Meeting Synopsis:

1. Call to order
2. Review of the minutes from October 4th, 2016
3. Student Reports (ASUW Reps, GPSS)
4. ACIA Class C resolution (Frank Hodge)
5. Student Conduct Code revisions (Kara Blake, Ellen Taylor, Jill Lee, Amanda Paye, Elizabeth Lewis)
6. Good of the order
7. Adjourn

1) Call to order

Laws called the meeting order at 1:30 p.m. There were some introductions given as new members were present.

2) Review of the minutes from October 4th, 2016

The minutes from October 4th, 2016 were approved as written.

3) Student Reports (ASUW Reps, GPSS)

Laws called for reports from student members on the council, especially relating to priorities of their UW student organizations for the 2016-2017 academic year.

Zhou noted the ASUW is engaged lobbying for state tuition funding, including an effort to secure full funding of the State Need Grant. She explained a student survey will be broadcasted widely relating to UW students’ needs and interests. Open-ended questions were included in the survey, as there is a desire to create narratives from the responses. Menez added that the survey will remain available all year, and will be used as a tool while the ASUW is engaged in lobbying in Olympia.

Querna explained the GPSS is interested in the coming Student Conduct Code (SCC) revisions and the ways the changes may relate to Graduate Students. She also mentioned that the GPSS retains an interest in evaluating graduate student/mentor relationships.

Laws noted Tanya Kumar from ASUW-Bothell will join the council in the next meeting.

4) ACIA Class C resolution (Frank Hodge)

Frank Hodge (Professor, Accounting/Faculty Athletic Representative) explained that the ACIA has approved the revision made to the Class C Resolution Concerning University of Washington Students in the previous FCSA meeting.
The council then engaged in some light wordsmithing of the document, based in grammatical efficiency.

Laws brought up students involved in active duty military. There are also National Guard students, and students who have been brought up for jury duty. It was noted there might need to be another type of legislation (verbatim “package”) for this kind of issue.

There was some discussion of altering the resolution to add “with instructor approval.” Additional discussion surfaced that the “could” in the clause may be interpreted to mean that the phrase is not to be taken literally. The entire parenthetical phrase was struck.

The council approved the resolution via a majority vote, and asked it be forwarded to the January meeting of the Senate Executive Committee (SEC) (Exhibit 1).

5) **Student Conduct Code revisions (Kara Blake, Ellen Taylor, Jill Lee, Amanda Paye, Elizabeth Lewis)** (Exhibit 2) (Exhibit 3) (Exhibit 4) (Exhibit 5) (Exhibit 6)

Jill Lee (Executive Director, Compliance Services), Amanda Paye (Deputy Title IX/ADA Coordinator, Compliance Services), Ellen Taylor (Assistant Vice-President, Student Life), Kara Blake (Project Manager, Compliance Services), and Elizabeth Lewis (Director, Community Standards & Student Conduct) were present to give an update to the council on the ongoing draft Phase II changes being made to the UW Student Conduct Code (SCC). They explained the council was forwarded several documents, including draft revisions to the SCC to be reviewed in order to inform on any changes that should be made before finalized versions are resubmitted to the FCSA in its December meeting.

Lee called attention of the council to the draft WAC (Washington Administrative Code), as it will be the first policy to be forwarded by the council as Class B legislation to the faculty senate and wider university in December (Exhibit 2).

After some brief discussion of the document, members note due to its complexity and formatting, there should be an “executive summary” of the changes included when it is sent to the wider UW faculty.

Brock explained his main interest is in making the new policy and conduct process accessible and understandable to students.

A member asked for clarification on the purpose of each of the documents. Lee explained the draft WAC includes the Student Conduct Code language revisions that must go through state rule-making process after university approval and is designed to basically set the conditions of the changes; she explained the other documents make up the local policy, which will be housed at the UW and designed to retain more detailed information. This process has been chosen for a variety of reasons, including to make the local policy more accessible and comprehensible than it would have been as proper code. The new SCC and included conduct process will also be supported by informational web pages, and other resources, including a communication plan (potentially developed in April or May 2017).

Paye gave some more background on the WAC versus the local policy. She explained when the state is going to take negative action against one of its citizens, it is justified through legislation, and so the draft WAC is more focused in what action may be taken if a respondent is found responsible for an alleged misconduct. Alternatively, the local policy focuses more on a complainant’s rights, lists university resources, and gives other types of information.
Council discussion and feedback

Campbell explained the documents seemed clear to him after a read through. He noted he evaluated the documents to see if any persons or situations might have been left out that should be included. He asked if gender neutrality should be addressed in the policy. A member informed that currently, Washington State does not incorporate gender neutral language in legislation. Lewis added that if this law were to change, the changes could be completed as part of “house-keeping changes” to keep UW policy current. Campbell asked if there is a way to insert a gender neutrality “definition” in the policy, as opposed to gender neutral language. The guests were receptive to the idea.

Brock recommended delineating the LGBTQ community within the policy, instead of using words like “sexual orientation.” He recommended using the words that that community would like to be addressed by, instead. The guests noted they would reach out to the UW Q Center relating to the recommendation, and follow up at the next meeting.

Paye clarified that the protected parties listed under the “Discriminatory Harassment” section (page 6, Exhibit 2) are parties already listed under state and federal protections, or taken from the past SCC. Brock explained “hate speech” has a different connotation than what is brought up in this section (Discriminatory Harassment). It was noted hate speech is difficult, as free speech has state and federal protections, as well. It was noted the item is addressed in another part of the policies.

A member asked if there is any type of protection for students in emotional or physically abusive relationships present in the WAC. It was noted the policies back away from defining a relationship, so as to broaden the ability of the university to take action if there is related misconduct. It was noted defining a relationship in the policy might provide an exploitable loophole, as terms of an official “relationship” are often vague and/or difficult to define.

Campbell pointed out the difficulty of explaining the policies is that the different documents have different purposes (e.g. the WAC grants the ability to adjudicate). He noted this should be made clear when disseminated widely.

There was some concern over Executive Order (EO) No. 54 (Employee–Student Romantic Relationships and Conflicts of Interest) which includes information on student employees. Campbell questioned how the policy covers a student who moves between being an employee and a student of the university. It was noted this comment would be forwarded to President’s Office as part of the 60-day comment period for new EOs.

6) Good of the order

Paye noted the guests are especially interested in any additional feedback on the draft WAC; they asked any additional comments be given soon, in order to allow the policy to be revised in time to be broadcasted in advance of the next FCSA meeting.

Laws recommend members look at the policy carefully, as a vote will occur in the next FCSA meeting to forward on the draft WAC as Class B legislation.

7) Adjourn
Laws adjourned the meeting at 3:00 p.m.

Minutes by Joey Burgess, jmbg@uw.edu, council support analyst

**Present:** Faculty: Chris Laws (chair), Jasmine Bryant, Holly Barker, Christopher Campbell, Doug Brock  
Ex-officio reps: Aileen Trilles, Katherine Querna, Kaitlyn Zhou, Danielle Menez  
Guests: Jill Lee, Amanda Paye, Elizabeth Lewis, Kara Blake, Ellen Taylor

**Absent:** Faculty: Mable Ezeonwu, Anthony Gill, Bruce Hevly, Holly Barker  
Ex-officio reps: Carolyn Martin  
President’s desigenee: Lincoln Johnson

**Exhibits**  
Exhibit 1 – ACIA resolution_revised_approvedbyfcsa_110816  
Exhibit 2 – 16-10-28 Draft WAC  
Exhibit 3 – 16-10-28 Code Title IX policy  
Exhibit 4 – 16-10-28 Code other policy  
Exhibit 5 – 16-10-28 FCSA cover memo  
Exhibit 6 – 16-10-28 Revisions to Current Code
Class C Resolution Concerning University of Washington Students

WHEREAS, the University of Washington is a national leader in undergraduate education because of the intellectual and extracurricular activities we offer our students on and off campus; and

WHEREAS, at times our students have the opportunity to travel within and outside of the United States to attend various academic and competitive meetings; therefore

BE IT RESOLVED that in order to encourage these types of learning opportunities the Advisory Committee on Intercollegiate Athletics (ACIA) strongly encourage faculty, coaches, and others who work with students to be supportive of students who are traveling for University of Washington-related business (e.g., foreign study programs, academic conferences, engineering team competitions, business school case competitions, and NCAA sporting events); and

BE IT FURTHER RESOLVED that the ACIA suggest that faculty, coaches, and others who work with students discuss with traveling students strategies to negotiate missed examinations or assignments and obligations; options for managing student absences could include allowing students to have proctored exams while traveling or to provide a make-up date scheduled upon the student’s return.

Submitted by:
Advisory Committee on Intercollegiate Athletics (ACIA) and
Faculty Council on Student Affairs (FCSA)
University of Washington
November 8, 2016
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478-120-001 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 the following rules regarding student conduct and student discipline. The University may also develop agency-level policies and procedures regarding the agency’s interpretations of these rules.

I. APPLICATION OF THE STUDENT CONDUCT CODE

478-120-002 Application of the Student Conduct Code

The disciplinary sanctions specified in WAC 478-120-0030, up to and including suspension or dismissal, may be imposed on any student or student organization found to have violated the standards of conduct or found responsible for prohibited conduct set forth in WAC 478-120-005 through 00012.

This 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.

478-120-003 Jurisdiction of the University

The scope of the University’s jurisdiction includes reports that prohibited conduct occurred:

a. on any University premises or in connection with any University-sponsored program or activity, regardless of the location of the program or activity; or

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

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. The University also may initiate a conduct matter based on a student’s criminal conviction that the University determines adversely affects a University interest and may accept the conviction as establishing a violation of this code.

If a respondent withdraws from the University (or fails to reenroll) while a conduct matter is pending, the University may continue the fact finding and, if continued, the respondent will be provided with an opportunity to participate.

II. STANDARDS OF CONDUCT AND PROHIBITED CONDUCT

478-120-004 Standards of Conduct

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:

a. Practicing high standards of academic and professional honesty and integrity;

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

c. Refraining from any conduct that would substantially disrupt or materially interfere with University operations;

d. Refraining from any conduct that could reasonably cause harm to or endanger the health, safety, or welfare of other persons; and
e. Complying with the rules, regulations, procedures, policies, standards of conduct, and orders of
the University and its schools, colleges, departments, units, and programs.

Students may be found in violation of this provision, in addition to specific prohibited conduct in WAC
478-12-005 – WAC 478-12-0012.

478-120-005 Prohibited Conduct: Generally

Prohibited conduct under this code includes, but is not limited to the conduct described in WAC 478-120-005 through 0012. Students may also be found responsible for that prohibited conduct if they:
   a. Aid or assist another student or student organization in the commission of prohibited conduct;
   b. 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
   c. Attempt to commit prohibited conduct.

478-120-006 Prohibited Conduct: Academic Misconduct

1. Academic misconduct.

Academic misconduct includes:
   a. "Cheating," which includes, but is not limited to:
      i. The use of unauthorized assistance in taking quizzes, tests, or examinations; or
      ii. The acquisition, use, or distribution of unpublished materials created by another student
         without the express permission of the original author(s).
   b. "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). Falsification also includes falsifying scientific and/or
      scholarly research.
   c. "Plagiarism," which is the submission or presentation of someone else's words, composition,
      research, or expressed ideas, whether published or unpublished, without attribution. Plagiarism
      includes, but is not limited to:
      i. The use, by paraphrase or direct quotation, of the published or unpublished work of another
         person without full and clear acknowledgment; or
      ii. 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.
   d. Prohibited collaboration.
   e. Engaging in behavior specifically prohibited by an instructor in the course of class instruction or
      in a course syllabus.
   f. Multiple submissions of the same work in separate courses without the express permission of
      the instructor(s).
   g. Taking deliberate action to destroy or damage another's academic work in order to gain an
      advantage for oneself or another.
   h. 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.
Prohibited Conduct: Discriminatory Harassment and Sexual Harassment

1. Discriminatory Harassment

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 (a) or (b), below, is present:
   a. Submission to, or rejection of, such conduct is made implicitly or explicitly a term or condition of a person’s instruction, academic standing, or participation in any University program, activity, or benefit, or is used as a basis for evaluation in making academic or personnel decisions; or
   b. 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.

2. Sexual Harassment

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 (a) or (b), below, is present:
   a. Submission to, or rejection of, such conduct is made implicitly or explicitly a term or condition of a person’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
   b. 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.

Prohibited Conduct: Intimate Partner Violence

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 code, including sexual assault, stalking, and physical abuse.

Physical abuse includes threatening or causing physical harm or engaging in other conduct that threatens or endangers the health or safety of any person.

Prohibited Conduct: Retaliation

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. File, or intend to file, 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 a conduct matter;
c. Appear as a witness; or
d. Oppose an unlawful act or discriminatory practice.

478-120-0010  Prohibited Conduct: Sexual Misconduct

1. Indecent Exposure

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.

2. Sexual Assault

Sexual assault includes sexual contact with another person without, or that exceeds, that person's consent.

For the purposes of this subsection, "sexual contact" includes:
   a. Any intentional touching 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.

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 the parties to engage in the sexual contact. In addition:
   a. Consent cannot be obtained when force or threat is used to gain acquiescence.
   b. Consent cannot be given or granted by a person who, at the relevant time, is incapacitated.

For the purpose of this subsection, individuals are incapacitated when they lack the ability to make informed, rational judgments about whether or not to engage in sexual contact because they cannot 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 drugs or alcohol. Although individuals manifest signs of incapacitation differently, 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.

Sexual assault also includes sexual contact with a person who is under the statutory age of consent in accordance with chapter 9A.44 RCW.

3. Sexual Exploitation
Sexual exploitation involves taking nonconsensual or abusive advantage of another for the benefit of anyone other than the one being exploited, including sexual arousal or gratification, financial gain, or other personal benefit. Examples of sexual exploitation include:
   a. Transmitting, distributing, publishing, or threatening to transmit, distribute, or publish photos, video, or other recordings or images of a private and sexual nature without the consent of the subject(s);
   b. Taking, making, sharing or directly transmitting photographs, films, or digital images of the private body parts of another person without that person's consent;
   c. Prostitution of another person;
   d. Knowingly allowing another to surreptitiously watch otherwise consensual sexual activity; or
   e. Taking, making, sharing, or directly transmitting video or audio recordings of sexual activity with consent of all persons involved.

478-120-0011 Prohibited Conduct: Stalking

Stalking means engaging in a course of conduct directed at another person that would cause a reasonable person to:
   a. Fear for the person's safety or safety of others; or
   b. Suffer substantial emotional distress.

For the purposes of this subsection, "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 cyber-stalking through electronic media, like the internet, social networks, blogs, cell phones, or text messages.

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

478-120-0012 Prohibited Conduct: Other Behavioral Misconduct

1. 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.

2. Abuse of the Student Conduct Process

Abuse of the student conduct process includes:
   a. Attempting to influence the impartiality or participation of any conduct 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

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

The unlawful possession, use, distribution, or manufacture of alcohol.

5. Computer Abuses

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

\[ \text{g. } \] Any violation of the University's computer use policies.

6. Creating a Public Nuisance in Neighboring Communities

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 this conduct code for misconduct within any residential or commercial communities adjacent to a University campus. A conduct matter may be initiated as follows:

a. 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.

b. A first minor violation under (a) of this subsection will not subject the student or student organization to sanctions under this conduct code; 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.

c. A second violation of this subsection will result in the initiation of conduct matter under this conduct code.
7. Disruption or Obstruction
Disruption or obstruction includes intentionally 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 disorderly or disruptive and may also make a report to a conduct office in accordance with this code and University policy.

8. Drug Violations
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
Failure to comply includes:
   a. Any failure to comply with the directions of any University officials acting in the performance of their duties and/or the failure to identify oneself to University officials when requested to do so;
   or
   b. 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
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.

11. Hazing
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; or 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.
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

Firearms, explosives, dangerous chemicals, or other dangerous weapons or instrumentalities are not permitted on University premises, except for authorized University purposes, or unless prior written approval has been obtained from the chief of the University police department, or any other University official designated by the president of the University. 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:

   a. action of gunpowder or other explosives;
   b. action of compressed air; or
   c. power of springs or other forms of propulsion.

The exhibition or display of a replica or a dangerous weapon prohibited under this subsection is also prohibited 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. Theft

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.

14. Unauthorized Keys, Entry or Use

The unauthorized possession, duplication, or use of keys (including conventional keys, key cards, or alphanumeric passcodes) to any University premises is prohibited, as is the unauthorized entry upon or use of University premises or property. Providing keys to an unauthorized person or providing access to an unauthorized person is also prohibited.

15. Unauthorized Recording

The following conduct is prohibited:

   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.

16. Vandalism

Vandalism includes maliciously damaging or misusing University property, or the property of any member of the University community.
17. Violation of Disciplinary Sanctions

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.

III. INITIATING CONDUCT MATTERS

478-120-0013 Brief Adjudicative Proceedings

All conduct matters under this code shall be conducted as brief adjudicative proceedings under Chapter 34.05 RCW.

478-120-0014 Initiating Conduct Matters

Only the following University officials may initiate conduct matters under this conduct code:

a. The vice-president for student life at University of Washington Seattle;
b. The chancellors at University of Washington Bothell and Tacoma;
c. Deans of a school or college (including the graduate school) at University of Washington Seattle;
and
d. Deans or directors of any school or program at University of Washington Bothell or Tacoma.

The above named University officials may delegate the authority to one or more conduct officers to initiate matters, conduct informal hearings and fact finding, and issue initial and final orders under this conduct code.

A conduct matter may be initiated when the University receives any direct or indirect report of conduct that may violate this code, 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.

478-120-0015 Hold on Granting or Conferral of Degree

The conduct office or other University official may place a hold on the granting or conferral of a student’s degree if the student is the respondent in a pending report of prohibited conduct or a pending conduct matter under this code. The hold will remain in place until lifted by the conduct office or other University official with authority to do so.

478-120-0016 Parties

The parties to a conduct matter are the University and the respondent. The University may designate other individuals, such as a complainant, as a party to certain conduct matters.

478-120-0017 Interim Measures

After receiving a report of prohibited conduct, the University may implement interim protective measures that impact a respondent prior to a finding of responsibility. These will remain in place until lifted or modified by the University official who implemented the interim protective measures.

Implementation of any interim protective measure does not assume any determination of, or create any expectation of, responsibility for prohibited conduct under code or relevant policy. A respondent who
fails to comply with any interim protective measures may, however, be charged with a “failure to comply” pursuant to WAC 478-120-0012(9).

478-120-0018   Emergency Authority of the University

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 University of Washington Bothell and Tacoma campuses or delegates may immediately suspend that student from participation in any or all University functions, privileges, or locations. 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.

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 be effective immediately and emergency suspension shall, unless otherwise specified in the emergency suspension order, remain in effect until a final order is entered in the matter. The order shall advise the student how to contest the emergency suspension or request that it be made less restrictive.

The matter shall then be referred to the appropriate conduct office and the matter shall proceed as quickly as feasible.

Once a final order is entered in the matter, any emergency suspension order shall be lifted by the University official who issued the order and the sanction, if any, will be imposed.

478-120-0019   Service of Notices, Filings, and Orders and Time Limits

Service of all University notices under this code will be sent by electronic mail (e-mail) addressed to the party’s University-issued e-mail address. An alternative e-mail address may be provided to the conduct officer in writing. Service is complete at the moment the e-mail is sent to the e-mail 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.

The parties are permitted to file documents with the conduct officer via e-mail or other electronic means as determined by the conduct officer. Receipt of such documents will be determined by the date of the e-mail. For documents that 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 this conduct code, 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.

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

478-120-0020 Notice of Informal Hearing
The conduct officer will provide notice to the respondent, in writing, of the commencement of a conduct matter and will schedule an informal hearing. The respondent will receive notice of the informal hearing at least seven days in advance, which will include information on how to challenge participation by the conduct officer on the basis of bias or a conflict of interest.

478-120-0021 Standard of Proof for Informal Hearing and Fact Finding
The applicable standard of proof in the informal hearing is the "preponderance of evidence" standard. This means that, in order for a respondent to be held responsible for a violation of this conduct code, 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 this code.

478-120-0022 Burden of Proof
The burden of proof in a conduct matter rests with the University.

478-120-0023 Participation of Attorneys
Students who are parties to a conduct matter may, at their own expense, be accompanied by an attorney throughout the conduct process. While an attorney may provide support and advice, an attorney may not speak on behalf of the student or otherwise directly participate in the informal hearing or fact finding process.

478-120-0024 Consolidation
If there are multiple conduct matters involving common issues or parties, the parties may request or the conduct officer may decide to consolidate the proceedings. This decision is within the sole discretion of the conduct officer.

V. EVIDENCE

478-120-0025 Relevant Evidence, Hearsay, and Character Evidence
Evidence, including hearsay, is relevant if it is the kind of evidence on which reasonably prudent persons are accustomed to rely in the conduct of their affairs. The conduct officer will determine the relevance of all evidence, including that offered by the parties and/or witnesses, and may disregard evidence that is not relevant. The conduct officer may also disregard evidence that is immaterial or unduly repetitious.

In general, the conduct officer will not consider statements of personal opinion or statements as to any individual’s general reputation or any character trait.

478-120-0026 Prior or Subsequent Conduct of the Respondent
Prior or subsequent conduct of the respondent may be considered in determining pattern, knowledge, intent, motive, or absence of mistake. The conduct officer will determine the relevance of this evidence.
Prior Sexual History

The sexual history of a complainant or respondent will not be used to prove character or reputation. Evidence related to the prior sexual history of either of the parties is generally not relevant to the determination of violation of this code and will be considered only in limited circumstances. The conduct officer will determine the relevance of this evidence.

Experts

Generally, information offered from medical, forensic, technological, or other experts who are not otherwise witnesses in the matter, is considered not relevant.

VI. CONCLUDING FACT FINDING

Initial Order

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 deliver 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.

VII. DISCIPLINARY SANCTIONS

Disciplinary Sanctions

One or more of the following disciplinary sanctions may be imposed for any violation of this conduct code:

a. Disciplinary reprimand. A respondent may be issued a written disciplinary reprimand.

b. Restitution. A respondent may be required to make restitution for damage or other loss of property and for injury to persons. A failure to pay, or to make in writing University-approved arrangements to pay restitution, will result in a hold being placed on the respondent's registration preventing the respondent from registering at the University.

c. 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.

d. 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.

e. 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 place a hold on a suspended student's registration and may withhold the conferral of the student's degree during the suspension period.

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

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.

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

a. The seriousness, severity, persistence, or pervasiveness of the prohibited conduct;
b. The nature or violence (if applicable) of the prohibited conduct;
c. The impact on the complainant and/or University community;
d. The respondent’s past disciplinary record with the University;
e. Whether the respondent has accepted responsibility for the prohibited conduct;
f. The maintenance of a safe, nondiscriminatory and respectful environment conducive to learning; or
g. Any other mitigating, aggravating, or compelling factors.

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

**478-120-0031 Effective Date of Sanctions**

Sanctions will be implemented when a final order is issued in the matter.

**VIII. ADMINISTRATIVE REVIEW**

**478-120-0032 Appointment of Reviewing Officers**

Pursuant to RCW 34.05.485, the University will designate reviewing officers to conduct administrative reviews, who will have the authority to conduct reviews issue final orders under this code.

**478-120-0033 Scope of Administrative Review**

The review will be limited to the following grounds:

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

**478-120-0034 Requesting Administrative Review**

A party may request administrative review of the initial order.

A request for administrative review must be submitted in writing to the conduct officer within 21 days of the date of the initial order, which will specify the grounds for the request as set forth in WAC 478-
If one of the grounds is to consider newly discovered evidence, that evidence must be provided with the request for review.

If no review is requested within 21 days or the President has not sought a review of the matter, the initial order shall become the final order.

**478-120-0035 Notice of Administrative Review**

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) on the review panel. The parties will be provided with an opportunity to raise an objection regarding actual bias or conflict of interest prior to the administrative review.

Other parties will be provided with notice of how to submit a response and will be provided with five (5) business days to submit such a response.

**478-120-0036 Procedures for Administrative Review**

When the reviewing officer(s) conducts an administrative review, the review is based on:

a. The record of the informal hearing and fact finding developed by the conduct officer;

b. Information submitted to the review panel in the request for review or response to request for review; and

c. Additional evidence, if the basis for seeking administrative review is that newly discovered evidence has become available.

**478-120-0037 Order from Administrative Review**

The review panel will issue an order, which will include a brief statement of the reasons for the outcome, within 10 business days of any response(s) submitted by the other parties. All parties will receive simultaneous, written notification of the outcome of the review.

The review panel may reach one of the following results:

a. Conclude there is no basis for remand or alteration of sanctions, and issue a final order,

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

c. Alter the sanction(s) if determined to be clearly inappropriate or disproportionate.

**478-120-0038 Process Following Remand from Administrative Review**

If the matter is remanded, the initial order will be rescinded and the reviewing officer(s) will describe, in writing, the reasons for the remand.

Following remand, the conduct officer will prepare an initial order. If found responsible, the conduct officer will impose a sanction. The conduct officer will deliver the initial order to the parties, simultaneously and in writing. The initial order will include an explanation of the conduct officer’s reasoning and how to request administrative review of the initial order.
Authority of President of the University to Initiate Review

Notwithstanding any other provisions of this code, and before an initial order issued under this conduct code becomes final, the president or the president’s delegate may determine that the initial order should be further reviewed. Notice of this decision will be provided to the parties.

IX. PRIVACY AND RECORDS

Privacy of Educational Records

In accord with the Family Educational Rights and Privacy Act (20 U.S.C. Sec. 1232g) and its implementing regulations (34 C.F.R. Part 99) (FERPA), all meetings or reviews conducted under this code generally will be held in closed session out of respect for the privacy of all the students involved. Recordings shall also not be permitted.

Recordkeeping

Records related to disciplinary proceedings shall be maintained consistent with University records retention policies and other relevant policies.

Disciplinary Record

Any final order resulting from a conduct matter 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. In a case where the respondent is a minor, the disciplinary sanctions imposed may be reported to the respondent’s parents or legal guardian at the discretion of the conduct officer.
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I. POLICY AND AUTHORITY

1. 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 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), and Gender Equality in Higher Education (Chapter 28B.110 RCW), and Chapter 34.05 RCW, the Administrative Procedures Act.

2. 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, which are published in Chapter 478-120 Washington Administrative Code – Student Conduct Code for the University of Washington (the code).

3. Purpose
The purpose of this policy is to describe the University’s interpretations of the rules set forth in Chapter 478-120 WAC related to reports of the following prohibited conduct under the code:

- “Discriminatory and Sexual Harassment” as defined in WAC 478-120-007;
- “Sexual Misconduct,” as defined in WAC 478-120-0010, which includes indecent exposure, sexual assault, and sexual exploitation;
- “Intimate Partner Violence” as defined in WAC 478-120-008,
- “Stalking” as defined in WAC 478-120-0011; and
- “Retaliation” as defined in WAC 478-120-009.

If a conduct matter is initiated that involves any of the prohibited conduct covered by this policy, the complainant will be provided with equitable rights in the conduct process. If reported conduct may constitute retaliation and that conduct arose in connection with a complaint or conduct matter covered by this policy, then the complainant will be provided with equitable rights in any conduct matter initiated relating to that report.

Reports that may constitute of “Abuse of Others” under WAC 478-120-0012(1) 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.
4. **Intersection and Coordination with Related 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 and sexual orientation and gender identity or expression. Sexual harassment is also a prohibited form of sex discrimination;
- Executive Order No. 51, Sexual Violence Elimination Policy, which prohibits domestic violence, relationship violence, stalking, and sexual assault; and
- Reports against University employees are governed by Administrative Policy Statement 46.3 - Resolution of Complaints Against University Employees.

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 may be conducted that encompasses all relevant conduct and policies.

5. **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 authority. The University’s Title IX Coordinator is available to review individual questions or concerns relating to compliance and to provide compliance support for programs, departments, schools, colleges, and campuses relating to discrimination based on sex.

Kate Leonard, Title IX Coordinator  
[Address]  
Phone: 206-221-7932  
Email: titleix@uw.edu

For more information, see the Compliance Services website [https://compliance.uw.edu/titleIX].

6. **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

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

II. **UNIVERSITY ASSISTANCE AND RESOURCES**

1. **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, below, and to report the conduct to the University and/or law enforcement. 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 a 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. For the purposes of this policy, that individual will be referred to as the “complainant.”

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

2. 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 measures or other resources described in this policy. Upon request, a confidential advocate may also act as an advisor in the conduct process.

Disclosures made to a confidential advocate by anyone do not constitute a report to the University for the purposes of initiating a conduct matter or taking action against an individual alleged to have engaged in prohibited conduct under the code or this policy.

Additional information about confidentiality, and any further limits on confidentiality, can be obtained from the confidential advocates:

For those associated with UW Seattle
UW Police Department (UWPD) Victim Advocate
Phone: 206-543-9337
Email: UWPDAdvocate@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 see the Sexual Assault Resources website.

3. Interim Measures

The University will offer reasonable and appropriate interim measures for the complainant. These measures may be both 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 VII for more information on interim protective measures.

Supportive measures are available regardless of whether a complainant makes a report under the code or this policy. They may include, but are not limited to, arranging for housing, academic or work
adjustments, providing assistance with transportation planning, and facilitating access to counseling and healthcare services.

Interim measures can be implemented when reasonably available and may be on an interim or permanent basis. The University will maintain the privacy of any supportive or protective measures provided under the code or this policy to the extent practicable and will promptly address any violation of protective measures.

4. Leave Use or Work Schedule Adjustments

Employees, including student employees, who are victims of domestic violence, 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.

5. Information about University and Community Services

The University offers 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 community is available on the Sexual Assault Resources website or from a confidential advocate.

6. Protection Orders

The University will provide information on how to obtain orders of protection issued by a criminal, civil, or tribal court and assist with implementing orders that have implications for the complainant's participation in employment, educational programs and activities, or other University activities or programs.

7. 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 Examination (SANE) nurses are specially trained to work with individuals who have been sexually assaulted and to preserve evidence in the event the individual later decides to report. A police report is not required 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.

8. Disability Accommodations

For those who are experiencing impacts of a medical condition or whose experience has triggered an existing condition, University disability services offices can evaluate and provide reasonable accommodations. For contact information see Resources in Section XV.
III. PRIVACY AND CONFIDENTIALITY

1. Privacy and Confidentiality

The University is committed to protecting the privacy of all individuals who are involved in any report or conduct matter 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 IVX 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 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.”

2. Confidentiality of Medical 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:
   a. If the patient gives written consent for its disclosure;
   b. If there is risk of imminent harm to the patient or another identified person;
   c. If there is reason to suspect that a minor or an elderly person is in danger of being abused or neglected;
   d. If a court of law orders the release of certain information about a patient; or
   e. 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 UW attorneys if relevant to the action.

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

3. 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 matter or other University investigation.
4. 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.

5. Clery Act Reporting

Under the Clery Act, the University must publish an annual security report that includes statistics about reports of certain potential criminal offenses and must provide those statistics to the United States Department of Education. This 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.

IV. REPORTING OPTIONS FOR COMPLAINANTS

1. Reporting Options

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. The University will support complainants in understanding, assessing, and pursuing these options.

2. Reporting Discriminatory and Sexual Harassment, Intimate Partner Violence Sexual Misconduct, Stalking, and Retaliation under this Policy

Complainants are encouraged to make a report to the University. 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, and respondents may no longer be affiliated with the University.

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

Title IX Investigation Office
Phone: 206-616-5334
Email: tixinv@uw.edu

If the respondent is no longer a student, the University will provide reasonably appropriate supportive measures and assist the complainant in identifying any external reporting options.

3. Reporting Other Prohibited Conduct

Reports of other types of prohibited conduct under the code should be made in accordance with [TBD] the Policy on Student Conduct Code for Academic and Other Behavioral Misconduct.
4. Reporting to Law Enforcement

Prohibited conduct under this policy may also violate criminal law and may be reported directly to law enforcement. If a complainant chooses to make a report to law enforcement, the complainant may also make a report to the University. See Section XV for information about local law enforcement agencies.

5. Amnesty for Alcohol or Drug Violations

A conduct officer may elect not to initiate a conduct matter regarding alcohol or 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. Generally, no conduct matter will be initiated against a complainant or other reporting student who admits to the possession or use of alcohol or drugs in connection with an incident of sexual misconduct under this policy.

V. ASSESSMENT OF REPORTS

1. Initial Assessment

Upon receipt of a report, representatives of appropriate University offices, such as the Title IX Coordinator or SafeCampus, will conduct an initial assessment. 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.

As described in greater detail below, the assessment will consider the nature of the report, individual and campus safety, the complainant’s expressed preference for anonymity or type of University response, and the necessity for any interim protective measures to protect the safety of the complainant or the community pending a conduct matter.

2. Request to Not Pursue a Conduct Matter

When complainants request that their name or other identifiable information not be shared with respondents and/or that no conduct matter or other formal action be taken, the University will honor that preference when possible. In determining how to proceed, the University will balance the request with its obligations to provide a safe and non-discriminatory environment for all University community members.

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

- a. the nature and scope of the reported conduct, including whether the reported conduct involved physical force or the use of a weapon;
- b. the potential impact on the complainant of moving forward, particularly in reports involving intimate partner violence;
- c. 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;
- d. the risk posed to any individual or to the campus community by not proceeding, including the risk of additional violence;
- e. whether there have been other complaints to the University related to similar behavior about the same respondent (if known);
f. 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;
g. whether the respondent threatened further sexual violence or other violence against the complainant or others;
h. 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
i. whether the conduct included multiple respondents.

Where the University determines that a complainant’s request for anonymity can be honored, the University will evaluate other steps that can be taken to respond to the report and remedy any effects on the complainant and the University community.

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 matter 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 matter a complainant’s identity may have to be disclosed. In such matters, the complainant will be notified that the University intends to proceed with a conduct matter, but that the complainant is not required to participate in the matter or in any other actions undertaken by the University. Where a complainant declines to participate in a conduct matter, however, the University’s ability to meaningfully investigate and respond to a report may be limited.

3. Informal Resolution

Informal resolution is an alternative form of resolution for the complainant where the University can address a report by taking actions that do not involve initiating a conduct matter against a respondent. Informal resolution is typically used when a complainant requests anonymity, requests that no conduct matter or other formal action be taken, or the conduct as reported does not rise to the level of prohibited conduct under the conduct code.

Where the initial assessment concludes that informal resolution may be appropriate, the University will evaluate possible options such as those designed to maximize the complainant’s access to the educational, extracurricular, employment, and other activities at the University. Participation in informal resolution by a complainant is voluntary.

4. Mediation

Mediation between a complainant and respondent, even voluntary, may not be used in resolving reports of prohibited conduct under this policy.

VI. APPLICATION OF THE STUDENT CONDUCT CODE

1. Application of the Student Conduct Code

The disciplinary sanctions specified in WAC 478-120-0030, up to and including suspension or dismissal, may be imposed on any student or student organization found to have violated the standards of conduct or found responsible for prohibited conduct set forth in the code and this policy.
The conduct code and this policy apply to all students from the time of admission through the actual conferral of a degree, including any period between terms of enrollment.

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, or completes his or her 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.

A "student organization” is a group of students that has complied with the requirements for University recognition or that otherwise is granted any rights or privileges by the University as a University affiliate. Student organizations include, but are not limited to, recreational sports or clubs, registered student organizations (RSOs), University service clubs, and sororities and fraternities. Student organizations are also subject to the process and procedures outlined in the RSO Policy Guide and/or the organization’s applicable recognition agreement.

2. Jurisdiction of the University

The scope of the University’s jurisdiction includes reports that prohibited conduct occurred:

a. on any University premises or in connection with any University-sponsored program or activity, regardless of the location of the program or activity; or
b. off campus (i.e., conduct that does not occur on University premises or in the context of a University-sponsored program or activity) that the University reasonably determines adversely affects a University interest, has continuing adverse effects, or may create a hostile environment on University premises or in the context of a University-sponsored program or activity.

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. The University also may initiate conduct matter based on a student’s criminal conviction that the University determines adversely affects a University interest and may accept the conviction as establishing a violation of the code.

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

"University premises" include 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.

The conduct officer will determine whether the university has jurisdiction based on the facts reported.

3. Other Proceedings

Other departments or units of the University have proceedings that affect students separate from the conduct code. For example:
a. Campus parking and traffic regulations are under the general jurisdiction of the transportation services department and the police department at the University of Washington Seattle campus and under the jurisdiction of public safety officers at the University of Washington Bothell and Tacoma campuses. See chapters 478-116, 478-117 and 478-118 WAC.

b. The library fines appeals committee has the authority to consider appeals of library charges. See chapter 478-168 WAC.

Nothing in the conduct code or this policy shall be construed to limit additional academic, regulatory or other action that may be taken by schools, colleges, or programs against a respondent based on a finding that the respondent failed to meet the academic and/or professional standards of the school, college, or program.

VII. STANDARDS OF CONDUCT AND PROHIBITED CONDUCT

1. Standards of Conduct

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:

a. Practicing high standards of academic and professional honesty and integrity;

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

c. Refraining from any conduct that would substantially disrupt or materially interfere with University operations;

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

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

Students may be charged with violations of this provision, in addition to specific prohibited conduct in this policy.

2. Prohibited Conduct: Generally

Prohibited conduct under the code and this policy includes, but is not limited to, the conduct described in WAC 478-120-005 through 0012 and this section. Students may also be found responsible for that prohibited conduct if they:

d. Aid or assist another student or student organization in the commission of prohibited conduct;

e. 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

f. Attempt to commit prohibited conduct.
3. **Prohibited Conduct: Discriminatory Harassment**

Under RCW 478-120-007(1), 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 (a) or (b), below, is present:

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

4. **Prohibited Conduct: Indecent Exposure**

Under RCW 478-120-0010(1), 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.

5. **Prohibited Conduct: Intimate Partner Violence**

Under RCW 478-120-008, 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.

Physical abuse includes threatening or causing physical harm or engaging in other conduct that threatens or endangers the health or safety of any person.

As used in the code 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 for the purpose of the University’s annual crime statistics, whether there has been a domestic or dating relationship will be determined by a review of its length, type, and frequency of interaction.

6. **Prohibited Conduct: Retaliation**

Under RCW 478-120-009, 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:

- e. File, or intend to file, a report, complaint, grievance, or allegation of prohibited conduct under any University policy or rule or under any law;
- f. Participate in and/or cooperate with a conduct matter;
- g. Appear as a witness; or
h. Oppose an unlawful act or discriminatory practice.

7. Prohibited Conduct: Sexual Assault

Under WAC 478-120-0010(2), sexual assault includes sexual contact with another person without, or that exceeds, that person’s consent.

For the purposes of this subsection, "sexual contact" includes:
   a. Any intentional touching 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.

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 the parties to engage in the sexual contact. In addition:
   a. Consent cannot be obtained when force or threat is used to gain acquiescence;
   b. Consent cannot be given or granted by a person who, at the relevant time, is incapacitated.

For the purpose of this subsection, individuals are incapacitated when they lack the ability to make informed, rational judgments about whether or not to engage in sexual contact because they cannot 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 drugs or alcohol.

Evidence that may demonstrate incapacitation includes, but is 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.

Sexual assault also includes sexual contact with a person who is under the statutory age of consent in accordance with chapter 9A.44 RCW.

A respondent’s use of alcohol or drugs is not a valid defense to a charge of sexual assault.

When assessing “consent,” the following factors will also be considered:
   a. Consent cannot 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 is not to be inferred 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 does not 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.
When assessing “incapacitation,” the following factors will also be considered:

a. Incapacitation is a state beyond drunkenness or intoxication;

b. Individuals are not necessarily incapacitated merely as a result of drinking or using drugs, instead, the level of impairment must be significant enough to render them unable to give consent;

c. The respondent is not expected to be a medical expert in assessing incapacitation, but is expected to look for the common and obvious warning signs of incapacitation and, therefore, in evaluating consent in cases of reported incapacitation, the University will also consider whether the respondent knew that the complainant was incapacitated and if not, whether a sober, reasonable person in the same position as the respondent should have known that the complainant was incapacitated.

8. Prohibited Conduct: Sexual Exploitation

Under RCW 478-120-0010(3), sexual exploitation involves taking nonconsensual or abusive advantage of another for the benefit of anyone other than the one being exploited, including sexual arousal or gratification, financial gain, or other personal benefit. Examples of sexual exploitation include:

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

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

h. Prostituting another person;

i. Knowingly allowing another to surreptitiously watch otherwise consensual sexual activity; or

j. Taking, making, sharing, or directly transmitting video or audio recordings of sexual activity with consent of all persons involved.

9. Prohibited Conduct: Sexual Harassment

Under RCW 478-120-007, 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 (a) or (b), below, is present:

a. 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 employment decisions; or

b. 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.

10. Prohibited Conduct: Stalking

Under RCW 478-120-0011, stalking means engaging in a course of conduct directed at another person that would cause a reasonable person to:

a. Fear for the person's safety or safety of others; or

b. Suffer substantial emotional distress.
For the purposes of this subsection, "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 cyber-stalking through electronic media, such as the internet, social networks, blogs, cell phones, or text messages.

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

VIII. INITIATING CONDUCT MATTERS

1. Initiating Conduct Matters

Only the following University officials may initiate conduct matters under the code:

a. The vice-president for student life at University of Washington Seattle; and
b. The chancellors at University of Washington Bothell and Tacoma;

The above named University officials may delegate the authority to one or more individuals to initiate conduct matters, conduct informal hearings and fact finding, and issue initial and final orders under the student conduct code.

A conduct matter may be initiated when the University receives any direct or indirect report of conduct that may violate the 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.

2. Hold on Granting or Conferral of Degree

The conduct office or other University official may place a hold on the granting or conferral of a student's degree if the student is the respondent in a pending report of prohibited conduct or a pending conduct matter under code and this policy. The hold will remain in place until lifted by the conduct office or other University official with authority to do so.

3. Parties

The parties to a conduct matter are the University and the respondent. The University may designate other individuals, such as a complainant, as a party to certain conduct matters.

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.

A "respondent" is any student or student organization charged with prohibited conduct under the conduct code.

4. Interim Measures

After receiving a report of prohibited conduct, the University may implement interim protective measures that impact a respondent prior to a finding of responsibility. These will remain in place until lifted or modified by the University official who implemented the interim protective measures.
Implementation of any interim protective measure does not assume any determination of, or create any expectation of, responsibility for prohibited conduct under the code or relevant policy. A respondent who fails to comply with any interim protective measures may, however, be charged with a “failure to comply” pursuant to WAC 478-120-0012(9).

Examples of interim protective measures include:
   a. A no-contact order prohibiting direct or indirect contact, by any means, with a complainant, an individual who reported, other specified persons, and/or a specific student organization;
   b. Reassigning the respondent within on-campus housing;
   c. Changes to class schedules, assignments, or test schedules; or
   d. Limiting the respondent’s access to identified University-controlled buildings, programs, or activities.

When interim protective measures are implemented, the respondent will be provided with information on how to contest the measure or request that it be made less restrictive.

5. Emergency Authority of the University

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 University of Washington Bothell and Tacoma campuses or delegates may immediately suspend that student from participation in any or all University functions, privileges, or locations. 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.

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 be effective immediately and emergency suspension shall, unless otherwise specified in the emergency suspension order, remain in effect until a final order is entered in the matter. The order shall advise the student how to contest the emergency suspension or request that it be made less restrictive.

The matter shall then be referred to the appropriate conduct office and the matter shall proceed as quickly as feasible.

Once a final order is entered in the matter, any emergency suspension order shall be lifted by the University official who issued the order and the sanction, if any, will be imposed.

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

6. Service of Notices, Filings, and Orders and Time Limits

Service of all University notices will be sent via electronic mail (e-mail) addressed to the party's University-issued e-mail address. An alternative e-mail address may be provided to the conduct officer in writing. Service by e-mail is complete at the moment the e-mail 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.

The parties are permitted to file documents with the conduct officer via e-mail or other electronic means as determined by the conduct officer. Receipt of such documents will be the date of the e-mail. 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, 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.

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 e-mail addresses via MyUW. Others have an obligation to notify the conduct officer of any change to their physical or e-mail addresses.

7. Qualifications of Conduct Officers and Reviewing Officers

Conduct officers and reviewing officers receive, at a minimum, annual training on the issues related to prohibited conduct under this policy and on conducting conduct matters in a way that fosters safety, provides fair, impartial and equitable treatment of the parties, provides parties with notice and a meaningful opportunity to be heard, and that promotes accountability if a student’s conduct is found to be in violation of the code or this policy.

Conduct officers and reviewing officers will also be impartial and free from conflict of interest or actual bias.

IX. FACT FINDING PROCESS

1. Fact Finding by Conduct Officer

In the fact finding process, which includes the informal hearing, the conduct officer will notify and meet separately with the complainant, the respondent, and third-party witnesses, and will gather other relevant and available evidence and information, including, without limitation, electronic or other records of communications between the parties or witnesses (via voice-mail, text message, email and social media sites) and photographs (including those stored on computers and smartphones).

The conduct officer is responsible for gathering relevant evidence to the extent reasonably possible. However, each person will be asked to identify witnesses and provide other relevant information, such as documents, communications, photographs and other evidence and each is responsible for providing evidence during the fact finding process.
2. Notice of Informal Hearing

The conduct officer will provide notice to the respondent, in writing, of the commencement of a conduct matter and will schedule an informal hearing. The respondent will receive notice of the informal hearing at least seven days in advance.

The complainant will receive a separate notice that a conduct matter has been initiated.

The notices will typically:

a. provide a brief description of the alleged prohibited conduct, including the date, time (if known) and location;

b. specify the prohibited conduct the respondent has been charged with;

c. identify the conduct officer;

d. explain the prohibition against retaliation;

e. instruct the parties to preserve any potentially relevant evidence in any format;

f. inform the parties how to challenge participation by the conduct officer on the basis of bias or a conflict of interest; and

g. provide a copy of the applicable code and any related policies.

3. Standard of Proof for Informal Hearings and Fact Finding

The applicable standard of proof in a conduct matter is the "preponderance of evidence" standard. This means that, in order for a respondent to be held responsible for prohibited conduct under the conduct code, 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 prohibited conduct.

4. Burden of Proof

The burden of proof in a conduct matter rests with the University.

5. Participation by the Parties

The parties are not required to participate in the conduct matter and the conduct officer will not draw any adverse inference from a decision by one or more parties not to participate. The University may, however, continue the conduct matter based on other available evidence.

6. Obligation to Provide Truthful Information

The parties and witnesses are expected to provide truthful information in any report or fact finding under the code and this policy. Student witnesses are expected to cooperate with any request to participate in any conduct matters under the code and this policy.

Student should be aware that “Abuse of the Student Conduct Process” is a form of prohibited conduct under the code. See Policy on Student Conduct Code for Other Behavioral Misconduct and Academic Misconduct.

7. Advisor of Choice and Participation of Advisors and Attorneys

Students who are parties may, at their own expense, be accompanied by an attorney throughout the conduct process. While an attorney may provide support and advice, an attorney may not speak on
behalf of the student or otherwise directly participate in the conduct process, including the informal hearing.

An “attorney” is any person admitted to practice law in the state of Washington.

The parties may also be accompanied by an advisor of choice throughout the conduct process. The advisor may be any person who is not otherwise a party or witness involved in the matter.

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

Upon request, the University will also provide an advisor for the respondent or complainant in any conduct matter under this policy.

8. Timeframe for Completion and Extension for Good Cause

Typically, the period from commencement of a conduct matter through the service of an initial order will not exceed sixty (60) calendar days. This timeframe may be extended for good cause. Any extensions for good cause, and the reason for the extension, will be communicated to the parties in writing.

“Good cause” includes if 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, or to account for the complexities of a case, including the number of witnesses or volume of information provided.

9. Consolidation

If there are multiple conduct matters involving common issues or parties, the parties may request or the conduct officer may decide to consolidate the proceedings. This decision is within the sole discretion of the conduct officer.

10. Coordination with Law Enforcement

If the University has initiated a conduct matter and the conduct is also subject to a criminal investigation, the University will make every effort 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.

11. Disability Accommodation

The University provides reasonable accommodation to individuals involved in the conduct process. To request disability accommodation, contact the Disability Services Office at:

PH: 206.543.6450
dso@u.washington.edu
X. EVIDENCE

1. Evidence

While the conduct process is administrative and not legal in nature, the University will be guided by the principles underlying the Washington rules of evidence. This section further describes the relevant evidentiary standards under the code and this policy. The conduct officer will make all evidentiary decisions.

2. Relevant Evidence, Hearsay, and Character Evidence

Under WAC 478-120-0025, evidence, including hearsay, is relevant if it is the kind of evidence on which reasonably prudent persons are accustomed to rely in the conduct of their affairs. The conduct officer will determine the relevance of all evidence, including that offered by the parties and/or witnesses, and may disregard evidence that is not relevant. The conduct officer may also disregard evidence that is immaterial or unduly repetitious.

In general, the conduct officer will not consider statements of personal opinion or statements as to any individual’s general reputation or any character trait.

The conduct officer will retain a record of evidence offered by the parties and witnesses, including evidence determined by the conduct officer to be not relevant to the matter.

3. Prior or Subsequent Conduct of the Respondent

Under WAC 478-120-0026, prior or subsequent conduct of the respondent may be considered in determining pattern, knowledge, intent, motive, or absence of mistake. The conduct officer will determine the relevance of this evidence.

For example, evidence of a pattern of conduct by the respondent, either before or after the incident in question, regardless of whether there has been a prior finding of a violation of the conduct code, may be deemed relevant to the determination of responsibility for the prohibited conduct. The determination of relevance of pattern evidence will be based on an assessment of whether the previous or subsequent conduct was substantially similar to the alleged prohibited conduct or indicates a pattern of similar prohibited conduct.

4. Prior Sexual History

Under WAC 478-120-0027, the sexual history of a complainant or respondent will not be used to prove character or reputation. Evidence related to the prior sexual history of either of the parties is generally not relevant to the determination of prohibited conduct and will be considered only in limited circumstances. The conduct officer will determine the relevance of this evidence.

For example, if the existence of consent is at issue, the sexual history between the parties may be relevant to help understand the manner and nature of communications between the parties and the context of the relationship, which may have bearing on whether consent was sought and given during the incident in question.
5. **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 fact finding.

6. **Witnesses**
Witnesses are individuals who may have information relevant to the incident, including individuals who may have observed the acts in question, may be able to provide contextual information, or may have other information related to the incident, disclosures, or related matters. Witnesses may not participate solely to speak about an individual’s character.

7. **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 may be shared with other parties or witnesses and will become part of the conduct file. 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.

8. **Experts**
Generally, information offered from medical, forensic, technological, or other experts who are not otherwise witnesses in the matter, is considered not relevant.

XI. **CONCLUDING FACT FINDING**

1. **Draft Initial Order**
At the conclusion of fact finding, the complainant and the respondent will have an opportunity to review a draft of the initial order with a summary of the information and facts gathered, including contested and uncontested information. The draft initial order will not include any finding on the issue of responsibility. During this review, the complainant and the respondent will have an opportunity to submit additional comments and information to the conduct officer, identify any additional witnesses or evidence for the conduct officer to pursue, and/or submit any further questions that they believe should be directed by the conduct officer to the other party or to any witness.

The conduct officer will designate a timeframe for review and response by the parties. After receipt and consideration of any additional comments, questions and/or information submitted by the parties during the designated review and response period, the conduct officer will prepare an initial order.

2. **Initial Order**
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 deliver the initial order to the parties, simultaneously and in writing. The initial order will include the reasoning for the finding and an explanation of how to request administrative review of the initial order.
3. Record of Fact Finding

The record of the fact finding and informal hearing consists of all evidence considered by the conduct officer. The record will not include records solely relating to administration of the conduct matter, such as communications with the parties or witnesses related to scheduling.

XII. DISCIPLINARY SANCTIONS

1. Disciplinary Sanctions

One or more of the following disciplinary sanctions may be imposed for any violation of the conduct code and this policy:

h. Disciplinary reprimand. A respondent may be issued a written disciplinary reprimand.

i. Restitution. A respondent may be required to make restitution for damage or other loss of property and for injury to persons. A failure to pay, or to make in writing University-approved arrangements to pay restitution, will result in a hold being placed on the respondent's registration preventing the respondent from registering at the University.

j. 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.

k. 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.

l. 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 place a hold on a suspended student's registration and may withhold the conferral of the student's degree during the suspension period.

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

n. 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.

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

h. the seriousness, severity, persistence, or pervasiveness of the prohibited conduct;

i. the nature or violence (if applicable) of the prohibited conduct;

j. the impact on the complainant and/or University community;

k. the respondent's past disciplinary record with the University;

l. whether the respondent has accepted responsibility for the prohibited conduct;

m. the maintenance of a safe, nondiscriminatory and respectful environment conducive to learning; or

n. any other mitigating, aggravating, or compelling factors.

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

2. Effective Date of Sanctions

Sanctions will be implemented when a final order is issued in the matter.

XIII. ADMINISTRATIVE REVIEW

1. Appointment of Reviewing Officers

Pursuant to RCW 34.05.485 and in accordance with this policy, the University will designate reviewing officers to conduct administrative reviews, who will have the authority to conduct reviews and issue final orders under the code and this policy.

Reviewing officers will be selected from individuals who hold faculty appointments at the University and enrolled students who are in good standing. Efforts will be made to ensure reviewing officers are appointed from all University campuses.

The Chair of the Faculty Senate will appoint reviewing officers for [TBD]-year terms effective [TBD]. Faculty will be appointed as chairs [TBD] and, if available, the chair in each matter will be from the campus at which the respondent is enrolled.

2. Administrative Review Panels

For each matter, [TBD] will select a faculty member as chair and efforts will be made to appoint a chair from the campus where the respondent is enrolled. The panel will be made up of an odd number of reviewing officers.

3. Scope of Administrative Review

The review will be based on the following grounds:

1. To determine whether there was a material procedural error that significantly affected the outcome of the fact finding or sanctioning;

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

3. To determine whether the sanction(s) imposed were appropriate for the violation committed and were not excessively lenient or excessively severe.
4. Requesting Administrative Review

A party may request administrative review of the Initial Order.

A request for administrative review must be submitted in writing to the conduct officer within 21 calendar days of the date of the initial order and will specify the grounds for the request as set forth in Section 3, above. If one of the grounds is to considered newly discovered evidence, that evidence must be provided with the request for review.

If no review is requested within 21 days or the President has not sought a review of the matter, the initial order shall become the final order.

5. Notice of Administrative Review

If an administrative review is requested, the University will provide the parties, in writing, with notice of the date the administrative review will be initiated and the identities of the reviewing officer(s) on the review panel. The parties will also be provided with information on how to raise an objection regarding actual bias or conflict of interest prior to the administrative review.

Other parties will be provided with notice of how to submit a response and will be provided with five (5) business days to submit such a response.

6. Procedures for Administrative Review

When the review panel conducts an administrative review, the review is based on:

a. The record of the informal hearing and fact finding developed by the conduct officer; and/or
b. Additional evidence, if the basis for seeking administrative review is that newly discovered evidence has become available; and
c. Any additional information submitted to the review panel in the request for review or response to request for review.

Decisions by the review panel will be determined by majority vote.

7. Order from Administrative Review

The review panel will issue an order, which will include a brief statement of the reasons for the outcome, within 10 business days of any response submitted by the other parties. All parties will receive simultaneous, written notification of the outcome of the review and the panel's reasoning for the outcome.

The review panel may reach one of the following results:

d. Conclude there is no basis for remand or alteration of sanctions, and issue a final order;
e. Remand for further fact finding or review if newly discovered evidence may have impacted the result or if the record demonstrates material procedural error; or
f. Alter the sanction(s) if determined to be clearly inappropriate or disproportionate.
8. **Process Following Remand from Administrative Review**

If the matter is remanded, the initial order will be rescinded and the review panel will describe, in writing, the reasons for the remand.

Following remand, the conduct officer will prepare an initial order. If found responsible, the conduct officer will impose a sanction. The conduct officer will deliver the initial order to the parties, simultaneously and in writing. The initial order will include an explanation of the conduct officer’s reasoning and how to request administrative review of the initial order.

9. **Authority of the President of the University to Initiate Review**

Notwithstanding any other provisions of the code, and before an initial order issued under the conduct code becomes final, the president or the president’s delegate may determine that the initial order should be further reviewed. Notice of this decision will be provided to the parties.

10. **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 Administrative Code. The time limit for seeking judicial review of a final order is set forth in RCW 34.05.542.

XIV. **PRIVACY AND RECORDS**

1. **Privacy of Educational Records**

The Family Educational Rights and Privacy Act (20 U.S.C. Sec. 1232g) and its implementing regulations (34 C.F.R. Part 99) (FERPA), governs the privacy of educational records.

Records retained by University offices may be subject to disclosure under Chapter 42.56 RCW, the Washington State Public Records Act, unless otherwise protected from disclosure by law. Some information, such as healthcare information protected by the Health Insurance Portability and Accountability Act (HIPAA) or other state laws, student records protected by the Family Educational Rights and Privacy Act (FERPA), or information that is otherwise exempt from the Public Records Act, will not be subject to disclosure under that Act. Information retained in University records that is otherwise protected from disclosure, may be subject to disclosure pursuant to a valid subpoena or court order.

2. **Privacy of Conduct Matter**

Sharing of information relating to a conduct matter is limited to those persons who have a legitimate educational or business need to know, including the complainant, respondent, witnesses, the administrative head of the University unit involved, and the Title IX Coordinator, as necessary.

Additionally, all meetings or reviews conducted under the code and this policy this chapter generally will be held in closed session out of respect for the privacy of all the students involved. Recordings shall also not be permitted.
3. Recordkeeping

Records related to conduct matters shall be maintained consistent with University records retention policies and other relevant policies.

The conduct officer shall keep records related to all conduct matters reported to their respective offices and may notify the dean or director of the college, school, or program, in which a respondent is enrolled, of any actions involving the respondent, provided that the school official to whom the information is being disclosed has a legitimate educational interest in receiving such information, as permitted by FERPA.

4. Disciplinary Record

Any final order resulting from a conduct matter 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. In a case where the respondent is a minor, the disciplinary sanctions imposed may be reported to the respondent's parents or legal guardian at the discretion of the conduct officer.

XV. UNIVERSITY RESOURCES

1. Disability Services Offices

Disability Resources for Students (DRS)
Services for matriculated students who are enrolled at the University of Washington Seattle
Email: uwdrs@uw.edu
206-543-8924; 206-543-8925 (TTY)

Disability Services Office (DSO)
Services for staff, academic personnel and the general public at all University locations and for non-matriculated students in Seattle
Email: dso@uw.edu
206-543-6450; 206-543-6452 (TTY)

Bothell – Disability Resources for Students (DRS)
Services for students who are enrolled at the UW Bothell
425-352-5307; TDD: 425-352-5303

Tacoma – Disability Support Services (DSS) Services for students who are enrolled at UW Tacoma.
Email: dssuwt@u.washington.edu
253-692-4522
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I. POLICY AND AUTHORITY

1. 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), Gender Equality in Higher Education (Chapter 28B.110 RCW), and Chapter 34.05 RCW, the Administrative Procedures Act.

2. 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, which are published in Chapter 478-120 Washington Administrative Code – Student Conduct code for the University of Washington (the code).

3. Purpose

The purpose of this policy is to describe the University’s interpretations of the rules set forth in Chapter 478-120 WAC related to reports of the following prohibited conduct under the code:

- “Academic Misconduct,” as defined in WAC 478-120-006;
- “Other Behavioral Misconduct” as defined in WAC 478-120-0012; and
- “Retaliation” as defined in WAC 478-120-009.

Reports that may fall within prohibited conduct set forth in [TBD] Policy on Student Conduct Code for Sexual Misconduct, Intimate Partner Violence, Discriminatory and Sexual Harassment, and Retaliation will be addressed under that policy.

4. Intersection and Coordination with Related Policies

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

- The University’s Workplace Violence Policy prohibits violence including relationship violence or domestic violence that endangers any member of the University community.

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 may be conducted that encompasses all relevant conduct and policies.
II. PRIVACY AND CONFIDENTIALITY

1. Privacy and Confidentiality
The University is committed to protecting the privacy of all individuals who are involved in any report or conduct matter 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 XII 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 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.”

2. Confidentiality of Medical 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:
   a. If the patient gives written consent for its disclosure;
   b. If there is risk of imminent harm to the patient or another identified person;
   c. If there is reason to suspect that a minor or an elderly person is in danger of being abused or neglected;
   d. If a court of law orders the release of certain information about a patient; or
   e. 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 UW attorneys if relevant to the action.

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

3. 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.

4. Clery Act Reporting
Under the Clery Act, the University must publish an annual security report that includes statistics about reports of certain potential criminal offenses and must provide those statistics to the United States
Department of Education. This 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.

III. REPORTING OPTIONS

1. Reporting Academic or Other Behavioral Misconduct under this Policy

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

Student Conduct Offices

Violations involving academic misconduct should be reported to the dean of the appropriate school or college at the University of Washington Seattle, or the dean or program director at the University of Washington Bothell and Tacoma, or their authorized delegates.

2. Reporting Other Prohibited Conduct

Reports of sexual misconduct, intimate partner violence, discriminatory and sexual harassment, and retaliation should be made in accordance with [TBD] Policy on Student Conduct Code for Discriminatory and Sexual Harassment, Intimate Partner Violence, Sexual Misconduct, Stalking, and Retaliation.

3. 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 XIII for information about local law enforcement agencies.

4. Amnesty for Alcohol or Drug Violations

A conduct officer may elect not to initiate a conduct matter relating to alcohol or 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.

IV. APPLICATION OF THE STUDENT CONDUCT CODE

1. Application of the Student Conduct Code

The disciplinary sanctions specified in WAC 478-120-0030, up to and including suspension or dismissal, may be imposed on any student or student organization found to have violated standards of conduct or found responsible for prohibited conduct set forth in the code and this policy.

The conduct code and this policy apply to all students from the time of admission through the actual conferral of a degree, including any period between terms of enrollment.

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, or completes his or her 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.

A "student organization" is a group of students that has complied with the requirements for University recognition or that otherwise is granted any rights or privileges by the University as a University affiliate. Student organizations include, but are not limited to, recreational sports or clubs, registered student organizations (RSOs), University service clubs, and sororities and fraternities. Student organizations are also subject to the process and procedures outlined in the RSO Policy Guide and/or the organization’s applicable recognition agreement.

2. Jurisdiction of the University

The scope of the University's jurisdiction includes:

- prohibited conduct that occurs on any University premises or in connection with any University-sponsored program or activity, regardless of the location of the program or activity; or
- prohibited conduct that occurs off campus (i.e., conduct that does not occur on University premises or in the context of a University-sponsored program or activity) that the University reasonably determines adversely affects a University interest, has continuing adverse effects, or may create a hostile environment on University premises or in the context of a University-sponsored program or activity.

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. The University also may initiate a conduct matter based on a student’s criminal conviction that the University determines adversely affects a University interest and may accept the conviction as establishing a violation of this code.

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

"University premises" include 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.

The conduct officer will determine whether the University has jurisdiction based on the facts reported.

3. Other Proceedings

Other departments or units of the University have proceedings that affect students separate from the conduct code. For example:

- Campus parking and traffic regulations are under the general jurisdiction of the transportation services department and the police department at the University of Washington Seattle campus and under the jurisdiction of public safety officers at the University of Washington Bothell and Tacoma campuses. See chapters 478-116, 478-117 and 478-118 WAC.
b. The library fines appeals committee has the authority to consider appeals of library charges. See chapter 478-168 WAC.

Nothing in the conduct code or this policy shall be construed to limit additional academic, regulatory or other action that may be taken by schools, colleges, or programs against a respondent based on a finding that the respondent failed to meet the academic and/or professional standards of the school, college, or program.

V. STANDARDS OF CONDUCT AND PROHIBITED CONDUCT

1. Standards of Conduct

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:

f. Practicing high standards of academic and professional honesty and integrity;
g. Refraining from any conduct that would violate the rights, privileges, and property of others;
h. Refraining from any conduct that would substantially disrupt or materially interfere with University operations;
i. Refraining from any conduct that could reasonably cause harm to or endanger the health, safety, or welfare of other persons; and
j. Complying with the rules, regulations, procedures, policies, standards of conduct, and orders of the University and its schools, colleges, departments, units, and programs.

Students may be found in violation of this provision, in addition to specific prohibited conduct in this policy.

2. Prohibited Conduct: Generally

Prohibited conduct under this code includes, but is not limited to, the conduct described in WAC 478-120-005 through 0012. Students may also be found responsible for that prohibited conduct if they:

g. Aid or assist another student or student organization in the commission of prohibited conduct;
h. 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
i. Attempt to commit prohibited conduct.

3. Prohibited Conduct: Academic Misconduct

Academic misconduct includes:
i. "Cheating," which includes, but is not limited to:
   iii. The use of unauthorized assistance in taking quizzes, tests, or examinations; or
   iv. The acquisition, use, or distribution of unpublished materials created by another student without the express permission of the original author(s).
j. "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). Falsification also includes falsifying scientific and/or scholarly research.
"Plagiarism," which is the submission or presentation of someone else's words, composition, research, or expressed ideas, whether published or unpublished, without attribution. Plagiarism includes, but is not limited to:

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

iv. 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.

l. Prohibited collaboration.
m. Engaging in behavior specifically prohibited by an instructor in the course of class instruction or in a course syllabus.
n. Multiple submissions of the same work in separate courses without the express permission of the instructor(s).
o. Taking deliberate action to destroy or damage another's academic work in order to gain an advantage for oneself or another.
p. 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.

4. Prohibited Conduct: Other Behavioral Misconduct

a. 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.

Reports that may constitute sexual or discriminatory harassment, intimate partner violence, sexual misconduct, or is part of a course of conduct that meets the definition of stalking, will be addressed under [TBD] Policy on Student Conduct Code for Discriminatory and Sexual Harassment, Intimate Partner Violence, Sexual Misconduct, Stalking, and Retaliation.

b. Abuse of the Student Conduct Process

Abuse of the student conduct process includes:

i. Attempting to influence the impartiality or participation of any conduct officer or any reviewing officer;

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

iii. 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.

c. Acts of Dishonesty

Acts of dishonesty include:

f. Knowingly furnishing false information to any University official;

g. Impersonating, or providing false information in the name of, any University official;
d. Alcohol Violations

The unlawful possession, use, distribution, or manufacture of alcohol.

e. Computer Abuses

Computer abuses include, but are not limited to:

h. Unauthorized use of University computer resources;
i. Use of another person's University user name and/or password;
j. Use of University computing facilities and resources to interfere with the work of another student, an instructor, or other University official;
k. Use of University computing facilities or resources to send intimidating, harassing, or threatening messages;
l. Use of a computer or software to interfere with normal operations of the University's computing systems;
m. Use of the University's computing facilities or resources in violation of any law, including copyright laws; and
n. Any violation of the University's computer use policies.

f. Creating a Public Nuisance in Neighboring Communities

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 this conduct code for misconduct within any residential or commercial communities adjacent to a University campus. A conduct matter may be initiated as follows:

d. 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.

e. A first minor violation under (a) of this subsection will not subject the student or student organization to sanctions under this conduct code; 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.

f. A second violation of this subsection will result in the initiation of conduct matter under this conduct code.
g. Disruption or Obstruction

Disruption or obstruction includes intentionally 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 disorderly or disruptive and may also make a report to a conduct office in accordance with this code and University policy.

h. Drug Violations

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.

i. Failure to Comply

Failure to comply includes:

   c. Any failure to comply with the directions of any University officials acting in the performance of their duties and/or the failure to identify oneself to University officials when requested to do so; or

   d. 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.

j. Harassment or Bullying

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.

k. Hazing

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; or 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.

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.

I. Possession or use of firearms, explosives, dangerous chemicals, or other dangerous weapons

Firearms, explosives, dangerous chemicals, or other dangerous weapons or instrumentalities are not permitted on University premises, except for authorized University purposes, or unless prior written approval has been obtained from the chief of the University police department, or any other University official designated by the president of the University.

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:

- d. action of gunpowder or other explosives;
- e. action of compressed air; or
- f. power of springs or other forms of propulsion.

The exhibition or display of a replica or a dangerous weapon prohibited under this subsection is also prohibited 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.

m. Retaliation

Under RCW 478-120-0010, 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:

- i. File, or intend to file, a report, complaint, grievance, or allegation of prohibited conduct under any University policy or rule or under any law;
- j. Participate in and/or cooperate with a conduct matter;
- k. Appear as a witness; or
- l. Oppose an unlawful act or discriminatory practice.

n. Theft

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.

o. Unauthorized Keys, Entry or Use

The unauthorized possession, duplication, or use of keys (including conventional keys, key cards, or alphanumeric passcodes) to any University premises is prohibited, as is the unauthorized entry upon or use of University premises or property. Providing keys to an unauthorized person or providing access to an unauthorized person is also prohibited.

p. Unauthorized Recording

The following conduct is prohibited:
c. 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

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

Reports that may constitute “Sexual Exploitation” will be addressed under [TBD] Policy on Student Conduct Code for Discriminatory and Sexual Harassment, Intimate Partner Violence, Sexual Misconduct, Stalking, and Retaliation.

q. Vandalism

Vandalism includes maliciously damaging or misusing University property, or the property of any member of the University community.

r. Violation of Disciplinary Sanctions

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.

VI. INITIATING CONDUCT MATTERS

1. Initiating Conduct Matters

Only the following University officials may initiate conduct matters under this policy:

e. The vice-president for student life at University of Washington Seattle;
f. The chancellors at University of Washington Bothell and Tacoma;
g. Deans of a school or college (including the graduate school) at University of Washington Seattle; and
h. Deans or directors of any school or program at University of Washington Bothell or Tacoma.

The above named University officials may delegate the authority to one or more conduct officers to initiate matters, conduct informal hearings and fact finding, and issue initial and final orders under the conduct code.

A conduct matter may be initiated when the University receives any direct or indirect report of conduct that may violate the 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.

2. Hold on Granting or Conferral of Degree

The conduct office or other University official may place a hold on the granting or conferral of a student’s degree if the student is the respondent in a pending report of prohibited conduct or a pending conduct matter under the code and this policy. The hold will remain in place until lifted by the conduct office or other University official with authority to do so.
3. Parties

The parties to a conduct matter are the University and the respondent. The University may designate other individuals, such as a complainant, as a party to certain conduct matters.

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 conduct code had been committed against them.

A "respondent" is any student or student organization charged with prohibited conduct under the conduct code.

4. Interim Measures

After receiving a report of prohibited conduct, the University may implement interim protective measures that impact a respondent prior to a finding of responsibility. These will remain in place until lifted or modified by the University official who implemented the interim protective measures.

Implementation of any interim protective measure does not assume any determination of, or create any expectation of responsibility of a violation of the code or relevant policy. A respondent who fails to comply with any interim protected measures may, however, be charged with a failure to comply pursuant to WAC 478-120-0012(9).

Examples of interim protective measures include:
   a. A no-contact order prohibiting direct or indirect contact, by any means, with a complainant, an individual who reported, other specified persons, and/or a specific student organization;
   b. Reassigning the respondent within on-campus housing;
   c. Changes to class schedules, assignments, or test schedules; or
   d. Limiting the respondent’s access to identified University-controlled buildings, programs, or activities.

When interim protective measures are implemented, the respondent will be provided with information on how to contest the measure or request that it be made less restrictive.

5. Emergency Authority of the University

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 University of Washington Bothell and Tacoma campuses or delegates may immediately suspend that student from participation in any or all University functions, privileges, or locations. 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.

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 be effective immediately and emergency suspension shall, unless otherwise specified in the emergency suspension order, remain in
effect until a final order is entered in the matter. The order shall advise the student how to contest the emergency suspension or request that it be made less restrictive.

The matter shall then be referred to the appropriate conduct office and the matter shall proceed as quickly as feasible.

Once a final order is entered in the matter, any emergency suspension order shall be lifted by the University official who issued the order and the sanction, if any, will be imposed.

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

6. Service of Notices, Filings, and Orders and Time Limits

Service of all University notices under the code and this policy will be sent via electronic mail (e-mail) addressed to the party’s University-issued e-mail address. An alternative e-mail address may be provided to the conduct officer in writing. Service is complete at the moment the e-mail is sent to the e-mail 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.

The parties are permitted to file documents with the conduct officer via e-mail or other electronic means as determined by the conduct officer. Receipt of such documents will be the date of the e-mail. 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, 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.

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 e-mail addresses via MyUW. Others have an obligation to notify the conduct officer of any change to their physical or e-mail addresses.

7. Qualifications of Conduct Officers and Reviewing Officers

Conduct officers and reviewing officers receive, at a minimum, annual training on the issues related to prohibited conduct under this policy and on conducting conduct matters in a way that fosters safety, provides fair and impartial treatment of the respondent and other parties, provides notice and a meaningful opportunity to be heard, and that promotes accountability if a student’s conduct is found to be in violation of the code or this policy.

Conduct officers and reviewing officers will also be impartial and free from conflict of interest or actual bias.
VII. FACT FINDING PROCESS

1. Fact Finding by Conduct Officer

In the fact finding process, which includes the informal hearing, the conduct officer will notify and meet separately with the complainant, the respondent, and third-party witnesses, and will gather other relevant and available evidence and information, including, without limitation, electronic or other records of communications between the parties or witnesses (via voice-mail, text message, email and social media sites) and photographs (including those stored on computers and smartphones).

The conduct officer is responsible for gathering relevant evidence to the extent reasonably possible. However, each person will be asked to identify witnesses and provide other relevant information, such as documents, communications, photographs and other evidence and each is responsible for providing evidence during the fact finding process.

2. Notice of Informal Hearing

The conduct officer will provide notice to the respondent, in writing, of the commencement of a conduct matter and will schedule an informal hearing. The respondent will receive notice of the informal hearing at least seven days in advance.

The notice will typically:

a. provide a brief description of the alleged prohibited conduct, including the date, time (if known) and location;
b. specify the prohibited conduct the respondent has been charged with;
c. identify the conduct officer;
d. explain the prohibition against retaliation;
e. instruct the respondent to preserve any potentially relevant evidence in any format;
f. inform the respondent how to challenge participation by the conduct officer on the basis of bias or a conflict of interest; and
g. provide a copy of the applicable code and any related policies.

3. Standard of Proof for Informal Hearings and Fact Finding

The applicable standard of proof in the informal hearing is the "preponderance of evidence" standard. This means that, in order for a respondent to be held responsible for a violation of this conduct code, 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 prohibited conduct.

4. Burden of Proof

The burden of proof in a conduct matter rests with the University.

5. Participation by the Respondent

The respondent is not required to participate in the conduct matter and the conduct officer will not draw any adverse inference from a decision by the respondent not to participate. The University may, however, continue the conduct matter based on other available evidence.
6. **Obligation to Provide Truthful Information**

The respondent and witnesses are expected to provide truthful information in any report or fact finding under the code and this policy. Student witnesses are expected to cooperate with any request to participate in any conduct matters under the code and this policy.

Student should be aware that “Abuse of the Student Conduct Process” is a form of prohibited conduct under the code.

7. **Advisor of Choice and Participation of Advisors and Attorneys**

Students who are parties may, at their own expense, be accompanied by an attorney throughout the conduct process. While an attorney may provide support and advice, an attorney may not speak on behalf of the student or otherwise directly participate in the conduct process, including the informal hearing.

An “attorney” is any person admitted to practice law in the state of Washington.

The parties may also be accompanied by an advisor of choice throughout the conduct process. The advisor may be any person who is not otherwise a party or witness involved in the matter.

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

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

Typically, the period from commencement of a conduct matter through the service of an initial order will not exceed sixty (60) calendar days. This timeframe may be extended for good cause. Any extensions for good cause, and the reason for the extension, will be communicated to the respondent in writing.

“Good cause” includes if 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, or to account for the complexities of a case, including the number of witnesses or volume of information provided.

9. **Consolidation**

If there are multiple conduct matters involving common issues or parties, the respondent may request or the conduct officer may decide to consolidate the proceedings. This decision is within the sole discretion of the conduct officer.

10. **Coordination with Law Enforcement**

If the University has initiated a conduct matter and the conduct is also subject to a criminal investigation, the University will make every effort 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.

11. Disability Accommodation

The University provides reasonable accommodation to individuals involved in the conduct process. To request disability accommodation, contact the Disability Services Office at:

PH: 206.543.6450
dso@u.washington.edu

VIII. EVIDENCE

1. Evidence

While the conduct process is administrative and not legal in nature, the University will be guided by the principles underlying the Washington rules of evidence. This section further describes the relevant evidentiary standards under the code and this policy. The conduct officer will make all evidentiary decisions.

2. Relevant Evidence, Hearsay, and Character Evidence

Under WAC 478-120-0025, evidence, including hearsay, is relevant if it is the kind of evidence on which reasonably prudent persons are accustomed to rely in the conduct of their affairs. The conduct officer will determine the relevance of all evidence, including that offered by the respondent and/or witnesses, and may disregard evidence that is not relevant. The conduct officer may also disregard evidence that is immaterial or unduly repetitious.

In general, the conduct officer will not consider statements of personal opinion, or statements as to any individual’s general reputation for any character trait.

The conduct officer will retain a record of evidence offered by the complainant, respondent, and witnesses, including evidence determined by the conduct officer to be not relevant to the matter.

3. Prior or Subsequent Conduct of the Respondent

Under WAC 478-120-0026, prior or subsequent conduct of the respondent may be considered in determining pattern, knowledge, intent, motive, or absence of mistake. The conduct officer will determine the relevance of this evidence.

For example, evidence of a pattern of conduct by the respondent, either before or after the incident in question, regardless of whether there has been a prior finding of a violation of the conduct code, may be deemed relevant to the determination of responsibility for the prohibited conduct. The determination of relevance of pattern evidence will be based on an assessment of whether the previous or subsequent conduct was substantially similar to the alleged prohibited conduct or indicates a pattern of similar prohibited conduct.

4. 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 matter.
5. **Witnesses**
Witnesses are individuals who may have information relevant to the incident, including individuals who may have observed the acts in question, may be able to provide contextual information, or may have other information related to the incident, disclosures, or related matters. Witnesses may not participate solely to speak about an individual’s character.

6. **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 may be shared with other parties or witnesses and will become part of the conduct file. 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.

7. **Experts**
Generally, the conduct officer will not consider information from medical, forensic, technological, or other experts who are not otherwise witnesses in the matter.

IX. **CONCLUDING FACT FINDING**

1. **Draft Initial Order**
At the conclusion of fact finding, the respondent will have an opportunity to review a draft of the initial order with a summary of the information and facts gathered, including contested and uncontested information. The draft initial order will not include any finding on the issue of responsibility. During this review, the respondent will have an opportunity to submit additional comments and information to the conduct officer, identify any additional witnesses or evidence for the conduct officer to pursue, and/or submit any further questions that they believe should be directed by the conduct officer to the complainant or any witness.

The conduct officer will designate a timeframe for review and response by the respondent. After receipt and consideration of any additional comments, questions and/or information submitted by the parties during the designated review and response period, the conduct officer will prepare an initial order.

2. **Initial Order**
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 deliver the initial order to the respondent in writing. The initial order will include the reasoning for the finding and an explanation of how to request administrative review of the initial order.

3. **Record of Fact Finding**
The record of the fact finding and informal hearing consists of all evidence considered by the conduct officer. The record will not include records solely relating to administration of the conduct matter, such as communications with the respondent or witnesses related to scheduling.
X. DISCIPLINARY SANCTIONS

1. Disciplinary Sanctions

One or more of the following disciplinary sanctions may be imposed for any violation of the conduct code and this policy:

o. **Disciplinary reprimand.** A respondent may be issued a written disciplinary reprimand.  

p. **Restitution.** A respondent may be required to make restitution for damage or other loss of property and for injury to persons. A failure to pay, or to make in writing University-approved arrangements to pay restitution, will result in a hold being placed on the respondent's registration preventing the respondent from registering at the University.  

q. **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.  

r. **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.  

s. **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 place a hold on a suspended student's registration and may withhold the conferral of the student's degree during the suspension period.  

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

u. **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.  

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.  

In determining an appropriate sanction for a violation of the 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;

s. the maintenance of a safe and respectful environment conducive to learning; or

t. any other mitigating, aggravating, or compelling factors.

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

2. **Effective Date of Sanctions**

Sanctions will be implemented when a final order is issued in the matter.

**XI. ADMINISTRATIVE REVIEW**

1. **Appointment of Reviewing Officers**

Pursuant to RCW 34.05.485 and in accordance with this policy, the University will designate reviewing officers to conduct administrative reviews, who will have the authority to conduct reviews and issue final orders under the code and this policy.

Reviewing officers will be selected from individuals who hold faculty appointments at the University and enrolled students who are in good standing. Efforts will be made to ensure reviewing officers are appointed from all University campuses.

The Chair of the Faculty Senate will appoint reviewing officers for [TBD]-year terms effective [TBD]. Faculty will be appointed as chairs by [TBD] and, if available, the chair in each matter will be from the campus at which the respondent is enrolled.

[TBD] will appoint students as reviewing officers for [TBD]-year terms effective [TBD].

2. **Administrative Review Panels**

For each matter, [TBD] will select a faculty member as chair and efforts will be made to appoint a chair from the campus where the respondent is enrolled. The panel will be made up of an odd number of reviewing officers and a majority of those reviewing officers should be faculty.

3. **Scope of Administrative Review**

The review will be based on the following grounds:

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

4. **Requesting Administrative Review**

The respondent may request administrative review of the initial order.

A request for administrative review must be submitted in writing to the conduct officer within 21 days of the date of the initial order, which will specify the grounds for the request as set forth above in
Section 3. If one of the grounds is to considered newly discovered evidence, that evidence must be provided with the request for review.

If no review is requested within 21 days or the President has not sought a review of the matter, the initial order shall become the final order.

5. Notice of Administrative Review

If administrative review is requested, the University will provide the parties, in writing, with notice of the date the administrative review will be initiated and the identities of the reviewing officer(s) on the review panel. The parties will be provided with an opportunity to raise an objection regarding bias or conflict of interest prior to the administrative review.

The conduct officer will be provided with notice of how to submit a response and will be provided with five (5) business days to submit such a response.

6. Procedures for Administrative Review

When the review panel conducts an administrative review, the review is based on:

d. The record of the informal hearing and fact finding developed by the conduct officer;

e. Additional evidence, if the basis for seeking administrative review is that newly discovered evidence has become available; and

f. Information submitted to the review panel in the request for review or response to request for review.

Decisions by the review panel will be determined by majority vote.

7. Order from Administrative Review

The review panel will issue an order, which will include a brief statement of the reasons for the outcome, within 10 business days of any response submitted. All parties will receive simultaneous, written notification of the outcome of the review and the panel’s reasoning for the outcome.

The review panel may reach one of the following results:

a. Conclude there is no basis for remand or alteration of sanctions, and issue a final order;

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

c. Alter the sanction(s) if determined to be clearly inappropriate or disproportionate.

8. Process Following Remand from Administrative Review

If the matter is remanded, the initial order will be rescinded and the review panel will describe, in writing, the reasons for the remand.

Following remand, the conduct officer will prepare an initial order. If found responsible, the conduct officer will impose a sanction. The conduct officer will deliver 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.
9. Authority of President of the University to Initiate Review

Notwithstanding any other provisions of the code, and before an initial order issued under the conduct code becomes final, the president or the president's delegate may determine that the initial order should be further reviewed. Notice of this decision will be provided to the parties.

10. Judicial Review

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

XII. PRIVACY AND RECORDS

5. Privacy of Educational Records

The Family Educational Rights and Privacy Act (20 U.S.C. Sec. 1232g) and its implementing regulations (34 C.F.R. Part 99) (FERPA), governs the privacy of educational records.

Records retained by University offices may be subject to disclosure under Chapter 42.56 RCW, the Washington State Public Records Act, unless otherwise protected from disclosure by law. Some information, such as healthcare information protected by the Health Insurance Portability and Accountability Act (HIPAA) or other state laws, student records protected by the Family Educational Rights and Privacy Act (FERPA), or information that is otherwise exempt from the Public Records Act, will not be subject to disclosure under that Act. Information retained in University records that is otherwise protected from disclosure, may be subject to disclosure pursuant to a valid subpoena or court order.

6. Privacy of Conduct Matter

Sharing of information relating to a conduct matter is limited to those persons who have a legitimate educational or business need to know, including the complainant, respondent, witnesses, and the administrative head of the University unit involved, as necessary. Some information relevant to the matter may be protected from disclosure, such as healthcare information protected by the Health Insurance Portability and Accountability Act (HIPAA) or student records protected by the Family Educational Rights and Privacy Act (FERPA).

Additionally, all meetings or reviews conducted under the code and this policy this chapter generally will be held in closed session out of respect for the privacy of all the students involved. Recordings shall also not be permitted.

7. Recordkeeping

Records related to conduct matters shall be maintained consistent with University records retention policies and other relevant policies.

The conduct officer shall keep records related to all conduct matters reported to their respective offices and may notify the dean or director of the college, school, or program, in which a respondent is enrolled, of any actions involving the respondent, provided that the school official to whom the information is being disclosed has a legitimate educational interest in receiving such information, as permitted by FERPA.
8. Disciplinary Record

Any final order resulting from a conduct matter 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. In a case where the respondent is a minor, the disciplinary sanctions imposed may be reported to the respondent's parents or legal guardian at the discretion of the conduct officer.

XIII. UNIVERSITY RESOURCES
Date: October 28, 2016

To: Faculty Council on Student Affairs

From: Jill Lee, Executive Director, Compliance Services
       Ellen Taylor, AVP, Student Life
       Elizabeth Lewis, Director, Community Standards and Student Conduct
       Amanda Paye, Deputy Title IX/ADA Coordinator, Compliance Services

Re: Drafts of Student Conduct Code WAC and Policies and Requests for Recommendations

We look forward to the opportunity to meet with you on November 8, 2016, in regard to our continuing work on revising our student conduct process. Due to rulemaking timelines, please prioritize your review of the WAC. We have included the companion conduct code policies for context and for your review as well.

Drafts for Review

Attached are the following drafts (the numbering scheme is for ease of reference and will be refined in the final versions):

Student Conduct Code Chapter 478-120 Washington Administrative Code (WAC)

- The WAC is designed to include provisions that must be subject to the Washington State rulemaking process to set University standards for the conduct process
- The various forms of prohibited conduct are “grouped” for ease of reference in companion policies

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

- The sections from the draft WAC are duplicated in the relevant sections of the draft policy and are shaded in gray for your ease of reference
- For the forms of prohibited conduct covered in this policy, the University is offering equitable rights in the conduct process for complainants, which are spelled out in the policy
- Additionally, under the 2013 Reauthorization of the Violence Against Women Act and guidance from the Department of Education Office for Civil Rights, the University must include certain provisions in policies which are specifically directed toward complainants. Currently, many of these provisions already exist in Executive Order No. 51 – Sexual Violence Elimination Policy, but they are being included in this policy to create one complete policy for students. EO 51 will be revised accordingly.

Student Conduct Code Policy on Academic and Other Behavioral Misconduct

- The sections from the draft WAC are duplicated in the relevant sections of the draft policy and are shaded in gray for your ease of reference.

“Redlined” version of current code

- This is not intended to be an exact redline of the current code compared to the drafts, but is intended to underscore and highlight where changes have been made and where revised or related content can be found in the drafts.
Recommendations from Faculty Council on Student Affairs

We are also specifically seeking recommendations regarding administrative reviews, including:

- Appointment of and term lengths for reviewing officers
- Minimum number of reviewing officers on review panels
- Under the Academic and Other Behavioral Misconduct policy, the ratio of faculty to students
- Timeline within which the panel will conduct the review and issue an outcome
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478-120-140 - Emergency authority of the president and chancellors of the university

478-120-145 - Recording and maintenance of records
478-120-010 - Student conduct code—Authority

Pursuant to chapter 34.05 RCW and the authority granted by RCW 28B.20.130, the board of regents of the University of Washington has established the following rules regarding student conduct and student discipline.

478-120-012 - Preamble

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, including this conduct code, that safeguard its functions and protect the rights and freedoms of all members of the university community.

478-120-014 - Definitions

For the purposes of this conduct code, the following definitions apply:

1. "Advisor" is a person selected by a respondent or a complainant to provide support and guidance in hearings under this conduct code.

2. "Allegation of misconduct" A complaint is any report of an alleged violation of this conduct code, which may include, but is not limited to, a police report, an incident report, a witness statement, other documentation, or a verbal report or written statement report from a complainant or a third party.

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

4. "Complainant" is a student or another member of the university community who reports that a violation of this conduct code has been committed against him or her. In any case involving an allegation of sexual misconduct as defined in this conduct code, a complainant is afforded certain rights under this conduct code including, but not limited to:

   a. The right to be informed of all orders issued in the disciplinary case in which he or she is a complainant;

   b. The right to appeal to the faculty appeal board an initial order issued by a conduct officer;

   c. The right to request presidential review of an initial order issued by the faculty appeal board; and

   d. The right to be accompanied to all hearings by an advisor and/or an attorney.

Complainants’ and respondents’ rights clearly stated within WAC and policies and other materials provided in the process.
(5) "Conduct officer" is a university official who has the authority to initiate disciplinary proceedings, conduct investigations and informal hearings, and issue initial orders under this conduct code.

(6) "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).

(7) "Initial order" refers to an initial written decision issued in a disciplinary matter by a conduct officer, a university disciplinary committee, or the faculty appeal board in accordance with the provisions of this conduct code.

(8) "Parties" means collectively the conduct officer and the respondent. In any case involving an allegation of sexual misconduct, any complainant may elect to participate as a party in accordance with the provisions of this conduct code.

(9) "Proceedings" means all processes related to the investigation and adjudication of a disciplinary matter under this conduct code including, but not limited to, investigations, informal and formal hearings, administrative review, and requests for reconsideration of a final order.

(10) "Respondent" is any student accused of misconduct under this conduct code. Each respondent is afforded certain rights including, but not limited to:

   a. The right to be informed of all orders issued in the respondent's disciplinary case;
   b. The right to appeal an initial order issued by a conduct officer and a university disciplinary committee;
   c. The right to request a presidential review of an initial order issued by the faculty appeal board; and
   d. The right to be accompanied to all hearings by an advisor and/or an attorney.

(11) "Sexual misconduct" includes committing, or aiding, soliciting, or attempting the commission of, the following prohibited conduct: Sexual assault, sexual harassment, sexual exploitation, indecent exposure, relationship violence, stalking, and domestic violence.

(12) "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, or completes his or her 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 this conduct code.

(13) "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. (Student organizations are
also subject to the process and procedures outlined in the RSO Policy Guide and/or the organization's applicable recognition agreement.)

(14) "University community" includes all university students and employees. It also includes guests of and visitors to the university during the time they are present on university premises.

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

(16) "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.


(1) This 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 scope of the university's jurisdiction includes:

1. prohibited conduct that occurs 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. prohibited conduct that occurs off campus (i.e., conduct that does not occur on university premises or in the context of a university-sponsored program or activity) that the university reasonably determines adversely affects a university interest, has continuing adverse effects, or may create a hostile environment on university premises or in the context of a university-sponsored program or activity.

(2) The university shall have the authority to hold students accountable under this conduct code for misconduct that occurs on any university premises or in connection with any university-sponsored event or activity.

(3) The university may also hold students accountable under this conduct code for off campus misconduct (i.e., misconduct that does not occur on university premises or in the context of a university-sponsored event or activity) that the university reasonably determines adversely affects a university interest. Nothing in this subsection shall be construed as being intended to protect any person or class of persons from injury or harm.

(4) Disciplinary proceedings may be initiated under the conduct code regardless of whether or not the incident in question is the subject of criminal or civil proceedings. The university also may initiate a conduct matter based on a student’s criminal conviction that the university determines adversely affects a university interest and may accept the conviction as establishing a violation of this code.

See WAC -0018 and policies under "Jurisdiction"

See policies under “Jurisdiction”

See WAC -003 and policies under “Jurisdiction”

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(5) 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 this conduct code that demonstrates a failure to meet the academic and/or professional standards of the school, college, or program.

(6) Other departments or units of the university have proceedings separate and distinct from this conduct code. For example:
   (a) Campus parking and traffic regulations are under the general jurisdiction of the transportation services department and the police department at the University of Washington Seattle campus and under the jurisdiction of public safety officers at the University of Washington Bothell and Tacoma campuses. See chapters 478-116, 478-117 and 478-118 WAC.
   (b) The library fines appeals committee has the authority to consider appeals of library charges. See chapter 478-168 WAC.

(7) Nothing in this conduct code will be construed to deny students their legally and/or constitutionally protected rights.

478-120-020 - Standards of conduct
(1) 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:
   (a) Practicing high standards of academic and professional honesty and integrity;
   (b) Refraining from any conduct that would violate Respecting the rights, privileges, and property of others;
   (c) Refraining from any conduct that would substantially disrupt or materially interfere with university operations;
   (d) Refraining from any conduct that would cause harm to or endanger the health, safety, or welfare of other persons; and
   (e) Complying with the rules, regulations, procedures, policies, standards of conduct, and orders of the university and its schools, colleges, departments, units, and programs.

(2) The disciplinary sanctions specified in WAC 478-120-040 may be imposed on any student or student organization found to have committed, to have assisted with the commission of, or to have attempted to commit any act of misconduct that is in violation of the general standards of conduct in subsection (1) of this section, or any of the prohibited conduct specified in WAC 478-120-024.

478-120-024 - Prohibited conduct.
Specific instances of misconduct include, but are not limited to:
(1) **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.

(2) **Abuse of the student conduct process.** Abuse of the student conduct process includes:

- (a) Knowingly making false allegations of misconduct under this conduct code;
- (b) Attempting to coerce a person not to make a report or to participate in proceedings under this conduct code;
- (c) Attempting to influence the impartiality or participation of a member of a university disciplinary committee or the faculty appeal board, any conduct officer, or any reviewing officer; or
- (d) Influencing or attempting to influence another person to commit an abuse of the student conduct process; or
- (e) **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.**

(3) **Academic misconduct.** Academic misconduct includes:

- (a) "Cheating," which includes, but is not limited to:
  (i) The use of unauthorized assistance in taking quizzes, tests, or examinations; or
  (ii) The acquisition, use, or distribution of unpublished materials created by another student without the express permission of the original author(s).
- (b) "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). Falsification also includes falsifying scientific and/or scholarly research.
- (c) "Plagiarism," which is the submission or presentation of someone else's words, composition, research, or expressed ideas, whether published or unpublished, without attribution. Plagiarism includes, but is not limited to:
  (i) The use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment; or
  (ii) 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.
- (d) Prohibited collaboration.
- (e) Engaging in behavior specifically prohibited by an instructor in the course of class instruction or in a course syllabus.
- (f) Multiple submissions of the same work in separate courses without the express permission of the instructor(s).
- (g) Taking deliberate action to destroy or damage another's academic work in order to gain an advantage for oneself or another.
- (h) 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.
(4) Acts of dishonesty. 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.

(5) Aiding, solicitation, and attempt. The following conduct is prohibited:
   (a) Aiding or abetting another student or student organization in the commission of any misconduct prohibited by this conduct code;
   (b) Requesting, hiring, or encouraging another person to commit any act of misconduct prohibited by this conduct code, either intending that the other person commit the misconduct or with the knowledge that the other person intends to commit the misconduct; or
   (c) Attempting to commit any act of misconduct prohibited by this conduct code.

(6) Alcohol violations. The unlawful possession, use, distribution, or manufacture of alcohol is prohibited. A conduct officer may elect not to initiate disciplinary action under this subsection against a student who, while in the course of helping another student seek medical assistance, admits to the unlawful possession or use of alcohol. Generally, no disciplinary action under this subsection will be initiated against a complainant or another reporting student, who admits to the possession or use of alcohol (in violation of this subsection) in connection with an incident of sexual misconduct.

(7) Computer abuses. 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.

(8) Creating a public nuisance in neighboring communities. 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 this conduct code for misconduct within any residential or commercial communities adjacent to a university campus as follows:

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(a) A student or a student organization may be subject to disciplinary proceedings if the university is made aware that the 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.

(b) A first minor violation under (a) of this subsection will not subject the student or student organization to disciplinary sanctions under this conduct code; 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.

(c) A second violation of this subsection will result in the initiation of disciplinary proceedings under this conduct code.

(9) **Discriminatory harassment.** Discriminatory harassment is language or conduct directed at a person because of the person's race, color, creed, religion, national origin, citizenship, sex, age, pregnancy, marital status, sexual orientation, gender identity or expression, disability, or veteran status 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 the person's ability to participate in or benefit from the university's programs, services, opportunities, or activities.

(10) **Disruption or obstruction.**

(a) Disruption or obstruction includes intentionally 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.

(b) An instructor has the authority to exclude a student from any individual class session or other academic activity in which the student is disorderly or disruptive and such conduct may also be subject of disciplinary proceedings under this conduct code.

(11) **Domestic violence.** Domestic violence includes:

(a) The infliction of physical harm, bodily injury, assault, or the fear of imminent physical harm, bodily injury or assault committed against a family or household member. Family or household members include:

(i) A current or former spouse or intimate partner;

(ii) A person with whom the person shares a child in common;
(iii) A person with whom one is cohabitating or has cohabitated; or
(iv) A person with whom one resides including a roommate, suitemate, or housemate.

(b) Sexual assault of one family or household member by another family or household member; or
(c) Stalking, as defined in subsection (23) of this section, of one family or household member by another family or household member.

(12) Drug violations.

(a) 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.
(b) The possession, use, distribution, or growing of marijuana in all forms is prohibited on university premises or during university sponsored activities.
(c) A conduct officer may elect not to initiate disciplinary action under this subsection against a student who, while in the course of helping another student seek medical assistance, admits to the unlawful possession or use of drugs. Generally, no disciplinary action under this subsection will be initiated against a complainant or another reporting student, who admits to the use or possession of drugs (in violation of this subsection) in connection with an incident of sexual misconduct.

(13) Failure to comply. Failure to comply includes:

(a) Any failure to comply with the directions of a university official acting in the performance of his or her duties and/or the failure to identify oneself to a university official when requested to do so.
(b) 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.
(c) Any failure to comply with any interim measures implemented pursuant to WAC 478-120-038.

(14) Harassment or bullying. 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.

(15) Hazing.

(a) 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.

(b) 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.

(16) **Indecent exposure.** 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.

**Intimate Partner Violence**

(17) **Possession or use of firearms, explosives, dangerous chemicals, or other dangerous weapons.**

(a) Firearms, explosives, dangerous chemicals, or other dangerous weapons or instrumentalities are not permitted on university premises, except for authorized university purposes, or unless prior written approval has been obtained from the chief of the university police department, or any other university official designated by the president of the university.

(b) 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:

   (i) The action of gunpowder or other explosives;
   (ii) The action of compressed air; or
   (iii) The power of springs or other forms of propulsion.

(c) The exhibition or display of a replica or a dangerous weapon prohibited under this subsection is also prohibited 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.

(18) **Relationship violence.** Relationship violence, also referred to as "dating violence," is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

(a) The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

(b) For the purposes of this definition, relationship or dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
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(c) Relationship or dating violence does not include acts covered under the definition of domestic violence.

(19) Retaliation. Retaliation includes engaging or attempting to engage in any action, directly or indirectly, including through a third party, that is intended to harass, intimidate, or improperly influence any person who:

(a) Files a complaint, grievance, or allegation of misconduct under any university policy or rule or under any law;
(b) Participates in and/or cooperates with an investigation;
(c) Appears as a witness at a hearing; or
(d) Opposes an unlawful act, discriminatory practice, or policy.

(20) Sexual assault

(a) Sexual assault is sexual contact with another person without, or that exceeds, that person’s consent.
(b) For the purposes of this subsection, "sexual contact" includes:

(i) Any touching of another person for the purposes of sexual gratification; or
(ii) Any penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ, of another person.
(c) For the purposes of this subsection:

(i) "Consent" means that at the time of and throughout the sexual contact, there are actual words or conduct indicating freely given agreement between the parties to engage in the sexual contact.

   (A) Past consent does not imply future consent.
   (B) Consent given to one person does not imply consent given to another person.
   (C) Consent to one sexual act does not imply consent to other sexual acts.
   (D) Lack of resistance to sexual contact does not imply consent.
   (E) Consent can be withdrawn at any time.

(ii) Consent cannot be given or granted by a person who, at the relevant time, cannot understand the facts, nature, extent, or implications of the sexual contact for any reason including, but not limited to, being asleep, unconscious, mentally or physically impaired due to an intellectual or other disability, or mentally or physically incapacitated due to the effects of drugs or alcohol.

   (A) Indicators that a person may be incapacitated by drugs or alcohol and therefore, cannot grant consent 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, passing out, or vomiting.
   (B) A failure to exhibit any of these behaviors does not necessarily mean that a person is capable of giving consent or is not incapacitated.
(d) Sexual contact is not consensual when force or coercion is threatened or used to gain acquiescence.
   (i) Force includes the use of physical violence, physical force, threats, or intimidation to overcome resistance or gain agreement to sexual contact.
   (ii) Coercion includes using pressure, deception, or manipulation to cause someone to agree to sexual contact against that person's will, without the use of physical force.
   Pressure can mean verbal or emotional pressure.
   (e) Sexual assault also includes sexual contact with a person who is under the statutory age of consent in accordance with chapter 9A.44 RCW.
   (f) Use of alcohol or drugs is not a valid defense to a violation of this subsection.

(21) Sexual exploitation. Sexual exploitation includes:
   (a) Taking nonconsensual or abusive advantage of another for one's own sexual benefit, or for the sexual benefit of anyone other than the one being exploited;
   (b) Compelling another by threat or force to engage in sexual conduct or activity;
   (c) Transmitting, distributing, publishing, or threatening to transmit, distribute, or publish photos, video, or other recordings of a private and sexual nature where such transmission, publication, or distribution is without the consent of the subject(s) and is likely to cause emotional distress to the subject(s);
   (d) Taking or making photographs, films, or digital images of the private body parts of another person without that person's consent;
   (e) Causing or attempting to cause the impairment of another person to gain nonconsensual sexual advantage over that person;
   (f) Prostituting another person;
   (g) Knowingly allowing another to surreptitiously watch otherwise consensual sexual activity; or
   (h) Taking, making, or directly transmitting nonconsensual video or audio recordings of sexual activity.

(22) Sexual harassment. Sexual harassment is language or conduct of a sexual nature 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.

(23) Stalking.
   (a) Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
      (i) Fear for the person's safety or safety of others; or
      (ii) Suffer substantial emotional distress.
   (b) For the purposes of this subsection, "course of conduct" means two or more acts including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any

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action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
(c) For the purposes of this subsection, "substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

(24) Theft. 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.

(25) Unauthorized keys, entry or use. The unauthorized possession, duplication, or use of keys (including conventional keys, key cards, or alphanumeric passcodes) to any university premises is prohibited, as is the unauthorized entry upon or use of university premises or property. Providing keys to an unauthorized person or providing access to an unauthorized person is also prohibited.

(26) Unauthorized recording. The following conduct is prohibited:
(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.
(b) Storing, sharing, publishing, or otherwise distributing such recordings or images by any means.

(27) Vandalism. Vandalism includes maliciously damaging or misusing university property, or the property of any member of the university community.

(28) Violation of disciplinary sanctions. The violation of any term or condition of any final disciplinary order issued under this conduct code, or the failure to complete a disciplinary sanction in the specified time frame, may be grounds for additional disciplinary action.

(29) Violation of law. Any conduct that would constitute a violation of any federal, state, or local criminal law may be the subject of disciplinary proceedings under this conduct code.

478-120-026 - Reporting violations of the student conduct code and initiating conduct proceedings.

(1) Persons who believe that a violation of this conduct code has been committed may contact and make a report to the vice-president for student life at University of Washington Seattle, or the chancellors of University of Washington Bothell or Tacoma, or their authorized delegates, which includes the director of community standards and student conduct at University of Washington Seattle, the dean of student affairs at University of Washington Bothell, and the dean of student engagement at University of Washington Tacoma.

(2) Violations involving academic misconduct should be reported to the dean of the appropriate school or college at the University of Washington Seattle, or the dean or program director at the University of Washington Bothell and Tacoma, or their authorized delegates.
(3) Only the following university officials may initiate disciplinary action under this conduct code:
   (a) The vice-president for student life at University of Washington Seattle;
   (b) The chancellors at University of Washington Bothell and Tacoma;
   (c) Deans of a school or college (including the graduate school) at University of Washington Seattle; and
   (d) Deans or directors of any school or program at University of Washington Bothell or Tacoma.

The above named university officials may delegate the authority to initiate disciplinary proceedings to members of their respective staffs and to students. They may also establish student or student-faculty-staff hearing bodies to advise or to act for them in disciplinary matters.

(4) The university may hold the granting or conferral of a respondent’s degree if the respondent is the subject of a preliminary investigation or other disciplinary proceedings under this conduct code until at least the conclusion of all disciplinary proceedings.

**478-120-030 - General procedures for disciplinary sanctions.**

(1) This section describes the general process under the student conduct code for enforcing the university's rules, regulations, procedures, policies, standards of conduct, and orders. The specific procedures to be used at each step of the process are described in the following sections of this chapter. In all situations, whether handled formally or informally, basic standards of fairness will be observed in the determination of:
   (a) Whether the alleged misconduct violates this code; and if so,
   (b) The sanctions to be imposed, if any.

The criteria for judging student misconduct shall include, but not be limited to, the standards of conduct as stated in this conduct code. Informal hearings and hearings before the university disciplinary committees shall be conducted as brief adjudicative proceedings under chapter 34.05 RCW. Formal hearings conducted by the faculty appeal board shall follow the procedures required by chapter 34.05 RCW for formal adjudicative proceedings. Informal settlements may be conducted under the authority of RCW 34.05.060.

(2) The conduct officer will begin a disciplinary proceeding by holding, or directing a member of his or her staff to hold, an informal hearing with the respondent consistent with WAC 478-120-065.

(3) In cases not involving an allegation of sexual misconduct, respondents have the right to appeal any sanction imposed at an informal hearing to the appropriate university disciplinary committee, except that when such sanction identifies an existing or potential exceptional circumstance as defined in WAC 478-120-100 (3)(b)(i), the matter shall be referred to the faculty appeal board. Appeal rights in cases involving an allegation of sexual misconduct are provided for in WAC 478-120-137.

(4) Any decisions of the university disciplinary committees may be appealed to the faculty appeal board. In addition, the university disciplinary committees may, at any time, at their discretion, refer a matter to the faculty appeal board consistent with WAC 478-120-095. The faculty appeal board performs distinct
functions. In most cases, the faculty appeal board conducts an administrative review. In certain cases (as described in WAC 478-120-100(3) and 478-120-115(1)), the faculty appeal board conducts a formal hearing.

(5) Any decision based on a formal hearing conducted by the faculty appeal board may be appealed to the president of the university or the president’s delegate for a final review. All orders of dismissal shall be reviewed by the president or the president’s delegate. Orders entered by the president or the president’s delegate are final. (See WAC 478-120-125.)

(6) The president or delegate, or chancellors or their delegates, may take emergency disciplinary action when a student's conduct threatens the health, welfare, or safety of the university community or members thereof or poses an ongoing threat of substantially disrupting or materially interfering with university activities or operations. (See WAC 478-120-140.)

(7) The following persons conducting proceedings under this chapter shall have the authority to issue protective orders and subpoenas: Deans, or at the University of Washington Bothell and Tacoma campuses, the dean or director of the program in which the student is enrolled, the vice-president for student life, the chancellors of the University of Washington Bothell and Tacoma campuses, or the chairs of their respective university disciplinary committees, the chair of the faculty appeal board, and the president or his or her delegate.

(8) In a case involving an allegation of sexual misconduct, the complainant and the respondent are entitled to the same opportunities to have others present during a disciplinary hearing and they shall both be informed of the outcome of such disciplinary proceeding.

(9) Any final order resulting from a disciplinary proceeding shall become a part of the respondent's disciplinary record and be maintained in accordance with WAC 478-120-145.

(10) In accord with FERPA and pursuant to RCW 34.05.250, all hearings conducted under this chapter generally will be held in closed session out of respect for the privacy of all the students involved. However, the students involved may waive in writing this requirement and request a hearing in open session, and the conduct officer or presiding officer shall conduct the hearing in a room that will accommodate a reasonable number of observers. The conduct officer or presiding officer may exclude from the hearing room any persons who are disruptive of the proceedings and may limit the number who may attend the hearing in order to afford safety and comfort to the participants and orderliness to the proceedings. To ensure the privacy of all students involved, no cameras or recording devices shall be permitted except for the official recording by the university.

478-120-032 - Participation of advisors and attorneys.

Any party and, in any case involving an allegation of sexual misconduct, a complainant, may, at their own expense, be accompanied by an advisor and/or an attorney to any proceeding conducted under this conduct code. Persons admitted to practice law in the state of Washington may advise, but may not participate in an informal hearing and in a hearing before a
university disciplinary committee, and may represent a party at a hearing before the faculty appeal board. The chair of a university disciplinary committee or the faculty appeal board or a conduct officer in an informal hearing has the discretion to impose reasonable conditions upon the participation of an advisor and/or an attorney.

478-120-034 - Service of notices and orders and time limits.

(1) Service of all university notices under this code of hearing, initial orders, final orders, and orders on reconsideration shall be by electronic mail (e-mail) addressed to the respondent's, and in any case involving an allegation of sexual misconduct, the complainant's university-issued e-mail address, or such alternative e-mail address as may have been provided to the university in writing. Service by electronic mail is complete at the moment the e-mail is sent to such address. In the alternative, service of university notices of hearing, initial orders, final orders, and orders on reconsideration 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.

(2) Students have an ongoing obligation to update their address via MyUW. 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 determined by the date of the email. For documents that must be shared with other parties or their advisors, the conduct officer will be responsible for delivery of such documents, as above.

(3) The time limits for appealing an initial order shall be determined based upon the date of service of the initial order. The time limit for seeking judicial review of a final order shall be determined based upon the date of service of the final order, except as otherwise provided in this chapter.

(4) In computing any period of time under this conduct code, 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.

478-120-036 - Standard and burden of proof for informal hearings and fact finding.

The applicable standard of proof in all conduct matters is the "preponderance of evidence" standard. This means that, in order for a respondent to be held responsible for a violation of this conduct code, the conduct officer or the faculty appeal board 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 misconduct.

478-120-XXX Burden of Proof

The burden of proof in a conduct matter rests with the university. The burden of proof in a hearing before a university disciplinary committee or the faculty appeal board rests with the party seeking to establish that the violation occurred.
478-120-038 - Interim measures.

(1) After receiving a report of alleged sexual misconduct or other serious misconduct, the university may implement interim measures which may include, but are not limited to:
   (a) A no-contact order prohibiting direct or indirect contact, by any means, with a complainant, a respondent, a reporting student, other specified persons, and/or a specific student organization;
   (b) Reassignment of on-campus housing; or
   (c) Changes to class schedules, assignments, or test schedules.

(2) Interim measures will remain in place until lifted or modified by the university official who implemented the interim measures.

(3) Implementation of any interim measure does not assume any determination of, or create any presumption regarding responsibility for, a violation under this conduct code.

478-120-040 - Disciplinary sanctions.

(1) One or more of the following disciplinary sanctions may be imposed for any violation of this conduct code:
   (a) Disciplinary reprimand. A respondent may be issued a written reprimand. Reprimands shall include a statement that continuation or repetition of the specific conduct or other misconduct may result in additional disciplinary sanctions.
   (b) Restitution. A respondent may be required to make restitution for damage or other loss of property and for injury to persons. A failure to pay, or to make in writing university-approved arrangements to pay restitution, will result in a hold being placed on the respondent's registration preventing the respondent from registering at the university.
   (c) 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. Disciplinary probation serves as a warning to a respondent that further misconduct will raise the question of suspension or dismissal from the university. 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, including possible suspension or dismissal.
   (d) 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 based on the misconduct for a specific duration.
   (e) 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 disciplinary 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. Suspension serves as a warning that further misconduct will raise the question of dismissal from the university. The university may place a hold on a suspended
student's registration and may withhold the conferral of the student's degree, during the suspension period.

(f) Dismissal. A respondent may be dismissed (i.e., permanently separated) from the university.

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

(2) In determining an appropriate sanction for a violation of this conduct code, the seriousness of the misconduct, the impact on the university community, and a respondent's past disciplinary record will be considered. The use of alcohol or drugs by a respondent will not be considered a mitigating factor in imposing discipline.

(3) 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.

478-120-065 - Informal disciplinary hearings.

(1) A dean, the vice-president for student life, or, at the University of Washington Bothell and Tacoma campuses, the chancellors or the dean or director of the program in which the student is enrolled, or their delegates, may initiate a disciplinary proceeding by conducting, or directing a member of his or her staff to conduct, an informal hearing with the respondent. This informal disciplinary hearing may be nothing more than a face-to-face meeting between the conduct officer or staff person and the respondent, and no special notice of the meeting is required. The purpose of this informal disciplinary hearing is to provide an opportunity for the respondent to respond to allegations of misconduct before disciplinary action is taken. The respondent waives any rights to an informal hearing by his or her failure to attend and the conduct officer may place a hold on a respondent's registration and/or transcript, or make a decision and issue an initial order without the input of the respondent.

(2) During an informal disciplinary hearing, the respondent must be provided with the following information:
   (a) An explanation of the student conduct process;
   (b) The alleged misconduct;
   (c) The specific section(s) of the student conduct code allegedly violated; and
   (d) The possible sanctions that may be imposed.

(3) Following the informal disciplinary hearing, the conduct officer may conduct further investigation including, but not limited to, additional interviews of the complainant, the respondent, and any witnesses.
(4) Based on the findings of the informal hearing and any further investigation, the conduct officer shall enter in writing:

(a) An order exonerating the respondent, dismissing the disciplinary proceeding if it appears that there has been no misconduct, or finding that a preponderance of the evidence does not establish a violation of this conduct code;
(b) An initial order (subject to appeal and/or review as provided in this conduct code), imposing one or more of the disciplinary sanctions specified in WAC 478-120-040;
(c) An order referring the matter to the appropriate university disciplinary committee; and/or
(d) An order referring the matter to the faculty appeal board because exceptional circumstances as defined in WAC 478-120-100(3)(b)(i) may exist.

(5)(a) If the initial order imposes a sanction and exceptional circumstances as defined in WAC 478-120-100(3)(b)(i) exist, the matter shall be referred to the faculty appeal board and the respondent, and in the case involving an allegation of sexual misconduct, a complainant, shall be informed that he or she has the right to request a formal hearing according to the procedures set forth in WAC 478-120-075(3). Supplemental procedures applicable to cases involving an allegation of sexual misconduct are set forth in WAC 478-120-137.

(b) If the initial order imposes a sanction, but exceptional circumstances do not exist and the case does not involve an allegation of sexual misconduct, then the respondent shall be informed that he or she has twenty-one calendar days from the date of the service of the initial order to request a hearing before the appropriate university disciplinary committee. If the respondent chooses not to appeal, the order becomes the final order.

(6) Within ten days of the conclusion of the conduct officer’s investigation, the respondent, and in any case involving an allegation of sexual misconduct, the complainant, shall be provided with a written order which shall include a statement of the decision, the reasons for the decision, and information about appealing the decision. No unfavorable action may be taken against the respondent until the respondent has been given such notice and information. In a case where the respondent is a minor, the disciplinary sanctions imposed may be reported to the respondent’s parents or legal guardian at the discretion of the conduct officer.

(7) The official record of this informal hearing shall consist of all documents prepared or considered by the dean, the vice-president for student life, or, at the University of Washington Bothell and Tacoma campuses, the chancellors, or the dean or director of the program in which the respondent is enrolled, or their delegates, with regard to the dispute at hand.

478-120-075 – Appeals.

Any initial order may be appealed by timely submission of a written petition to the appropriate body. An order only referring a matter from one hearing body to another, not determining the matter on its merits, is not an initial order.
(1) If no appeal is filed with the appropriate body within twenty-one days of service of the initial order, the right to appeal is waived and the order becomes final, except that any initial order imposing the sanction of dismissal shall be subject to review in accordance with WAC 478-120-125.

(2) All petitions for appeal must be made in writing to the appropriate authority (the appropriate chair of one of the university disciplinary committees (Seattle, Bothell or Tacoma), the chair of the faculty appeal board, or the president). The petition must state the reasons for the appeal and indicate points of disagreement with the initial order.

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

(4) Additional provisions regarding appeals in cases involving an allegation of sexual misconduct are set forth in WAC 478-120-137.

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

(6) Review by the president or the president's delegate shall be conducted in accordance with WAC 478-120-125.

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

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

478-120-085 - The university disciplinary committees.

Each University of Washington campus shall have its own university disciplinary committee. The university disciplinary committees shall consist of a nonvoting chair, at least three voting faculty members, and at least three voting student members. The committees shall be maintained for the purpose of providing hearings for disciplinary actions that have been initiated by the deans or, at the University of Washington Bothell and Tacoma campuses, the dean or director of the program in which a respondent is enrolled, the vice-president for student life at the University of Washington Seattle campus, the chancellors of the University of Washington Bothell and Tacoma campuses, or their delegates.

(1) The president of the University of Washington Seattle campus and the chancellors of the University of Washington Bothell and Tacoma campuses shall designate a member of the faculty or administration to serve as chair of each respective university disciplinary committee for a term of one year. All chairs may be reappointed for consecutive terms.
The chairs shall ensure that all procedural safeguards and guidelines are followed. Accordingly, the chairs shall decide all procedural questions that arise in relation to hearings, including rulings on evidence (as defined in WAC 478-120-095(3)) and challenges to the impartiality of committee members. The chairs shall have the discretion to regulate all aspects of the proceedings.

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

The voting faculty members of each university disciplinary committee shall be selected by the faculty senate at the University of Washington Seattle, or at the University of Washington Bothell and Tacoma campuses, their respective faculty assembly or organization to serve one-year terms. Voting faculty members may be reappointed to consecutive terms.

Faculty members must have been members of the faculty for at least one year in order to be eligible to serve as voting members of the university disciplinary committees.

The voting student members of the university disciplinary committees shall be selected from each student body to serve one-year terms. Student members of the committees may not be reappointed.

For each university disciplinary committee, students shall be selected from a pool of students who express interest in serving on the committee and at the University of Washington Seattle at least one member must be a professional or graduate student and the other members must represent different undergraduate classes.

To be eligible to serve on the university disciplinary committees, students must be full-time and in good standing with the university.

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

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

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

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

Any person who has been delegated the authority to initiate disciplinary proceedings is disqualified from serving as a member of the university disciplinary committees.
(6) The appropriate chair may relieve a member of his or her university disciplinary committee from serving on that committee for a particular case, for a specific period of time, or for the rest of the year after the member submits a written request to the chair.

(7) Members of the university disciplinary committees shall begin their terms on the first day of classes of autumn quarter. Those terms shall expire on the first day of classes of the next autumn quarter, except that cases in process shall be continued until a decision is reached.

478-120-095 - Hearings before the university disciplinary committees.

The purpose of a hearing before a university disciplinary committee is to provide all parties with an opportunity to present evidence and argument before disciplinary sanctions are imposed on a respondent. A university disciplinary committee may not hear any cases involving an allegation of sexual misconduct. Based on the evidence presented at this hearing, the committee shall determine whether the respondent has engaged in the alleged misconduct. If there is a finding of misconduct, the committee shall then determine the appropriate sanction to be imposed.

(1) When a hearing is scheduled before a university disciplinary committee, the chair of the appropriate committee shall provide the respondent with written notice of the following information:

(a) The time and place of the hearing;

(b) The allegations of misconduct against the respondent;

(c) A list of all witnesses who may be called to testify;

(d) A description of all documentary and real evidence to be presented at the hearing, including a copy of the respondent’s disciplinary file; and

(e) The sanctions that may be imposed at the hearing if the allegations of misconduct are found to be true.

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

(a) The respondent shall be provided with a reasonable opportunity (at least seven days) to gather evidence, contact witnesses, and prepare a defense for the hearing.

(b) The respondent may be accompanied by an advisor and/or an attorney of the respondent's choice.

(c) The respondent is entitled to hear all testimony and examine all evidence that is presented at the hearing. In response, the respondent may present evidence and witnesses on his or her own behalf and may ask questions of any other witnesses.

(d) No respondent shall be compelled to give self-incriminating evidence.
Evidence shall be admissible at the hearing if it is the type of evidence that reasonably prudent members of the university community would rely upon in the conduct of their affairs.

The conduct officer (the appropriate dean, or at the University of Washington Bothell and Tacoma campuses, dean or director of the program in which the respondent is enrolled, the vice-president for student life, the chancellors of the University of Washington Bothell and Tacoma campuses, or their delegates) must prove by a preponderance of the evidence presented at the hearing that the respondent has engaged in the alleged misconduct. The committee shall base its factual determination solely on the evidence presented at the hearing.

(a) Decisions of the university disciplinary committee will be made based on a simple majority vote of the committees.

(b) If a university disciplinary committee cannot reach a decision by simple majority vote, an order shall be entered referring the matter to the faculty appeal board. In cases where the faculty appeal board determines that exceptional circumstances may exist, the respondent shall be notified of the right to request a formal hearing. Otherwise, the faculty appeal board shall make a decision based upon its review of the record of the hearing before the university disciplinary committee.

(5) If at any time after a matter has been referred to a university disciplinary committee the appropriate chair determines that the matter should properly be before the faculty appeal board, the chair may refer the matter to the faculty appeal board and shall provide the respondent with written notice of the referral. Any case involving an allegation of sexual misconduct shall be referred to the faculty appeal board.

(6) If the committee determines that the respondent has violated the university's rules, regulations, procedures, policies, standards of conduct, or orders, it shall then determine the appropriate sanction to be imposed. When determining the appropriate sanction, the committee shall consider the factors listed in WAC 478-120-040(2).

(7) The chair of the appropriate university disciplinary committee shall provide the respondent with a written statement of the committee's decision within ten days of the conclusion of the hearing. This written statement shall include the committee's factual findings, the conclusions that have been drawn from those findings, the reasons for those conclusions, and the sanctions, if any, to be imposed. If sanctions are imposed, the respondent must also be informed of the appropriate procedures for appealing the committee's decision to the faculty appeal board. In a case where the respondent is a minor, the written statement of the committee's decision may be reported to the respondent's parents or legal guardian at the discretion of the chair of the appropriate university disciplinary committee.

(8) This written statement of the committee's decision shall be the committee's initial order. If no appeal is filed, the initial order of the appropriate university disciplinary committee becomes the final order at the end of the appeal period set forth in WAC 478-120-075(1).

(9) A respondent may choose to present evidence to the chair of the appropriate university disciplinary committee rather than at a hearing before the full committee. The respondent's waiver of the right to a hearing before a university disciplinary committee must be submitted in writing to the chair of the
appropriate committee. The chair will submit the respondent's evidence and arguments to the full committee and the committee will make its decision based on the chair's report.

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

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

478-120-100 - Faculty appeal board.

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

(1) The faculty appeal board may conduct an administrative review when exceptional circumstances do not exist or a student has not requested a formal hearing in writing.

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

(3) The faculty appeal board shall conduct a formal hearing when:
   (a) The respondent, and in a case involving an allegation of sexual misconduct, a complainant, requests a formal hearing before the faculty appeal board in writing setting forth the exceptional circumstances that exist (see below); and
   (b) The chair reviews the student's written request and determines that exceptional circumstances do exist. Additionally, the faculty appeal board may conduct a formal hearing in other circumstances as the board deems appropriate. If the faculty appeal board does not conduct a formal hearing, it shall conduct an administrative review of the prior decision.

   (i) Exceptional circumstances exist when:
      (A) The sanction of dismissal has been recommended; or
      (B) The respondent has been charged with hazing; or
      (C) The sanction of restitution (in excess of three hundred dollars) has been recommended; or
(D) Suspension has been recommended.

(ii) If the faculty appeal board decides not to grant a written request for a formal hearing, the chair shall provide the parties with a written copy of the board's decision denying the request for a formal hearing within ninety days as specified in WAC 478-120-115(3).

(c) The faculty appeal board shall also conduct a formal hearing as provided in the supplemental provisions set forth in WAC 478-120-137 for cases involving an allegation of sexual misconduct.

(4) If a matter is referred directly to the faculty appeal board and there is no initial order, then the faculty appeal board shall determine whether exceptional circumstances exist or could exist. If exceptional circumstances exist or could exist, then the board shall notify the respondent and in any case involving an allegation of sexual misconduct, the complainant, in writing that he or she has twenty-one days from the date of service of the notice to request a formal hearing. If no such request is made, any right to a formal hearing is waived.

(5) Formal hearings conducted by the faculty appeal board shall be according to the procedural guidelines set forth in WAC 478-120-115 and chapter 34.05 RCW.

(a) At the conclusion of the formal hearing, the faculty appeal board shall enter an initial order based on the findings of that hearing. That initial order shall include a written statement of the board's decision and the basis for that decision, including procedures for appealing the decision to the president or president's delegate. The initial order shall be provided to the parties within sixty days of the conclusion of the hearing unless the faculty appeal board determines that an extension of time (which shall not exceed thirty additional days) is warranted and informs the parties of such extension. In a case involving an allegation of sexual misconduct, both the respondent and the complainant shall be informed of the board's decision. In a case where the respondent is a minor, the board's decision may be reported to the respondent's parents or legal guardian at the discretion of the conduct officer.

(b) An initial order from a formal hearing may be appealed to the president of the university or the president's delegate for a final review.

(c) If no appeal is timely submitted, the initial order of the faculty appeal board shall become the final order, except that orders of dismissal entered by the faculty appeal board shall be reviewed by the president or the president's delegate in accordance with WAC 478-120-125.

(6) The record in cases in which the faculty appeal board conducts a formal hearing shall be as specified in WAC 478-120-115(20).

(7) Board members may be disqualified from a particular formal hearing for bias, prejudice, conflict of interest, or any other reason which may prevent them from serving as impartial judges of the matter before the board.

(a) A committee member may excuse himself or herself for any of the causes set forth in this section by submitting a written statement to the board chair stating facts and reasons for the disqualification.
(b) A student before the faculty appeal board may challenge the impartiality of a board member by written petition. The chair shall determine whether to grant the petition and excuse the board member, stating the facts and reasons for the determination in writing.

(c) Faculty who have been delegated the authority to initiate disciplinary proceedings are disqualified from serving as members of the faculty appeal board.

(8) At the discretion of the chair, board members may be excused from a particular hearing on the basis of compelling personal need after submitting a written request to the chair explaining the basis of the request.

478-120-105 – Administrative review by the faculty appeal board.

(1) The faculty appeal board may conduct administrative review when exceptional circumstances do not exist or no formal hearing has been requested. When the faculty appeal board determines that administrative review is appropriate, the chair shall notify all parties of that decision. The notice to the parties shall include a statement of:

(a) The allegations of misconduct against the respondent;
(b) The sanctions that were recommended by the conduct officer or the university disciplinary committee, if any; and
(c) A date by which any voluntarily submitted written briefs or statements must be submitted.

(2) When the faculty appeal board conducts an administrative review, the board may base its review on:

(a) All documents and any recordings considered by the initiating officer or the university disciplinary committee;
(b) Oral and/or written argument submitted by any party; and
(c) Additional evidence.

(3) At the conclusion of its review, the faculty appeal board shall enter an order. An initial order may be appealed and a final order may not be appealed. The written order shall include a statement of the board's decision within ten days of the conclusion of the review and information on rights of appeal, if any. In a case involving an allegation of sexual misconduct, both the respondent and any complainant shall be informed of the outcome of the review. In a case where the respondent is a minor, the board's decision may be reported to the respondent's parents or legal guardian at the discretion of the chair of the faculty appeal board.
478-120-115 – Formal hearings before the faculty appeal board.

(1) The faculty appeal board shall conduct a formal hearing when exceptional circumstances exist and a request for a formal hearing has been made. The faculty appeal board shall also conduct formal hearings as provided in the supplemental provisions for cases involving an allegation of sexual misconduct set forth in WAC 478-120-137. Additionally, the faculty appeal board may conduct a formal hearing in other circumstances as the board deems appropriate.

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

(3) Within ninety days after receipt of a written petition for formal hearing or within ninety days after the party’s response to a timely request from the board as provided in subsection (2) of this section, the board shall either deny the formal hearing or commence the formal hearing.

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

(a) The names and addresses of all parties to whom notice is being given, and if known, the names and addresses of their representatives;
(b) The name, business address, and telephone number of the person designated to represent the university at the hearing;
(c) The official file number and name of the proceeding;
(d) The name, mailing address, and telephone number of the chair of the faculty appeal board;
(e) A statement of the time, place, and nature of the hearing;
(f) A statement of the legal authority and jurisdiction under which the hearing is to be held;
(g) A reference to the particular sections of university rules that are involved;
(h) A short and plain statement of the charges against the respondent; and
(i) A statement that a student requesting the hearing who fails to attend the hearing or otherwise respond to this notice may lose his or her right to a formal hearing.

(5) Hearings before the faculty appeal board shall be conducted in accordance with the provisions of this conduct code, the Administrative Procedure Act (chapter 34.05 RCW), and the model rules of procedure (chapter 10-08 WAC). To the extent there is a conflict between the conduct code and the model rules, this conduct code shall control.

(6) The faculty appeal board will make its own determination based on the record of the hearing before the faculty appeal board.
(7) If a student requesting the hearing fails to attend or participate in a formal hearing, the faculty appeals board may:

(a) Hold the hearing and issue an initial order based on a preponderance of evidence presented at the hearing; or

(b) Issue a default or other dispositive order which shall include a statement of the grounds for the order. Within seven days after service of a default order or other dispositive order, a student may file a written request that the order be vacated, and stating the grounds relied upon.

(8) Each party may be represented by an attorney and/or be accompanied by an advisor of that party's choice. No student shall be compelled to give self-incriminating evidence. However, a negative inference can be drawn from a refusal to testify or to answer a particular question.

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

(a) Whether all parties are represented by counsel;
(b) Whether undue expense or delay in bringing the case to a hearing will result;
(c) Whether the use of discovery will promote the orderly and prompt conduct of the proceeding; and
(d) Whether the interests of justice will be promoted.
(e) The chair may decide whether to permit the taking of depositions, the requesting of admissions, or any other procedures authorized by rules 26 through 37 of the superior court rules.

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

(11) Evidence, including hearsay evidence, is admissible if it is the kind of evidence on which reasonably prudent persons are accustomed to rely in the conduct of their affairs. Evidence is not admissible if it is excludable on constitutional or statutory grounds or on the basis of evidentiary privilege recognized in the courts of this state. The shall decide all procedural questions and make rulings on the admissibility of evidence, motions, objections, and on challenges to the impartiality of board members, unless a hearing examiner is appointed as provided below. The Washington rules of evidence shall serve as guidelines for those rulings on the admissibility of evidence.
(12) All testimony of parties and witnesses shall be made under oath or affirmation. The parties are responsible for informing their witnesses of the time and place of the hearing.

(13) At the discretion of the chair, 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, video, 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.

(14) The faculty appeal board may appoint a hearing examiner to conduct the actual hearing, which includes managing administrative matters before, during, and following a hearing, and ruling on any motions, objections, procedural questions, and the admissibility of evidence. The decision to use a hearing examiner requires the approval of a majority of the board members. The hearing examiner will then conduct the hearing and if requested by the board, will submit a detailed report to the faculty appeal board according to the provisions of this section.

(a) The hearing examiner will have all the authority of the chair of the faculty appeal board with regard to hearing procedures and will be responsible for maintaining the official record of the hearing, including an audio or video recording of the hearing, and transmitting the full official record to the chair following the hearing.

(b) The faculty appeal board may, at its option, request the hearing examiner to provide recommendations as to findings, conclusions, and decisions, but those recommendations shall not be binding on the board. The board shall make its own findings, conclusions, and decisions based on the official record.

(c) The hearing examiner must be an attorney permitted to practice law in Washington state. Any member of the faculty appeal board who is also a member of the Washington state bar, including the chair, may serve as the hearing examiner.

(15) The chair of the faculty appeal board may issue subpoenas and enter protective orders. A party may request in writing that the chair issue a subpoena for the attendance of a witness at the hearing. The requesting party is responsible for serving the subpoena upon the witness.

(16) All communications with the chair and/or members of the faculty appeal board, 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 chair or members of the board 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.

(17) At the conclusion of a hearing, and following the submission of all evidence, any written closing arguments, and any proposed orders by the parties, the board shall determine, whether based on a preponderance of the evidence, the respondent is responsible for violating this conduct code and, if so, what sanction(s) are to be imposed. The faculty appeal board shall have the full authority to impose any of the sanctions specified in WAC 478-120-040, subject to review in accordance with this conduct code. (All orders of dismissal are subject to review by the president in accordance with WAC 478-120-125.)
Decisions will be determined by majority vote. Findings, conclusions, and decisions by the faculty appeal board shall be based exclusively on the evidence of record from the hearing and on matters officially noted in the record.

(18) The board shall enter an initial order which shall be served in writing on all parties within sixty days after conclusion of the hearing or after submission of memos, briefs, or proposed findings, whichever is later, unless the period is waived or extended for good cause shown. The board's initial order shall:
   (a) Include a statement of findings of fact and conclusions with any findings based substantially on credibility of evidence or demeanor of witnesses so identified;
   (b) Specify the section(s) of this conduct code that the respondent is responsible for violating, if any;
   (c) Indicate the sanction(s) imposed, if any;
   (d) Provide a statement regarding the availability of presidential review and the applicable time limits; and
   (e) Include a statement of the circumstances under which the board's initial order, without further notice, may become a final order.

(19) An initial order issued by the faculty appeal board will become a final order if the respondent (or a complainant in any case involving an allegation of sexual misconduct) does not submit a request for review in accordance with WAC 478-120-125 within twenty-one days of service of the initial order, except that any initial order imposing dismissal will be automatically forwarded to the president for review under WAC 478-120-125.

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

478-120-125 - Review by the president of the university.

(1) Any initial order of the faculty appeal board that is based on the findings of a formal hearing may be appealed for a final review to the president or the president's delegate by a respondent, and in any case involving an allegation of sexual misconduct, a complainant (regardless of whether the complainant participated as a party in the hearing before the faculty appeal board). Upon the submittal of such an appeal, the complainant will be considered a party to the final review. An appeal must be submitted to the president and the conduct officer in writing within twenty-one days of service of the board's initial order for which review is sought. Upon receipt, the president (or president’s delegate) shall promptly serve all other parties with a copy of the appeal. Any appeal shall include the reasons for the appeal. However, the president or the president's delegate shall review all orders of dismissal, regardless of whether a student appeals. In a case imposing dismissal, any request for review submitted by a respondent or, in a case involving an allegation of sexual misconduct, a complainant, will be considered concurrently with the president's (or president’s delegate's) automatic review of the matter.
(2) The president or the president's delegate shall consider the entire record of the disciplinary proceeding or such portion as may be specified by the parties. At the president's or the president's delegate's discretion, the parties may also supplement the record with additional evidence.

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

(4) Any review by the president or the president's delegate will be conducted in accordance with RCW 34.05.464.

(5) All communications with the president or president's delegate, 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 president or president's delegate 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.

(6) After reviewing the record and considering the arguments of all parties, the president or the president's delegate shall enter a final order disposing of the matter or remanding the case for further proceedings. A final order shall include, or incorporate by reference to the initial order, all matters required by RCW 34.05.461(3). A copy of the final order shall be served upon all parties.

(7) In a case involving an allegation of sexual misconduct, both the respondent and the complainant shall be informed of the outcome of the review. In a case where the respondent is a minor, the decision of the president or the president's delegate may be reported to the respondent's parents or legal guardian at the discretion of the president or president's delegate.

(8) Notwithstanding any other provisions of this chapter, and before an initial order issued under this conduct code becomes final, the president or the president's delegate may determine that the initial order should be reviewed. Upon such determination, a complainant, in any case involving an allegation of sexual misconduct, if not already a party in the hearing before the faculty appeal board, shall be given the opportunity to participate as a party for the purposes of review by the president or the president's delegate. Notice of the president's (or president's delegate's) decision to review any initial order under this subsection shall be provided to all parties. Any such review shall be in accordance with RCW 34.05.464 and/or 34.05.491.

**478-120-135 - Reconsideration of final orders.**

(1) Within ten days of the service of a final order from the president or the president's delegate, any party may file a request for reconsideration, stating in writing specific reasons for the request. The request shall be directed to the president or the president's delegate who issued the final order, and the conduct officer. Upon receipt, the president (or president's delegate) shall promptly serve all other parties with a copy of the request for reconsideration.

(2) A request for reconsideration does not stay the effectiveness of a final order.
(3) A request for reconsideration is only intended to correct obvious mistakes in the judgment or order and should not be used to reargue the case. Filing a request for reconsideration is not a prerequisite for seeking judicial review in accordance with chapter 34.05 RCW. An order denying reconsideration or a notice provided for in subsection (4)(b) of this section is not subject to judicial review.

(4) If a request for reconsideration is timely and properly submitted, the time for filing a petition for judicial review of a final order does not commence until the university disposes of the request for reconsideration. 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 president or president’s delegate who issued the final order does not either:

(a) Dispose of the request; or

(b) Serve the parties with a written notice specifying the date by which he or she will act upon the request.

(5) Unless the request for reconsideration is deemed denied under subsection (4) of this section, the request shall be disposed of by the same president or president’s delegate, 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.

478-120-137 – Supplementary provisions regarding sexual misconduct.

(1) Investigations and adjudications of cases involving an allegation of sexual misconduct will be conducted by university officials who receive regular (no less than annual) training on issues related to sexual misconduct. The requirement applies to conduct officers, all members of the faculty appeal board, the president, and the president’s delegates. The specific training requirements shall be established by the university’s Title IX coordinator.

(2) All cases involving an allegation of sexual misconduct shall be subject to the following supplementary provisions:

(a) The conduct officer will concurrently serve both the respondent and any complainant(s) with a copy of the conduct officer’s initial order.

(b) Either a complainant or the respondent may appeal such initial order to the faculty appeal board in accordance with this conduct code, and both the respondent and any complainant shall receive notice of any appeal and notice of any hearing before the faculty appeal board. An initial order by a conduct officer in a case involving an allegation of sexual misconduct may be subject to review by the faculty appeal board as follows:

   (i) Initial order imposes sanction and exceptional circumstances exist. If the initial order imposes a sanction and exceptional circumstances as defined in WAC 478-120-100 (3)(b)(ii) exist, the matter shall be referred to the faculty appeal board and both the respondent and any complainant shall each have twenty-one calendar days from the date of service of the initial order to request a formal hearing according to the procedures set forth in WAC 478-120-075(3). (The respondent and any complainant shall be informed that the faculty appeal board may increase a sanction imposed in an
initial order only if a formal hearing is held.) If no timely request for a formal hearing is submitted, the faculty appeal board shall conduct administrative review in accordance with WAC 478-120-105.

(ii) Initial order imposes sanction, but no exceptional circumstances exist. If the initial order imposes a sanction and exceptional circumstances as defined in WAC 478-120-100 (3)(b)(i) do not exist, the respondent and any complainant shall each have twenty-one calendar days from the date of service of the initial order to submit an appeal to the faculty appeal board. If a timely appeal is submitted by either the respondent or any complainant, the faculty appeal board shall conduct a formal hearing in accordance with this conduct code. If no timely appeal is submitted by either the respondent or any complainant, all rights of appeal are waived and the order becomes the final order.

(iii) Initial orders do not impose a sanction. If the initial order does not impose a sanction, any complainant shall have twenty-one calendar days from the date of service of the initial order to submit an appeal to the faculty appeal board. (The respondent shall be informed that the complainant has this right, and that such an initial order shall not become final at least until the period for any complainant to submit an appeal has elapsed.) If a timely appeal is submitted by any complainant, the faculty appeal board shall conduct a formal hearing in accordance with this conduct code. If no timely appeal is submitted, all rights of appeal are waived and the order becomes the final order.

Any appeal petition must state the reasons for the appeal. Any appeal petition must be submitted to the faculty appeal board and to the conduct officer, who will promptly provide a copy of the appeal to any other party.

(c) If a formal hearing is held by the faculty appeal board in a case involving an allegation of sexual misconduct, such hearing shall be conducted in accordance with WAC 478-120-100 and 478-120-115 and the following supplementary procedures shall also apply:

(i) Both the respondent and any complainant shall be provided with the notice of a formal hearing as specified in WAC 478-120-115 (2), (3), and (4). Both the respondent and any complainant will have the right to participate as a party in the hearing including, but not limited to, the right to be represented by an attorney and/or be accompanied by an advisor, to call witnesses, to cross-examine witnesses, and to submit documentary evidence. A complainant (with or without an attorney and/or an advisor) may attend the formal hearing in its entirety, regardless of whether the complainant decides to participate as a party.

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

(iii) Both the respondent and any complainant shall be concurrently served with all orders issued by the faculty appeal board.
(d) In any case involving an allegation of sexual misconduct, any complainant shall have the same rights as the respondent to participate as a party in any administrative review under WAC 478-120-105, to appeal a faculty appeal board's initial order to the president of the university under WAC 478-120-125, to participate as a party in any appeal to the president, and to seek reconsideration of a final order under WAC 478-120-135. In the event that a complainant timely appeals an initial order, such order shall not become final until that appeal is resolved. Any notices or orders issued by the president shall be concurrently served on the respondent and any complainant(s), in addition to the conduct officer.

(e) Except as otherwise provided in this section, cases involving an allegation of sexual misconduct will be subject to all the other applicable provisions for this conduct code.

478-120-140 - Emergency authority of the president and chancellors of the university.

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, the chancellors of the University of Washington Bothell and Tacoma campuses, or the chancellors’ delegates, may immediately suspend that student from participation in any or all university functions, or privileges, or locations. 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.

(1) 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 be effective immediately and emergency suspension shall, unless otherwise specified in the emergency suspension order, remain in effect until the conclusion of all disciplinary proceedings. The order shall advise the student how to contest the emergency suspension or request that it be made less restrictive.

(2) The matter shall then be referred to the appropriate conduct officer and the matter shall proceed as quickly as feasible, to set the informal hearing. At the informal hearing, the student shall be given an opportunity to provide information as to why emergency suspension should not be continued or why it should be made less restrictive.

(3) To the extent permissible under applicable law, in any case involving an allegation of sexual misconduct, a complainant may also be provided with notice of the respondent’s emergency suspension and any terms of the emergency suspension that directly relate to the complainant.

(4) Once a final order is entered in the matter, any emergency suspension order shall be lifted by the university official who issued the order and the sanction, if any, will be imposed.
(4) If a final order is entered exonerating a respondent, any emergency suspension order shall be lifted by the university official who issued the order.

478-120-145 - Recording and maintenance of records.

(1) Records related to disciplinary proceedings shall be maintained consistent with university records retention policies and this conduct code.

(2) The president, vice-president for student life at the University of Washington Seattle campus, the chancellors of the University of Washington Bothell and Tacoma campuses, or their delegates, shall keep records related to all disciplinary actions reported to their respective offices and may notify the dean or director of the college, school, or program, in which a respondent is enrolled, of any action related to disciplinary proceedings involving the respondent, provided that the school official to whom the information is being disclosed has a legitimate educational interest in receiving such information, as permitted by FERPA.

(3) Records related to disciplinary proceedings shall be kept separate from academic records, and respondents' official academic transcripts shall not contain any notation of disciplinary action taken pursuant to this conduct code.

(4) The deans of a college or school at the University of Washington Seattle, the dean or directors of a program at the University of Washington Bothell and Tacoma campuses, or their delegates, shall maintain records related to all disciplinary matters reported to their respective offices and shall notify the office of the vice-president for student life, the office of the chancellor for the University of Washington Bothell or Tacoma campuses, whichever is appropriate, or their delegates, of any disciplinary action imposed against a respondent, who is enrolled in their college, school, or program. The university officials named in this section shall also inform the appropriate registrar of any action affecting a student's official standing in the university (e.g., suspension or dismissal).

(5) The chairs of the faculty appeal board and university disciplinary committees shall maintain the official record (as indicated in RCW 34.05.476) of each disciplinary hearing until a final order is issued or entered. At such time the respective chair will transmit the official record to the vice-president for student life, the chancellor for the University of Washington Bothell, or the chancellor for the University of Washington Tacoma, whichever is appropriate, or their delegates, who will maintain the official record in accordance with this section.

(6) Disciplinary records of respondents not exonerated shall be maintained for seven years after the resolution of all disciplinary proceedings (including the resolution of any petition for judicial review filed in superior court) or until the administrative purpose for retention has been served, whichever is later. Final orders imposing suspension or dismissal may be maintained indefinitely.

(7) Student disciplinary records are "education records" as defined by FERPA and may only be disclosed consistent with FERPA and chapter 478-140 WAC.