Minutes – Video Recording
Faculty Senate Meeting
Thursday, April 20, 2017, 2:30 p.m.
Savery Hall, Room 260

1. Call to Order and Approval of Agenda (Video Time Stamp 2:21—2:33).

Chair Barsness called the meeting to order at 2:32 p.m. The agenda was approved.

2. Faculty Senate Chair’s Remarks – Professor Zoe Barsness (3:05—5:40). [Exhibit A]

Chair Barsness added some comments to her written report. The faculty seminars are winding down and there has been good attendance. The final two seminars will be on research funding/support and academic freedom. Barsness also reminded the senators that people are needed to serve on Faculty Councils and the SEC. Nominations can be sent to Senate Office.

   a. Report of the Secretary of the Faculty. [Exhibit B]
   b. Report of the Faculty Legislative Representative. [Exhibit C]

JoAnn Taricani, Faculty Legislative Representative, summarized her written remarks. In addition, she noted that there will be special legislative sessions, and there are budget arguments over sources of revenue as well as how money should be spent. We are fortunate that faculty, administration, and regent priorities are in alignment. Finally, President Cauce has been very effective in speaking with legislators.

In response to questions, Taricani said that she does not lobby for specific revenue-enhancing proposals (capital gains tax, property tax, etc.) without specific direction from the Faculty Senate. Having said that, it would be counterproductive for the faculty to get in the middle of that political debate.


President Cauce gave her remarks. Cauce said that while she is willing to lobby in favor of increased revenues as a general matter, she is not willing for advocate for specific revenue-raising proposals. It is the legislators’ job to deal with specific proposals. That said, the University does have a preference for a consistently-paced tuition increase as opposed to a freeze with backfill. A freeze is not sustainable, and it complicates things for families trying to plan for future expenditures.

Cauce described her time in Washington DC. She said that Washington state has legislators on both sides of the aisle with a good understanding of the impact of proposed budget cuts (National Institute of Health, Arts, Environmental Protection Agency) on higher education. There are efforts to explain research funding, especially the role of indirects, to the new administration. With respect to faculty compensation at the UW, the administration is committed to 2% as a minimum, but the final figure won’t be known until the legislature finishes action. Cauce noted that faculty members are free to take part in the “March for Science,” even wear UW clothing, so long as they do not hold themselves out as representing the University as a whole.

Work will continue on job security and empowerment for lecturers. The problem is more difficult at UW Bothell and UW Tacoma because those campuses are still growing, and they make wider use of lecturers. Cauce noted that great progress is being made to convert lecturers to positions that are promotion eligible. In particular, from 2012 to 2016 the percentage of promotion-eligible lecturers across the University increased from 19% to 82%. With respect to voting rights for part-time lecturers, the FCFA will seek input from the Elected Faculty Councils. Cauce said that the wide range of approaches to lecturers in individual units poses challenges for a one-size-fits-all approach, so there may have to be some allowance for flexibility at the unit level. In any case, faculty should be involved in discussions about lecturers and about budgetary issues as they relate to hiring in general.

A provost search will soon be underway. Zoe Barsness and Sandy Archibald, Dean of the Evans School of Public Policy and Governance, have been asked to co-chair the search committee. The search will be
national in scope and open in character with somewhere around 2-5 finalists brought to campus for open talks.

5. Requests for Information (41:35—41:50).
   a. Approval of the February 3, 2017, SEC minutes.
   b. Approval of the March 2, 2017, Faculty Senate minutes.
   c. Special Olympics USA, 2018 update. [Exhibit D]
   d. Advisory Committee on Intellectual Property, Policy and Practice (ACIP3) update. [Exhibit E]

There were no requests for information.

6. Memorial Resolution (41:52—42:59)
Thaisa Way, Vice Chair, presented the memorial resolution which was approved by a standing vote.

BE IT RESOLVED that the minutes of this meeting record the sorrow of the entire faculty upon its loss by death of these friends and colleagues:

Professor Emeritus Mae Maxine Benne of the Information School who died on March 2, 2017, after having served the university since 1965.

Professor Emeritus Hans Dehmelt of Physics who died on March 7, 2017, after having served the university since 1955.

Professor Emeritus Anita Elizabeth Hendrickson of Biological Structure who died on March 7, 2017, after having served the university since 1964.

7. Consent Agenda (43:00—43:08).
   a. Approve nominee for Faculty Councils and Committees. [Exhibit F]
   b. Confirm JoAnn Taricani, Professor, Music History, as 2017-18, Faculty Legislative Representative.

The consent agenda was approved.


There were no announcements.

   a. Class B Legislation – Open Access Policy. [Exhibit G]
      Faculty Council on Research and University Libraries
      Discussion: Continued review of proposal.

Barsness framed the discussion by reminding senators of key aspects of an “opt-out” system. Faculty members are protected vis-a-vis the publisher of a work because the faculty member has already granted a license to the University. Thus, whatever the faculty member later grants to the publisher will be subject to that encumbrance unless the faculty member chooses to opt out with respect to that work. The license would be granted by future employees as part of their employment contract. There is an issue about how to handle existing employees who already have an employment contract. The current proposal envisions that this can be done either through Class B legislation, viewing the Senate as contract agents of the faculty as a whole, or by Executive Order, viewing the President as changing the terms of employment on behalf of the State. The AG’s office and ACIPPP are being asked to provide input on the legal status of these approaches. Because of lingering concerns about fairness with respect to faculty members who might not want to take part, there is a third suggestion to have the license granted on an individual level after faculty-wide training on the issues involved. In any case, once the license is granted, faculty members will be prodded in an email for an opt-out on an article-by-article basis. If the faculty member is not opting out, they will be further prodded to provide a copy of the article for inclusion in the repository. Barsness sought comments and questions on these points as well as on language or facets of the draft policy that would benefit from clarification. The time will be taken to get this right, and that may mean postponing final action until the fall.
Senators expressed concerns about a wide range of things.

- Possible legal liability of faculty vis-a-vis publishers.
- The extent to which the open-access repository would be accessible to people with disabilities.
- The financial effect on publishers and professional societies.
- The effect on faculty ability to get published even with the opt-out feature.
- Adding in another administrative task for people who are already part of open-access systems such as those in the health sciences.
- The exact mechanism for putting articles in the repository.
- The scope of the scholarship to be covered.
- The effect on relationships with co-authors given that any co-author may grant a non-exclusive license.
- The desirability of using Class B legislation or an Executive Order to impose rules on faculty who do not want to be part of the system at all.

Suggestions were made to clarify the language describing the operation of the opt-out provisions of the policy, to clarify the exact mechanism for opting out and submitting work in the repository, and to adjust the opt-out feature so that it can be longer term rather than article-by-article.

   Global Innovation Exchange (GIX) update: Vikram Jandhyala, Vice President for Innovation Strategy and Co-Executive Director, GIX and Mary Lidstrom, Vice Provost for Research.

Vikram Jandhyala and Mary Lidstrom gave an overview and progress update of the GIX program. Lidstrom said that GIX is a global partnership among universities and private corporations. Right now, the partnership includes the University of Washington, Tsinghua University, and Microsoft. It is expected that the partnership will grow. The goal is to develop future leaders in innovation by giving students training in team-based innovation and entrepreneurial thinking leading to a master’s degree offered through the Continuum College. Students will also be able to get a second degree through Tsinghua. The program will focus on global challenges relating to health, sustainability, and social innovation. Lidstrom emphasized that all academic aspects of the program are run according to the normal university procedures. Jandhyala gave more information on the experiential learning aspect of the curriculum. The program will start with 40 students and then scale up to 140. The hope is to get 1/3 of the students from UW, 1/3 from Tsinghua, and 1/3 from other places.

During discussion, it was explained that students and faculty will retain IP rights for their own creations. It is not possible to report the diversity of the first 40 students now because admission offers have only recently been sent out. Having said that, preliminary responses suggest that the diversity will be at least as great as that currently seen in engineering as a whole. The UW degree program will be taught in English, the Tsinghua degree program will be taught in Mandarin. There is no requirement that UW students learn Mandarin for the UW degree.

   a. Class B Legislation – Student Conduct Policy (1:14:05—1:20:00) [Exhibit H]
      Faculty Council on Student Affairs
      Action: Approve for distribution to the faculty.

   On behalf of the SEC, Thaisa Way, Vice-Chair of the Faculty Senate, moved that the legislation be submitted to the faculty. Chris Laws, Chair of the Faculty Council on Student Affairs, spoke to the motion. Laws noted that this is the policy companion to the WAC changes passed earlier. Those changes are now working their way through the formal rule-making process. Since the last Senate meeting, a small number of modifications have been made in the policy and these changes reflect feedback received since that meeting.

   There was no discussion and the motion passed.

   b. Class A Legislation – Clarification of roles for faculty members with instructional titles – First Consideration (1:20:00—1:45:45). [Exhibit I]
Faculty Council on Faculty Affairs.

Action: Conduct first review of legislation to submit to the faculty for approval or rejection.

On behalf of the SEC, Way moved that the legislation be submitted to the faculty. Gordon Watts, Chair of the Faculty Council on Faculty Affairs, spoke to the motion. Several years ago, the University made a commitment to improve the place of contingent faculty. Several task forces have examined the issue and some changes have been implemented by administrative action, such as the Provost guidelines on lecturer hiring. But some require changes in the Faculty Code. Section 24-32.A requires all faculty to engage in scholarship and research. That Section already has a general discussion of scholarship and research that includes the word “publication.” This legislation does not change that requirement, but excepts publication for lecturers and artists-in-residence. That is, publication cannot be required for hiring, promotion, or merit in the cases of lecturers and artists-in-residence. Having said that, publication could be considered.

Several senators asked why the legislation does not include either a specific definition of publication or positive exemplars that would satisfy the scholarship and research requirement. For example, what about a requirement that lecturers present at national conferences or “publish” course materials? Watts said that it would be difficult to be specific given the wide range of contexts in which lecturers and artists-in-residence work. In that sense, details would be left to the individual units who should produce specific guidelines. Watts reiterated that Faculty Code Section 24-32.A already has a general discussion of scholarship and research, including exemplars such as “publication.” That Section provides some context for the word’s generally-understood meaning in the University context. Concerns were expressed about the effect on those units who look to lecturers to do traditional research. It was suggested that the FCFA also consider whether or not the same no-publication-required restriction should apply to teaching associates, who are used extensively in some departments. Watts said the FCFA will be considering other faculty titles as well. One senator noted that excepting publication might embolden units to increase the teaching requirement, thus resulting in an overall increase in workload.

The motion passed.

Resolution Regarding the Importance of Immigration to American Higher Education

Action: Approve for faculty distribution.

On behalf of the SEC, Way moved that the resolution be approved for distribution to the faculty. Max Lieblich (Mathematics) spoke to the motion. He highlighted the importance of immigration to the United States as a whole and to universities in particular.

The motion passed.

Resolution Regarding Support for the University of Washington Faculty Letter of Shared Values

Action: Approve for faculty distribution.

On behalf of the SEC, Way moved that the resolution be approved for distribution to the faculty. Lieblich spoke to the motion. He noted that the attached letter enunciates core principles underlying universities as a whole and public universities in particular.

During discussion, Lieblich noted that the word “diversity” is being used here in its generic sense, not in a technical/legal sense.

The motion passed.


Lieblich, Watts, and Theo Myhre (Law) put forth a Class C resolution [Exhibit L] on the impact of immigration restrictions on the ability to pursue scholarly endeavors. Watts explained that the resolution is being introduced from the floor because of wordsmithing issues that arose during discussion in the SEC. Watts explained some of the specific consequences that recent immigration policy is having on academic endeavors.
A motion was made and seconded to distribute the resolution to the faculty. There was no further discussion.

The motion passed.


There was no good of the order.


The meeting adjourned at 4:55 p.m.

Prepared by: Mike Townsend
Secretary of the Faculty

Approved by: Zoe Barsness, Chair
Faculty Senate

NOTE: If a continuation meeting is necessary to conduct unfinished or special business, it will be held on Thursday, April 27 at 2:30 p.m. in Savery 260.
Report of the Faculty Senate Chair
Zoe Barsness, Associate Professor, Milgard School of Business, UW Tacoma

Please take the time to review the agenda and supporting materials.

Continuing projects
We begin the final stage of our work revising the Student Conduct Code. At its March 3 meeting, the Faculty Senate passed Class B legislation revising the UW Policy Directory: WAC 478-120. The approved Class B changes to the WAC portion of the Student Conduct Code have now been published to the faculty and the rule-making process begun. I thank you again for your diligence in reviewing this lengthy, detailed and important legislation. The feedback you provided was extremely helpful in our collective efforts to assure our Student Conduct Policy better serves students.

At this meeting we will be acting on Class B legislation regarding the two companion policies to the Student Conduct Code WAC attached to the agenda as Exhibit H. Chapter 209 addresses student conduct policy and procedures for Academic Misconduct and Behavioral Misconduct and Chapter 210 addresses student conduct policy and procedures for Discriminatory and Sexual Harassment, Intimate Partner Violence, Sexual Misconduct, Stalking, and Retaliation. These policies reflect feedback that has been received to date by the Faculty Council on Student Affairs (FCSA), Senate Executive Committee (SEC), Faculty Senate and Compliance Services team. Please review these policies closely in preparation for your vote. **Also, please note that the sections of text highlighted in gray in each of these policies correspond to language in the newly approved Student Conduct Code WAC and may NOT be considered for any further revision or amendment at this time.** These sections of Student Conduct Code WAC text are included in the companion policies to assure clarity, facilitate understanding and implementation of the policies. As planned, the two companion policies presented here for Senate consideration were brought forward for action and approved by the SEC at their special meeting on April 10, 2017.

We will also be continuing our discussion of the proposed Class B legislation establishing an Open Access Policy for the University of Washington (Exhibit G) to provide Senators the opportunity to share with the policy sponsors feedback they have gathered in their schools, colleges and campuses. The policy will then be adjusted as needed depending on the feedback provided and brought back to the senate for action at a future meeting.

Faculty Seminar Series
The remaining three seminars in the faculty seminar series are below. We are pleased to alert you to have added to the series a panel discussion on academic freedom.

- Inclusive community building; Ben Marwick & Beth Kalikoff, April 14, 3:30 – 5:00, Dean’s Forum, room 309, Parrington Hall.
- Government support of basic research; Mary Lidstrom, April 21, 3:30 – 5:00, Dean’s Forum, room 309, Parrington Hall.
- Academic freedom faculty discussion panel, Theodore Myhre, College of Arts & Sciences, Honors Program, Law School, and AAUP in partnership with the UW Faculty Senate, Tuesday April 25, 3:00 – 5:30, **Alder Auditorium**.

New Business
Invited guests Vikram Jandhyala, Vice President for Innovation Strategy and Co-Executive Director, Global Innovation Exchange (GIX) and Mary Lidstrom, Vice Provost for Research will be updating the senate on GIX activities. GIX information is on the university’s website at [https://gix.uw.edu/](https://gix.uw.edu/).

Class A Legislation (Exhibit I) sponsored by the Faculty Council on Faculty Affairs that addresses clarifying roles for faculty members with instructional titles will be its first consideration.

Finally, two class C resolutions will be presented, one regarding the importance of immigration to American higher education (Exhibit J), and the other regarding support for the University of Washington faculty letter of shared values (Exhibit K). Each of these resolutions and the Class A Legislation deserves your careful review.
Report of the Secretary of the Faculty
Mike Townsend, Associate Professor, School of Law

1. **Committee on Committees:** The newly formed Committee on Committees is seeking candidates for membership on various Faculty Councils and Committees. The committee is also calling for nominations for the 2017-18 Senate Executive Committee. Contact Jordan Smith (jsmith4@uw.edu) for further information.

2. **Annual University Faculty Lecture Award:** The President approved the nominating committee’s recommendation of Professor Michael Gelb.
Report of the Faculty Legislative Representative
JoAnn Taricani, Associate Professor, Music History

This is the time of the session when it is very helpful to contact your own legislators about budget issues; the Legislature has just concluded its process on policy bills, and now legislators are entering the negotiation phase of the final budget. The regular session ends on April 23, and one or more special sessions (30 days each, starting when the Governor directs it to begin) will start after that date. You can find your district and your local legislators at this site: http://app.leg.wa.gov/DistrictFinder/. If you enter your address, you will be provided with links to your legislators, who pay the most attention to their own constituents. Or direct email links to all legislators are provided at this site: http://app.leg.wa.gov/memberemail/

If you have specific questions about any issues noted below, or other questions, please contact me at olympia@uw.edu. As of mid-April, the House and Senate proposed budgets have been introduced, and we have just passed the final cutoff (deadline) for legislation to pass out of both chambers (if approved by the House, a bill then needs to be passed by the Senate, for example). This is a very quick summary of the budgets and policy items.

Policy items: The faculty regent bill did not get out of the Senate policy committee; it was very difficult to get a hearing on it, but eventually we did get the bill heard. This bill has always met resistance on the Senate side, even when there was a Democratic majority in the Senate. As I have said from the outset, the uphill part of this legislation would be on the Senate side. With the Republican majority, there were a few new obstacles to get a hearing for this bill. The bill to remove “branch campus” as the designation in state statute for Tacoma and Bothell has passed the full Legislature, and headed to the Governor’s Office for his signature. Several other higher education bills related to financial aid and open educational resources passed as well. Please see http://tinyurl.com/uwoolympia -- “Status of bills” for ongoing updates. At this point, except for budget issues, all policy items have been decided, and there will be no more changes of status, except for the action of the Governor for bills that are still alive.

Budget proposals: The House budget has better compensation news for faculty, with a total of 6% salary increases across the biennium (the same as the Governor’s budget). The Senate proposed budget has $500/year salary increases (see below for my report on the Senate budget), but even members of the Senate Ways & Means Committee acknowledged that the salary component would need to be adjusted – this appears to be a placeholder number rather than a serious salary proposal in the Senate proposal. Finding the funds for salary increases will be one of the challenges in the ongoing budget negotiations. (For 2015-17, the Legislature provided a total of 4.8% in raises.) The House also proposes to freeze tuition and provide appropriate backfill for the projected loss of tuition; the Senate is likely to propose a 2.1-2.2% tuition increase, which saves it from having to spend funds on a backfill. (Tuition will be decided in a separate action from the actual budget proposal, which is the reason the percentage is not yet known.) The House budget adds $6 million for computer science and engineering student slots, and adds funding for the State Need Grant to increase the number of eligible students who will receive the tuition grants.

New revenue: The big difference in the budgets is the amount to be spent (the House budget is around $1.6 billion more than the Senate budget), and how to raise revenue – each budget proposes a different approach to raising revenue: the House via capital gains and B&O taxes, and the Senate via a statewide property tax. Each budget proposal has a significant component of funding for K-12 education, but the Supreme Court will eventually decide if the final budget has met the requirements of the McCleary decision for K-12 funding. Here is a good overview of the House budget (links to Senate articles are below): “House budget would pay for schools with taxes on capital gains and business” (News Tribune: http://www.thenewstribune.com/news/politics-government/article141046773.html) -- also, “On freezing tuition, Democrats and Republicans swap positions in Olympia” (News Tribune: http://www.thenewstribune.com/news/politics-government/article141368983.html)

Here is my summary of the Senate budget, sent to Faculty Senators on March 22 via email. I post it here to place it on the Faculty Senate record:
(March 22, 2017) As expected, the state Senate budget was released on Tuesday and as expected, contains elements that are not as favorable as the Governor's proposed budget (released in December). The House budget is expected as early as Monday of next week, then a long negotiation process will begin, probably continuing into special sessions after the regular sessions ends on April 23.

The Senate proposed budget contains many tradeoffs in order to find K-12 funding without creating new taxes (although a statewide property tax is proposed as a solution to the loss of local levies; see below). UW institutional funding is largely protected, and is increased for new enrollments, but proposed raises for all employees are very limited. Although all unions had negotiated their contracts with the Governor and the Office of Financial Management last Autumn (as required by law), the state Senate proposed budget has refused to recognize those contracts. This is the same situation as in the Senate 2015 proposed budget for 2015-17, but in the final budget, the contracts were honored.

Compensation for all employees is dismal, with all state employees (including most union members, with exceptions a few categories like state troopers) provided with a $500/year salary increase in each year of the biennium. But please remember that the state Senate offered the same approach for the 2015-17 budget, with $1000/year increases for salaries. However, in 2015-17 we ended up with 4.8% increases from the state, which were internally increased at the UW (as permitted in the budget bill language). I am sure there will be better salary increases in the final 2017-19 budget. (Better than $500/year, that is.) Compensation has been the top priority of faculty, administration, and Regents in discussions in Olympia.

One increase to the UW operational budget is in increased enrollment. The Senate proposes to fund more resident undergraduate seats: 500 more resident undergraduate seats, 70% of these would need to be STEM seats. There is no indication of what the base would be for calculations of increased numbers of students. Also, the amount per student may need some adjustment if this is carried into the final budget.

There is an ongoing tuition backfill adjustment that is beneficial; the Senate provides $3.6 million for 2017-19, which is higher than the $2.7 million provided in the Governor's budget proposal. The Senate also proposes to increase the tuition backfill appropriation for the current year by $485,000 as a final change to the 2016 supplemental budget. This corrects a technical error I had mentioned in the final budget report last year regarding the supplemental budget.

This proposed budget appears to plan for a resident undergraduate tuition increase of 2.1-2.2%, as allowed in statute. The tuition legislation will be passed later.

The State Need Grant is maintained at its current level, which leaves many students unserved across the state. But to keep it funded at its current level, some other programs like the Opportunity Scholarship program and TANF (Temporary Aid to Needy Families) is shifted to the State Need Grant, generating objections to those cuts.

There is a cut to the use of tuition waivers that could affect various types of students, such as low-income resident students who are eligible for the State Need Grant (but do not receive it), and possibly also could affect non-resident graduate and professional student differential waivers. I will be watching this closely, and making the case for the importance of these waivers to the UW.

This budget also proposed a statewide property tax that would hit Seattle with a higher increase than other parts of the state; this is to make up for the loss of local levies for K-12 education. Many other towns and cities in the state currently have higher local levies that support K-12 education, so their property taxes actually would go down as a result, while Seattle's would increase under this proposal.

Our UW Office of Planning and Budgeting will be posting a summary of this proposed budget in the next day or two at http://opb.washington.edu/content/opb-briefs
Here are two articles that summarize the budget and reactions:

"GOP budget would reject state worker raises to help pay for schools"

"Washington Senate Republicans Unveil Budget, Democrats Cry Foul"
Special Olympics USA, 2018, Seattle Washington
Over 3,000 athletes will participate in 14 sports

Murray Maitland (mmaitlan@uw.edu)
- Department of Rehabilitation Medicine
- Member Faculty Council on University Facilities and Services
- Faculty representative University of Washington, Policy Committee, Special Olympics USA, 2018

The dates:
- June 24-29, 2017 - 800 Special Olympics (SO) attendees in the residence halls for the SO North America Golf tournament, a conference and site visits
- June 30, 2018 - Participants (athletes, officials, etc.) and others arrive
- July 1 to 6 - Games
- July 7 - Participants and others depart

The University of Washington’s Role:
University of Washington will be a major “vendor” for the USA SO games organization, providing various facilities and services throughout the Seattle campus, including:
- Twelve sports venues will use UW facilities.
- Significant presence on campus and use of campus services such as accommodation
- Significant use will be made of parking and transportation services.
- Health, safety and security planning and coordination will be vital for ensuring a successful event.

The UW is not a sponsor. There will be full cost recovery including institutional overhead.

UW Organization Structure for 2018 Games:
Project Manager: Kerry Kahl (kkahl@uw.edu)
- Policy Committee Lead: Jeffrey Scott
- Operations Committee Leads: Dan Erickson, Leonard O’Connor
- Sponsorship Subcommittee Lead: Christine Phelan
- Communications Subcommittee Lead: Nicole Dierks
- Health/Safety/Security Subcommittee Lead: Steve Charvat
- Facilities/Logistics Subcommittee Lead: Gary Leonard
- Open Space/Transportation Subcommittee Lead: Howard Nakase
- Technology/Broadcast Subcommittee Lead: Toni Booker
- Healthcare Subcommittee: Christy Gullion

Other locations:
Seattle University, Seattle Pacific University, King County Aquatic Center, Willows Run Golf Club, Celebration Park, and Kenmore Lanes

Evaluation of impacts and potential benefits for the UW and our community:
- Programs
  o Draft framework for proposal submission
- Accessibility
- Commitment to low environmental impact

Questions?
To: Senate Executive Committee

From: Robert W. Gomulkiewicz, Chair, Advisory Committee on Intellectual Property, Policy and Practice (ACIP3)

Re: Initial Meetings of ACIP3

Date: March 28, 2017

President Cauce and Faculty Senate Chair Barsness appointed the Advisory Committee on Intellectual Property, Policy and Practice (ACIP3) in early February 2017. Following its appointment, ACIP3 has met on two occasions. In the initial meeting on February 9, we reviewed the committee’s charge, discussed the priorities for the committee’s work, and identified the information (on laws, policies, prior work of IPMAC and SCIPC, etc.) that we would need to do our work.

Given its fast track time line, we agreed that our first priority should be to provide comments on the proposed Open Access Publication Policy. Thus, our second meeting on March 7 was devoted entirely to providing comments to Mike Rosenfeld about the Open Access Policy. In general, committee members expressed support for the Policy although the committee decided not to provide any formal recommendation. In addition, the committee did not have the benefit of input from representatives of the Washington State Attorney General’s Office because they were unable to attend the meeting. The AG’s input was important to at least a few of the committee members, so I will be following up on that with Rolf Johnson and Clark Shores.

I would be happy to answer any questions that you have about the initial meetings of ACIP3 and our work going forward.
2016-2017 Appointments to University Committees and Faculty Councils

Faculty Council on Academic Standards (Meets Fridays at 1:30)

- Dan Ratner, College of Engineering, as Chair for a term beginning immediately, and ending September 15, 2017.

Faculty Council on Multicultural Affairs (Meets Mondays at 12:30)

- Brenda Williams, School of Law, as Chair for a term beginning immediately, and ending September 15, 2017.
- Brenda Williams, School of Law, as a voting member for a term beginning immediately, and ending September 15, 2019

Faculty Council on University Facilities and Services (Meets Thursdays at 10:00)

- Bill Erdly, UW Bothell, as a voting member for a term beginning immediately, and ending September 15, 2019.
Class B Legislation – Open Access Policy

Background and Rationale

On April 23, 2015, the Faculty Senate unanimously approved a Class C “Resolution Concerning the UW Open Access Repository and Request for Advice on an Open Access Policy” that was submitted jointly by the Faculty Council on Research and the Faculty Council on University Libraries. In that resolution, the Senate requested that the Provost direct Betsy Wilson, Vice Provost for Digital Initiatives and Dean of University Libraries to “develop an open access publication policy for recommendation to the University and conduct a needs and integration assessment to determine what resources are necessary to enhance the University’s institutional repository, ResearchWorks Archive, to the level of a world-class repository”.

This resulted in a report to the Provost dated June 13, 2016 that included a new Open Access Policy for faculty at the UW with recommendations for the purchase of the citation harvesting software tool, Symplectic Elements and creation of an additional FTE position for the oversight of the repository.

The class C resolution passed by the Senate in 2015 followed similar resolutions passed by the ASUW and GPSS in 2014 and the establishment of open access policies and repositories at peer institutions including Harvard, the University of California System, the University of Minnesota, the University of North Carolina at Chapel Hill, the University of Massachusetts Amherst, and the University of Arizona. The recommended new policy for the UW is modeled on the guidelines established at Harvard and the recommended software is currently being used by the University of California System. Further justification for the resulting open access policy and for purchase of the citation harvesting software is included in the June 2016 report.

Faculty Code and Governance

Policies Relating to Terms and Conditions of Employment Chapter 50

Open Access Policy Chapter 54

Section 54 – 01 Purpose

As a public university, the University of Washington is dedicated to making its research and scholarship freely and widely available to the people of Washington and the broader research community. In addition to the public benefit, the following policy is intended to serve faculty interests by: promoting the visibility and accessibility of their work, resulting in greater impact and recognition; helping them retain distribution rights; and aiding preservation of the scholarly record.

Section 54 – 11 Policy and Grant of Rights

Faculty grant to the University a non-exclusive, irrevocable, worldwide license to exercise, and to allow others to exercise, any and all rights under copyright relating to his or her scholarly articles, in any medium, for the purpose of making their articles freely and widely available in an open access repository. This policy does not transfer copyright ownership to the University.

Section 54 – 21 Scope and Waiver

A. This policy applies to all scholarly articles authored or co-authored while a person is a member of the Faculty except for articles completed before the adoption of this policy.

B. The Provost or Provost’s designate will waive this requirement or delay access for a specified period of time for a particular article upon express direction by the Faculty member. Grant of such a waiver or delay is mandatory, not at the discretion of any person or group.
Section 54 – 31 Deposit of Articles

To assist the University in archiving and disseminating scholarly articles, the Faculty commit to helping the University obtain copies of their articles. Specifically, each Faculty member who does not obtain a waiver to deposit in the ResearchWorks Archive repository will provide an electronic copy of the final accepted (post-peer review) manuscripts of his or her articles to the University for inclusion in the ResearchWorks Archive or notify the University that the article will be available elsewhere on an open access basis.

Section 54 – 41 Implementation and Oversight of Policy

The Provost or Provost’s designate will be responsible for implementing and interpreting this policy and recommending changes to the Faculty from time to time. In implementing this policy the Provost or Provost’s designate will strive to maximize Faculty participation by providing appropriate technology and other support to facilitate article deposit.
Class B Legislation – Student Conduct Policy

Date: April 13, 2017
To: Faculty Senate
From: Jill Lee, Executive Director, Compliance Services
       Ellen Taylor, AVP, Student Life
       Amanda Paye, Deputy Title IX/ADA Coordinator, Compliance Services
Re: Final Drafts of Chapters 209 and 210 Student Governance and Policies for Vote

For your review and vote in your April 20, 2017 meeting, attached are:

- Draft Chapter 209 Student Governance and Policies; and
- Draft Chapter 210 Student Governance and Policies.

Content that is replicated from WAC 478-121 – Student Conduct Code for the University of Washington is shaded in gray. Because these provisions have already been approved by the faculty, they cannot be revised at this stage.

As you will recall, drafts of these chapters were previously provided to you prior to your February 13, 2017 meeting, which included “placeholders” in sections of the chapters where further work and discussion was being done by FCSA and SEC. Following is a summary of the revisions related to the placeholders:

1. Advisory Committee on Student Conduct

A commitment was made to create an advisory council for the student conduct process and to note this commitment in the chapters. The following section has been added to a prominent location at the beginning of both chapters and further work will be done to create and appoint this committee prior to the implementation of the new model in Autumn Quarter 2017:

   The Advisory Committee on Student Conduct is charged and authorized with reviewing and evaluating conduct processes and outcomes and making recommendations to the Faculty Council on Student Affairs for potential revisions to policies and procedures. The committee is chaired by a faculty representative nominated by the Faculty Council on Student Affairs and approved by the Faculty Senate.

   Chapter 209: Lines 47-52
   Chapter 210: Lines 1427-1433

2. University Assistance and Resources

You will note that some information/sections appear in Chapter 210 that do not appear in Chapter 209. This is because Chapter 210 contains policy statements that are required by the 2013 Reauthorization of the Violence Against Women Act of the Clery Act and/or Title IX guidance issued by the Office for Civil Rights, which do not extend to other forms of prohibited conduct. Efforts were made, however, to provide information on relevant University resources and options in both chapters, including adding information at the end of both chapters under University Resources.

   Chapter 209: Lines 74-89 and 1304-1361
   Chapter 210: Lines 1498-1583 and 2806-2859
3. Full Adjudicative Proceeding

For both chapters, further work was done with process partners to evaluate and identify factors to propose as guidelines for when a proceeding may be “converted” to a full adjudicative proceeding and, based on a recommendation of the Senate Executive Committee, a second paragraph was also added:

The following are factors that may be considered as guidelines to determine whether the issues and interests involved warrant a full adjudicative proceeding:

1) If a respondent has been placed on emergency suspension;
2) If a respondent has been charged with hazing; or
3) If a respondent has been charged with a felony offense related to the alleged conduct under Washington State Criminal Code.

A disciplinary sanction of suspension or dismissal will not be imposed on a respondent without the University completing a full hearing, unless those sanctions were applied as a term of an informal settlement.

Chapter 209: Lines 562-570
Chapter 210: Lines 2063-2071

4. Appointment of Reviewing Officers - Faculty

In regard to appointing faculty as reviewing officers, the following content was added to both chapters:

Faculty candidates for reviewing officers are identified and approved through the same process as used for membership on Faculty Senate Councils and are appointed by the Chair of the Faculty Senate.

Chapter 209: Lines 664-666
Chapter 210: Lines 2163-2165

5. Appointment of Reviewing Officers - Students

For Chapter 209, FCSA proposed that the University utilize the student governance process for appointments to other committees as the method for appointing students as reviewing officers; however, given the potential number of students needed to act as reviewing officers, if this was used as the sole method, it could create a gap during the summer months and into Autumn Quarter. In regard to qualifications, the proposal was to retain the current standard that to be eligible to serve on a review panel, students must be full-time and in good standing with the university and further work will be done through FCSA to set those standards. Based on these recommendations, the following content was added to Chapter 209:

Student candidates will be identified in collaboration with student governance. To be eligible to serve on a review panel, students must be full-time and in good standing with the university.

Chapter 209: Lines 667-669

6. Selection of Review Panels
For Chapter 209, the proposal was made by a member of the Faculty Senate that that faculty make up the majority of review panels, so the following content was added:

    Faculty or students may be selected to serve on review panels for conduct proceedings under this policy, but the majority of panel members must be faculty.

Chapter 209: Lines 675-676

7. Training for Presiding Officers and Reviewing Officers

Both chapters require, at a minimum, annual training. Further work will be done through the Advisory Committee on Student Conduct to set standards and to ensure appropriate training for those involved in conduct proceedings.

Chapter 209: Lines 680-683
Chapter 210: Lines 2175-2178

8. Disqualification

Content was added to both chapters under “Disqualification and Substitution of Presiding Officers and Reviewing Officers” section to clarify what option is available within the University’s process if a request for disqualification is denied:

    If a party requests the disqualification of a presiding officer and that request is denied, the denial of the request may be raised as a reason for seeking administrative review.

Chapter 209: Lines 692-693
Chapter 210: Lines 2187-2188

9. Parties

The WAC specifies that the “parties to a conduct proceedings are the University and the respondent.” For Chapter 209, further clarification regarding party status was proposed and approved by FCSA and SEC:

    Typically, faculty who refer an allegation of academic misconduct for conduct proceedings under the code and this policy would not be designated as a party.

Chapter 209: Lines 750-751

10. Interim Protective Measures

Similarly to Chapter 210, the option to put “Interim Protective Measures” in place has been included in Chapter 209, which may be warranted in reports of prohibited conduct under that chapter, such as “Abuse of Others.”

Chapter 209: Lines 752-797

11. Participation of Advisors and Attorneys

As in the current process, both chapters confirm that the parties may be advised and represented by attorneys. Further work will be done to clarify the role of attorneys in the new model.
Chapter 209: Lines 858-861
Chapter 210: Lines 2354-2357

12. Notice of Conduct Proceeding and Fact Finding

Based on additional feedback, including from the Faculty Senate, revisions were made to these sections in both chapters to clarify the notice the parties will receive and what can be expected in the fact finding process.

See Chapter 209: Lines 939-967
See Chapter 210: Lines 2441-2469

13. Procedure in Full Hearing

The first paragraph of this section was revised in both chapters to align with the Administrative Procedures Act as follows:

To the extent necessary for full disclosure of all relevant facts and issues, the hearing officer of a full hearing shall afford to all parties the opportunity to respond, present evidence and argument, conduct cross-examination, and submit rebuttal evidence, except as restricted by a limited grant of intervention or by the prehearing order.

A second paragraph has been added to Chapter 209:

A complainant or respondent may request, and the hearing officer has the discretion to order, that the respondent may not ask questions of a complainant, but, instead, be allowed to submit written questions to the hearing officer, who will ask any relevant and appropriate questions submitted. The hearing officer has the discretion to accept, reject, or rephrase any question submitted.

Chapter 209: Lines 1134-1143

A similar second paragraph has been added to Chapter 210:

The respondent and a complainant may not ask questions of each other directly, but will be allowed to submit written questions to the hearing officer, who will ask any relevant and appropriate questions submitted by these parties. The hearing officer has the discretion to accept, reject, or rephrase any question submitted by the respondent or a complainant.

Chapter 210: Lines 2636-2644
University of Washington

Student Governance and Policies

Student Policies

Chapter 209

Student Conduct Policy for Academic Misconduct and Behavioral Misconduct

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1. Policy and Authority

A. Policy

The University of Washington (University) is a public institution responsible 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 the 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 rules, regulations, procedures, policies, and standards of conduct that safeguard its functions and protect the rights and freedoms of all members of the University community.

This policy is adopted in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, as amended by the Violence Against Women Reauthorization Act of 2013 (Clery Act), and the Administrative Procedure Act (Chapter 34.05 RCW).
B. Purpose

The purpose of this policy is to describe the University’s agency-level policies and procedures regarding student conduct and student discipline of the rules set forth in Chapter 478-121 WAC, Student Conduct Code for the University of Washington, related to reports of the prohibited conduct under the code and to describe the University’s current approach to implementation of the code and its practices, procedures, and methods of action based upon that approach for student conduct proceedings alleging misconduct under the code, except for prohibited conduct covered by Student Governance and Policies, Chapter 210, Student Conduct Policy for Discriminatory and Sexual Harassment, Intimate Partner Violence, Sexual Misconduct, Stalking, and Retaliation, which will be addressed under that policy.

C. Advisory Committee on Student Conduct

The Advisory Committee on Student Conduct is charged and authorized with reviewing and evaluating conduct processes and outcomes and making recommendations to the Faculty Council on Student Affairs for potential revisions to policies and procedures. The committee is chaired by a faculty representative nominated by the Faculty Council on Student Affairs and approved by the Faculty Senate.

D. Intersection of the Student Conduct Code and Related Student Conduct Policies

If the reported conduct involves common issues or parties that would potentially fall under both Student Governance and Policies, Chapter 210 and this policy, the University may conduct one conduct proceeding.

In addition, reports that may constitute of “Abuse of Others” under WAC 478-121-103 will be addressed under Student Governance and Policies, Chapter 210, if the report involves discriminatory or sexual harassment, intimate partner violence, sexual misconduct, or is part of a course of conduct that meets the definition of stalking.

If the reported conduct involves common issues or parties that would potentially fall under both Student Governance and Policies, Chapter 210 and this policy, the University may, in its discretion, conduct one conduct proceeding, provided that the conduct arises out of the same incident or series of incidents.

D. Intersection and Coordination with Related Policies

The following and other University policies may intersect with this policy:

- Workplace Violence web page, which prohibits acts or threatened acts of violence.

For students who are also University employees, where reported conduct involves the potential violation of the student conduct code and other related University policies, the University will assess the appropriate process through which to respond to the reported conduct and evaluate whether a single fact finding and/or conduct proceeding may be conducted that encompasses all relevant conduct and policies.
2. **University Assistance and Resources**

   A. **Reports to the University**

      The University encourages individuals who are affected by prohibited conduct under this policy to report the conduct to the University as described in Section 4, Reporting Options, below.

   B. **Information about University and Community Services**

      The University and/or local communities offer a variety of services including counseling, healthcare, victim advocacy, legal assistance, VISA and immigration assistance, and student financial aid assistance for students involved in conduct proceedings under this policy. Information about resources is available in Section 18 or from a conduct officer.

   C. **Disability Accommodations**

      For students who are experiencing impacts of a medical or mental health condition or whose experience has affected an existing condition, University disability services offices can evaluate and provide reasonable accommodations. See Student Governance and Policies, Chapter 208, Reasonable Accommodations for Students. For contact information see resources in Section 18.A.

3. **Privacy and Confidentiality**

   A. **Privacy and Confidentiality Meanings**

      The University is committed to protecting the privacy of all individuals who are involved in any report or conduct proceeding under this policy. “Privacy” and “confidentiality” have distinct meanings under this policy.

      Privacy means that information related to a report of prohibited conduct will be shared with a limited circle of University employees who “need to know” in order to assist in assessing and responding to a report. See Section 17 for more information about privacy and records.

      Confidentiality exists in the context of laws that protect certain relationships, including with medical and clinical care providers, mental health providers, and counselors, all of whom may engage in confidential communications under Washington State law. Other examples include licensed medical, clinical or mental-health professionals, physicians, nurses, physicians’ assistants, psychologists, psychiatrists, professional counselors, and those performing services under their supervision. The University has designated University employees who have the ability to have such confidential communications as “Confidential Employees.”

   B. **Communications with Confidential Employees and Related Records**

      Communications between patients and University healthcare providers, and related medical records, have additional protections under University policies, state licensing requirements, and state and/or federal law.

      Generally, the provider cannot reveal that information to any third party except:
• If the patient gives written consent for its disclosure;

• If there is risk of imminent harm to the patient or another identified person;

• If there is reason to suspect that a minor or an elderly person is in danger of being abused or neglected;

• If a court of law orders the release of certain information about a patient; or

• If the patient files a lawsuit or other legal action against the University or its employees, agents, or officers contesting the provision of services, information contained in the provider’s records could be released to University attorneys if relevant to the action.

More information about the confidentiality may be obtained from the healthcare provider.

C. Reporting Suspected Child Abuse

In accordance with Administrative Policy Statement 11.8, Reporting Suspected Child Abuse, all University employees and volunteers who have reasonable cause to believe that a child has suffered abuse or neglect must immediately report the suspected abuse or neglect to law enforcement or the Department of Social and Health Services. A child is any individual under the age of 18 years old.

D. Clery Act Reporting

Under the Clery Act, the University must maintain a daily crime log, publish an annual security report that includes aggregate statistics about reports of certain potential criminal offenses and provide those statistics to the United States Department of Education. Clery Act reporting does not include any personally identifying information about individuals involved in an incident.

The Clery Act also requires the University to issue timely warnings to the University community about certain crimes that have been reported and may continue to pose a serious or continuing threat to students and employees. Consistent with the Clery Act, the University withholds the names and other personally identifying information of complainants, including information likely to disclose the location of the complainant, when issuing timely warnings to the University community.

4. Reporting Options

A. Reporting Academic Misconduct or Behavioral Misconduct Under This Policy

Reports of prohibited conduct under this policy should be made to:

UW Seattle Community Standards & Student Conduct
Schmitz 447
Box 355836
Phone: 206-685-6194
Email: CSSC@uw.edu
Except allegations of academic misconduct, which should be reported to the dean of the appropriate school or college at the UW Seattle or their authorized delegates. For more information please refer to the Community Standards and Student conduct website.

UW Bothell Student Conduct Office
Phone: 425-352-3183
UW1-080
Box 358555
Email: UWB-StudentConduct@uw.edu

UW Tacoma Student Conduct Office
MAT 108
Box 358407
Phone: 253-692-4481

B. Reporting Discriminatory and Sexual Harassment, Intimate Partner Violence, Sexual Misconduct, Stalking, and Retaliation

Reports of sexual misconduct, intimate partner violence, discriminatory and sexual harassment, and retaliation related to such reports should be made in accordance with Student Governance and Policies, Chapter 210, Student Conduct Policy for Discriminatory and Sexual Harassment, Intimate Partner Violence, Sexual Misconduct, Stalking, and Retaliation.

C. Reporting to Law Enforcement

Prohibited conduct under this policy may also violate criminal law and may be reported directly to law enforcement. If an individual impacted by the conduct chooses to make a report to law enforcement, the individual may also make a report to the University. See Section 18.B for contact information for UW safety resources.

D. Amnesty for Alcohol or Other Drug Violations

A conduct officer may elect not to initiate a conduct proceeding regarding alcohol or other drug violations against a student who, while in the course of helping another student seek medical assistance, admits to the unlawful possession or use of alcohol or drugs, provided that the possession was for personal consumption and the use did not place the health or safety of any other person at risk. The University may initiate an assessment or educational discussion or pursue other non-disciplinary options regarding alcohol or other drug use.

E. Informal Settlements

The University may conduct informal settlements or other alternative resolution of reports.

5. Standards of Conduct and Application of the Student Conduct Code

A. Statement of 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 rules regarding student conduct.
B. Standards of Conduct

By way of further interpretation, in determining what types of conduct would be prohibited under WAC 478-121-100 through 478-121-173, the University applied guiding principles that can be summarized as follows: Admission to the University carries with it the presumption that students will conduct themselves as responsible members of the University 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 University community. That responsibility includes, but is not limited to:

1) Practicing high standards of academic and professional honesty and integrity;

2) Refraining from any conduct that would violate the rights, privileges, and property of others;

3) Refraining from any conduct that would substantially disrupt or materially interfere with University operations;

4) Refraining from any conduct that could reasonably cause harm to or endanger the health, safety, or welfare of other persons; and

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

C. General Application of the Student Conduct Code

Under WAC 478-121-020, the conduct code applies to all students from the time of admission through the actual conferral of a degree, including any period between terms of enrollment.

The disciplinary sanctions specified in WAC 478-121-210, up to and including suspension or dismissal, may be imposed on any student or student organization found responsible for prohibited conduct set forth in WAC 478-121-100 through 478-121-173 and as described in relevant University policies.

D. Jurisdiction of the University

Under WAC 478-121-040, the scope of the University’s jurisdiction includes reports that prohibited conduct occurred:

1) On any University premises or in connection with any University-sponsored program or activity, regardless of the location of the program or activity; or

2) Off campus (i.e., conduct that does not occur on University premises or in the context of a University-sponsored program or activity) where: the University reasonably determines that the conduct adversely affects a University interest or, has continuing adverse effects or may create a hostile environment on University premises or in the context of a University-sponsored program or activity.
Nothing in this conduct code shall be construed to limit academic action that may be taken by schools, colleges, or programs against a respondent based on an established violation of Chapter 478-121 WAC that demonstrates a failure to meet the academic and/or professional standards of the school, college, or program.

If a respondent withdraws from the University (or fails to reenroll) while a conduct proceeding is pending, the University may move forward with the conduct proceeding and, if so, the respondent will be provided with a continued opportunity to participate.

The conduct officer will determine whether the University has jurisdiction based on the information available through the report and initial assessment.

6. Definitions for Conducting Proceedings

Under WAC 478-121-050, the following definitions apply to conduct proceedings under the student conduct code and this policy:

A. Attorney

"Attorney" is a person permitted to practice law in Washington State.

B. Complainant

A "complainant" is the person who is the subject of the prohibited conduct, whether or not that person made a report that a violation of the code or this policy had been committed against them.

C. Conduct Hold

A “conduct hold” refers, collectively, to administrative notes on a student’s record, such as registration holds, degree holds, and transcript holds, that enable the conduct officer to monitor the registration and enrollment status of a student for the purpose of administering the code.

D. Conduct Officer

"Conduct officer" is an individual who has the authority to initiate conduct proceedings under the code, including initiating conduct proceedings, completing fact finding, and issuing initial orders. A “conduct officer” under the code is considered a “presiding officer” under Chapter 34.05 RCW for the purpose of conducting a brief adjudicative proceeding.

E. Conduct Proceedings

“Conduct proceedings” refers to brief adjudicative proceedings and full adjudicative proceedings, collectively, under Chapter 34.05 RCW.

F. FERPA

"FERPA" refers to the federal Family Educational Rights and Privacy Act (20 U.S.C. Sec. 1232g) and its implementing regulations (34 C.F.R. Part 99).
G. **Full hearing**

“Full hearing” refers to the hearing that occurs when a matter is designated as being appropriate for a full adjudicative proceeding, consistent with Part V of Chapter 478-121 WAC and Section 14 of this policy.

H. **Hearing Officer**

A “hearing officer” is a “presiding officer” in a full hearing for the purpose of conducting a full adjudicative proceeding under Chapter 34.05 RCW.

I. **Presiding Officer**

“Presiding officer” refers to conduct officers and hearing officers collectively.

J. **Respondent**

A “respondent” is any student or student organization reported to have engaged in charged with prohibited conduct under the conduct code.

K. **Review Coordinator**

A “review coordinator” is an individual who may be appointed to a review panel as a non-voting member who manages the administrative review process.

L. **Review Panel**

“Review panel” is a panel of reviewing officers selected from the pool of reviewing officers appointed to conduct administrative reviews under Parts IV or V of Chapter 478-121 WAC and Section 13 and/or Section 15 of this policy. The review panel may also include a “review coordinator.”

M. **Reviewing Officers**

“Reviewing officers” are those who conduct administrative reviews for the purpose of full adjudicative proceedings or brief adjudicative proceedings under Chapter 34.05 RCW.

N. **Student**

A “student” is any person enrolled in or taking courses at or through the University, either full-time or part-time, including credit, noncredit, online, and nondegree courses, and any person who has been notified of acceptance for admission by the University. A student who withdraws from a course or from the University, graduates, or completes courses after the date of an alleged violation, or who is not enrolled for a particular quarter or quarters, but has a continuing relationship with the University, is still considered a student for purposes of the conduct code and this policy.

O. **Student Organization**

"Student organization" is a group of students that has complied with the requirements for University recognition or who otherwise are granted any rights or privileges by the University as a University affiliate. Student organizations include, but are not limited to, athletic teams or clubs, registered student organizations (RSOs), University service clubs, and sororities and fraternities.
P. **University Community**

The “University community” includes all University students, employees, guests of and visitors to the University, and other individuals affected by the conduct of a University student.

Q. **University Official**

"University official" is an employee of the University performing his or her assigned administrative, professional, or paraprofessional duties.

R. **University Premises**

"University premises" includes all of the University’s campus buildings, grounds, and facilities, all of its extension and research locations, and all other University-leased, -owned, or -managed buildings, grounds, and facilities, including its global learning centers and study abroad program sites, as well as University-sponsored and/or -hosted online platforms.

7. **Prohibited Conduct**

A. **General Application**

Prohibited conduct under this policy includes, but is not limited to the conduct as described in WAC 478-121-100 through 478-121-173 and other relevant University policies, including this policy and *Student Governance and Policies, Chapter 210*, Student Conduct Policy for Discriminatory and Sexual Harassment, Intimate Partner Violence, Sexual Misconduct, Stalking, and Retaliation.

B. **Aiding, Assisting, and Attempting**

Under WAC 478-121-113, students may also be found responsible for prohibited conduct if they:

1) Aid or assist another student or student organization in the commission of prohibited conduct;

2) Request, hire, or encourage another person to commit prohibited conduct, either intending that the other person commit the prohibited conduct or with the knowledge that the other person intends to commit the prohibited conduct; or

3) Attempt to commit prohibited conduct.

C. **Academic Misconduct**

Under WAC 478-121-107, academic misconduct includes:

1) "Cheating," which includes, but is not limited to:

   a) The use of unauthorized assistance in taking quizzes, tests, or examinations, or completing assignments;
b) The acquisition, use, or distribution of unpublished materials created by another student without the express permission of the original author(s);

c) Using online sources, such as solution manuals, without the permission of the instructor to complete assignments, exams, tests, or quizzes; or

d) Requesting, hiring, or otherwise encouraging someone to take a course, exam, test, or complete assignments for a student.

2) "Falsification," which is the intentional use or submission of falsified data, records, or other information including, but not limited to, records of internship or practicum experiences or attendance at any required event(s), or scholarly research.

3) "Plagiarism," which is the submission or presentation of someone else's words, composition, research, or expressed ideas, whether published or unpublished, without attribution. Plagiarism does not encompass unacknowledged submission or presentation of information that is generally known and widely accepted by educated members of a discipline. Plagiarism includes, but is not limited to:

a) The use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment; or

b) The unacknowledged use of materials prepared by another person or acquired from an entity engaging in the selling of term papers or other academic materials.

4) Unauthorized collaboration.

5) Engaging in behavior specifically prohibited by an instructor in the course of class instruction or in a course syllabus.

6) Multiple submissions of the same work in separate courses without the express permission of the instructor(s).

7) Taking deliberate action to destroy or damage another's academic work in order to gain an advantage for oneself or another.

8) The recording of instructional content without the express permission of the instructor(s), unless approved as a disability accommodation, and/or the dissemination or use of such unauthorized records.

D. Behavioral Misconduct

1) Abuse of Others

Under WAC 478-121-103, abuse of others includes assault and other forms of physical abuse of any person, or any conduct intended to threaten bodily harm or to endanger the health or safety of any person.
2) **Abuse of the Student Conduct Process**

Under WAC 478-121-105, abuse of the student conduct process includes:

a) Attempting to influence the impartiality or participation of any presiding officer or any reviewing officer;

b) Influencing or attempting to influence another person to commit an abuse of the student conduct process; or

c) Submitting or providing false or misleading information in bad faith or with a view to personal gain or intentional harm to another in the conduct process.

This provision does not apply to reports made or information provided in good faith, even if the respondent is ultimately found not responsible in that conduct matter.

3) **Acts of Dishonesty**

Under WAC 478-121-110, acts of dishonesty include:

a) Knowingly furnishing false information to any University official;

b) Impersonating, or providing false information in the name of, any University official;

c) Forging, altering, or misusing any University document or record, or instrument of identification;

d) Falsely claiming an academic credential; and

e) Providing dishonest or misleadingly incomplete information or answers on application forms or in response to other official University requests for information.

4) **Alcohol Violations**

Under WAC 478-121-115, includes the unlawful possession, use, distribution, or manufacture of alcohol.

5) **Computer Abuses**

Under WAC 478-121-117, computer abuses include, but are not limited to:

a) Unauthorized use of University computer resources;

b) Use of another person's University user name and/or password;

c) Use of University computing facilities and resources to interfere with the work of another student, an instructor, or other University official;

d) Use of University computing facilities or resources to send intimidating, harassing, or threatening messages;
e) Use of a computer or software to interfere with normal operations of the University's computing systems;

f) Use of the University's computing facilities or resources in violation of any law, including copyright laws; and

g) Any violation of the University’s computer use policies.

6) Creating a Public Nuisance in Neighboring Communities

Under WAC 478-121-120, in furtherance of the University's interest in maintaining positive relationships with its surrounding communities, the University shall have the authority to hold students accountable under the student conduct code and this policy for misconduct within any residential or commercial communities adjacent to a University campus. Conduct proceedings may be initiated if the University is made aware that a student or student organization has been contacted by a law enforcement agency regarding, and is determined to have engaged in, conduct that is in violation of a state statute or municipal ordinance and has a direct quality of life impact on community residents or businesses, including, but not limited to, creating a public nuisance due to noise, residential disturbance, intentional destruction of property, urinating in public, or criminal trespass.

a) A first minor violation under Section 7.D.6 above, will not subject the student or student organization to sanctions under the student conduct code or this policy; however, the student or student organization may receive a letter regarding the expectations of University community members as residents in the area. This letter shall constitute a warning that repeated misconduct under this subsection may result in the imposition of disciplinary sanctions.

b) A second violation of this subsection will result in the initiation of conduct proceedings under the student conduct code and this policy.

7) Disruption or Obstruction

Under WAC 478-121-125, disruption or obstruction includes materially and substantially obstructing or disrupting, through words or conduct, the teaching or learning environment of any University educational setting, or any University functions or activities.

An instructor has the authority to exclude a student from any individual class session or other academic activity in which the student is materially disruptive or obstructive and may also make a report in accordance with the student conduct code and this policy. See Section 4 for Reporting Options.

8) Drug Violations

Under WAC 478-121-127, the possession, use, distribution, or manufacture of controlled substances (as defined in Chapter 69.50 RCW or Title 21 U.S.C. Sec. 802) on University premises or during University-sponsored activities where such possession, use, distribution, or manufacture is illegal under federal, state, or local law is
prohibited. This includes the possession, use, distribution, or growing of marijuana in all forms during University-sponsored activities or on University premises, including University housing.

9) Failure to Comply

Under WAC 478-121-130, failure to comply includes, but is not limited to:

a) Any failure to comply with the directions of any University officials acting in the performance of their duties;

b) Any failure to identify oneself to University officials when requested to do so; or

c) Any failure to comply with the rules, regulations, procedures, policies, standards of conduct, or any order or directive of the University or any of its schools, colleges, and departments.

10) Harassment or Bullying

Under WAC 478-121-133, harassment or bullying is language or conduct that is unwelcome and sufficiently severe, persistent, or pervasive such that it could reasonably be expected to create an intimidating, hostile, or offensive environment, or has the purpose or effect of unreasonably interfering with a person's academic or work performance, or a person's ability to participate in or benefit from the University's programs, services, opportunities, or activities, when viewed through both an objective and subjective standard. This includes harassment or bullying that occurs through electronic means, such as electronic media, the Internet, social networks, blogs, cell phones, or text messages.

11) Hazing

Under WAC 478-121-135, hazing includes 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. Hazing activities may include, but are not limited to, encouraging or promoting the abuse of alcohol; striking another person whether by use of any object or any part of one's body; causing someone to experience excessive fatigue or physical and/or psychological shock; and causing someone to engage in degrading or humiliating games or activities that create a risk of serious mental, emotional, and/or physical harm. Consent of a victim or victims is not a defense to an allegation of hazing.

When assessing “hazing,” the agency’s interpretation of the code is that hazing does not include generally accepted practice, training, and conditioning activities, or activities reasonably designed to test a participant's ability to meet eligibility requirements for established athletic events such as intramural or club sports, intercollegiate athletics, or other similar contests or competitions.
12) Possession or Use of Firearms, Explosives, Dangerous Chemicals, or Other Dangerous Weapons

Under WAC 478-121-143, this prohibition includes unauthorized possession or use of firearms, explosives, dangerous chemicals, or other dangerous weapons or instrumentalities on University premises, unless specifically authorized by the University President or delegate.

Firearms include, but are not limited to, what are commonly known as air guns or rifles, BB guns, and pellet guns, and any instrument used in the propulsion of shot, shell, bullets, or other harmful objects by the:

- Action of gunpowder or other explosives;
- Action of compressed air; or
- Power of springs or other forms of propulsion.

This includes the exhibition or display of a replica of a dangerous weapon prohibited under this subsection if done in a manner and at a time or place that either manifests an intent to intimidate another or that warrants alarm for the safety of other persons.

13) Retaliation

Under WAC 478-121-147, retaliation includes engaging or attempting to engage in any action, directly or indirectly, including through a third party, that is intended to harass, intimidate, threaten, harm or improperly influence any person because they:

a) Make, or intend to make, a report, complaint, grievance, or allegation of prohibited conduct under any University policy or rule, or under any law;

b) Participate in and/or cooperate with conduct proceedings; or

c) Appear as a witness.

14) Theft

Under WAC 478-121-160, theft is the taking of property or services without express permission of the owner. This includes, but is not limited to, taking, possessing, or aiding another to take University property or services, or property belonging to members of the University community.

15) Unauthorized Keys, Entry or Use

Under WAC 478-121-163, unauthorized keys, entry, or use includes but is not limited to:

a) Unauthorized possession, duplication, or use of keys (including conventional keys, key cards, or alphanumeric passcodes) to any University premises;

b) Unauthorized entry upon or use of University premises or property; or
c) Providing keys to an unauthorized person or providing access to an unauthorized person.

16) Unauthorized Recording

Under WAC 478-121-165, unauthorized recording includes, but is not limited to:

a) Making audio, video, digital recordings, or photographic images of a person without that person's consent in a location where that person has a reasonable expectation of privacy; or

b) Storing, sharing, publishing, or otherwise distributing such recordings or images by any means.

When such recordings may fall within WAC 478-121-153, sexual exploitation, they will be addressed in accordance with that provision and related policies.

17) Vandalism

Under WAC 478-121-167, vandalism includes maliciously damaging or misusing University property, or the property of any member of the University community.

18) Violation of Disciplinary Sanctions

Under WAC 478-121-170, violation of disciplinary sanctions includes the violation of any term or condition of any final order issued under this conduct code or the failure to complete a disciplinary sanction in the specified time frame.

19) Violation of Law

Under WAC 478-121-173, violation of law includes when a student has been convicted of a crime under any federal, state, or local law that adversely affects a University interest.

8. Conduct Proceedings

A. Form of Adjudicative Proceeding

Under WAC 478-121-200, all conduct proceedings under the student conduct code and this policy shall be conducted in accordance with Chapter 34.05 RCW, the Administrative Procedure Act, and constitutional requirements of due process. If there is an irresolvable conflict between the student conduct code and the Administrative Procedure Act or constitutional due process, the Administrative Procedure Act or constitutional due process shall supersede the student conduct code.

In applying the student conduct code and this policy, due consideration shall be given to the fact that the conduct process is administrative and not judicial in nature and that the rules of civil procedure only apply to the extent set forth in the conduct code or in Chapter 34.05 RCW. In formal proceedings pursuant to RCW 34.05.413 through 34.05.476, the University adopts the model rules of procedure Chapter 10-08 WAC, Model Rules of Procedure. In the
case of a conflict between the model rules of procedure and Chapter 478-121 WAC, the procedural rules adopted in the code shall govern.

Informal settlements may be conducted under the authority of RCW 34.05.060.

B. Brief Adjudicative Proceedings

Under WAC 478-121-203, when conduct proceedings have been designated as brief adjudicative proceedings under the student conduct code, they will be conducted in accordance with RCW 34.05.482 through 34.05.494 and the parties will receive notice as set forth in WAC 478-121-235.

C. Conversion to Full Adjudicative Proceeding

Under WAC 478-121-205, prior to the conclusion of a brief adjudicative proceeding, the conduct officer shall make any inquiries necessary to ascertain whether the proceeding should be converted to a full adjudicative proceeding under RCW 34.05.413 through 34.05.476, of the Administrative Procedure Act. If converted, the conduct officer will take steps necessary to initiate a full hearing and a hearing officer will be assigned.

To the extent feasible, the conduct officer’s record will be included in the record for the full hearing. The time of commencement of the full hearing shall be considered to be the time of commencement of the original conduct proceeding.

If not converted by the conduct officer, the parties will be given an opportunity to request a full hearing through the administrative review process per WAC 478-121-320 through 478-121-345.

D. Full Adjudicative Proceeding

Under WAC 478-121-207, if it becomes apparent that a full adjudicative proceeding is necessary, is in the public interest, or is more appropriate to resolve issues affecting the participants, a full hearing will be held in accordance with WAC 478-121-400 through 478-121-427 that is in compliance with RCW 34.05.413 through 34.05.476.

The following are factors that may be considered as guidelines to determine whether the issues and interests involved warrant a full adjudicative proceeding:

1) If a respondent has been placed on emergency suspension;

2) If a respondent has been charged with hazing; or

3) If a respondent has been charged with a felony offense related to the alleged conduct under Washington State Criminal Code.

A disciplinary sanction of suspension or dismissal will not be imposed on a respondent without the University completing a full hearing, unless those sanctions were applied as a term of an informal settlement.
9. Disciplinary Sanctions

A. Applicable Disciplinary Sanctions

Sanctions are intended to provide educational opportunities and accountability while also reducing the likelihood of future prohibited conduct. Sanctions may include administrative, educational, and restorative components. Some conduct, however, is so egregious in nature or so damaging to the educational environment that it requires more serious sanctions, including suspension or dismissal.

Under WAC 478-121-210, one or more of the following disciplinary sanctions may be imposed for any violation of this conduct code:

1) Disciplinary Reprimand
   A respondent may be issued a written disciplinary reprimand.

2) Restitution
   A respondent may be required to make restitution for damage or other loss of property and for injury to persons. The University may put a conduct hold in place if the respondent fails to pay or to make in writing University-approved arrangements to pay restitution.

3) Disciplinary Probation
   A respondent may be placed on disciplinary probation (meaning formal conditions are imposed on the respondent’s continued attendance). The time period for the disciplinary probation and any conditions shall be specified. Failure to fulfill conditions of the disciplinary probation in a timely manner will extend the probationary period (and the conditions) and may result in additional disciplinary sanctions.

4) Loss of Privileges
   A respondent may be denied specified privileges for a designated period of time such as the privilege to participate in a particular campus activity and may be restricted from any or all University premises for a specific duration.

5) Suspension
   A respondent may be suspended (i.e., temporarily separated) from the University for a specified period of time. Conditions of suspension may be imposed and will be specified. Except as otherwise specified in the final order, all conditions must be fulfilled before the end of the suspension period. Failure to fulfill all conditions of suspension in a timely manner will extend the suspension period and any conditions, and may result in additional disciplinary sanctions. The University may put a conduct hold in place during the suspension period.

6) Dismissal
   A respondent may be dismissed (i.e., permanently separated) from the University.
7) Sanctions for Hazing.

In addition to other sanctions, a student who is found responsible for participating in hazing of another shall forfeit any entitlement to state funded grants, scholarships, or awards for a specified period of time.

In determining an appropriate sanction for a violation of the student conduct code, factors that may be considered include, but are not limited to:

- The seriousness, severity, persistence, or pervasiveness of the prohibited conduct;
- The nature or violence (if applicable) of the prohibited conduct;
- The impact on the complainant and/or University community;
- The respondent's past disciplinary record with the University;
- Whether the respondent has accepted responsibility for the prohibited conduct;
- The maintenance of a safe, nondiscriminatory and respectful environment conducive to learning; and/or
- Any other mitigating, aggravating, or compelling factors that the presiding officer determines to be relevant and admissible.

The use of alcohol or drugs by a respondent will not be considered a mitigating factor in imposing discipline.

If a respondent withdraws from the University (or fails to reenroll) before completing a sanction, the sanction must be completed prior to or upon the respondent's reenrollment, depending on the nature of the sanction. Completion of disciplinary sanctions may be considered in applications for readmission to the University.

B. Effective Date of Sanctions

Under WAC 478-121-213, sanctions will be implemented when a final order becomes effective in the University’s conduct proceeding. An initial order that becomes a final order because no administrative review was requested or initiated becomes effective on the day after the period for requesting review has expired.

10. Initiating Conduct Proceedings

A. Authority to Initiate Conduct Proceedings and Delegations of Authority in Conduct Proceedings

Under WAC 478-121-215, the following University officials may initiate conduct proceedings under the conduct code and this policy:

- The Vice President for Student Life at UW Seattle;
- The chancellors at UW Bothell and Tacoma;
• Deans of a school or college (including the graduate school) at UW Seattle; and
• Deans or directors of any school or program at UW Bothell or Tacoma.

The above named University officials may delegate the authority to one or more individuals to initiate conduct proceedings, engage in fact finding, hold hearings, and issue initial orders under the conduct code and this policy. They may also establish student or student/faculty/staff hearing bodies to advise or to act for them in conduct proceedings.

For the purpose of completing administrative reviews under Parts IV and V under the student conduct code:

1) The Chair of the Faculty Senate will appoint one or more faculty to be included in a pool of available reviewing officers; and

2) The President, Vice President for Student Life at UW Seattle, or the chancellors at the UW Bothell and Tacoma campuses may appoint one or more students to be included in a pool of available reviewing officers.

Review Panels, composed of multiple reviewing officers, may be created to complete administrative reviews under Parts IV and V of the student conduct code and Sections 13 and 15 of this policy. Review panels may also include a review coordinator.

B. Appointment of Reviewing Officers

Under WAC 478-121-217, faculty and students may be appointed to the pool of available reviewing officers at any time by a University official with authority to appoint such individuals. The appointment will be for a specific term, which may be extended at the discretion of a University official with authority to appoint such individuals, and will include any training and other conditions of service.

Faculty candidates for reviewing officers are identified and approved through the same process as used for membership on Faculty Senate Councils and are appointed by the Chair of the Faculty Senate.

Student candidates will be identified in collaboration with student governance. To be eligible to serve on a review panel, students must be full-time and in good standing with the university.

Efforts will be made to ensure the pool includes available reviewing officers representing the UW Seattle, UW Bothell, and UW Tacoma campuses.

C. Selection of Review Panels

Under WAC 478-121-220, for each administrative review, an odd number of available reviewing officers will be selected from the pool, based on availability, to form the review panel. Faculty or students may be selected to serve on review panels for conduct proceedings under this policy, but the majority of panel members must be faculty. Those selected for the panel will designate a faculty member of the panel to act as chair, with
efforts made that the chair be a representative from the campus where the respondent is enrolled.

D. **Training for Presiding Officers and Reviewing Officers**

The individuals who are selected to serve as presiding officers and reviewing officers will receive, at a minimum, annual training on the issues related to prohibited conduct under this policy and on conducting conduct proceedings.

E. **Disqualification and Substitution of Presiding Officers and Reviewing Officers**

Under WAC 478-121-223, any presiding officer or reviewing officer is subject to disqualification for bias, prejudice, interest, or any other applicable cause. Any party may petition for the disqualification of an individual promptly after receipt of notice indicating that the individual will preside or, if later, promptly upon discovering facts establishing grounds for disqualification. The individual whose disqualification is requested shall determine whether to grant the petition, stating facts and reasons for the determination. An appropriate individual will then be substituted as a presiding or reviewing officer.

If a party requests the disqualification of a presiding officer and that request is denied, the denial of the request may be raised as a reason for seeking administrative review.

F. **Initiating Conduct Proceedings**

Under WAC 478-121-225, conduct proceedings may be initiated when the University receives any direct or indirect report of conduct that may violate the student conduct code or this policy, which may include, but is not limited to, a police report, an incident report, a witness statement, other documentation, or a verbal or written report from a complainant, witness, or other third party.

Conduct matters may be initiated under the conduct code regardless of whether or not the incident in question is the subject of criminal or civil proceedings.

G. **Decision Not to Initiate a Conduct Proceeding**

Under WAC 478-121-227, if the conduct officer decides not to initiate a conduct proceeding when requested by a complainant who, otherwise, would be a party to the proceeding, the conduct officer will provide the complainant with a written decision, including a brief statement of the reasons and of any other options for review.

H. **Timeframe for Completion and Extension for Good Cause**

As a matter of internal management of the agency, typically, the period from commencement of a conduct proceeding through the service of an initial order in brief adjudicative proceedings or conversion to a full hearing will not exceed 60 calendar days. This guideline is intended to enhance efficiency, but is not intended to adversely affect the rights or procedures available to the complainant and respondent under Chapter 34.05 RCW. This timeframe may be extended for good cause.

“Good cause” is interpreted as including factors such as whether additional time is necessary to ensure the integrity and completeness of the fact finding, to comply with a
request by external law enforcement for temporary delay to gather evidence for a criminal investigation, to accommodate the availability of witnesses, to account for University breaks or vacations, to account for the complexities of a case, including the number of witnesses or volume of information provided, or to comply with Chapter 34.05 RCW.

I. Coordination with Law Enforcement

If the University has initiated a conduct proceeding and the conduct is also subject to a criminal investigation, the University will make reasonable efforts to work cooperatively with the law enforcement agency, but the University will not unduly delay its own process. At the request of law enforcement, the conduct officer may delay the process temporarily while law enforcement is gathering evidence. The conduct officer will promptly resume the process when notified that law enforcement has completed the evidence-gathering stage of its criminal investigation.

J. Conduct Hold on Student Record

Under WAC 478-121-230, a conduct office or other designated University official may place a conduct hold on the student’s record if the student is the respondent in a pending report of prohibited conduct, a pending conduct proceeding under the student conduct code and this policy, or in conjunction with a disciplinary sanction under the code. A conduct hold may restrict the student from registering for classes, requesting an official transcript, or receiving a degree from the University until the hold has been removed. If a conduct hold is put in place pending or during a conduct proceeding, the student will be notified of the hold and be advised how to raise an objection about the hold or request that it be made less restrictive. The hold will remain in place until lifted by the conduct office or other designated University official with authority to do so.

Implementation of any conduct hold does not assume any determination of, or create any expectation of, responsibility for prohibited conduct under the conduct code and this policy.

Typically, a conduct hold will be lifted when circumstances change, where the hold is no longer necessary, or at the completion of a conduct proceeding. If a conduct hold is necessary to monitor a sanction, per Section 9, notification of the hold will be incorporated into the initial order or final order.

K. Parties

Under WAC 478-121-233, the parties to a conduct proceedings are the University and the respondent. In addition, the University may designate other individuals, such as a complainant, as a party to conduct proceedings under this policy, or allow individuals to intervene in conduct proceedings.

Typically, faculty who refer an allegation of academic misconduct for conduct proceedings under the code and this policy would not be designated as a party.

L. Interim Protective Measures

Under WAC 478-121-235, after receiving a report of prohibited conduct, the University may implement interim protective measures that impact a respondent at any time prior to the conclusion of a conduct proceeding. When implemented, the respondent will be advised on
how to raise an objection about the interim measure or request that it be made less restrictive. Interim measures will remain in place until lifted or modified by a University official with authority to do so.

Interim protective measures are designed to limit contact between the respondent and others who have been impacted by the alleged conduct, avoid repeated prohibited conduct, if occurring, or potential retaliation against a complainant, an individual who reported, other specified persons, and/or a specific student organization. The specific interim protective measure(s) implemented will vary depending on the circumstances of each report.

If an interim protective measure is implemented, the respondent will be notified. Implementation of any interim measure does not assume any determination of, or create any expectation of, responsibility for prohibited conduct under the conduct code or this policy. A respondent who fails to comply with any interim protective measures may, however, be charged with a “failure to comply” pursuant to WAC 478-121-130. Interim protective measures typically remain in place for the entire conduct proceeding unless circumstances change and there is no longer a need for a specific interim protective measure.

Following are examples of interim protective measures:

1) **A No-Contact Directive**

A no-contact directive is a University directive prohibiting the respondent from having direct or indirect contact, by any means, with a complainant, an individual who reported, other specified persons, and/or a specific student organization. A no-contact directive is a common interim protective measure that is put in place by the conduct officer. When a no contact directive is put in place, the respondent is notified.

2) **Housing Reassignments**

In accordance with University housing agreements, a student may be reassigned to other University housing under certain circumstances as necessary.

3) **Limiting the Respondent’s Access to, or Limiting Participation in, Identified University-Controlled Buildings, Programs, or Activities**

University employees or others with authority over the building, program, or activity are typically consulted regarding appropriate interim protective measure and/or may implement the interim protective measure.

3) **Changes to Class Schedules, Assignments, or Test Schedules**

This may include moving the respondent to a different class time or section. Efforts are made to avoid an impact on the respondent’s academic progress.
4) Emergency Suspension

Authority to place a student on emergency suspension is set forth in Section 10.M below.

Certain interim protective measures may also be put in place as a condition of a sanction, per Section 9 above, and notification of the condition will be incorporated into the initial or final order.

M. Emergency Authority of the University

Under WAC 478-121-237, if there is reasonable cause to believe that a student's conduct represents a threat to the health, safety, or welfare of the University or any member of the University community, or poses an ongoing threat of substantially disrupting or materially interfering with University activities or operations, the president, the president’s delegate, the vice president for Student Life for UW Seattle or delegates, and the chancellors of the UW Bothell and Tacoma campuses or delegates may immediately suspend that student from participation in any or all University functions, privileges, or locations.

In such an emergency situation, the University official placing the student on emergency suspension shall issue a written order to be served upon the student describing the terms of the emergency suspension and the reasons for the emergency suspension. The order shall advise the student how to raise an objection about the emergency suspension or request that it be made less restrictive. The University may also put a conduct hold in place during the emergency suspension period.

The order shall be effective immediately. The proceeding shall then be referred to the appropriate conduct office and the proceeding shall proceed as quickly as feasible. The emergency suspension shall remain in effect until lifted or revised by a University official with authority to do so or until a final order is entered in the proceeding. Once a final order is entered in the proceeding, any emergency suspension shall be lifted and the sanction, if any, will be imposed.

To the extent permissible under applicable law, the complainant or other member of the University community may also be provided with notice of the respondent's emergency suspension and any terms of the emergency suspension that directly relate to that individual.

N. Service of Notices, Filings, and Orders; and Time Limits

Service of all University notices will be sent via electronic mail (email) addressed to the party’s University-issued email address. An alternative email address may be provided to the conduct officer in writing. Service by email is complete at the moment the email is sent to the email address. In the alternative, service may also be accomplished by personal service or by posting it in the United States mail, properly addressed, and postage prepaid. Service by mail is complete upon deposit in the United States mail. If there is no email on record, service may also be accomplished by personal service or by posting it in the United States mail, properly addressed, and postage prepaid. Service by mail is complete upon deposit in the United States mail.
The parties are permitted to file documents with the conduct officer via email or other electronic means as determined by the conduct officer. Receipt of such documents will be the date of the email. When documents must be shared with other parties, the conduct officer will be responsible for delivery of such documents, as above.

In computing any period of time under the conduct code and this policy, the day of service of any order, notice, or other document is not counted. The last day of the applicable period of time is counted. If the last day of the applicable period of time falls on a Saturday, Sunday, or official state holiday (which includes the day after Thanksgiving), the period ends on the next business day. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays, and holidays shall be excluded in the computation.

The time limit for seeking an administrative review of an initial order is based upon the date of service of the initial order.

University students and employees have an ongoing obligation to update their physical and email addresses via MyUW. Others involved in the conduct proceeding who are not affiliated with the University have an obligation to notify the conduct officer of any change to their physical or email addresses.

O. Participation of Advisors and Attorneys

Under WAC 478-121-243, the parties to conduct proceedings may, at their own expense, be accompanied by an advisor of their choice, including an attorney, throughout the conduct proceedings. In a brief adjudicative proceeding, an advisor may provide support and advice, but an advisor may not speak on behalf of the student or disrupt or interfere with any aspect of the brief adjudicative proceeding, as determined by the conduct officer. In a full adjudicative proceeding, including any pre-hearing matters, if the party’s advisor is an attorney, the attorney may advise and represent the party, but the advisor may not disrupt or interfere with any aspect of the proceeding, as determined by the hearing officer or reviewing officer(s).

Advisors should make themselves reasonably available and the University will not unduly delay the conduct proceeding based on the advisor’s or attorney’s unavailability. Advisors may be asked to meet with a University administrator in advance of any participation in the proceeding to learn about the process and the expectations of the role.

P. Consolidation

Under WAC 478-121-245, if there are multiple conduct proceedings involving common issues or parties, the parties may request, or the presiding officer may decide, to consolidate the proceedings. This decision is within the sole discretion of the presiding officer.

Q. Burden of Proof

Under WAC 478-121-247, the burden of proof in conduct proceedings rests with the University.
R. Disability Accommodation

The University provides reasonable accommodation to individuals involved in the conduct process, including interpreter services for deaf and hard of hearing, in accordance with relevant federal and state laws and University policies. To request disability accommodation, contact a disability services office. See Section 18A.

11. Evidence

A. Evidence in Conduct Proceedings

Under WAC 478-121-250, the following evidentiary provisions apply to conduct proceedings under the student conduct code and this policy. In applying the code, due consideration shall be given to the fact that the conduct process is administrative and not judicial in nature and that rules of evidence only apply to the extent set forth in the code or in Chapter 34.05 RCW. This policy also provides guidance regarding the University's interpretation of those rules.

While brief adjudicative proceedings do not require the application of rules of evidence, the conduct officer will be guided by the principles underlying the Washington State Rules of Evidence when they do not conflict with the code or relevant University policies.

B. Relevant Evidence, Hearsay, and Character Evidence

Under WAC 478-121-253, evidence, including hearsay, is admissible if, in the judgment of the presiding officer, it is the kind of evidence on which reasonably prudent persons are accustomed to rely in the conduct of their affairs. Findings may be based on such evidence even if it would be inadmissible in a civil trial. In a full hearing, however, the hearing officer shall not base a finding exclusively on such inadmissible evidence unless the hearing officer determines that doing so would not unduly abridge the parties' opportunities to confront witnesses and rebut evidence. The basis for this determination shall appear in the initial order.

The presiding officer will determine the admissibility and relevance of all evidence, including that offered by the parties and/or witnesses, and shall exclude evidence that is inadmissible on constitutional or statutory grounds or on the basis of evidentiary privilege recognized in the courts of this state. The presiding officer may exclude from consideration evidence that is not relevant. The presiding officer may also exclude from consideration evidence that is immaterial or unduly repetitious.

In general, the presiding officer will not consider statements of personal opinion or statements as to any individual's general reputation or any character trait, unless the presiding officer considers such evidence to be relevant and admissible.

The presiding officer may take judicial notice of some material that was not offered as evidence by the parties. In full adjudicative proceedings, the process for taking judicial notice is set forth in RCW 34.05.452.
C. Prior or Subsequent Conduct of the Respondent

Under WAC 478-121-255, prior or subsequent conduct of the respondent may be considered in determining opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake. The presiding officer will determine the relevance and admissibility of this evidence.

D. Experts

Under WAC 478-121-260, presiding officers may consult medical, forensic, technological, or other experts when expertise on a topic is needed in order to achieve a fuller understanding of the issues under investigation. This information will be summarized in the initial order.

Generally, results of polygraph examinations are not considered relevant, even if offered voluntarily.

E. Self-Incriminating Evidence

Under WAC 478-121-263, no student shall be compelled to give self-incriminating evidence and a negative inference will not be drawn from a refusal to participate at any stage of the conduct proceeding. The presiding officer may, however, proceed with the conduct proceeding and reach a finding based on other available and admissible evidence.

F. Criminal Conviction

Under WAC 478-121-265, the presiding officer may accept a conviction of a crime under any federal, state, or local law as the evidentiary basis for establishing prohibited conduct under the code when the elements of that crime establish prohibited conduct under the student conduct code and this policy that adversely affects a University interest.

G. Law Enforcement Records

When available to the University, information provided by law enforcement, or through law enforcement records, may be considered in the University’s conduct proceedings.

H. Medical or Counseling Records

In general, an individual’s medical and counseling records are confidential and not accessible to the conduct officer unless the individual voluntarily chooses to share those records. In those instances, the information, if determined to be relevant, may be shared with other parties or witnesses and will become part of the record. Individuals who are considering submitting such records are urged to consult with the conduct officer prior to providing such records to learn more about how those records may be shared and retained.

12. Brief Adjudicative Proceedings

A. Notice of Conduct Proceeding and Investigative Interview

Under WAC 478-121-300, the conduct officer will provide notice to the parties, in writing, of the commencement of conduct proceedings, which will include information on how to petition for disqualification of the conduct officer.
The notice will include:

- A brief description of the alleged misconduct;
- The specific section(s) of the student conduct code allegedly violated; and
- Information about the range of sanctions that may be imposed in a conduct proceeding.

The conduct officer will also schedule an investigative interview with the respondent as part of the fact-finding process.

B. Fact Finding

Under WAC 478-121-305, before taking action in a brief adjudication proceeding, the conduct officer shall give each party an opportunity to be informed of the agency's view of the matter and to explain the party's view of the matter. This process includes, without limitation, conducting fact finding and providing the parties with the opportunity to participate in the conduct proceeding by explaining the process to the parties and allowing them to review the allegations, provide evidence, identify witnesses with relevant knowledge, respond to evidence provided by others, and provide the conduct officer with suggested questions for others (collectively, “fact finding”).

As part of the fact finding process and prior to its completion, the conduct officer will notify and provide the opportunity to meet separately with the complainant, the respondent, and third-party witnesses. Each party will also be asked to identify witnesses and provide other relevant information, such as documents, communications, photographs, and other evidence. The conduct officer is responsible for gathering reasonably available evidence and information.

If a party fails to respond to notices or does not participate in the conduct proceeding at any stage of the proceeding, the University may move forward with the conduct proceeding without the participation of a party.

C. Standard of Proof

Under WAC 478-121-310, the applicable standard of proof is the "preponderance of evidence" standard. This means that, in order for a respondent to be held responsible for a violation of the student conduct code and this policy, the conduct officer must conclude, based on all of the evidence in the record, that it is more likely than not that the respondent engaged in an act or acts of conduct prohibited by the code.

D. Initial Order

Under WAC 478-121-315, at the conclusion of the fact finding, the conduct officer will prepare an initial order. If the respondent is found responsible, the conduct officer will impose a sanction. The conduct officer will serve the initial order to the parties, simultaneously and in writing. The initial order will include a brief written statement of the reasons for the decision and an explanation of how to request administrative review of the initial order and the timeframe to do so.
13. Brief Adjudicative Proceeding Administrative Review

A. Requesting Administrative Review

Under WAC 478-121-320, a party may request administrative review of the initial order based on the grounds as set forth in WAC 478-121-325.

A request for administrative review must be submitted in writing to the conduct officer within 21 days of the date of service of the initial order. The party requesting the review will be provided with an opportunity to explain the reasons for seeking review. If one of the grounds is to consider newly discovered evidence, that evidence must also be provided with the request for review.

If an administrative review is not requested within 21 days of service of the initial order, the initial order shall become the final order.

B. Grounds for Administrative Review

Under WAC 478-121-325, a party may request administrative review for any or all of the following reasons:

- To determine whether there was a material error that substantially affected the outcome of the fact finding or sanctioning;
- To consider newly discovered evidence, not reasonably available during the fact finding, that could substantially impact the outcome; or
- To determine whether the sanction(s) imposed were appropriate for the violation committed and were not excessively lenient or excessively severe; or
- To determine whether the issue and interests involved warrant a full hearing.

C. Notice of Administrative Review

Under WAC 478-121-330, if administrative review is requested, the University will provide the parties notice, in writing, of the date the administrative review will be initiated and the identities of the reviewing officer(s) selected for the review panel. The parties will also be provided with information on how to petition for disqualification of any reviewing officer(s).

Other parties will be provided with a copy of the request for administrative review and notice of how to submit a written response. Responses must be submitted within five business days of service of the notice of administrative review.

D. Procedures for Administrative Review

Under WAC 478-121-335, when the reviewing officer(s) conducts an administrative review, the review is based on:

1) The conduct officer’s record and fact finding;
2) Information submitted to the review panel in the request for review or response to request for review; and

3) Newly-discovered evidence, if the basis for seeking administrative review is that newly-discovered evidence has become available; however the review of newly-discovered evidence is limited to determining whether the newly-discovered evidence warrants remanding the matter for further proceedings.

Decisions by a panel of reviewing officers will be determined by majority vote.

E. Order from Administrative Review

Under WAC 478-121-340, within 20 days after the request is submitted, the review panel will issue an order, which will include the outcome, any sanction, and a brief statement of the reasons for the outcome. All parties will receive simultaneous, written notification of the outcome of the review.

The reviewing officer(s) may reach one of the following results:

- Conclude there is no basis for remand or alteration of sanctions, and issue a final order disposing of the proceeding;

- Remand for further fact finding or review if newly-discovered evidence may have impacted the result or if the record demonstrates material error;

- Increase or reduce the sanction(s) and issue a final order, if the increased sanction does not warrant a full hearing; or

- Conclude whether the proceeding should be converted to a full adjudicative proceeding and, if so, take steps necessary to initiate a full hearing.

If the review panel does not issue an order within 20 days after the request is submitted, the request for review is deemed to be denied.

F. Process Following Remand from Administrative Review or Conversion

Under WAC 478-121-345, if the proceeding is remanded or converted to a full adjudicative hearing following administrative review, the initial order will be rescinded and the reviewing officer(s) will describe, in writing, the reasons for the remand or conversion.

Following remand, additional proceedings will be conducted as necessary to address the reasons for the remand or conversion and will be conducted in accordance with the relevant sections of the code.

14. Full Adjudicative Proceedings and Full Hearings

A. Notice of Full Hearing

Under WAC 478-121-400, the hearing officer shall set the time and place of the full hearing and give not less than seven days advance written notice to all parties and to all persons
who have filed written petitions to intervene in the matter. The notice will include information on how to petition for disqualification of the hearing officer.

B. Pre-hearing Conferences

Under WAC 478-121-403, hearing officers upon their own motion or upon request of a party may direct the parties or their representatives to engage in a prehearing conference or conferences to consider:

- Simplification of issues;
- The necessity or desirability of amendments to the pleadings, if any;
- The possibility of obtaining stipulations, admissions of fact and admissions of the genuineness of documents which will avoid unnecessary proof;
- Limitations on the number and consolidation of the examination of witnesses;
- Procedural matters;
- Distribution of written testimony and exhibits to the parties prior to the hearing;
- Such other matters as may aid in the disposition or settlement of the proceeding.

Prehearing conferences may be held by telephone conference call or at a time and place specified by the hearing officer.

Following prehearing conferences, the hearing officers shall issue an order. Orders are effective when they are served. Hearing officers may, at their discretion, hold more than one prehearing conference and issue orders modifying any prehearing order.

In any full hearing, hearing officers may, in their discretion, conduct a conference prior to the taking of testimony, or may recess the hearing for such conference, for the purpose of carrying out the purpose of this provision. The hearing officer shall state on the record the results of such conference.

C. Record for the Full Hearing

Under WAC 478-121-205, the conduct officer’s record will be included in the record for the full hearing. Prior to the hearing, the conduct officers’ record is provided the parties for review. The parties are given the opportunity, typically finalized through the pre-hearing conference, to request that evidence be included in or excluded from the record.

Under WAC 478-121-253, the hearing officer will determine the admissibility and relevance of all evidence, including that offered by the parties and/or witnesses.

D. Discovery

Under WAC 478-121-405, discovery, including depositions, interrogatories, requests for production, entry onto land for inspection or other purposes, and physical and mental
examinations, is not available in conduct proceedings under the student conduct code and this policy.

E. Subpoenas

Under WAC 478-121-407, the hearing officer may issue subpoenas. The parties may also request that the hearing officer issue subpoenas or a party's attorney of record may also issue a subpoena in whose behalf the witness is required to appear at a full hearing. The requesting party is responsible for serving the subpoena upon the witness. In the discretion of the hearing officer, and where the rights of the parties will not be prejudiced thereby, such testimony may be by telephone or other electronic means.

F. Protective Orders

Under WAC 478-121-410, the hearing officer may enter protective orders, which limit the admissibility of evidence or condition it on specified criteria necessary to protect a party or witness from annoyance, embarrassment, oppression, or undue burden or expense, or to comply with any applicable law.

G. Pleadings, Briefs, and Motions

Under WAC 478-121-413, at appropriate stages of full adjudicative proceedings, the hearing officer will give all parties full opportunity to submit and respond to pleadings, motions, objections, and offers of settlement, including motions for summary judgment.

At appropriate stages of full adjudicative proceedings, the hearing officer may give all parties full opportunity to file briefs, proposed findings of fact and conclusions of law, and proposed initial or final orders.

The hearing officer has the discretion to decide and dispose of all issues raised in accordance with this section.

H. Communications with Hearing Officer

Under WAC 478-121-415, all communications with the hearing officer, except for communications necessary to procedural aspects of maintaining an orderly process, must be in the presence of, or with a copy to, all other parties. Ex parte communications received by the hearing officer must be placed on the record, and all other parties must be informed of the ex parte communication and given an opportunity to respond on the record.

I. Standard of Proof in Full Hearings

Under WAC 478-121-417, the applicable standard of proof is the "preponderance of evidence" standard. This means that, in order for a respondent to be held responsible for prohibited conduct under the student conduct code and this policy, the hearing officer must conclude, based on all of the evidence in the record, that it is more likely than not that the respondent engaged in an act or acts of prohibited conduct.
J. **Continuances**

Under [WAC 478-121-420](#), the hearing officer has the discretion to grant postponements, continuances, extensions of time, and adjournments or upon a request of any party, if the party shows good cause.

A request for a continuance may be oral or written. If all parties do not agree to the continuance, the hearing officer may schedule a prehearing conference to receive argument or may rule on the request without argument.

K. **Testimony under Oath or Affirmation**

Under [WAC 478-121-423](#), in a full hearing, all testimony of parties and witnesses shall be made under oath or affirmation.

L. **Remote Participation**

Under [WAC 478-121-425](#), at the discretion of the hearing officer, and where the rights of the parties will not be prejudiced thereby, all or part of any hearing, including the testimony of witnesses, may be conducted by telephone or other electronic means. Each party in the hearing must have an opportunity to participate effectively in, to hear, and if technically and economically feasible, to see the entire proceeding while it is taking place. Such measures may be taken to accommodate concerns raised by a complainant, a respondent, or any witness.

M. **Procedure in Full Hearing**

To the extent necessary for full disclosure of all relevant facts and issues, the hearing officer of a full hearing shall afford to all parties the opportunity to respond, present evidence and argument, conduct cross-examination, and submit rebuttal evidence, except as restricted by a limited grant of intervention or by the prehearing order.

A complainant or respondent may request, and the hearing officer has the discretion to order, that the respondent may not ask questions of a complainant, but, instead, be allowed to submit written questions to the hearing officer, who will ask any relevant and appropriate questions submitted. The hearing officer has the discretion to accept, reject, or rephrase any question submitted.

N. **Initial Order from Full Hearing**

Under [WAC 478-121-427](#), at the conclusion, the hearing officer will issue an initial order, which shall include all matters required by [RCW 34.05.461](#)(3). The hearing officer will serve the initial order to the parties, simultaneously and in writing. The initial order will include an explanation of how to request administrative review of the initial order and the timeframe to do so.

If an administrative review is not requested within 21 days of service of the initial order, the initial order shall become the final order.
15. Administrative Review from Full Hearings

A. Requesting Administrative Review from a Full Hearing

Under WAC 478-121-430, a party may request administrative review of the initial order from a full hearing based on the grounds as set forth in WAC 478-121-433.

A request for administrative review must be submitted in writing to the hearing officer within 21 days of the date of the initial order. If one of the grounds is to consider newly discovered evidence, that evidence must be provided with the request for review.

If an administrative review is not requested within 21 days the initial order shall become the final order.

B. Grounds for Administrative Review from a Full Hearing

Under WAC 478-121-433, a party may request administrative review for any or all of the following reasons:

- To determine whether there was a material error that substantially affected the outcome of the fact finding or sanctioning;
- To consider newly discovered evidence, not reasonably available during the fact finding, that could substantially impact the outcome;
- To determine whether the sanction(s) imposed were appropriate for the violation committed and were not excessively lenient or excessively severe; or
- Any other grounds that would warrant modification, withdrawal, or reversal of the order.

C. Notice of Administrative Review from a Full Hearing

Under WAC 478-121-435, if administrative review is requested, the University will provide the parties notice, in writing, of the date the administrative review will be initiated and the identities of the reviewing officer(s) selected for the review panel. The parties will also be provided with information on how to petition for disqualification of any reviewing officer(s).

Other parties will be provided with a copy of the request for administrative review and notice of how to submit a written response. Responses must be submitted within five business days of service of the notice of administrative review.

D. Procedures for Administrative Review from a Full Hearing

Under WAC 478-121-437, when the reviewing officer(s) conducts an administrative review, the reviewing officer(s) shall:

1) Personally consider the whole record or such portions of it as may be cited by the parties;
2) Exercise all the decision-making power that the reviewing officer would have had to decide and enter the final order had the reviewing officer presided over the hearing, except to the extent that the issues subject to review are limited by a provision of law or by the reviewing officer(s) upon notice to all the parties;

3) Afford each party an opportunity to present written argument and may afford each party an opportunity to present oral argument to explain the party’s position but any such argument shall not be considered as evidence;

4) Review information submitted to the review panel in the request for review or response to request for review; and

5) Review newly-discovered evidence, if the basis for seeking administrative review is that newly discovered evidence has become available; however the review of newly-discovered evidence is limited to determining whether the newly-discovered evidence warrants remanding the matter for further proceedings.

In reviewing findings of fact by presiding officers, the reviewing officers shall give due regard to the presiding officers’ opportunity to observe the witnesses.

Decisions by the reviewing officer(s) will be determined by majority vote.

E. Communications with Reviewing Officers

Under WAC 478-121-440, all communications with reviewing officers, except for communications necessary to procedural aspects of maintaining an orderly process, must be in the presence of, or with a copy to, all other parties. Ex parte communications received by reviewing officers must be placed on the record, and all other parties must be informed of the ex parte communication and given an opportunity to respond on the record.

F. Order from Administrative Review of Full Hearing

Under WAC 478-121-443, within 30 calendar days of receipt of all response(s) submitted by the parties or oral argument (if any), whichever is later, the reviewing officer(s) will issue an order, which will include the outcome, any sanction, and a brief statement of the reasons for the outcome. All parties will receive simultaneous, written notification of the outcome of the review.

The reviewing officer(s) may reach one of the following results:

- Conclude there is no basis for remand or alteration of sanctions, and issue a final order disposing of the proceeding;

- Remand for further fact finding or review if newly discovered evidence may have impacted the result or if the record demonstrates material error with instructions to the presiding officer who entered the initial order;

- Increase or reduce the sanction(s), and issue a final order disposing of the proceeding; or
• Issue a final order disposing of the proceeding or remand the matter for further proceedings on any other grounds that would warrant modification, withdrawal, or reversal of the order, with instructions to the presiding officer who entered the initial order.

When issuing orders under this section, the order shall include, or incorporate by reference to the initial order, all matters required by RCW 34.05.461(3).

The reviewing officer will serve the order to the parties, simultaneously and in writing.

G. Process Following Remand from Administrative Review of a Full Hearing

Under WAC 478-121-445, if the proceeding is remanded, the initial order will be rescinded and the reviewing officer(s) will describe, in writing, the reasons for the remand. Following remand, additional proceedings will be conducted as necessary to address the reasons for the remand.

At the conclusion, the hearing officer will issue an initial order, which shall include all matters required by RCW 34.05.461(3). The hearing officer will serve the initial order to the parties, simultaneously and in writing. The initial order will include an explanation of how to request administrative review of the initial order and the timeframe to do so.

If an administrative review is not requested within 21 days of service of the initial order, the initial order shall become the final order.

H. Judicial Review

Once a final order has been issued by the University, complainants or respondents may seek judicial review as set forth in Chapter 34.05 RCW, the Washington State Administrative Procedure Act. The time limit for seeking judicial review of a final order is set forth in RCW 34.05.542.

16. Reconsideration of Final Orders in Full Adjudicative Proceedings

A. Reconsideration of Final Orders

Under WAC 478-121-447, within ten days of the service of a final order or within ten days of the date an initial order becomes a final order, any party may file a request for reconsideration. The request shall be directed to the officer(s) who issued the final order and state in writing specific reasons for the request. Upon receipt, the officer(s) shall promptly serve all other parties with a copy of the request for reconsideration.

Unless the request for reconsideration is automatically deemed to have been denied under WAC 478-121-450, the request shall be disposed of by the officer(s) who issued the final order, if reasonably available. The disposition shall be in the form of a written order denying the request, granting the request and dissolving or modifying the final order, or granting the request and setting the matter for further hearing.
B. Denial of Request for Reconsideration

Under WAC 478-121-450, the request for reconsideration is automatically deemed to have been denied if, within twenty days from the date the request for reconsideration is timely submitted, the officer(s) who issued the final order does not either:

1) Dispose of the request; or

2) Serve the parties with a written notice specifying the date by which the request will be acted upon.

17. Privacy and Records

A. Privacy in Full Hearings

Under WAC 478-121-453, in accord with the Family Educational Rights and Privacy Act (FERPA), (20 U.S.C. Sec. 1232g) and its implementing regulations (34 C.F.R. Part 99), all meetings or reviews conducted under the student conduct code and this policy generally will be held in closed session out of respect for the privacy of all the students involved.

In a full hearing, the hearing officer may close parts of a hearing under any provision of law expressly authorizing closure or under a protective order entered by the hearing officer pursuant to applicable rules and the hearing officer may order the exclusion of witnesses upon a showing of good cause.

Students may, at their sole discretion, waive their rights under FERPA in writing. The scope of any FERPA waiver and any protective order entered by the hearing officer will determine who can have access to information that would otherwise be protected from disclosure by FERPA, including without limitation who can be present at any hearing held in a full adjudicative proceeding under the code and this policy. If the hearing is open to public observation, the hearing officer shall conduct the hearing in a room that will accommodate a reasonable number of observers. The hearing officer may issue a protective order to exclude from the hearing any persons who are disruptive of the proceedings and may limit the number and activities of the observers as necessary to protect the safety of the participants and observers and to assure a fair hearing.

To ensure the privacy of all students involved, no cameras or recording devices shall be permitted except for the official recording by the University; however, if FERPA or other federal or state law implicated by RCW 34.05.040 does not preclude it, then any party, at the party's expense, may cause a reporter approved by the agency to prepare a transcript from the agency's record, or cause additional recordings to be made during the hearing if the making of the additional recording does not cause distraction or disruption. If a party intends to make a recording of the proceeding, the party shall advise the hearing officer prior to the prehearing conference so that any issues related to making an additional recording can be addressed prior to the full hearing.
B. **General Recordkeeping**

Under **WAC 478-121-500**, records related to conduct proceedings shall be maintained consistent with **RCW 34.05.476** and **34.05.494**, University records retention policies, and other relevant policies.

C. **Disciplinary Record**

Under **WAC 478-121-510**, any final order resulting from conduct proceedings shall become a part of the respondent’s disciplinary record. Student disciplinary records are "education records" as defined by FERPA and may only be disclosed consistent with FERPA and **Chapter 478-140 WAC**.

This may include, but is not limited to, releasing to the alleged victim of a crime of violence or a non-forcible sex offense the final results of the conduct proceeding conducted by the University involving the student who is alleged to have engaged in that crime or offense.

18. **University Resources**

A. **Disability Services Offices**

Services for matriculated students who are enrolled at the University of Washington Seattle:

Disability Resources for Students (DRS)
Email: uwdrs@uw.edu
Phone: 206-543-8924; 206-543-8925 (TTY)

Services for staff, academic personnel and the general public at all University locations and for non-matriculated students in Seattle:

Disability Services Office (DSO)
Email: dso@uw.edu
Phone: 206-543-6450; 206-543-6452 (TTY)

Services for students who are enrolled at the UW Bothell:

Bothell – Disability Resources for Students (DRS)
Phone: 425-352-5307; TDD: 425-352-5303

Services for students who are enrolled at UW Tacoma:

Tacoma – Disability Support Services (DSS)
Email: dssuwt@u.washington.edu
Phone: 253-692-4522

B. **Safety Resources**

24/7 Helpline available to report concerns of potential violence and get connected to resources:
SafeCampus
PH: 206-685-7223
Web: www.depts.washington.edu/safecamp/

Safety information and resources for the UW Bothell community, including crime reporting to local law enforcement

UW Bothell Campus Safety Office
Non-emergency PH: 425-352-5359
http://www.uwb.edu/safety

Safety information, resources, and victim advocacy for the UW Seattle community, including reporting on-campus crimes

UW Police Department (UWPD)
PH: 206-543-9331 or 206-685-8973
http://police.uw.edu/

UWPD Victim Advocate
Phone: 206-543-9337
Email: UWPDAdvocate@uw.edu

Safety information and resources for the UW Bothell community, including crime reporting to local law enforcement

UW Tacoma Campus Safety and Security
Non-emergency PH: 253-692-4416
http://www.tacoma.uw.edu/campus-safety/home

C. Counseling

For free short-term services for students:

UW Bothell Counseling Center
PH: 425-352-3183
http://www.bothell.washington.edu/studentaffairs/counseling

UW Seattle Counseling Center
PH: 206-543-1240
http://www.washington.edu/counseling/

UW Tacoma Student Counseling Center
PH: 253-692-4522
http://www.tacoma.washington.edu/studentcounseling

For counseling services that can be billed to medical insurance:

UW Seattle Hall Health Mental Health
PH: 206-543-5030
http://depts.washington.edu/hhpccweb/project/mental-health-clinic/
University of Washington

Student Governance and Policies

Student Policies

Chapter 210

Student Conduct Policy for Discriminatory and Sexual Harassment, Intimate Partner Violence, Sexual Misconduct, Stalking, and Retaliation

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1. Policy and Authority

A. Policy

The University of Washington (University) is a public institution responsible 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 the 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 rules, regulations, procedures, policies, and standards of conduct that safeguard its functions and protect the rights and freedoms of all members of the University community.

As set forth in Executive Order No. 31, Nondiscrimination and Affirmative Action, the University does not discriminate on the basis of sex or gender in any of its education or employment programs and activities, and it does not tolerate discrimination or harassment on the basis of sex or gender. When the University becomes aware of sex or gender-based
harassment or discrimination, the University will take steps to end the conduct, prevent its recurrence, and address its effects on the individual and community.

This policy is adopted in compliance with Title IX of the Education Amendments of 1972 (20 USC § 1681), Title II of the Americans with Disabilities Act of 1990 as amended, the Rehabilitation Act of 1973 (P.L. 93-11) and 45 C.F.R. Part 84, Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq), Title IV of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq), Title VII of the Civil Rights Act of 1964, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, as amended by the Violence Against Women Reauthorization Act of 2013 (Clery Act), Gender Equality in Higher Education (Chapter 28B.110 RCW), and the Administrative Procedure Act (Chapter 34.05 RCW).

B. Purpose

The purpose of this policy is to describe the University’s statements of policy in compliance with the Clery Act and related federal and state law (see: 34 CFR 668.46(b)(11)(ii), Procedures Victims Should Follow in the Case of Alleged Dating Violence, Domestic Violence, Sexual Assault or Stalking).

The purpose of this policy is also to describe the University’s agency-level policies and procedures regarding student conduct and student discipline of the rules set forth in Chapter 478-121 WAC, Student Conduct Code for the University of Washington, related to reports of prohibited conduct under the code and to describe the University’s current approach to implementation of the code and its practices, procedures, and methods of action based upon that approach for student conduct proceedings alleging misconduct under the following sections of the code:

- “Discriminatory harassment” as defined in WAC 478-121-123;
- “Intimate partner violence” as defined in WAC 478-121-140;
- “Sexual harassment” as defined in WAC 478-121-155;
- “Sexual misconduct,” which includes “indecent exposure” as defined in WAC 478-121-137, “sexual assault” as defined in WAC 478-121-150, and “sexual exploitation” as defined in WAC 478-121-153;
- “Stalking” as defined in WAC 478-121-157; and
- “Retaliation” as defined in WAC 478-121-147, when that alleged conduct arose in connection with a report or conduct proceeding covered by this policy.

C. Advisory Committee on Student Conduct

The Advisory Committee on Student Conduct is charged and authorized with reviewing and evaluating conduct processes and outcomes and making recommendations to the Faculty Council on Student Affairs for potential revisions to policies and procedures. The committee is chaired by a faculty representative nominated by the Faculty Council on Student Affairs and approved by the Faculty Senate.
D. **Complainant as a Party to a Conduct Proceeding**

If a conduct proceeding is initiated that involves any of the prohibited conduct covered by this policy, in accordance with WAC 478-121-233, the complainant will be designated as a “party” in the conduct proceeding. The other parties to a conduct proceeding are typically the University and the respondent.

Under the code, a "complainant" is the person who is the subject of the prohibited conduct, whether or not that person made a report that a violation of the code had been committed against them (per WAC 478-121-050(2)). A "respondent" is any student or student organization reported to have engaged in prohibited conduct under the conduct code (per WAC 478-121-050(10)).

If reported conduct may constitute “Retaliation” and that alleged conduct arose in connection with a report or conduct proceeding covered by this policy, in accordance with WAC 478-121-233, the complainant will be designated as a party in any conduct proceeding initiated relating to that report.

C. **Intersection of the Student Conduct Code and Related Student Conduct Policies**

If the reported conduct involves common issues or parties that would potentially fall under both *Student Governance and Policies, Chapter 209* and this policy, the University may, in its discretion, conduct one conduct proceeding.

In addition, reports that may constitute of “Abuse of Others” under WAC 478-121-103 will be addressed under this policy if the report involves sexual or discriminatory harassment, intimate partner violence, sexual misconduct, or is part of a course of conduct that meets the definition of stalking.

Reports that fall solely within prohibited conduct covered by *Student Governance and Policies, Chapter 209*, Student Conduct Policy for Academic Misconduct and Behavioral Misconduct, will be addressed under that policy.

D. **Intersection and Coordination with Other Related University Policies**

The following University policies may intersect with this policy:

- **Executive Order No. 31**, Nondiscrimination and Affirmative Action, which prohibits discrimination and harassment based on protected class statuses, including based on sex, sexual orientation, and gender identity or expression. Sexual and discriminatory harassment are also prohibited forms discrimination;

- **Executive Order No. 51**, Sexual Violence Elimination Policy, which prohibits domestic violence, relationship violence, stalking, and sexual assault;

- **Administrative Policy Statement 46.3**, Resolution of Complaints Against University Employees, which governs reports against University employees; or

- **Workplace Violence web page**, which prohibits acts or threatened acts of violence, including relationship violence or domestic violence.
For students who are also University employees, where reported conduct involves the potential violation of the student conduct code and other related University policies, the University will assess the appropriate process through which to respond to the reported conduct and evaluate whether a single fact finding and/or conduct proceeding may be conducted that encompasses all relevant conduct and policies.

E. **Title IX Coordinator**

The University has designated a Title IX Coordinator to oversee implementation of this policy and facilitate the University’s compliance with Title IX and related provisions of the Clery Act (as amended by VAWA). The University's Title IX Coordinator is available to review individual questions or concerns relating to this policy, to address concerns about compliance, and to provide compliance support for programs, departments, schools, colleges, and campuses relating to discrimination based on sex.

Kate Leonard, Title IX Coordinator
4311 11th Avenue NE, Suite 320
Seattle, WA
Phone: 206-221-7932
Email: titleix@uw.edu

F. **External Reporting Options**

Concerns about the University’s application of relevant federal and/or state law can be referred to:

United States Department of Education Office for Civil Rights (OCR)
Phone: 1-800-421-3481 (toll-free)
Email: ocr@ed.gov

United States Department of Education, Clery Act Compliance Division
Email: clery@ed.gov

Washington State Human Rights Commission
Phone: 1-800-233-3247 (toll-free) 1-800-300-7525 (toll-free TTY)

2. **University Assistance and Resources**

A. **Reports to the University and Outreach to Complainant**

The University encourages individuals who are affected by prohibited conduct under this policy to seek assistance from the confidential advocates listed in Section 2.B, below, and to report the conduct to the University and/or law enforcement as described in Section 4, Reporting Options and Initial Assessment of Reports, below. Complainants may make a report to the University, to law enforcement, to both, or to neither. Complainants may also simultaneously pursue criminal and University action. University conduct proceedings and law enforcement investigations operate independently of one another, although the University will make efforts to coordinate information with law enforcement when there are parallel investigations. The assistance and resources described in this section are available
to individuals regardless of whether they choose to make a report to law enforcement or request any particular response by the University.

When the University receives a report that a member of the University community has been impacted, either directly or indirectly, by conduct covered by this policy, the individual will be provided with written information about resources and applicable policies.

Additional information about University and community resources is also available on the Sexual Assault Resources website.

B. Confidential Advocates

The University has designated confidential advocates who provide a safe place for individuals to discuss concerns regarding conduct covered by this policy and to learn about the options and resources available to them. They can also provide support in seeking interim supportive measures or other resources described in this policy.

Disclosures made to a confidential advocate do not constitute a report to the University for the purposes of initiating a conduct proceeding or taking action involving a respondent. Additional information about confidentiality, and any further limits on confidentiality, is provided in Section 3, Privacy and Confidentiality, below. Information can also be obtained from the confidential advocates:

For those associated with UW Seattle

   UW Police Department (UWPD) Victim Advocate  
   Phone: 206-543-9337  
   Email: UWPDAvocate@uw.edu

For students enrolled at the UW Seattle campus only

   Health and Wellness Advocate  
   Phone: 206-685-4357  
   Email: hwadvoc@uw.edu

For the most current information relating to the designation of confidential advocates at the University and for other community-based confidential advocates, see the Sexual Assault Resources website.

C. Interim Supportive Measures

The University will offer reasonable and appropriate interim measures for the complainant. These measures may be supportive (designed to address a complainant’s continued access to University educational programs and activities, employment, or other University activities or programs) or protective (involving action that impacts a respondent). See Section 10.L for more information on interim protective measures.

Interim supportive measures are available regardless of whether a complainant makes a report under the student conduct code or this policy. They may include, but are not limited to, arranging for housing, academic or work adjustments for the complainant, consultation
regarding transportation planning, and facilitating the complainant’s access to counseling and healthcare services.

Interim supportive measures may be implemented when reasonably available and may be on an interim or permanent basis. The University will maintain the privacy of any interim supportive measures provided to the extent practicable.

D. **Leave Use or Work Schedule Adjustments**

Employees, including student employees, who are victims of intimate partner violence (including domestic violence and relationship violence), stalking, or sexual assault may request time away from work or a modified work schedule to make arrangements for personal safety, legal proceedings, or to obtain medical, legal, or counseling services. See *Administrative Policy Statement 11.7*, Policy on Domestic Violence in the Workplace and Leave Related to Domestic Violence, Sexual Assault, or Stalking.

E. **Information about University and Community Services**

The University and/or local communities offer a variety of services including counseling, healthcare, victim advocacy, legal assistance, VISA and immigration assistance, and student financial aid assistance. Information about available services at the University and in the local communities is available on the [Sexual Assault Resources](#) website, from the Title IX Coordinator, or from a confidential advocate.

F. **Protection Orders**

The University will provide information on how to obtain orders of protection issued by a criminal, civil, or tribal court. When an order has been obtained that has implications for the complainant’s or respondent’s participation in employment, educational programs and activities, or other University activities or programs, the University will assist with implementation. For more information, see the [Sexual Assault Resources](#) website.

G. **Medical Care and Preserving Evidence**

Medical care is available from the University’s medical centers and/or other medical centers in the community. Sexual Assault Nurse Examiners (SANE) are specially trained to work with individuals who have been sexually assaulted and to preserve evidence in the event the individual later decides to pursue a criminal report. It is not necessary to make a police report to receive a SANE exam and there is no charge for the exam. More information about the importance of preserving evidence and about local resources for seeking a SANE exam is available from the confidential support offices and on the [Sexual Assault Resources](#) website.

H. **Disability Accommodations**

For those who are experiencing impacts of a medical or mental health condition or whose experience has affected an existing condition, University disability services offices can evaluate and provide reasonable accommodations. See *Student Governance and Policies*, Chapter 208, Reasonable Accommodations for Students with Disabilities. For contact information see resources in [Section 18.A](#).
3. Privacy and Confidentiality

A. Privacy and Confidentiality Meanings

The University is committed to protecting the privacy of all individuals who are involved in any report or conduct proceeding under this policy. “Privacy” and “confidentiality” have distinct meanings under this policy.

Privacy means that information related to a report of prohibited conduct will be shared with a limited circle of University employees who “need to know” in order to assist in assessing and responding to a report. See Section 17 for more information about privacy and records.

Confidentiality exists in the context of laws that protect certain relationships, including with medical and clinical care providers, mental health providers, and counselors, all of whom may engage in confidential communications under Washington State law. Other examples include licensed medical, clinical, or mental-health professionals, physicians, nurses, physicians’ assistants, psychologists, psychiatrists, professional counselors, and those performing services under their supervision. The University has designated University employees who have the ability to have such confidential communications as “Confidential Employees.”

B. Communications with Confidential Employees and Related Records

Communications between patients and University healthcare providers, and related medical records, have additional protections under University policies, state licensing requirements, and state and/or federal law.

Generally, the provider cannot reveal that information to any third party except:

- If the patient gives written consent for its disclosure;
- If there is risk of imminent harm to the patient or another identified person;
- If there is reason to suspect that a minor or an elderly person is in danger of being abused or neglected;
- If a court of law orders the release of certain information about a patient; or
- If the patient files a lawsuit or other legal action against the University or its employees, agents, or officers contesting the provision of services, information contained in the provider’s records could be released to University attorneys if relevant to the action.

More information about the confidentiality may be obtained from the healthcare provider.

C. Reporting Suspected Child Abuse

In accordance with Administrative Policy Statement 11.8, Reporting Suspected Child Abuse, all University employees and volunteers who have reasonable cause to believe that a child has suffered abuse or neglect must immediately report the suspected abuse or neglect to
law enforcement or the Department of Social and Health Services. A child is any individual under the age of 18 years old.

D. Clery Act Reporting

Under the Clery Act, the University must maintain a daily crime log, publish an annual security report that includes aggregate statistics about reports of certain potential criminal offenses, and provide those statistics to the United States Department of Education. Clery Act reporting does not include any personally identifying information about individuals involved in an incident.

The Clery Act also requires the University to issue timely warnings to the University community about certain crimes that have been reported and may continue to pose a serious or continuing threat to students and employees. Consistent with the Clery Act, the University withholds the names and other personally identifying information of complainants, including information likely to disclose the location of the complainant, when issuing timely warnings to the University community.

E. Reporting by University Employees

The University’s Violence Prevention and Response Program (SafeCampus) has been designated to receive reports from University employees when employees learn of potential prohibited conduct under this policy. SafeCampus will collect all relevant details (obtained directly or indirectly) about the incident, including dates, times, locations, and names of complainant and other individuals involved, if known. SafeCampus will then contact the complainant to provide information about available support, resources, and reporting options under this policy and will also notify the Title IX Coordinator. SafeCampus will also connect the complainant with a confidential advocate. Contacting SafeCampus will not automatically initiate a conduct proceeding or other University investigation.

Generally, University employees are not required to report, and the University will not consider it a report, when information is disclosed:

1) At public awareness events (e.g., “Take Back the Night,” candlelight vigils, protests, “survivor speak-outs,” or other public forums in which students may disclose prohibited conduct); or

2) During an individual’s participation as a subject in an Institutional Review Board-approved human subjects research protocol (IRB Research).

4. Reporting Options for Complainants and Initial Assessment of Reports

A. Reporting Discriminatory and Sexual Harassment, Intimate Partner Violence, Sexual Misconduct, Stalking, and Retaliation Under This Policy

Reports of prohibited conduct under this policy should be made to:

Title IX Investigation Office
4311 11th Avenue NE, Suite 320
Seattle, WA
There is no time limit for reporting to the University; however, the University’s ability to respond may diminish over time, as evidence may erode, memories may fade, or respondents may no longer be affiliated with the University. If a respondent is no longer a student, the University will provide reasonably appropriate supportive measures and assist the complainant in identifying any other reporting options.

B. Reporting Other Prohibited Conduct

Reports of other types of prohibited conduct under Chapter 478-121 WAC, Student Conduct Code for the University of Washington, should be made in accordance with Student Governance and Policies, Chapter 209, Student Conduct Policy on Academic Misconduct and Behavioral Misconduct.

C. Reporting to Law Enforcement

Prohibited conduct under this policy may also violate criminal law and may be reported directly to law enforcement. A complainant has the right to report, or decline to report, potential criminal conduct to law enforcement. The University will assist a complainant in contacting law enforcement. If a complainant chooses to make a report to law enforcement, the complainant may also make a report to the University. For more information on reporting, see the Sexual Assault Resources website.

D. Amnesty for Alcohol or Other Drug Violations

A conduct officer may elect not to initiate a conduct proceeding regarding alcohol or other drug violations against a student who, while in the course of helping another student seek medical assistance, admits to the unlawful possession or use of alcohol or drugs, provided that the possession was for personal consumption and the use did not place the health or safety of any other person at risk. The University may initiate an assessment or educational discussion or pursue other non-disciplinary options regarding alcohol or other drug use. In addition, a conduct proceeding will not be initiated against a complainant or other reporting student or other participating witnesses who admit to the possession or use of alcohol or drugs in connection with a report under this policy.

E. Informal Settlements and Mediation

The University may conduct informal settlements or other alternative resolution of reports. Mediation, including direct interaction between a complainant and respondent, even if voluntary, may not be used in resolving reports of sexual assault under this policy.

F. Initial Assessment

Upon receipt of a report, representatives of appropriate University offices, such as the Title IX Coordinator, will conduct an initial assessment, as described in Section 4.G, below. A report may include, but is not limited to, direct or indirect reports of potential prohibited conduct, including a police report, an incident report, a witness statement, other documentation, or a verbal or written report from a complainant, witness, or a third party.
G. Request to Not Pursue a Conduct Proceeding

When complainants request that their name or other identifiable information not be shared with respondents and/or that no conduct proceeding or other action be taken, the University will seek to honor that preference when possible. In determining how to proceed, the University will balance a complainant’s request with its obligation to provide a safe and nondiscriminatory environment for all University community members, including the complainant.

The factors that will be considered in evaluating such requests, include, but are not limited to:

1) The nature and scope of the reported conduct, including whether the reported conduct involved physical force or the use of a weapon;

2) The potential impact on the complainant of moving forward, particularly in reports involving intimate partner violence;

3) The respective ages and roles of the complainant and respondent, including whether the complainant is (or was at the time of the reported conduct), a minor under the age of 18;

4) The risk posed to any individual or to the campus community by not proceeding, including the risk of additional violence;

5) Whether there have been other complaints to the University related to similar behavior about the same respondent (if known);

6) Whether the respondent has a history of convictions or records from a prior school indicating a history of harassment/misconduct, if such records are available;

7) Whether the respondent threatened further sexual violence or other violence against the complainant or others;

8) Whether the report reveals a pattern of conduct at a given location or by a particular group such that there is an increased risk of future acts of sexual misconduct under similar circumstances; and

9) Whether the conduct included multiple respondents.

Where the University determines that a complainant’s request can be honored, the University will evaluate whether there are other steps that can be taken to respond to the report and remedy any effects on the complainant and the University community. Those steps may include offering appropriate supportive measures to the complainant, providing targeted training or prevention programs, and/or providing or imposing other remedies tailored to the circumstances.

Where the University determines that action should be taken that is inconsistent with the request of the complainant, the complainant will be informed about the chosen course of action, which may include the University initiating a conduct proceeding against a
respondent. In that event, the University will make reasonable efforts to protect the privacy of the complainant. However, in the course of a conduct proceeding a complainant’s identity may have to be disclosed. If so, the complainant will be notified that the University intends to proceed with a conduct proceeding, but that the complainant is not required to participate in the proceeding or in any other actions undertaken by the University.

In such cases when the complainant chooses not to participate or does not respond to a request to participate, the University may pursue conduct proceedings if it is possible to do so without the complainant’s participation. Where a complainant declines to participate in a conduct proceeding, however, the University’s ability to meaningfully investigate and respond to a report may be limited.

5. Standards of Conduct and Application of the Student Conduct Code

A. Statement of 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 rules regarding student conduct and student discipline (“code”) that are set forth in Chapter 478-121 WAC, Student Conduct Code for the University of Washington.

B. Standards of Conduct

By way of further interpretation, in determining what types of conduct would be prohibited under WAC 478-121-100 through 478-121-173, the University applied guiding principles that can be summarized as follows: Admission to the University carries with it the presumption that students will conduct themselves as responsible members of the University 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 University community. That responsibility includes, but is not limited to:

1) Practicing high standards of academic and professional honesty and integrity;

2) Refraining from any conduct that would violate the rights, privileges, and property of others;

3) Refraining from any conduct that would substantially disrupt or materially interfere with University operations;

4) Refraining from any conduct that could reasonably cause harm to or endanger the health, safety, or welfare of other persons; and

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

C. General Application of the Student Conduct Code

Under WAC 478-121-020, the conduct code applies to all students from the time of admission through the actual conferral of a degree, including any period between terms of enrollment.
The disciplinary sanctions specified in WAC 478-121-210, up to and including suspension or dismissal, may be imposed on any student or student organization found responsible for prohibited conduct set forth in WAC 478-121-100 through 478-121-173 and as described in relevant University policies.

D. Jurisdiction of the University

Under WAC 478-121-040, the scope of the University’s jurisdiction includes reports that prohibited conduct occurred:

1) On any University premises or in connection with any University-sponsored program or activity, regardless of the location of the program or activity; or

2) Off campus (i.e., conduct that does not occur on University premises or in the context of a University-sponsored program or activity) where: the University reasonably determines that the conduct adversely affects a University interest or, has continuing adverse effects or may create a hostile environment on University premises or in the context of a University-sponsored program or activity.

Nothing in the conduct code or this policy shall be construed to limit academic action that may be taken by schools, colleges, or programs against a respondent based on an established violation of Chapter 478-121 WAC that demonstrates a failure to meet the academic and/or professional standards of the school, college, or program.

If a respondent withdraws from the University (or fails to reenroll) while a conduct proceeding is pending, the University may move forward with the conduct proceeding and, if so, the respondent will be provided with a continued opportunity to participate.

The conduct officer will determine whether the University has jurisdiction based on the information available through the report and initial assessment.

6. Definitions for Conduct Proceedings

Under WAC 478-121-050, the following definitions apply to conduct proceedings under the student conduct code and this policy:

A. Attorney

"Attorney" is a person permitted to practice law in Washington State.

B. Complainant

A "complainant" is the person who is the subject of the prohibited conduct, whether or not that person made a report that a violation of the code or this policy had been committed against them.

C. Conduct Hold

A “conduct hold” refers, collectively, to administrative notes on a student’s record, such as registration holds, degree holds, and transcript holds, that enable the conduct officer to
monitor the registration and enrollment status of a student for the purpose of administering the code.

D. Conduct Officer

"Conduct officer" is an individual who has the authority to initiate conduct proceedings under the code, including initiating conduct proceedings, completing fact finding, and issuing initial orders. A “conduct officer” under the code is considered a “presiding officer” under Chapter 34.05 RCW for the purpose of conducting a brief adjudicative proceeding.

E. Conduct Proceedings

“Conduct proceedings” refers to brief adjudicative proceedings and full adjudicative proceedings, collectively, under Chapter 34.05 RCW.

F. FERPA

"FERPA" refers to the federal Family Educational Rights and Privacy Act (20 U.S.C. Sec. 1232g) and its implementing regulations (34 C.F.R. Part 99).

G. Full Hearing

“Full hearing” refers to the hearing that occurs when a matter is designated as being appropriate for a full adjudicative proceeding, consistent with Part V of Chapter 478-121 WAC, and Section 14 of this policy.

H. Hearing Officer

A “hearing officer” is a “presiding officer” in a full hearing for the purpose of conducting a full adjudicative proceeding under Chapter 34.05 RCW.

I. Presiding Officer

“Presiding officer” refers to conduct officers and hearing officers collectively.

J. Respondent

A "respondent" is any student or student organization reported to have engaged in prohibited conduct under the conduct code.

K. Review Coordinator

A “review coordinator” is an individual who may be appointed to a review panel as a non-voting member who manages the administrative review process.

L. Review Panel

“Review panel” is a panel of reviewing officers selected from the pool of reviewing officers appointed to conduct administrative reviews under Parts IV or V of Chapter 478-121 WAC and Section 13 and/or Section 15 of this policy. The review panel may also include a “review coordinator.”
M. Reviewing Officers

“Reviewing officers” are those who conduct administrative reviews for the purpose of full adjudicative proceedings or brief adjudicative proceedings under Chapter 34.05 RCW.

N. Student

A “student” is any person enrolled in or taking courses at or through the University, either full-time or part-time, including credit, noncredit, online, and non-degree courses, and any person who has been notified of acceptance for admission by the University. A student who withdraws from a course or from the University, graduates, or completes courses after the date of an alleged violation, or who is not enrolled for a particular quarter or quarters, but has a continuing relationship with the University, is still considered a student for purposes of the conduct code and this policy.

O. Student Organization

"Student organization" is a group of students that has complied with the requirements for University recognition or who otherwise are granted any rights or privileges by the University as a University affiliate. Student organizations include, but are not limited to, athletic teams or clubs, registered student organizations (RSOs), University service clubs, and sororities and fraternities.

P. University Community

The “University community” includes all University students, employees, guests of and visitors to the University, and other individuals affected by the conduct of a University student.

Q. University Official

"University official" is an employee of the University performing his or her assigned administrative, professional, or paraprofessional duties.

R. University Premises

"University premises" includes all of the University's campus buildings, grounds, and facilities, all of its extension and research locations, and all other University-leased, -owned, or -managed buildings, grounds, and facilities, including its global learning centers and study abroad program sites, as well as University-sponsored and/or -hosted online platforms.

7. Prohibited Conduct

A. General Application

Prohibited conduct under this policy includes, but is not limited to the conduct as described in WAC 478-121-100 through 478-121-173 and other relevant University policies, including this policy and Student Governance and Policies, Chapter 209, Student Conduct Policy for Academic Misconduct and Behavioral Misconduct.
B. Aiding Assisting, and Attempting

Under \textit{WAC 478-121-113}, students may also be found responsible for prohibited conduct if they:

1) Aid or assist another student or student organization in the commission of prohibited conduct;

2) Request, hire, or incite another person to commit prohibited conduct, either intending that the other person commit the prohibited conduct or with the knowledge that the other person intends to commit the prohibited conduct; or

3) Attempt to commit prohibited conduct.

C. Discriminatory Harassment

Under \textit{WAC 478-121-123}, discriminatory harassment includes verbal, physical, electronic, or other conduct based on an individual’s race, color, creed, religion, national origin, citizenship, sex, age, pregnancy, marital status, sexual orientation, gender identity or expression, disability, or veteran status when one of the conditions outlined in Sections 7.C.1 or 7.C.2, below, is present:

1) Submission to, or rejection of, such conduct is made implicitly or explicitly a term or condition of an individual’s instruction, academic standing, employment, or participation in any University program, activity, or benefit, or is used as a basis for evaluation in making academic or personnel decisions; or

2) Such conduct creates a hostile environment, which is created when the conduct is sufficiently severe, persistent, or pervasive that it unreasonably interferes with an individual’s academic or work performance, ability to participate in or benefit from the University's programs, services, opportunities, or activities, or the receipt of legitimately requested services when viewed through both a subjective and objective standard.

D. Indecent Exposure

Under \textit{WAC 478-121-137}, indecent exposure includes the exposure of a person’s genitals or other private body parts when done in a place or manner in which such exposure is likely to cause affront or alarm, or is against generally accepted standards of decency. Breast feeding or expressing breast milk is not indecent exposure.

E. Intimate Partner Violence

Under \textit{WAC 478-121-140}, intimate partner violence includes any act of violence or threatened act of violence that occurs between individuals who are involved or have been involved in a sexual, dating, spousal, domestic, or other intimate relationship. Intimate partner violence may include any form of prohibited conduct under this policy, including sexual assault, stalking, and physical abuse of others.
Abuse of others includes assault and other forms of physical abuse of any person, or any conduct intended to threaten bodily harm or to endanger the health or safety of any person.

Intimate partner violence may also include forms of economic or emotional abuse, including behaviors that are intended to intimidate, manipulate, humiliate, or isolate someone.

For the purpose of the University’s annual crime statistics, as used in WAC 478-121-140 and this policy, the definition of “intimate partner violence” is intended to be consistent with the definitions of dating violence and domestic violence set forth in the Clery Act (as amended by VAWA). When determining whether the reported conduct meets the Clery definition, whether there has been a domestic or dating relationship will be determined by a review of its length, type, and frequency of interaction.

F. Retaliation

Under WAC 478-121-147, retaliation includes engaging or attempting to engage in any action, directly or indirectly, including through a third party, that is intended to harass, intimidate, threaten, harm or improperly influence any person because they:

1) Make, or intend to make, a report, complaint, grievance, or allegation of prohibited conduct under any University policy or rule, or under any law;

2) Participate in and/or cooperate with conduct proceedings; or

3) Appear as a witness.

G. Sexual Assault

Under WAC 478-121-150, sexual assault includes sexual contact with another person without, or that exceeds, that person’s consent.

1) For the purposes of this subsection, "sexual contact" includes:

   a) Any intentional touching of the intimate parts of another person’s clothed or unclothed body, including but not limited to the mouth, neck, buttocks, anus, genitalia, or breast;

   b) Causing another person to touch their own or another’s body in the manner described above; or

   c) Any penetration, no matter how slight, of the vagina or anus with any body part or object, or oral-genital contact.

2) For the purposes of this subsection, "consent" means that at the time of and throughout the sexual contact, there are words or conduct that reasonably communicate freely given agreement between or among the parties to engage in the sexual contact. In addition:

   a) Consent cannot be obtained when force or threat is used to gain consent;
b) Consent cannot be obtained where the respondent knew or reasonably should have known that the other person was incapacitated; or

c) Consent cannot be given or granted by a person who is under the statutory age of consent in accordance with the Criminal Code of Washington, Chapter 9A.44 RCW, Sex Offenses.

A respondent’s use of alcohol or drugs is not a valid defense to a charge of sexual assault, and a respondent will be held to the standard of a reasonable sober person in evaluating whether the respondent knew or reasonably should have known that the complainant was incapacitated.

3) When assessing “consent,” the agency’s interpretation of the code is that the presiding officer may consider the following, along with any other information that is relevant to determine if consent was “freely given” as set forth in WAC 478-121-147(2) of the conduct code:

a) Consent cannot solely be inferred from silence, passivity, or a lack of resistance, and relying on non-verbal communication alone may violate the code and this policy;

b) Consent cannot be inferred merely from an existing or previous dating or sexual relationship;

c) Even in the context of a relationship, there must be mutual consent to engage in sexual contact;

d) Past consent alone is not sufficient to imply future consent;

e) Consent given to one person does not constitute consent given to another person;

f) Consent to one sexual act does not constitute consent to other sexual acts; and

g) Consent can be withdrawn at any time and, once consent is withdrawn and reasonably communicated, sexual contact must stop immediately.

For the purposes of determining whether consent has been given, the University interprets the code to mean that individuals are “incapacitated” when they lack the ability to understand the facts, nature, extent, or implications of the sexual contact for any reason including, but not limited to, being asleep, unconscious, unaware that the sexual contact is occurring, mentally or physically impaired due to an intellectual or other disability, or mentally or physically incapacitated due to the effects of alcohol or other drugs.

When assessing whether the respondent “knew or reasonably should have known” the complainant was incapacitated, indicators of incapacitation include, but are not limited to: stumbling, falling down, an inability to stand or walk on their own, slurred speech or incoherent communication, an inability to focus their eyes or confusion
about what is happening around them, combativeness, emotional volatility, incontinence, passing out, or vomiting. A failure to exhibit any of these behaviors, however, does not necessarily mean that a person is capable of giving consent or is not incapacitated.

H. Sexual Exploitation

Under WAC 478-121-153, sexual exploitation involves taking nonconsensual or abusive advantage of another for the purposes of sexual arousal or gratification, financial gain, or other personal benefit. Examples of sexual exploitation include:

1) Transmitting, distributing, publishing, or threatening to transmit, distribute, or publish photos, video, or other recordings or images of a private and sexual nature, including consensual sexual activity, without the consent of the subject(s);

2) Taking, making, sharing or directly transmitting photographs, films, or digital images of the private body parts of another person without that person's consent;

3)Prostituting another person; or

4) Knowingly allowing another to surreptitiously watch otherwise consensual sexual activity.

I. Sexual Harassment

Under WAC 478-121-155, sexual harassment is unwelcome sexual advances, requests for sexual favors or other verbal, physical, or electronic conduct of a sexual nature when one of the conditions outlined in Sections 7.I.1 or 7.I.2, below, is present:

1) Submission to, or rejection of, such conduct is made implicitly or explicitly a term or condition of an individual’s instruction, academic standing, employment, or participation in any University program, activity, or benefit, or is used as a basis for evaluation in making academic or personnel decisions; or

2) Such conduct creates a hostile environment, which is created when the conduct is sufficiently severe, persistent, or pervasive that it unreasonably interferes with an individual’s academic or work performance, ability to participate in or benefit from the University’s programs, services, opportunities, or activities, or the receipt of legitimately requested services when viewed through both a subjective and objective standard.

J. Stalking

Under WAC 478-121-157, stalking means engaging in a course of conduct directed at another person that would cause a reasonable person to:

1) Fear for the person’s safety or safety of others; or

2) Suffer substantial emotional distress.
For the purposes of this section, "course of conduct" means two or more acts including, but not limited to, acts in which the respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. Stalking also includes cyberstalking such as through electronic media, the Internet, social networks, blogs, cell phones, or text messages.

For the purposes of this section, "substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

8. Conduct Proceedings

A. Form of Adjudicative Proceeding

Under WAC 478-121-200, all conduct proceedings under the student conduct code and this policy are conducted in accordance with Chapter 34.05 RCW, the Administrative Procedure Act, and constitutional requirements of due process. If there is an irresolvable conflict between the student conduct code and the Administrative Procedure Act or constitutional due process, the Administrative Procedure Act or constitutional due process shall supersede the student conduct code.

In applying the student conduct code and this policy, due consideration shall be given to the fact that the conduct process is administrative and not judicial in nature and that the rules of civil procedure only apply to the extent set forth in the conduct code or in Chapter 34.05 RCW. In formal proceedings pursuant to RCW 34.05.413 through 34.05.476, the University adopts the model rules of procedure Chapter 10-08 WAC, Model Rules of Procedure. In the case of a conflict between the model rules of procedure and Chapter 478-121 WAC, the procedural rules adopted in the code shall govern.

Informal settlements may be conducted under the authority of RCW 34.05.060.

B. Brief Adjudicative Proceedings

Under WAC 478-121-203, when conduct proceedings have been designated as brief adjudicative proceedings under the student conduct code, they will be conducted in accordance with RCW 34.05.482 through 34.05.494 and the parties will receive notice as set forth in WAC 478-121-235.

C. Conversion to Full Adjudicative Proceeding

Under WAC 478-121-205, prior to the conclusion of a brief adjudicative proceeding, the conduct officer shall make any inquiries necessary to ascertain whether the proceeding should be converted to a full adjudicative proceeding under RCW 34.05.413 through 34.05.476, of the Administrative Procedure Act. If converted, the conduct officer will take steps necessary to initiate a full hearing and a hearing officer will be assigned.

To the extent feasible, the conduct officer’s record will be included in the record for the full hearing. The time of commencement of the full hearing shall be considered to be the time of commencement of the original conduct proceeding.
If not converted by the conduct officer, the parties will be given an opportunity to request a full hearing through the administrative review process per WAC 478-121-320 through 478-121-427.

D. Full Adjudicative Proceeding

Under WAC 478-121-207, if it becomes apparent that a full adjudicative proceeding is necessary, is in the public interest, or is more appropriate to resolve issues affecting the participants, a full hearing will be held in accordance with WAC 478-121-400 through 478-121-427 that is in compliance with RCW 34.05.413 through 34.05.476.

The following are factors that may be considered as guidelines to determine whether the issues and interests involved warrant a full adjudicative proceeding:

1) If a respondent has been placed on emergency suspension;
2) If a respondent has been charged with hazing; or
3) If a respondent has been charged with a felony offense under the Washington State Criminal Code related to the alleged prohibited conduct.

A disciplinary sanction of suspension or dismissal will not be imposed on a respondent without the University completing a full hearing, unless those sanctions were applied as a term of an informal settlement.

9. Disciplinary Sanctions

A. Applicable Disciplinary Sanctions

Sanctions are intended to provide educational opportunities and accountability while also reducing the likelihood of future prohibited conduct. Sanctions may include administrative, educational, and restorative components. Some conduct, however, is so egregious in nature or so damaging to the educational environment that it requires more serious sanctions, including suspension or dismissal.

Under WAC 478-121-210, one or more of the following disciplinary sanctions may be imposed for any violation of this conduct code:

1) Disciplinary Reprimand
   A respondent may be issued a written disciplinary reprimand.

2) Restitution
   A respondent may be required to make restitution for damage or other loss of property and for injury to persons. The University may put a conduct hold in place if the respondent fails to pay or to make in writing University-approved arrangements to pay restitution.

3) Disciplinary Probation
   A respondent may be placed on disciplinary probation (meaning formal conditions are imposed on the respondent’s continued attendance). The time period for the disciplinary probation and any conditions shall be specified. Failure to fulfill conditions
of the disciplinary probation in a timely manner will extend the probationary period (and the conditions) and may result in additional disciplinary sanctions.

4) **Loss of Privileges**

A respondent may be denied specified privileges for a designated period of time such as the privilege to participate in a particular campus activity and may be restricted from any or all University premises for a specific duration.

5) **Suspension**

A respondent may be suspended (i.e., temporarily separated) from the University for a specified period of time. Conditions of suspension may be imposed and will be specified. Except as otherwise specified in the final order, all conditions must be fulfilled before the end of the suspension period. Failure to fulfill all conditions of suspension in a timely manner will extend the suspension period and any conditions, and may result in additional disciplinary sanctions. The University may put a conduct hold in place during the suspension period.

6) **Dismissal**

A respondent may be dismissed (i.e., permanently separated) from the University.

7) **Sanctions for Hazing**

In addition to other sanctions, a student who is found responsible for participating in hazing of another shall forfeit any entitlement to state funded grants, scholarships, or awards for a specified period of time.

In determining an appropriate sanction for a violation of the student conduct code, factors that may be considered include, but are not limited to:

- The seriousness, severity, persistence, or pervasiveness of the prohibited conduct;
- The nature or violence (if applicable) of the prohibited conduct;
- The impact on the complainant and/or University community;
- The respondent's past disciplinary record with the University;
- Whether the respondent has accepted responsibility for the prohibited conduct;
- The maintenance of a safe, nondiscriminatory and respectful environment conducive to learning; and/or
- Any other mitigating, aggravating, or compelling factors that the presiding officer determines to be relevant and admissible.

The use of alcohol or drugs by a respondent will not be considered a mitigating factor in imposing discipline.
If a respondent withdraws from the University (or fails to reenroll) before completing a sanction, the sanction must be completed prior to or upon the respondent’s reenrollment, depending on the nature of the sanction. Completion of disciplinary sanctions may be considered in applications for readmission to the University.

B. Effective Date of Sanctions

Under *WAC 478-121-213*, sanctions will be implemented when a final order becomes effective in the University’s conduct proceeding. An initial order that becomes a final order because no administrative review was requested or initiated becomes effective on the day after the period for requesting review has expired.

10. Initiating Conduct Proceedings

A. Authority to Initiate Conduct Proceedings and Delegations of Authority in Conduct Proceedings

Under *WAC 478-121-215*, the following University officials may initiate conduct proceedings under the conduct code and this policy:

- The Vice President for Student Life at UW Seattle;
- The chancellors at UW Bothell and Tacoma;
- Deans of a school or college (including the graduate school) at UW Seattle; and
- Deans or directors of any school or program at UW Bothell or Tacoma.

The above named University officials may delegate the authority to one or more individuals to initiate conduct proceedings, engage in fact finding, hold hearings, and issue initial orders under the conduct code and this policy. They may also establish student or student/faculty/staff hearing bodies to advise or to act for them in conduct proceedings.

For the purpose of completing administrative reviews under Parts IV and V under the student conduct code:

1) The Chair of the Faculty Senate will appoint one or more faculty to be included in a pool of available reviewing officers; and

2) The President, Vice President for Student Life at UW Seattle, or the chancellors at the UW Bothell and Tacoma campuses may appoint one or more students to be included in a pool of available reviewing officers.

Review Panels, composed of multiple reviewing officers, may be created to complete administrative reviews under Parts IV and V of the student conduct code and Sections 13 and 15 of this policy. Review panels may also include a review coordinator.

B. Appointment of Reviewing Officers

Under *WAC 478-121-217*, faculty and students may be appointed to the pool of available reviewing officers at any time by a University official with authority to appoint such individuals. The appointment will be for a specific term, which may be extended at the
discretion of a University official with authority to appoint such individuals, and will include any training and other conditions of service.

Faculty candidates for reviewing officers are identified and approved through the same process as used for membership on Faculty Senate Councils and are appointed by the Chair of the Faculty Senate.

Efforts will be made to ensure the pool includes available reviewing officers representing the UW Seattle, UW Bothell, and UW Tacoma campuses.

C. Selection of Review Panels

Under WAC 478-121-220, for each administrative review, an odd number of available reviewing officers will be selected from the pool, based on availability, to form the review panel. Only reviewing officers who are faculty will be selected to serve on review panels for conduct proceedings under this policy. Those selected for the panel will designate a faculty member of the panel to act as chair, with efforts made that the chair be a representative from the campus where the respondent is enrolled.

D. Training for Presiding Officers and Reviewing Officers

The individuals who are selected to serve as presiding officers and reviewing officers will receive, at a minimum, annual training on the issues related to prohibited conduct under this policy and on conducting conduct proceedings.

E. Disqualification and Substitution of Presiding Officers and Reviewing Officers

Under WAC 478-121-223, any presiding officer or reviewing officer is subject to disqualification for bias, prejudice, interest, or any other applicable cause. Any party may petition for the disqualification of an individual promptly after receipt of notice indicating that the individual will preside or, if later, promptly upon discovering facts establishing grounds for disqualification. The individual whose disqualification is requested shall determine whether to grant the petition, stating facts and reasons for the determination. If a party requests the disqualification of a presiding officer and that request is denied, the denial of the request may be raised as a reason for seeking administrative review.

F. Initiating Conduct Proceedings

Under WAC 478-121-225, conduct proceedings may be initiated when the University receives any direct or indirect report of conduct that may violate the student conduct code or this policy, which may include, but is not limited to, a police report, an incident report, a witness statement, other documentation, or a verbal or written report from a complainant, witness, or other third party.

Conduct matters may be initiated under the conduct code regardless of whether or not the incident in question is the subject of criminal or civil proceedings.
G. Decision Not to Initiate a Conduct Proceeding

Under WAC 478-121-227, if the conduct officer decides not to initiate a conduct proceeding when requested by a complainant who, otherwise, would be a party to the proceeding, the conduct officer will provide the complainant with a written decision, including a brief statement of the reasons and of any other options for review.

H. Timeframe for Completion and Extension for Good Cause

As a matter of internal management of the agency, typically, the period from commencement of a conduct proceeding through the service of an initial order in brief adjudicative proceedings or conversion to a full hearing will not exceed 60 calendar days. This guideline is intended to enhance efficiency, but is not intended to adversely affect the rights or procedures available to the complainant and respondent under Chapter 34.05 RCW. This timeframe may be extended for good cause.

“Good cause” is interpreted as including factors such as whether additional time is necessary to ensure the integrity and completeness of the fact finding, to comply with a request by external law enforcement for temporary delay to gather evidence for a criminal investigation, to accommodate the availability of witnesses, to account for University breaks or vacations, to account for the complexities of a case, including the number of witnesses or volume of information provided, or to comply with Chapter 34.05 RCW.

I. Coordination with Law Enforcement

If the University has initiated a conduct proceeding and the conduct is also subject to a criminal investigation, the University will make reasonable efforts to work cooperatively with the law enforcement agency, but the University will not unduly delay its own process. At the request of law enforcement, the conduct officer may delay the process temporarily while law enforcement is gathering evidence. The conduct officer will promptly resume the process when notified that law enforcement has completed the evidence-gathering stage of its criminal investigation.

J. Conduct Hold on Student Record

Under WAC 478-121-230, a conduct office or other designated University official may place a conduct hold on the student’s record if the student is the respondent in a pending report of prohibited conduct, a pending conduct proceeding under the code and this policy, or in conjunction with a disciplinary sanction under the student conduct code. A conduct hold may restrict the student from registering for classes, requesting an official transcript, or receiving a degree from the University until the hold has been removed. If a conduct hold is put in place pending or during a conduct proceeding, the student will be notified of the hold and be advised how to raise an objection about the hold or request that it be made less restrictive. The hold will remain in place until lifted by the conduct office or other designated University official with authority to do so.

Implementation of any conduct hold does not assume any determination of, or create any expectation of, responsibility for prohibited conduct under the conduct code and this policy.

Typically, a conduct hold will be lifted when circumstances change, where the hold is no longer necessary, or at the completion of a conduct proceeding. If a conduct hold is
necessary to monitor a sanction, per Section 9, notification of the hold will be incorporated into the initial order or final order.

K. Parties

Under WAC 478-121-233, the parties to conduct proceedings are typically the University and the respondent. In cases involving discriminatory harassment, sexual harassment, sexual misconduct, intimate partner violence, stalking, or retaliation, the complainant is also a party. In addition, the University may designate other individuals, such as a complainant, as a party to other types of conduct proceedings, or allow individuals to intervene in conduct proceedings. For additional guidance, see Student Governance and Policies, chapter 209, “Student Conduct Policy for Academic Misconduct and Behavioral Misconduct.”

L. Interim Protective Measures

Under WAC 478-121-235, after receiving a report of prohibited conduct, the University may implement interim protective measures that impact a respondent at any time prior to the conclusion of a conduct proceeding. When implemented, the respondent will be advised on how to raise an objection about the interim measure or request that it be made less restrictive. Interim measures will remain in place until lifted or modified by a University official with authority to do so.

Interim protective measures are designed to limit contact between a complainant and respondent and avoid repeated prohibited conduct, if occurring, or potential retaliation against the complainant, an individual who reported, other specified persons, and/or a specific student organization. The specific interim protective measure(s) implemented will vary depending on the circumstances of each report. The implementation of interim protective measures under this policy is monitored by the office of the Title IX Coordinator.

If an interim protective measure is implemented, the respondent will be notified. Implementation of any interim measure does not assume any determination of, or create any expectation of, responsibility for prohibited conduct under the conduct code or this policy. A respondent who fails to comply with any interim protective measures may, however, be charged with a “failure to comply” pursuant to WAC 478-121-130. Interim protective measures typically remain in place for the entire conduct proceeding unless circumstances change and there is no longer a need for a specific interim protective measure.

Following are examples of interim protective measures:

1) A No-Contact Directive

A no-contact directive is a University directive prohibiting the respondent from having direct or indirect contact, by any means, with a complainant, an individual who reported, other specified persons, and/or a specific student organization. A no contact directive is a common interim protective measure that is put in place by the conduct officer. When a no-contact directive is put in place, the respondent is notified.
2) Housing Reassignments

In accordance with University housing agreements, a student may be reassigned to other University housing under certain circumstances as necessary.

3) Limiting the Respondent’s Access to, or Limiting Participation in, Identified University-Controlled Buildings, Programs, or Activities

University employees or others with authority over the building, program, or activity are typically consulted regarding appropriate interim protective measure and/or may implement the interim protective measure.

3) Changes to Class Schedules, Assignments, or Test Schedules

This may include moving the respondent to a different class time or section. Efforts are made to avoid an impact on the respondent’s academic progress.

4) Emergency Suspension

Authority to place a student on emergency suspension is set forth in Section 10.M below.

Certain interim protective measures may also be put in place as a condition of a sanction, per Section 9 above, and notification of the condition will be incorporated into the initial or final order.

M. Emergency Authority of the University

Under WAC 478-121-237, if there is reasonable cause to believe that a student’s conduct represents a threat to the health, safety, or welfare of the University or any member of the University community, or poses an ongoing threat of substantially disrupting or materially interfering with University activities or operations, the President, the President’s delegate, the Vice President for Student Life for UW Seattle or delegates, and the chancellors of the UW Bothell and Tacoma campuses or delegates may immediately suspend that student from participation in any or all University functions, privileges, or locations.

In such an emergency situation, the University official placing the student on emergency suspension shall issue a written order to be served upon the student describing the terms of the emergency suspension and the reasons for the emergency suspension. The order shall advise the student how to raise an objection about the emergency suspension or request that it be made less restrictive. The University may also put a conduct hold in place during the emergency suspension period.

The order shall be effective immediately. The proceeding shall then be referred to the appropriate conduct office and the proceeding shall proceed as quickly as feasible. The emergency suspension shall remain in effect until lifted or revised by a University official with authority to do so or until a final order is entered in the proceeding. Once a final order is entered in the proceeding, any emergency suspension shall be lifted and the sanction, if any, will be imposed.
To the extent permissible under applicable law, the complainant or other member of the University community may also be provided with notice of the respondent's emergency suspension and any terms of the emergency suspension that directly relate to that individual.

N. Service of Notices, Filings, and Orders; and Time Limits

Service of all University notices will be sent by electronic mail (email) addressed to the party’s University-issued email address. An alternative email address may be provided to the presiding officers and reviewing officers in writing. Service is complete at the moment the email is sent to the email address. If there is no email on record, service may also be accomplished by personal service or by posting it in the United States mail, properly addressed, and postage prepaid. Service by mail is complete upon deposit in the United States mail.

The parties are permitted to file documents with the presiding officer or reviewing officer(s) via email or other electronic means as determined by the presiding officer or reviewing officer(s). Receipt of such documents will be determined by the date of the email. For documents that must be shared with other parties, the University will be responsible for service of such documents, as above.

In computing any period of time under the conduct code and this policy, the day of service of any order, notice, or other document is not counted. The last day of the applicable period of time is counted. If the last day of the applicable period of time falls on a Saturday, Sunday, or official state holiday (which includes the day after Thanksgiving), the period ends on the next business day. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays, and holidays shall be excluded in the computation.

The time limit for seeking administrative review of an initial order is based upon the date of service of the initial order.

University students and employees have an ongoing obligation to update their physical and email addresses via MyUW. Others involved in the conduct proceeding who are not affiliated with the University have an obligation to notify the conduct officer of any change to their physical or email addresses.

O. Participation of Advisors and Attorneys

Under WAC 478-121-243, the parties to conduct proceedings may, at their own expense, be accompanied by an advisor of their choice, including an attorney, throughout the conduct proceedings. In a brief adjudicative proceeding, an advisor may provide support and advice, but an advisor may not speak on behalf of the student or disrupt or interfere with any aspect of the brief adjudicative proceeding, as determined by the conduct officer. In a full adjudicative proceeding, including any pre-hearing matters, if the party’s advisor is an attorney, the attorney may advise and represent the party, but the advisor may not disrupt or interfere with any aspect of the proceeding, as determined by the hearing officer or reviewing officer(s).

Advisors should make themselves reasonably available and the University will not unduly delay the conduct proceeding based on the advisor’s or attorney’s unavailability. Advisors
may be asked to meet with a University administrator in advance of any participation in the proceeding to learn about the process and the expectations of the role.

P. Consolidation

Under WAC 478-121-245, if there are multiple conduct proceedings involving common issues or parties, the parties may request, or the presiding officer may decide, to consolidate the proceedings. This decision is within the sole discretion of the presiding officer.

Q. Burden of Proof

Under WAC 478-121-247, the burden of proof in conduct proceedings rests with the University.

R. Disability Accommodation

The University provides reasonable accommodation to individuals involved in the conduct process, including interpreter services for deaf and hard of hearing, in accordance with relevant federal and state laws and University policies. To request disability accommodation, contact a disability services office. See Section 18A.

11. Evidence

A. Evidence in Conduct Proceedings

Under WAC 478-121-250, the following evidentiary provisions apply to conduct proceedings under the student conduct code and this policy. In applying the code, due consideration shall be given to the fact that the conduct process is administrative and not judicial in nature and that rules of evidence only apply to the extent set forth in the code or in Chapter 34.05 RCW. This policy also provides guidance regarding the University’s interpretation of those rules.

While brief adjudicative proceedings do not require the application of rules of evidence, the conduct officer will be guided by the principles underlying the Washington State Rules of Evidence when they do not conflict with the code or relevant University policies.

B. Relevant Evidence, Hearsay, and Character Evidence

Under WAC 478-121-253, evidence, including hearsay, is admissible if, in the judgment of the presiding officer, it is the kind of evidence on which reasonably prudent persons are accustomed to rely in the conduct of their affairs. Findings may be based on such evidence even if it would be inadmissible in a civil trial. In a full hearing, however, the hearing officer shall not base a finding exclusively on such inadmissible evidence unless the hearing officer determines that doing so would not unduly abridge the parties’ opportunities to confront witnesses and rebut evidence. The basis for this determination shall appear in the initial order.

The presiding officer will determine the admissibility and relevance of all evidence, including that offered by the parties and/or witnesses, and shall exclude evidence that is excludable on constitutional or statutory grounds or on the basis of evidentiary privilege recognized in
the courts of this state. The presiding officer may exclude from consideration evidence that is not relevant. The presiding officer may also exclude from consideration evidence that is immaterial or unduly repetitious.

In general, the presiding officer will not consider statements of personal opinion or statements as to any individual’s general reputation or any character trait, unless the presiding officer considers such evidence to be relevant and admissible.

The presiding officer may take judicial notice of some material that was not offered as evidence by the parties. In full adjudicative proceedings, the process for taking judicial notice is set forth in RCW 34.05.452.

C. Prior or Subsequent Conduct of the Respondent

Under WAC 478-121-255, prior or subsequent conduct of the respondent may be considered in determining opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake. The presiding officer will determine the relevance and admissibility of this evidence.

D. Prior Sexual History

Under WAC 478-121-257, the sexual history of the parties or witnesses will not be used to prove character or reputation. Evidence related to the prior sexual history of the parties or witnesses is generally not relevant to the determination of a violation of the code and will be considered only in limited circumstances. The presiding officer will determine the relevance of this evidence.

E. Experts

Under WAC 478-121-260, presiding officers may consult medical, forensic, technological, or other experts when expertise on a topic is needed in order to achieve a fuller understanding of the issues under investigation. This information will be summarized in the initial order.

Generally, results of polygraph examinations are not considered relevant, even if offered voluntarily.

F. Self-Incriminating Evidence

Under WAC 478-121-263, no student shall be compelled to give self-incriminating evidence and a negative inference will not be drawn from a refusal to participate at any stage of the conduct proceeding. The presiding officer may, however, proceed with the conduct proceeding and reach a finding based on other available and admissible evidence.

G. Criminal Conviction

Under WAC 478-121-265, the presiding officer may accept a conviction of a crime under any federal, state, or local law as the evidentiary basis for establishing prohibited conduct under the code when the elements of that crime establish prohibited conduct under the student conduct code and this policy that adversely affects a University interest.
H. Law Enforcement Records

When available to the University, information provided by law enforcement, or through law enforcement records, may be considered in the University’s conduct proceedings.

I. Medical or Counseling Records

In general, an individual’s medical and counseling records are confidential and not accessible to the conduct officer unless the individual voluntarily chooses to share those records. In those instances, the information, if determined to be relevant, may be shared with other parties or witnesses and will become part of the record. Individuals who are considering submitting such records are urged to consult with the conduct officer prior to providing such records to learn more about how those records may be shared and retained.

12. Brief Adjudicative Proceedings

A. Notice of Conduct Proceeding and Investigative Interview

Under WAC 478-121-300, the conduct officer will provide notice to the parties, in writing, of the commencement of conduct proceedings, which will include information on how to petition for disqualification of the conduct officer.

The notice will include:

- A brief description of the alleged misconduct;
- The specific section(s) of the student conduct code allegedly violated; and
- Information about the range of sanctions that may be imposed in a conduct proceeding.

The conduct officer will also schedule an investigative interview with the respondent as part of the fact-finding process.

B. Fact Finding

Under WAC 478-121-305, before taking action in a brief adjudication proceeding, the conduct officer shall give each party an opportunity to be informed of the agency’s view of the matter and to explain the party’s view of the matter. This process includes, without limitation, conducting fact finding and providing the parties with the opportunity to participate in the conduct proceeding by explaining the process to the parties and allowing them to review the allegations, provide evidence, identify witnesses with relevant knowledge, respond to evidence provided by others, and provide the conduct officer with suggested questions for others (collectively, “fact finding”).

As part of the fact finding process and prior to its completion, the conduct officer will notify and provide the opportunity to meet separately with the complainant, the respondent, and third-party witnesses. Each party will also be asked to identify witnesses and provide other relevant information, such as documents, communications, photographs, and other evidence. The conduct officer is responsible for gathering reasonably available evidence and information.
If a party fails to respond to notices or does not participate in the conduct proceeding at any stage of the proceeding, the University may move forward with the conduct proceeding without the participation of a party.

C. Standard of Proof

Under WAC 478-121-310, the applicable standard of proof is the "preponderance of evidence" standard. This means that, in order for a respondent to be held responsible for a violation of the student conduct code and this policy, the conduct officer must conclude, based on all of the evidence in the record, that it is more likely than not that the respondent engaged in an act or acts of conduct prohibited by the code.

D. Initial Order

Under WAC 478-121-315, at the conclusion of the fact finding, the conduct officer will prepare an initial order. If the respondent is found responsible, the conduct officer will impose a sanction. The conduct officer will serve the initial order to the parties, simultaneously and in writing. The initial order will include a brief written statement of the reasons for the decision and an explanation of how to request administrative review of the initial order and the timeframe to do so.

13. Brief Adjudicative Proceeding Administrative Review

A. Requesting Administrative Review

Under WAC 478-121-320, a party may request administrative review of the initial order based on the grounds as set forth in WAC 478-121-325.

A request for administrative review must be submitted in writing to the conduct officer within 21 days of the date of service of the initial order. The party requesting the review will be provided with an opportunity to explain the reasons for seeking review. If one of the grounds is to consider newly discovered evidence, that evidence must also be provided with the request for review.

If an administrative review is not requested within 21 days of service of the initial order, the initial order shall become the final order.

B. Grounds for Administrative Review

Under WAC 478-121-325, a party may request administrative review for any or all of the following reasons:

- To determine whether there was a material error that substantially affected the outcome of the fact finding or sanctioning;
- To consider newly discovered evidence, not reasonably available during the fact finding, that could substantially impact the outcome; or
- To determine whether the sanction(s) imposed were appropriate for the violation committed and were not excessively lenient or excessively severe; or
• To determine whether the issue and interests involved warrant a full hearing.

C. Notice of Administrative Review

Under WAC 478-121-330, if administrative review is requested, the University will provide the parties notice, in writing, of the date the administrative review will be initiated and the identities of the reviewing officer(s) selected for the review panel. The parties will also be provided with information on how to petition for disqualification of any reviewing officer(s).

Other parties will be provided with a copy of the request for administrative review and notice of how to submit a written response. Responses must be submitted within five business days of service of the notice of administrative review.

D. Procedures for Administrative Review

Under WAC 478-121-335, when the reviewing officer(s) conducts an administrative review, the review is based on:

1) The conduct officer’s record and fact finding;
2) Information submitted to the review panel in the request for review or response to request for review; and
3) Newly-discovered evidence, if the basis for seeking administrative review is that newly-discovered evidence has become available; however the review of newly-discovered evidence is limited to determining whether the newly-discovered evidence warrants remanding the matter for further proceedings.

Decisions by a panel of reviewing officers will be determined by majority vote.

E. Order from Administrative Review

Under WAC 478-121-340, within 20 days after the request is submitted, the review panel will issue an order, which will include the outcome, any sanction, and a brief statement of the reasons for the outcome. All parties will receive simultaneous, written notification of the outcome of the review.

The reviewing officer(s) may reach one of the following results:

• Conclude there is no basis for remand or alteration of sanctions, and issue a final order disposing of the proceeding;
• Remand for further fact finding or review if newly-discovered evidence may have impacted the result or if the record demonstrates material error;
• Increase or reduce the sanction(s) and issue a final order, if the increased sanction does not warrant a full hearing; or
• Conclude whether the proceeding should be converted to a full adjudicative proceeding and, if so, take steps necessary to initiate a full hearing.
If the review panel does not issue an order within 20 days after the request is submitted, the request for review is deemed to be denied.

F. Process Following Remand from Administrative Review or Conversion

Under WAC 478-121-345, if the proceeding is remanded or converted to a full adjudicative hearing following administrative review, the initial order will be rescinded and the reviewing officer(s) will describe, in writing, the reasons for the remand or conversion.

Following remand, additional proceedings will be conducted as necessary to address the reasons for the remand or conversion and will be conducted in accordance with the relevant sections of the code.

14. Full Adjudicative Proceedings and Full Hearing

A. Notice of Full Hearing

Under WAC 478-121-400, the hearing officer shall set the time and place of the full hearing and give not less than seven days advance written notice to all parties and to all persons who have filed written petitions to intervene in the matter. The notice will include information on how to petition for disqualification of the hearing officer.

B. Pre-hearing Conferences

Under WAC 478-121-403, hearing officers upon their own motion or upon request of a party may direct the parties or their representatives to engage in a prehearing conference or conferences to consider:

- Simplification of issues;
- The necessity or desirability of amendments to the pleadings, if any;
- The possibility of obtaining stipulations, admissions of fact and admissions of the genuineness of documents which will avoid unnecessary proof;
- Limitations on the number and consolidation of the examination of witnesses;
- Procedural matters;
- Distribution of written testimony and exhibits to the parties prior to the hearing;
- Such other matters as may aid in the disposition or settlement of the proceeding.

Prehearing conferences may be held by telephone conference call or at a time and place specified by hearing officers.

Following prehearing conferences, hearing officers shall issue an order. Orders are effective when they are served. Hearing officers may, at their discretion, hold more than one prehearing conference and issue orders modifying any prehearing order.
In any full hearing, hearing officers may, in their discretion, conduct a conference prior to the taking of testimony, or may recess the hearing for such conference, for the purpose of carrying out the purpose of this provision. The hearing officer shall state on the record the results of such conference.

C. Record for the Full Hearing

Under WAC 478-121-205, the conduct officer’s record will be included in the record for the full hearing. Prior to the hearing, the conduct officers’ record is provided the parties for review. The parties are given the opportunity, typically finalized through the pre-hearing conference, to request that evidence be included in or excluded from the record.

Under WAC 478-121-253, the hearing officer will determine the admissibility and relevance of all evidence, including that offered by the parties and/or witnesses.

D. Discovery

Under WAC 478-121-405, discovery, including depositions, interrogatories, requests for production, entry onto land for inspection or other purposes, and physical and mental examinations, is not available in conduct proceedings under the student conduct code and this policy.

E. Subpoenas

Under WAC 478-121-407, the hearing officer may issue subpoenas. The parties may also request that the hearing officer issue subpoenas or a party’s attorney of record may also issue a subpoena in whose behalf the witness is required to appear at a full hearing. The requesting party is responsible for serving the subpoena upon the witness. In the discretion of the hearing officer, and where the rights of the parties will not be prejudiced thereby, such testimony may be by telephone or other electronic means.

F. Protective Orders

Under WAC 478-121-410, the hearing officer may enter protective orders, which limit the admissibility of evidence or condition it on specified criteria necessary to protect a party or a witness from annoyance, embarrassment, oppression, or undue burden or expense, or to comply with any applicable law.

G. Pleadings, Briefs, and Motions

Under WAC 478-121-413, at appropriate stages of full adjudicative proceedings, the hearing officer will give all parties full opportunity to submit and respond to pleadings, motions, objections, and offers of settlement, including motions for summary judgment.

At appropriate stages of full adjudicative proceedings, the hearing officer may give all parties full opportunity to file briefs, proposed findings of fact and conclusions of law, and proposed initial or final orders.

The hearing officer has the discretion to decide and dispose of all issues raised in accordance with this section.
H. Communications with Hearing Officer

Under WAC 478-121-415, all communications with the hearing officer, except for communications necessary to procedural aspects of maintaining an orderly process, must be in the presence of, or with a copy to, all other parties. Ex parte communications received by the hearing officer must be placed on the record, and all other parties must be informed of the ex parte communication and given an opportunity to respond on the record.

I. Standard of Proof in Full Hearings

Under WAC 478-121-417, the applicable standard of proof is the "preponderance of evidence" standard. This means that, in order for a respondent to be held responsible for prohibited conduct under the student conduct code and this policy, the hearing officer must conclude, based on all of the evidence in the record, that it is more likely than not that the respondent engaged in an act or acts of prohibited conduct.

J. Continuances

Under WAC 478-121-420, the hearing officer has the discretion to grant postponements, continuances, extensions of time, and adjournments or upon a request of any party, if the party shows good cause.

A request for a continuance may be oral or written. If all parties do not agree to the continuance, the hearing officer may schedule a prehearing conference to receive argument or may rule on the request without argument.

K. Testimony under Oath or Affirmation

Under WAC 478-121-423, in a full hearing, all testimony of parties and witnesses shall be made under oath or affirmation.

L. Remote Participation

Under WAC 478-121-425, at the discretion of the hearing officer, and where the rights of the parties will not be prejudiced thereby, all or part of any hearing, including the testimony of witnesses, may be conducted by telephone or other electronic means. Each party in the hearing must have an opportunity to participate effectively in, to hear, and if technically and economically feasible, to see the entire proceeding while it is taking place. Such measures may be taken to accommodate concerns raised by a complainant, a respondent, or any witness.

M. Procedure in Full Hearing

To the extent necessary for full disclosure of all relevant facts and issues, the hearing officer shall afford to all parties the opportunity to respond, present evidence and argument, conduct cross-examination, and submit rebuttal evidence, except as restricted by a limited grant of intervention or by the prehearing order.

The respondent and a complainant may not ask questions of each other directly, but will be allowed to submit written questions to the hearing officer, who will ask any relevant and appropriate questions submitted by these parties. The hearing officer has the discretion to accept, reject, or rephrase any question submitted by the respondent or a complainant.
N. Initial Order from Full Hearing

Under WAC 478-121-427, at the conclusion, the hearing officer will issue an initial order, which shall include all matters required by RCW 34.05.461(3). The hearing officer will serve the initial order to the parties, simultaneously and in writing. The initial order will include an explanation of how to request administrative review of the initial order and the timeframe to do so.

If an administrative review is not requested within 21 days of service of the initial order, the initial order shall become the final order.

15. Administrative Review from Full Hearings

A. Requesting Administrative Review from a Full Hearing

Under WAC 478-121-430, a party may request administrative review of the initial order from a full hearing based on the grounds as set forth in WAC 478-121-433.

A request for administrative review must be submitted in writing to the hearing officer within 21 days of the date of the initial order. If one of the grounds is to consider newly discovered evidence, that evidence must be provided with the request for review.

If an administrative review is not requested within 21 days the initial order shall become the final order.

B. Grounds for Administrative Review from a Full Hearing

Under WAC 478-121-433, a party may request administrative review for any or all of the following reasons:

• To determine whether there was a material error that substantially affected the outcome of the fact finding or sanctioning;

• To consider newly discovered evidence, not reasonably available during the fact finding, that could substantially impact the outcome;

• To determine whether the sanction(s) imposed were appropriate for the violation committed and were not excessively lenient or excessively severe; or

• Any other grounds that would warrant modification, withdrawal, or reversal of the order.

C. Notice of Administrative Review from a Full Hearing

Under WAC 478-121-435, if administrative review is requested, the University will provide the parties notice, in writing, of the date the administrative review will be initiated and the identities of the reviewing officer(s) selected for the review panel. The parties will also be provided with information on how to petition for disqualification of any reviewing officer(s).
Other parties will be provided with a copy of the request for administrative review and notice of how to submit a written response. Responses must be submitted within five business days of service of the notice of administrative review.

D. Procedures for Administrative Review from a Full Hearing

Under WAC 478-121-437, when the reviewing officer(s) conducts an administrative review, the reviewing officer(s) shall:

1) Personally consider the whole record or such portions of it as may be cited by the parties;

2) Exercise all the decision-making power that the reviewing officer would have had to decide and enter the final order had the reviewing officer presided over the hearing, except to the extent that the issues subject to review are limited by a provision of law or by the reviewing officer(s) upon notice to all the parties;

3) Afford each party an opportunity to present written argument and may afford each party an opportunity to present oral argument to explain the party’s position but any such argument shall not be considered as evidence;

4) Review information submitted to the review panel in the request for review or response to request for review; and

5) Review newly-discovered evidence, if the basis for seeking administrative review is that newly discovered evidence has become available; however the review of newly-discovered evidence is limited to determining whether the newly-discovered evidence warrants remanding the matter for further proceedings.

In reviewing findings of fact by presiding officers, the reviewing officers shall give due regard to the presiding officers’ opportunity to observe the witnesses.

Decisions by the reviewing officer(s) will be determined by majority vote.

E. Communications with Reviewing Officers

Under WAC 478-121-440, all communications with reviewing officers, except for communications necessary to procedural aspects of maintaining an orderly process, must be in the presence of, or with a copy to, all other parties. Ex parte communications received by reviewing officers must be placed on the record, and all other parties must be informed of the ex parte communication and given an opportunity to respond on the record.

F. Order from Administrative Review of Full Hearing

Under WAC 478-121-443, within 30 calendar days of receipt of all response(s) submitted by the parties or oral argument (if any), whichever is later, the reviewing officer(s) will issue an order, which will include the outcome, any sanction, and a brief statement of the reasons for the outcome. All parties will receive simultaneous, written notification of the outcome of the review.
The reviewing officer(s) may reach one of the following results:

- Conclude there is no basis for remand or alteration of sanctions, and issue a final order disposing of the proceeding;

- Remand for further fact finding or review if newly discovered evidence may have impacted the result or if the record demonstrates material error with instructions to the presiding officer who entered the initial order;

- Increase or reduce the sanction(s), and issue a final order disposing of the proceeding; or

- Issue a final order disposing of the proceeding or remand the matter for further proceedings on any other grounds that would warrant modification, withdrawal, or reversal of the order, with instructions to the presiding officer who entered the initial order.

When issuing orders under this section, the order shall include, or incorporate by reference to the initial order, all matters required by RCW 34.05.461(3).

The reviewing officer will serve the order to the parties, simultaneously and in writing.

G. Process Following Remand from Administrative Review of a Full Hearing

Under WAC 478-121-445, if the proceeding is remanded, the initial order will be rescinded and the reviewing officer(s) will describe, in writing, the reasons for the remand. Following remand, additional proceedings will be conducted as necessary to address the reasons for the remand.

At the conclusion, the hearing officer will issue an initial order, which shall include all matters required by RCW 34.05.461(3). The hearing officer will serve the initial order to the parties, simultaneously and in writing. The initial order will include an explanation of how to request administrative review of the initial order and the timeframe to do so.

If an administrative review is not requested within 21 days of service of the initial order, the initial order shall become the final order.

H. Judicial Review

Once a final order has been issued by the University, complainants or respondents may seek judicial review as set forth in Chapter 34.05 RCW, the Washington State Administrative Procedure Act. The time limit for seeking judicial review of a final order is set forth in RCW 34.05.542.

16. Reconsideration of Final Orders in Full Adjudicative Proceedings

A. Reconsideration of Final Orders

Under WAC 478-121-447, within ten days of the service of a final order or within ten days of the date an initial order becomes a final order, any party may file a request for reconsideration. The request shall be directed to the officer(s) who issued the final order.
and state in writing specific reasons for the request. Upon receipt, the officer(s) shall promptly serve all other parties with a copy of the request for reconsideration.

Unless the request for reconsideration is automatically deemed to have been denied under WAC 478-121-450, the request shall be disposed of by the officer(s) who issued the final order, if reasonably available. The disposition shall be in the form of a written order denying the request, granting the request and dissolving or modifying the final order, or granting the request and setting the matter for further hearing.

B. Denial of Request for Reconsideration

Under WAC 478-121-450, the request for reconsideration is automatically deemed to have been denied if, within 20 days from the date the request for reconsideration is timely submitted, the officer(s) who issued the final order does not either:

1) Dispose of the request; or

2) Serve the parties with a written notice specifying the date by which the request will be acted upon.

17. Privacy and Records

A. Privacy in Full Hearing

Under WAC 478-121-453, in accord with the Family Educational Rights and Privacy Act (FERPA), (20 U.S.C. Sec. 1232g) and its implementing regulations (34 C.F.R. Part 99), all meetings or reviews conducted under the student conduct code and this policy generally will be held in closed session out of respect for the privacy of all the students involved.

In a full hearing, the hearing officer may close parts of a hearing under any provision of law expressly authorizing closure or under a protective order entered by the hearing officer pursuant to applicable rules and the hearing officer may order the exclusion of witnesses upon a showing of good cause.

Students may, at their sole discretion, waive their rights under FERPA in writing. The scope of any FERPA waiver and any protective order entered by the hearing officer will determine who can have access to information that would otherwise be protected from disclosure by FERPA, including without limitation who can be present at any hearing held in a full adjudicative proceeding under the code and this policy. If the hearing is open to public observation, the hearing officer shall conduct the hearing in a room that will accommodate a reasonable number of observers. The hearing officer may issue a protective order to exclude from the hearing any persons who are disruptive of the proceedings and may limit the number and activities of the observers as necessary to protect the safety of the participants and observers and to assure a fair hearing.

To ensure the privacy of all students involved, no cameras or recording devices shall be permitted except for the official recording by the University; however, if FERPA or other federal or state law implicated by RCW 34.05.040 does not preclude it, then any party, at the party's expense, may cause a reporter approved by the agency to prepare a transcript from the agency's record, or cause additional recordings to be made during the hearing if
the making of the additional recording does not cause distraction or disruption. If a party intends to make a recording of the proceeding, the party shall advise the hearing officer prior to the prehearing conference so that any issues related to making an additional recording can be addressed prior to the full hearing.

B. General Recordkeeping

Under WAC 478-121-500, records related to conduct proceedings shall be maintained consistent with RCW 34.05.476 and 34.05.494, University records retention policies, and other relevant policies.

C. Disciplinary Record

Under WAC 478-121-510, any final order resulting from conduct proceedings shall become a part of the respondent's disciplinary record. Student disciplinary records are "education records" as defined by FERPA and may only be disclosed consistent with FERPA and Chapter 478-140 WAC.

This may include, but is not limited to, releasing to the alleged victim of a crime of violence or a non-forcible sex offense the final results of the conduct proceeding conducted by the University involving the student who is alleged to have engaged in that crime or offense.

18. University Resources

A. Disability Services Offices

Services for matriculated students who are enrolled at the University of Washington Seattle:

Disability Resources for Students (DRS)
Email: uwdrs@uw.edu
Phone: 206-543-8924; 206-543-8925 (TTY)

Services for staff, academic personnel and the general public at all University locations and for non-matriculated students in Seattle:

Disability Services Office (DSO)
Email: dso@uw.edu
Phone: 206-543-6450; 206-543-6452 (TTY)

Services for students who are enrolled at the UW Bothell:

Bothell – Disability Resources for Students (DRS)
Phone: 425-352-5307; TDD: 425-352-5303

Services for students who are enrolled at UW Tacoma:

Tacoma – Disability Support Services (DSS)
Email: dssuwt@u.washington.edu
Phone: 253-692-4522
B. **Safety Resources**

24/7 Helpline available to report concerns of potential violence and get connected to resources:

**SafeCampus**  
PH: 206-685-7223  
Web: www.depts.washington.edu/safecamp/

Safety information and resources for the UW Bothell community, including crime reporting to local law enforcement

**UW Bothell Campus Safety Office**  
Non-emergency PH: 425-352-5359  
http://www.uwb.edu/safety

Safety information, resources, and victim advocacy for the UW Seattle community, including reporting on-campus crimes

**UW Police Department (UWPD)**  
PH: 206-543-9331 or 206-685-8973  
http://police.uw.edu/

**UWPD Victim Advocate**  
Phone: 206-543-9337  
Email: UWPDAdvocate@uw.edu

Safety information and resources for the UW Bothell community, including crime reporting to local law enforcement

**UW Tacoma Campus Safety and Security**  
Non-emergency PH: 253-692-4416  
http://www.tacoma.uw.edu/campus-safety/home

C. **Counseling**

For free short-term services for students:

**UW Bothell Counseling Center**  
PH: 425-352-3183  
http://www.bothell.washington.edu/studentaffairs/counseling

**UW Seattle Counseling Center**  
PH: 206-543-1240  
http://www.washington.edu/counseling/

**UW Tacoma Student Counseling Center**  
PH: 253-692-4522  
http://www.tacoma.washington.edu/studentcounseling
For counseling services that can be billed to medical insurance:

UW Seattle Hall Health Mental Health
PH: 206-543-5030
http://depts.washington.edu/hhpccweb/project/mental-health-clinic/

Approved by:
Senate Executive Committee
April 10, 2017

Approved by:
Faculty Senate
April 20, 2017
Class A Legislation – Clarification of roles for faculty members with instructional titles.

Purpose

Chapter 24-32 of the Faculty Code states: “The University faculty is committed to the full range of academic responsibilities: scholarship and research, teaching, and service.” Part A of that section elaborates: “Scholarship, the essence of effective teaching and research, is the obligation of all members of the faculty. The scholarship of faculty members may be judged by the character of their advanced degrees and by their contribution to knowledge in the form of publication and instruction; it is reflected not only in their reputation among other scholars and professionals but in the performance of their students.”

Section 24-34.A defines “Lecturer,” “Senior Lecturer,” “Principal Lecturer,” “Artist in Residence,” and “Senior Artist in Residence” as “instructional titles.”

This proposed Code change clarifies what the University means by “scholarship and research” for faculty members with instructional titles.

Explanation

Given that the primary responsibility of faculty members in the lecturer or artist in residence track is instruction, the requirement of “scholarship and research” for all faculty members should be interpreted for the lecturer or artist in residence titles in ways that relate to such instruction: i.e., in terms of method, content, pedagogy, student achievement, etc.

Moreover, given the UW needs classroom teachers to meet the needs of its students, and if annual and multi-year appointments and reappointments of lecturers are required to serve those needs, then those lecturers need to be assured that the terms of those continued/continuing (re)appointments are specifically suited to their primary duties and responsibilities. Any definition of “success” for them should be based on the quality of their achievements in teaching and service that reveal their scholarship and research (i.e., their remaining current in their field and their success in transmitting those materials to UW students).

This Code clarification also benefits the rest of the faculty because (a) it encourages a lecturer or artist in residence to do the work most needed by the unit rather than dissipating effort in areas that serve the unit less; and (b) it provides guidance to the more senior faculty (i.e., individuals holding titles above that of a given lecturer or artist in residence plus all of the tenure-track faculty) who serve on hiring and promotion committees for lecturer and artist in residence positions.
Section 24-34  Qualifications for Appointment at Specific Ranks and Titles

A. Qualifications for Appointment at Specific Ranks

1. Appointment with the rank of assistant professor requires completion of professional training, in many fields marked by the Ph.D., and a demonstration of teaching and research ability that evidences promise of a successful career.

2. Appointment to the rank of associate professor requires a record of substantial success in both teaching and research, except that in unusual cases an outstanding record in one of these activities may be considered sufficient.

3. Appointment to the rank of professor requires outstanding, mature scholarship as evidenced by accomplishments in teaching, and in research as evaluated in terms of national or international recognition.

B. Qualifications for Appointments with Specific Titles

1. Lecturer and artist in residence are instructional titles that may be conferred on persons who have special instructional roles. Appointments may be renewed pursuant to Section 24-53.

2. Senior lecturer and senior artist in residence are instructional titles that may be conferred on persons who have special instructional roles and who have extensive training, competence, and experience in their discipline. Appointments may be renewed pursuant to Section 24-53.

3. Principal lecturer is an instructional title that may be conferred on persons whose excellence in instruction is recognized through appropriate awards, distinctions, or major contributions to their field. Appointments may be renewed pursuant to Section 24-53.

4. Individuals appointed to one of the instructional titles in Section 1-3 above may demonstrate their scholarship and research in a variety of specific ways (Section 24-32). While they may choose to do so through publication, such publication shall not be required.

4.5. Appointment to one of the ranks in Subsection A with a research title requires qualifications corresponding to those prescribed for that rank, with primary emphasis upon research. Tenure is not acquired through service in research appointments.

Research professor and research associate professor appointments are term appointments for a period not to exceed five years. The question of their renewal shall be considered by the voting faculty who are superior in academic rank to the person being considered and are faculty of the department (or undepartmentalized college or school) in which the appointments are held, except that the voting faculty at rank of professor shall consider whether to recommend renewal or non-renewal of the appointment of a research professor. Such consideration shall be conducted in accord with the provisions of Section 24-53.

Research assistant professor appointments are for a term not to exceed three years with renewals and extensions to a maximum of eight years (see Section 24-41, Subsection H.) The question of their renewal shall be considered by the faculty who are superior in academic rank to the person being considered and are faculty of the department (or undepartmentalized college or school) in which the appointments are held. Such consideration shall be conducted in accord with the provisions of Section 24-41.

Research associate appointments are for a term not to exceed three years, with renewals to a maximum of six years. The question of their renewal shall be considered by the faculty who are superior in academic rank to the person being considered and are faculty of the
department (or undepartmentalized college or school) in which the appointments are held. Such consideration shall be conducted in accord with the provisions of Section 24-53.

Research faculty titles and the qualifications for them are described in Section 24-35.

5.6. Appointments with the title of professor of practice are made to a person who is a distinguished practitioner or distinguished academician, and who has had a major impact on a field important to the University's teaching, research, and/or service mission.

Professor of practice appointments are term appointments for a period not to exceed five years. The question of their renewal shall be considered by the voting faculty who are superior in academic rank and are faculty of the department (or undepartmentalized college or school) in which the appointments are held. Such consideration shall be conducted in accord with the provisions of Section 24-53. This title is available to address a unique appointment need and is intended to be sparingly used. Tenure is not acquired through service in this title.

6.7. Appointments with the title of instructor are made to a person who has completed professional training, in many fields marked by the Ph.D., and is fulfilling a temporary, clinical, or affiliate instructional need, or is in a temporary transition period between post-doctoral training and mentoring and entry into the professorial ranks. These appointments are limited to acting, affiliate, or clinical.

7.8. An affiliate appointment requires qualifications comparable to those required for appointment to the corresponding rank or title. It recognizes the professional contribution of an individual whose principal employment responsibilities lie outside the colleges or schools of the University. Affiliate appointments are annual; the question of their renewal shall be considered each year by the faculty of the department (or undepartmentalized college or school) in which they are held.

8.9. An adjunct appointment is made only to a faculty member (including one in a research professorial rank) already holding a primary appointment in another department. This appointment recognizes the contributions of a member of the faculty to a secondary department. Adjunct appointments do not confer governance or voting privileges or eligibility for tenure in the secondary department. These appointments are annual; the question of their renewal shall be considered each year by the faculty of the secondary department.

9.10. A joint appointment recognizes a faculty member's long-term commitment to, and participation in, two or more departments. A joint appointment may be discontinued only with the concurrence of the faculty member and the appointing departments. One department shall be designated the primary department and the others secondary, and this designation can be changed only with the concurrence of the faculty member and the appointing departments. Personnel determinations (salaries, promotions, leave, etc.) originate with the primary department, but may be proposed by the secondary department(s), and all actions must have the concurrence of the secondary department(s). A faculty member who has the privilege of participation in governance and voting in the primary department may arrange with the secondary department(s) either to participate or not to participate in governance and voting in the secondary department(s). This agreement must be in writing and will be used for determining the quorum for faculty votes. The agreement can be revised with the concurrence of the faculty member and the department involved.

10.11. A clinical appointment in the appropriate rank or title is usually made to a person who holds a primary appointment with an outside agency or non-academic unit of the University, or who is in private practice. Clinical faculty make substantial contributions to University programs through their expertise, interest, and motivation to work with the faculty in preparing and assisting with the instruction of students in practicum settings. Clinical appointments are
annual; the question of their renewal shall be considered each year by the faculty of the department (or undepartmentalized college or school) in which they are held.

44-12. Appointment with the title of teaching associate is made to a non-student with credentials more limited than those required of an instructor. Teaching associate appointments are annual, or shorter; the question of their renewal shall be considered each year by the faculty of the department (or undepartmentalized college or school) in which they are held.

42-13. The emeritus appointment is recommended by departmental action for a regular, WOT, research or clinical faculty member who has retired under the UW Retirement Plan or is receiving benefits as if he or she retired under another state of Washington retirement plan and whose scholarly, teaching, or service record has been meritorious. Such a recommendation requires approval by the college dean and the President of the University. The normal criteria for appointment with the emeritus title are at least ten years of prior service as a member of the faculty and achievement of the rank of professor or associate professor. Under certain circumstances the President may grant emeritus status to an administrator at the level of dean or vice president, or at other levels if deemed appropriate.

13-14. The acting title denotes a temporary appointment for properly qualified persons in the instructor title or at the professorial ranks. It commonly is used for persons who are on the faculty for a year or less or for persons who have not yet completed the requirements for a regular appointment. In the latter case, the acting title is dropped when the requirements are completed. The total service of a faculty member with an acting appointment may not exceed four years in any single rank or title, or six years in any combination of ranks or titles. A faculty member whose appointment as assistant professor has not been renewed may not be given an acting appointment.

14-15. Appointment to one of the ranks in Subsection A with a visiting title indicates that the appointee holds a professorial position at another institution of higher learning and is temporarily employed by the University. An employee who does not hold a professorial position elsewhere, but who is otherwise qualified, may be designated as a visiting lecturer.

15-16. The visiting scholar title is an honorary title awarded to persons who hold professorial (including research titles) positions at other institutions and who are visiting the University but who are not employed by the University during their stay. The purpose of this title is recognition of the visitor’s presence at the University, and to make University facilities and privileges (library, etc.) available.


Approved by:
Senate Executive Committee
April 10, 2017

Approved by:
Faculty Senate
April 20, 2017
Resolution Regarding the Importance of Immigration to American Higher Education

WHEREAS, the United States as a country has historically been a beacon and a refuge for immigrants who have sought to flee conflict and, more generally, to pursue the many opportunities provided by this country; and

WHEREAS, throughout American history, many of the country’s leading scientists and researchers, individuals who have brought great distinction to the United States and its universities, themselves fled violence and oppression; and

WHEREAS, these refugees, and other immigrants to the United States, made profound and lasting contributions to American higher education, to the nation’s cultural and intellectual life, and to America’s economic and military security; therefore,

BE IT RESOLVED that the University of Washington Faculty Senate urges the government of the United States to recognize that in limiting or denying access to individuals seeking to immigrate to the United States, especially those fleeing violence and oppression, we are very likely undermining the moral, economic, scientific, technological, and military strength of the country.

Approved by:
Senate Executive Committee
April 10, 2017

Approved by:
Faculty Senate
April 20, 2017
Resolution Regarding Support for the University of Washington Faculty Letter of Shared Values

WHEREAS, the University of Washington Faculty Senate recognizes that as a public institution we have a local footprint, a regional impact, and a global reach; and

WHEREAS, University of Washington faculty serve society through our teaching, research, and public engagement; and

WHEREAS, we live in a time when institutions of higher education are facing increasing scrutiny; and

WHEREAS, the attached letter signed by faculty members of the University of Washington reflects and expresses the shared commitments and values needed to meet the challenges ahead; therefore

BE IT RESOLVED that University of Washington Faculty Senate re-affirms its commitment to academic research and teaching as an essential public good by endorsing the attached letter.

Approved by:
Senate Executive Committee
April 10, 2017

Approved by:
Faculty Senate
April 20, 2017
As faculty members of a public university with a local footprint, a regional impact, and a global reach, we serve society through our teaching, research, and public engagement. At a time when institutions of higher education are facing increased scrutiny, we re-affirm our commitment to academic research and teaching as an essential public good that transcends politics and strengthens democracy.

Democratic Tradition: Historically, universities exist as institutions for the creation and dispersion of knowledge. Americans have been committed to higher education since our founding, with nine colleges established before the American Revolution. The emergence of the public university also has a long history beginning with the Morrill Act of 1862, which provided for a land grant university in every state. Public universities have made higher education more accessible and the recognition that higher education brings with it enormous benefits has led to a greater diversity of faculty, staff, and students, as well as broader areas of research and teaching. Today, students and faculty come from all backgrounds and from around the globe to study and pursue research at our university. We are stronger and we serve the public more fully because of that diversity and growth.

Public Good: As faculty at a public institution of higher education, we teach and do research to expand knowledge and improve human and environmental health conditions around the world. As teachers and scholars, we are a valuable public source of knowledge, expertise and innovation. University-led research and scholarship provide enormous social and economic benefits to our state, our country, and the world. Going forward, we commit to strengthening the presence and impact of public universities in our state and across the nation.

Access and Excellence: Universities build the future and this is nowhere more evident than in our work with students, both inside and outside the classroom. As teachers and researchers, we train leaders, thinkers, and innovative problem solvers who seek to build healthier communities here in Seattle and around the world. We nurture students as they engage with new ideas and develop the foundations of new knowledge in the sciences, humanities, arts, and professions. By welcoming students into our laboratories and libraries, we submerge them in the deep river of research that moves the world forward. The future of democracy is in our students and we have the sacred obligation of providing them with an excellent education.

Critical Thinking and Inquiry: As educators and learners we are dedicated to fostering bold inquiry and fearless debate by establishing strong foundations for critical thinking and analysis. We are responsible for creating learning environments that demand challenging explorations of ideas, concepts, and domains of knowledge. We are responsible for maintaining respectful communities. The value of honest, critical, and probing inquiry is essential in both our research and teaching, as we prepare the next generation of thoughtful leaders and lifelong learners. We commit to meeting the formidable challenge of creating an environment that supports free and critical inquiry, recognizing that such inquiry is not always comfortable or easy for any of us.

Inclusion and Engagement: Creating and dispersing knowledge that serves the public good is only possible in an environment in which a broad range of perspectives can be voiced and explored. Diversity is thus crucial to our success as researchers, teachers, and faculty members. Inclusion and full engagement are essential to our mission as a public institution. Innovation and creativity depend on diversity among our students, staff, and faculty. Generating new knowledge that will address the great challenges facing us all relies on a breadth and depth of engagement. We re-affirm our commitment to serving all people, across all boundaries, including geography, race, gender, class, politics, and religion.

Academic Freedom: As scholars, teachers, and members of the faculty community, we are firmly committed to Academic freedom as defined in “A Statement of Principle: Academic Freedom and Responsibility” (Section 24-33, 2014). We re-affirm “the freedom to discuss all relevant matters in teaching, to explore all avenues of scholarship, research, and creative expression, and to speak or write without institutional discipline or restraint on matters of public concern as well as on matters related to shared governance and the general welfare of the University.” We support every one of our colleagues and students who face harassment of any form in their pursuit of knowledge and understanding. We also recognize that the privilege of academic freedom creates important responsibilities. As teachers, mentors, and scholars, our collective power to generate and share knowledge is formidable, and we pledge to hold ourselves to the highest standards of truth and justice.

Thank you.
Resolution of Concern Regarding the Impact of Immigration Restrictions on the Ability to Pursue Scholarly Endeavors

Whereas American universities have a strong tradition of carrying out scholarly endeavors throughout the world, and welcoming scholars from around the world to train and perform research in the United States; and

Whereas the fruits of such endeavors have played a major role in enabling the United States to better understand the world’s cultures and compete economically in the international arena; and

Whereas the scholarship carried out by American academics in various parts of the world and by academic visitors to the United States enriches not only America’s university students but the entirety of American society; and

Whereas the increasing controversy surrounding the development of new United States government policy on immigration and related matters creates a hostile environment for overseas academic endeavors and international academic visitors; therefore

Be it resolved that the University of Washington Faculty Senate expresses its grave concern about the consequences of immigration restrictions and harsh and degrading border enforcement for American scholarship, for the safety of those engaged in overseas academic work, and for the safety of international students, postdoctoral researchers, and other academic visitors to the United States.

Approved by:
Faculty Senate
April 20, 2017