater role in site selection than was the case with the Tacoma and Bothell campuses. Most of those decisions were made primarily within OFM. The time table for this proposal includes an October deadline for those working on site selection to present a recommendation to the Governor. Discussions have been initiated with the Governor and OFM officials as this will be a fast-track effort. The situation is complicated by the fact that siting decisions cannot be made until decisions are made about what kind of institution this is likely to be over time. It is also complicated by the fact that no one seems to have a very clear idea about how this project will be funded (beyond the initial \$4.5 million earmarked for planning and the purchase of real estate).

The city of Everett is sending thirty people to visit the Tacoma campus later this week to get a sense about how urban university campuses have evolved. Emmert assured SEC members that he has insisted all along that funding for a new campus cannot come out of the current higher education budget. It must be entirely new money.

Another important issue to consider is this new campus's relation to the UW Bothell campus. Kenyon Chan, Chancellor-elect, is aware of the situation and knows full well that this will present challenges for Bothell. The President envisions using a collaboration of leadership including Bothell personnel to move forward with planning for this campus, rather than hiring new administrative teams.

In response to questions raised SEC members, the President made the following comments:

- Initial discussions about this proposal included anticipating a free-standing university in Everett of 10,000 students. This is not a realistic expectation, however, given the population and demographics of the area. A more realistic scenario would be something like the experience of the Bothell and Tacoma campuses – starting off at 2-3,000 students and gradually increasing to 4-5,000. He reiterated that special care will need to be taken to ensure that the new campus and UW Bothell do not have to compete for the same student population. There needs to be some assurance that both campuses can and will be successful.
- A working group that will include faculty will be put together in the near future, relying heavily on those faculty with experience in the development of the Bothell and Tacoma campuses.
- The energy behind this proposal comes for the most part from Everett community, political, small business, and media leaders as well as the people in that area who want more access to higher education. The larger businesses in the area, for example Boeing and other high tech industries, have been relatively quiet.

- Universities are often created as economic engines; the UW was the first public school of any sort on the West Coast.

UW Bothell Representative Steve Collins commented that Bothell faculty have already gotten together to begin discussions that might result in a recommendation concerning this proposal. Professor Collins said that he looks forward to working on this with the President and his working group. He also mentioned that faculty at the Bothell campus have expressed their fear that significant student populations may be lost to another campus north of Seattle, and he asked the President if there had been any consideration of making the new campus one of two Bothell campuses. The President responded saying that the idea had a lot of common sense (if the UW Bothell name were changed) and would certainly be on the table for discussion.

The President reiterated his enthusiasm for the appointment of Kenyon Chan as the new Chancellor for the Bothell campus. He also announced that the search for a Vice President for Minority Affairs is down to two candidates who will be on campus next week: John Baugh from Washington University, and Sheila Edwards Lange, the current acting Vice President.

The President concluded his remarks with the assurance that he and the Provost continue working on faculty salaries within the context of establishing the biennial budget – and are deeply committed to significant faculty raises over the next several years.

5. Report from the Senate Committee on Planning and Budgeting.  
Ashley F. Emery, Immediate Past Faculty Senate Chair and Committee Chair.

Ashley Emery was unable to attend the meeting, and Chair Stygall gave a brief report instead. She noted that SCPB had been discussing the percentage increase in salaries for faculty. Salary categories, from ordinary to high merit, have been discussed, with some differences of opinion emerging between faculty and administration. Faculty members are pressing for a larger percentage of money going to cross-the-board merit increases, but she is confident those differences can be resolved. At next Monday's SCPB meeting discussions about a longer-term salary plan will continue.

6. Report on Legislative Affairs.  
David Lovell, Faculty Legislative Representative.

David Lovell reported that since the legislative session is over there is nothing to report other than that Representative Fred Jarrett (Republican from Mercer Island) will be speaking at the May 24, 2007, Faculty Senate meeting.

7. Report from the Secretary of the Faculty.  
Gerry F. Philipsen, Secretary of the Faculty.

Gerry Philipsen reported on his efforts to replenish faculty councils and committees with new members and new chairs where needed. Although the task is not finished, he thanked Council Chairs and those present for their help in recruitment. He is pleased with the progress made so far, reflected in the nominations attachment to the agenda (and these minutes), and is looking forward to filling in the remaining vacancies over the summer months.

8. Information.  
UW Foundation Board Report – Robert Crutchfield, Faculty Representative.

Chair Stygall introduced Robert Crutchfield who presented a report on the UW Foundation Board. Robert is the faculty representative on the Board. He reported that the biggest news from the Board is that the campaign goal for the year was met. A new goal of \$2.5 billion for student support has now been set. The Board has embraced the Students First program with this goal. Other Board activities include a change of by-laws concerning the composition of the Board, moving toward a larger representation of members nominated by the deans. This will provide a stronger connection

with fund raising at colleges. Board meetings are very interesting – with frequent presentations showcasing special programs on campus. Presentations made by students are especially effective. An annual Gala for foundation will be held September 7 in the Suzzallo reading room.

9. Group Representatives: Concerns and Issues.

Faculty Council on Tri-Campus Policy Chair Marcia Killien asked those attending the meeting to encourage their colleagues to vote for the Class A legislation that will be coming via e-mail for faculty approval.

10. Yearly Nominations of Faculty to Serve on Faculty Councils and Committees.

**Action:** Approve for Faculty Senate Consideration, nominees for Faculty Councils and Committees, 2007 - 2010. **{Exhibit A}**

Nominations listed in the agenda attachment were supplemented with nominations distributed at the meeting. All were approved and are now attached to these minutes as Exhibit A.

11. Reports from Councils and Committees.

Chair Stygall reiterated Marcia Killien's earlier request for SEC members to encourage their colleagues to vote for the Class A legislation that will be sent out via e-mail.

Kathy Gill, Chair of the Faculty Council on University Relations reported that three nominees had been chosen to receive of honorary degrees at the UW. Unfortunately, none of these individuals is able to accept the honor this year, and they will be held for a future commencement ceremony. She also mentioned that the Council will be sending e-mail to faculty and to deans while commencement is on the university community's mind, asking for honorary degree nominations for 2008. A reminder message will also go out in the fall.

12. Announcements.

There were no announcements.

13. Unfinished Business.

There was no unfinished business.

14. New Business.

a. **Meeting calendar for 2007-2008 {Exhibit B}**

**Action:** Approve dates for 2007-2008 meetings of the Senate Executive Committee and Faculty Senate.

The calendar was approved unanimously.

b. **Class B Legislation {Exhibit C}**

Dan Luchtel, Vice Chair, Faculty Senate.

**Title:** Proposed changes to the University of Washington's Student Conduct Code.

**Action:** Decide whether to forward legislation for Faculty Senate consideration.

Chair Stygall asked SEC members to refer to Exhibit C attached to the agenda. She reminded them that Class B legislation changes non-Faculty Code sections of the University Handbook. After review by the Senate Executive Committee, the Faculty Senate considers Class B legislation once and then sends it to the university president for review. Within ten days of approval of the action by the president, the Class B legislation is duplicated in a Class B Bulletin and sent by the Secretary to each member of the faculty. The legislation becomes effective if

there are no objections within 21 days of its publication. To be effective, the objections must constitute five percent or more of the voting members of the faculty, or by two-thirds of the eligible voting faculty at either UW Bothell or UW Tacoma. After a motion was made and seconded to submit this legislation to the faculty for approval or rejection, she introduced Eric Godfrey, Vice Provost for Student Life, to talk about the proposed changes.

Godfrey began by explaining that the current Student Code of Conduct has been in existence for decades and is a mechanism for holding students responsible for their actions. It includes policies and protocols for accountability. This legislation seeks authority to change three aspects of the Code.

A primary impetus for proposed changes to the Student Code of Conduct was focused by the work of the North of 45th Committee, a group that included many faculty members, including representatives from the Faculty Council on Student Affairs, that addressed university and community concerns about issues such as neighborhood noise and safety.

The proposed changes seek additional authority in three areas:

First, the current Code stops at the boundaries of the campus. Its jurisdiction applies only to behavior on campus (with the exception of students participating in sanctioned programs off campus, such as the Rome program). The proposed change would extend the Code beyond campus boundaries, and would allow use of the disciplinary code, irrespective of where it occurs.

The second element would be a provision for immediate action in an emergency. If one student assaults another off campus, the revised Code would have authority to address this on emergency basis. Currently the UW would be unable to stop the perpetrator and victim from attending classes, possibly the same classes, the day following the assault incident. The revised Code would have such authority.

The third element of the proposal seeks additional authority to apply the code in very limited ways to the area north of 45th to Ravenna, and between 15th and 22nd Avenues NE. Our current approach to this neighborhood is based on the assumption that it's the University's neighborhood too. The UW has 6,000 students living there. This provision would focus on quality of life issues such as noise and property damage – issues that could be subjected to the Code.

The proposal will be launched on a two-year pilot basis – with careful reevaluation throughout and at the end of those two years. Godfrey stressed that there was extraordinary consensus around this model with ALL students in support of the proposal.

He then mentioned one final notable change. The current disciplinary appeal process is too awkward for students from the Bothell and Tacoma campuses. There is only one disciplinary committee, and students from Bothell and Tacoma must travel to the Seattle campus in order to appeal sanctions. The new proposal includes a provision for stand-alone disciplinary committees on all three campuses.

The discussion following Godfrey's presentation covered the following issues:

- The State Legislature is pleased with the University's turn-around on the issue of extending the Student Conduct Code, and Godfrey is confident that there will be no further moves from the Legislature to regulate student conduct.
- Students may start moving further north to be out from under the surveillance provided by the extended code; nevertheless, Godfrey feels that this is a good start in addressing issues North of 45th. Re-evaluations over the next few years will be looking at how students may have spread further in other directions as a result of the Code revision. In addition, the possibility of a joint police precinct (Seattle Police Department and UW Police Department) being established in the North of 45th neighborhood is currently under serious consideration. A physical, visible presence in the neighborhood may function as a good deterrent not only for the neighborhood, but also for the Ave.

- Legal analysis as well as risk management analysis of the proposed changes to the Code have been requested and both have been favorable. Assistant Attorney General Quentin Yerxa stated that there is no legal liability for the UW in either making or not making these changes. Other state campuses (for example WSU) have Student Conduct Codes that extend beyond the boundaries of the campus. Revisions to the Student Conduct Code in the WAC will go in as if they are permanent so that if the two year review were to be favorable, the WAC process would not have to be repeated.
- The review will look at overall patterns in the area and the number of students in the disciplinary system, as well as factors such as interactions with landlords and the rate of nuisance incidents reported. This two-year review was a very important concession for students. Chair Stygall noted that it would be important to involve faculty in the review process as well.

The motion to approve these changes was approved unanimously.

**c. Class C Resolution {Exhibit D}**

Robert Bowen, Faculty Council on Benefits and Retirement.

**Title:** Automatic Enrollment in UW Retirement Plans.

**Action:** Approve for Faculty Senate Consideration.

After a motion was made and seconded to send this resolution to the Faculty Senate for its consideration, Bob Bowen, Chair of the Faculty Council on Benefits and Retirement began his presentation of this proposal by distributing a summary sheet, which he then reviewed.

Under current rules, the faculty can elect (opt-in) to a retirement plan at any time during their first two years of employment. (After two years, participation is required). At age 35, matched contributions are automatically increased from 5% to 7.5%. At age 50, faculty can elect (opt-in) to raise the rate of their matched contribution from 7.5% to 10%.

The problem perceived by the Council is that by failing to opt-in, faculty are losing income in retirement. Empirical research shows that the choice to participate is a function of how the choice is presented. The lowest participation occurs when employees have to actively opt-in (our current system); the highest participation occurs when employees have to actively opt-out (which the Council's proposal recommends). Further, some faculty are not immediately aware of the opt-in option at age 50, and therefore miss the opportunity for months (or years) to make increased matched contributions.

The Council's proposal would change in that new hires (those eligible for UWRP) would be automatically enrolled upon employment; they would retain the option to opt-out. In addition, employees turning 50 (who are eligible for UWRP) would have their contribution and the UW match automatically increased to 10% (from 7.5%); and again, they would retain the option to opt-out.

The Council sees this as an ethical issue. Retirement matching contributions are an existing benefit that, when not maximized, can greatly harm the individual and his or her family in retirement. In addition, failure to opt in under the current system is often due to oversight or lack of information – probably rarely due to a conscious choice to reject a risk-free, tax deferred 100% return on investment. Automatic enrollment in retirement programs is now encouraged under federal law. And, finally, the proposed change would retain the option not to participate, but it would help to ensure that those who do not participate make the choice based on careful analysis rather than based on misunderstanding or lack of information.

Apparently UW administrative systems are not currently set up to determine the cost of the proposed change, but the Council feels the issue is too important to wait until a precise cost estimate can be determined. Bowen concluded his remarks by asking the questions: "Would we

not act if we found the estimated cost was large? Would we not act if we found the estimated cost was small?"

The motion to send the proposal to the Senate for consideration was approved unanimously.

**d. Review May 24, 2007 Faculty Senate Meeting Agenda {Exhibit E}**

**Action:** Approve for distribution.

The agenda was approved with the addition of a presentation by Fred Jarrett, Republican from the Washington State House of Representatives.

15. Adjournment. The meeting was adjourned at 4:10 p.m.

PREPARED BY: Gerry F. Philipsen, Secretary of the Faculty

APPROVED BY: Gail Stygall, Chair, Faculty Senate

**2007-2010 Faculty Member Appointments to University and Senate Committees.****Academic Standards**

Richard Fitzpatrick, Group 5, Naval Science, for a term September 16, 2007 – September 15, 2010.  
Caroline Simpson, Group 1, English, for a term September, 16, 2007 – September 15, 2010.  
Leslie Breitner, Group 4, Evans School, for a term September, 16, 2007 – September 15, 2010.  
John Schaufelberger, Group 2, Construction Management, for a term September, 16, 2007 – September 15, 2010.

**Benefits and Retirement**

Patricia Brandt, Group 8, Family & Child Nursing, for a term September, 16, 2007 – September 15, 2010.  
Robert Breidenthal, Group 6, Aeronautics & Astronautics, for a term September, 16, 2007 – September 15, 2010.

Robert Bowen, Group 5, Business, as Chair, 2007-2008.

**Educational Outreach**

Brenda Zierler, Group 8, Biobehavioral Nursing & Health Systems, for a term September, 16, 2007 – September 15, 2010.  
Rob Harrison, Group 6, Forest Resources, for a term September, 16, 2007 – September 15, 2010.  
Kathleen O'Neill, Group 5, Law, for a term September, 16, 2007 – September 15, 2010.  
Jeffrey Wilkes, Physics, Group 3, for a term September, 16, 2007 – September 15, 2010.

Kathleen O'Neill, Group 5, Law, as Chair, 2007-2009.

**Educational Technology**

David Masuda, Group 7, Medicine, for a term September, 16, 2007 – September 15, 2010.  
Werner Kaminsky, Group 7, Radiology, for a term September, 16, 2007 – September 15, 2010.

Werner Kaminsky, Group 7, Radiology, as Chair 2007-2008.

**Faculty Affairs**

Jan Sjøvik, Group 1, Scandinavian Studies, for a term September, 16, 2007 – September 15, 2010.  
Todd Scheuer, Group 7, Pharmacology, for a term September 16, 2007 – September 15, 2010.  
Larry Ricker, Group 6, Chemical Engineering, for a term September, 16, 2007 – September 15, 2010.

Jan Sjøvik, Group 1, Scandinavian Studies, as Chair, 2007-2008.

**Instructional Quality**

Craig Allen, Group 5, Law, for a term September, 16, 2007 – September 15, 2010.  
Don Janssen, Group 6, Civil Engineering, for a term September, 16, 2007 – September 15, 2010.

Mary Wenderoth, Group 3, Biology, as Chair 2007-2009.

**Multicultural Affairs**

Tom Colonnese, American Indian Studies, Group 4, for a term September 16, 2007 – September 15, 2010.  
Steve Schwartz, Pathology, Group 7, for a term September 16, 2007 – September 15, 2010.

Tom Colonnese, American Indian Studies, Group 4, as Chair 2007-2009.

### **Research**

Cathryn Booth-Laforce, Family & Child Nursing, Group 8, for a term September, 16, 2007 – September 15, 2008.

Cathryn Booth-Laforce, Family & Child Nursing, Group 8, as Chair, 2007-2008.

### **Student Affairs**

Jeffrey Schwartz, Radiation Oncology, Group 7, for a term September, 16, 2007 – September 15, 2010.

### **Tri-Campus Policy**

Janet Primomo, Tacoma Nursing, Group 10, for a term September 16, 2007- September 15, 2010.

Marcy Stein, Tacoma Education, Group 10, for a term September 16, 2007 – September 15, 2010.

Stern Neill, Tacoma Business, Group 10, replacing Zoe Barsness for a term ending September 15, 2008.

Janet Primomo, Tacoma Nursing, Group 10, as Chair, 2007-2009

### **University Facilities and Services**

Bruce Balick, Astronomy, Group 3, for a term September, 16, 2007 – September 15, 2010.

Bruce Balick, Astronomy, Group 3, as Chair, 2007-2008.

### **University Libraries**

Pamela Mitchell, Nursing, group 8, for a term September 16, 2007 – September 15, 2010.

### **University Relations**

Mary Ann Odegaard, Marketing & International Business, Group 5, for a term September, 16, 2007 – September 15, 2010.

Kathy Gill, Communication, Group 2, for a term September, 16, 2007 – September 15, 2010.

Mary Ann Odegaard, Marketing & International Business, Group 5, as Chair, 2007-2009.

### **Women in Academia**

Louisa Iarocci, Architecture, Group 2, for a term September, 16, 2007 – September 15, 2010.

Cindy Simmons, Communication, Group 2, for a term September 16, 2007 – September 15, 2010.

### **Adjudication Panel**

Thomas Andrews, Law, Group 5, for a term September 16, 2007 – September 15, 2010

### **Advisory Committee on Faculty Code and Regulations**

Karen Boxx, Law, Group 5, for a term September 16, 2007 – September 15, 2010.

**2007-2008**

SCHEDULE OF SENATE AND EXECUTIVE COMMITTEE MEETINGS

**Autumn Quarter, 2007**

Executive Committee Agenda Deadline .....	October 1
Executive Committee Meeting .....	October 8 *
SENATE Meeting .....	October 25 **
Executive Committee Agenda Deadline .....	November 5
Executive Committee Meeting .....	November 19 *
SENATE Meeting .....	November 29**

**Winter Quarter, 2008**

Executive Committee Agenda Deadline .....	January 7
Executive Committee Meeting .....	January 14 *
SENATE Meeting .....	January 31 **
Executive Committee Agenda Deadline .....	February 15
Executive Committee Meeting .....	February 25 *
SENATE Meeting .....	March 13 **

**Spring Quarter, 2008**

Executive Committee Agenda Deadline .....	March 31
Executive Committee Meeting .....	April 7 *
SENATE Meeting .....	April 24 **
Executive Committee Agenda Deadline .....	April 28
Executive Committee Meeting .....	May 5 *
SENATE Meeting .....	May 22 **

**Senate** meetings will be held at 2:30 p.m. in Gowen 301.

**Executive Committee** meetings will be held at 2:30 p.m. in 142 Gerberding Hall.

- \* A continuation meeting may be held on the following Monday.
- \*\* A continuation meeting may be held on the following Thursday.
- \*\*\* A continuation meeting may be held on the following Tuesday.

**Class B revising Student Conduct Code.**

STUDENT CONDUCT CODE

WASHINGTON ADMINISTRATIVE CODE

Rules of the University of Washington

Chapter 478-120 WAC

**WAC 478-120-010 Student Conduct Code- Authority**

Pursuant to Chapter 34.05 RCW and the authority granted by RCW 28B.20.130, the Board of Regents of the University of Washington has established the following regulations on student conduct and student discipline ~~on the University campus.~~

**WAC 478-120-020 Standards of Conduct**

(1) The University is a public institution having special responsibility for providing instruction in higher education, for advancing knowledge through scholarship and research, and for providing related services to the community. As a center of learning, the University also has the obligation to maintain conditions conducive to freedom of inquiry and expression to the maximum degree compatible with the orderly conduct of its functions. For these purposes, the University is governed by the rules, regulations, procedures, policies, and standards of conduct that safeguard its functions and protect the rights and freedoms of all members of the academic community.

(2) Admission to the University carries with it the presumption that students will conduct themselves as responsible members of the academic community. As a condition of enrollment, all students assume responsibility to observe standards of conduct that will contribute to the pursuit of academic goals and to the welfare of the academic community. That responsibility includes, but is not limited to:

(a) Practicing high standards of academic and professional honesty and integrity;

(b) Respecting the rights, privileges, and property of other members of the academic community and visitors to the campus, and refraining from any conduct that would interfere with University functions or endanger the health, welfare, or safety of other persons;

(c) Complying with the rules, regulations, procedures, policies, standards of conduct, and orders of the University and its schools, colleges, and departments.

(3) Specific instances of misconduct include, but are not limited to:

(a) Conduct that intentionally and substantially obstructs or disrupts teaching or freedom of movement or other lawful activities ~~on the University campus premises or in connection with any University-sponsored event or activity~~ and is not constitutionally and/or legally protected;

(b) Physical abuse of any person, or conduct intended to threaten imminent bodily harm or to endanger the health or safety of any person ~~on the University premises campus;~~

(c) Conduct ~~on the University premises campus~~ constituting a sexual offense, whether forcible or nonforcible, such as rape, sexual assault, or sexual harassment;

(d) Malicious damage to or malicious misuse of University property, or the property of any person where such property is located ~~on the University campus premises;~~

(e) Refusal to comply with any lawful order to leave ~~the University premises campus~~ or any portion thereof;

(f) Possession or use of firearms, explosives, dangerous chemicals or other dangerous weapons or instrumentalities on ~~the~~ University premises campus, except for authorized University purposes, unless prior written approval has been obtained from the ~~Vice President for Student Affairs Chief,~~ University of Washington Police Department, or any other person designated by the President of the University (see WAC 478-124-020 (2)(e)) (legal defense sprays are not covered by this section);

(g) Unlawful possession, use, distribution, or manufacture of alcohol or controlled substances (as defined in chapter 69.50 RCW) on ~~the~~ University premises campus or during University-sponsored activities;

(h) Intentionally inciting others to engage immediately in any unlawful activity, which incitement leads directly to such conduct on ~~the~~ University premises campus;

(i) Hazing, or conspiracy to engage in hazing, which includes:

(i) Any method of initiation into a student organization or living group, or any pastime or amusement engaged in with respect to such an organization or living group, that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm, to any student or other person attending the University; and

(ii) Conduct associated with initiation into a student organization or living group, or any pastime or amusement engaged in with respect to an organization or living group not amounting to a violation of (i)(i) of this subsection, but including such conduct as humiliation by ritual act and sleep deprivation. Consent is no defense to hazing. Hazing does not include customary athletic events or other similar contests or competitions;

(j) Falsely reporting a violation of the Student Conduct Code.

(4) Disciplinary action may be taken in accord with this chapter regardless of whether that conduct also involves an alleged or proven violation of law.

(5) An instructor has the authority to exclude a student from any class session in which the student is disorderly or disruptive. If the student persists in the disorderly or disruptive conduct, the instructor should report the matter to the dean of the school or college, or, at UW Bothell and UW Tacoma, to the director of the program in which the student is enrolled. (See WAC 478-120-030(3).)

(6) Nothing herein shall be construed to deny students their legally and/or constitutionally protected rights.

#### NEW SECTION 478-120-021

##### Off-Campus Conduct

The University shall have the authority to hold students accountable under the student conduct code for certain off-campus behavior (i.e. behavior that does not occur on University premises or in the context of a University-sponsored event or activity) that directly affects a University interest, in accordance with the provisions of this section.

(1) A student may be subject to disciplinary proceedings under the student conduct code if: a) the University is made aware that a court of competent jurisdiction has determined that such student has engaged in intentional unlawful conduct off-campus that involves the physical harm or abuse, or a direct threat of the physical harm or abuse, of any person, including but not limited to homicide, assault, kidnapping, armed robbery, arson, rape or sexual assault, criminal harassment, criminal stalking or the unlawful possession, use, storage or manufacture of weapons or destructive devices; and b) the University determines that a significant University interest is affected.

(2) A student may also be subject to disciplinary proceedings under the student conduct code if the University is made aware that the student has engaged in off-campus conduct that involves the physical harm or abuse, or the direct threat of physical harm or abuse, of another University student, or a University faculty or staff member. Disciplinary proceedings may be initiated under this subsection regardless of whether or not the incident is subject to criminal or civil proceedings.

(3) In furtherance of the University's interest in maintaining a positive relationship with its surrounding community, the University shall also have the authority to hold students accountable under the student conduct code for conduct within the "North of 45th" residential community immediately adjacent to the Seattle campus (bounded by 45th Street on the south, 15th Ave N. on the west, 22nd Ave E on the east and Ravenna Blvd on the north) as follows:

a) A student may be subject to disciplinary proceedings under the code if the University is made aware that the student has been cited by the Seattle Police or the University Police for, and is determined to have committed, a violation of any state statute or City of Seattle municipal ordinance prohibiting misconduct that has a direct and significant quality-of-life impact on community residents, including but not limited to, creating a public nuisance due to noise, theft, intentional destruction of property, urinating in public, or criminal trespass.

b) A first violation under subsection (3)(a) will not subject the student to disciplinary sanctions under Section 478-120-040 if the student voluntarily meets with a representative of the Office of the Vice Provost for Student Life to receive information and counseling regarding his or her responsibilities as a University community member and as a resident in the area. A second violation will not be subject to disciplinary sanctions if the student involved agrees to participate, in good faith, in a mediation with the person or persons affected by the misconduct under a mediation protocol established by the Office of the Vice Provost for Student Life.

(4) Nothing herein shall be construed as being intended to protect any person or class of persons from injury or harm, or construed to deny students their legally and/or constitutionally protected rights.

### **WAC 478-120-030 General Procedures for Disciplinary Sanctions**

(1) This section describes the general process under the Student Conduct Code for enforcing the University's rules, regulations, procedures, policies, standards of conduct, and orders. The specific procedures to be used at each step of the process are described in the following sections of this chapter. In all situations, whether handled formally or informally, basic standards of fairness will be observed in the determination of:

- (a) The truth or falsity of the charges against the student;
- (b) Whether the alleged misconduct violates this code; and if so,
- (c) The sanctions to be imposed, if any.

The criteria for judging student misconduct shall include, but not be limited to, the standards of conduct as stated in WAC 478-120-020. Informal hearings shall use the procedures in Chapter 34.05 RCW governing brief adjudicative proceedings. Formal hearings conducted by the Faculty Appeal Board shall follow the procedures required by Chapter 34.05 RCW for formal adjudicative proceedings. Informal settlements may be conducted under the authority of RCW 34.05.060.

(2) Persons who believe that a violation of the Student Conduct Code has been committed should contact the ~~Vice President for Student Affairs~~ Vice Provost for Student Life at the University of Washington Seattle campus, or the Chancellor of the University of Washington Bothell or Tacoma campuses, whichever is appropriate.

(3) Only the Vice Provost for Student Life, the dean of the school or college or the Vice President for Student Affairs at UW Seattle or, at UW Bothell and UW Tacoma, the director of the program in which a student is enrolled, or the Chancellors of the University of Washington Bothell and Tacoma campuses may initiate disciplinary proceedings against a student under this code of conduct. (See WAC 478-120-050.) ~~The deans and the Vice President for Student Affairs, the Vice Provost for Student Life, or the Chancellors of the University of Washington Bothell and Tacoma campuses~~ may delegate the authority to initiate disciplinary proceedings consistent with this chapter to members of their staffs and to students. They may also establish student or student-faculty hearing bodies to advise or to act for them in disciplinary matters. The person initiating a disciplinary proceeding shall be referred to as the initiating officer.

(4) The initiating officer will begin a disciplinary proceeding by holding, or directing a member of his or her staff to hold, an informal hearing with the student charged with misconduct. Based on this informal disciplinary hearing, the initiating officer may choose to exonerate the student, dismiss the action, impose an appropriate sanction, and/or refer the matter to the appropriate University Disciplinary Committee. (See WAC 478-120-065.) If the initiating officer identifies a potential or existing exceptional circumstance as defined in WAC 478-120-100 (3)(b)(i),

"Exceptional circumstances exist when:

(A) The sanction of dismissal has been recommended; or

(B) The student has been charged with hazing; or

(C) The sanction of restitution (in excess of three hundred dollars) has been recommended; or

(D) Suspension has been recommended,"

the matter shall be referred directly to the Faculty Appeal Board. (See WAC 478-120-100.)

(5) Students have the right to appeal any sanction imposed at an informal hearing to the appropriate University Disciplinary Committee, except that when such sanction identifies an existing or potential exceptional circumstance as defined in WAC 478-120-100 (3)(b)(i), the matter shall be referred directly to the Faculty Appeal Board.

(6) Any decisions of the University Disciplinary Committees may be appealed to the Faculty Appeal Board. All decisions of the University Disciplinary Committees identifying existing or potential exceptional circumstances as defined in WAC 478-120-100 (3)(b)(i) shall be referred directly to the Faculty Appeal Board. In addition, the University Disciplinary Committees may, at any time, ~~in its~~ at their discretion, refer a matter directly to the Faculty Appeal Board. The Faculty Appeal Board performs distinct functions. In most cases, the Faculty Appeal Board conducts an administrative review. In certain cases (defined in WAC 478-120-100(3)), the Faculty Appeal Board conducts a formal hearing.

(7) Any decision based on a formal hearing conducted by the Faculty Appeal Board may be appealed to the President of the University or the President's delegate for a final review. All orders of dismissal shall be reviewed by the President or the President's delegate. Orders entered by the President or the President's delegate are final. (See WAC 478-120-125.)

(8) The President or ~~his or her~~ delegate, or Chancellors or their delegates may take emergency disciplinary action when a student's conduct threatens the health, welfare, or safety of the University community or members thereof. (See WAC 478-120-140.)

(9) When questions of mental or physical health are raised in conduct cases, the dean, the ~~Vice President for Student Affairs~~, Vice Provost for Student Life, the Chancellors of the University of Washington Bothell and Tacoma campuses or their delegates, the University Disciplinary Committees, or the Faculty Appeal Board may require the student to appear for examination before two physician-consultants designated by the Dean of the School of Medicine. ~~If the student agrees,~~ The physician-consultants may call upon the student health center for any other professional assistance they deem necessary. After examining the student and/or consulting with the student's personal physician, the physician-consultants shall make a recommendation to the dean, the ~~Vice President for Student Affairs~~ Vice Provost for Student Life, the Chancellor of the University of Washington Bothell or Tacoma campuses, whichever is appropriate, or their delegates, the appropriate University Disciplinary Committee, or the Faculty Appeal Board as to whether the case should be handled as a disciplinary matter or as a case for medical or other treatment. Any decision made based upon the recommendation of the physician-consultants may be appealed in accordance with the provisions of this chapter.

(10) The following persons conducting proceedings under this chapter shall have the authority to issue protective orders and subpoenas: deans, or at UW Bothell and UW Tacoma, the director of the program in which the student is enrolled, the Vice President for Student Affairs, the Vice Provost for Student Life, the Chancellors of the University of Washington Bothell and Tacoma campuses, or the chairs of their respective ~~the~~ University Disciplinary Committees, the chair of the Faculty Appeal Board, and the President or his or her delegate.

(11) In a case involving an alleged sexual offense, the accuser and the accused are entitled to the same opportunities to have others present during a disciplinary hearing and they shall both be informed of the outcome of such disciplinary proceeding.

(12) Any final order resulting from a disciplinary proceeding shall become a part of the student's disciplinary record, unless the student is exonerated. (See WAC 478-120-145.)

(13) In accord with the Family Educational Rights and Privacy Act and pursuant to RCW 34.05.250, all hearings conducted under this chapter generally will be held in closed session out of respect for the privacy of all the students involved. However, the students involved may waive in writing this requirement and request a hearing in open session, and the initiating or presiding officer shall conduct the hearing in a room that will accommodate a reasonable number of observers. The initiating or presiding officer may exclude from the hearing room any persons who are disruptive of the proceedings and may limit the number who may attend the hearing in order to afford safety and comfort to the participants and orderliness to the proceedings.

### **WAC 478-120-040 Disciplinary Sanctions**

The following disciplinary sanctions may be imposed for violations of the Student Conduct Code:

(1) Disciplinary Warnings and Reprimands-Action may be taken to warn or to reprimand a student for violation of University rules, regulations, procedures, policies, standards of conduct, or orders. Warnings and reprimands must always be made in writing and shall include a statement that continuation or repetition of the specific conduct or other misconduct will normally result in one or more of the more serious disciplinary sanctions: restitution, disciplinary probation, suspension, or dismissal.

(2) Restitution-An individual student may be required to make restitution for damage or other loss of property and for injury to persons. Failure to pay, or to make in writing University-approved arrangements to pay, will result in cancellation of the student's registration and will prevent the student from registering with the University.

(3) Disciplinary Probation-A student may be placed on disciplinary probation (meaning formal conditions are imposed on a student's continued attendance) for violation of University rules, regulations,

procedures, policies, standards of conduct, or orders. The time period and conditions, if any, for the disciplinary probation shall be specified. Disciplinary probation serves as a warning to a student that further misconduct will raise the question of suspension or dismissal from the University.

(4) Suspension-A student may be suspended from the University for violation of University rules, regulations, procedures, policies, standards of conduct, or orders. The time period and conditions, if any, for the suspension shall be specified. Suspension serves as a warning to a student that further misconduct will raise the question of dismissal from the University.

(5) Dismissal-A student's enrollment in the University may be terminated for violation of University rules, regulations, procedures, policies, standards of conduct, or orders.

(6) Forfeiture-In addition to other sanctions, a student who participates in hazing of another shall forfeit any entitlement to state funded grants, scholarships, or awards for a specified period of time.

(7) A suspension or dismissal is considered a serious sanction and will be imposed only after the completion of the formal due process review provided for in this code.

### **WAC 478-120-050 Jurisdiction**

(1) The Vice President for Student Affairs, or his or her delegate, Vice Provost for Student Life, the Chancellors of the University of Washington Bothell and Tacoma campuses or their delegates, may initiate any disciplinary action related to violations of any of the University's rules, regulations, procedures, policies, standards of conduct, or orders. Jurisdiction in such cases may be transferred to the dean of the school or college, or at UW Bothell and UW Tacoma, to the director of the program in which the student is enrolled if the alleged misconduct bears upon the student's fitness to continue in the school, college or program.

(2) Additionally, the dean of each college or school, including the Graduate School, or the dean's delegate, or the directors of programs in which the student is enrolled on the University of Washington Bothell or Tacoma campuses may initiate any disciplinary action:

(a) Related to violations of University rules, regulations, procedures, policies, standards of conduct, and orders which pertain to that particular campus, college or school or at UW Bothell and UW Tacoma, the program in which the student is enrolled; and

(b) Related to violations of rules, procedures, policies, and standards of conduct of that particular campus, college or school, or at UW Bothell and UW Tacoma, and the program in which the student is enrolled. The student academic grievance procedure is a separate procedure and is set forth in the *University Handbook* (Graduate School students should also refer to Graduate School Memorandum No. 33). Violations involving academic misconduct should be reported to the dean of the appropriate school or college, or program director at the University of Washington Bothell or Tacoma campuses.

(3) Other departments of the University have proceedings separate and distinct from the Student Conduct Code. For example:

(a) Campus traffic regulations are under the general jurisdiction of the Police Department of the University. The Citation Hearing Office has jurisdiction to hear and decide all cases involving alleged violations of traffic regulations. (See Chapter 478-116 WAC.)

(b) The Library Fines Appeals Committee has the authority to consider appeals of library charges. (See Chapter 478-168 WAC.)

**WAC 478-120-065 Informal Disciplinary Hearings**

(1) ~~A dean or the Vice President for Student Affairs or his or her delegate, the Vice Provost for Student Life, the Chancellors of the University of Washington Bothell and Tacoma campuses, directors of programs or their delegates~~ may initiate a disciplinary proceeding by conducting, or directing a member of his or her staff to conduct, an informal hearing with the student accused of misconduct. This informal disciplinary hearing may be nothing more than a face-to-face meeting between the initiating officer or staff person and the student, and no special notice of the meeting is required. The purpose of this informal disciplinary hearing is to provide an opportunity for the student to respond to allegations of misconduct before disciplinary action is taken, and the student waives any rights to an informal hearing by his or her failure to attend.

(2) During an informal disciplinary hearing, the student must be provided with the following information:

- (a) The alleged misconduct and the reasons for the University's belief that the student engaged in the misconduct;
- (b) The specific section(s) of the Student Conduct Code allegedly violated; and
- (c) The possible sanctions that may be imposed.

(3) Based on the findings of an informal hearing, the initiating officer shall enter in writing one of the following orders:

- (a) An order exonerating the student or dismissing the disciplinary proceeding if it appears that there has been no misconduct;
- (b) An initial order imposing a disciplinary sanction;
- (c) An order referring the matter to the appropriate University Disciplinary Committee; or
- (d) An order referring the matter directly to the Faculty Appeal Board because exceptional circumstances as defined in WAC 478-120-100 (3)(b)(i) may exist.

(4) (a) If the order imposes a sanction and exceptional circumstances as defined in WAC 478-120-100 (3)(b)(i) exist, the matter shall be referred directly to the Faculty Appeal Board and the student shall be informed that he or she has the right to request a formal hearing according to the procedures set forth in WAC 478-120-075(3).

(b) If the order imposes a sanction but exceptional circumstances do not exist, then the student must be informed that he or she has twenty-one calendar days from the date of the order (or twenty-five calendar days from the date of the mailing of the initial order) to request a hearing before the appropriate University Disciplinary Committee. If the student chooses not to appeal, the order becomes the final order.

(5) Within ten days of the conclusion of the hearing and any associated investigations, the student shall be provided with a written order which shall include a statement of the decision, the reasons for the decision, and information about appealing the decision. No unfavorable action may be taken against the student until the student has been given such notice and information. In a case involving an alleged sexual offense, both the accuser and the accused shall be informed of the outcome of that hearing. In a case where the student is a minor, the disciplinary sanctions imposed may be reported to the student's parents or legal guardian at the discretion of the initiating officer.

(6) A student may request a hearing by the appropriate University Disciplinary Committee at any time during these informal proceedings. If such a request is made, the matter shall be referred to the appropriate University Disciplinary Committee.

(7) The official record of this informal hearing shall consist of all documents prepared or considered by the dean ~~or the Vice President for Student Affairs, the Vice Provost for Student Life, or the Chancellors of the University of Washington Bothell and Tacoma campuses, program directors or their delegates,~~ with regard to the dispute at hand.

### **WAC 478-120-075 Appeals**

Any initial order may be appealed by timely submission of a written petition to the appropriate body. An order only referring a matter from one hearing body to another, not determining the matter on its merits, is not an initial order.

(1) If a student does not appeal to the appropriate body within twenty-one days of the initial order (or within twenty-five calendar days of the date when the University mailed the initial order to the student), the right to appeal is waived and the order becomes final.

(a) All initial orders shall be hand delivered or delivered by mail.

(b) Any student involved in a disciplinary hearing is required to provide his or her current and accurate address to the Office of the Vice ~~Provost~~ President for Student Life Affairs ~~or the Office of the Chancellor for the University of Washington Bothell or Tacoma campuses, whichever is appropriate, or their delegates.~~

(2) All petitions for appeal must be made in writing to the appropriate authority (the appropriate chair of one of the University Disciplinary Committees [Seattle, Bothell, or Tacoma], the chair of the Faculty Appeal Board, or the President). The petition must state the reasons for the appeal and indicate points of disagreement with the initial order.

(3) If a student wishes to request a formal hearing before the Faculty Appeal Board, the student's written petition for appeal must also state that a formal hearing is being requested and must identify the specific exceptional circumstances (as defined in WAC 478-120-100 (3)(b)(i)) warranting such a hearing. When conducting administrative reviews of informal hearings, the Faculty Appeal Board shall make any inquiries necessary to ascertain whether the proceeding must be converted to a formal disciplinary hearing.

(4) After conducting the appropriate review, the appeal body or the President may sustain, reduce, or vacate the sanction imposed by the initial order, except if that review is in the form of a formal hearing before the Faculty Appeal Board, that board may increase any sanction.

(5) Only the President or the President's delegate may issue a final order of dismissal.

(6) Sanctions, if any, will be imposed only after an order becomes final, except for actions taken under WAC 478-120-140.

### **WAC 478-120-085 The University Disciplinary Committees**

Each University of Washington campus shall have its own University Disciplinary Committee. The University Disciplinary Committees shall consist of a nonvoting chair, three voting faculty members, and three voting student members. The committees shall be maintained for the purpose of providing hearings for disciplinary actions that have been initiated by the deans or the Vice President for Student Affairs, at UW Bothell and UW Tacoma, the director of the program in which a student is enrolled, the Vice Provost

for Student Life at the University of Washington Seattle campus, the Chancellors of the University of Washington Bothell and Tacoma campuses, or their delegates.

(1) The President of the University of Washington Seattle campus and the Chancellors of the University of Washington Bothell and Tacoma campuses shall designate a member of the faculty or administration to serve as chair of the each respective University Disciplinary Committee for a term of one year. All The chair chairs may be reappointed for consecutive terms.

(a) The chairs shall ensure that all procedural safeguards and guidelines are followed. Accordingly, the chairs shall decide all procedural questions that arise in relation to hearings, including rulings on evidence (as defined in WAC 478-120-095(3)) and challenges to the impartiality of committee members. The chairs shall have the discretion to regulate all aspects of the proceedings.

(b) The chairs shall take whatever steps are necessary to ensure that hearings are conducted in a safe and orderly manner.

(2) The three voting faculty members of the each University Disciplinary Committee shall be selected at random from the Faculty Senate at UW Seattle or at UW Bothell and UW Tacoma, their respective Faculty Assembly or Organization to serve one-year terms. Voting faculty members may not be reappointed to consecutive terms.

(a) Panels of eligible faculty members shall be randomly selected to serve on the committees in the order in which they were selected, except that each faculty member of the committees must represent a different faculty senate group.

(b) Faculty members must have been members of the faculty for at least one year and hold the position of assistant professor or higher in order to be eligible to serve as voting members of the University Disciplinary Committees.

(3) The three voting student members of the University Disciplinary Committees shall be selected at random from the each student body to serve one-year terms. Student members of the committees may not be reappointed.

(a) Panels of eligible students shall be selected randomly from the entire full-time student body to serve as committee members or alternates in the order in which they were selected, except that at UW Seattle one member must be a professional or graduate student and the other two members must represent different undergraduate classes.

(b) To be eligible to serve on the University Disciplinary Committees, students must be full-time and in good standing with the University.

(4) In addition to the chairs, a quorum shall be two faculty members and two student members. The chairs shall select alternates from the panels of eligible faculty or students as needed to produce a quorum.

(5) A Committee members may be disqualified from a particular hearing for bias, prejudice, conflict of interest, or any other reason which may prevent him or her from serving as an impartial judge of the matter before the committees.

(a) A Committee members may excuse himself or herself themselves for any of the causes set forth in this section by submitting a written statement to the appropriate committee chair stating facts and reasons for the disqualification.

(b) A student before any of the University Disciplinary Committees may challenge the impartiality of a committee member by written petition. The appropriate chair shall determine whether to grant the petition and excuse the committee member from the case, and shall state the facts and reasons for that determination in writing.

(c) Any person who has been delegated the authority to initiate disciplinary proceedings is disqualified from serving as a member of the University Disciplinary Committees.

(6) The appropriate chair may relieve a member of his or her ~~the~~ University Disciplinary Committee from serving on that committee for a particular case, for a specific period of time, or for the rest of the year after the member submits a written request to the chair.

(7) Members of the University Disciplinary Committees shall begin their terms on the first day of classes of Winter Quarter. Those terms shall expire on the first day of classes of the next Winter Quarter, except that cases in process shall be continued until a decision is reached. The new panels of committee members shall be identified by the outgoing chairs, or by the person designated by the appropriate chair, through random procedures established by the chair.

### **WAC 478-120-095 Hearings Before the University Disciplinary Committees**

The purpose of a hearing before ~~the~~ a University Disciplinary Committee is to provide all parties with an opportunity to present evidence and argument before disciplinary sanctions are imposed on a student. Based on the evidence presented at this hearing, the committee shall determine whether the student has engaged in the alleged misconduct. If there is a finding of misconduct, the committee shall then determine the appropriate sanction to be imposed.

(1) When a hearing is scheduled before ~~the~~ a University Disciplinary Committee, the chair of the appropriate committee shall provide the student with written notice of the following information:

- (a) The time and place of the hearing;
- (b) The allegations of misconduct against the student;
- (c) A list of all witnesses who may be called to testify;
- (d) A description of all documentary and real evidence to be presented at the hearing, including a copy of his or her disciplinary file; and
- (e) The sanctions that may be imposed at the hearing if the allegations of misconduct are found to be true.

(2) The chair of ~~the~~ each committee shall adhere to the following procedures at all disciplinary hearings:

- (a) The student shall be provided with a reasonable opportunity (at least seven days) to gather evidence, contact witnesses, and prepare a defense for the hearing.
- (b) The student may be accompanied by an advisor of the student's choice.
- (c) The student is entitled to hear all testimony and examine all evidence that is presented at the hearing. In response, the student may present evidence and witnesses on his or her own behalf and may ask questions of any other witnesses.

- (d) No student shall be compelled to give self-incriminating evidence.
- (3) Evidence shall be admissible at the hearing if it is the type of evidence that reasonably prudent members of the University community would rely upon in the conduct of their affairs.
- (4) The initiating officer (the appropriate dean, ~~the Vice President for Student Affairs, or his or her delegate~~ or at UW Bothell and UW Tacoma, director of the program in which the student is enrolled, the Vice Provost for Student Life, the Chancellors of the University of Washington Bothell and Tacoma campuses or their delegates) must prove by a preponderance of the evidence presented at the hearing that the student has engaged in the alleged misconduct. The committee shall base its factual determination solely on the evidence presented at the hearing.
- (a) Decisions of the University Disciplinary Committees will be made based on a simple majority vote of each committee.
- (b) If ~~a~~ the University Disciplinary Committees cannot reach a decision by simple majority vote, an order shall be entered referring the matter to the Faculty Appeal Board. Where exceptional circumstances exist, the student shall be notified of the right to request a formal hearing. Otherwise, the Faculty Appeal Board shall conduct an administrative review as provided under WAC 478-120-100 (1) and (2).
- (5) If at any time after a matter has been referred to ~~the~~ a University Disciplinary Committee the appropriate chair determines that the matter should properly be before the Faculty Appeal Board, the chair may refer the matter to the Faculty Appeal Board and shall provide the student with written notice of the referral and of the opportunity to request a formal hearing if exceptional circumstances exist. (See WAC 478-120-100 (3)(b)(i).)
- (6) If the committee determines that the student has violated the University's rules, regulations, procedures, policies, standards of conduct, or orders, it shall then determine the appropriate sanction to be imposed. When determining the appropriate sanction, the committee shall review the evidence presented at the hearing and the student's past record of conduct at the University.
- (7) The chair of the appropriate University Disciplinary Committee shall provide the student with a written statement of the committee's decision within ten business days of the conclusion of the hearing. This written statement shall include the committee's factual findings, the conclusions that have been drawn from those findings, the reasons for those conclusions, and the sanctions, if any, to be imposed. If sanctions are imposed, the student must also be informed of the appropriate procedures for appealing the committee's decision to the Faculty Appeal Board. In a case involving an alleged sexual offense, both the accuser and the accused shall be informed of the outcome of the hearing. In a case where the student is a minor, the written statement of the committee's decision may be reported to the student's parents or legal guardian at the discretion of the chair of the appropriate University Disciplinary Committee.
- (8) This written statement of the committee's decision shall be the committee's initial order. If the student chooses not to appeal, the initial order of the appropriate University Disciplinary Committee becomes the final order at the end of the appeal period set forth in WAC 478-120-075(1), except that orders of dismissal shall be referred to the President.
- (9) The student may choose to present evidence to the chair of the appropriate University Disciplinary Committee rather than at a hearing before the full committee. The student's waiver of the right to a hearing before ~~the~~ a University Disciplinary Committee must be submitted in writing to the chair of the appropriate committee. The chair will submit the student's evidence and arguments to the full committee and the committee will make its decision based on the chair's report.

(10) All proceedings of the committees will be conducted with reasonable dispatch and be terminated as soon as possible, consistent with fairness to all parties involved. The chair shall have the discretion to continue the hearing.

(11) An adequate summary of the proceedings will be kept. Such a summary shall include all documents that were considered by the appropriate committee and may include a tape recording of the testimony and any other documents related to the hearing.

(12) A report of ~~the~~ a University Disciplinary Committee shall, upon written request and release by the student or students involved, and subject to the requirements of the Family Educational Rights and Privacy Act, be made available to members of the University community through the ~~Vice President for Student Affairs~~ Vice Provost for Student Life, or the Office of the Chancellor at the University of Washington Bothell or Tacoma campuses, whichever is appropriate, or their delegates.

### **WAC 478-120-100 Faculty Appeal Board**

There shall be a single Faculty Appeal Board which will serve all University of Washington campuses. The Faculty Appeal Board shall be composed of seven members of the faculty to be appointed by the chair of the Faculty Senate after consultation with the Faculty Council on Student Affairs, to include one faculty member from each of the University of Washington Bothell and Tacoma campuses. The chair of the Faculty Senate shall appoint one of the members to be the chair of the Faculty Appeal Board. The Faculty Appeal Board shall conduct either administrative reviews or formal hearings and the procedures to be used shall depend on the nature of the appeal before the board. Cases may be heard by the entire board or by panels of no fewer than three board members.

(1) The Faculty Appeal Board may conduct an administrative review when exceptional circumstances do not exist or the student has not requested a formal hearing in writing.

(2) The procedures for conducting such administrative review are set forth in WAC 478-120-105. The chair shall maintain a record of all administrative reviews conducted by the Faculty Appeal Board. At a minimum, such a record shall include all documents that were considered by the board and may include a tape recording of all testimony and all other documents related to the review.

(3) The Faculty Appeal Board shall conduct a formal hearing when:

(a) The student requests a formal hearing before the Faculty Appeal Board in writing setting forth the exceptional circumstances that exist (see below); and

(b) The chair reviews the student's written request and determines that exceptional circumstances do exist. If the Faculty Appeal Board does not conduct a formal hearing, it shall conduct an administrative review of the prior decision.

(i) Exceptional circumstances exist when:

(A) The sanction of dismissal has been recommended; or

(B) The student has been charged with hazing; or

(C) The sanction of restitution (in excess of three hundred dollars) has been recommended; or

(D) Suspension has been recommended.

- (ii) If the Faculty Appeal Board decides not to grant a student's written request for a formal hearing, the chair shall provide the student with a written copy of the board's decision and a brief statement of the reasons for denying the petition within ninety days as specified in WAC 478-120-115(2).
- (4) If a matter is referred directly to the Faculty Appeal Board and there is no initial order, then the Faculty Appeal Board shall determine whether exceptional circumstances exist or could exist. If exceptional circumstances exist or could exist, then the board shall notify the student in writing that he or she has twenty-one days from the date of the notice or twenty-five days from the date of mailing the notice to request a formal hearing. If the student fails to make such a request, any right to a formal hearing is waived.
- (5) Formal hearings conducted by the Faculty Appeal Board shall be according to the procedural guidelines set forth in WAC 478-120-115 and Chapter 34.05 RCW.
- (a) At the conclusion of the formal hearing, the Faculty Appeal Board shall enter an initial order based on the findings of that hearing. That initial order shall include a written statement of the board's decision and the basis for that decision, including procedures for appealing the decision to the President or President's delegate. The initial order shall be provided to the student within ninety days of the conclusion of the hearing. In a case involving an alleged sexual offense, both the accuser and the accused shall be informed of the board's decision. In a case where the student is a minor, the board's decision may be reported to the student's parents or legal guardian at the discretion of the initiating officer.
- (b) An initial order from a formal hearing may be appealed to the President of the University or the President's delegate for a final administrative review.
- (c) If the student chooses not to appeal, the initial order of the Faculty Appeal Board shall become the final order, except that orders of dismissal entered by the Faculty Appeal Board shall be reviewed by the President or the President's delegate.
- (6) The record in cases in which the Faculty Appeal Board conducts a formal hearing shall be as specified in WAC 478-120-115(15).
- (7) Board members may be disqualified from a particular formal hearing for bias, prejudice, conflict of interest, or any other reason which may prevent them from serving as impartial judges of the matter before the board.
- (a) A committee member may excuse himself or herself for any of the causes set forth in this section by submitting a written statement to the board chair stating facts and reasons for the disqualification.
- (b) A student before the Faculty Appeal Board may challenge the impartiality of a board member by written petition. The chair shall determine whether to grant the petition and excuse the board member, stating the facts and reasons for the determination in writing.
- (c) Faculty who have been delegated the authority to initiate disciplinary proceedings are disqualified from serving as members of the Faculty Appeal Board.
- (8) At the discretion of the chair, board members may be excused from a particular hearing on the basis of compelling personal need after submitting a written request to the chair explaining the basis of the request.

**WAC 478-120-105 Administrative Review by the Faculty Appeal Board**

(1) The Faculty Appeal Board may conduct administrative review when exceptional circumstances do not exist or the student has not requested a formal hearing. When the Faculty Appeal Board determines that administrative review is appropriate, the chair shall notify all parties of that decision. The notice to the parties shall include a statement of:

- (a) The allegations of misconduct against the student;
- (b) The sanctions that were recommended by the initiating officer or the University Disciplinary Committee, if any;
- (c) A date by which any voluntarily submitted written briefs or statements must be submitted.

(2) When the Faculty Appeal Board conducts an administrative review, the board may base its review on:

- (a) All documents and any recordings considered by the initiating officer or the University Disciplinary Committee; or
- (b) Oral and/or written argument of both parties; or
- (c) Additional evidence.

(3) At the conclusion of its review, the Faculty Appeal Board shall enter an order. An initial order may be appealed and a final order may not be appealed, except that final orders of dismissal shall be reviewed by the President or the President's delegate. The student shall be provided with a written order which shall include a written statement of the board's decision within ten days of the conclusion of the review and information on rights of appeal, if any. In a case involving an alleged sexual offense, both the accuser and the accused shall be informed of the outcome of the review. In a case where the student is a minor, the board's decision may be reported to the student's parents or legal guardian at the discretion of the chair of the Faculty Appeal Board.

**WAC 478-120-115 Formal Hearings Before the Faculty Appeal Board**

(1) The Faculty Appeal Board shall conduct a formal hearing when exceptional circumstances exist and the student has requested in writing a formal hearing.

(2) Within thirty days after receipt of a written petition for a formal hearing before the Faculty Appeal Board, the board shall notify the requesting party of any obvious errors or omissions in the party's petition, request any additional information the board wishes to obtain and is permitted by law to require, and notify the requesting party of the name, mailing address, and telephone number of an office or person who may be contacted regarding the formal hearing.

(3) Within ninety days after receipt of a written petition for formal hearing or within ninety days after the party's response to a timely request from the board as provided in subsection (1) of this section, the board shall either deny the formal hearing or commence the formal hearing.

(4) Once the board decides to conduct a formal hearing, the chair of the Faculty Appeal Board shall schedule the time and place of the hearing and give not less than seven days advance written notice of the hearing to all parties. That notice shall include:

- (a) The names and addresses of all parties to whom notice is being given, and if known, the names and addresses of their representatives;

(b) The name, business address, and telephone number of the person designated to represent the University at the hearing;

(c) The official file number and name of the proceeding;

(d) The name, mailing address, and telephone number of the chair of the Faculty Appeal Board;

(e) A statement of the time, place, and nature of the hearing;

(f) A statement of the legal authority and jurisdiction under which the hearing is to be held;

(g) A reference to the particular sections of University rules that are involved;

(h) A short and plain statement of the charges against the student; and

(i) A statement that a student who fails to attend the hearing or otherwise respond to this notice may lose his or her right to a formal hearing.

(5) If a student fails to attend or participate in a formal hearing, the Faculty Appeal Board may serve upon all parties a default or other dispositive order which shall include a statement of the grounds for the order. Within seven days after service of a default order, the student may file a written motion requesting that the order be vacated, and stating the grounds relied upon.

(6) The student may be represented by counsel and/or by an advisor of the student's choice. No student shall be compelled to give self-incriminating evidence.

(7) The chair shall determine whether discovery is to be available, and, if so, which forms of discovery may be used. The chair may condition the use of discovery procedures on a showing of necessity and unavailability by other means. In exercising such discretion, the chair shall consider:

(a) Whether all parties are represented by counsel;

(b) Whether undue expense or delay in bringing the case to a hearing will result;

(c) Whether the use of discovery will promote the orderly and prompt conduct of the proceeding; and

(d) Whether the interests of justice will be promoted.

The chair may decide whether to permit the taking of depositions, the requesting of admissions, or any other procedures authorized by Rules 26 through 37 of the Superior Court Rules.

(8) At appropriate stages of the hearing, the chair may give all parties an opportunity to submit and respond to briefs, proposed findings of fact and conclusions of law, and proposed initial or final orders. To the extent necessary for a full disclosure of all relevant facts and issues, the chair shall afford both parties the opportunity to respond, present evidence and argument, conduct cross-examination, and submit rebuttal evidence. A party filing a pleading, brief, or other paper with the chair shall serve copies on all other parties.

(9) Evidence, including hearsay evidence, is admissible if it is the kind of evidence on which reasonably prudent persons are accustomed to rely in the conduct of their affairs. Evidence is not admissible if it is excludable on constitutional or statutory grounds or on the basis of evidentiary privilege recognized in the

courts of this state. The chair shall decide rulings on the admissibility of evidence, and the Washington Rules of Evidence shall serve as guidelines for those rulings.

(10) All testimony of parties and witnesses shall be made under oath or affirmation.

(11) The Faculty Appeal Board may appoint an examiner to conduct the actual hearing. The decision to use a hearing examiner requires the approval of a majority of the board members. The hearing examiner will then conduct the hearing and submit a detailed report to the Faculty Appeal Board according to the provisions of this section.

(a) If a hearing examiner conducts the hearing, an audio recording of the hearing must be kept, and the recording and any transcription thereof must be provided to the board.

(b) The Faculty Appeal Board may, at its option, request the hearing examiner to provide recommendations as to findings, conclusions, and decisions, but those recommendations shall not be binding on the board. The hearing examiner shall transmit to the board the full and complete record of the hearing and the board shall make its own findings, conclusions, and decisions based on the record.

(c) The hearing examiner will make initial rulings on the use of discovery, the admissibility of evidence, and the procedures for the hearing.

(d) The hearing examiner must be a member of the bar. Any member of the Faculty Appeal Board who is also a member of the bar, including the chair, may serve as the hearing examiner.

(12) The chair of the Faculty Appeal Board may issue subpoenas and enter protective orders.

(13) Members of the Faculty Appeal Board must avoid ex parte communications with any party involved in the hearing regarding any issue other than communications necessary to maintaining an orderly procedural flow to the hearing. Ex parte communications received by members of the board must be placed on the record, and the other party must be informed of the ex parte communication and given an opportunity to respond on the record.

(14) Findings, conclusions, and decisions by the Faculty Appeal Board shall be based exclusively on the evidence of record from the hearing and on matters officially noted in the record.

(15) The board shall enter an initial order which shall be served in writing on the student within ninety days after conclusion of the hearing or after submission of memos, briefs, or proposed findings, whichever is later, unless the period is waived or extended for good cause shown. The student shall be informed of procedures for appealing the decision. If the student does not appeal the board's initial order within the time set out in WAC 478-120-075(1), the initial order of the board shall become the final order, except all orders of dismissal shall be reviewed by the President or the President's delegate.

(16) The chair shall maintain an official record of the hearing. The record shall contain those items specified in RCW 34.05.476.

#### **WAC 478-120-125 Review by the President of the University**

(1) Any order of the Faculty Appeal Board that is based on the findings of a formal hearing may be appealed for a final review to the President or the President's delegate. The student must submit an appeal in writing within twenty-one days of service of the board's order, or twenty-five days of mailing the order, unless the order specifies a different time limit. Any appeal shall specify the portion of the board's order to which exception is taken and shall refer to the evidence of record which is relied upon to support

the petition. However, the President or the President's delegate shall review all orders of dismissal, regardless of whether the student appeals.

(2) The President or the President's delegate shall consider the entire record of the disciplinary proceeding or such portion as may be cited by the student. At the President's or the President's delegate's discretion, the parties may also supplement the record with additional evidence.

(3) The parties may present their arguments to the President or the President's delegate in writing, and the President or the President's delegate may, at his or her discretion, afford each party an opportunity for oral argument.

(4) After reviewing the record and considering the arguments of the two parties, the President or the President's delegate shall enter a final order disposing of the matter or remanding the case for further proceedings and provide the student with a copy of that order.

(5) In a case involving an alleged sexual offense, both the accuser and the accused shall be informed of the outcome of the review. In a case where the student is a minor, the decision of the President or the President's delegate may be reported to the student's parents or legal guardian at the discretion of the President or President's delegate.

(6) Notwithstanding any other provisions of this chapter, and before an initial order becomes final, the President or the President's delegate may review the order. Any such review shall be in accord with RCW 34.05.464 and 34.05.491.

#### **WAC 478-120-135 Reconsideration of Final Orders**

(1) Within ten days of the service of a final order from the President or the President's delegate, the student may file a request for reconsideration, stating in writing specific reasons for the request. The request shall be directed to the President or the President's delegate.

(2) A request for reconsideration is only intended to correct obvious mistakes in the judgment or order and should not be used to reargue the case. Filing a request for reconsideration is not a prerequisite for obtaining judicial review, and denial of the request is not subject to judicial review.

(3) The request for reconsideration shall be promptly considered. If, within twenty days from the date the request is filed, the President or President's delegate does not either (a) dispose of the request, or (b) serve the student with a written notice specifying the date by which it will act upon the request, the request is deemed to be denied.

#### **WAC 478-120-140 Emergency Authority of the President and Chancellors of the University**

If a student's conduct represents a threat to the health, safety, or welfare of the University or any member of the University community, the President or the President's delegate, or the Chancellors of the University of Washington Bothell and Tacoma campuses or their delegates, may suspend that student from participation in any or all University functions or privileges.

(1) In such an emergency situation, the President or Chancellors or ~~a delegate~~ their delegates shall issue a written order to be served upon the student describing the terms of the emergency suspension and the reasons for imposing the suspension. The order shall be effective immediately.

(2) The President or delegate, or Chancellors or their delegates shall then refer the matter to the Vice Provost for Student Life at the University of Washington Seattle campus or the appropriate campus official at the University of Washington Bothell or Tacoma campuses, whichever is appropriate, ~~Vice~~

~~President for Student Affairs or his or her delegate~~, who shall proceed as quickly as feasible to complete any proceedings that would be required if the matter did not involve an immediate danger.

### **WAC 478-120-145 Recording and Maintenance of Records**

(1) The ~~Vice President for Student Affairs~~ Vice Provost for Student Life at the University of Washington Seattle campus or the Chancellors of the University of Washington Bothell and Tacoma campuses, or their delegates shall keep records of all disciplinary actions reported to ~~his or her~~ their respective offices. Disciplinary records shall be kept separate from academic records, and transcripts of a student's academic record shall contain no notation of any disciplinary action.

(2) The dean of a college or school at UW Seattle, or on the University of Washington Bothell and Tacoma campuses, the director of the program in which the student is enrolled, initiating disciplinary action shall report in writing to the Office of the ~~Vice President Provost for Student Affairs Life, or the Office of the Chancellor for Bothell or Tacoma campuses, whichever is appropriate, or their delegates,~~ all cases in which disciplinary action is taken. The dean at UW Seattle shall also inform the Registrar of any action affecting a student's official standing in the University. The Office of the ~~Vice President Provost for Student Affairs Life, or the Office of the Chancellor for the Bothell or Tacoma campuses~~ shall notify the dean of the college or school or director of the program in which the student is enrolled of any disciplinary action it takes and also shall notify the Registrar or campus officer of Student Affairs of any action affecting a student's official standing in the University.

(3) Disciplinary records of students not exonerated shall be maintained by the ~~Vice Provost President for Student Affairs Life, or the Chancellor at the University of Washington Bothell or Tacoma campuses, whichever is appropriate, or their delegates,~~ and the Registrar for seven years after disciplinary action has been taken and/or after the administrative purpose has been served.

(4) Disciplinary records of exonerated students shall not be maintained.

(5) Notwithstanding any other provision of this section, the ~~Vice President Provost for Student Affairs Life, or the Chancellor at the University of Washington Bothell or Tacoma campuses, whichever is appropriate, or their delegates,~~ at ~~his or her~~ their discretion, upon written request by the student, may expunge the student's disciplinary record.

(6) Records and information regarding student disciplinary proceedings are subject to the provisions of the Family Educational Rights and Privacy Act and supporting regulations (20 U.S.C. 1232g), and to Chapter 478-140 WAC.

Adopted by the University of Washington Senate,  
May 27, 1969

Confirmed by the Board of Regents, June 27, 1969  
Amended by the University of Washington Senate,  
April 8, 1971

Confirmed by the Board of Regents,  
June 18, 1971

Washington Administrative Code,  
Filed November 30, 1972; Effective December 30, 1972

Amended by the University of Washington Senate,  
June 15, 1983

Confirmed by the Board of Regents,  
December 9, 1983

Amended by the University of Washington Senate,  
January 25, 1996

Confirmed by the Board of Regents,  
April 19, 1996

Washington Administrative Code Amended,  
Filed April 29, 1996; Effective May 30, 1996

### **North of 45<sup>th</sup> Work Group Final Recommendations**

The Work Group's recommendations address student conduct issues, land use and housing problems and safety concerns. The Work Group acknowledges that as the University, City of Seattle and residents move toward implementation, these recommendations will need to be assessed from a legal and policy standpoint. The cost of each recommendation will also need to be determined. Due to the complexity of the problems, the Work Group feels it would be quite useful to have a role in the ongoing efforts that will be needed to monitor and implement these recommendations. The stakeholder whose action will be required within each recommendation is **bolded** in the following list.

#### **1) Develop an Ongoing Committee and Create a Campus-Community Coalition**

The Work Group recommends that the **University** continue and/or create a committee to follow-up and monitor the implementation of these recommendations. In addition, the Work Group recommends that the **University** create a Campus-Community Coalition and fund a full time coordinator for the Coalition, to investigate and recommend appropriate environmental and knowledge-based strategies to address alcohol-related and other problems which affect students, the University and surrounding neighbors. This Coalition should be broad-based, and include all stakeholders: for example, University administration, faculty, staff and students (including those who are currently involved in substance abuse prevention and education efforts), residents of the neighborhood, University district merchants, landlords, law enforcement, and alcohol regulatory agencies.

#### **2) Strengthen Police Coordination and Enforcement**

The Work Group recommends that the **Seattle Police Department** and the **UW Police Department** continue to work together in the neighborhood north of 45<sup>th</sup> St. In addition:

- The **UW** should fund additional UWPD staffing.
- The **SPD and UWPD** should coordinate follow-through and notification of 911 noise violation calls so that citations can be issued in a timely manner.
- Both police departments should strictly enforce laws regarding noise, vandalism and substance abuse.
- The **City and the University** should consider establishing a joint law enforcement station in the area.

#### **3) Student Conduct Code**

There was a strong consensus in the Work Group that the **University** should hold its students accountable for certain behaviors occurring in designated off-campus locations. There was no clear consensus within the group on how to best accomplish that goal. The recommendation with the most support was a revision in the Student Conduct Code that would create a Restorative Justice program to hold students accountable. Some Work Group members preferred an extension of the existing Student Conduct Code off campus. The Work Group recommends that a small group, including residents of the neighborhood and other stakeholders as appropriate, be formed immediately to develop the details on how to most effectively hold students accountable for off-campus behavior.

#### **4) Amend and Enforce Land Use and Housing Codes**

The Work Group recommends that if the Washington Supreme Court determines that the Pasco residential rental housing licensing program is legal, the **City of Seattle** should institute a similar program, which would require landlords to obtain a rental housing license, conditioned upon presenting an inspection certificate showing compliance with land use, housing and building maintenance, and health and safety standards.

Further, the Work Group recommends that the **City of Seattle** amend its land use code for the University Park area to decrease the number of unrelated persons allowed to live in a nonconforming dwelling unit and to require that all dwelling units have communal living space of sufficient size.

The **City of Seattle** should strictly enforce all existing housing and land use codes. To aid in this enforcement, the **University** should temporarily fund a code compliance officer in the University's primary impact zone, who could also serve as a liaison to students.

#### **5) Purchase Property in the Area**

The Work Group recommends that the **University** purchase homes, including single family homes that have been converted into multi-family units, in the North of 45<sup>th</sup> neighborhood, as the opportunity arises. These homes could be made available for faculty, staff or students. Homes could also be resold, with a covenant or other restriction on use, to ensure that they do not become "rooming houses" and are maintained in good condition. This program could be used to encourage faculty and staff to live in the area.

#### **6) Establish a Housing Quality Assurance Program**

The Work Group recommends that the **University** establish a Housing Quality Assurance Program, to require that any landlord desiring to list rental property through the University (the Daily, Off Campus Housing Affairs or other entity) present a certificate of compliance, showing that the rental property has been inspected by the City and complies with all local land use and housing and building maintenance codes. The certificate would also state the legal intended use of the property, the property address and the number of sleeping rooms per unit. For example, a duplex would be listed and categorized in any advertising only under "duplexes".

#### **7) Enhance Educational Efforts**

The Work Group recommends that the **University** increase its efforts to educate students and their parents about students' rights, responsibilities, and the expectations of being a good citizen and neighbor within the larger community. For example, the **University** could create a website with information for students, including such items as "Being a Good Neighbor," "Rights and Responsibilities of an Off-Campus Student" and "Rights and Responsibilities as a Tenant." See, e.g., George Washington University, Off-Campus Student Affairs website: <http://gwired.gwu.edu/offcampus>.

#### **8) Develop and Support an Ongoing "Adopt an Area" Program**

The Work Group recommends that the **University** encourage and recognize students who participate in an "adopt an area" program in the North of 45<sup>th</sup> neighborhood. Efforts would include routine trash clean up, as well as special clean-up projects.

#### **9) Improve Safety and Student Welfare**

- The Work Group recommends that the **City, University, merchants, and area residents** should work together to revitalize The Ave.
- The Work Group recommends that the City should provide economic incentives to businesses to move into the U-District; and investigate strategies to increase residential housing along The Ave. and adjacent to it.
- The Work Group recommends that neighbors institute a neighborhood area watch to monitor illegal and undesirable activity on The Ave. and nearby streets.
- The Work Group recommends that the **City of Seattle** should increase lighting on the streets and parking lots in the neighborhood.
- The Work Group recommends that the **City of Seattle** Department of Transportation should institute a traffic study and install either stop signs or traffic circles at designated intersections in the neighborhood (e.g., 47<sup>th</sup> and 20<sup>th</sup>).

## 10) Encourage Communication Between Students and Residents

The **University and Neighborhood Associations** should encourage and support students, when they move into the neighborhood, to meet their neighbors and discuss mutual expectations of conduct, including what it means to be a good neighbor. See, e.g., <http://gwired.gwu.edu/offcampus/intro/BeingAGoodNeighbor/>

In addition, the Work Group developed the following ideas that would improve the quality of life in the North of 45<sup>th</sup> neighborhood:

- The **City of Seattle** should negotiate with trash haulers to move the date of pickup in the North of 45<sup>th</sup> area, preferable from Friday to Monday or at least earlier in the week.
- The **City of Seattle** Department of Transportation should institute a parking study and recommend that the number of Residential Parking Zone permits issued to each address be limited.
- The **University** should revitalize campus life so that students living off campus would want to be more involved.
- The **University** should investigate building additional on-campus housing that would be attractive to student, to increase the number of students living on campus.

**Faculty Council on Benefits and Retirement  
Resolutions on Automatic Enrollment in UW Retirement Plans**

**Resolution Concerning automatic enrollment system for retirement contributions of new faculty, librarians and professional staff.**

WHEREAS, automatic enrollment in retirement is not a new benefit. However, by failing to contribute to retirement in their first two years of employment, new faculty, librarians and professional staff lose the University's matching contributions, and thus forgo an immediate 100% return on their investment. The cumulative future value of these lost contributions at retirement can be substantial.<sup>1</sup> In our experience, many new faculty, librarians and professional staff fail to 'opt-in' to the retirement system not because of a conscious decision but rather because they are overwhelmed by all of the competing demands of starting a new job. Further, many new faculty, librarians and professional staff are unaware of the compounded monetary effect of failing to begin retirement contributions from the first day of employment. We predict that very few informed individuals would consciously opt-out of an opportunity to earn a 100% return on their investment; and

WHEREAS, the Federal Pension Protection Act signed into law in August 2006, endorses automatic enrollment into defined contribution plans (such as UWRP). As part of the congressional effort to encourage more individual retirement savings and less reliance on government benefits like Social Security, companies may automatically enroll employees in the employer 401(k) plan. Employers must make a matching contribution. Employees get a 90-day window to opt out by withdrawing contributions and earnings. They will owe income tax on the contributions and any earnings but will not be subject to the premature distribution penalty of 10%; and

WHEREAS, "Behavioral research has repeatedly demonstrated many workers' tendency to follow whatever retirement planning path provides the least resistance. Benefit plan architects and administrators effectively direct and pave that path when they design retirement plans, especially when establishing plan default provisions, the "rules" governing what happens when workers fail to make active decisions." Source: The Employee Benefits Research Institute Issue Brief #301, January 2007. WHEREAS, a system based on automatic enrollment (with an opt-out option) will require less effort and be more effective than a communication campaign aimed at new faculty, librarians and professional staff; therefore,

BE IT RESOLVED, that the Faculty Council on Benefits and Retirement urges the University administration to move as quickly as reasonable to an automatic enrollment ('opt-out') system for the retirement contributions of new faculty, librarians and professional staff who are subject to the University of Washington Retirement Plan (UWRP).

*Submitted by:  
Faculty Council on Benefits and Retirement  
May 7, 2007*

**Summary Rationale:** In summary, our view is that automatic enrollment is an ethical issue that should be addressed now. Some colleagues are unknowingly losing 5% to 7.5% of their salary annually (the University's promised match depending on their age) because they fail to opt-in from the beginning of their employment.

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<sup>1</sup> For example, a new colleague starting at age 30 (35) at a salary of \$50,000 would lose over \$140,000 (\$145,000) at age 65 (assuming their retirement assets earn an average of 8% per year). Source: calculation by Robert Bowen, FCBR chair, available on request.

**Resolution concerning an automatic enrollment system for increasing the retirement contributions of faculty, librarians and professional staff turning 50.**

WHEREAS, in our experience, some faculty, librarians and professional staff also inadvertently fail to immediately 'opt-in' to increase their contribution to 10% at age 50. While all of the arguments above apply, additional arguments include:

1. Given that the increase in contribution to 7.5% (from 5%) at age 35 is automatic and required, some may overlook or be confused by the need to actively opt-in to increase their contribution to 10% at age 50.
2. Failure to opt-in to an increased contribution of 10% at age 50 will affect negatively not only the employee's basic retirement benefits, but also the protection inherent in the "supplemental benefit" as outlined in section III of the UW Retirement Plan; therefore<sup>2</sup>

BE IT RESOLVED, that the Faculty Council on Benefits and Retirement urges the administration to move as quickly as reasonable to an automatic enrollment ('opt-out') system for increasing (to 10%) the retirement contributions of faculty, librarians and professional staff turning 50 who are subject to the University Retirement Plan (UWRP).

*Submitted by:  
Faculty Council on Benefits and Retirement  
May 7, 2007*

**Summary Rationale:**

In summary, the failure to immediately enroll at age 50 is highly likely to be an oversight rather than a conscious decision to maintain the old level of contribution (7.5%). We predict that very few informed faculty, librarians and professional staff would consciously opt-out of an opportunity to earn a 100% return on their investment and maximize the protection available in the UW Retirement Plan (because of the supplemental benefit).<sup>3</sup>

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<sup>2</sup> The supplemental benefit represents a guaranteed minimum retirement benefit – a floor in that protects plan members from the risk inherent in having retirement contributions invested in a portfolio of marketable securities. The formula in the UW Retirement Plan (UWRP) that determines whether an employee receives a supplemental benefit differs depending on the employee's contribution rate. The formula is based on the average of the highest two consecutive years of salary, multiplied by years of service, and a service factor. This service factor is 1.5% instead of 2% for any years of creditable service earned after July 1, 1974 in which your contribution rate *is less than the 10%*. Thus failure to contribute 10% can negatively affect one's income in retirement. (See UWRP Section III.)

<sup>3</sup> An individual turning 50 at a salary of \$60,000 would lose over \$98,000 at age 65 if they never switch to 10%. (This again assumes their retirement assets earn an average of 8% per year.) Source: calculation by Robert Bowen, FCBP chair, available on request.

**AGENDA**  
**FACULTY SENATE MEETING**  
**THURSDAY, May 24, 2007**  
**Gowen Hall, Room 301, 2:30 p.m.**

1. Call to Order and Approval of Agenda.
2. Farewell Remarks from the Chair – Professor Gail Stygall, Chair, Faculty Senate.
3. Discussion with Representative Fred Jarrett, 41<sup>st</sup> Legislative District.
4. Report of the Provost & Vice President for Academic Affairs / Opportunity for Questions - Phyllis M. Wise.
5. Report from the Senate Committee on Planning and Budgeting – Professor Ashley Emery, Committee Chair.
6. Summary of Executive Committee Actions and Upcoming Issues and Actions of May 7, 2007.
  - a. The minutes of the April 9, 2007 SEC meeting and the April 26, 2007 Faculty Senate meeting were approved.
  - b. The dates for the 2007-2008 meetings of the Senate Executive Committee and Faculty Senate were approved attached as **{Exhibit A}**.
  - c. Robert Crutchfield, Faculty Representative on the UW Foundation Board presented an update on the Board's work this year.
7. Announcements.
8. Requests for Information.
  - a. LCVI Update: Elizabeth Warrick, Director, Professional & Organizational Development.
  - b. Honorary Degree Nominations: Kathy Gill, Chair, Faculty Council on University Relations.

*Senators are encouraged to submit requests for information in writing to the Senate Chair prior to meetings. Responses will be provided by the appropriate persons.*
9. Nominations and Appointments. **{Exhibit B}**
10. Memorial Resolution.
11. Unfinished Business.
12. New Business.
  - a. **Class B Legislation. {Exhibit C}**  
Senate Executive Committee.  
**Title:** Proposed changes to the University of Washington's Student Conduct Code.  
**Action:** Conduct a review of a proposal to submit this legislation amending the *University Handbook* to the faculty in a Class B Bulletin.
  - b. **Class C Resolutions (2). {Exhibit D}**  
Senate Executive Committee  
**Title:** Automatic Enrollment in UW Retirement Plans.  
**Action:** Approve for distribution to the faculty.
  - c. **Class C Resolution. {Exhibit E}**  
Steve Demorest, Faculty Council on Benefits and Retirement.  
**Title:** Dependent Tuition Benefit Proposal.  
**Action:** Approve for distribution to the faculty.
13. Adjournment.

PREPARED BY: Gerry F. Philipsen, Secretary of the Faculty

APPROVED BY: Gail Stygall, Chair, Faculty Senate