University of Washington
Faculty Council on Student Affairs
December 6th, 2016
1:30pm – 3:00pm
Mary Gates Hall 224

Meeting Synopsis:

1. Call to order
2. Review of the minutes from November 8th, 2016
3. Student Reports (ASUW Reps, GPSS)
4. Student Conduct Code revisions (Kara Blake, Ellen Taylor, Jill Lee, Amanda Paye, Elizabeth Lewis)
5. Good of the order
6. Adjourn

1) Call to order

Laws called the meeting to order at 1:40 p.m.

2) Review of the minutes from November 8th, 2016

The minutes from November 8th, 2016 were approved as written.

3) Student Reports (ASUW Reps, GPSS)

ASUW

Zhou explained that the ASUW remains interested in bolstering engagement with the student body relating to current events and concerns. She noted affordable on-campus housing has been found to be a foremost concern of students through a recent survey. Many students have expressed that the cost of housing at/near UW Seattle has caused them to move off campus and commute in, rather than pay high housing rates.

There was some discussion of the UW being a commuter campus versus a residence campus. A member noted the UW Commuter & Transfer Commons (CTC) is currently engaged in addressing the topic, and the ASUW might contact the program. There was a question of if municipal housing authorities ever work with universities on these sorts of matters, as well as a suggestion that local conversations about the issue be elevated to the Seattle City Council, Mayor’s Office, and/or other municipal bodies or offices. A member expressed an interest in authoring a council statement supporting the interests of students relating to the housing issue. It was noted UW President Cauce should be asked about her thoughts on the issue, as well.

ASUW-Bothell

Kumar explained ASUW Bothell has interests in addressing increasing space for students, affordability problems, and creating a stronger sense of community engagement. She explained capacity issues
continue to be a problem for students, especially given issues over construction of a new dorm due to complaints from campus neighbors. She explained that many students at UW-Bothell are forced to try and study at UW-Seattle due to capacity concerns, and there has been talks of implementing a shuttle service between the two campuses.

Kumar explained ASUW-Bothell is also committed to supporting undocumented students. Several legal experts have been offering their time at UW-Bothell to provide free legal advice to students. Zoe Barsness (Chair, Faculty Senate) explained she would be willing to connect ASUW-Bothell with members of the UW Law School who are also working on undocumented student issues. Mike Townsend (Secretary of the Faculty, Faculty Senate & Governance) added that the UW Law School offers free immigration counseling to students.

Tent City III

Bryant explained she is a faculty representative on the Tent City III Community Advisory Committee, and is helping to oversee implementation of a new tent city on the UW-Seattle campus. There was an interest in sending materials relating to the committee’s work to council members as an update.

GPSS

TA and RA level projections are a continued interest of the GPSS, especially relating to international students working in these capacities. Querna explained some post-presidential election fears have arisen among graduate student RAs and TAs. Barsness explained there are a number of resources under development for these sorts of concerns at the UW, and that she is able to give more information to the GPSS outside of the meeting.

4) Student Conduct Code revisions (Kara Blake, Ellen Taylor, Jill Lee, Amanda Paye, Elizabeth Lewis)

Jill Lee (Executive Director, Compliance Services), Amanda Paye (Deputy Title IX/ADA Coordinator, Compliance Services), Ellen Taylor (Assistant Vice-President, Student Life), and Kara Blake (Project Manager, Compliance Services) were present to facilitate the council's continued vetting of the revised Student Conduct Code (SCC).

Laws explained the council was forwarded several materials detailing changes to the Washington Administrative Code (WAC) that will be made as part of revisions to the SCC (Exhibit 1) (Exhibit 2) (Exhibit 3) (Exhibit 4) (Exhibit 5). He noted those changes must be voted on and approved by the FCSA in order to be forwarded on through the legislative process. After a question, Laws explained the WAC is utilized to establish adjudicative authority at the UW. It was noted separate conduct policies will be forwarded to the council for review and approval (also as Class B legislation) after WAC changes are finalized to complete revisions to the SCC.

Paye explained there are two specific areas she would like to draw members’ attention to, where changes have come forth in the draft revised WAC:

I. Elements of Executive Order No. 61, which describes federal requirements for holding individuals responsible for research misconduct, have been inserted into the WAC by request of
UW legal counsel in order to add research misconduct as a separate form of prohibited conduct for UW students.

II. The definition of “Sexual Assault” now includes a revised incapacitation definition to add a standard based on what the respondent knew or should have known in regard to the complainant’s incapacitation. In addition, WAC section 478-120-0012 – Sexual Assault has been reorganized to more clearly and succinctly state under what circumstances consent cannot be obtained or granted (threat, incapacitation, and under statutory age of consent). Further clarification of each of those circumstances will be moved/add to the policy.

*Placeholder language for full adjudication proceedings*

Lee explained “placeholder language” has been added to a version of the WAC to allow the UW to use full adjudication proceedings under certain circumstances. She showed where the language was added in another blue-lined document (Exhibit 5). She explained grounds for suspension or dismissal of a respondent allow for moving into full adjudicative proceedings. She asked that members review the added language.

5) **Good of the order**

Barsness explained the adjoining local SCC policy must be approved by the Faculty Senate before the end of the 2016-2017 academic year, therefore the policy must be approved no later than the March 7th FCSA meeting in order to make it through the university legislative process with a chance for a single round of revisions.

The guests explained they will be open to feedback in the coming weeks. Paye explained she would prefer to have any suggested draft WAC revisions as soon as possible.

6) **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  
*Ex-officio reps:* Aileen Trilles, Katherine Querna, Kaitlyn Zhou, Tanya Kumar  
*President’s designee:* Lincoln Johnson  
*Guests:* Ellen Taylor, Amanda Paye, Jill Lee, Kara Blake, Mike Townsend, Zoe Barsness

**Absent:**

*Faculty:* Mable Ezeonwu, Anthony Gill, Bruce Hevly, Doug Brock  
*Ex-officio reps:* Carolyn Martin

**Exhibits**

Exhibit 1 – 16-11-29 FCSA cover memo  
Exhibit 2 – 16-11-29 2nd Draft WAC to FCSA w-out redline  
Exhibit 3 – 16-11-29_2nd_Draft_WAC_to_FCSA  
Exhibit 4 – 16-11-29_FCSA_memo_re_research_misconduct  
Exhibit 5 – 16-12-6 2nd Draft WAC to FCSA w full adj proceedings
Date: November 29, 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: Second Draft of Student Conduct Code WAC

We look forward to the opportunity to meet with you on December 6, 2016, to review the second draft of the WAC. Revisions to the have been made to the first draft based on your feedback and, also, feedback from others in administration who are involved in conduct proceedings.

Overall Comments

- Gender-neutral language – Unfortunately, Washington State has not moved toward using gender-neutral language; however, efforts have been made to use plurals and, also, we can use gender-neutral language in our UW policies;
- “Conduct matter” revised throughout to “conduct proceeding” per request of conduct officers and “informal hearing” revised to “conduct hearing” as a subset of a conduct proceeding; and
- Numbering - The Rules Coordination Office will finalize the numbering system consistent with regulatory requirements.

Research Misconduct

Attached is a separate memo describing the reasoning for the addition of research misconduct as a separate form of prohibited conduct and, also, how Executive Order No. 61 – Research Misconduct Policy intersects with the WAC.

Specific Revisions

1. Requested by FCSA: Add reference to companion policies, assuming that there will be two separate policies: Chapters XXX and XXX Governance and Policies.

2. See #4, Standards of Conduct moved to policy and reordered paragraphs so that the “application” of code paragraph comes first.

3. Revised WAC 478-120-004 – Jurisdiction to clarify the effect of a criminal conviction.

4. Prior section WAC 478-120-005 – Standards of Conduct moved to policies.

5. Added WAC 478-120-005 – General Application to clarify that additional interpretation of prohibited conduct is contained in policies.

6. Removed “Prohibited Conduct” in headings since section is entitled “Prohibited Conduct” and changed “Generally” to “Aiding and Assisting” and revised “encourage” to “incite.”

7. Per the request of the conduct officers, added clarification regarding forms of “Cheating” under WAC 478-120-007 - Academic Misconduct.

8. Removed since “Research Misconduct” has been added as a separate form of misconduct.
9. Requested by conduct officers: Under “Plagiarism,” revised “prohibited” to “unauthorized” collaboration. We are particularly interested in your feedback on this change.

10. Requested by FCSA: Add content under WAC 478-120-0010 - Intimate Partner Violence to clarify that it includes emotional abuse and, also, removed the term “physical” to more broadly refer to “abuse of others.”

11. Under WAC 478-120-0011 – Retaliation, removed “oppose an unlawful act or discriminatory practice” as this provision is intended to cover retaliation for exercising rights under the Student Conduct Code and, also, concerned that provision may be overbroad.

12. Under WAC 478-120-0012(2) – Sexual Assault, clarified that sexual assault is touching of “intimate parts” of another person’s clothed or unclothed body.

13. Under WAC 478-120-0012(2) – Sexual Assault, revised incapacitation definition to add a standard based on what the respondent knew or should have known in regard to the complainant’s incapacitation.

14. Under WAC 478-120-0012(2) – Sexual Assault, reorganized section to more clearly and succinctly state under what circumstances consent cannot be obtained or granted: threat, incapacitation, and under statutory age of consent. Further clarification of each of those will be moved/added to policy.


16. Under WAC 478-120-0014(6) – Creating a Public Nuisance, moved “sanctioning” provisions to policy to allow for flexibility as needed and as all campuses grow into surrounding neighborhoods.

17. Revised language in WAC 478-120-0014(7) – Disruption or Obstruction to be consistent between paragraphs.

18. Clarified that WAC 478-120-0014(10) - Harassment or Bullying is evaluated based on both an objective and subjective standard (similarly to “Discriminatory Harassment”) and that it can occur through electronic means.

19. Under WAC 478-120-0014(11) - Hazing, moved additional explanation to policy.

20. Revised WAC 478-120-0014(12) – Possession of Firearms… to make it descriptive of the prohibited conduct rather than a statement of prohibited conduct and moved detail of when/how authorized to policy.


22. Revised WAC 478-120-0014(15) – Unauthorized Recording to make it descriptive of the prohibited conduct rather than a statement of prohibited conduct.
23. Added **WAC 478-120-0016 – Delegations of Authority** to include all delegations of authority in one section and broadened to allow delegations for other roles, such as for academic misconduct and research misconduct matters.

24. Revised **WAC 478-120-0018 - Hold on Granting or Conferral of Degree** to “Conduct Hold on Student Record” that more generally refer to types of “holds” that may be used within the process, depending on the circumstances (and remaining references to various types of holds within draft WAC revised accordingly).

25. Revised **WAC 478-120-0019 - Parties** to note equitable rights have been provided for complainants in Title IX matters and to point again to policy.

26. Revised **WAC 478-120-0020 - Interim Measures** to avoid appearance of assumed responsibility and “Protective” added in title to clarify that these are measures that impact the respondent.

27. Revised **WAC 478-120-0021 – Emergency Authority of the University** on how to raise an objection regarding bias or conflict of interest to be consistent with other provisions and, also, revised and clarified that an emergency suspension can be lifted or revised, as needed, by a University official with authority to do so.

28. Revised **WAC 478-120-0023 - Notice of Informal Hearing** to clarify the purpose of informal (conduct) hearings for respondent and removed reference to specific timeframe to further evaluate appropriate timeframe in drafting of policies.

29. Revised **WAC 478-120-0026 – Participation of Advisors** to clarify that a party/complainant who is not a student also has the right to have an advisor present and more generally describe the role of an “advisor,” whether or not the advisor is an attorney.

30. Added **WAC 478-120-0028 – Evidence in Conduct Proceedings** to clarify that evidentiary provisions and standards are not limited to those in the code, but may also be provided for in policies.

31. Revised **WAC 478-120-0031 – Prior Sexual History** to more broadly apply to the parties and witnesses. Further explanation of this provision will be provided in policy.

32. Revised **WAC 478-120-0032 - Experts** to permit conduct officers to consult with experts, as needed, but to clarify that polygraphs are not relevant in conduct matters, even if offered voluntarily.

33. See #23 that delegations combined in one section.

34. Re-ordered “Requesting Administrative Review” and “Grounds for Administrative Review,” then clarified to point to the section on “Grounds for Administrative Review.” Also re-worded timeframe for initial order to become final order to be more clear.

35. Revised **WAC 478-120-0037 Grounds for Admin review** to clarify that administrative review can be requested on any or all specific grounds and removed “procedural” to not limit types of “material” error that can be subject to review.
36. Removed “actual” from WAC 478-120-0038 – Notice of Administrative Review to be consistent with WAC 478-120-0022 – Notice of Informal Hearing and removed reference to “review panel” (in this and subsequent section) since a “review panel” has not been introduced in the WAC, but will be set forth in policies.

37. Revised WAC 478-120-0038 – Notice of Administrative Review to clarify that responses must be submitted within 5 business days.

38. Revised WAC 478-120-0039 – Procedures for Administrative Review to provide some flexibility for the review panel to have access to the conduct officer, as needed and added that decisions by the reviewing officer(s) will be determined by majority vote.

39. Revised WAC 478-120-0040 - Order from Administrative Review to move the timeframe to the beginning and, then, to clarify that the panel can decrease or increase the sanction and, if so, will issue a final order.

40. Revised WAC 478-120-0041 – Process Following Remand... to, again, state that if a review is not requested within 21 days, the initial order will become a final order point back to 0036 – Requesting Administrative Review.

41. In WAC 478-120-0043 – Privacy of Educational Records, removed that recordings shall not be permitted in the event that the UW, as an agency, must do a recording or other transcript under the new model. This will be clarified in the policies.

42. In WAC 478-120-0045 – Disciplinary Record, removed reference to sharing record of a minor and will clarify in policies, as needed.
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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 has may also developed agency-level policies and procedures regarding the agency’s interpretations of these rules. See Chapters XXX and XXX of Student Governance and Policies.

I. APPLICATION OF THE STUDENT CONDUCT CODE

478-120-002 General Application of the Student Conduct Code

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 disciplinary sanctions specified in WAC 478-120-0035, up to and including suspension or dismissal, may be imposed on any student or student organization found responsible for prohibited conduct set forth in WAC 478-120-005 through 0014 and as described in relevant University policies.

478-120-003 Application of Student Conduct Code to Research Misconduct

Research misconduct, as defined in WAC 478-120-008, is a form of prohibited conduct under this code. Federal rules and policies, however, regulate the handling of research misconduct matters when University research is supported by federal funding. These federal requirements are incorporated into the University’s Executive Order No. 61, Research Misconduct Policy, which governs the handling of research misconduct allegations against students participating in research on behalf of the University, as is further explained in that Executive Order. The disciplinary sanction provisions of this code, WAC 478-120-0034, apply if there has been a finding of research misconduct against a student under Executive Order No. 61 – Research Misconduct Policy. The administrative review provisions of this code, WAC 478-120-0036 through 478-120-0042, apply to the extent such review is permitted by Executive Order No. 61, with the dean acting as the “conduct officer” when a research misconduct proceeding is involved.

478-120-004 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 or, has continuing adverse effects, or may create a hostile environment on University premises or in the context of a University-sponsored program or activity.

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. Following a criminal conviction of a student that adversely affects a University interest, the University may initiate conduct proceedings and may accept the conviction as the evidentiary basis for establishing prohibited conduct under this code.
If a respondent withdraws from the University (or fails to reenroll) while a conduct proceeding is pending, the University may continue the fact finding and, if continued, the respondent will be provided with a continued opportunity to participate.

II. PROHIBITED CONDUCT

478-120-005 General Application

Prohibited conduct under this code includes, but is not limited to the prohibited conduct described in WAC 478-120-006 through 0014 and relevant University policies. For additional interpretation of Prohibited Conduct, see Chapter XXX Student Governance and Policies – Student Conduct Policy for Discriminatory and Sexual Harassment, Intimate Partner Violence, Sexual Misconduct, Stalking, and Retaliation and Chapter XXX-Student Governance and Policies – Student Conduct Policy for Academic and Research Misconduct and Behavioral Misconduct.

478-120-006 Aiding and Assisting

Students may also be found responsible for prohibited conduct if they:

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

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

c. Attempt to commit prohibited conduct.

478-120-007 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 completing assignments;

   ii. The acquisition, use, or distribution of unpublished materials created by another student without the express permission of the original author(s);

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

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

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), 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. Unauthorized 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.

478-120-008 Research Misconduct

"Research misconduct" is fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results, as is further set forth in University Executive Order No. 61.

478-120-009 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.
478-120-0010 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 of others.

Abuse of others includes assault and other forms of physical abuse of any person, or any conduct intended to threaten bodily harm or to endanger the health or safety of any person. Intimate partner violence may also include forms of economic or emotional abuse, including behaviors that are intended to intimidate, manipulate, humiliate, or isolate someone.

478-120-0011 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. Make, or intend to make, a report, complaint, grievance, or allegation of prohibited conduct under any University policy or rule, or under any law;
b. Participate in and/or cooperate with conduct proceedings; or
c. Appear as a witness.

478-120-0012 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 the intimate parts of another person’s clothed or unclothed body, including but not limited to the mouth, neck, buttocks, anus, genitalia, or breast;
b. Causing another person to touch their own or another’s body in the manner described above; or
c. Any penetration, no matter how slight, of the vagina or anus with any body part or object, or oral-genital contact.

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 consent;
b. Consent cannot be obtained where the respondent knew or reasonably should have known that the other person was incapacitated; or

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

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

3. Sexual Exploitation

Sexual exploitation involves taking nonconsensual or abusive advantage of another for the purposes of sexual arousal or gratification, financial gain, or other personal benefit. Examples of sexual exploitation include:

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

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. Prostitutionanother person; or

d. Knowingly allowing another to surreptitiously watch otherwise consensual sexual activity.

478-120-0013 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 such as through electronic media, 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.

478-120-0014 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 proceeding.

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

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. Conduct proceedings may be initiated if the University is made aware that a student or
student organization has been contacted by a law enforcement agency regarding, and is determined to have engaged in, conduct that is in violation of a state statute or municipal ordinance and has a direct quality of life impact on community residents or businesses, including, but not limited to, creating a public nuisance due to noise, residential disturbance, intentional destruction of property, urinating in public, or criminal trespass.

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 disruptive or obstructive and may also make a report 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, but is not limited to:
   a. Any failure to comply with the directions of any University officials acting in the performance of their duties;
   b. Any failure to identify oneself to University officials when requested to do so; or
   c. Any failure to comply with the rules, regulations, procedures, policies, standards of conduct, or any order or directive of the University or any of its schools, colleges, and departments.

10. Harassment or Bullying

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

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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.

12. Possession or Use of Firearms, Explosives, Dangerous Chemicals, or Other Dangerous Weapons
Possession or Use of Firearms, Explosives, Dangerous Chemicals, or Other Dangerous Weapons includes unauthorized possession of firearms, explosives, dangerous chemicals, or other dangerous weapons or instrumentalities on University premises, unless specifically authorized by the University President or delegee.

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.

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

13. 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
Unauthorized keys, entry, or use includes but is not limited to:
   a. unauthorized possession, duplication, or use of keys (including conventional keys, key cards, or alphanumeric passcodes) to any University premises;
   b. unauthorized entry upon or use of University premises or property; or
   c. providing keys to an unauthorized person or providing access to an unauthorized person.
15. Unauthorized Recording

Unauthorized Recording includes, but is not limited to:

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

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

When such recordings may fall within WAC 478-120-0XXX - Sexual Exploitation, they will be addressed in accordance with that provision and related policies.

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 timeframe.

III. INITIATING CONDUCT PROCEEDINGS

478-120-0015 Brief Adjudicative Proceedings

All conduct proceedings under this code shall be conducted as brief adjudicative proceedings under Chapter 34.05 RCW – the Administrative Procedures Act.

478-120-0016 Delegations of Authority in Conduct Proceedings

The following University officials have been delegated authority to initiate conduct proceedings 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 conduct proceedings, hold conduct hearings, engage in fact finding, and issue initial and final orders under this conduct code.

These officials and the Chair of the Faculty Senate, or their delegee(s), may also delegate authority to students, faculty, and/or staff to advise or act for them in conduct proceedings, including acting as reviewing officers and issuing initial and final orders.
478-120-0017  Initiating Conduct Proceedings

Conduct proceedings 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.

478-120-0018  Conduct Hold on Student Record

The conduct office or other University official may place a conduct hold on the student's record if the student is the respondent in a pending report of prohibited conduct or a pending conduct proceeding under this code. A conduct hold may prohibit the student from registering for classes, requesting an official transcript, or receiving a degree from the university until the hold has been removed. The respondent will be notified of the hold and the hold will remain in place until lifted by the conduct office or other University official with authority to do so.

478-120-0019  Parties

The parties to conduct proceedings are typically the University and the respondent. In accordance with Chapter XXX Student Governance and Policies – Student Conduct Policy for Discriminatory and Sexual Harassment, Intimate Partner Violence, Sexual Misconduct, Stalking, and Retaliation, in cases involving Sexual Harassment, Discriminatory Harassment, Sexual Misconduct, Intimate Partner Violence, Stalking, or Retaliation, the complainant is also a party. In addition, the University may designate other individuals, such as a complainant, as a party to other types of conduct proceedings, in accordance with Chapter XXX-Student Governance and Policies – Student Conduct Policy for Academic and Research Misconduct and Behavioral Misconduct.

478-120-0020  Interim Protective Measures

After receiving a report of prohibited conduct, the University may implement interim protective measures, in addition to other remedial measures, that impact a respondent at any time prior to the conclusion of conduct proceeding. These will remain in place until lifted or modified by the University official who implemented the interim protective measures.

Implementation of any interim 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).

478-120-0021  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 advise the student how to raise an objection about the emergency suspension or request that it be made less restrictive. The University may also put a conduct hold in place during the emergency suspension period.

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

478-120-0022  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. CONDUCT HEARING AND FACT FINDING PROCESS

478-120-0023  Notice of Conduct Proceeding and Conduct Hearing

The conduct officer will provide notice to the parties, in writing, of the commencement of conduct proceedings, which will include information on how to raise an objection regarding bias or conflict of interest. The conduct officer will also schedule a conduct hearing with the respondent. The purpose of the conduct hearing and fact finding is to provide the respondent with the opportunity to participate in the conduct proceeding, including to receive an explanation of the process, review the allegations,
present evidence and witnesses, respond to evidence provided by others, and present questions for others.

478-120-0024 Standard of Proof for Conduct Hearing and Fact Finding

The applicable standard of proof in the conduct hearing and fact finding 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.

478-120-0025 Burden of Proof

The burden of proof in conduct proceedings rests with the University.

478-120-0026 Participation of Advisors

The parties to conduct proceedings may, at their own expense, be accompanied by an advisor of their choice, including an attorney, throughout the conduct proceedings. While an advisor may provide support and advice, an advisor may not speak on behalf of the student or otherwise directly participate in the conduct proceeding, including the conduct hearing or fact finding process.

478-120-0027 Consolidation

If there are multiple conduct proceedings 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

478-120-0028 Evidence in Conduct Proceedings

The following evidentiary provisions apply to conduct proceedings under this code. The university has also developed agency-level policies and procedures regarding the agency’s interpretations of these rules. See Chapter XXX of Chapter XXX of Student Governance and Policies.

478-120-0029 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 exclude from consideration evidence that is not relevant. The conduct officer may also exclude from consideration 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.

478-120-0030 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 the parties or witnesses will not be used to prove character or reputation. Evidence related to the prior sexual history 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

The conduct officer may consult medical, forensic, technological, or other experts when expertise on a topic is needed in order to achieve a fuller understanding of the issues under investigation. This information will be summarized in the initial order.

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

CONCLUDING CONDUCT HEARING AND 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 serve the initial order to the parties, simultaneously and in writing. The initial order will include an explanation of how to request administrative review of the initial order and the timeframe to do so.

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. The university may put a conduct hold in place if the respondent fails to pay or to make in writing University-approved arrangements to pay restitution.

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 put a conduct hold in place 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.

**478-120-0035 Effective Date of Sanctions**

Sanctions will be implemented when a final order is issued in the university’s conduct proceeding.

**VIII. ADMINISTRATIVE REVIEW**

**478-120-0036 Requesting Administrative Review**

A party may request administrative review of the initial order based on the grounds as set forth in WAC 478-120-0038.

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

If an administrative review is not requested within 21 days or the President has not sought a review of the proceeding in accordance with WAC 478-120-0042, the initial order shall become the final order.

**478-120-0037 Grounds for Administrative Review**

A party may request administrative review for any or all of the following reasons:
To determine whether there was a material error that substantially affected the outcome of the fact finding or sanctioning;

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

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

478-120-0038 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). The parties will be provided with an opportunity to raise an objection regarding bias or conflict of interest prior to the administrative review.

Other parties will be provided with a copy of the request for administrative review and notice of how to submit a written response. Responses must be submitted within five (5) business days of service of the notice of administrative review.

478-120-0039 Procedures for Administrative Review

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

a. The conduct officer’s conduct hearing record and fact finding;

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.

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

478-120-0040 Order from Administrative Review

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

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

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 error; or

c. Increase or reduce the sanction(s), and issue a final order.

478-120-0041 Process Following Remand from Administrative Review

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

If an administrative review is not requested within 21 days or the President has not sought a review of the proceeding in accordance with WAC 478-120-0042, the initial order shall become the final order.

478-120-0042 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

478-120-0043 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.

478-120-0044 Recordkeeping

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

478-120-0045 Disciplinary Record

Any final order resulting from conduct proceedings shall become a part of the respondent's disciplinary record. Student disciplinary records are "education records" as defined by FERPA and may only be disclosed consistent with FERPA and chapter 478-140 WAC.
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Student Conduct Code for the University of Washington

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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 has developed agency-level policies and procedures regarding the agency’s interpretations of these rules. See Chapters XXX and XXX of Student Governance and Policies.

478-120-002  General Application of the Student Conduct Code

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 disciplinary sanctions specified in WAC 478-120-0035, 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 0014 and as described in relevant University policies.

478-120-003  Application of Student Conduct Code to Research Misconduct

Research misconduct, as defined in WAC 478-120-008, is a form of prohibited conduct under this code. Federal rules and policies, however, regulate the handling of research misconduct matters when University research is supported by federal funding. These federal requirements are incorporated into the University’s Executive Order No. 61, Research Misconduct Policy, which governs the handling of research misconduct allegations against students participating in research on behalf of the University, as is further explained in that Executive Order. The disciplinary sanction provisions of this code, WAC 478-120-0034, apply if there has been a finding of research misconduct against a student under Executive Order No. 61 – Research Misconduct Policy. The administrative review provisions of this code, WAC 478-120-0036 through 0042, apply to the extent such review is permitted by Executive Order No. 61, with the dean acting as the “conduct officer” when a research misconduct proceeding is involved.

478-120-004  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 or has continuing adverse effects or may create a hostile environment on University premises or in the context of a University-sponsored program or activity.

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. Following a criminal conviction of a student that adversely affects a University interest, the University may initiate a conduct matter and may accept the conviction as the evidentiary basis for establishing prohibited conduct.
under this code, 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 proceeding 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

478-120-005 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

Students may be found in violation of this provision, in addition to specific prohibited conduct in WAC 478-120-006 through 0014 and relevant University policies. For additional interpretation of Prohibited Conduct, see Chapter XXX Student Governance and Policies – Student Conduct Policy for Discriminatory and Sexual Harassment, Intimate Partner Violence, Sexual Misconduct, Stalking, and Retaliation and Chapter XXX-Student Governance and Policies – Student Conduct Policy for Academic and Research Misconduct and Behavioral Misconduct.

478-120-006 Prohibited Conduct: Aiding and Assisting
Generally
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 incite 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.

478-120-007 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 completing assignments; or
   ii. The acquisition, use, or distribution of unpublished materials created by another student without the express permission of the original author(s); or
   iii. Using online sources, such as solution manuals, without the permission of the instructor to complete assignments, exams, tests, or quizzes; or
   iv. Requesting, hiring, or otherwise encouraging someone to take a course, exam, test, or complete assignments for a student.

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. Unauthorized 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.

478-120-008 Research Misconduct

"Research misconduct" is fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results, as is further set forth in University Executive Order No. 61.

478-120-009 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.

478-120-0010 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 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. Physical abuse includes threatening or causing physical harm or engaging in other conduct that threatens or endangers the health or safety of any person. Intimate partner violence may also include forms of economic or emotional abuse, including behaviors that are intended to intimidate, manipulate, humiliate, or isolate someone.

478-120-0011 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 make, or intend to file make, a report, complaint, grievance, or allegation of prohibited conduct under any University policy or rule, or under any law;

b. Participate in and/or cooperate with a conduct matter conduct proceedings; or

c. Appear as a witness;

d. Oppose an unlawful act or discriminatory practice.
478-120-0012  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 the intimate parts of another person's clothed or unclothed body, including but not limited to the mouth, neck, buttocks, anus, genitalia, or breast;

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

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

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 where the respondent knew or reasonably should have known that the other person was incapacitated or given or granted by a person who, at the relevant time, is incapacitated; or

b. Consent cannot be given or granted by a person who is under the statutory age of consent in accordance with Title 9A.44 RCW – Sex Offenses.

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

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.

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 purposes of 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, including consensual sexual activity, 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. Prostituting another person; or

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.

478-120-0013 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 such as 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.

478-120-0014 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 proceeding.

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

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.

a. 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.

b. 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 or obstructive 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, but is not limited to:

a. Any failure to comply with the directions of any University officials acting in the performance of their duties and/or
b. Any failure to identify oneself to University officials when requested to do so; or
c. Any failure to comply with the rules, regulations, procedures, policies, standards of conduct, or any order or directive of the University or any of its schools, colleges, and departments.

10. Harassment or Bullying

Harassment or bullying is language or conduct that is unwelcome and sufficiently severe, persistent, or pervasive such that it could reasonably be expected to create an intimidating, hostile, or offensive environment, or has the purpose or effect of unreasonably interfering with a person's academic or work performance, or a person's ability to participate in or benefit from the university's programs, services, opportunities, or activities, when viewed through both an objective and subjective standard. This
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

Possession or Use of Firearms, Explosives, Dangerous Chemicals, or Other Dangerous Weapons includes unauthorized possession of firearms, explosives, dangerous chemicals, or other dangerous weapons or instrumentalities are not permitted on University premises, unless specifically except for authorized by the University President or designee or 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.

This includes the exhibition or display of a replica of 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

Unauthorized keys, entry, or use includes but is not limited to:

a. The unauthorized possession, duplication, or use of keys (including conventional keys, key cards, or alphanumeric passcodes) to any University premises; is prohibited.

b. As is the unauthorized entry upon or use of University premises or property; or

c. Providing keys to an unauthorized person or providing access to an unauthorized person is also prohibited.

15. Unauthorized Recording

Unauthorized Recording includes, but is not limited to: 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.

When such recordings may fall within WAC 478-120-0XXX - Sexual Exploitation, they will be addressed in accordance with that provision and related policies.

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 MATTERPROCEEDINGS

478-120-0015 Brief Adjudicative Proceedings

All conduct matterproceedings under this code shall be conducted as brief adjudicative proceedings under Chapter 34.05 RCW – the Administrative Procedures Act.

478-120-0016 Delegations of Authority in Conduct Proceedings

Only the following University officials have been delegated authority to initiate conduct matterproceedings 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 matter conduct proceedings, hold informal conduct hearings, and engage in fact finding, and issue initial and final orders under this conduct code.

These officials and the Chair of the Faculty Senate, or their delegate(s), may also delegate authority to students, faculty, and/or staff to advise or act for them in conduct proceedings, including acting as reviewing officers and issuing initial and final orders.

478-120-0017  Initiating Conduct Matter Proceedings

A conduct matter conduct proceedings 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.

478-120-0018  Conduct Hold on Student Record on Granting or Conferral of Degree

The conduct office or other University official may place a conduct hold on the granting or conferral of a student’s record degree if the student is the respondent in a pending report of prohibited conduct or a pending conduct matter proceeding under this code. A conduct hold may prohibit the student from registering for classes, requesting an official transcript, or receiving a degree from the university until the hold has been removed. The respondent will be notified of the hold and the hold will remain in place until lifted by the conduct office or other University official with authority to do so.

478-120-0019  Parties

The parties to a conduct matter proceedings are typically the University and the respondent. In accordance with Chapter XXX Student Governance and Policies – Student Conduct Policy for Discriminatory and Sexual Harassment, Intimate Partner Violence, Sexual Misconduct, Stalking, and Retaliation, in cases involving Sexual Harassment, Discriminatory Harassment, Sexual Misconduct, Intimate Partner Violence, Stalking, or Retaliation, the complainant is also a party. In addition, the University may designate other individuals, such as a complainant, as a party to other types of conduct proceedings, in accordance with Chapter XXX-Student Governance and Policies – Student Conduct Policy for Academic and Research Misconduct and Behavioral Misconduct.

478-120-0020  Interim Protective Measures

After receiving a report of prohibited conduct, the University may implement interim protective measures, in addition to other remedial measures, that impact a respondent at any time prior to the conclusion of conduct proceeding 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).
478-120-0021 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 advise the student how to raise an objection about contest the emergency suspension or request that it be made less restrictive. The University may also put a conduct hold in place during the emergency suspension period.

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

478-120-0022 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. CONDUCT HEARING AND FACT FINDING PROCESS

478-120-0023 Notice of Conduct Proceeding and Informal Conduct Hearing

The conduct officer will provide notice to the respondent parties, in writing, of the commencement of a conduct matter conduct proceedings, which will include information on how to challenge participation by the conduct officer on the basis of bias or a conflict of interest or raise an objection regarding bias or conflict of interest. The conduct officer will also schedule an informal conduct hearing with the respondent. The purpose of the conduct hearing and fact finding is to provide the respondent with the opportunity to participate in the conduct proceeding, including to receive an explanation of the process, review the allegations, present evidence and witnesses, respond to evidence provided by others, and present questions for others. The respondent will receive notice of the informal hearing at least seven days in advance.

478-120-0024 Standard of Proof for Conduct Informal Hearing and Fact Finding

The applicable standard of proof in the informal conduct hearing and fact finding 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.

478-120-0025 Burden of Proof

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

478-120-0026 Participation of Advisors Attorneys

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

478-120-0027 Consolidation

If there are multiple conduct matter proceedings 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

478-120-0028 Evidence in Conduct Proceedings

The following evidentiary provisions apply to conduct proceedings under this code. The university has also developed agency-level policies and procedures regarding the agency's interpretations of these rules. See Chapter XXX of Chapter XXX of Student Governance and Policies.

[Exhibit 3]
478-120-0029 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 exclude from consideration disregard evidence that is not relevant. The conduct officer may also exclude from consideration 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.

478-120-0030 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.

478-120-0031 Prior Sexual History

The sexual history of the parties or witnesses 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.

478-120-0032 Experts

Generally, information offered from medical, forensic, technological, or other experts who are not otherwise witnesses in the matter, is considered not relevant. The conduct officer may consult medical, forensic, technological, or other experts when expertise on a topic is needed in order to achieve a fuller understanding of the issues under investigation. This information will be summarized in the initial order.

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

VI. CONCLUDING CONDUCT HEARING AND FACT FINDING

478-120-0033 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 and the timeframe to do so.

VII. DISCIPLINARY SANCTIONS

478-120-0034 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. The university may put a conduct hold in place if the respondent fails to pay, or to make in writing University-approved arrangements to pay restitution, 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 put a conduct hold in place 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.
Effective Date of Sanctions
Sanctions will be implemented when a final order is issued in the university's conduct proceeding.

VIII. ADMINISTRATIVE REVIEW

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.

Requesting Administrative Review
A party may request administrative review of the initial order based on the grounds as set forth in WAC 478-120-0038.

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 478-120-0033. If one of the grounds is to consider newly discovered evidence, that evidence must be provided with the request for review.

If an administrative review is not requested within 21 days or the President has not sought a review of the matter proceeding in accordance with WAC 478-120-0042, the initial order shall become the final order.

Scope of Grounds for Administrative Review
A party may request administrative review for any or all of the following reasons: 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; or
c. To determine whether the sanction(s) imposed were appropriate for the violation committed and were not excessively lenient or excessively severe.

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 a copy of the request for administrative review and notice of how to submit a written response. Responses must be submitted and will be provided within five (5) business days of service of the notice of administrative review, to submit such a response.

Procedures for Administrative Review
When the reviewing officer(s) conducts an administrative review, the review is based on:
a. The conduct officer’s record of the informal conduct hearing record 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.

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

478-120-0040 Order from Administrative Review

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

The reviewing officer(s) 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. Increase or reduce the sanction(s), and issue a final order. Alter the sanction(s) if determined to be clearly inappropriate or disproportionate.

478-120-0041 Process Following Remand from Administrative Review

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

Following remand, 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.

If an administrative review is not requested within 21 days or the President has not sought a review of the matter proceeding in accordance with WAC 478-120-0042, the initial order shall become the final order.

478-120-0042 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

478-120-0043 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.*

**478-120-0044  Recordkeeping**

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

**478-120-0045  Disciplinary Record**

Any final order resulting from a conduct matter conduct proceedings shall become a part of the respondent's disciplinary record. Student disciplinary records are “education records” as defined by FERPA and may only be disclosed consistent with FERPA and chapter 478-140 WAC. 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.
This memo will explain the proposed additions to the draft Washington Administrative Code relating to student conduct ("WAC") as it pertains to research misconduct allegations against students. These proposed additions do not change UW’s current procedures for handling student research misconduct cases. They just make the process more transparent. Specifically, the proposal (a) incorporates federal requirements relative to the handling of research misconduct allegations, as these requirements are set forth in UW Executive Order 61, Research Misconduct Policy; and (b) makes it clear that the Student Conduct Code’s sanction and review process applies once there is a finding of student research misconduct.

As background, when misconduct is alleged relative to federally-funded research, the requirements found in federal regulations and policies for handling research misconduct cases must be met. These federal requirements are the same regardless of whether the respondent is faculty, staff or student. UW Executive Order 61 incorporates these federal requirements, and applies to all research misconduct cases, regardless of the source of funding.

The UW’s rules relating student conduct are contained in the Washington Administrative Code, which are subject to the state’s rulemaking process. Outside of the rulemaking process, the University may also create institutional policies regarding the application of the WAC provisions, such as are set forth in EO 61.

The proposed additions to the Student Conduct Code incorporate the requirements of EO 61 into the current draft of the WAC, and provide a roadmap of how the Student Conduct Code process comes to bear once there is a finding of research misconduct against a student. The goal is to minimize the impact of these research misconduct provisions on the existing draft by confining the additions to two new sections:

1. New section “WAC 478-120-003 - Application of Student Conduct Code to Research Misconduct” specifically states that research misconduct is a form of prohibited conduct under the code, thus differentiating “research misconduct” from “academic misconduct.” This section notes that the code applies to research misconduct in a different fashion than to other forms of prohibited conduct and references EO 61 and its research misconduct process. This section also indicates
that the disciplinary sanctions and the administrative review provisions of the code generally apply if there after there is a finding of student research misconduct under EO 61.


For ease of reference, the following are the proposed revisions that specifically relate to research misconduct:

**478-120-003 Application of Student Conduct Code to Research Misconduct**

Research misconduct, as defined in WAC 478-120-009, is a form of prohibited conduct under this code. Federal rules and policies, however, regulate the handling of research misconduct matters when University research is supported by federal funding. These federal requirements are incorporated into the University’s Executive Order No. 61, Research Misconduct Policy, which governs the handling of research misconduct allegations against students participating in research on behalf of the University, as is further explained in that Executive Order. The disciplinary sanction provisions of this code, WAC 478-120-0035 through 478-120-0036, apply if there has been a finding of research misconduct against a student under Executive Order No. 61. The administrative review provisions of this code, WAC 478-120-0038 through 478-120-0043, apply to the extent such review is permitted by Executive Order No. 61, with the dean acting as the “conduct officer” when a research misconduct proceeding is involved.

**478-120-009 Research Misconduct**

“Research misconduct” is fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results, as is further set forth in University Executive Order No. 61.
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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 has also developed agency-level policies and procedures regarding the agency’s interpretations of these rules. See Chapters XXX and XXX of Student Governance and Policies.

I. APPLICATION OF THE STUDENT CONDUCT CODE

478-120-002 General Application of the Student Conduct Code

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 disciplinary sanctions specified in WAC 478-120-0035, up to and including suspension or dismissal, may be imposed on any student or student organization found responsible for prohibited conduct set forth in WAC 478-120-005 through 0014 and as described in relevant University policies.

478-120-003 Application of Student Conduct Code to Research Misconduct

Research misconduct, as defined in WAC 478-120-008, is a form of prohibited conduct under this code. Federal rules and policies, however, regulate the handling of research misconduct matters when University research is supported by federal funding. These federal requirements are incorporated into the University’s Executive Order No. 61, Research Misconduct Policy, which governs the handling of research misconduct allegations against students participating in research on behalf of the University, as is further explained in that Executive Order. The disciplinary sanction provisions of this code, WAC 478-120-0034, apply if there has been a finding of research misconduct against a student under Executive Order No. 61 – Research Misconduct Policy. The administrative review provisions of this code, WAC 478-120-0036 through 478-120-0042, apply to the extent such review is permitted by Executive Order No. 61, with the dean acting as the “conduct officer” when a research misconduct proceeding is involved.

478-120-004 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 or, has continuing adverse effects, or may create a hostile environment on University premises or in the context of a University-sponsored program or activity.

Conduct matters, 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. Following a criminal conviction of a student that adversely affects a University interest, the University may initiate conduct proceedings and may accept the conviction as the evidentiary basis for establishing prohibited conduct under this code. When used in this code, the term “conduct proceedings” refers to brief adjudicative proceedings and full adjudicative proceedings.
If a respondent withdraws from the University (or fails to reenroll) while a conduct proceeding is pending, the University may continue the fact finding and, if continued, the respondent will be provided with a continued opportunity to participate.

II. PROHIBITED CONDUCT

478-120-005 General Application

Prohibited conduct under this code includes, but is not limited to the prohibited conduct described in WAC 478-120-006 through 0014 and relevant University policies. For additional interpretation of Prohibited Conduct, see Chapter XXX Student Governance and Policies – Student Conduct Policy for Discriminatory and Sexual Harassment, Intimate Partner Violence, Sexual Misconduct, Stalking, and Retaliation and Chapter XXX-Student Governance and Policies – Student Conduct Policy for Academic and Research Misconduct and Behavioral Misconduct.

478-120-006 Aiding and Assisting

Students may also be found responsible for prohibited conduct if they:

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

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

c. Attempt to commit prohibited conduct.

478-120-007 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 completing assignments;
   ii. The acquisition, use, or distribution of unpublished materials created by another student without the express permission of the original author(s);
   iii. Using online sources, such as solution manuals, without the permission of the instructor to complete assignments, exams, tests, or quizzes; or
   iv. Requesting, hiring, or otherwise encouraging someone to take a course, exam, test, or complete assignments for a student.

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), 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. Unauthorized 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.

478-120-008 Research Misconduct

"Research misconduct" is fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results, as is further set forth in University Executive Order No. 61.

478-120-009 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.
478-120-0010 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 of others.

Abuse of others includes assault and other forms of physical abuse of any person, or any conduct intended to threaten bodily harm or to endanger the health or safety of any person. Intimate partner violence may also include forms of economic or emotional abuse, including behaviors that are intended to intimidate, manipulate, humiliate, or isolate someone.

478-120-0011 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. Make, or intend to make, a report, complaint, grievance, or allegation of prohibited conduct under any University policy or rule, or under any law;
   b. Participate in and/or cooperate with conduct proceedings; or
   c. Appear as a witness.

478-120-0012 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 the intimate parts of another person’s clothed or unclothed body, including but not limited to the mouth, neck, buttocks, anus, genitalia, or breast;
   b. Causing another person to touch their own or another’s body in the manner described above; or
   c. Any penetration, no matter how slight, of the vagina or anus with any body part or object, or oral-genital contact.

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 consent;
b. Consent cannot be obtained where the respondent knew or reasonably should have known that the other person was incapacitated; or

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

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

3. Sexual Exploitation

Sexual exploitation involves taking nonconsensual or abusive advantage of another for the purposes of sexual arousal or gratification, financial gain, or other personal benefit. Examples of sexual exploitation include:

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

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. Prostituting another person; or

d. Knowingly allowing another to surreptitiously watch otherwise consensual sexual activity.

478-120-0013 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 such as through electronic media, 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.

478-120-0014 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 proceeding.

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
   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. Conduct proceedings may be initiated if the University is made aware that a student or student
organization has been contacted by a law enforcement agency regarding, and is determined to have engaged in, conduct that is in violation of a state statute or municipal ordinance and has a direct quality of life impact on community residents or businesses, including, but not limited to, creating a public nuisance due to noise, residential disturbance, intentional destruction of property, urinating in public, or criminal trespass.

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 disruptive or obstructive and may also make a report 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, but is not limited to:
   a. Any failure to comply with the directions of any University officials acting in the performance of their duties;
   b. Any failure to identify oneself to University officials when requested to do so; or
   c. Any failure to comply with the rules, regulations, procedures, policies, standards of conduct, or any order or directive of the University or any of its schools, colleges, and departments.

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

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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.

12. Possession or Use of Firearms, Explosives, Dangerous Chemicals, or Other Dangerous Weapons

Possession or Use of Firearms, Explosives, Dangerous Chemicals, or Other Dangerous Weapons includes unauthorized possession of firearms, explosives, dangerous chemicals, or other dangerous weapons or instrumentalities on University premises, unless specifically authorized by the University President or delegee.

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.

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

13. 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

Unauthorized keys, entry, or use includes but is not limited to:

a. unauthorized possession, duplication, or use of keys (including conventional keys, key cards, or alphanumeric passcodes) to any University premises;
b. unauthorized entry upon or use of University premises or property; or
c. providing keys to an unauthorized person or providing access to an unauthorized person.
15. Unauthorized Recording

Unauthorized Recording includes, but is not limited to:
   a. Making audio, video, digital recordings, or photographic images of a person without that person's consent in a location where that person has a reasonable expectation of privacy; or
   b. Storing, sharing, publishing, or otherwise distributing such recordings or images by any means.

When such recordings may fall within WAC 478-120-0XXX - Sexual Exploitation, they will be addressed in accordance with that provision and related policies.

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 PROCEEDINGS

478-120-XXX Form of Adjudicative Proceeding

All conduct proceedings under this code shall be conducted either as brief adjudicative proceedings under Chapter 34.05 RCW (the Administrative Procedures Act) or full adjudicative proceedings under Chapter 34.XX RCW.

478-120-0015 Brief Adjudicative Proceedings

A brief adjudicative proceeding under Chapter 34.05 RCW (the Administrative Procedures Act) will be conducted when the issues and interests involved do not warrant the use of a full adjudicative proceeding, the conduct at issue does not raise the elements of felony criminal conduct under the Criminal Code of Washington, and the possible sanction does not include suspension or dismissal.

At a brief adjudicative proceeding, all parties will, at a minimum, have the opportunity to receive notice of the conduct at issue, the potential violations of code or policy at issue, and the proposed outcome and sanction; the opportunity to submit relevant information; and the opportunity to respond and be heard. At a brief adjudicative proceeding, a conduct officer will have the authority to make findings of fact, determine whether this code has been violated, and impose a sanction. All conduct proceedings under this code shall be conducted as brief adjudicative proceedings under Chapter 34.05 RCW — the Administrative Procedures Act.

478-120-XXX Full Adjudicative Proceeding

A full adjudicative proceeding under Chapter 34.X RCW (the Administrative Procedures Act) will be conducted when the issues and interests involved warrant the use of a full adjudicative proceeding, the
conduct at issue raises the elements of felony criminal conduct under the Criminal Code of Washington, or the possible sanction includes suspension or dismissal. Additional factors governing whether the issues and interests involved warrant the use of a full adjudicative proceeding may be defined in University policy.

478-120-XXX Conversion to Full Adjudicative Proceeding

Prior to the conclusion of a brief adjudicative proceeding, the conduct officer shall make any inquiries necessary to ascertain whether the proceeding should be converted to a full adjudicative proceeding under RCW 34.05.XXX – Administrative Procedures Act.

478-120-0016 Delegations of Authority in Conduct Proceedings

The following University officials have been delegated authority to initiate conduct proceedings 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[and presiding officers] to initiate conduct proceedings, hold conduct hearings, engage in fact finding, and issue initial and final orders under this conduct code.

These officials and the Chair of the Faculty Senate, or their delegee(s), may also delegate authority to students, faculty, and/or staff and/or other individuals to advise or act for them in conduct proceedings, including acting as reviewing officers and issuing initial and final orders.

478-120-0017 Initiating Conduct Proceedings

Conduct proceedings 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.

478-120-0018 Conduct Hold on Student Record

The conduct office or other University official may place a conduct hold on the student’s record if the student is the respondent in a pending report of prohibited conduct or a pending conduct proceeding under this code. A conduct hold may prohibit the student from registering for classes, requesting an official transcript, or receiving a degree from the university until the hold has been removed. The respondent will be notified of the hold and the hold will remain in place until lifted by the conduct office or other University official with authority to do so.

478-120-0019 Parties

The parties to conduct proceedings are typically the University and the respondent. In accordance with Chapter XXX Student Governance and Policies – Student Conduct Policy for Discriminatory and Sexual
Harassment, Intimate Partner Violence, Sexual Misconduct, Stalking, and Retaliation, in cases involving Sexual Harassment, Discriminatory Harassment, Sexual Misconduct, Intimate Partner Violence, Stalking, or Retaliation, the complainant is also a party. In addition, the University may designate other individuals, such as a complainant, as a party to other types of conduct proceedings, in accordance with Chapter XXX-Student Governance and Policies – Student Conduct Policy for Academic and Research Misconduct and Behavioral Misconduct.

478-120-0020 Interim Protective Measures

After receiving a report of prohibited conduct, the University may implement interim protective measures, in addition to other remedial measures, that impact a respondent at any time prior to the conclusion of conduct proceeding. These will remain in place until lifted or modified by the University official who implemented the interim protective measures.

Implementation of any interim 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).

478-120-0021 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 advise the student how to raise an objection about the emergency suspension or request that it be made less restrictive. The University may also put a conduct hold in place during the emergency suspension period.

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

478-120-0022 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.
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. CONDUCT HEARING AND FACT FINDING PROCESS

478-120-0023 Notice of Conduct Proceeding and Conduct Hearing

The conduct officer will provide notice to the parties, in writing, of the commencement of conduct proceedings, which will include information on how to raise an objection regarding bias or conflict of interest. The conduct officer will also schedule a conduct hearing with the respondent. The purpose of the conduct hearing and fact finding is to provide the respondent with the opportunity to participate in the conduct proceeding, including to receive an explanation of the process, review the allegations, present evidence and witnesses, respond to evidence provided by others, and present questions for others.

478-120-0024 Standard of Proof for Conduct Hearing and Fact Finding

The applicable standard of proof in the conduct hearing and fact finding 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.

478-120-0025 Burden of Proof

The burden of proof in conduct proceedings rests with the University.

478-120-0026 Participation of Advisors

The parties to conduct proceedings may, at their own expense, be accompanied by an advisor of their choice, including an attorney, throughout the conduct proceedings. While an advisor may provide support and advice, throughout a conduct proceeding, an advisor may not speak on behalf of the student or otherwise directly participate in a brief adjudicative proceeding the conduct proceeding, including the conduct hearing or fact finding process. In a full adjudicative proceeding, an advisor who is an attorney may participate as set forth in Chapters XXX and XXX Student Governance Policies.
Consolidation

If there are multiple conduct proceedings 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

Evidence in Conduct Proceedings

The following evidentiary provisions apply to conduct proceedings under this code. The university has also developed agency-level policies and procedures regarding the agency’s interpretations of these rules. See Chapter XXX of Chapter XXX of Student Governance and Policies. 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, when they do not conflict with the code or relevant University policies.

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 exclude from consideration evidence that is not relevant. The conduct officer may also exclude from consideration 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.

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 the parties or witnesses will not be used to prove character or reputation. Evidence related to the prior sexual history 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

The conduct officer may consult medical, forensic, technological, or other experts when expertise on a topic is needed in order to achieve a fuller understanding of the issues under investigation. This information will be summarized in the initial order.

Generally, results of polygraph examinations are not considered relevant, even if offered voluntarily.
VI. CONCLUDING CONDUCT HEARING AND FACT FINDING

478-120-0033 Initial Order

At the conclusion of the fact finding, the conduct officer [presiding officer?] will prepare an initial order. If the respondent is found responsible, the conduct officer will impose a sanction. The conduct officer will serve the initial order to the parties, simultaneously and in writing. The initial order will include an explanation of how to request administrative review of the initial order and the timeframe to do so.

VII. DISCIPLINARY SANCTIONS

478-120-0034 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. The university may put a conduct hold in place if the respondent fails to pay or to make in writing University-approved arrangements to pay restitution.

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 put a conduct hold in place 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:

- The seriousness, severity, persistence, or pervasiveness of the prohibited conduct;
- The nature or violence (if applicable) of the prohibited conduct;
- The impact on the complainant and/or University community;
- The respondent's past disciplinary record with the University;
- Whether the respondent has accepted responsibility for the prohibited conduct;
- The maintenance of a safe, nondiscriminatory and respectful environment conducive to learning; or
- 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.

478-120-0035 Effective Date of Sanctions

Sanctions will be implemented when a final order is issued in the university’s conduct proceeding.

VIII. ADMINISTRATIVE REVIEW

478-120-0036 Requesting Administrative Review

A party may request administrative review of the initial order based on the grounds as set forth in WAC 478-120-0038.

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

If an administrative review is not requested within 21 days or the President has not sought a review of the proceeding in accordance with WAC 478-120-0042, the initial order shall become the final order.

478-120-0037 Grounds for Administrative Review

A party may request administrative review for any or all of the following reasons:

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

478-120-0038 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). The parties
will be provided with an opportunity to raise an objection regarding bias or conflict of interest prior to the administrative review.

Other parties will be provided with a copy of the request for administrative review and notice of how to submit a written response. Responses must be submitted within five (5) business days of service of the notice of administrative review.

**478-120-0039 Procedures for Administrative Review**

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

- The conduct officer’s conduct hearing record and fact finding [and record of full adjudicative hearing];
- Information submitted to the review panel in the request for review or response to request for review; and
- Additional evidence, if the basis for seeking administrative review is that newly discovered evidence has become available.

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

**478-120-0040 Order from Administrative Review**

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

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

- Conclude there is no basis for remand or alteration of sanctions, and issue a final order;
- Remand for further fact finding or review if newly discovered evidence may have impacted the result or if the record demonstrates material error; or
- Increase or reduce the sanction(s), and issue a final order.

**478-120-0041 Process Following Remand from Administrative Review**

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

Following remand, additional proceedings will be conducted as necessary to address the reasons for the remand. At the conclusion, the conduct officer [presiding 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.

If an administrative review is not requested within 21 days or the President has not sought a review of the proceeding in accordance with WAC 478-120-0042, the initial order shall become the final order.
478-120-0042 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

478-120-0043 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.

478-120-0044 Recordkeeping

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

478-120-0045 Disciplinary Record

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