Meeting Synopsis:

1. Call to Order
2. Approval of the Agenda
3. Approval of the Minutes from 5 April 2016
4. ASUW Report
5. Bothell Students
6. Tacoma Students
7. GPSS Report
8. Student Affairs
9. Subcommittee Reports
   • Student Conduct Code
   • DRS/Mental Health
   • Student Debt
10. New Business
    • Executive Orders 31 and 51
11. Adjourn

1) Call to Order

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

2) Approval of the Agenda

The agenda was approved as amended.

3) Approval of the Minutes from 5 April 2016

The minutes from April 5th, 2016 were approved as written.

4) ASUW Report

Taylor explained that elections are currently ongoing to set new leadership for the ASUW (Associated Students of the University of Washington). He noted the voting period occurs from May 9th through May 11th and results will be tabulated shortly thereafter.

5) Bothell

A UW Bothell student was not present and so no report was given.

Laws explained during his chairing of the council in the next year, he would like the council to meet at UW Bothell and make other efforts to become more familiar with the needs of that campus.
6) Tacoma

A UW Tacoma student was not present and so no report was given.

7) GPSS report

Hussain noted the GPSS has passed a resolution relating to mental health resources on the UW Seattle campus. She explained the resolution asks university administration to consider allocating more resources to meet the mental health needs currently on the campus.

8) Student Affairs

Suite (president’s designee) could not be at the meeting and so no report was given.

9) Subcommittee Reports

Student Conduct Code

Laws explained the remaining FAB (Faculty Appeals Board) and CSSC (Community Standards and Student Conduct) process meetings have been cancelled as they had served their purpose. He noted the long-suggested splitting of the Student Conduct Code (SCC) into Title IX and non-Title IX sections will occur, and two different sets of appeal processes and panels will also be implemented to respond to both types of student conduct infractions. Stakeholders are moving fairly quickly in recruiting for the panels. Several FCSA members noted they had been contacted and asked to serve. Amanda Paye (Deputy Title IX/ADA Coordinator, Compliance Services) noted she would give the council a comprehensive update in the June FCSA meeting.

DRS/Mental Health

Amanda Paye and Bree Callahan (Director, Disability Resources for Students) explained they have joined the council to present and discuss a new policy document titled Reasonable Accommodation of Students with Disabilities (Exhibit 1). Paye explained that to date, the UW had no policy that articulated how it complies with the Americans with Disabilities Act (ADA) and other laws relevant to accommodating students with disabilities. She explained the new policy basically describes what the UW already does in practice for its students. The policy will fall within the Student Governance and Policies section of the UW Policy Directory, facilitated through the Rules Coordination Office. Paye explained she and Callahan are seeking appropriate review and approvals of the policy, including review by the FCSA.

Paye noted she is happy to walk through each section of the document and give some brief background. She explained the new Executive Order NO. 31 states some additional information on how the university complies with ADA and the Rehabilitation Act of 1973.

Paye and Callahan then went through the document with the council. Paye reiterated that even though the UW has not had an official policy on this over the years, the related processes and resources have been in place and simply needed to be restated in the policy.

She noted that in Section 3, “Accommodation Process” - one implication of the language is that a student must initiate the request for accommodation under DRS, and faculty are not bound by the
demands of a student relating to disability resources if the student has not consulted with DRS; however, faculty are free to grant course adjustments/additional resources without DRS consultation if they choose to. Paye clarified after question that if a faculty member was to offer adjustments or accommodations to a student, this does not count as a DRS accommodation, and another faculty member is not bound by the fact that the student received accommodations in a different course than their own.

Bryant asked about Section 3.b “Medical Documentation,” questioning if documentation is required for students with ADHD (Attention Deficit Hyperactive Disorder). Callahan noted members of DRS are able to diagnose ADHD, and explained a student cannot claim ADHD without medical documentation.

A member asked how long DRS accommodations last. Callahan explained the longevity of the accommodation is based on the situation (e.g. if the student’s condition is permanent or temporary, and if their accommodation can be applied to varying courses per term).

Paye explained Section 4 “Accountability for Conduct” describes the intersection between DRS accommodations and classroom disruptions/student conduct code violations. It was noted if a student has a disability that might impact their conduct, the University will engage in the interactive process to evaluate possible reasonable accommodations that will assist the student in adhering to the conduct standards and requirements. Callahan explained after a question that DRS works with a student even after they have engaged in inappropriate conduct, though “immediate forgiveness” due to disability is not a part of the policy.

Paye explained that Section 5 “Health and Safety Risk to Others” implies that if a student poses a “direct threat to the health or safety of others,” the university may decide to not permit that student to participate in or benefit from the services, programs, or activities of the university.

It was noted UW Disability Services Office (DSO) handles resources for all non-matriculated UW students, whereas DRS handles resources for all matriculated students. It was clarified that students in summer quarter are all matriculated.

Paye mentioned some other sections/topics in the policy, including on-campus housing, use of service animals, and student pregnancy.

Hussain asked if students had been consulted with concerning the policy and if it also fits their needs. Paye noted the policy was reviewed by the CDI (Committee on Disabilities). She noted she would check to see that other student groups had been consulted with.

**Student Debt**

The discussion on student debt was tabled until the next meeting.

**10) New Business**

*Executive Orders 31 and 51*
The council reviewed two new Executive Orders (No. 31 and No. 51) (Exhibit 2) (Exhibit 3) as part of the process for faculty review of new EOs. Additional information was given by Paye and Callahan as requested, and the agenda item was split into separate discussions for both EOs.

Paye explained new EOs 51 and 31, and revisions currently underway for the Student Conduct Code are all designed (in part) to respond to the Campus Save Act (Campus Sexual Violence Elimination). The Campus Save Act is an extension of the Clery Act that expands the scope of that legislation in terms of reporting, response, and prevention education requirements around rape, domestic violence, dating violence, sexual assault, and stalking. She clarified that the SCC is the document the university uses to hold a student accountable for their conduct, whereas EOs hold university employees accountable for their conduct. She noted the incorporated definitions in the EOs were vetted as part of the SCC revisions that took place in the last academic year (2014-2015).

EO 51

After a question, Paye noted mandatory reporting applies to child abuse (addressed in Section 10), which is set in Administrative Policy Statement 11.8.

She noted there is the idea of a “responsible employee” (the responsibility University employees have to report complaints of discrimination and/or harassment and/or sexual violence they receive), and a Title IX Resource Office is currently being created to facilitate this reporting. She explained after it is created, education and training on responsible reporting will follow for all UW employees. Paye noted in the short term, UW Safe Campus should be contacted in regard to immediate reporting.

There was some discussion of employee reporting. Paye explained part of the associated training will be modeling how to have a conversation if a victim comes forward. It was noted Safe Campus is not confidential in the sense that it is susceptible to public records requests.

There was question, given the wording in Section 1 “Policy,” of what happens if there is a dispute at the university, and a person takes retribution off-site of university grounds. Is the action still addressed by the university? It was noted the language in the section is unclear. Paye noted she would take another look at the section in an effort to make it clear. Another member noted the term (in Section 1) “university interest” will not be universally understood by readers, either.

A member clarified that the policy extends the reach and responsibility of the university, but does not supersede the law.

EO 31

Laws asked why the term “military” status was not changed to “veteran” status throughout the whole document, but is changed in several places. It was noted this substitution was carried out by another office, and may be an oversight. The guests noted they would revisit the word change.

It was noted protections granted by the law as it exists were included in the policy, and nothing further; the UW did not extend its own rights through the Executive Orders.

Laws and the council thanked Paye and Callahan for presenting, for their participation in the meeting.
11) Adjourn

Laws adjourned the meeting at 2:46 p.m.

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

Present: Faculty: Jasmine Bryant, Bruce Hevly, Chris Laws (proxy chair), Sara Lopez
Ex-officio reps: Kathleen Collins, Roy Taylor, Yasmeen Hussain, Martha Tran
Guests: Amanda Paye, Bree Callahan

Absent: Faculty: Holly Barker, Christopher Campbell, Mabel Ezeonwu, Anthony Gill, Chuck Treser (chair)
Ex-officio reps: Zynia Chapman, Sophie Nop
President’s designee: Denzil Suite

Exhibits
Exhibit 1 – DRS Student Policy Draft_fcsa_spring2016
Exhibit 2 – EO No 51 draft 12-17-15
Exhibit 3 – EO No 31 all-changes draft 12-17-15
Policy on Reasonable Accommodation of Students with Disabilities

1. Policy

It is the policy of the University of Washington to reasonably accommodate qualified students with disabilities, and to afford them an equal opportunity to participate in, and enjoy the benefits of, University courses, programs, and activities. In accordance with Executive Order No. 31 – Nondiscrimination and Affirmative Action [link], the University of Washington is committed to providing qualified students with disabilities reasonable accommodations, academic adjustments, and/or auxiliary aids necessary to provide equal access.

This policy covers individuals enrolled in any class, whether matriculated or non-matriculated in any program of study.

This policy is in compliance with Title II of the Americans with Disabilities Act (ADA) of 1990 as amended; the Rehabilitation Act of 1973 (P.L. 93-11) and 45 C.F.R. Part 84; Fair Housing Act of 1968 42 U.S.C. Sec. 3601 et seq.; Chapter 49.60 RCW; and Chapter 28B.10 RCW.

2. Definitions

a. Disability

The presence of a sensory, mental, or physical impairment (whether temporary or permanent) that:

- Is medically cognizable or diagnosable, exists as a record or history, or is known or shown through an interactive process to exist in fact; and
- Has a substantially limiting effect upon the student’s ability to perform and complete the essential elements of the course, program, or activity.

b. Qualified Student

A qualified student is a student with a disability who continuously meets essential standards of the relevant University course, program or activity, with or without the benefit of reasonable accommodation.

c. Reasonable Accommodation

Reasonable accommodation means modifying or adjusting practices, procedures, or policies so that a qualified student with a disability receives equal access to a course, program, or activity. Reasonable accommodations will be implemented as long as:

- They are medically necessary (i.e., there is competent medical evidence establishing a relationship between the disability and the need for accommodation); and
- They do not impose an undue hardship on the University or result in a fundamental alteration to the nature or operation of the institution, program, course, service, or activity.
The University need not accept the student’s requested accommodation if an alternative accommodation is determined to be equally effective.

d. **Health Care Professional**

Health care professional means a person who is legally competent to diagnose and/or treat the particular medical condition or conditions which are the basis of the accommodation request.

e. **Undue Hardship and Fundamental Alteration**

Undue hardship means that implementing a requested accommodation would be excessively costly, extensive, substantial, or disruptive, or result in a fundamental alteration of the nature or operation of the institution, program, or course. In determining whether a requested accommodation poses an undue hardship or fundamental alteration, the assessment may include, but is not limited to, evaluating the impact on the overall resources, standards, or structure of the course, program and/or activity. Before concluding that a particular accommodation would impose an undue hardship or a fundamental alteration, the designated disability services office will consider alternative accommodations.

3. **Accommodation Process**

a. **Request for Reasonable Accommodation**

A student must make a request for reasonable accommodation and/or academic adjustments to the designated disability services office (See Section 7: Designated Disability Services Offices). In addition to traditional classroom activities, accommodations can be requested for, but are not limited to: placement exams, on-campus housing, study abroad programs, university events and activities, and clinical or internship placements.

Requests made directly to instructional or administrative personnel, even if implemented for a particular class, are not considered a reasonable accommodation under this policy. Instead, the designated disability office will conduct an individualized assessment of the request, determine whether accommodation is necessary and reasonable accommodations are available. Instructional personnel may also refer a request for a reasonable accommodation to the designated disability services office.

b. **Medical Documentation**

When the adjustments required to provide reasonable accommodation because of an individual's disability, or the reasonableness of a requested accommodation are not readily apparent, the disability service office may request that the student provide health care professional verification and/or clarification of the need for the requested accommodation. The request for verification or clarification may ask for information about the diagnosis, nature, the extent of functional limitations, impact, and duration of a disability. To authorize the University to seek verification/clarification directly from their health care professional, the student will be asked to complete and submit the necessary release.
At its own expense, the University may obtain a medical assessment or medical documentation review from a healthcare professional of its own choice. Examples of the kind of assessment or review the University may request include but are not limited to:

- Whether the student has a disability;
- The medical necessity of requested accommodations;
- Whether there may be equally effective alternative reasonable accommodations to those requested; and
- Whether the student can perform particular tasks, functions, or activities with or without reasonable accommodations.

c. Interactive Process

The designated disability services office will engage in an interactive process with the student to review the accommodation request(s) and identify necessary academic adjustment, auxiliary aids, and/or services and determine what would be effective reasonable accommodation that will provide the student equal access to programs, services, and activities. The student’s participation in the interactive process is essential for it to be effective and not doing so may delay or end the process.

Students are responsible for ongoing assessment of the effectiveness of their approved accommodation(s). Students with questions or concerns about their accommodation should contact their designated disability services office as soon as possible.

d. Approval of Reasonable Accommodations

The designated disability services office, following any consultation that may be needed with individuals involved in the particular course, program, or activity, makes the final determination about the accommodation the University will provide in response to an accommodation request.

When a student's disability accommodation request is approved by the designated disability services office, the office will provide the student with written confirmation of the approval and a document that the student can provide to the instructor for any course where the requested accommodation may be needed. This document will describe the approved accommodation for the student, information for the instructor about how the approved accommodation is to be implemented, and a disability services office contact for the instructor to request assistance with implementing the accommodation, or if the instructor has questions about the approved accommodation.

When accommodations are established, the designated disability services office documents their approval and discusses with the student how they can be implemented on a quarterly basis. The student is responsible for notifying instructional personnel of approved accommodations in a timely manner, and those individuals are responsible for implementation. Instructional personnel and/or appropriate individuals are encouraged to consult with the designated disability services office regarding implementing approved accommodations.
3. Confidentiality

All documentation submitted to the designated disability services office is kept separate from academic records and is considered a student record under the Family Education Rights and Privacy Act (FERPA). On a need to know basis, disability service offices may share information about an accommodation request with other University employees to assess, manage, and implement the approved accommodations. This may include information about the impacts of the medical condition, the knowledge of which is necessary to evaluate and make determinations about reasonable accommodations and the qualified status of the student.

4. Accountability for Conduct

Students may be held accountable for conduct that violates professional standards of their academic program or the University of Washington Student Conduct Code, Chapter 478-120, of the Washington Administrative Code, even if related to a disability. Once on notice that students’ conduct may be related to a disability, the University will engage in the interactive process to evaluate possible reasonable accommodations that will assist the student in adhering to the conduct standards and requirements.

5. Health and Safety Risk to Others

The University may decide not to permit a student to participate in or benefit from the services, programs, or activities of the University when that student poses a direct threat to the health or safety of others. Evaluating whether a student’s participation poses a direct threat is based on an individualized assessment, and includes current medical knowledge and/or the best available objective evidence about the nature, duration, and severity of the risk; the probability that injury or harm will occur; and whether reasonable modifications of policies, practices, or procedures or the provision of auxiliary aids or services can mitigate the risk.

6. Non-Retaliation

Requesting reasonable accommodation will not adversely affect a student’s opportunity to enjoy equal terms, benefits, privileges, or conditions of the University’s programs, including social or recreational activities. It is a violation of University policy to take adverse action against a student based on a student’s disability status and/or a student’s request for reasonable accommodation.

7. Other Resources
   a. Employment

Requests for reasonable accommodation in employment are addressed by Administrative Policy Statement 46.5, Policy on Reasonable Accommodation of Employees With Disabilities [link]. Although every effort is made to avoid duplicative assessments, differing standards apply when assessing appropriate reasonable accommodations in employment, so accommodations approved for academics may not automatically translate to employment and vice versa.
b. Requesting On-Campus Housing Accommodations

Students seeking accommodations in on-campus housing should contact the designated disability services office.

c. Service Animals

Chapter 478-128 WAC and Administrative Policy Statement 46.6: Service Animal Policy describe University policy in regard to access for Service Animals in buildings or structures the University owns, operates, leases, rents, or controls. Students with service animals are encouraged, but are not obligated to contact their designated disability services office in order to facilitate and record the need for and use of service animals.

Students who wish to request having a service animal or an assistance animal (also known as therapy, emotional support or comfort animals) in their University housing must make a request through the designated disability services office.

d. Pregnancy

In accordance with Title IX of the Education Amendments of 1972 and relevant federal and state laws, the University will provide pregnant students with reasonable accommodations, academic adjustments, and/or auxiliary aids necessary to facilitate equal access as it would to other students who have temporary medical conditions. Student seeking accommodations for pregnancy should contact the designated disability services office.

8. Designated Disability Services Offices

Disability Resources for Students-UW Seattle
For matriculated students enrolled at UW Seattle
Email: uwdrs@uw.edu
disability.uw.edu
Voice: 206-543-8924 or 206-543-8925 (TTY)

Disability Services Office-UW Seattle
For non-matriculated students enrolled with UW Seattle
Email: dso@uw.edu
http://www.washington.edu/admin/dso/index.html
Voice: 206-543-6450 or 206-543-6452 (TTY)

Disability Resources for Students-UW Bothell
For all students enrolled at the UW Bothell Campus
Email: drs@uwb.edu
http://www.uwb.edu/studentaffairs/drs
Voice: 425-352-5307 or: 425-352-5303 (TTY)
- Administrative Policy Statement 46.6, Service Animal Policy
Sexual Violence Elimination Policy

1. Policy

This policy is adopted in compliance with the Jeanne Clery Act (20 USC § 1092(f)), Title IX of the Education Amendments of 1972 (20 USC § 1681), Gender Equality in Higher Education (Chapter 28B.110 RCW), and General Conduct Code for the University of Washington (Chapter 478-124 WAC).

The University of Washington is committed to establishing and maintaining a safe working and learning environment that is free from violence. The University prohibits the following behavior by members of the University community including students and employees, and members of the public that are engaged with the University when the University determines that an individual’s behavior affects a University interest:

- Domestic violence;
- Relationship violence;
- Stalking; and
- Sexual assault.

The University also prohibits retaliation against any individual who seeks resources, makes a referral, reports concerns, or who cooperates with or participates in any investigation of allegations of violations of this policy.

This policy applies to behavior that occurs within 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 all university sponsored and/or hosted online platforms. Some University programs and facilities, including medical facilities, are subject to additional federal and state regulations with which students, employees, and members of the public in those locations must also comply.

Discrimination or harassment based on protected class statuses, including sexual harassment, are addressed by Executive Order No. 31, Nondiscrimination and Affirmative Action, and Chapter 478-120 WAC, Student Conduct Code for the University of Washington. Depending on the circumstances, each or all policies may apply.

2. Definitions

A. Domestic Violence

   Domestic violence includes:
Sexual Violence Elimination Policy

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2. Definitions

A. Domestic Violence

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

   • A current or former spouse or intimate partner;
   • A person with whom the person shares a child in common;
   • A person with whom one is cohabitating or has cohabitated; or
   • A person with whom one resides including a roommate, suitemate, or housemate.

2) Sexual assault of one family or household member by another family or household member; or

3) Stalking of one family or household member by another family or household member.

B. Relationship Violence

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

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

2) For the purposes of this definition, relationship or dating violence includes, but is not limited to, sexual or physical abuse, or the threat of such abuse.

3) Relationship or dating violence does not include acts covered under the definition of domestic violence.

C. Sexual Assault

1) Sexual assault is sexual contact with another person without, or that exceeds, that person’s consent.

2) For the purposes of this subsection, “sexual contact” includes:

   • Any touching of another person for the purpose of sexual gratification; or
   • Any penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ, of another person.

3) For the purposes of this subsection:
a) “Consent” means that at the time of and throughout the sexual contact, there are actual words or conduct indicating freely given agreement between the parties to engage in the sexual contact.

- Past consent does not imply future consent.
- Consent given to one person does not imply consent given to another person.
- Consent to one sexual act does not imply consent to other sexual acts.
- Lack of resistance to sexual contact does not imply consent.
- Consent can be withdrawn at any time.

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

- Indicators that a person may be incapacitated by drugs or alcohol and therefore, cannot grant consent include, but are not limited to stumbling, falling down, an inability to stand or walk on their own, slurred speech or incoherent communication, an inability to focus their eyes or confusion about what is happening around them, passing out, or vomiting.

- A failure to exhibit any of these behaviors does not necessarily mean that a person is capable of giving consent or is not incapacitated.

4) Sexual contact is not consensual when force or coercion is threatened or used to gain acquiescence.

a) Force includes the use of physical violence, physical force, threats, or intimidation to overcome resistance or gain agreement to sexual contact.

b) Coercion includes using pressure, deception, or manipulation to cause someone to agree to sexual contact against his or her will, without the use of physical force. Pressure can mean verbal or emotional pressure.

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

6) Use of alcohol or drugs is not a valid defense to a violation of this subsection.

D. Stalking

1) Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress.
2) For the purposes of this subsection, “course of conduct” means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

3) 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.

3. Educational Programs

The University is committed to providing prevention and awareness programs to students and employees relating to domestic violence, relationship violence, stalking, and sexual assault. These include primary prevention and awareness programs directed at incoming students and new employees and ongoing prevention and awareness campaigns directed at students and employees. These programs and campaigns include information about:

- University policies prohibiting domestic violence, relationship violence, stalking and sexual assault;
- The Revised Code of Washington definitions of domestic violence, relationship violence, stalking, sexual assault, and consent;
- Bystander intervention techniques;
- Risk reduction options to reduce perpetration and increase individual and community safety, and to empower individuals to act on their own behalves; and
- The rights, processes, and resources described in this policy and other relevant University policies.

In accordance with the Clery Act, the University publishes an Annual Security and Fire Safety Report, and Drug-Free Schools Act Information that contains a description of primary and ongoing prevention and awareness programs and campaigns.

4. University Assistance and Resources for Victims

The University encourages individuals who are affected by behavior that may be in violation of this policy to seek assistance from the Confidential Support Offices listed in Section 11. The following assistance and resources are available to individuals, regardless of whether they choose to make a report to law enforcement or request an investigation by the University.

a. Safety planning

When the University is notified of an allegation of domestic violence, relationship violence, stalking or sexual assault, the University can assist individuals by implementing safety measures, such as issuing no-contact directives, arranging for housing, academic and work accommodations, and/or providing assistance with transportation planning. These safety measures can be implemented when reasonably available and may be on an interim or
permanent basis. The University will maintain the confidentiality of any remedial measures under this policy to the extent practicable. Safety measures are available through the confidential support offices and/or the investigation offices whether or not a report is made to the University or local law enforcement.

b. Reporting

Individuals who experience domestic violence, relationship violence, stalking, sexual assault, or retaliation are encouraged, but not required to make a report to the University or to law enforcement. The confidential support offices can provide information about and assistance with reporting incidents to the University or to local law enforcement, including the University of Washington Police Department. Individuals also have the option to decline to make a report. See Section 6 for University complaint reporting options.

c. Information about University and Community Resources

The University has a variety of services available to individuals who experience domestic violence, relationship violence, sexual assault, or stalking 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 can also be obtained from a confidential support office.

d. Protection Orders

The University will provide information on how to obtain orders of protection issued by a criminal, civil, or tribal court and assist with implementing orders that have implications for the individual’s participation in University-related activities.

e. Medical Care and Preserving Evidence

Information will also be provided about University and community options for medical care, including how to obtain a Sexual Assault Nurse Examination (SANE) by a trained medical professional. Information about the importance of preserving evidence is available from the confidential support offices.

5. Leave Use or Work Schedule Adjustments

University employees who are victims of domestic violence (which includes 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 in accordance with Administrative Policy Statement 11.7, Policy on Domestic Violence in the Workplace and Leave Related to Domestic Violence, Sexual Assault, or Stalking.

6. Reporting a Complaint or Incident

a. Complaint Reporting to the University

The University provides procedures for the investigation and resolution of complaints relating to domestic violence, relationship violence, sexual assault, stalking or retaliation under this policy. The University will respond to complaints regardless of whether a complaint is filed with a law enforcement agency. The process the University will follow to investigate and resolve the complaint depends on the relationship to the University of the
person against whom the complaint is made. The University’s processes for investigation and resolution of complaints are as follows:

- **Administrative Policy Statement 46.3**, Resolution of Complaints Against University Employees
- **Faculty Code and Governance, Chapters 25-28**; or
- **Chapter 478-120 WAC**, Student Conduct Code for the University of Washington.

A complaint may be filed with the appropriate University Investigation Office listed in Section 12 of this policy.

b. **Reporting to Law Enforcement**

Behavior that is prohibited by this policy may also violate criminal law and may be reported directly to law enforcement. If an individual chooses to make a report to law enforcement, that person may still file a complaint with a University investigation office. The University will make every effort to work cooperatively with the law enforcement agency, but the University will not unduly delay its own investigation.

7. **University Investigations**

Investigations of conduct prohibited by this policy are designed to provide a prompt, fair, and impartial complaint investigation and resolution, and to equitably protect the rights of individuals participating in the investigation. The following is general information about investigations of alleged violations of this policy:

a. **Training for Investigators and Adjudicators**

The individuals who conduct University investigations or participate in University hearings receive, at a minimum, annual training on the issues related to domestic violence, relationship violence, stalking, sexual assault, and retaliation and on conducting investigations and hearings that fosters safety, equitable treatment of the parties, and that promote accountability.

b. **Complaint Intake**

A staff member of the investigation office meets with each complainant to gather information about the complaint and to provide information about the complaint process, including the complainant’s rights and options under this and other University policies. After initial review of the complaint, the complainant will be informed of the action the University will take.

Before an investigation is opened, protective measures will be considered and implemented as they are reasonably available. Protective measures may include changing academic, living, transportation, and/or working arrangements, and taking steps to limit contact between the individuals involved. As necessary, investigation offices will assist individuals potentially at risk with safety planning, either directly or with the assistance of other University offices, such as the confidential support offices in Section 11 or SafeCampus.
c. **Confidentiality**

Information relating to an investigation is kept confidential by the investigation offices and is provided only to those persons who have a legitimate educational or business need to know, including the subject of the complaint, witnesses, the administrative head of the University unit involved, the Title IX Coordinator, and the appropriate human resources staff and/or the Provost’s Office, as necessary. Some information relevant to the investigation may be protected from disclosure, such as healthcare information protected by the Health Insurance Portability and Accountability Act (HIPAA) or student records protected by the Family Educational Rights and Privacy Act (FERPA).

d. **Investigation**

When an investigation is opened, the subject of the investigation will be provided with a written explanation of their rights and options under this and other relevant University policies and information about the investigation process. The assigned investigator will gather evidence, conduct interviews of the complainant, subject, and witnesses. During the investigation, the complainant and the subject will have the opportunity to identify witnesses and provide the investigator with evidence.

e. **Standard of review**

The University uses a “preponderance of evidence” standard to determine whether a violation of University policy has occurred. “Preponderance of evidence” means that based on all of the relevant evidence, the facts demonstrate that it is “more likely than not” that the subject of the investigation violated one or more University policies.

f. **Result**

The complainant and the subject of the complaint will concurrently be informed in writing of the result of the investigation, the rationale for the result, and whether there is an option to appeal a result. The result includes any initial, interim, or final decisions. University officials with an educational or business need to know, such as the administrative head of the University organization involved, the appropriate human resources staff, the Title IX Coordinator, and/or the Provost’s Office will also be informed of the result of an investigation.

g. **Hearings**

The University follows the Student Conduct Code or the Faculty Code in matters where a University student or faculty member is the subject of a complaint. A hearing may be convened to assess the evidence relating to the complaint, make findings, and determine appropriate actions, if any. The complainant and subject will be concurrently informed in writing of the result of the hearing, the rationale for the result, and whether there is an option to seek an appeal. The result includes any initial, interim, or final decisions. Those with an educational or business need to know will also be informed of the result, such as the administrative head of the unit involved, human resources staff, the Title IX Coordinator, and/or the Provost’s Office.
8. **Consequences of Policy Violation**

A University community member who engages in behavior in violation of this policy is subject to corrective or disciplinary action, including but not limited to, termination of employment, termination from educational programs, or termination of any non-employment relationship. The available sanctions include the following:

- Sanctions which may be imposed against faculty are set forth in the Faculty Code;
- Sanctions which may be imposed against students are set forth in Chapter 478-120 WAC, Student Conduct Code for the University of Washington;
- Sanctions which may be imposed against the contract classified staff and other represented University employees are set forth in the relevant University of Washington labor contract;
- Sanctions which may be imposed against Classified Non-Union Staff are set forth in Title 357 WAC and in Administrative Policy Statement 43.16, Corrective Action Policy for Permanent Classified Non-Union Staff;
- Sanctions which may be imposed against the professional staff are set forth in Administrative Policy Statement 42.1, Professional Staff Program, and the University of Washington Professional Staff Program details;
- Sanctions which may be imposed against those in librarian appointments are set forth in the Librarian Personnel Code; and
- Sanctions against other individuals will depend on the nature of their relationship with the University.

Individuals who engage in behavior in violation of this policy may also be removed from University premises, temporarily or permanently banned from the University premises, and/or subject to arrest and/or criminal prosecution.

The University also retains the authority to administer discipline or take corrective action for any behavior that it deems unacceptable, regardless of whether the behavior rises to the level of a violation of University policy.

9. **Recordkeeping**

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

In accordance with the Clery Act, the University must also disclose statistical information relating to crimes of domestic violence, relationship violence, stalking, sexual assault, in its annual security
report and issue timely warnings. This reporting is done without disclosing personally identifying information relating to the victim of such crimes, including information likely to disclose the location of the victim.

10. Mandatory Child Abuse Reporting

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. This reporting responsibility is separate from and in addition to the responsibility University employees have to report complaints of discrimination and/or harassment and/or sexual violence they receive in accordance with Executive Order No. 31 and Administrative Policy Statement 46.3.

11. Confidential Support Offices

The University has established confidential support offices to provide a safe place for individuals to discuss concerns regarding domestic violence, relationship violence, sexual assault, or stalking and to learn about the options and resources available to them. In general, disclosures made to a confidential support office under this policy do not constitute a report to the University for the purposes of initiating a complaint investigation or a request to take action against an individual alleged to have violated this policy. More information about confidentiality can be obtained from the confidential support offices.

Confidential support offices have been designated as follows:

- **UW Seattle, UW Bothell, and UW Tacoma campuses**
  UW Police Department (UWPD) Victim Advocate
  Phone: 206-543-9337
  Email: UWPDAvocate@uw.edu

- **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 confidential support offices see the [Sexual Assault Resources](#) page.

12. University Investigation Offices

- **Community Standards and Student Conduct** — For complaints about UW Seattle students
  Phone: 206-685-6194

- **UW Bothell Student Conduct** — For complaints about UW Bothell students
  Phone: 425-352-3183

- **UW Tacoma Student Conduct** — For complaints about UW Tacoma students
  Phone: v253-692-4481
• **University Complaint Investigation Resolution Office** — For complaints about any University employees, including academic personnel, staff, Academic Student Employees (ASEs), and student employees  
  Phone: 206-616-2028  
  Email: uciro@uw.edu

Human Resources

• Campus Human Resources — for complaints involving UW Seattle staff, UW Bothell staff, and UW Tacoma campus staff employees, including student employees  
  Phone: 206-543-2354

• Harborview Medical Center (HMC) Human Resources — for complaints involving HMC staff employees, including student employees  
  Phone: 206-744-9220

• UW Medical Center (UWMC) Human Resources — for complaints involving UWMC staff employees, including student employees  
  Phone: 206-598-6116

Individuals who wish to file allegations of violations of this policy also may contact the following:

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

• Equal Employment Opportunity Commission  
  Phone: 1-800-669-4000 (toll-free) 1-800-669-6820 (toll-free TTY)

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

13. **Additional Resources**

Information about additional resources available through the University or in the community is available at www.washington.edu/sexualassault, including:

a. **SafeCampus**  
  **SafeCampus** — Provides University-wide consultation and support relating to emerging safety risks and violence prevention

• UW Seattle, Phone: 206-685-SAFE (7233)  
• UW Bothell, Phone: 425-352-SAFE (7233)  
• UW Tacoma, Phone: 253-692-SAFE (7233)

b. **University Health Care Resources**

Communications between patients and University healthcare providers have additional protections under University policies, state licensing requirements, and state and/or federal law. More information about the confidentiality of these communications may be obtained
Non-Discrimination and Affirmative Action

1. Non-Discrimination and Non-Retaliation

The University of Washington, as an institution established and maintained by the people of the state, is committed to providing equality of opportunity and an environment that fosters respect for all members of the University community. This policy has the goal of promoting an environment that is free of discrimination, harassment, and retaliation. To facilitate that goal, the University retains the authority to discipline or take appropriate corrective action for any conduct that is deemed unacceptable or inappropriate, regardless of whether the conduct rises to the level of unlawful discrimination, harassment, or retaliation.

University policy:

- Prohibits discrimination or harassment against a member of the University community because of race, color, creed, religion, national origin, citizenship, sex, pregnancy, age, marital status, sexual orientation, gender identity or expression, genetic information, disability, or military veteran status.

- Prohibits any member of the University community, including, but not limited to, the faculty, academic personnel, staff, temporary staff, academic student employees, student employees, and students at all University campuses and locations, from discriminating against or unlawfully harassing a member of the public on any of the above grounds while engaged in activities directly related to the nature of their University affiliation.

- Prohibits retaliation against any individual who reports concerns regarding discrimination or harassment, or who cooperates with or participates in any investigation of allegations of discrimination, harassment, or retaliation under this policy.

2. Affirmative Action and Diversity

The University is committed to having a diverse faculty, staff, and student body. As permitted by applicable law, the University will take affirmative action to ensure equality of opportunity in all aspects of employment without regard to race, color, religion, national origin, sex, or age and to employ and advance qualified persons with disabilities and protected veterans in all levels of employment. In accordance with Executive Order 11246, as amended, and other applicable federal and state laws and regulations, the University, as a federal contractor, takes affirmative action to ensure equality of opportunity in all aspects of employment without regard to race, color, religion, sex, and national origin, and to employ and advance individuals with disabilities and protected veterans.
3. **Access for Individuals with Disabilities**
   
   In accordance with the Americans with Disabilities Act (ADA), as amended, the Rehabilitation Act of 1973, and applicable federal and state laws, the University is committed to providing access and reasonable accommodation in its services, programs, activities, education, and employment for individuals with disabilities.

4. **Definitions**
   
   Unless otherwise defined below, terms used in this policy are intended to have the meaning given to them by applicable federal or state laws and regulations.

   A. **Discrimination** is conduct that treats a person less favorably because of the person’s race, color, creed, religion, national origin, citizenship, sex, pregnancy, age, marital status, sexual orientation, gender identity of expression, disability or veteran status.

   B. **Harassment** is conduct directed at a person because of the person's race, color, creed, religion, national origin, citizenship, sex, pregnancy, age, marital status, sexual orientation, gender identity or expression, disability, or military veteran status that is unwelcome and sufficiently severe, persistent, or pervasive that:

   1) It could reasonably be expected to create an intimidating, hostile, or offensive work or learning environment, or

   2) It has the purpose or effect of unreasonably interfering with an individual's work or academic performance. Harassment is a form of discrimination.

   C. **Retaliation** means to take adverse action against an individual because he or she has exercised his or her rights protected under this policy.

   BD. **Sexual harassment** is a form of harassment based on the recipient's sex that is characterized by:

   1) Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature by a person who has authority over the recipient when:

      a) Submission to such conduct is made either an implicit or explicit condition of the individual's employment, academic status, or ability to use University facilities and services, or

      b) Submission to or rejection of the conduct is used as the basis for a decision that affects tangible aspects of the individual's employment, academic status, or use of University facilities; or

   2) Unwelcome and unsolicited language or conduct that is of a sexual nature or that is sufficiently severe, persistent, or pervasive that it could reasonably be expected to create an intimidating, hostile, or offensive working or learning environment, or has the purpose or effect of unreasonably interfering with an individual's academic or work performance. This also includes acts of sexual violence, such as sexual assault and sexual exploitation.
Domestic violence, relationship violence, stalking, and sexual assault are addressed in Executive Order No. 51, Sexual Violence Elimination Policy, and Chapter 478-120 WAC, Student Conduct Code for the University of Washington. Depending on the circumstances, each or all policies may apply.

Military Veteran status includes protected veterans as defined by current federal and state laws. It also includes individuals affiliated with the United States armed forces as defined by any federal or state law establishing protection for military service, including the Uniformed Services Employment and Reemployment Rights Act (USERRA), Executive Order 11246, and Chapter 49.60 RCW.

Retaliation means to take adverse action against an individual because he or she has exercised his or her rights protected under this policy.

Application of Policy

A. Academic Freedom

The University will interpret this policy on non-discrimination and non-retaliation in the context of academic freedom in the University environment.

B. Selective Admissions

The University's admission policy provides for a selective admission process with the objective of attracting students who demonstrate the strongest prospects for high quality academic work. This selective admission process shall assure that the University's educational opportunities shall be open to all qualified applicants without regard to race, color, creed, religion, national origin, sex, pregnancy, age, marital status, sexual orientation, gender identity or expression, disability, or military status. The process of admission shall be mindful of the need for diversity in the student body and for highly-trained individuals from all segments of the population.

C. Employment

The University will recruit, hire, train, and promote individuals without regard to race, color, creed, religion, national origin, sex, pregnancy, age, marital status, sexual orientation, gender identity or expression, disability, or military status and based upon their qualifications and ability to do the job. Except as required by law, all personnel-related decisions or provisions such as compensation, benefits, layoffs, return from layoff, University-sponsored training, education, tuition assistance, and social and recreational programs will be administered without regard to race, color, creed, religion, national origin, citizenship, sex, pregnancy, age, marital status, sexual orientation, gender identity or expression, disability, or military status. Additionally, in accordance with Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA), the University prohibits discrimination and harassment in any aspect of employment on the basis of genetic information. The University will also not request or require genetic information of an employee or family member of the employee, except as specifically allowed by GINA.
D. **Recruitment**

The University seeks affirmatively to recruit qualified minority group members, women, persons age 40 and over, protected veterans, and individuals with disabilities in all levels of employment as part of its commitment to achieve its goals and interests with respect to faculty and staff employment as reflected in its affirmative action plan as a federal contractor.

E. **Non-Discrimination**

Except as otherwise required by law and as provided in Section 5-6 below:

1) The University will operate its programs, services, and facilities without regard to race, color, creed, religion, national origin, sex, pregnancy, age, marital status, sexual orientation, gender identity or expression, disability, or military-veteran status, and

2) The University will make its programs, services, and facilities available only to organizations or government agencies that assure the University that they do not discriminate against any person because of race, color, creed, religion, national origin, sex, pregnancy, age, marital status, sexual orientation, gender identity or expression, disability, or military-veteran status.

F. **University Housing**

Except as required by law, assignments to University residence halls and other housing facilities provided for students are made without regard to race, color, creed, religion, national origin, age, disability, sexual orientation, gender identity or expression, or military veteran status.

G. **Contracting**

The University will make reasonable efforts to lease, contract, subcontract, purchase and enter into cooperative agreements only with those firms and organizations that comply with all applicable federal and state non-discrimination laws, including, but not limited to: Executive Order 11246, Title VII of the Civil Rights Act, 42 U.S.C. Sec. 2000e et seq.; the Americans with Disabilities Act (ADA), 42 U.S.C. Sec. 12101 et seq.; and Washington State's Law Against Discrimination, Chapter 49.60 RCW.

56. **Exceptions**

A. **Organizations Not Subject to Applicable Laws**

This policy does not apply to organizations and government agencies that are not subject to otherwise applicable state or federal laws or regulations concerning non-discrimination and non-retaliation.

B. **University Housing**

In accordance with RCW 49.60.222, the University may consider sex, marital status, or families with children status in assignments to residence halls and other student housing.
C. Citizenship Status

It is not a violation of this policy to discriminate because of citizenship status which is otherwise required in order to comply with law, regulation, or executive order, or required by federal, state, or local government contract, or which the State Attorney General determines to be essential for an employer to do business with an agency or department of the federal, state, or local government.

D. The University will comply with applicable federal or state laws, and University policy, in dealing with issues of disability accommodation.

67. Complaint Procedures

The University provides internal procedures for the investigation and resolution of complaints alleging discrimination, harassment, or violation of retaliation under this policy. The process for bringing a complaint against a University employee is described in Administrative Policy Statement (APS) 46.3, Resolution of Complaints Against University Employees. The process for bringing a complaint against a University student is described in Chapter 478-120 WAC, Student Conduct Code for the University of Washington.

78. Responsibility to Report and Cooperate

All faculty and staff members University employees, including academic personnel, staff, temporary staff, academic student employees, and student employees are required to report to their supervisors or the administrative heads of their organizations any complaints of discrimination, and/or harassment or sexual harassment. And/or retaliation they receive. In addition, faculty and staff members all University employees are encouraged to inform their supervisors or the administrative heads of their units, [and staff members also may inform their Academic Human Resources Consultant or Human Resources Consultant], of inappropriate or discriminatory or retaliatory workplace behavior they observe. Supervisors and administrative heads who receive such reports have the responsibility to initiate a response by contacting an appropriate office as indicated in APS 46.3.

All faculty and staff members University employees are also required to participate, provide information as requested, including personnel or student files and records and other materials recorded in any form, and otherwise fully cooperate with the processes described in APS 46.3.

89. Consequences of Policy Violation of Policy

Any member of the University community who violates any aspect of this policy is subject to corrective or disciplinary action, including, but not limited to, termination of employment or termination from educational programs.

June 1972; October 24, 1974; April 1975; October 26, 1976; March 12, 1978; April 20, 1979; December 5, 1983; July 20, 1998; June 25, 2008; August 17, 2012;_____, 2015.
c. Title IX/ADA Coordinator

The University's Title IX/ADA Coordinator is available to review individual concerns relating to compliance and to provide compliance support for programs, departments, schools, colleges, and campuses relating to discrimination based on sex or disability and providing access and reasonable accommodation for persons with disabilities. For more information, see the Title IX/ADA Compliance Support program.

Title IX/ADA Coordinator
Phone: 206-221-7932
Email: titleix@uw.edu

______2015.