Meeting Synopsis:

1. Call to order
2. Review of the minutes from February 7th, 2017
3. Student Reports
4. Student Conduct Code policies
5. Bias Reporting – Ellen Taylor
6. Hall Health – Mark Jenkins
7. Student International Travel Policy – Gayle Christensen, Nick Hill
8. Good of the order
9. Adjourn

1) Call to order

Laws called the meeting to order at 1:30 p.m.

2) Review of the minutes from February 7th, 2017

The minutes from February 7th, 2017 were approved as amended.

3) Student Reports

Student members of the council reported on the current interests and initiatives of their organizations.

The Graduate and Professional Student Senate (GPSS) is interested in continuing discussion with UW Transportation on affordability of the U-Pass Program relating to graduate students. There was some discussion of the large population of UW students (both graduate and undergraduate) who live off campus and depend on public transit. Housing affordability continues to be a topic of discussion between the GPSS and the Seattle City Council.

The Associated Students of the University of Washington (ASUW) is invested in providing resources to international students to bolster understanding of ongoing revisions to the Student Conduct Code (SCC). A resolution was approved by the body in relation to the issue. There was some discussion of a dispute surrounding the UW Waterfront Recreation Center relating to competition for waterfront space. The ASUW passed a resolution condemning the Center’s stance in the dispute. The cost of textbooks continue to present an affordability problem to undergraduate students. In some instances, course materials are missing from a course’s MyPlan page, resulting in students having no knowledge of associated course expenses until completing registration.

4) Student Conduct Code policies (Exhibit 1) (Exhibit 2) (Exhibit 3)
Amanda Paye (Deputy Title IX/ADA Coordinator, Compliance Services), Jill Lee (Executive Director, Compliance Services), and Elizabeth Lewis (Director, Community Standards & Student Conduct) were present to update the council on the ongoing development of the local Student Conduct Code (SCC) Policies (Title IX and non-Title IX) (Exhibit 1) (Exhibit 2). A brief explanation of changes within a memo was also shown (Exhibit 3). Laws reported the faculty senate approved of draft changes to the SCC housed in the Washington Administrative Code (WAC); he thanked the council for its work in reviewing and developing that document. He noted the SCC local policies will be voted on by the FCSA in the council’s April meeting.

There was some discussion of including additional UW resources information within the non-title IX policy. A member suggested that resources be shared (online and otherwise) but not written into the policy. Council members liked the idea of keeping the resource information outside of the non-Title IX Policy (such as web resources).

Lee explained if there are no other issues members would like to raise, she would like to direct the council to “placeholder” areas within the Policies where she and the other drafters are seeking FCSA input.

**Placeholders for FCSA feedback**

Attention was directed to page 11 of the non-Title IX Policy concerning a potential “Advisory Council on Student Conduct.” Laws listed off membership he would like included on such a body, including: members of faculty senate leadership, either the chair or a representative from the FCSA, members of the student conduct process (staff), members of the faculty review panels, and student representation. He commented the number of members could be approximately a half dozen. He noted in the section, there should be simple statement stating there will be an advisory council, and the chair of that council will be a faculty member appointed by either the FCSA, or appointed by the faculty senate. He added four specific details to be included: leadership (of the body) be faculty-based, membership extends to process partners (including students), the body is specifically authorized to collect what data it needs (including conduct outcomes), and the body is charged to make reports/recommendations to the FCSA.

Attention was directed to page 19 of the non-Title IX Policy related to “Conversion to Full Adjudicative Proceeding.” Discussion surfaced an opinion that the conversion should not be limited to specific terms, though there was also a desire to limit conversions to full adjudicative proceedings so that a conversion does not occur in every case. A member a noted a balance would need to be struck.

Attention was directed to page 21 of the non-Title IX Policy related to “Appointment of Reviewing Officers.” It was noted discussion in a recent faculty senate meeting surfaced an opinion that the faculty senate should approve appointments of reviewing officers. Laws suggested appointment of reviewing officers be the same as it is for faculty senate councils and committees with the faculty senate approving/confirming nominees. It was noted the faculty senate should be the appointing body for faculty, but not for students.

Discussion subsided due to time constraints. Lee noted placeholders are available for review in both policies, and asked members to consider submitting feedback electronically before the next council meeting.

5) **Bias Reporting – Ellen Taylor**
Ellen Taylor (Associate Vice-President, Student Life) was present to update the council on ongoing efforts to respond to and facilitate reporting of bias incidents at UW Seattle via the Bias Incident Advisory Committee. She noted there are parallel but separate efforts occurring at UW Bothell and UW Tacoma.

The primary purposes of the Bias Incident Advisory Committee are to collect data on incidents of bias, advise the VP for Student Life and VP for Minority Affairs and Diversity on reports of bias-related incidents, and to serve as a liaison and referral outlet when a bias incident is reported (if name and contact information is given). Since launch of the companion, web-based “Bias Reporting Tool” (November 1, 2016), the vast majority of reports have related to UW Seattle campus flyers, posters, and online postings. Reports have included instances of both deliberate and accidental incidents of bias, and have been notably broad-based. Taylor noted many of the inflammatory flyers/posters are thought to be coming from off-campus entities. The Advisory Committee does not provide oversight or investigational capacities, as the group lacks both the scope and charge to do so. Instead, they make referrals to relevant campus departments and/or offices on an ad hoc basis based on received reports.

A member asked if the collected data is being shared or is planned to be shared with any other body. The response was the plan is to share data locally. There has not been much discussion of sharing data with national organizations. However, the data is technically public information.

Members of the council thanked Taylor for sharing information on the new Bias Reporting Tool and Bias Incident Advisory Committee.

6) **Hall Health – Mark Jenkins** (Exhibit 4) (Exhibit 5) (Exhibit 6)

Mark Jenkins (Director, Hall Health Center) was present to discuss difficulties relating to the intersection between medical excuse notes and the Hall Health Center. Hall Health is an on-campus clinic offering health care to UW students and employees, as well as the general public. Jenkins noted an estimated 5-10% of visits to the Center are related to medical excuse notes. He brought three handouts as part of his presentation (Exhibit 4) (Exhibit 5) (Exhibit 6).

Jenkins explained the biggest issue associated with writing medical excuse notes for students is access. If an instructor requires a student to produce a medical excuse note, the student, who is often afflicted by a benign and self-limiting illness, will likely not be able to get scheduled with Hall Health until their symptoms have mostly or completely faded. Students tend to exaggerate symptoms in order to procure notes, which may result in an examiner recommending unnecessary medical tests be carried out (at a higher cost to the student).

Laws explained a Class C resolution with an explanation of the issue and a recommendation that faculty no longer demand medical notes from students has been considered as one option forward; there has also been the idea to try to respond to the issue via Class B legislation.

The council held discussion on requiring medical excuse notes in the classroom. One member noted that from an instructor’s standpoint, a medical note is the only mechanism to determine a legitimate excuse; he asked if there is another method to determine legitimacy, which was not known.
Laws explained providing a “best practices” resource related to excuse policies and medical notes was one plan of the council in the previous year. It was noted Jenkins does have the authority to make a policy forbidding granting medical excuse notes at the Hall Health Center, however that approach has been avoided in favor of working with the FCSA to find a collaborative solution.

A member noted she would be hesitant to remove the ability to grant notes at Hall Health without legislation authorizing an alternative method of proving a legitimate need to an instructor. Another member noted she feels instructors do not have the responsibility to distinguish whether an excuse is legitimate or feigned. Several other members agreed with the point. Zhou noted she would encourage Hall Health to educate students (via a web-based or other method) on their thoughts concerning medical excuse notes.

Laws noted the council seems to be in agreement that there needs to be education for faculty tied to medical excuse notes as well as a legislative component. He noted he intends to bring the topic up again in the near-future.

7) Student International Travel Policy – Gayle Christensen, Nicholas Hill (Exhibit 7)

Gayle Christenson (Associate Vice Provost, Office of Global Affairs) and Nicholas Hill (Global Travel Security Manager, Office of Global Affairs) were present to discuss a new Student International Travel Policy coming from the Office of Global Affairs (Exhibit 7). The goal of the policy is to provide support to students abroad as well as to enable the university to make strong attempts to ensure safety of students abroad.

Hill explained the policy is the first of its kind at the UW. Many elements within the policy have been tricampus business practices for some time, though this is the first attempt to institutionalize those practices within a policy. It was noted the Office of Global Affairs provides 24/7 response to students abroad in emergency situations.

The item was limited due to time constraints. Laws asked that feedback be given to the guests via email.

8) Good of the order

Nothing was stated for the good of the order.

9) Adjourn

Laws adjourned the meeting at 3:00 p.m.

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

Present: Faculty: Mable Ezeonwu, Ann Culligan, Chris Laws (chair), Doug Brock  Ex-officio reps: Aileen Trilles, Katherine Querna, Carolyn Martin, Kaitlyn Zhou  Guests: Nicholas Hill, Gayle Christensen, Amanda Paye, Jill Lee, Elizabeth Lewis, Ellen Taylor, Mark Jenkins

Absent: Faculty: Bruce Hevly, Jasmine Bryant, Holly Barker, Christopher Campbell
President's designee: Lincoln Johnson
Ex-officio reps: Tanya Kumar

Exhibits

- Exhibit 1 – 17-3-7 TIX Policy for FCSA.doc
- Exhibit 2 – 16-3-7 non-TIX policy for FCSA.doc
- Exhibit 3 – 17-3-7 FCSA cover memo.doc
- Exhibit 4 – hallhealth.pdf
- Exhibit 5 – hallhealth(1).pdf
- Exhibit 6 – hallhealth(2).pdf
- Exhibit 7 – internationaltravelpolicy.doc
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I. POLICY AND AUTHORITY

1. Policy

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

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

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

2. Purpose

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

The purpose of this policy is also to describe the University’s agency-level policies and procedures regarding student conduct and student discipline of the rules set forth in Chapter 478-120 WAC related to reports of the following prohibited conduct under the code and to describe the University’s current approach to implementation of the code and its practices, procedures, and methods of action based upon that approach for student conduct proceedings alleging misconduct under the following sections of the code:

- “Discriminatory and Sexual Harassment” as defined in WAC 478-120-0010;
- “Intimate Partner Violence” as defined in WAC 478-120-0011;
- “Sexual Misconduct,” as defined in WAC 478-120-0013, which includes indecent exposure, sexual assault, and sexual exploitation;
- “Stalking” as defined in WAC 478-120-0014; and
- “Retaliation” as defined in WAC 478-120-0012.
3. **Intersection of the Code and Related Student Conduct Policies**

If a conduct proceeding is initiated that involves any of the prohibited conduct covered by this policy, in accordance with WAC 478-120-0029, the complainant will be designed as a “party” in the conduct proceeding. The other parties to a conduct proceeding are typically the University and the respondent.

Under the code, a "complainant" is the person who is the subject of the prohibited conduct, whether or not that person made a report that a violation of the code had been committed against them. WAC 478-120-005(1). A "respondent" is any student or student organization reported to have engaged in prohibited conduct under the conduct code. WAC 478-120-005(9).

If reported conduct may constitute “Retaliation” and that conduct arose in connection with a report or conduct proceeding covered by this policy, in accordance with WAC 478-120-0029, the complainant will be designed as a party in any conduct proceeding initiated relating to that report.

In addition, reports that may constitute of “Abuse of Others” under WAC 478-120-0015(1) will be addressed under this policy if the report involves sexual or discriminatory harassment, intimate partner violence, sexual misconduct, or is part of a course of conduct that meets the definition of stalking.

If the reported conduct involves common issues or parties that would potentially fall under both Chapter 209 and 210 Student Governance and Policies, the University may, in its discretion, conduct one conduct proceeding.

Reports that fall solely within prohibited conduct set forth in Chapter 209 Student Governance and Policies – Student Conduct Policy for Academic and Research Misconduct and Behavioral Misconduct will be addressed under that policy.

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

The following University policies may intersect with this policy:

- Executive Order No. 31, Nondiscrimination and Affirmative Action, which prohibits discrimination and harassment based on protected class statuses, including based on sex and sexual orientation and gender identity or expression. Sexual discriminatory harassment are also prohibited forms discrimination;
- Executive Order No. 51, Sexual Violence Elimination Policy, which prohibits domestic violence, relationship violence, stalking, and sexual assault;
- Administrative Policy Statement 46.3 - Resolution of Complaints Against University Employees, which governs reports against University employees; or
- Workplace Violence Policy, which prohibits violence, including relationship violence or domestic violence, which endangers any member of the University community.

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

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

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

6. External Reporting Options

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

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

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

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

II. UNIVERSITY ASSISTANCE AND RESOURCES

1. Reports to the University and Outreach to Complainant

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

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

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

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

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

For those associated with UW Seattle
UW Police Department (UWPD) Victim Advocate
Phone: 206-543-9337
Email: UWPDAdvocate@uw.edu

For students enrolled at the UW Seattle campus only
Health and Wellness Advocate
Phone: 206-685-4357
Email: hwadvoc@uw.edu

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

3. Interim Supportive Measures

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

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

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

4. Leave Use or Work Schedule Adjustments

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

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

6. **Protection Orders**

The University will provide information on how to obtain orders of protection issued by a criminal, civil, or tribal court. When an order has been obtained that has implications for the complainant’s participation in employment, educational programs and activities, or other University activities or programs, the University will assist with implementation.

7. **Medical Care and Preserving Evidence**

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

8. **Disability Accommodations**

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

III. **PRIVACY AND CONFIDENTIALITY**

1. **Privacy and Confidentiality**

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

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

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

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

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

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

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

3. Reporting Suspected Child Abuse

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

4. Clery Act Reporting

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

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

5. Reporting by University Employees

The University’s Violence Prevention and Response Program (SafeCampus) has been designated to receive reports from University employees when employees learn of potential prohibited conduct under this policy. SafeCampus will collect all relevant details (obtained directly or indirectly) about the incident, including dates, times, locations, and names of complainant and other individuals involved, if known. SafeCampus will then contact the complainant to provide information about available support, resources, and reporting options under this policy and will also notify the Title IX Coordinator. SafeCampus will also connect the complainant with a confidential advocate. Contacting SafeCampus will not automatically initiate a conduct proceeding or other University investigation.
Generally, University employees are not required to report, and the University will not consider it a report, when information is disclosed (1) at public awareness events (e.g., “Take Back the Night,” candlelight vigils, protests, “survivor speak-outs,” or other public forums in which students may disclose prohibited conduct); or (2) during an individual’s participation as a subject in an Institutional Review Board-approved human subjects research protocol (IRB Research).

IV. REPORTING OPTIONS

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

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

Title IX Investigation Office
4311 11th Avenue NE, Suite 320
Seattle, WA
Phone: 206-616-5334
Email: tixinv@uw.edu

There is no time limit for reporting to the University; however, the University’s ability to respond may diminish over time, as evidence may erode, memories may fade, or respondents may no longer be affiliated with the University. If a respondent is no longer a student, the University will provide reasonably appropriate supportive measures and assist the complainant in identifying any other reporting options.

2. Reporting Other Prohibited Conduct

Reports of other types of prohibited conduct under the code should be made in accordance with Chapter 209 Student Governance and Policies – Student Conduct Policy on Academic Misconduct and Behavioral Misconduct.

3. Reporting to Law Enforcement

Prohibited conduct under this policy may also violate criminal law and may be reported directly to law enforcement. A complainant has the right to report, or decline to report, potential criminal conduct to law enforcement. The University will assist a complainant in contacting law enforcement. If a complainant chooses to make a report to law enforcement, the complainant may also make a report to the University.

See Section XIX for information about local law enforcement agencies.

4. Amnesty for Alcohol or Other Drug Violations

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

5. Informal Settlements and Mediation

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

V. ASSESSMENT OF REPORTS

1. Initial Assessment

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

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

2. Request to Not Pursue a Conduct Proceeding

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

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

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

b. the potential impact on the complainant of moving forward, particularly in reports involving intimate partner violence;

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

d. the risk posed to any individual or to the campus community by not proceeding, including the risk of additional violence;

e. whether there have been other complaints to the University related to similar behavior about the same respondent (if known);

f. whether the respondent has a history of convictions or records from a prior school indicating a history of harassment/misconduct, if such records are available;

g. whether the respondent threatened further sexual violence or other violence against the complainant or others;
h. whether the report reveals a pattern of conduct at a given location or by a particular group such that there is an increased risk of future acts of sexual misconduct under similar circumstances; and
i. whether the conduct included multiple respondents.

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

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

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

VI. STANDARDS OF CONDUCT AND APPLICATION OF THE STUDENT CONDUCT CODE

1. Statement of Authority

Pursuant to chapter 34.05 RCW and the authority granted by RCW 28B.20.130, the board of regents of the University of Washington has established rules regarding student conduct and student discipline (“code”) that are set forth in 478-120 WAC.

2. Standards of Conduct

By way of further interpretation, in determining what types of conduct would be prohibited under WAC 478-120-006 through 0015, the University applied guiding principles that can be summarized as follows:

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

a. Practicing high standards of academic and professional honesty and integrity;
b. Refraining from any conduct that would violate the rights, privileges, and property of others;
c. Refraining from any conduct that would substantially disrupt or materially interfere with University operations;
d. Refraining from any conduct that could reasonably cause harm to or endanger the health, safety, or welfare of other persons; and
e. Complying with the rules, regulations, procedures, policies, standards of conduct, and orders of the University and its schools, colleges, departments, units, and programs.
3. General Application of the Student Conduct Code

Under WAC 478-120-002, the conduct code applies to all students from the time of admission through the actual conferral of a degree, including any period between terms of enrollment.

The disciplinary sanctions specified in WAC 478-120-0020, 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 478-120-006 through 0015 and as described in relevant University policies.

4. Jurisdiction of the University

Under WAC 478-120-004, 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) where: the University reasonably determines that the conduct adversely affects a University interest or, has continuing adverse effects or may create a hostile environment on University premises or in the context of a University-sponsored program or activity.

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

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

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

5. [Advisory Council on Student Conduct]

Placeholder #1 For FCSA - Placeholder to create and add policy language re: establishing an advisory council for the purpose of providing a forum for reviewing and recommending continuous improvements in conduct proceedings, including identifying training needs, process improvements, recommendations for policy revisions, etc. For the purposes of this forum, a process for eliciting feedback from process partners will be created, including reviewing officers, review coordinators, hearing officers, conduct officers, and others who play a role.

VII. DEFINITIONS FOR CONDUCT PROCEEDINGS

1. Definitions

Under WAC 478-120-005, the following definitions apply to conduct proceedings under the code and this policy:

a. Attorney

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

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

c. Conduct Hold

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

d. Conduct officer

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

e. Conduct proceedings

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

f. FERPA

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

g. Full hearing

“Full hearing” refers to the hearing that occurs when a matter is designated as being appropriate for a full adjudicative proceeding, consistent with Section X of the code and Section XV of this policy.

h. Hearing officer

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

i. Presiding officer

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

j. Respondent

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

k. Review Coordinator

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

l. Review panel

“Review panel” is a panel of reviewing officers selected from the pool of reviewing officers appointed to conduct administrative reviews under Section IX and/or Section XI of the code and Section ** and/or Section ** of this policy. The review panel may also include a “review coordinator.”
m. Reviewing officers

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

n. Student

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

o. Student organization

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

p. University community

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

q. University official

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

r. University premises

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

VIII. PROHIBITED CONDUCT

1. General Application

Prohibited conduct under this policy includes, but is not limited to the conduct as described in WAC 478-120-006 through 0015 and other relevant University policies, including this policy and Chapter 209 Student Governance and Policies – Student Conduct Policy for Academic and Research Misconduct and Behavioral Misconduct.

2. Aiding Assisting, and Attempting

Under WAC 478-120-007, 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
3. Discriminatory Harassment

Under WAC 478-120-010(1), discriminatory harassment includes verbal, physical, electronic, or other conduct based on an individual’s race, color, creed, religion, national origin, citizenship, sex, age, pregnancy, marital status, sexual orientation, gender identity or expression, disability, or veteran status when one of the conditions outlined in (a) or (b), below, is present:

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

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

4. Indecent Exposure

Under WAC 478-120-0013(1), indecent exposure includes the exposure of a person's genitals or other private body parts when done in a place or manner in which such exposure is likely to cause affront or alarm, or is against generally accepted standards of decency. Breast feeding or expressing breast milk is not indecent exposure.

5. Intimate Partner Violence

Under WAC 478-120-0011, intimate partner violence includes any act of violence or threatened act of violence that occurs between individuals who are involved or have been involved in a sexual, dating, spousal, domestic, or other intimate relationship. Intimate partner violence may include any form of prohibited conduct under this policy, including sexual assault, stalking, and abuse of others.

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

For the purpose of the University’s annual crime statistics, as used in WAC 478-120-0011 and this policy, the definition of “intimate partner violence” is intended to be consistent with the definitions of dating violence and domestic violence set forth in the Clery Act (as amended by VAWA). When determining whether the reported conduct meets the Clery definition, whether there has been a domestic or dating relationship will be determined by a review of its length, type, and frequency of interaction.

6. Retaliation

Under WAC 478-120-0012, retaliation includes engaging or attempting to engage in any action, directly or indirectly, including through a third party, that is intended to harass, intimidate, threaten, harm or improperly influence any person because they:
i. Make, or intend to make, a report, complaint, grievance, or allegation of prohibited conduct under any University policy or rule, or under any law;

ii. Participate in and/or cooperate with conduct proceedings; or

iii. Appear as a witness.

7. Sexual Assault

Under WAC 478-120-0013(2), sexual assault includes sexual contact with another person without, or that exceeds, that person’s consent.

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

a. Any intentional touching of 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 or among the parties to engage in the sexual contact. In addition:

a. Consent cannot be obtained when force or threat is used to gain consent;

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

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

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

When assessing “consent,” the agency’s interpretation of the code is that the presiding officer may consider the following, along with any other information that is relevant to determine if consent was “freely given” as set forth in the code:

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

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

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

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

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

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

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

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

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

8. Sexual Exploitation

Under WAC 478-120-0013(3), 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.

9. Sexual Harassment

Under WAC 478-120-010(2), sexual harassment is unwelcome sexual advances, requests for sexual favors or other verbal, physical, or electronic conduct of a sexual nature when one of the conditions outlined in (a) or (b), below, is present:

a. Submission to, or rejection of, such conduct is made implicitly or explicitly a term or condition of an individual’s instruction, academic standing, employment, or participation in any University program, activity, or benefit, or is used as a basis for evaluation in making academic or employment decisions; or
b. Such conduct creates a hostile environment, which is created when the conduct is sufficiently severe, persistent, or pervasive that it unreasonably interferes with an individual's academic or work performance, ability to participate in or benefit from the University's programs, services, opportunities, or activities, or the receipt of legitimately requested services when viewed through both a subjective and objective standard.

10. Stalking

Under WAC 478-120-0014, 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.

IX. CONDUCT PROCEEDINGS

1. Form of Adjudicative Proceeding

Under WAC 478-120-0016 through ***, all conduct proceedings under the code and this policy are
conducted in accordance with Chapter 34.05 RCW – the Administrative Procedure Act and constitutional
requirements of due process. If there is an irresolvable conflict between the code and the Administrative
Procedure Act or constitutional due process, the Administrative Procedure Act or constitutional due
process shall supersede these rules.

2. Conversion to Full Adjudicative Proceeding

WAC 478-120-0016 through *** describe when a proceeding may be converted from a brief adjudicative
proceeding to a full adjudicative proceeding.

Under WAC 478-120-0019, the following factors that may be considered as guidelines to determine
whether the issues and interests involved warrant the use of a full adjudicative proceeding:

a. If a respondent has been placed on emergency suspension;
b. ...

X. DISCIPLINARY SANCTIONS

1. Disciplinary Sanctions

Sanctions are intended to provide educational opportunities and accountability while also preventing
future prohibited conduct. Sanctions may include administrative, educational, and restorative
components. Some conduct, however, is so egregious in nature, harmful to the individuals involved, or
so damaging to the educational environment that it requires severe sanctions, including suspension or
dismissal.

Under WAC 478-120-0020, 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.

In determining an appropriate sanction for a violation of the 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 that the presiding officer determines to be relevant and admissible.

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

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

2. **Effective Date of Sanctions**

Under WAC 478-120-0021, sanctions will be implemented when a final order becomes effective in the university’s conduct proceeding. An initial order that becomes a final order because no administrative review was requested or initiated becomes effective on the day after the period for requesting review has expired.

**XI. INITIATING CONDUCT PROCEEDINGS**

1. **Authority to Initiate Conduct Proceedings and Delegations of Authority in Conduct Proceedings**

Under WAC 478-120-0022, the following University officials may initiate conduct proceedings under the conduct code and this policy:

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 individuals to initiate conduct proceedings, engage in fact finding, hold hearings, and issue initial orders under this conduct code. They may also establish student or student-faculty-staff hearing bodies to advise or to act for them in conduct proceedings.

For the purpose of completing administrative reviews under Sections IX and XI under the code:

a. the Chair of the Faculty Senate will appoint one or more faculty to form a pool of available reviewing officers; and
b. the president, vice-president for student life at University of Washington Seattle, or the chancellors at University of Washington Bothell and Tacoma may appoint one or more students to form a pool of available reviewing officers.

Review Panels, composed of multiple reviewing officers, may be created to complete administrative reviews under Sections IX and XI of the code and Sections ** and ** of this policy. Review panels may also include a review coordinator.

2. Appointment of Reviewing Officers

Under WAC 478-120-0023, faculty and students may be appointed to the pool of available reviewing officers at any time by a University official with authority to appoint such individuals. Efforts will be made to ensure the pool includes available reviewing officers representing UW Seattle, UW Bothell, and UW Tacoma campuses. The appointment will be for a specific term, which may be extended at the discretion of a University official with authority to appoint such individuals, and will include any training and other conditions of service. See Student Governance and Policies 209 and 210.

3. Selection of Review Panels

Under WAC 478-120-0024, for each administrative review, an odd number of available reviewing officers will be selected from the pool, based on availability, to form the review panel. Those selected for the panel will designate a faculty member of the panel to act as chair, with efforts made that the chair be a representative from the campus where the respondent is enrolled.

4. Training for Presiding Officers and Reviewing Officers

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

Under WAC 478-120-0025, any presiding officer or reviewing officer is subject to disqualification for bias, prejudice, interest, or any other applicable cause. Any party may petition for the disqualification of an individual promptly after receipt of notice indicating that the individual will preside or, if later, promptly upon discovering facts establishing grounds for disqualification. The individual whose disqualification is requested shall determine whether to grant the petition, stating facts and reasons for the determination. An appropriate individual will then be substituted as a presiding or reviewing officer.

A party may raise a failure to grant a request for disqualification as a reason to seek administrative review.

6. Initiating Conduct Proceedings

Under WAC 478-120-0026, conduct proceedings may be initiated when the University receives any direct or indirect report of conduct that may violate the 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.

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.

7. Decision Not to Initiate a Conduct Proceeding

Under WAC 478-120-0027, if the conduct officer decides not to initiate a conduct proceeding when requested by a complainant who, otherwise, would be a party to the proceeding, the conduct officer will provide the complainant with a written decision, including a brief statement of the reasons and of any other options for review.

8. Timeframe for Completion and Extension for Good Cause

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

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

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

10. Conduct Hold on Student Record

Under WAC 478-120-0028, a conduct office or other designated University official may place a conduct hold on the student’s record if the student is the respondent in a pending report of prohibited conduct, a pending conduct proceeding under the code and this policy, or in conjunction with a disciplinary sanction under the code. A conduct hold may restrict the student from registering for classes, requesting an official transcript, or receiving a degree from the university until the hold has been removed. If a conduct hold is put in place pending or during a conduct proceeding, the student will be notified of the hold and be advised how to raise an objection about the hold or request that it be made less restrictive. The hold will remain in place until lifted by the conduct office or other designated University official with authority to do so.

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

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

11. Parties

Under WAC 478-120-0029, the parties to conduct proceedings are typically the University and the respondent. In accordance with Chapter 210 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, or allow individuals to intervene in conduct proceedings. For additional guidance, see Chapters 209 and 210 Student Governance and Policies.

12. Interim Protective Measures

Under WAC 478-120-0030, after receiving a report of prohibited conduct, the University may implement interim protective measures that impact a respondent at any time prior to the conclusion of a conduct proceeding. When implemented, the respondent will be advised on how to raise an objection about the interim measure or request that it be made less restrictive. Interim measures will remain in place until lifted or modified by a University official with authority to do so. Interim protective measures are designed to limit contact between the complainant and respondent and avoid repeated prohibited conduct, if occurring, or potential retaliation against the complainant, an individual who reported, other specified persons, and/or a specific student organization. The specific interim protective measure(s)
implemented will vary depending on the circumstances of each report. The implementation of interim protective measures is monitored by the office of the Title IX Coordinator.

If an interim protective measure is implemented, the respondent will be notified. Implementation of any interim measure does not assume any determination of, or create any expectation of, responsibility for prohibited conduct under this conduct code. A respondent who fails to comply with any interim protective measures may, however, be charged with a “failure to comply” pursuant to WAC 478-120-0015(9). Interim protective measures typically remain in place for the entire conduct proceeding unless circumstances change and there is no longer a need for a specific interim protective measure.

Following are examples of interim protective measures:

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

b. Reassigning within University-controlled housing – In accordance with University housing contracts, a student may be reassigned to other University-controlled housing under certain circumstances as determined by the housing office.

c. Limiting the respondent’s access to, or limiting participation in, identified University-controlled buildings, programs, or activities – University employees or others with authority over the building, program, or activity are typically consulted regarding appropriate interim protective measure and/or may implement the interim protective measure.

d. Changes to class schedules, assignments, or test schedules – This may include moving the respondent to a different class time or section. Efforts are made to avoid an impact on the respondent’s academic progress.

e. Exercising emergency authority to suspend the student as set forth in Section 14, below.

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

Placeholder #6 for FCSA – for further discussion of whether interim protective measures may be warranted for allegations related to other forms of prohibited conduct.

13. Emergency Authority of the University

Under WAC 478-120-0031, 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.

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

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

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

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

Service of all University notices under the 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 presiding officers and reviewing officers in writing. Service is complete at the moment the e-mail is sent to the e-mail address. If there is no email on record, service may also be accomplished by personal service or by posting it in the United States mail, properly addressed, and postage prepaid. Service by mail is complete upon deposit in the United States mail.

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

In computing any period of time under 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. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays, and holidays shall be excluded in the computation.

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

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

Under WAC 478-120-0033, the parties to conduct proceedings may, at their own expense, be accompanied by an advisor of their choice, including an attorney, throughout the conduct proceedings. In a brief adjudicative proceeding, an advisor may provide support and advice, but an advisor may not speak on behalf of the student or disrupt or interfere with any aspect of brief adjudicative proceeding, as determined by the conduct officer. In a full adjudicative proceeding, including any pre-hearing matters, if the party’s advisor is an attorney, the attorney may advise and represent the party, but the advisor may not disrupt or interfere with any aspect of the proceeding, as determined by the hearing officer or reviewing officer(s).

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

16. Consolidation

Under WAC 478-120-0034, if there are multiple conduct proceedings involving common issues or parties, the parties may request or the presiding officer may decide to consolidate the proceedings. This decision is within the sole discretion of the presiding officer.

17. Burden of Proof

Under WAC 478-120-0035, the burden of proof in conduct proceedings rests with the University.

18. Disability Accommodation

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

Disability Services Office
PH: 206.543.6450
dso@u.washington.edu

XII. EVIDENCE

1. Evidence in Conduct Proceedings

Under WAC 478-120-0036, the following evidentiary provisions apply to conduct proceedings under the code. In applying the code, due consideration shall be given to the fact that the conduct process is administrative and not judicial in nature and that rules of evidence only apply to the extent set forth in the code or in Chapter 34.05 RCW. The university has also developed agency-level guidance regarding its interpretations of these rules, including in Chapters 209 of Chapter 210 of Student Governance and Policies.

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

Under WAC 478-120-0037, evidence, including hearsay, is admissible if, in the judgment of the presiding officer, it is the kind of evidence on which reasonably prudent persons are accustomed to rely in the conduct of their affairs. Findings may be based on such evidence even if it would be inadmissible in a civil trial. In a full hearing, however, the hearing officer shall not base a finding exclusively on such inadmissible evidence unless the hearing officer determines that doing so would not unduly abridge the parties' opportunities to confront witnesses and rebut evidence. The basis for this determination shall appear in the initial order.

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

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

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

3. Prior or Subsequent Conduct of the Respondent

Under WAC 478-120-0038, prior or subsequent conduct of the respondent may be considered in determining opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake. The presiding officer will determine the relevance and admissibility of this evidence.

4. Prior Sexual History

Under WAC 478-120-0039, the sexual history of the parties or witnesses will not be used to prove character or reputation. Evidence related to the prior sexual history of the parties or witnesses is generally not relevant to the determination of a violation of the code and will be considered only in limited circumstances. The presiding officer will determine the relevance of this evidence.

5. Experts

Under WAC 478-120-0040, presiding officers may consult medical, forensic, technological, or other experts when expertise on a topic is needed in order to achieve a fuller understanding of the issues under investigation. This information will be summarized in the initial order.

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

6. Self-incriminating evidence

Under WAC 478-120-0041, no student shall be compelled to give self-incriminating evidence and a negative inference will not be drawn from a refusal to participate at any stage of the conduct proceeding. The presiding officer may, however, proceed with the conduct matter and reach a finding based on other available and admissible evidence.
7. Criminal Conviction

Under WAC 478-120-0042, the presiding officer may accept a conviction of a crime under any federal, state, or local law as the evidentiary basis for establishing prohibited conduct under the code when the elements of that crime establish prohibited conduct under the code that adversely affects a university interest.

8. Law Enforcement Records

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

9. Medical or Counseling Records

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

XIII. BRIEF ADJUDICATIVE PROCEEDINGS

1. Notice of Conduct Proceeding and Investigative Interview

Under WAC 478-120-0043, the conduct officer will provide notice to the parties, in writing, of the commencement of conduct proceedings, which will include information on how to petition for disqualification of the conduct officer.

The notice will include:

a. A brief description of the alleged misconduct;

b. The specific section(s) of the student conduct code allegedly violated; and

c. The possible sanctions that may be imposed.

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

2. Fact Finding

Under WAC 478-120-0044, before taking action in a brief adjudication proceeding, the conduct officer shall give each party an opportunity to be informed of the agency’s view of the matter and to explain the party’s view of the matter. This process includes, without limitation, conducting fact finding and providing the parties with the opportunity to participate in the conduct proceeding by explaining the process to the parties and allowing them to review the allegations, provide evidence, identify witnesses with relevant knowledge, respond to evidence provided by others, and provide the conduct officer with suggested questions for others (collectively, “fact finding”).

In the fact finding process under this policy, which includes the conduct hearing, the conduct officer will notify and provide the opportunity to meet separately with the complainant, the respondent, and third-party witnesses. If the parties fail to respond to notices or do not participate in the conduct proceeding at any stage of the proceeding, the University may move forward with the conduct proceeding without the participation of a party.
The conduct officer is responsible for gathering other relevant reasonably available evidence and information, including, without limitation, electronic or other records of communications between the parties or witnesses (via voice-mail, text message, email and social media sites) and photographs and video and audio recordings (including those recorded or stored on computers, smartphones, and other electronic devices). The parties will also be asked to identify witnesses and provide other relevant information, such as documents, communications, photographs and other evidence and each is responsible for providing evidence during the fact finding process.

3. Standard of Proof

Under WAC 478-120-0045, the applicable standard of proof is the "preponderance of evidence" standard. This means that, in order for a respondent to be held responsible for a violation of 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 the code.

4. Initial Order

Under WAC 478-120-0046, at the conclusion of the fact finding, the conduct officer will prepare an initial order. If the respondent is found responsible, the conduct officer will impose a sanction. The conduct officer will serve the initial order to the parties, simultaneously and in writing. The initial order will include a brief written statement of the reasons for the decision and an explanation of how to request administrative review of the initial order and the timeframe to do so.

XIV. BRIEF ADJUDICATIVE PROCEEDING ADMINISTRATIVE REVIEW

1. Requesting Administrative Review

Under WAC 478-120-0047, a party may request administrative review of the initial order based on the grounds as set forth in WAC 478-120-0046.

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

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

2. Grounds for Administrative Review

Under WAC 478-120-0048, a party may request administrative review for any or all of the following reasons:

a. 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; or
d. To determine whether the issue and interests involved warrant a full hearing.
3. **Notice of Administrative Review**

Under [WAC 478-120-0049](#), if administrative review is requested, the University will provide the parties notice, in writing, of the date the administrative review will be initiated and the identities of the reviewing officer(s) selected for the review panel. The parties will also be provided with information on how to petition for disqualification of any reviewing officer(s).

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

4. **Procedures for Administrative Review**

Under [WAC 478-120-0050](#), when the reviewing officer(s) conducts an administrative review, the review is based on:

a. The conduct officer’s 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; however the review of newly-discovered evidence is limited to determining whether the newly-discovered evidence warrants remanding the matter for further proceedings.

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

5. **Order from Administrative Review**

Under [WAC 478-120-0051](#), within 20 days after the request is submitted, the review panel will issue an order, which will include the outcome, any sanction, and a brief statement of the reasons for the outcome. All parties will receive simultaneous, written notification of the outcome of the review.

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

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

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

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

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

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

6. **Process Following Remand from Administrative Review or Conversion**

Under [WAC 478-120-0052](#), if the proceeding is remanded or converted to a full adjudicative hearing following administrative review, the initial order will be rescinded and the reviewing officer(s) will describe, in writing, the reasons for the remand or conversion.
Following remand, additional proceedings will be conducted as necessary to address the reasons for the remand or conversion and will be conducted in accordance with the relevant sections of the code.

XV. FULL ADJUDICATIVE PROCEEDINGS AND FULL HEARING

1. Notice of Full Hearing

Under WAC 478-120-0053, the hearing officer shall set the time and place of the full hearing and give not less than seven days advance written notice to all parties and to all persons who have filed written petitions to intervene in the matter. The notice will include information on how to petition for disqualification of the hearing officer.

2. Pre-hearing Conferences

Under WAC 478-120-0054, the hearing officer upon his or her own motion or upon request of a party may direct the parties or their representatives to engage in a prehearing conference or conferences to consider:

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

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

Following the prehearing conference, the presiding officer shall issue an order. Orders are effective when they are served. The hearing officer may, at his or her discretion, hold more than one prehearing conference and issue orders modifying any prehearing order.

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

3. Record for the Full Hearing

Under WAC 478-120-0018, the conduct officer’s record will be included in the record for the full hearing. Prior to the hearing, the conduct officers’ record is provided the parties for review. The parties are given the opportunity, typically finalized through the pre-hearing conference, to request that evidence be included in or excluded from the record.

Under WAC 478-120-0037, the hearing officer will determine the admissibility and relevance of all evidence, including that offered by the parties and/or witnesses.
4. **Discovery**

Under WAC 478-120-0055, discovery, including depositions, interrogatories, requests for production, entry onto land for inspection or other purposes, and physical and mental examinations, is not available in conduct proceedings under the code.

5. **Subpoenas**

Under WAC 478-120-0056, the hearing officer may issue subpoenas. The parties may also request that the hearing officer issue subpoenas or a party’s attorney of record may also issue a subpoena in whose behalf the witness is required to appear at a full hearing. The requesting party is responsible for serving the subpoena upon the witness. In the discretion of the presiding officer, and where the rights of the parties will not be prejudiced thereby, such testimony may be by telephone, television, or other electronic means.

6. **Protective Orders**

Under WAC 478-120-0057, the hearing officer may enter protective orders, which limit the admissibility of evidence or condition it on specified criteria necessary to protect a party or a witness from annoyance, embarrassment, oppression, or undue burden or expense, or to comply with any applicable law.

7. **Pleadings, Briefs, and Motions**

Under WAC 478-120-0058, at appropriate stages of full adjudicative proceedings, the hearing officer will give all parties full opportunity to submit and respond to pleadings, motions, objections, and offers of settlement, including motions for summary judgment.

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

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

8. **Communications with Hearing Officer**

Under WAC 478-120-0059, all communications with the hearing officer, except for communications necessary to procedural aspects of maintaining an orderly process, must be in the presence of, or with a copy to, all other parties. Ex parte communications received by the hearing officer must be placed on the record, and all other parties must be informed of the ex parte communication and given an opportunity to respond on the record.

9. **Standard of Proof**

Under WAC 478-120-0060, the applicable standard of proof is the "preponderance of evidence" standard. This means that, in order for a respondent to be held responsible for prohibited conduct under the conduct code, the hearing officer must conclude, based on all of the evidence in the record, that it is more likely than not that the respondent engaged in an act or acts of prohibited conduct.

10. **Continuances**

Under WAC 478-120-0061, the hearing officer has the discretion to grant postponements, continuances, extensions of time, and adjournments or upon a request of any party, if the party shows good cause.
A request for a continuance may be oral or written. If all parties do not agree to the continuance, the presiding officer may schedule a prehearing conference to receive argument or may rule on the request without argument.

11. Testimony under Oath or Affirmation

Under WAC 478-120-0062, in a full hearing, all testimony of parties and witnesses shall be made under oath or affirmation.

12. Remote Participation

Under WAC 478-120-0063, at the discretion of the hearing officer, and where the rights of the parties will not be prejudiced thereby, all or part of any hearing, including the testimony of witnesses, may be conducted by telephone, video, or other electronic means. Each party in the hearing must have an opportunity to participate effectively in, to hear, and if technically and economically feasible, to see the entire proceeding while it is taking place. Such measures may be taken to accommodate concerns raised by a complainant, a respondent, or any witness.

13. Procedure in Full Hearing

In the full hearing, the parties will be provided with an equitable opportunity to provide information and in accordance with the pre-hearing order, if any. The parties will be given the opportunity to pose relevant questions raised to others and respond to information and evidence presented by others in the hearing.

14. Initial Order from Full Hearing

Under WAC 478-120-0064, at the conclusion, the hearing officer will issue an initial order, which shall include all matters required by RCW 34.05.461(3). The hearing officer will serve the initial order to the parties, simultaneously and in writing. The initial order will include an explanation of how to request administrative review of the initial order and the timeframe to do so.

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

XVI. ADMINISTRATIVE REVIEW FROM FULL HEARINGS

1. Requesting Administrative Review

Under WAC 478-120-0065, a party may request administrative review of the initial order from a full hearing based on the grounds as set forth in WAC 478-120-0066.

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

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

2. Grounds for Administrative Review

Under WAC 478-120-0066, a party may request administrative review for any or all of the following reasons:
3. Notice of Administrative Review

Under WAC 478-120-0067, if administrative review is requested, the University will provide the parties notice, in writing, of the date the administrative review will be initiated and the identities of the reviewing officer(s) selected for the review panel. The parties will also be provided with information on how to petition for disqualification of any reviewing officer(s).

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

4. Procedures for Administrative Review from a Full Hearing

Under WAC 478-120-0068, when the reviewing officer(s) conducts an administrative review, the reviewing officer(s) shall:

a. personally consider the whole record or such portions of it as may be cited by the parties;
b. exercise all the decision-making power that the reviewing officer would have had to decide and enter the final order had the reviewing officer presided over the hearing, except to the extent that the issues subject to review are limited by a provision of law or by the reviewing officer(s) upon notice to all the parties;
c. afford each party an opportunity to present written argument and may afford each party an opportunity to present oral argument to explain the party’s position but any such argument shall not be considered as evidence;
d. review information submitted to the review panel in the request for review or response to request for review; and
e. review newly-discovered evidence, if the basis for seeking administrative review is that newly discovered evidence has become available; however the review of newly-discovered evidence is limited to determining whether the newly-discovered evidence warrants remanding the matter for further proceedings.

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

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

5. Communications with Reviewing Officers

Under WAC 478-120-0069, all communications with reviewing officers, except for communications necessary to procedural aspects of maintaining an orderly process, must be in the presence of, or with a copy to, all other parties. Ex parte communications received by reviewing officers must be placed on the record, and all other parties must be informed of the ex parte communication and given an opportunity to respond on the record.
6. Order from Administrative Review of Full Hearing

Under WAC 478-120-0070, within 30 calendar days of receipt of all response(s) submitted by the parties or oral argument (if any), whichever is later, the reviewing officer(s) will issue an order, which will include the outcome, any sanction, and a brief statement of the reasons for the outcome. All parties will receive simultaneous, written notification of the outcome of the review.

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

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

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

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

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

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

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

7. Process Following Remand from Administrative Review from Full Hearing

Under WAC 478-120-0071, if the proceeding is remanded, the initial order will be rescinded and the reviewing officer(s) will describe, in writing, the reasons for the remand. Following remand, additional proceedings will be conducted as necessary to address the reasons for the remand.

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

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

8. Judicial Review

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

XVII. RECONSIDERATION OF FINAL ORDERS IN FULL ADJUDICATIVE PROCEEDINGS

1. Reconsideration of Final Orders

Under WAC 478-120-0072, within ten days of the service of a final order or within 10 days of the date an initial order becomes a final order, any party may file a request for reconsideration. The request shall be directed to the officer(s) who issued the final order and state in writing specific reasons for the request. Upon receipt, the officer(s) shall promptly serve all other parties with a copy of the request for reconsideration.
Unless the request for reconsideration is automatically deemed to have been denied under WAC 478-120-0073, the request shall be disposed of by the officer(s) who issued the final order, if reasonably available. The disposition shall be in the form of a written order denying the request, granting the request and dissolving or modifying the final order, or granting the request and setting the matter for further hearing.

2. Denial of Request for Reconsideration

Under WAC 478-120-0073, the request for reconsideration is automatically deemed to have been denied if, within twenty days from the date the request for reconsideration is timely submitted, the officer(s) who issued the final order does not either:

(a) Dispose of the request; or
(b) Serve the parties with a written notice specifying the date by which the request will be acted upon.

XVIII. PRIVACY AND RECORDS

1. Privacy of Educational Records

Under WAC 478-120-0074, 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 the code generally will be held in closed session out of respect for the privacy of all the students involved.

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

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

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

2. Recordkeeping

Under WAC 478-120-0075, records related to conduct proceedings shall be maintained consistent with RCW 34, 05.494, RCW 34.05.476, University records retention policies, and other relevant policies.
3. Disciplinary Record

Under WAC 478-120-0076, 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.

XIX. UNIVERSITY RESOURCES

1. Disability Services Offices

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

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

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

Tacoma – Disability Support Services (DSS) Services for students who are enrolled at UW Tacoma.
Email: dssuwt@uw.edu
253-692-4522

2. Law Enforcement Agencies
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I. POLICY AND AUTHORITY

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

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

2. Purpose
The purpose of this policy is also to describe the University’s agency-level policies and procedures regarding student conduct and student discipline of the rules set forth in Chapter 478-120 WAC related to reports of the following prohibited conduct under the code and to describe the University’s current approach to implementation of the code and its practices, procedures, and methods of action based upon that approach for student conduct proceedings alleging misconduct under the following sections of the code:

- “Academic Misconduct,” as defined in WAC 478-120-008;
- “Behavioral Misconduct” as defined in WAC 478-120-0015(1); and
- “Retaliation” as defined in WAC 478-120-0012.

3. Intersection of the Code and Related Student Conduct Policies
If the reported conduct involves common issues or parties that would potentially fall under both Chapter 209 and 210 Student Governance and Policies, the University may conduct one conduct proceeding.

In addition, reports that may constitute of “Abuse of Others” under WAC 478-120-0015(1) will be addressed under that policy if the report involves discriminatory or sexual harassment, intimate partner violence, sexual misconduct, or is part of a course of conduct that meets the definition of stalking.

If the reported conduct involves common issues or parties that would potentially fall under both Chapter 209 and 210 Student Governance and Policies, the University may, in its discretion, conduct one conduct proceeding, provided that the conduct arises out of the same incident or series of incidents.

Reports that may fall within prohibited conduct set forth in Chapter 210 Student Governance and Policies - Student Conduct Policy for Discriminatory and Sexual Harassment, Intimate Partner Violence, Sexual Misconduct, Stalking, and Retaliation will be addressed under that policy.

4. Intersection and Coordination with Related Policies
The following and other University policies may intersect with this policy:
• Workplace Violence Policy, which prohibits violence, including relationship violence or domestic violence, which endangers any member of the University community.

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

II. UNIVERSITY ASSISTANCE AND RESOURCES

9. Reports to the University

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

10. Information about University and Community Services

The University offers a variety of services including counseling, healthcare, victim advocacy, legal assistance, VISA and immigration assistance, and student financial aid assistance for students involved in conduct proceedings under this policy.

11. Disability Accommodations

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

III. PRIVACY AND CONFIDENTIALITY

1. Privacy and Confidentiality

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

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

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

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

Generally, the provider cannot reveal that information to any third party except:
   a. If the patient gives written consent for its disclosure;
   b. If there is risk of imminent harm to the patient or another identified person;
   c. If there is reason to suspect that a minor or an elderly person is in danger of being abused or neglected;
   d. If a court of law orders the release of certain information about a patient; or
   e. If the patient files a lawsuit or other legal action against the University or its employees, agents, or officers contesting the provision of services, information contained in the provider’s records could be released to UW attorneys if relevant to the action.

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

3. Reporting Suspected Child Abuse

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

4. Clery Act Reporting

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

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

IV. REPORTING OPTIONS

1. Reporting Academic Misconduct or Behavioral Misconduct under this Policy

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

UW Seattle Community Standards & Student Conduct
Schmitz 447
Box 355836
206-685-6194
Email: CSSC@uw.edu
(Except for violations involving academic misconduct, which should be reported to the dean of the appropriate school or college at the University of Washington Seattle or their authorized delegates)

UW Bothell Student Conduct Office
Email: UWB-StudentConduct@uw.edu

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

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

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

3. **Reporting to Law Enforcement**

Prohibited conduct under this policy may also violate criminal law and may be reported directly to law enforcement. If an individual impacted by the conduct chooses to make a report to law enforcement, the individual may also make a report to the University.

See Section XIII for information about local law enforcement agencies.

4. **Amnesty for Alcohol or Other Drug Violations**

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

5. **Informal Settlements**

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

V. **STANDARDS OF CONDUCT AND APPLICATION OF THE STUDENT CONDUCT CODE**

6. **Statement of Authority**

Pursuant to chapter 34.05 RCW and the authority granted by RCW 28B.20.130, the board of regents of the University of Washington has established rules regarding student conduct and student discipline (“code”) that are set forth in 478-120 WAC.
7. Standards of Conduct

By way of further interpretation, in determining what types of conduct would be prohibited under WAC 478-120-006 through 0015, the University applied guiding principles that can be summarized as follows: Admission to the University carries with it the presumption that students will conduct themselves as responsible members of the University community. As a condition of enrollment, all students assume responsibility to observe standards of conduct that will contribute to the pursuit of academic goals and to the welfare of the University community. That responsibility includes, but is not limited to:

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

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

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

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

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

8. General Application of the Student Conduct Code

Under WAC 478-120-002, the conduct code applies to all students from the time of admission through the actual conferral of a degree, including any period between terms of enrollment.

The disciplinary sanctions specified in WAC 478-120-0020, 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 478-120-006 through 0015 and as described in relevant University policies.

9. Jurisdiction of the University

Under WAC 478-120-004, the scope of the University's jurisdiction includes reports that prohibited conduct occurred:

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

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

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

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

The conduct officer will determine whether the university has jurisdiction based on the information available through the report and initial assessment.
10. [Advisory Council on Student Conduct]

Placeholder #1 For FCSA - Placeholder to create and add policy language re: establishing an advisory council for the purpose of providing a forum for reviewing and recommending continuous improvements in conduct proceedings, including identifying training needs, process improvements, recommendations for policy revisions, etc. For the purposes of this forum, a process for eliciting feedback from process partners will be created, including reviewing officers, review coordinators, hearing officers, conduct officers, and others who play a role.

VI. DEFINITIONS FOR CONDUCTING PROCEEDINGS

2. Definitions

Under WAC 478-120-005, the following definitions apply to conduct proceedings under the code and this policy:

s. Attorney

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

t. Complainant

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

u. Conduct Hold

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

v. Conduct officer

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

w. Conduct proceedings

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

x. FERPA

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

y. Full hearing

“Full hearing” refers to the hearing that occurs when a matter is designated as being appropriate for a full adjudicative proceeding, consistent with Section X of the code and Section ** of this policy.
z. Hearing officer

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

aa. Presiding officer

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

bb. Respondent

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

c. Review Coordinator

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

dd. Review panel

“Review panel” is a panel of reviewing officers selected from the pool of reviewing officers appointed to conduct administrative reviews under Section IX and/or Section XI of the code and Section ** and/or Section ** of this policy.

e. Reviewing officers

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

ff. Student

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

gg. Student organization

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

hh. University community

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

ii. University official

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

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

**VII. PROHIBITED CONDUCT**

1. **General Application**

   Prohibited conduct under this policy includes, but is not limited to the conduct as described in WAC 478-120-006 through 0015 and other relevant University policies, including this policy and Chapter 210 Student Governance and Policies – Student Conduct Policy for Discriminatory and Sexual Harassment, Intimate Partner Violence, Sexual Misconduct, Stalking, and Retaliation.

2. **Aiding, Assisting, and Attempting**

   Under WAC 478-120-007, students may also be found responsible for that prohibited conduct if they:
   
   d. Aid or assist another student or student organization in the commission of prohibited conduct; 
   
   e. Request, hire, or encourage another person to commit prohibited conduct, either intending that the other person commit the prohibited conduct or with the knowledge that the other person intends to commit the prohibited conduct; or 
   
   f. Attempt to commit prohibited conduct.

3. **Academic Misconduct**

   Under WAC 478-120-008, 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.

4. Behavioral Misconduct

a. Abuse of Others

Under WAC 478-120-0015(1), 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.

b. Abuse of the Student Conduct Process

Under WAC 478-120-0015(2), abuse of the student conduct process includes:

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

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

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

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

c. Acts of Dishonesty

Under WAC 478-120-0015(3), acts of dishonesty include:

i. Knowingly furnishing false information to any University official;

ii. Impersonating, or providing false information in the name of, any University official;

iii. Forging, altering, or misusing any University document or record, or instrument of identification;

iv. Falsely claiming an academic credential; and

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

d. Alcohol Violations

Under WAC 478-120-0015(4), includes the unlawful possession, use, distribution, or manufacture of alcohol.

e. Computer Abuses

Under WAC 478-120-0015(5), computer abuses include, but are not limited to:

i. Unauthorized use of University computer resources;
ii. Use of another person's University user name and/or password;

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

iv. Use of University computing facilities or resources to send intimidating, harassing, or threatening messages;

v. Use of a computer or software to interfere with normal operations of the University's computing systems;

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

vii. Any violation of the University's computer use policies.

f. Creating a Public Nuisance in Neighboring Communities

Under WAC 478-120-0015(6), 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.

i. 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.

ii. A second violation of this subsection will result in the initiation of conduct matter under this conduct code.

g. Disruption or Obstruction

Under WAC 478-120-0015(7), disruption or obstruction includes materially and substantially obstructing or disrupting, through words or conduct, the teaching or learning environment of any University educational setting, or any University functions or activities.

An instructor has the authority to exclude a student from any individual class session or other academic activity in which the student is materially disruptive or obstructive and may also make a report to a conduct office in accordance with the code and University policy.

h. Drug Violations

Under WAC 478-120-0015(8), the possession, use, distribution, or manufacture of controlled substances (as defined in chapter 69.50 RCW or Title 21 U.S.C. Sec. 802) on University premises or during University sponsored activities where such possession, use, distribution, or manufacture is illegal under federal, state, or local law is prohibited. This includes the possession, use, distribution, or growing of marijuana in all forms during University sponsored activities or on University premises, including University housing.
i. Failure to Comply
Under WAC 478-120-0015(9), Failure to comply includes, but is not limited to:
   i. Any failure to comply with the directions of any University officials acting in the performance of their duties;
   ii. Any failure to identify oneself to University officials when requested to do so; or
   iii. Any failure to comply with the rules, regulations, procedures, policies, standards of conduct, or any order or directive of the University or any of its schools, colleges, and departments.

j. Harassment or Bullying
Under WAC 478-120-0015(10), 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.

k. Hazing
Under WAC 478-120-0015(11), hazing includes any method of initiation into a student organization or living group, or any pastime or amusement engaged in with respect to such an organization or living group, that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm, to any student or other person. Hazing activities may include, but are not limited to, encouraging or promoting the abuse of alcohol; striking another person whether by use of any object or any part of one's body; causing someone to experience excessive fatigue or physical and/or psychological shock; and causing someone to engage in degrading or humiliating games or activities that create a risk of serious mental, emotional, and/or physical harm. Consent of a victim or victims is not a defense to an allegation of hazing.

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

l. Possession or use of firearms, explosives, dangerous chemicals, or other dangerous weapons
Under WAC 478-120-0015(12), 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 delegatee.

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:
i. action of gunpowder or other explosives;
ii. action of compressed air; or
iii. 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.

m. Retaliation

Under WAC 478-120-0012, 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:

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

v. Participate in and/or cooperate with conduct proceedings; or

vi. Appear as a witness.

n. Theft

Under WAC 478-120-0015(13), theft is the taking of property or services without express permission of the owner. This includes, but is not limited to, taking, possessing, or aiding another to take University property or services, or property belonging to members of the University community.

o. Unauthorized Keys, Entry or Use

Under WAC 478-120-0015(14), 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.

p. Unauthorized Recording

Under WAC 478-120-0015(15), 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 478-120-0013(3) - Sexual Exploitation, they will be addressed in accordance with that provision and related policies.

q. Vandalism

Under WAC 478-120-0015(16), vandalism includes maliciously damaging or misusing University property, or the property of any member of the University community.
r. Violation of Disciplinary Sanctions

Under WAC 478-120-0015(17), 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.

s. Violation of Law

Under WAC 478-120-0015(18), violation of law includes when a student has been convicted of a crime under any federal, state, or local law that adversely affects a university interest.

VIII. CONDUCT PROCEEDINGS

3. Form of Adjudicative Proceeding

Under WAC 478-120-0016 through ***, all conduct proceedings under the code and this policy are conducted in accordance with Chapter 34.05 RCW – the Administrative Procedure Act and constitutional requirements of due process. If there is an irresolvable conflict between the code and the Administrative Procedure Act or constitutional due process, the Administrative Procedure Act or constitutional due process shall supersede these rules.

4. Conversion to Full Adjudicative Proceeding

WAC 478-120-0016 through *** describe when a proceeding may be converted from a brief adjudicative proceeding to a full adjudicative proceeding.

Under WAC 478-120-0019, the following factors that may be considered as guidelines to determine whether the issues and interests involved warrant the use of a full adjudicative proceeding:

c. If a respondent has been placed on emergency suspension;

d. ...

IX. DISCIPLINARY SANCTIONS

3. Disciplinary Sanctions

Sanctions are intended to provide educational opportunities and accountability while also preventing future prohibited conduct. Sanctions may include administrative, educational, and restorative components. Some conduct, however, is so egregious in nature, harmful to the individuals involved, or so damaging to the educational environment that it requires severe sanctions, including suspension or dismissal.

Under WAC 478-120-0020, one or more of the following disciplinary sanctions may be imposed for any violation of this conduct code:

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

i. Restitution. A respondent may be required to make restitution for damage or other loss of property and for injury to persons. 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.
j. **Disciplinary probation.** A respondent may be placed on disciplinary probation (meaning formal conditions are imposed on the respondent's continued attendance). The time period for the disciplinary probation and any conditions shall be specified. Failure to fulfill conditions of the disciplinary probation in a timely manner will extend the probationary period (and the conditions) and may result in additional disciplinary sanctions.

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

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

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

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

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

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

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

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

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

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

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

n. Any other mitigating, aggravating, or compelling factors that the presiding officer determines to be relevant and admissible.

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

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

4. **Effective Date of Sanctions**

Under WAC 478-120-0021, sanctions will be implemented when a final order becomes effective in the university's conduct proceeding. An initial order that becomes a final order because no administrative review was requested or initiated becomes effective on the day after the period for requesting review has expired.
X. INITIATING CONDUCT PROCEEDINGS

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

Under WAC 478-120-0022, the following University officials may initiate conduct proceedings under the conduct code and this policy:

- The vice-president for student life at University of Washington Seattle;
- The chancellors at University of Washington Bothell and Tacoma;
- Deans of a school or college (including the graduate school) at University of Washington Seattle;
- and
- 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 individuals to initiate conduct proceedings, engage in fact finding, hold hearings, and issue initial orders under this conduct code. They may also establish student or student-faculty-staff hearing bodies to advise or to act for them in conduct proceedings.

For the purpose of completing administrative reviews under Sections IX and XI under the code:

- the Chair of the Faculty Senate will appoint one or more faculty to form a pool of available reviewing officers; and
- the president, vice-president for student life at University of Washington Seattle, or the chancellors at University of Washington Bothell and Tacoma may appoint one or more students to form a pool of available reviewing officers.

Review Panels, composed of multiple reviewing officers, may be created to complete administrative reviews under Sections IX and XI of the code and Sections ** and ** of this policy. Review panels may also include a review coordinator.

20. Appointment of Reviewing Officers

Under WAC 478-120-0023, faculty and students may be appointed to the pool of available reviewing officers at any time by a University official with authority to appoint such individuals. Efforts will be made to ensure the pool includes available reviewing officers representing UW Seattle, UW Bothell, and UW Tacoma campuses. The appointment will be for a specific term, which may be extended at the discretion of a University official with authority to appoint such individuals, and will include any training and other conditions of service. See Student Governance and Policies 209 and 210.

Placeholder #3 For FCSA - Placeholder for discussion process, standards, etc. for appointment of faculty and students as reviewing officers

5. Selection of Review Panels

Under WAC 478-120-0024, for each administrative review, an odd number of available reviewing officers will be selected from the pool, based on availability, to form the review panel. Those selected for the panel will designate a faculty member of the panel to act as chair, with efforts made that the chair be a representative from the campus where the respondent is enrolled.

Placeholder #4 For FCSA - Placeholder for discussion of process, standards, etc.
6. Training for Presiding Officers and Reviewing Officers

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

7. Disqualification and Substitution of Presiding Officers and Reviewing Officers

Under WAC 478-120-0025, any presiding officer or reviewing officer is subject to disqualification for bias, prejudice, interest, or any other applicable cause. Any party may petition for the disqualification of an individual promptly after receipt of notice indicating that the individual will preside or, if later, promptly upon discovering facts establishing grounds for disqualification. The individual whose disqualification is requested shall determine whether to grant the petition, stating facts and reasons for the determination. An appropriate individual will then be substituted as a presiding or reviewing officer.

8. Initiating Conduct Proceedings

Under WAC 478-120-0026, conduct proceedings may be initiated when the University receives any direct or indirect report of conduct that may violate the conduct code or this policy, which may include, but is not limited to, a police report, an incident report, a witness statement, other documentation, or a verbal or written report from a complainant, witness, or other third party.

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.

9. Decision Not to Initiate a Conduct Proceeding

Under WAC 478-120-0027, if the conduct officer decides not to initiate a conduct proceeding when requested by a complainant who, otherwise, would be a party to the proceeding, the conduct officer will provide the complainant with a written decision, including a brief statement of the reasons and of any other options for review.

10. Timeframe for Completion and Extension for Good Cause

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

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

11. Coordination with Law Enforcement

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

12. Conduct Hold on Student’s Record

Under WAC 478-120-0028, a conduct office or other designated University official may place a conduct hold on the student’s record if the student is the respondent in a pending report of prohibited conduct, a pending conduct proceeding under the code and this policy, or in conjunction with a disciplinary sanction under the code. A conduct hold may restrict the student from registering for classes, requesting an official transcript, or receiving a degree from the university until the hold has been removed. If a conduct hold is put in place pending or during a conduct proceeding, the student will be notified of the hold and be advised how to raise an objection about the hold or request that it be made less restrictive. The hold will remain in place until lifted by the conduct office or other designated University official with authority to do so.

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

13. Parties

Under WAC 478-120-0029, the parties to a conduct matter are the University and the respondent. In addition, the University may designate other individuals, such as a complainant, as a party to other types of conduct proceedings, or allow individuals to intervene in conduct proceedings. For additional guidance, see Chapters 209 and 210 Student Governance and Policies.

21. Interim Protective Measures

Under WAC 478-120-0030, after receiving a report of prohibited conduct, the University may implement interim protective measures that impact a respondent at any time prior to the conclusion of a conduct proceeding. When implemented, the respondent will be advised on how to raise an objection about the interim measure or request that it be made less restrictive. Interim measures will remain in place until lifted or modified by a University official with authority to do so. Interim protective measures are designed to limit contact between the complainant and respondent and avoid repeated prohibited conduct, if occurring, or potential retaliation against the complainant, an individual who reported, other specified persons, and/or a specific student organization. The specific interim protective measure(s) implemented will vary depending on the circumstances of each report. The implementation of interim protective measures is monitored by the office of the Title IX Coordinator.

If an interim protective measure is implemented, the respondent will be notified. Implementation of any interim measure does not assume any determination of, or create any expectation of, responsibility for
A respondent who fails to comply with any interim protective measures may, however, be charged with a “failure to comply” pursuant to WAC 478-120-0015(9). Interim protective measures typically remain in place for the entire conduct proceeding unless circumstances change and there is no longer a need for a specific interim protective measure.

Following are examples of interim protective measures:

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

g. Reassigning within University-controlled housing – In accordance with University housing contracts, a student may be reassigned to other University-controlled housing under certain circumstances as determined by the housing office.

h. Limiting the respondent’s access to, or limiting participation in, identified University-controlled buildings, programs, or activities – University employees or others with authority over the building, program, or activity are typically consulted regarding appropriate interim protective measure and/or may implement the interim protective measure.

i. Changes to class schedules, assignments, or test schedules – This may include moving the respondent to a different class time or section. Efforts are made to avoid an impact on the respondent’s academic progress.

j. Exercising emergency authority to suspend the student as set forth in Section 14, below.

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

Placeholder #6 for FCSA – for further discussion of whether interim protective measures may be warranted for allegations related to other forms of prohibited conduct.

14. Emergency Authority of the University

Under WAC 478-120-0031, 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.

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

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

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

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

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

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

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

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

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

16. Participation of Advisors and Attorneys

Under WAC 478-120-0033, the parties to conduct proceedings may, at their own expense, be accompanied by an advisor of their choice, including an attorney, throughout the conduct proceedings. In a brief adjudicative proceeding, an advisor may provide support and advice, but an advisor may not speak on behalf of the student or disrupt or interfere with any aspect of brief adjudicative proceeding, as determined by the conduct officer. In a full adjudicative proceeding, including any pre-hearing
matters, if the party’s advisor is an attorney, the attorney may advise and represent the party, but the advisor may not disrupt or interfere with any aspect of the proceeding, as determined by the hearing officer or reviewing officer(s).

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

17. Consolidation

Under WAC 478-120-0034, if there are multiple conduct proceedings involving common issues or parties, the parties may request or the presiding officer may decide to consolidate the proceedings. This decision is within the sole discretion of the presiding officer.

18. Burden of Proof

Under WAC 478-120-0035, the burden of proof in conduct proceedings rests with the University.

19. Disability Accommodation

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

Disability Services Office
PH: 206.543.6450
dso@u.washington.edu

XI. EVIDENCE

10. Evidence in Conduct Proceedings

Under WAC 478-120-0036, the following evidentiary provisions apply to conduct proceedings under the code. In applying the code, due consideration shall be given to the fact that the conduct process is administrative and not judicial in nature and that rules of evidence only apply to the extent set forth in the code or in Chapter 34.05 RCW. The university has also developed agency-level guidance regarding its interpretations of these rules, including in Chapters 209 of Chapter 210 of Student Governance and Policies.

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

11. Relevant Evidence, Hearsay, and Character Evidence

Under WAC 478-120-0037, evidence, including hearsay, is admissible if, in the judgment of the presiding officer, it is the kind of evidence on which reasonably prudent persons are accustomed to rely in the conduct of their affairs. Findings may be based on such evidence even if it would be inadmissible in a
In a full hearing, however, the hearing officer shall not base a finding exclusively on such inadmissible evidence unless the hearing officer determines that doing so would not unduly abridge the parties’ opportunities to confront witnesses and rebut evidence. The basis for this determination shall appear in the initial order.

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

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

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

12. Prior or Subsequent Conduct of the Respondent

Under WAC 478-120-0038, prior or subsequent conduct of the respondent may be considered in determining opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake. The presiding officer will determine the relevance and admissibility of this evidence.

13. Experts

Under WAC 478-120-0040, presiding officers may consult medical, forensic, technological, or other experts when expertise on a topic is needed in order to achieve a fuller understanding of the issues under investigation. This information will be summarized in the initial order.

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

14. Self-incriminating evidence

Under WAC 478-120-0041, no student shall be compelled to give self-incriminating evidence and a negative inference will not be drawn from a refusal to participate at any stage of the conduct proceeding. The presiding officer may, however, proceed with the conduct matter and reach a finding based on other available and admissible evidence.

15. Criminal Conviction

Under WAC 478-120-0042, the presiding officer may accept a conviction of a crime under any federal, state, or local law as the evidentiary basis for establishing prohibited conduct under the code when the elements of that crime establish prohibited conduct under the code that adversely affects a university interest.

16. Law Enforcement Records

When available to the University, information provided by law enforcement or through law enforcement records may be considered in the University’s fact finding.
17. Medical or Counseling Records

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

XII. BRIEF ADJUDICATIVE PROCEEDINGS

5. Notice of Conduct Proceeding and Investigative Interview

Under WAC 478-120-0043, the conduct officer will provide notice to the parties, in writing, of the commencement of conduct proceedings, which will include information on how to petition for disqualification of the conduct officer.

The notice will include:
   d. A brief description of the alleged misconduct;
   e. The specific section(s) of the student conduct code allegedly violated; and
   f. The possible sanctions that may be imposed.

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

6. Fact Finding

Under WAC 478-120-0044, before taking action in a brief adjudication proceeding, the conduct officer shall give each party an opportunity to be informed of the agency’s view of the matter and to explain the party’s view of the matter. This process includes, without limitation, conducting fact finding and providing the parties with the opportunity to participate in the conduct proceeding by explaining the process to the parties and allowing them to review the allegations, provide evidence, identify witnesses with relevant knowledge, respond to evidence provided by others, and provide the conduct officer with suggested questions for others (collectively, “fact finding”).

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

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

Under WAC 478-120-0045, the applicable standard of proof is the "preponderance of evidence" standard. This means that, in order for a respondent to be held responsible for a violation of 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 the code.

8. **Initial Order**

Under WAC 478-120-0046, at the conclusion of the fact finding, the conduct officer will prepare an initial order. If the respondent is found responsible, the conduct officer will impose a sanction. The conduct officer will serve the initial order to the parties, simultaneously and in writing. The initial order will include a brief written statement of the reasons for the decision and an explanation of how to request administrative review of the initial order and the timeframe to do so.

XIII. **BRIEF ADJUDICATIVE PROCEEDING ADMINISTRATIVE REVIEW**

7. **Requesting Administrative Review**

Under WAC 478-120-0047, a party may request administrative review of the initial order based on the grounds as set forth in WAC 478-120-0046.

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

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

8. **Grounds for Administrative Review**

Under WAC 478-120-0048, a party may request administrative review for any or all of the following reasons:

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

9. **Notice of Administrative Review**

Under WAC 478-120-0049, if administrative review is requested, the University will provide the parties notice, in writing, of the date the administrative review will be initiated and the identities of the reviewing officer(s) selected for the review panel. The parties will also be provided with information on how to petition for disqualification of any reviewing officer(s).

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

Under WAC 478-120-0050, when the reviewing officer(s) conducts an administrative review, the review is based on:

d. The conduct officer’s record and fact finding;

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

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

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

11. Order from Administrative Review

Under WAC 478-120-0051, within 20 days after the request is submitted, the review panel will issue an order, which will include the outcome, any sanction, and a brief statement of the reasons for the outcome. All parties will receive simultaneous, written notification of the outcome of the review.

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

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

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

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

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

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

12. Process Following Remand from Administrative Review or Conversion

Under WAC 478-120-0052, if the proceeding is remanded or converted to a full adjudicative hearing following administrative review, the initial order will be rescinded and the reviewing officer(s) will describe, in writing, the reasons for the remand or conversion.

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

XIV. FULL ADJUDICATIVE PROCEEDINGS AND FULL HEARING

15. Notice of Full Hearing

Under WAC 478-120-0053, the hearing officer shall set the time and place of the full hearing and give not less than seven days advance written notice to all parties and to all persons who have filed written petitions to intervene in the matter. The notice will include information on how to petition for disqualification of the hearing officer.
16. Pre-hearing Conferences

Under WAC 478-120-0054, the hearing officer upon his or her own motion or upon request of a party may direct the parties or their representatives to engage in a prehearing conference or conferences to consider:

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

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

Following the prehearing conference, the presiding officer shall issue an order. Orders are effective when they are served. The hearing officer may, at his or her discretion, hold more than one prehearing conference and issue orders modifying any prehearing order.

In any proceeding the presiding officer may, in his or her discretion, conduct a conference prior to the taking of testimony, or may recess the hearing for such conference, for the purpose of carrying out the purpose of this rule. The presiding officer shall state on the record the results of such conference.

17. Record for the Full Hearing

Under WAC 478-120-0018, the conduct officer’s record will be included in the record for the full hearing. Prior to the hearing, the conduct officers’ record is provided the parties for review. The parties are given the opportunity, typically finalized through the pre-hearing conference, to request that evidence be included in or excluded from the record.

Under WAC 478-120-0037, the hearing officer will determine the admissibility and relevance of all evidence, including that offered by the parties and/or witnesses.

18. Discovery

Under WAC 478-120-0055, discovery, including depositions, interrogatories, requests for production, entry onto land for inspection or other purposes, and physical and mental examinations, is not available in conduct proceedings under the code.

19. Subpoenas

Under WAC 478-120-0056, the hearing officer may issue subpoenas. The parties may also request that the hearing officer issue subpoenas or a party’s attorney of record may also issue a subpoena in whose behalf the witness is required to appear at a full hearing. The requesting party is responsible for serving the subpoena upon the witness. In the discretion of the presiding officer, and where the rights of the parties will not be prejudiced thereby, such testimony may be by telephone, television, or other electronic means.
20. Protective Orders

Under WAC 478-120-0057, the hearing officer may enter protective orders, which limit the admissibility of evidence or condition it on specified criteria necessary to protect a party or a witness from annoyance, embarrassment, oppression, or undue burden or expense, or to comply with any applicable law.

21. Pleadings, Briefs, and Motions

Under WAC 478-120-0058, at appropriate stages of full adjudicative proceedings, the hearing officer will give all parties full opportunity to submit and respond to pleadings, motions, objections, and offers of settlement, including motions for summary judgment.

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

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

22. Communications with Hearing Officer

Under WAC 478-120-0059, all communications with the hearing officer, except for communications necessary to procedural aspects of maintaining an orderly process, must be in the presence of, or with a copy to, all other parties. Ex parte communications received by the hearing officer must be placed on the record, and all other parties must be informed of the ex parte communication and given an opportunity to respond on the record.

23. Standard of Proof

Under WAC 478-120-0060, the applicable standard of proof is the "preponderance of evidence" standard. This means that, in order for a respondent to be held responsible for prohibited conduct under the conduct code, the hearing officer must conclude, based on all of the evidence in the record, that it is more likely than not that the respondent engaged in an act or acts of prohibited conduct.

24. Continuances

Under WAC 478-120-0061, the hearing officer has the discretion to grant postponements, continuances, extensions of time, and adjournments or upon a request of any party, if the party shows good cause.

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

25. Testimony under Oath or Affirmation

Under WAC 478-120-0062, in a full hearing, all testimony of parties and witnesses shall be made under oath or affirmation.

26. Remote Participation

Under WAC 478-120-0063, at the discretion of the hearing officer, and where the rights of the parties will not be prejudiced thereby, all or part of any hearing, including the testimony of witnesses, may be conducted by telephone, video, or other electronic means. Each party in the hearing must have an opportunity to participate effectively in, to hear, and if technically and economically feasible, to see the
entire proceeding while it is taking place. Such measures may be taken to accommodate concerns raised by a complainant, a respondent, or any witness.

27. Procedure in Full Hearing

In the full hearing, the parties will be provided with an equitable opportunity to provide information and in accordance with the pre-hearing order, if any. The parties will be given the opportunity to pose relevant questions raised to others and respond to information and evidence presented by others in the hearing.

28. Initial Order from Full Hearing

Under WAC 478-120-0064, at the conclusion, the hearing officer will issue an initial order, which shall include all matters required by RCW 34.05.461(3). The hearing officer will serve the initial order to the parties, simultaneously and in writing. The initial order will include an explanation of how to request administrative review of the initial order and the timeframe to do so.

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

XV. ADMINISTRATIVE REVIEW FROM FULL HEARINGS

9. Requesting Administrative Review

Under WAC 478-120-0065, a party may request administrative review of the initial order from a full hearing based on the grounds as set forth in WAC 478-120-0066.

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

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

10. Grounds for Administrative Review

Under WAC 478-120-0066, a party may request administrative review for any or all of the following reasons:

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

11. Notice of Administrative Review

Under WAC 478-120-0067, if administrative review is requested, the University will provide the parties notice, in writing, of the date the administrative review will be initiated and the identities of the
reviewing officer(s) selected for the review panel. The parties will also be provided with information on how to petition for disqualification of any reviewing officer(s).

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

12. Procedures for Administrative Review from a Full Hearing

Under WAC 478-120-0068, when the reviewing officer(s) conducts an administrative review, the reviewing officer(s) shall:

f. personally consider the whole record or such portions of it as may be cited by the parties;

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

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

i. review information submitted to the review panel in the request for review or response to request for review; and

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

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

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

13. Communications with Reviewing Officers

Under WAC 478-120-0069, all communications with reviewing officers, except for communications necessary to procedural aspects of maintaining an orderly process, must be in the presence of, or with a copy to, all other parties. Ex parte communications received by reviewing officers must be placed on the record, and all other parties must be informed of the ex parte communication and given an opportunity to respond on the record.

14. Order from Administrative Review of Full Hearing

Under WAC 478-120-0070, within 30 calendar days of receipt of all response(s) submitted by the parties or oral argument (if any), whichever is later, the reviewing officer(s) will issue an order, which will include the outcome, any sanction, and a brief statement of the reasons for the outcome. All parties will receive simultaneous, written notification of the outcome of the review.

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

e. Conclude there is no basis for remand or alteration of sanctions, and issue a final order disposing of the proceeding;
f. Remand for further fact finding or review if newly discovered evidence may have impacted the result or if the record demonstrates material error with instructions to the presiding officer who entered the initial order;

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

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

15. Process Following Remand from Administrative Review from Full Hearing

Under WAC 478-120-0071, if the proceeding is remanded, the initial order will be rescinded and the reviewing officer(s) will describe, in writing, the reasons for the remand. Following remand, additional proceedings will be conducted as necessary to address the reasons for the remand.

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

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

16. Judicial Review

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

XVI. RECONSIDERATION OF FINAL ORDERS IN FULL ADJUDICATIVE PROCEEDINGS

3. Reconsideration of Final Orders

Under WAC 478-120-0072, within ten days of the service of a final order or within 10 days of the date an initial order becomes a final order, any party may file a request for reconsideration. The request shall be directed to the officer(s) who issued the final order and state in writing specific reasons for the request. Upon receipt, the officer(s) shall promptly serve all other parties with a copy of the request for reconsideration.

Unless the request for reconsideration is automatically deemed to have been denied under WAC 478-120-0073, the request shall be disposed of by the officer(s) who issued the final order, if reasonably available. The disposition shall be in the form of a written order denying the request, granting the request and dissolving or modifying the final order, or granting the request and setting the matter for further hearing.
4. Denial of Request for Reconsideration

Under WAC 478-120-0073, the request for reconsideration is automatically deemed to have been denied if, within twenty days from the date the request for reconsideration is timely submitted, the officer(s) who issued the final order does not either:

(a) Dispose of the request; or
(b) Serve the parties with a written notice specifying the date by which the request will be acted upon.

XX. PRIVACY AND RECORDS

4. Privacy of Educational Records

Under WAC 478-120-0074, 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 the code generally will be held in closed session out of respect for the privacy of all the students involved.

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

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

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

5. Recordkeeping

Under WAC 478-120-0075, records related to conduct proceedings shall be maintained consistent with RCW 34, 05.494, RCW 34.05.476, University records retention policies, and other relevant policies.

6. Disciplinary Record

Under WAC 478-120-0076, 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.
XXI. UNIVERSITY RESOURCES

3. Disability Services Offices

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

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

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

Tacoma – Disability Support Services (DSS) Services for students who are enrolled at UW Tacoma.
Email: dssuwt@uw.edu
253-692-4522

4. Law Enforcement Agencies

More contacts/resources here
Date: February 28, 2017
To: Faculty Council on Student Affairs
From: Jill Lee, Executive Director, Compliance Services
       Ellen Taylor, AVP, Student Life
       Amanda Paye, Deputy Title IX/ADA Coordinator, Compliance Services
Re: First Draft of Chapter 209 and 210 Student Governance and Policies for Discussion

Thank you again for your efforts in working with us toward improvements in our student conduct process. Following for your review and discussion are:

- Chapter 209 Student Policies and Governance – Student Conduct Policy for Academic Misconduct and Behavioral Misconduct
- Chapter 210 Student Policies and Governance - Student Conduct Policy for Discriminatory and Sexual Harassment, Intimate Partner Violence, Sexual Misconduct, Stalking, and Retaliation

Overall Comments

You will note that some sections appear in Chapter 210 that do not appear in Chapter 209. This is because Chapter 210 contains policy statements that are required by the 2013 Reauthorization of the Violence Against Women Act of the Clery Act and/or Title IX guidance issued by the Office for Civil Rights, which do not extend to other forms of prohibited conduct. These provisions are similar to those already contained in Executive Order Nov. 51 – Sexual Violence Elimination Policy. We invite your feedback, however, on whether we may wish to include similar information, resources, etc., in Chapter 209.

Additionally, please note that there are numbered “Placeholders for FCSA” throughout both documents that we specifically wish to bring to your attention for discussion. At the same time, we will also be doing more work and outreach amongst process partners on these sections while the policies are still in a draft stage.
Medical Excuse Notes.

Routinely requiring students to obtain medical excuse notes is a process that provides little or no value and has unintended, adverse consequences — for the student, the University, and Hall Health. The providers at Hall Health want to help students with their health needs. However, students who are at Hall Health purely to obtain a document regarding illness have been pressured into entering into a provider-patient relationship, without a true medical need. The problems that stem from this are listed below.

Access — Hall Health is often (over) filled to capacity. Students who don’t really want to be a patient are diminishing access for those who do have a medical need to seek care, and wish to be seen.

Resources — Health care resources are expensive. Overconsumption to generate excuse notes is wasteful.

Safety — Students who see a provider to get a note have a specific objective: get the note. There is pressure to make sure that the symptoms are described in such a way that the provider will generate a note. Exaggeration of symptoms leads to testing or procedures that have risk, and patients may be harmed as a result. The risk/benefit ratio in these cases is extreme.

Education — The academic relationship between faculty and students belongs in the classroom. Faculty are in the best position to judge academic performance by students. As students develop and prepare for their careers later in life, they should experience an environment that reflects the realities that will be experienced after graduation. Additionally, at Hall Health we want to promote responsible self-care for minor ailments and health concerns. We feel that this is an important educational component that encourages self-reliance and resilience.

Unrealistic expectation of provider-patient relationship — Lacking omniscience, a provider must rely on the patient’s description of the symptoms. Sometimes this is after the illness has already resolved. Providers are trained to be advocates for their patients and so a note will be generated almost 100% of the time. Thus, requiring a student to obtain a medical excuse note has no value.

A restricted medical excuse note policy promotes access, encourages appropriate use of limited resources, promotes patient safety, and is in alignment with a holistic educational experience. Of note is that restricting routine medical excuse notes does not have any bearing on documentation needed for disability, hardship, or other significant circumstances.

Examples:
Emory
http://studenthealth.emory.edu/hs/services/excuse_notes.html
Emory students are responsible for notifying professors or instructors of absences caused by illness or injury. EUSHCS providers do not write medical excuses for missed classes or examinations. Of course, EUSHCS healthcare providers can
supply the necessary documentation for extended illnesses or injuries, including those necessitating medical withdrawal from classes.
Revised 5/6/2014

Rice University
Excuse Note Policy
Our Policy
Student Health utilizes a "No Note" policy. We do not issue medical excuse notes for academic deficiencies. In the event of illness or injury that is expected to result in significant academic disruption, the student is advised to contact his or her professor(s) as soon as possible to notify them of the anticipated delinquency. Whether the disruption is a missed test, a late assignment, or absence from class, early notification of the professor is very important.
Why we do this
This well-received and successful policy was adopted in 1998 for several reasons:
• First and foremost is the highly regarded Honor System at Rice. Feigning illness is a form of cheating. An ill student is the only one to be able to determine if they are too ill to fulfill expected academic responsibilities. The student must honestly decide whether or not they can do their work and take responsibility for this.
• Furthermore, the academic relationship between the student and professor must remain in the classroom. The professor is in the best position to know the student and to judge the student's academic performance. The physicians at Student Health are not able to function as independent--and omniscient--arbitrators regarding whether a student feels too ill to do their work.
• An additional consideration is appropriate utilization of limited healthcare resources. A student should not be required to seek medical care solely for the purposes of obtaining an excuse note.

Exceptions
We recognize that unusual or extenuating circumstances do occur so there are exceptions to our "No Note" policy. If a professor requests a medical excuse note in writing (e-mail or campus mail) and the student has given permission, then a physician at Student Health will generate an appropriate reply. We ask that professors only do this for unusual circumstances.
In cases of medical conditions causing severe academic disruption (e.g., withdrawal from school, taking incompletes, or dropping classes) appropriate documentation will be furnished to the Committee on Examinations and Standings if requested by the student. In all cases strict patient confidentiality will be followed.

USC
https://engemannshc.usc.edu/about/frequently-asked-questions/
Will I be able to get an excuse note for class?
Written excuses regarding the legitimacy of injury or illness-related absence from class or examinations are not issued by the Engemann Student Health Center. Instructors may, with a student's written consent, contact the student's clinician for consultation regarding the absence. For the instructor to call, the student must fill out the Authorization for Disclosure of Medical Information and turn the form into the Student Health Information Management after the appointment.
UNIVERSITY OF OREGON

Documenting Student Illness

The University Health Center does not routinely provide excuses for students who miss class due to illness or injury. Students who need to miss class due to illness/injury are encouraged by Academic Advising and by the University Health Center to notify their faculty that they are ill or injured and unable to attend (and follow the directions provided by the faculty member on the course syllabus.) It is the purview of the faculty to determine when or if a student will be excused from class.

This policy is consistent with our commitment to maintain confidentiality, encourage more appropriate use of health care resources, and support meaningful dialogue between teacher and student. Students are responsible for promptly notifying instructors about absences caused by illness or injury, preferably prior to the class time rather than after the class time.

We encourage faculty members to have the appropriate conversation with the student that allows the student to represent the situation to the faculty member. These are conversations that students will need to have with their bosses or supervisors in the future. The University encourages these conversations between faculty and students as a step toward adult independence in such matters -- the conversation that identifies how the student can fulfill their academic responsibilities and continue their academic efforts and achievements, while working around their illness.

Advice from Academic Advising and Sample Letter to faculty:

http://www.uoregon.edu/~aass/documents/ManagingYourHealthSituation.pdf

Students with serious illness or significant disability can request that medical staff place a letter detailing the condition in their medical record for access by Academic Advising. Students who wish to request a withdrawal from a class or from the University need to follow the rules set forth by the University. For those who are in the midst of a serious or lengthy absence and cannot act on their own behalf, please contact the Office of Academic Advising (541-346-3211).

It is important for students to learn self-management of colds, flu, other minor illnesses and minor injuries. Most of these simple illnesses or injuries do not require medical attention. Legitimate reasons to stay home with viral illness include decreasing viral exposures to others in the university community and recuperation. Coping skills that are developed as an undergraduate will help students in graduate school and in the world of work. Health Center staff have no special knowledge, equipment or intuition which tells us how long the student needs to be out, or what impact the illness makes on the student. Illness varies greatly among individuals. Conversations between students and faculty should identify how the student can work around the illness to best continue their academic efforts and achievements.

UNIVERSITY HEALTH CENTER · Appointments & After Hours Nurse: 541-346-2770

Web: http://healthcenter.uoregon.edu

An equal opportunity, affirmative action institution committed to cultural diversity Documenting Student Illness/IMS/5-10-10
University of Oregon
https://healthcenter.uoregon.edu/lnkClick.aspx?fileticket=pSl7GmvQsJo%3d&tabid=41&mid=399

Rice University

Washington University (St. Louis)
https://shs.wustl.edu/Documents/Attendance_Verification_Form_rev_1006.pdf

University of Iowa
http://studenthealth.uiowa.edu/health-answers/illness/class-excuse-policy/

Sonoma State University
https://www.sonoma.edu/sbc/consumer-information/medical-excuse-notes.html

And, of course, one has to admire the cottage industry....
http://www.bestfakedoctorsnotes.net
For the last four years, we've collected dozens of real medical excuse notes from
across the United States, Canada and Europe. We've studied them thoroughly, and
we've painstakingly modeled a series of notes based closely upon them.
As a result, we've been called 'the best doctor's excuse provider anywhere on the
internet'.
## Medical Excuse Note Policies

Medical Excuse Note Policies, Selected West Coast Colleges & Universities, 2017

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<th>Name of School</th>
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<td>Seattle University</td>
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<td>University of Puget Sound</td>
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<td>Washington State University</td>
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Introduction
The University of Washington (UW) offers, supports and facilitates a wide variety of opportunities for student engagement abroad, including foreign study programs, international exchanges, research and service learning opportunities, and international internships. Student health, safety and security are top priorities for the UW. This Student International Travel Policy, which is administered by the UW Office of Global Affairs, establishes certain health and safety-related requirements and measures intended to minimize undue risks to students engaged in UW international activities.

The UW is committed to offering a diverse set of international opportunities for students. However, the UW reserves the right to cancel or alter any international program or activity when, based on a review of the relevant information and resources, it is determined that there is undue risk to the health and safety of students in a particular locale.

Scope
This policy applies to all undergraduate, graduate, and professional degree-seeking students from all three UW campuses participating in official UW international travel and activities, which include:

- UW-administered study abroad and international exchange programs;
- Research, internship and/or service learning activities that are funded or sponsored by UW or for which students are receiving pre-arranged UW academic credit;
- UW-funded or sponsored participation in international meetings and conferences; and
- Bonderman Fellowship travel and activities abroad.

Travel and activities abroad that are not funded, sponsored, administered, arranged or approved by the UW are not considered official UW international educational activities. Examples include: travel arranged independently by a student for which the student receives no UW funding support and no pre-arranged UW academic credit; travel arranged by or facilitated through UW student groups (including Registered Student Organizations); volunteer projects or activities not formally affiliated with the University; and travel funded by fellowships, grants, or scholarships that are not administered by the University. Students participating in such non-UW international travel and activities abroad are considered independent travelers, are solely responsible for their health and safety while abroad, and may not receive UW assistance and support in the case of emergency.

Roles
Office of Global Affairs (OGA): OGA oversees many of the UW’s numerous global activities, including UW study abroad programs and international exchanges for UW students and faculty. OGA also provides support for UW international research and centers. Finally, OGA maintains the UW Travel Registry, where students (as well as faculty and staff) can register their locations and contact information while participating in official UW international travel and activities. Such information may be used in the event of an emergency to help locate UW travelers and communicate emergency information.

Global Travel Security Manager (GTSM): The GTSM, who is an OGA staff member, supports the welfare and safety of UW students, faculty and staff traveling in connection with official UW international activities. The GTSM serves as the UW’s initial point of contact for international emergencies and coordinates the university response. The GTSM is also responsible for managing the UW travel registry
and (in consultation with the International Travel Risk Assessment and Safety Committee) the Travel Warning Waiver review process.

**UW Study Abroad (UWSA):** As a unit of OGA, UWSA facilitates UW international educational opportunities for students through a wide variety of programming, such as faculty led study abroad programs and international exchanges, which are offered in collaboration with many academic units and student service offices on campus. UWSA also offers study abroad advising services, oversees the student registration process for many UW international educational opportunities, and provides orientation programming for students and faculty. UWSA staff also provides backup support to the GTSM.

**International Travel Risk Assessment and Safety Committee (ITRASC):** ITRASC is an advisory committee to the Provost and chaired by the Vice Provost for Global Affairs that helps OGA assess travel risks and reviews requests for Travel Warning Waivers, allowing student travel to countries under travel warnings issued by the U.S. Department of State or the U.S. Centers for Disease Control. In addition, ITRASC advises the Provost on managing other health, safety, and security risks abroad.

**Restrictions on Travel to High Risk Destinations and Travel Warning Waivers**

**Statement of Policy**

UW students participating in official UW international educational activities are not authorized to travel to or in countries subject to active travel warnings issued by the U.S. Department of State or the U.S. Centers for Disease Control (CDC), or otherwise determined by ITRASC to be high risk travel, unless a Travel Warning Waiver for the travel has been approved by the Provost (or Provost’s designee.)

**Students who travel to countries under a travel warning or to other high risk destinations (as determined by ITRASC) in violation of this policy will be considered independent travelers, and may not receive UW support or assistance in the event of an emergency.**

**Rationale and the Travel Warning Waiver Process**

Travel warnings are issued by the U.S. Department of State and the CDC so that travelers can carefully consider the risks associated with travel to a specific country. Reasons for issuing travel warnings might include unstable government, civil war, ongoing intense crime or violence, a high risk of terrorist attacks, and extreme health concerns. Travel warnings remain in place until the situation changes; some remain in effect for years.

The University recognizes that travel warnings may be specific to a particular area of a country and that there may be exceptionally compelling academic reasons for a student wanting to travel to a country that is subject to a travel warning (or to a country determined by the UW to be a high risk destination). In such a case, a student may submit a request for approval to travel to such location in connection with an official UW international educational activity through the Travel Warning Waiver review process.

Student requests for a Travel Warning Waiver will be evaluated on a case-by-case basis. (Travel Warning Waiver requests may also be submitted by UW faculty or staff in connection with international travel or research programs involving multiple students. Students participating in a program that has received a programmatic waiver obtained by UW faculty or staff do not need to apply for an individual waiver.)
To initiate the Travel Warning Waiver review process, a waiver application, available on the OGA website, must be submitted at least 45 days prior to the desired departure date. The GTSM or another OGA official may request additional information beyond that provided on the application. The waiver application will be reviewed by ITRASC and the waiver must be approved by the Provost before travel to the country begins. Unless otherwise indicated, an approved waiver applies to the specified trip only. Subsequent desired travel to the same destination requires subsequent waivers if a travel warning remains in effect.

If, during the course of an official UW international activity, a travel warning is issued relating to the location of that activity (or if the UW determines that the location of the activity has otherwise become a high risk destination), the UW may cancel or alter the activity as it deems necessary to protect the health and safety of participating students.

Registering Student Travel with the Office of Global Affairs

Statement of Policy

All students participating in official UW international travel and activities are required to follow UW procedures for registering their travel with OGA prior to their departure. The registration process for student travel differs based upon length of time abroad and type of academic activity involved. Information about how to register travel is available from OGA. Students who fail to register their international travel in accordance with this policy may not receive UW assistance in case of emergency.

Rationale

OGA’s global travel security management protocols include maintaining a global travel registry, 24/7 global emergency support, assistance in pre-departure emergency planning and preparedness, liaising with international insurance providers, providing training and information on emerging health, safety, and security risks and best risk-management practices. These services are intended to support students’ health and safety abroad. The global travel registry assists UW students, faculty and staff in preparation before and during international travel. It is not an approval process.

Student Insurance Abroad

Statement of Policy

Students traveling abroad in connection with official UW international educational activities must purchase (and maintain for the duration of their official UW activities abroad) comprehensive international medical and emergency assistance and evacuation insurance. Students are required to purchase the UW Student Abroad Insurance Plan unless they receive a waiver of this requirement based upon proof of equivalent coverage. Students must provide OGA proof of UW Student Abroad Insurance (or alternative insurance with an approved waiver) prior to traveling abroad. Students who fail to purchase and/or maintain required insurance may not be permitted to participate (or to continue participating) in their UW international program or activity.

Rationale and Implementation

The UW Student Abroad Insurance Plan is administered by a preferred insurance provider and managed by the Office of Risk Services and Compliance, ensuring that students traveling abroad have at least
basic insurance. Coverage under the UW Student Abroad Plan is required (absent a waiver) because a strong, working relationship between the University and the insurance provider better enables support for students during an emergency.

Students with personal insurance that provides equivalent coverage to the UW Student Abroad Plan can petition for an insurance waiver. OGA manages this waiver process and will approve waivers only for alternate insurance plans that are equal to, or greater than, the coverage provided by the UW Student Abroad Insurance Plan. Special consideration may be given for international students returning to their home country for study.

**Additional Information**

For additional information contact the Global Travel Security Manager, Office of Global Affairs.

For more information about how to comply with this policy please visit:  