Minutes
Senate Executive Committee Meeting
Monday, February 13, 2017, 2:30 p.m.
142 Gerberding Hall

Present: Zoe Barsness, Thaisa Way, Paul Hopkins, President Cauce, Provost Baldasty, Max Lieblich, Janelle Taylor, Duane Storti, Jan Whittington, Kurt Johnson, Kelly Edwards, Susan Astley, Casey Mann, Mark Pendras, Chris Laws, Sarah Stroup, Mike Townsend, JoAnn Taricani, George Sandison, Soh Yeun (Elloise) Kim

Absent: Theo Myhre, Daniele Menez, Gordon Watts

Guests: Ben Marwick, Randall LeVeque, Gordon Aamot, Amanda Paye, Jill Lee, Denzil Suite, Pedro Fonseca

1. Call to Order and Approval of Agenda.

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

2. Senate Chair’s Remarks – Zoe Barsness. [Exhibit A]

Chair Barsness spoke to her report. Barsness noted that the Senate Leadership is working to provide information to help the UW community work together given the stressful nature of recent events. Barsness also went over the schedule for dealing with the upcoming changes to the Student Conduct Code.

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

JoAnn Taricani, Faculty Legislative Representative, spoke to her report. Taricani went over the legislative schedule as well as several important bills referenced on her website. Taricani noted concern in the legislature about federal immigration rules and their effect on the state. Democrats and Republicans continue to split on K-12 financing. In particular, there is disagreement on the amount needed and the funding sources. In any case, the amount needed is large, the issues are complicated, and tough choices lie ahead.

Mike Townsend, Secretary of the Faculty, was asked about changes to the policy directory. He explained that the changes to the policy directory involved reorganization, not substance. Three pieces of Class B legislation were moved into a new section, chapter 50 “Policies Relating to Terms and Conditions of Employment.” There was concern about the legalistic nature of the title of the new section, and Townsend said he would welcome suggestions for alternatives.

Sarah Stroup, Chair of the Faculty Council on Academic Standards (FCAS), spoke about the proposal for direct admissions to engineering. The basic plan is to replace the three current paths to an engineering major (first-year direct to department, third-year application to department, and transfer) with a program that emphasizes first-year direct to the college (rather than the department). FCAS has approved the general idea and it has the support of affected schools and colleges, but the proposal has not been implemented and there are details to be worked out. The goal is to create fewer situations in which students spend two years preparing for an engineering degree, only to have admission denied.

4. President’s Remarks – Ana Mari Cauce, President.

President Cauce remarked that the UW community is in uncharted territory because of the speed with which changes are occurring. Some particular issues involve safety, the travel-ban lawsuit, and federal funding for research. The administration will not be partisan but will take part in the discussion when issues affect the operation of the University with respect to its traditional function of creating and
The University and its units will continue to work to provide support to the community during what looks to be like a rocky time ahead.

Cauce made a number of comments about safety. The administration is looking at time, place, and manner restrictions for future speaking events. Any such restrictions will be applied even-handedly. Cauce could not talk about the ongoing investigation into the shooting that happened during the Milos Yiannopoulos event. The administration is working to come up with risk-management guidelines. The UW routinely denies requests for an exemption based on a state-issued concealed carry permit. Several committee members reported witnessing incidents of guns on campus. Cauce said that faculty members seeing guns should call UW Police.

5. Consent Agenda.
   a. Approve the January 9, 2017, SEC minutes.
   b. Approve the January 26, 2017, Faculty Senate minutes.
   c. Approve nominees for Faculty Councils and Committees. [Exhibit D]
   d. Confirm the 2017-2018 Vice Chair nominees.
      Max Lieblich, Professor, College of Arts and Sciences; George Sandison, Professor, School of Medicine.

The consent agenda was approved.

6. Announcements.

There were no announcements.

7. Unfinished Business.
   Official Request for Faculty Code Interpretation
   Update on Interpretive issues with respect to Chapter 29 Amendment of the Faculty Code.

Townsend reviewed the process thus far. To help the SEC render an interpretation, the SEC will be presented with language covering both the subcommittee recommendation (that the SEC must submit Class A legislation for first consideration as presented to it, but can also propose amendments or even rejection) and the current practice (that the SEC has authority to amend or even reject submitted Class A legislation). Townsend pointed out that the SEC can render an interpretation without any change in Code language, but stated that both he and the Code Cops recommend clarifying the Code to conform more closely to the interpretation.

   a. Class B Legislation - Student Conduct Code Revisions (WAC 478-120). [Exhibit E]
      Faculty Council on Student Affairs
      Action: Approve for Faculty Senate consideration.

Chris Laws, Chair of the Faculty Council of Student Affairs (FCSA), Jill Lee, Director of the University Complaint Investigation and Resolution Office, and Amanda Paye, Deputy Title IX/ADA Coordinator spoke to the Student Conduct Code revisions. The revisions deal with the procedural side of sexual-misconduct cases. An earlier set of revisions dealt with substantive aspects, focusing on the definitions of prohibited behavior. Lee discussed the goals of the revisions (making the process more streamlined and accessible, making the process fair to all parties, involving faculty in the review process, and providing for flexibility). She described the legal rules (Title IX, Washington Administrative Procedures Act (WAPA), court cases) constraining the content of the revisions. Finally, she reviewed the drafting history, mentioning the discussions with relevant stakeholders and experts. Laws discussed some changes that have occurred since the SEC last saw the revisions. These changes were made for clarity, internal consistency, and conformance with the WAPA.

There is a new provision for a Review Coordinator, a non-voting member of the panel who handles routine administrative issues. There are new sections clarifying the appointment of reviewing officers, making it clear.
that they are faculty and, if appropriate, students. Moreover, these sections make it clear that panel members will receive appropriate training.

Finally, Laws drew attention to the changes in the disqualification process; in particular, the disqualification decision is left to the individual, as required by the WAPA. Laws noted that there is no power of the President to intervene in the process and that the President has agreed to this. The FCSA will create a panel to monitor in an ongoing fashion the roll out and implementation of the legislation and recommend changes if necessary.

The motion to submit the legislation to the Faculty Senate for first consideration passed.

b. Class B Legislation – Open-access policy. [Exhibit F]

Faculty Council on Research and University Libraries.

Discussion: Initial review of the open access policy.

Ben Marwick, a member of the Faculty Council on Research, spoke to the Class B legislation on the Open-access policy. Marwick described the history of the policy, its operation, and the immediate and long-term benefits.

In answering questions, Marwick clarified that the software will work from the tables of contents of a set list of journals and will prompt the faculty member to upload a version of the work listed for inclusion in an archive. The policy (and the software) is not retroactive in nature. Committee members expressed concerns about the opt-out nature of the proposal, both legally and as a matter of general policy. Townsend noted that the legal concerns were real. The question is how existing faculty members grant a forward-looking, irrevocable license in the absence of overt agreement on their part. Some argue that the Class B process can bind (dissenting) faculty members under a contract-agency theory. Alternatively, one could argue that a Presidential modification of EO 36 operates as a modification of the existing terms and conditions of employment.

Although the legal issue does not apply to future faculty, one committee member said that existing faculty should not adjust the property rights of future faculty members in this way. Townsend noted that there is a line of thought, not fully tested in court, that the university is already the initial owner of scholarly works under the work-for-hire doctrine. Some universities, e.g. Michigan, take this position, but our stance in EO 36 is not clear. In response, it was noted that most universities do not take this position, and it was suggested that the UW should not take that position.

Questions were raised about the status of the license if the faculty member simply ignores the software prompt. Townsend noted that license would still be in existence under the proposal as written unless a non-response is seen as an opt-out. Questions were raised about the effect of the license on the agreement a faculty member signs with a journal. Marwick said the software has information about the journals and will not prompt a faculty member if the journal does not allow subsequent placement in an open-access repository. Questions were raised about possible over-reliance on one particular piece of software. In response, it was conceded that software of some sort is needed for a program of this size, but the software is produced by a strong company, and there are a number of programs available from competing companies.

Barsness noted the legal and policy concerns surrounding the proposal, but pointed out that there was a unanimous Class C resolution asking for the development of such a proposal. She said that the vetting process will continue as broadly as possible. In particular, the discussion will continue at the next Senate meeting, at which time senators also will be encouraged to raise the issue in their units.

c. Class C Resolution – Resolution concerning postdoctoral fellows. [Exhibit G]

Faculty Council on Research

Action: Approve for Faculty Senate consideration.

Thaïsa Way, Vice-Chair of the Faculty Senate, moved a substitution for the Class C resolution on postdoctoral fellows provided in Exhibit G. The motion was seconded and approved.
Kelly Edwards, Associate Dean of the Graduate School, spoke to the (amended) motion. Edwards argued the need for uniformity across campus based on published national guidelines for R1 universities and best practices of peer institutions. Pedro Fonseca, Co-Chair of the University of Washington Postdoctoral Association, also spoke to the (amended) motion.

In response to questions, Edwards noted that the stated timelines represent an attempt to avoid exploitation while still providing the postdoc with the experience necessary to move them to the next step in their career. In particular, guidelines should not prevent giving a postdoc additional time for that one publication that would help them obtain employment. Concerns were expressed about the extent to which uniformity is possible given the wide variety of postdoc positions across disciplines. It was also suggested that a task force that looked into national guidelines and peer practice might be a better first step rather than making specific proposals such as that relating to the Office of Postdoctoral Affairs (OPA). With respect to the OPA, Edwards said that it was important that someone be named to own the issue now.

The motion to submit the resolution to the Senate passed.

d. Approval of the March 2, 2017, Faculty Senate Agenda. [Exhibit H]
   Action: Approve for distribution to Faculty Senators.

A motion was made and seconded to distribute the Faculty Senate agenda for the March 2 meeting. The motion passed.


The meeting adjourned at 4:56 p.m.
Report of the Faculty Senate Chair
Zoe Barsness, Associate Professor, Milgard School of Business, UW Tacoma

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

Continuing projects
As I indicated last month, we are concentrating our focus this winter and spring quarter on student affairs. In my last report to the SEC I provided a brief history of the process, which unfolded last year and led to a Class B change in the UW Policy Directory: WAC 478-120 – related to the Student Conduct Code. My January 9, 2017, Chair Report to the SEC summarized the gist of the substantive changes that were made to the Student Conduct Code last spring and also outlined the rationale for and process through which the currently proposed changes to the Student Conduct Code WAC (Washington Administrative Code) were drafted. This past month the Faculty Council on Student Affairs (FCSA) and the Compliance Services Team completed their work on the Student Conduct Code WAC. Many thanks to those of you who took the time to review the preliminary draft of the Class B legislation concerning proposed revisions to the Student Conduct Code WAC and provide feedback. Your feedback, combined with that provided by Senators and a variety of faculty governance bodies, has informed the final draft of the Student Conduct Code WAC before you today. Please note that two versions of proposed changes to the Student Conduct Code WAC are available, one in a red-lined version on the web for those of you interested in tracking each of the changes made since our last review of the draft policy, and in Exhibit E a clean, easier-to-read version of the proposed policy reflective of all the changes that have been made. It is important to note that the proposed Class B legislation passed unanimously by the FCSA and deserves your careful review, as we plan to take action on the legislation today.

To facilitate your review of the Student Conduct Code WAC, initial drafts of the two companion policy documents — the Academic Misconduct and Non-Title IX Behavioral Misconduct Policy and the Title IX Policy — are also provided on the web. These draft policies are provided for context to assist you in your review of the proposed Student Conduct Code WAC. We will reserve discussion of these policies for our April 3, 2017, SEC meeting. As the two companion policies to the Student Conduct Code WAC are also rather long and very complicated, we encourage you to begin your review of these important and nuanced pieces of legislation soon after our meeting today. Substantive or editorial feedback should passed along either to our Compliance Services Team — Jill Lee (ibeaver@uw.edu), Amanda Paye (apaye@uw.edu), or Kara Blake (kmblake@uw.edu) — or the Chair of the Faculty Council on Student Affairs, Chris Laws (wampaz@u.washington.edu), no later than March 17. This will assure your feedback can be used to inform the next round of drafts which will be submitted to the SEC for review and discussion at its April 3 meeting. It is our intention to formally review and take action on finalized drafts of the two companion policies that are reflective of SEC and other governance body feedback at a special meeting of the SEC on April 10, 2017. By taking this approach, we will be positioned to forward both policies onto the Senate for formal review and action at its April 20, 2017, meeting.

New Business
Today, we will begin review of the proposed Open Access Policy for the University of Washington. On April 23, 2015, the Faculty Senate unanimously approved a Class C “Resolution Concerning the UW Open Access Repository and Request for Advice on an Open Access Policy” that was submitted jointly by the Faculty Council on Research (FCR) and the Faculty Council on University Libraries (FCUL). In that resolution, the Senate requested that the Provost direct Betsy Wilson, Vice Provost for Digital Initiatives and Dean of University Libraries to “develop an open access publication policy for recommendation to the University and conduct a needs and integration assessment to determine what resources are necessary to enhance the University’s institutional repository, ResearchWorks Archive, to the level of a world-class repository”. This resulted in a report to the Provost dated June 13, 2016, that included a new Open Access Policy for faculty at the UW. The Open Access Report (see Exhibit F), details the new Open Access Policy and provides responses to Frequently Asked Questions about the policy. This report is provided for review and discussion at today’s SEC meeting. Please bring any questions you have about the policy that are not yet addressed (or insufficiently addressed) in the FAQs to inform our discussions. Your review and feedback will help facilitate the FCR’s efforts to improve the FAQs and begins the official policy vetting process. We will bring the policy for initial review and discussion by the Senate at its
March 2, 2017, meeting. The Open Access policy and FAQs will also be shared with the elected faculty councils in each of the schools, colleges and campuses for their review and discussion.

The FCR, in collaboration with the FCUL, have drafted Class B legislation to implement the proposed Open Access Policy, the draft legislation is also included in Exhibit F. The proposed Open Access Policy Class B legislation will be brought forward to the SEC and Senate for formal action in April.

Finally, an important proposed Class C resolution, concerning University of Washington Post-Doctoral Fellows will be considered. It too deserves careful review.
Report of the Secretary of the Faculty
Mike Townsend, Associate Professor, School of Law

1. **Senate Vice Chair Nominating Committee:** The Senate Vice-Chair Nominating Committee has completed the vetting process and has forwarded its recommendation to the Senate Executive Committee for action at this meeting.

2. **Committee on Committees:** The newly formed Committee on Committees is seeking candidates for membership on various Faculty Councils and Committees. Contact Jordan Smith ([jsmith4@uw.edu](mailto:jsmith4@uw.edu)) for further information.

3. **Changes to Faculty Code and Governance Policy Directory:** As part of a general cleanup of the UW policy directory, changes are forthcoming for the Faculty Code and Governance Policy Directory ([http://www.washington.edu/admin/rules/policies/FCG/FCGTOC.html](http://www.washington.edu/admin/rules/policies/FCG/FCGTOC.html)). In particular, a new Chapter 50 has been added.
Report of the Faculty Legislative Representative
JoAnn Taricani, Music History

This is the time in the session when many bills are being introduced and heard in committees (over 300, so far); I will provide an update in the SEC meeting. Once bills are voted out of their original committee, letters or other communications to legislators will be helpful. Briefly: the faculty regent bill (HB 1437) had a hearing on February 8, and I expect that it will be passed out of the committee next week. The Senate Chair Zoe Barsness and I testified in favor of this bill, and the administrations of UW and WSU officially indicated that they support this legislation. Zoe and I also have spent time meeting with legislators to check in on our issues and to introduce them to her as our Chair. Each stage of process becomes more difficult, and I am happy to answer questions about process on this or other bills in the meeting.

The other issues that have assumed prominence are student financial aid and the cost of course materials, with several bills addressing those issues (HB 1561 and 1375). Community college support is also the topic of several pieces of legislation; the House would like to introduce the concept of one tuition-free year of community college (HB 1840), to be extended to two years eventually. As I mentioned in the January Faculty Senate meeting, legislation on academic freedom was introduced, but it will not receive a hearing.

Almost all pieces of legislation address issues I listed last May. One unexpected bill (SB 5584) would exempt university presidential searches from public records and disclosure requirements, instead substituting State Senate confirmation as the public disclosure component of choosing a president. Essentially, this means a public university president would be hired/appointed by Regents and Trustees through a completely confidential process not subject to the open public records regulations, and would later be confirmed by the State Senate, presumably in the following year, like agency secretaries (Department of Transportation) and Regents/Trustees, all of whom are confirmed within months (up to twelve months in some cases) following their appointment. This proposed legislation has several prongs of complexity, the main one being that a president would be asked to start a position, with the possibility that the president would not be confirmed eventually by the State Senate (again, the situation of the Secretary of the Department of Transportation in 2016, who had to leave office the day after not being confirmed). I would be happy to address points regarding this legislation in our meeting; it is not clear if it will be voted out of committee, but is unlikely to survive the full legislative process if this bill does stay alive.
2016-2017 Appointments to University Committees and Faculty Councils

Faculty Council on Student Affairs (Meets Tuesdays at 1:30)

- Ann Culligan, College of Arts and Sciences, as a member for a term beginning immediately and ending September 15, 2019.

Special Committee on Honorary Degrees

- Shailendra Jain, School of Business, for a term beginning immediately and ending September 15, 2018.
- Joe Janes, Information School, for a term beginning immediately and ending September 15, 2019.
- Pamela H. Mitchell, School of Nursing, for a term beginning immediately and ending September 15, 2018.
- Robert Winglee, College of the Environment, for a term beginning immediately and ending September 15, 2019.
- Shawn Wong, College of Arts and Sciences, for a term beginning immediately and ending September 15, 2019.

Senate Committee on Planning and Budgeting

- Mike Brown, College of the Environment, for a term beginning immediately and ending September 15, 2019.
Class B Legislation: Proposed changes to the Student Conduct Code (WAC 478-120)

Date: February 8, 2017
To: Senate Executive Committee
From: Jill Lee, Executive Director, Compliance Services
Ellen Taylor, AVP, Student Life
Amanda Paye, Deputy Title IX/ADA Coordinator, Compliance Services
Re: Student Conduct Code WAC for Vote and Draft of Policies for Information

Following for your review and approval is:

- WAC for SEC, which contains redlined changes that have been made to the draft WAC you previously reviewed. Specific revisions noted below correspond with the numbers in this document beginning on page 6.
- A “clean” draft of WAC for SEC with redlining accepted [Exhibit G attached to the agenda].

In addition, both for context for the WAC and for your review:

- Information drafts of the companion policies Chapter 209 and 210 Student Governance and Policies, which are being provided to you for context (content from the WAC is, again, replicated and shaded in gray in the policies).
  - Chapter 209: Student conduct policy for academic misconduct and behavioral misconduct
  - Chapter 210: Student conduct policy for discriminatory and sexual harassment, intimate partner violence, sexual misconduct, stalking, and retaliation

Since your last review, we have also completed a further review and comparison of the requirements of Chapter 34.05 RCW – the Administrative Procedures Act, Chapter 10-08 WAC - Model Rules of Procedures, and our current code. Efforts have been made to incorporate language directly from the APA itself (or to reference the APA) and to borrow language from the current code when it is consistent with the proposed new model and roles.

Overall Comments

- During our last Senate Executive Committee meeting, the role of the President in conduct proceedings was further discussed and there was agreement to alter that role, with her concurrence. This change is consistent with faculty playing the role of reviewing officers. These revisions are reflected in WAC 478-120-0070 – Order from Administrative Review of Full Hearing and the removal of what was previously WAC 478-120-0068 - Authority of President of the University to Initiate Review.

- We are already anticipating creating training, web content, templates, and forms to “operationalize” the WAC and policies in a way that is transparent, understandable, and accessible to students.

- The Rules Coordination Office will do the final numbering, check internal number references, etc. (and ** has been used as a placeholder for internal references within the draft policies that remain to be verified, depending on any future revisions).
Specific Revisions

1. WAC 478-120-001 – Statement of Authority revised to bring language more into alignment with the APA.

2. The Office of Research Misconduct had requested that the reference to a specific role within the new model be stricken to avoid any unintended conflict with Executive Order No. 61. The internal citations to Research Misconduct will be reviewed and reconciled with EO 61 as part of final review by the Rules Coordination office.

3. As in the current code and given the complexity of the full adjudicative proceedings under the APA, a definition of “attorney” was added as a “person permitted to practice law in Washington State.”

4. Per feedback from SEC and faculty process partners, a definition of “Conduct Holds” was added to clarify their purpose and WAC 478-120-0028 – Conduct Holds was revised to further clarify that they are also used to monitor completion of disciplinary sanctions. A placeholder has been noted in the draft policies for further clarification.

5. The definition of “Respondent” was revised to acknowledge that some action may necessarily occur between the time a report is received and prior to charging a respondent.

6. The role of a “review coordinator” was added throughout to allow for the possibility of creating a role to provide support to the review panels in administrative reviews, much like a hearing examiner (a non-voting member).

7. WAC 478-120-0016 – Form of Adjudicative Proceeding was revised to more closely align with APA language and, also, with the University’s WAC 478-108-110 – Adoption of Model Rules of Procedure.

8. An acknowledgement was added that the University may complete “informal settlements” under the APA, which appears in current conduct code.

9. Clarification was added in WAC 478-120-0018 – Conversion to Full Adjudicative Proceeding that the conduct officer’s record from the brief adjudicative proceeding will become part of the record in the full hearing.

10. WAC 478-120-0019 – Full Adjudicative Proceeding was revised to more closely align with APA language.

11. WAC 478-120-0021 – Effective Date of Sanctions was revised to allow for possible post-dating and the actual effective date will be included in the final order.

12. In response to feedback from FCSA and other faculty, WAC 478-120-0023 – Appointment of Reviewing Officers and WAC 4789-120-0024 – Selection of Review Panels were added to provide a “high level” framework for the appointment and selection process, while allowing for further discussion during development of policies. The intention is that a continuous effort will be made to recruit and appoint students and faculty to the pool as they become available and an onboarding and training program will be developed to support this effort.
13. WAC 478-120-0025 - Disqualification and Substitution of Presiding Officers and Reviewing Officers was added consistent with the APA’s requirements, including that the individual whose disqualification is requested determines whether to agree to disqualification. Other sections have been revised throughout to use the term “disqualification,” which more closely aligns with the APA.

14. WAC 478-120-0030 – Interim Protective Measures revised to remove reference to “supportive measures,” which has caused confusion since there is no other reference to supportive measures in WAC (these are described in policy).

15. WAC 478-120-0032 – Service of Notices, Filings, and Orders and Time Limits revised to clarify when service by mail may occur and, also, to add language from APA relating to computing periods of time.

16. WAC 478-120-0056 – Subpoenas revised to clarify that the hearing officer may issue subpoenas and that the requesting party is responsible for serving the subpoena.

17. WAC 478-120-0069 – Communications with Reviewing Officers consistent with already-existing language regarding communications with the hearing officer.

18. WAC 478-120-0075 – Recordkeeping revised to include a reference to the recordkeeping provision for brief adjudicative proceedings under the APA.
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Chapter 28B.20.130 of the Code of Washington (RCW) grants the University of Washington (UW) the authority to establish rules regarding student conduct and student discipline. These rules are codified in Chapter 478-120 WAC and are further developed in agency-level policies and procedures pursuant to Chapter 34.05 RCW.

I. APPLICATION OF THE STUDENT CONDUCT CODE

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

This conduct code applies to all students from the time of admission through the actual conferral of a degree, including any period between terms of enrollment. The disciplinary sanctions specified in WAC 478-120-0020, 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.

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

Research misconduct, as defined in WAC 478-120-009, is a form of prohibited conduct under this code. Federal rules and policies, however, regulate the handling of research misconduct matters when University research is supported by federal funding. These federal requirements are incorporated into the University’s Executive Order No. 61, Research Misconduct Policy, which governs the handling of research misconduct allegations against students participating in research on behalf of the University, as is further explained in that Executive Order. The disciplinary sanction provisions of this code, WAC 478-120-0020 through 0021, apply if there has been a finding of research misconduct against a student under Executive Order No. 61. The administrative review provisions of this code, WAC 478-120-**, apply to the extent such review is permitted by Executive Order No. 61.

478-120-004 Jurisdiction of the University

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

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

b. off campus (i.e., conduct that does not occur on University premises or in the context of a University-sponsored program or activity) 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.
478-120-005 Definitions

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

1. Attorney

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

2. 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 this code had been committed against them.

3. 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 this code.

4. Conduct Officer

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

5. Conduct Proceedings

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

6. 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).

7. 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 this code.

8. 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.

9. Presiding Officer

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

10. Respondent

A "respondent" is any student or student organization reported to have engaged in or charged with prohibited conduct under the conduct code.
11. 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.

12. 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. The review panel may also include a “review coordinator.”

13. 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.

14. 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.

15. 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.

16. 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.

17. University Official

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

18. 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.

III. PROHIBITED CONDUCT

478-120-006 General Application

Prohibited conduct under this code includes, but is not limited to, the prohibited conduct described in WAC 478-120-006 through 0015 and relevant University policies. For additional interpretation of
Prohibited Conduct, see Chapter 210 Student Governance and Policies – Student Conduct Policy for Discriminatory and Sexual Harassment, Intimate Partner Violence, Sexual Misconduct, Stalking, and Retaliation and Chapter 209 Student Governance and Policies – Student Conduct Policy for Academic and Research Misconduct and Behavioral Misconduct.

478-120-007 Aiding, Assisting, and Attempting

Students may be found responsible for prohibited conduct if they:

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

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

c. Attempt to commit prohibited conduct.

478-120-008 Academic Misconduct

Academic misconduct includes:

a. "Cheating," which includes, but is not limited to:

i. The use of unauthorized assistance in taking quizzes, tests, or examinations, or completing assignments;

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

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

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

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

c. "Plagiarism," which is the submission or presentation of someone else's words, composition, research, or expressed ideas, whether published or unpublished, without attribution. Plagiarism includes, but is not limited to:

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

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

d. Unauthorized collaboration.

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

f. Multiple submissions of the same work in separate courses without the express permission of the instructor(s).
g. Taking deliberate action to destroy or damage another’s academic work in order to gain an advantage for oneself or another.

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

**478-120-009 Research Misconduct**

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

**478-120-0010 Discriminatory Harassment and Sexual Harassment**

1. **Discriminatory harassment.**

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

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

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

2. **Sexual harassment**

   Sexual harassment is unwelcome sexual advances, requests for sexual favors or other verbal, physical, or electronic conduct of a sexual nature when one of the conditions outlined in (a) or (b), below, is present:

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

   b. Such conduct creates a hostile environment, which is created when the conduct is sufficiently severe, persistent, or pervasive that it unreasonably interferes with an individual’s academic or work performance, ability to participate in or benefit from the University’s programs, services, opportunities, or activities, or the receipt of legitimately requested services when viewed through both a subjective and objective standard.
478-120-0011 Intimate Partner Violence

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

Abuse of others includes assault and other forms of physical abuse of any person, or any conduct intended to threaten bodily harm or to endanger the health or safety of any person.

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

478-120-0012 Retaliation

Retaliation includes engaging or attempting to engage in any action, directly or indirectly, including through a third party, that is intended to harass, intimidate, threaten, harm or improperly influence any person because they:

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

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

c. Appear as a witness.

478-120-0013 Sexual Misconduct

1. Indecent Exposure

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

2. Sexual Assault

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

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

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

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

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

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

a. Consent cannot be obtained when force or threat is used to gain consent;
b. Consent cannot be obtained where the respondent knew or reasonably should have known that the other person was incapacitated; or
c. Consent cannot be given or granted by a person who is under the statutory age of consent in accordance with the Criminal Code of Washington Chapter 9A.44 RCW – Sex Offenses.

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

3. Sexual Exploitation

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

a. Transmitting, distributing, publishing, or threatening to transmit, distribute, or publish photos, video, or other recordings or images of a private and sexual nature, including consensual sexual activity, without the consent of the subject(s);
b. Taking, making, sharing or directly transmitting photographs, films, or digital images of the private body parts of another person without that person’s consent;
c. Prostituting another person; or
d. Knowingly allowing another to surreptitiously watch otherwise consensual sexual activity.

478-120-0014 Stalking

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

a. Fear for the person’s safety or safety of others; or
b. Suffer substantial emotional distress.

For the purposes of this subsection, "course of conduct" means two or more acts including, but not limited to, acts in which the respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property. Stalking also includes cyber-stalking such as through electronic media, the internet, social networks, blogs, cell phones, or text messages.

For the purposes of this subsection, "substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
478-120-0015 Behavioral Misconduct

1. Abuse of Others

Abuse of others includes assault and other forms of physical abuse of any person, or any conduct intended to threaten bodily harm or to endanger the health or safety of any person.

2. Abuse of the Student Conduct Process

Abuse of the student conduct process includes:

a. Attempting to influence the impartiality or participation of any presiding officer or any reviewing officer;
b. Influencing or attempting to influence another person to commit an abuse of the student conduct process; or
c. Submitting or providing false or misleading information in bad faith or with a view to personal gain or intentional harm to another in the conduct process.

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

3. Acts of Dishonesty

Acts of dishonesty include:

a. Knowingly furnishing false information to any University official;
b. Impersonating, or providing false information in the name of, any University official;
c. Forging, altering, or misusing any University document or record, or instrument of identification;
d. Falsely claiming an academic credential; and
e. Providing dishonest or misleadingly incomplete information or answers on application forms or in response to other official University requests for information.

4. Alcohol Violations

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

5. Computer Abuses

Computer abuses include, but are not limited to:

a. Unauthorized use of University computer resources;
b. Use of another person's University user name and/or password;
c. Use of University computing facilities and resources to interfere with the work of another student, an instructor, or other University official;
d. Use of University computing facilities or resources to send intimidating, harassing, or threatening messages;
e. Use of a computer or software to interfere with normal operations of the University's computing systems;
f. Use of the University's computing facilities or resources in violation of any law, including copyright laws; and
g. Any violation of the University's computer use policies.
6. Creating a Public Nuisance in Neighboring Communities

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

7. Disruption or Obstruction

Disruption or obstruction includes materially and substantially obstructing or disrupting, through words or conduct, the teaching or learning environment of any University educational setting, or any University functions or activities.

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

8. Drug Violations

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

9. Failure to Comply

Failure to comply includes, but is not limited to:

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

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

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

10. Harassment or Bullying

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

11. Hazing

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

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

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

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

a. action of gunpowder or other explosives;

b. action of compressed air; or

c. power of springs or other forms of propulsion.

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

13. Theft

Theft is the taking of property or services without express permission of the owner. This includes, but is not limited to, taking, possessing, or aiding another to take University property or services, or property belonging to members of the University community.

14. Unauthorized Keys, Entry, or Use

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

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

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

c. providing keys to an unauthorized person or providing access to an unauthorized person.

15. Unauthorized Recording

Unauthorized Recording includes, but is not limited to:

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

16. Vandalism

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

17. Violation of Disciplinary Sanctions

Violation of disciplinary sanctions includes the violation of any term or condition of any final order issued under this conduct code or the failure to complete a disciplinary sanction in the specified time frame.

18. Violation of Law

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.

IV. CONDUCT PROCEEDINGS

478-120-0016 Form of Adjudicative Proceeding

All conduct proceedings under this code shall be conducted in accordance with Chapter 34.05 RCW – the Administrative Procedure Act and constitutional due process. If there is an irresolvable conflict between this code and the Administrative Procedure Act or constitutional due process, the Administrative Procedure Act and constitutional due process shall supersede these rules.

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

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

478-120-0017 Brief Adjudicative Proceedings

When conduct proceedings have been designated as brief adjudication proceedings under this code, they will be conducted in accordance with RCW 34.05.482 through .494 and the parties will receive notice as set forth in WAC 478-120-0044.

478-120-0018 Conversion to Full Adjudicative Proceeding

Prior to the conclusion of a brief adjudicative proceeding, the conduct officer shall make any inquiries necessary to ascertain whether the proceeding should be converted to a full adjudicative proceeding under RCW 34.05.413 through 34.05.476 – Administrative Procedures Act. If converted, the conduct officer will take steps necessary to initiate a full hearing and a hearing officer will be assigned.
To the extent feasible, the conduct officer’s record will be included in the record for the full hearing.

The time of commencement of the full hearing shall be considered to be the time of commencement of the original conduct proceeding.

If not converted by the conduct officer, the parties will be given an opportunity to request a full hearing per Section IX – Brief Adjudicative Proceeding Administrative Review.

478-120-0019  Full Adjudicative Proceeding

If it becomes apparent that a full adjudicative proceeding is necessary, is in the public interest, or is more appropriate to resolve issues affecting the participants, full hearing will be held in accordance with Section X of this code that is in compliance with RCW 34.05.413 through 34.05.476. Factors that may be considered as guidelines to determine whether the issues and interests involved warrant the use of a full adjudicative proceeding consistent with this code will be defined in University policy, including Chapters 209 and 210 Student Governance and Policy.

V. DISCIPLINARY SANCTIONS

478-120-0020  Disciplinary Sanctions

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

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

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

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

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

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

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

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

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

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

478-120-0021 Effective Date of Sanctions
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.

VI. INITIATING CONDUCT PROCEEDINGS

478-120-0022 Authority to Initiate Conduct Proceedings and Delegations of Authority in Conduct
   Proceedings

The following University officials may initiate conduct proceedings under this conduct code:
   a. The vice-president for student life at University of Washington Seattle;
   
   b. The chancellors at University of Washington Bothell and Tacoma;
   
   c. Deans of a school or college (including the graduate school) at University of Washington Seattle;
      and
   
   d. Deans or directors of any school or program at University of Washington Bothell or Tacoma.

The above named university officials may delegate the authority to one or more 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 of this code:
   a. the Chair of the Faculty Senate will appoint one or more faculty to be included in 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 be included in 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 this code. Review panels may also include a review coordinator.

**478-120-0023  Appointment of Reviewing Officers**

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.

**478-120-0024  Selection of Review Panels**

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.

**478-120-0025  Disqualification and Substitution of Presiding Officers and Reviewing Officers**

Consistent with RCW 34.05.425, 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.

**478-120-0026  Initiating Conduct Proceedings**

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

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.

**478-120-0027  Decision Not to Initiate a Conduct Proceeding**

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.

**478-120-0028  Conduct Hold on Student Record**

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, or a pending conduct proceeding under this code, or in conjunction with a disciplinary sanction under this 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.

478-120-0029  Parties

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 Chapter 209 Student Governance and Policies – Student Conduct Policy for Academic and Research Misconduct and Behavioral Misconduct.

478-120-0030  Interim Protective Measures

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.

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).

478-120-0031  Emergency Authority of the University

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

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

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

478-120-0032 Service of Notices, Filings, and Orders and Time Limits

Service of all University notices under this code will be sent by electronic mail (e-mail) addressed to the
party’s University-issued e-mail address. An alternative e-mail address may be provided to the presiding
officers and reviewing officer(s) 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.

478-120-0033 Participation of Advisors and Attorneys

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. For additional guidance, see
Chapters 209 and 210 Student Governance Policies.

478-120-0034 Consolidation

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.

478-120-0035 Burden of Proof

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

478-120-0036 Evidence in Conduct Proceedings

The following evidentiary provisions apply to conduct proceedings under this code. In applying this 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 this 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 and 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.

478-120-0037 Relevant Evidence, Hearsay, and Character Evidence

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

478-120-0038 Prior or Subsequent Conduct of the Respondent

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.

478-120-0039 Prior Sexual History

The sexual history of the parties or witnesses will not be used to prove character or reputation.

Evidence related to the prior sexual history of the parties or witnesses is generally not relevant to the determination of a violation of this code and will be considered only in limited circumstances. The presiding officer will determine the relevance of this evidence.
Consistent with RCW 34.05.452(5), 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.

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.

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 this code when the elements of that crime establish prohibited conduct under this code that adversely affects a university interest.

VIII. BRIEF ADJUDICATIVE PROCEEDINGS

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

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”).

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 this code.

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.

IX.  BRIEF ADJUDICATIVE PROCEEDING ADMINISTRATIVE REVIEW

478-120-0047  Requesting Administrative Review

A party may request administrative review of the initial order based on the grounds as set forth in WAC
478-120-0048.

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.

478-120-0048  Grounds for Administrative Review

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;

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.

478-120-0049  Notice of Administrative Review

If administrative review is requested, the University will provide the parties notice, in writing, of the
date the administrative review will be initiated and the identities of the reviewing officer(s) 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.

478-120-0050  Procedures for Administrative Review

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. Newly-discovered evidence, if the basis for seeking administrative review is that newly-
discovered evidence has become available; however the review of newly-discovered evidence is
limited to determining whether the newly-discovered evidence warrants remanding the matter
for further proceedings.
Decisions by a panel of reviewing officers will be determined by majority vote.

478-120-0051  Order from Administrative Review

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.

478-120-0052  Process Following Remand from Administrative Review or Conversion

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 this code.

X.  FULL ADJUDICATIVE PROCEEDINGS AND FULL HEARING

478-120-0053  Notice of Full Hearing

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.

478-120-0054  Pre-hearing Conferences

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.

**Discovery**

Discovery, including depositions, interrogatories, requests for production, entry onto land for inspection or other purposes, and physical and mental examinations, are not available in conduct proceedings under this code.

**Subpoenas**

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.

**Protective Orders**

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.

**Pleadings, Briefs, and Motions**

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.

**Communications with Hearing Officer**

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.
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.

Continuances
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.

Testimony under Oath or Affirmation
In a full hearing, all testimony of parties and witnesses shall be made under oath or affirmation.

Remote Participation
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.

Initial Order from Full Hearing
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.

XI. ADMINISTRATIVE REVIEW FROM FULL HEARINGS

Requesting Administrative Review
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.

Grounds for Administrative Review
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;
c. To determine whether the sanction(s) imposed were appropriate for the violation committed and were not excessively lenient or excessively severe; or
d. Any other grounds that would warrant modification, withdrawal, or reversal of the order.

**478-120-0067 Notice of Administrative Review**

If administrative review is requested, the University will provide the parties notice, in writing, of the date the administrative review will be initiated and the identities of the reviewing officer(s) 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.

**478-120-0068 Procedures for Administrative Review from a Full Hearing**

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

**478-120-0069 Communications with Reviewing Officers**

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 partee communication and given an opportunity to respond on the record.
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.

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.

XII. RECONSIDERATION OF FINAL ORDERS IN FULL ADJUDICATIVE PROCEEDINGS

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.

478-120-0073 Denial of Request for Reconsideration

The request for reconsideration is automatically deemed to have been denied if, within twenty days from the date the request for reconsideration is timely submitted, the 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.

XIII. PRIVACY AND RECORDS

478-120-0074 Privacy in Full Hearings

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

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 this 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 an additional recording 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.

478-120-0075 Recordkeeping

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.

478-120-0076 Disciplinary Record

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

December 22, 2016

To: UW Senate Executive Committee

From: Michael E. Rosenfeld, Chair Faculty Council on Research
      Trent Hill, Chair Faculty Council on University Libraries

Topic: Request for a Class B Resolution for a faculty vote on adoption of a new open access policy for the faculty of the UW.

On April 23, 2015, the Faculty Senate unanimously approved a Class C "Resolution Concerning the UW Open Access Repository and Request for Advice on an Open Access Policy" that was submitted jointly by the FCR and the FCUL. In that resolution, the Senate requested that the Provost direct Betsy Wilson, Vice Provost for Digital Initiatives and Dean of University Libraries to "develop an open access publication policy for recommendation to the University and conduct a needs and integration assessment to determine what resources are necessary to enhance the University's institutional repository, ResearchWorks Archive, to the level of a world-class repository". This resulted in a report to the Provost (appended) dated June 13, 2016 that included a new Open Access Policy for faculty at the UW with recommendations for the purchase of the citation harvesting software tool, Symplectic Elements and creation of an additional FTE position for the oversight of the repository.

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

Our request for a class B resolution calling for a vote of the faculty for adoption of this policy and purchase of the software is based on our thinking that this is the best way to inform the faculty about the policy recommendation and open access in general and stimulate a campus wide discussion. It will coincide with development of recommendations by the newly established Advisory Committee on Intellectual Property Policy and Practice for updating EO36, the executive order that governs IP regulations for the UW. Adoption of this policy for the faculty is the first step that hopefully will result in adoption of an open access policy that includes UW students and staff.

Thank you for consideration of this request for a class B resolution for a vote of the UW faculty.

Background and Rationale

On April 23, 2015, the Faculty Senate unanimously approved a Class C "Resolution Concerning the UW Open Access Repository and Request for Advice on an Open Access Policy" that was submitted jointly by the Faculty Council on Research and the Faculty Council on University Libraries. In that resolution, the Senate requested that the Provost direct Betsy Wilson, Vice Provost for Digital Initiatives and Dean of University Libraries to "develop an open access publication policy for recommendation to the University and conduct a needs and integration assessment to determine what resources are necessary to enhance the University's institutional repository, ResearchWorks Archive, to the level of a world-class repository". This resulted in a report to the Provost dated June 13, 2016 that included a new Open Access Policy for faculty at the UW with recommendations for the purchase of the citation harvesting software tool, Symplectic Elements and creation of an additional FTE position for the oversight of the repository.
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Faculty Code and Governance
Policies Relating to Terms and Conditions of Employment

Open Access Policy Chapter 54

Section 54 – 01 Purpose

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

Section 54 – 11 Policy and Grant of Rights

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

Section 54 – 21 Scope and Waiver

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

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

Section 54 – 31 Deposit of Articles

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

Section 54 – 41 Implementation and Oversight of Policy

The Provost or Provost’s designate will be responsible for implementing and interpreting this policy and recommending changes to the Faculty from time to time. In implementing this policy the Provost or Provost’s designate will strive to maximize Faculty participation by providing appropriate technology and other support to facilitate article deposit.
Response to
Provost Jerry Baldasty and Faculty Senate Chair Norm Beauchamp
Regarding the April 23, 2015 Class C

RESOLUTION CONCERNING THE
UW OPEN ACCESS REPOSITORY AND REQUEST
FOR ADVICE ON
AN OPEN ACCESS POLICY

Lizabeth (Betsy) Wilson
Vice Provost for Digital Initiatives and Dean of University Libraries 482
Allen Library Box 352900 Seattle, Washington

June 13, 2016
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– Open Access Initiative Advisory Group
Open Access Initiative Report

Executive Summary
The Faculty Senate's April 23, 2015 Class C “Resolution Concerning the UW Open Access Repository & Request for Advice on an Open Access Policy,” requested that the Provost direct the Vice Provost for Digital Initiatives and Dean of University Libraries to:

- Develop an open access publication policy for recommendation to the University.
- Conduct a needs and integration assessment to determine what resources are necessary to enhance the University's institutional repository, ResearchWorks Archive, to the level of a world-class repository.

This report provides:

- Background on the response to the Faculty Senate resolution
- Open access publication policy background and considerations
- ResearchWorks Archive improvements to date and assessment of faculty needs
- University resources needed to provide support for faculty participation in an open access policy and implementation of a world-class institutional repository

Key Recommendations
- It is recommended that the University of Washington adopt a “Harvard-style” open access publication policy under which faculty grant limited rights to the University of Washington in order to make their research articles openly available via the Libraries’ ResearchWorks Archive. Such an approach would maximize faculty rights to determine where they publish while expanding access and exposure at low cost. The specific policy recommended can be found in Appendix I of this report.

- Faculty participation and support will be a critical factor in the policy's success. To minimize the impact on faculty authors' time, consideration should be given to automating the process of depositing research articles as much as possible. The best and most promising tool for this is the citation harvesting tool, Symplectic Elements, now in use at the University of California and elsewhere to support open access policies. In order to provide the support needed for faculty authors and enhance ResearchWorks Archive to the level of a world-class open access repository, additional resources for cloud-hosting, software, and staffing will be required. The estimated resources required to support faculty participation in an open access policy include:

Symplectic Elements
  - One-time costs of $17,000 for set up
  - Ongoing costs of $85,000/year for the software and $44,000/year for cloud hosting
Full-time Librarian to assist with outreach, managing exemptions, and other support for faculty

- Ongoing costs of $93,225/year ($75,000 + $18,225 benefits)
Background
Faculty, students, administrators, and librarians at the University of Washington have a long interest in open access publishing. During 2014-2015 there was renewed interest among faculty and students in open access, with both the GPSS and ASUW passing resolutions supporting it. The Faculty Council on Research initiated a broad discussion on the benefits of open access publishing and worked with others to request support for an open access policy in the Faculty Senate. On April 23, 2015 the Faculty Senate unanimously passed a Class C “Resolution Concerning the UW Open Access Repository & Request for Advice on an Open Access Policy.”

The resolution asked the Provost to request the Vice Provost for Digital Initiatives and Dean of University Libraries to develop an open access publication policy for recommendation to the University and conduct a needs and integration assessment to determine what resources are necessary to enhance ResearchWorks Archive to the level of a world-class repository. It also asked the Vice Provost to consult with two related committees whose charges involve intellectual property – the Intellectual Property Management Advisory Committee and the Special Committee on Intellectual Property and Commercialization. Provost Baldasty was receptive and Vice Provost Wilson began working with stakeholders to recommend an open access policy and conduct a needs assessment for the institutional repository.

Vice Provost Wilson charged two Libraries groups to work on the initiative. The Open Access Policy Steering Group, chaired by her, took primary responsibility for developing the policy and communicating with faculty and stakeholder groups. The Digital Repository Working Group, chaired by Jennifer Ward, Director, Information Technology Services & Digital Strategies, was charged to both develop and improve the current repository, ResearchWorks Archive, and conduct a needs assessment to determine what resources would be necessary to enhance it to the level of a “world-class” repository.

The Faculty Resolution also asked that the Vice Provost consider the expertise of University of Washington faculty and staff in the development of an open access policy and enhanced repository. Faculty and staff with whom we consulted provided invaluable advice and guidance during the course of our work. The groups included:

Open Access Initiative Advisory Group. To ensure that a broad range of stakeholders were consulted during the process, the Vice Provost established an Advisory Group of senior faculty and leaders with whom the Steering Group could regularly consult. The membership included representatives from the College of the Environment, Engineering, Business, Law, Medicine, Arts & Sciences, CoMotion, Office of Research, UW-IT, as well the Chairs of the Faculty Council on Research and Faculty Council on University Libraries. They were asked to:

- Provide advice and guidance on the development of a robust and sustainable University of Washington open access policy that is both sensitive to faculty needs and consistent with existing University policies and state and federal legislation.
• Provide advice and guidance as the Libraries plans for a world-class institutional repository that supports the dissemination and stewardship of digital scholarship and resources created by the University of Washington community.
• Provide advice and guidance on how best to communicate with the University community regarding the issues and benefits of open access.

Faculty Council on Research. Representatives from the Libraries briefed the FCR in December to update them on progress and request feedback on a draft open access policy. Mike Rosenfeld, FCR Chair, also serves on the Open Access Initiative Advisory Group.

Faculty Council on University Libraries. Representatives from the Libraries provided monthly updates on progress and solicited feedback on open access policy drafts and issues. Dianne Lattemann, FCUL Chair, also serves on the Open Access Initiative Advisory Group.

Research Advisory Board. The Vice Provost for Digital Initiatives and University Libraries was invited to brief the group on the open access initiative at their January 8, 2016 meeting.

University of Washington Attorney General’s Office. In December 2015 representatives from the Open Access Policy Steering Group briefed Assistant Attorney General Clark Shores on the initiative and progress so far.

Open Access Publication Policy Background and Considerations
As noted, the principal request expressed in the April 23, 2015 Faculty Senate resolution was that “...the Provost direct the Vice Provost of Digital Initiatives, Dean of the University Libraries to work with faculty leadership to develop an open access publication policy for recommendation to the University.” It also set an expectation that there be close consultation with faculty leadership on development of a draft policy, but left the type of policy to be determined.

Over the past academic year, as the Steering Group worked to develop and then refine a proposed policy and other action items related to development of the ResearchWorks Archive in response to faculty feedback, the members paid careful attention to the “framing” language within the resolution. As has been the case at other institutions that have adopted publication policies within the last several years, the Senate resolution specified that a recommended policy focus on research articles typically appearing in journals. The Steering Group also paid attention to key policy goals expressed in the presentation Professors Ben Marwick and Mike Rosenfeld gave to the Faculty Senate before the resolution was approved. In their presentation they asserted that a policy focused on “the free, immediate, online availability of peer-reviewed research articles with re-use rights” would both “contribute to the public good by removing paywalls to knowledge” and “improve the visibility of UW scholarship.”

To help ensure a University policy would meet these goals and be in line with quickly-evolving best practices, the Steering Group undertook a systematic review of the current open access policy landscape within higher education – starting with Peter Suber’s 2012 book, Open Access. Suber proposes the following definition: “Open Access (OA) literature is digital, online, free of charge, and
free of most copyright and licensing restrictions.” The Steering Group also frequently consulted the respected and continuously-updated “Good practices for university open-access policies” web site maintained by the Harvard Office for Scholarly Communication, the Scholarly Publishing and Academic Resources Coalition’s Campus open-access policy ‘Choice Points,” and a forthcoming College & Research Libraries article by Christine Fruin and Shan Sutton that explored faculty concerns about open access policies and how best to address them.

Careful attention was also given to policies adopted in recent years at leading U.S. research institutions. For example, since most commentators credit the policy adopted in 2008 by Harvard’s Faculty of Arts & Sciences as the first and most influential, Harvard’s subsequent Model Open-Access Policy was studied with special care. Accordingly, the Steering Group found Eric Priest’s 2012 “Copyright and the Harvard Open Access Mandate” to be a helpful analysis of legal considerations for policies based on Harvard’s approach.

Open access policies adopted by other large, state-supported universities with histories of substantial federal research grant support were reviewed. The most useful of these were the two adopted by the University of California system (the 2013 policy passed by the Academic Senate for tenure-track faculty and the October 2015 Presidential Policy covering non-Academic Senate faculty and others), the University of Minnesota’s January 2015 policy on Open Access to Scholarly Articles, the policy incorporated into the University of North Carolina – Chapel Hill’s March 2015 Task Force Report, and policies enacted in December 2015 at the University of Massachusetts-Amherst and in April 2016 at the University of Arizona.

While there is significant variation among these policies, they share certain core ideas that the Steering Group believes should be reflected in an open access publication policy at the University of Washington. Perhaps most importantly, the policies reviewed focus mainly or exclusively on faculty work, and are primarily repository-based (or “green”) rather than journal-based (or “gold”). The virtues of repository-based policies are many, but the most compelling are their cost-effectiveness (wide and effective access to large numbers of articles can be provided at modest cost with no direct charges to authors), and the fact that they fully support academic freedom because they do not dictate where faculty members should publish.

Policies of this kind are often described as “rights retention” policies because they support faculty interests in retaining rights to their work without requiring significant effort on their part – and the Steering Group believes a UW policy should follow that pattern. As Suber (2012, p. 80) explains, at Harvard faculty members have voted to give the university a standing nonexclusive right (among other nonexclusive rights) to make their future work OA through the institutional repository. Once they had done that, the university already had the needed permission and faculty didn’t need to take any special steps or negotiate with publishers.

While it appears that policies setting a clear expectation for deposit are more effective than those making participation completely optional, the Steering Group also believes such an expectation can be put forward and managed with a “light touch,” and that easy and straightforward means for faculty to exempt particular articles can be provided. It is suggested that the University adopt the
common practice of making waivers (i.e. exemptions from the policy for specific articles) and embargoes (the ability to delay making an article available open access) freely available to faculty on request, without any need to provide justification.

To summarize, the Steering Group recommends adoption of a repository-based, rights-retention policy aimed at faculty research articles, with provision for waivers and reasonable embargo periods on request.

ResearchWorks Archive Improvements and Assessment of Faculty Needs

For the last decade, the Libraries' institutional repository (ResearchWorks Archive - https://digital.lib.washington.edu/researchworks/) has served as an online archive for University of Washington digital content needing a secure, accessible, and permanent home, regardless of access levels and/or intended audience. The content currently contained in ResearchWorks Archive is an eclectic mix of documents generated by faculty, students, and administrators. The Libraries has responded to the April 2015 resolution to enhance ResearchWorks Archive and assess faculty needs in a number of important and strategic ways, which are detailed in Appendix III.

Key initiatives included:

- Creating a Repository Management Librarian position as part of an internal reorganization within Information Technology Services & Digital Strategies. This position is responsible for the general development and management of the institutional and data repositories.
- Completing two upgrades of the ResearchWorks Archive software, which included improvements in the overall look and feel of the interface as well as underlying system functionality.
- Conducting a survey of faculty at the University of Washington, including the Bothell and Tacoma campuses, to learn more about how faculty share, store, and manage their research output. The survey results provided valuable information about faculty needs and concerns in this area. In reviewing the open-ended comments it became clear that there is not a shared understanding of open access issues or the role open access can play in transforming scholarly publishing. In addition to developing and implementing a robust communication strategy to increase awareness of open access issues, the repository must be both easy to use and well-staffed to ensure that the policy is a success.

University resources needed to provide support for faculty participation in an open access policy and implement a world-class institutional repository

Technology Implementation
Members of the Steering Group consulted with colleagues at the University of California, which recently adopted an open access policy. One important factor to their success has been the simultaneous implementation of Symplectic Elements, a research integration management system (RIMS) that helped automate the process. Broadly speaking, a RIMS collects and stores metadata about faculty research and scholarly publications, with the intention of repurposing the information in a variety of ways. For example, faculty publication information might be used to populate profiles or support open access by managing deposit requirements.

Symplectic Elements is a tool that was built for the express purpose of making it easier to identify and deposit materials into an institutional repository. The core functionality of Elements is the continuous, automated capture of research output data from multiple internal and external sources, using simple workflows to facilitate deposit of articles by faculty authors and librarians alike. Integrations with other institutional systems, such as VIVO (a faculty research profiling tool being evaluated by the University's Office of Research), can further reduce the need to re-enter information, saving valuable researcher time and improving engagement with the process.

While there are other vendors providing similar software, Symplectic is the most mature and seems to have the most robust and stable feature-set. Unlike most of the other vendors, Symplectic's clients are our peers, which is critical in understanding the faculty needs and preferences at a research institution like the University of Washington.

Staff & Services

Another component of successful open access policy initiatives is a suite of services to enhance and support faculty participation. After the responsibility shifts mentioned above, the Libraries currently has 1.25 FTE supporting current ResearchWorks Archive service activities, an increase of approximately .75 FTE. We envision staffing open access policy initiative support with a librarian who, in conjunction with other Libraries staff, will assist with outreach, education, communication, managing exemptions from Open Access deposit, and other support of faculty.

Recommendations

Based on our environmental scan, discussions with UW faculty members, and assessment of faculty experience with ResearchWorks Archive and preferences for scholarly sharing and preferred features in an institutional repository, the Steering Group makes the following recommendations regarding an Open Access Publication Policy and enhanced institutional repository for the University of Washington:

- **Harvard-Style Open Access Policy.** The type of policy most likely to support the key objectives put forth during the April 23d, 2015 presentation to the Faculty Senate is one based on the Harvard model in which faculty grant the University limited rights to their research articles so that they may be systematically made available via the Libraries' ResearchWorks Archive. Such an approach would maximize faculty rights to determine
where they publish while expanding access and exposure at low cost. The specific policy recommended can be found in Appendix I of this report.

- **Supplemental Policy Documentation.** While policy statements themselves are usually relatively short and simple, they are typically supplemented with additional supporting documentation that provides important implementation and other details that are expected to change over time. The Steering Group has prepared a draft FAQ document (Appendix II) and suggests that the draft policy be read along with it, and our recommendations concerning enhancement of UW’s ResearchWorks Archive. (Appendix III)

- **Resources to Support Faculty Participation in an Open Access Policy.** Faculty members have many demands on their time, and it will be much easier for support and participation to grow and take hold if everything possible is done to minimize the impact of an open access policy on them. The Steering Group believes a key factor in achieving this would be to automate the process as much as possible, and the best and most promising tool for this is the citation harvesting tool Symplectic Elements now in use at the University of California and elsewhere to support open access policies. Estimated costs include one-time costs of $17,000 and annual costs of $129,000 for cloud hosting fees and software.

It will be important to provide active, substantial, and ongoing support for faculty authors. We estimate annual costs of $93,225 for a full-time librarian to provide these and other support services.

**Further Considerations**

- **Scope of the Policy and a Phased Approach.** Like most other university-based open access policies reviewed, the recommended policy covers only UW faculty and their scholarly articles. While the Steering Group supports working toward a broader and more inclusive OA policy, the organizational, cultural, and administrative issues are complex enough that a phased implementation is recommended.

- **Authorizing and Establishing the Open Access Policy.** Over the past year, there have been many discussions within the Open Access Policy Steering Group and with various stakeholders about the best course for authorizing and establishing the policy. The Faculty Senate could choose to consider a recommended policy as Class A, B, or C legislation – for each of which particular procedures and voting guidelines apply. Some have suggested that changes to Executive Order 36 or another Executive Order would be needed to make it official University policy. Others have suggested some combination of the two approaches. The Steering Group suggests that the newly formed Advisory Committee on Intellectual Property Policy and Practice be charged with assessing the issues and developing the appropriate path to implementation.

- **Open Access and Funding Requirements.** It is also important to recognize the pervasive role at UW of federal agency and foundation funding requirements for making funded research publicly available. UW authors who already make their research articles open access via disciplinary repositories like PubMed Central to meet funders’ requirements should simply be able to continue doing that, and not be asked to deposit them again in ResearchWorks
Archive. The same would apply to articles deposited in other disciplinary repositories, such as arXiv, where the intent is to make them available but not to meet funding requirements.

- **Increasing Open Access Awareness.** In discussions with various faculty and faculty groups the Steering Group has seen that knowledge about and familiarity with open access publishing and related issues can vary widely. For an open access policy to be successfully enabled and implemented, it will be essential to have broad faculty understanding and support. The Steering Group recommends considering some steps to help increase faculty awareness of open access issues. For example, the University might bring prominent speakers on open access topics to campus to engage the faculty and begin a larger discussion of the benefits of open access.

- **Additional Potential Benefits of a Subscription to Symplectic Elements.** While Symplectic Elements is discussed in the report in the context of automating and supporting a faculty open access policy, the tool has other potential University applications for supporting the goals and principles of the Transforming Administration Program initiative. For example, the Steering Group has been in contact with Office of Research staff during its investigation and they are also interested in Elements as a tool to use in combination with VIVO to harvest and organize information for faculty profiles and support University researchers and initiatives.
Appendix I

Recommended University of Washington Open Access Policy

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

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

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

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

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

Implementation and Oversight of Policy
The Provost or Provost's designate will be responsible for implementing and interpreting this policy and recommending changes to the Faculty from time to time. In implementing this policy the Provost or Provost's designate will strive to maximize Faculty participation by providing appropriate technology and other support to facilitate article deposit.
Appendix II

Open Access Policy FAQ

About The Recommended UW Open Access Policy

The following document is meant to show how an open access policy like the one being recommended might be interpreted and implemented. If and when the policy is enacted, a similar document would be made available and kept updated.

What are the main things UW authors should know about the policy?

- If the policy were adopted, faculty would automatically grant the University of Washington a non-exclusive license to their scholarly articles in order to make their work freely available via the University's ResearchWorks institutional repository.
- Faculty would not transfer their copyright to the University.
- “Scholarly articles” would be defined flexibly to further allow for faculty control and disciplinary differences.
- The policy would not restrict where authors can or should publish, nor require them to pay open access fees.
- Authors would normally deposit their “Accepted Author Manuscript” or “Author's Final Version” - the final, accepted, post-peer review version of the article prior to final publisher formatting.
- Faculty who normally make their research articles open access via disciplinary repositories like arXiv and PubMed Central could simply continue to do that, and would not be asked to also deposit them in ResearchWorks.
- Faculty requests to waive or delay application of the policy to a particular article would be automatically granted.
- The policy would only affect articles created on or after the policy goes into effect.

What are the purposes of the recommended policy?

Benefits to Authors. Open access works are more easily found and accessible via tools like Google Scholar than those made available solely via traditional methods. This results in greater visibility, as well as a well-documented “open access citation advantage.” In addition, under the policy authors retain rights to use their work in teaching or future scholarly work that might otherwise be exclusively and unnecessarily assigned to publishers.
**Fulfills the Mission of the University and the Faculty.** The goals of the recommended open access policy support the stated goals of the University. For example, the Role and Mission of the University states that “The primary mission of the University of Washington is the preservation, advancement, and dissemination of knowledge” – all of which would be enhanced by the policy. By encouraging faculty to make their research readily available to the public and the research community, the policy would also support the Faculty Code’s public service expectations.

**Benefits to the University.** The open access policy will promote the value of UW research and scholarship to funding agencies and the taxpayers of the state of Washington. In addition, the policy will serve to highlight the University’s role as a national and global resource for positive change through education and research.

**Public Benefits.** The policy would make the results of UW research available to individuals who do not have access to academic journals that may be prohibitively expensive. This wider access would be expected to accelerate discovery of new ideas, allow a global audience to engage with the scholarship of the University and allow instructors to make use of materials for teaching at no cost. Wider availability of research articles democratizes information and spurs further innovation and progress.

**Serves as a Catalyst for Change in Scholarly Publishing.** Under the current unsustainable publishing model, journal prices have increased at 5 times the rate of the Consumer Price Index within the past 15 years, while major journal publishers limit journal cancellations by “bundling” desirable and undesirable titles together – thus strictly limiting cancellations. At the same time, authors are often required to transfer copyrights to publishers and accept restrictions on common practices like making their work available on the web or using it in classes. The rate of transition from a toll-based to open access publishing model is unpredictable, but an open access policy supported by the faculty would not only allow UW authors to retain extremely broad use and reuse rights with a minimum of effort, it would also strengthen the University’s position negotiating with publishers both for authors’ rights and future subscription licensing terms. (More information on trends is available on the Libraries scholarly publishing webpage.)

**What is open access?**
Open access (OA) literature is digital, online, free of charge, and free of most copyright and licensing restrictions. (Peter Suber, 2012)

**Do other universities have open access policies?**
Yes, dozens of public and private universities in the U.S. and other countries have open access policies, including the University of California, the University of Minnesota, Duke, MIT, all of Harvard’s 9 schools – and within the last few months the University of Arizona and the University of Massachusetts – Amherst. For a list of additional universities and funding agencies with open access policies, see [http://roarmap.eprints.org/](http://roarmap.eprints.org/).
To whom would the policy apply?
The policy would apply to members of the UW Faculty as defined in section 21-31 of the Faculty Code. It would not apply to other UW academic or research staff or to students, although all members of the UW community are welcome and encouraged to deposit their scholarly and research articles.

The policy refers to Scholarly Articles. What does that mean?
In this context, “scholarly articles” refers to the kinds of articles through which authors share research results to advance research and human knowledge without expectation of payment. Faculty would not be asked to freely distribute works for which they would normally receive royalties or other payment.

Peer-reviewed journal articles and conference papers would normally be considered to fall within this category, but for purposes of the policy the definition would be left to faculty discretion to allow for disciplinary differences.

What works would fall outside the “scholarly articles” definition?
Examples of works that would not fall under the policy include, but are not limited to, materials faculty prepare for the courses they teach, books (including edited volumes), commissioned articles or reports, case studies written for compensation, fiction, poetry, musical compositions, computer code, or popular writings.

How would it work, and what would I have to do to comply with the policy?
UW faculty members who do not normally share their scholarly articles via arXiv, PubMed Central or another open access repository would either self-deposit their articles into the ResearchWorks Archive or make them available to Libraries' staff for mediated deposit.

The Libraries is proposing to provide additional tools and services to further streamline and support authors in the article submission process. One tool features a “citation harvester” that would alert authors when citations to newly-published articles have been found, provide information about publisher policies and waiver or delayed access options, and streamline self-deposit of articles by the author. Implementation of these services is pending, based on future approval and funding.

What would qualify as an Open Access Repository?
There are now many services and sites through which researchers may share their work, but not all can or should be considered open access repositories. Those that clearly qualify include such well-known repositories as arXiv and PubMed Central, as well as the hundreds of others listed in The
Directory of Open Access Repositories (OpenDOAR). These sites share several key features, such as the full support of the re-use of materials, commitments to long-term preservation, and nonprofit business models. In contrast, popular social networking sites like Academia.edu and ResearchGate are primarily commercial in nature, lack commitments to long-term preservation, full open search, sharing and re-use – and would not meet the requirements of the policy.

Copyright and Publisher Issues

How would the policy relate to current University policies on publishing and copyright?

Under the policy, authors would retain full copyright ownership as specified under existing University policies (Executive Order 36). However, the policy would give the University a limited, nonexclusive license to preserve and provide access to faculty scholarly articles produced here.

Would the University be taking away my rights to my scholarly articles?

No. The grant of rights to the University under this policy would be a nonexclusive license. The author would remain the copyright owner of the work. The University would have a limited license to save copies for posterity, and make them available to the world.

Would the policy limit where I can publish?

No. All existing options and venues for publication would be compatible with this policy. The license granted to the University under this policy would provide additional options for authors to make copies openly available if they so choose.

Would I need to pay for open access?

No. There is no requirement to publish in open access journals or pay to make articles open access in mixed or “hybrid” journals. The purpose of the policy is to provide a free open access option using the University's ResearchWorks repository.

How would publishers be made aware of the UW policy?

Following the University of California system and other institutions, the University of Washington would inform publishers of the policy. Information about the policy for publishers would be publicly posted and kept up to date.

What are waivers and delayed access?

A waiver allows an author to opt out of granting permission to make a specific article available, while a delay in access (sometimes referred to as an embargo) simply allows a period of time such as 6 months or a year to pass before an article is made available. Under the proposed policy, waivers and access delays are to be granted on request, with no justification required.

Would I need to get permission from my co-authors to comply with the policy?

No. According to U.S. copyright law each joint author can give nonexclusive permission to copy and distribute the work. However, best practices would suggest that authors inform their co-authors of the policy.
Would I be able to make my work openly accessible if it included a third party’s copyrighted images?
If an author signs an agreement to get access to the image or use the image in within an article, s/he would need to review the agreement to see if it precludes further distribution from the University’s repository. If that use is not allowed, an author can request permission from the copyright owner or get a waiver for that article.

Once the work is openly available what uses would be allowed?
Articles could be copied and distributed by the University and by others as long as it is not for profit. [NOTE: It may be an option to faculty to allow other additional uses of their work on a case-by-case basis.]

What happens when a publisher’s policy conflicts with the policy?
Many publishers require exclusive rights to an author’s work as part of the publication agreement; this policy would preempt those default terms. If the publisher does not require a waiver of the policy authors are within their rights to take advantage of the policy and make their work open access.

ResearchWorks and Deposit of Articles
What is the ResearchWorks Archive?
The ResearchWorks Archive is the UW’s institutional repository. It provides a permanent, safe service for providing access to articles, technical reports, datasets, images and other file types produced at the University of Washington by faculty and researchers. The Archive enables University of Washington researchers and academic units to make their scholarly materials accessible to the world, at a stable URL, with the assurance that the materials will be maintained into the future.

Which version would I deposit?
Authors would normally deposit what may be called either the “Accepted Author Manuscript” or “Author’s Final Version”: the final, accepted, post-peer review draft. However, some publishers allow authors to deposit the published (typically PDF) version – including final copy-edits and formatting – so you might prefer to deposit that version instead. A good source of journal and publisher policy information is the SHERPA/RoMEO web site.

Who can I contact if I have questions?
[To be determined]
Appendix III

Institutional Repository Improvements, Assessment, and Resource Requirements

For the last decade the Libraries’ institutional repository, ResearchWorks Archive (https://digital.lib.washington.edu/researchworks/) has served as an online archive for University of Washington digital content needing a secure, accessible, and permanent home, regardless of access levels and/or intended audience. The content currently contained in ResearchWorks Archive is an eclectic mix of documents generated by faculty, students, and administrators. The Libraries has responded to the April 23, 2015 resolution to enhance ResearchWorks Archive in a number of important and strategic ways.

Creation of the Digital Repository Working Group (DRWG)

In June 2015 the DRWG was created to oversee the Libraries’ repository development, tackling both technical and policy issues. The group’s core membership is comprised of staff with expertise in different areas: preservation, metadata, policy, open access, systems, and user experience and members consult widely across campus in their work. Its initial focus has been on improving the institutional repository in light of the current Open Access initiative, but the group is working with the goal in mind that improvements made to ResearchWorks Archive and investment of staff time should also be transferable to other projects, including the Libraries’ nascent data repository. The group was also instrumental in creating and analyzing results from the faculty repository survey (described below), with recent efforts focused on system evaluation and policy development.

Shift responsibility for repository management

A Repository Management Librarian position was created in October, 2015, as part of a reorganization within Information Technology Services & Digital Strategies. This position is responsible for the general development and management of the institutional and data repositories and requires a solid technical understanding of system and workflow design, researcher needs, and policy development. Achievements so far include: completing two recent upgrades of the ResearchWorks Archive platform (DSpace); initiating a heuristic analysis of user interface and functionality; identifying gaps between system design and implementation; and, offering suggestions for how to improve the system for all users. As part of the platform upgrades, the look and feel of the interface was improved, as was underlying system functionality. Future plans includes usability testing and additional interface/system improvements to address user needs.

Assess faculty needs

In December 2015 the Libraries distributed a brief survey to 3,487 faculty at the University of Washington, including faculty at the Bothell and Tacoma campuses. 427 completed surveys were
received, a response rate of 12.2%. Faculty were asked questions that covered the following broad topical areas:

- How and where they preferred to share their scholarly output
- Their experience with the ResearchWorks Archive service
- The most important features in an institutional repository
- Their preference for how scholarly materials should get into the repository.

The survey results were very useful in helping us better understand faculty needs and concerns associated with sharing their research output. Within the faculty survey, 104 respondents (approximately 24% of those who took the survey) provided feedback via an open-ended comment box. Generally speaking, one set of comments reflected varying degrees of understanding of different open access models as well as the purpose and state of repository development at UW. Another set of comments revolved around issues of faculty workload and keeping the resulting policy/system as easy to use as possible. One comment stated “Please don't create more busy-work for faculty by instituting extra requirements!” and additional comments implored us to make sure that the new system is adequately staffed to help with submission and support. In reviewing the open-ended comments it became clear that there is not a shared understanding of open access issues or the role open access can play in transforming scholarly publishing. In addition to developing and implementing a robust communication strategy to increase awareness of open access issues, the repository must be both easy to use and well-staffed to ensure that the policy is a success.

University support required to implement a world-class institutional repository and provide support for faculty participation in an Open Access policy

**Technology Implementation**
As has been noted elsewhere in this document, we have spoken with colleagues at peer institutions who have recently adopted an open access policy. One factor critical to their success has been the implementation of a research integration management system (RIMS). Broadly speaking, a RIMS collects and stores metadata about faculty research and scholarly publications, with the intention of repurposing the information in a variety of ways. The software automatically captures data about research outputs from verified sources and uses simple workflows to reduce administrative burden. Below is an example of how a RIMS-assisted article deposit process might look at the University:

1. The RIMS harvests citation metadata from a variety of sources (e.g., arXiv.org, PubMed, Scopus, Web of Science)
2. RIMS alerts the faculty author via email that it has found a new publication believed to be published by her or him
3. The faculty member then confirms the publication is theirs and edits metadata as needed
4. The faculty member attaches the article and repository staff approve the deposit of the work to the repository
By automatically harvesting metadata, presenting it via email to the faculty, and providing a quick method to upload the information to the ResearchWorks Archive, the RIMS greatly increases the efficiency of faculty submitting their content to the institutional repository.

Symplectic Elements software is a tool that was built for the express purpose of making it easier to ingest materials into an institutional repository. The core functionality of Elements is the continuous, automated capture of research output data from multiple internal and external sources, using simple workflows to facilitate deposit of articles by faculty authors and librarians alike. Integrations with other institutional systems, such as VIVO (a faculty research profiling tool being evaluated by the University’s Office of Research), can further reduce the need to re-enter information, saving valuable researcher time and improving engagement with the process.

Libraries and Office of Research staff have attended numerous presentations by the Symplectic team and have been impressed by the system functionality. Staff have also had several conversations with University of California librarians about their experience implementing and using the product as part of UC’s open access policy. While our UC colleagues said there were apparently some initial glitches, the company was seen as quite responsive to concerns. Most importantly, rollout has been smooth, and introduction of Elements has dramatically improved the rate at which UC faculty have been depositing their work.

We also explored in some depth BePress’ Digital Commons software as an alternative platform for our institutional repository, but opted not to pursue it at this time for several reasons. BePress’ Digital Commons isn’t as mature a system as DSpace, lacks robust tools for any meaningful systems integrations, and requires Libraries staff to seek mediated help from BePress for routine and straightforward self-management of content and collections. BePress’ SelectedWorks platform has been a success at UW Tacoma, due in large part to intensive staff mediation. The staffing required to support BePress on all three UW campuses to support an open access policy would not be scalable.

ResearchWorks Archive's current software platform, DSpace, works well in our complex environment. It integrates with other systems, allows other applications to run on top of it, is supportable, and supports University needs. Symplectic is able to integrate DSpace with Elements. Longer term, once the data repository is in production, the Libraries will evaluate the viability of moving the institutional repository content to the data repository platform.

While there are other vendors providing similar software, Symplectic Elements is the most mature and seems to have the most robust and stable feature-set. Unlike most of the other vendors, Symplectic's clients are peer institutions. The company's familiarity with the needs of other top research institutions will be a critical asset as it develops and customizes a system to meet the needs of faculty at an institution like the University of Washington. We recommend implementing the Symplectic Elements software, see detailed cost figures below.

**Staff & Services**

Another component of successful open access policy initiatives is a suite of services to enhance and support faculty participation. These services include outreach, education and consultation,
managing exemptions and waivers, and other faculty support services. It is envisioned that this service will be staffed by a full-time librarian who, in conjunction with other Libraries staff, will assist and support faculty. We request funding for a new librarian position; see detailed figures below.

**Estimated Fiscal Impact**

<table>
<thead>
<tr>
<th>One-Time Costs</th>
<th>Ongoing Costs</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Symplectic Elements</strong></td>
<td>$17,000</td>
<td>One-time set up fees. Includes installation and integration with DSpace</td>
</tr>
<tr>
<td>License fee Cloud-hosting</td>
<td>$85,000/year</td>
<td></td>
</tr>
<tr>
<td></td>
<td>$44,000/year</td>
<td></td>
</tr>
<tr>
<td><strong>Full-Time Librarian</strong></td>
<td>$93,225</td>
<td>$75,000 + $18,225 benefits</td>
</tr>
<tr>
<td><strong>Total Estimated Costs</strong></td>
<td>$17,000</td>
<td><strong>$222,225/year</strong></td>
</tr>
</tbody>
</table>
TO:            Open Access Policy Steering Group
Gordon Aamot, Interim Director, Information Resources and Scholarly Communication and OAPSG Vice-Chair
Thom Deardorff, Libraries Copyright Officer
Mel DeSart, Head, Engineering Library, and Acting Head, Branch Libraries  Cynthia Fugate, Senior Associate Dean of University Libraries
Tim Jewell, Scholarly Publishing Librarian
Diana Louden, Biomedical and Translational Science Librarian
Jennifer Ward, Interim Head, Libraries Information Technology Services

FROM:           Betsy Wilson, Vice Provost for Digital Initiatives and Dean of University Libraries and Chair, OAPSG

RE:            Open Access Policy Steering Group

Thank you for agreeing to serve on the Open Access Policy Steering Group and the important work you will be undertaking in support of Open Access, research, and scholarship at the University of Washington.

Charge
Reporting to the Vice Provost of Digital Initiatives and Dean of University Libraries, the Open Access Policy Steering Group (OAPSG) is charged to lead the process of developing an open access policy for recommendation to the University, as charged in the UW Faculty Senate’s April 23, 2015 resolution, Concerning the UW Open Access Repository & Request for Advice on an Open Access Policy. The resolution also charged the Libraries to conduct a needs and integration assessment with stakeholders to determine what resources are necessary to enhance the current institutional repository to the level of a “world-class” open access repository.

OAPSG is charged to:

- Provide campus leadership in the development of a robust and sustainable open access policy for recommendation to the University that both meets the University’s primary mission to advance, disseminate, and preserve knowledge and is sensitive to faculty needs and concerns.
- Consult broadly with faculty, administrative groups, and other key campus stakeholders, including the Open Access Advisory Group.
• Work with the University’s Intellectual Property Management Committee and the Senate’s Special Committee on Intellectual Property on options for developing a policy that is consistent with existing University Policies and state and federal legislation.
• Coordinate its work with the Libraries Digital Repository Working Group as it develops and maintains a digital repository that supports the dissemination and stewardship of digital scholarship and resources created by the UW community or acquired from other sources, regardless of format.
• Develop a communication plan and communicate broadly with the campus community regarding the issues and benefits of open access.

The goal is to have recommendations and groundwork completed by the start of spring quarter, 2016, so that recommendations may be discuss and approved by the end of the 2015-2016 academic year.

Logistics
I will serve as the chair of OAPSG and Gordon as the vice-chair. We will be contacting you about meeting dates and other details.

Thank you again for your service.

cc: Libraries Cabinet
July 6, 2015

To: Digital Repository Working Group

From: Cynthia Fugate
Senior Associate Dean of Libraries

RE: Digital Repository Steering Group

The Digital Repository Working Group (DRWG) is an action-oriented group that provides strategic direction and oversight for digital repository activities across the Libraries. The Libraries’ digital repository is an essential component of its overall collection management and preservation activities. DRWG will be chaired by the Head, Information Technology Services and Digital Strategies. The Working Group reports to the Senior Associate Dean of Libraries.

To facilitate communication, all meetings and the group’s mailing list are open to any interested staff. Meetings will be scheduled around the availability of core members, listed below.

DRWG is charged to:

1) Building on the existing data and institutional repositories, the group will develop and maintain a digital repository that supports the dissemination and stewardship of digital scholarship and resources created by the UW community or acquired from other sources, regardless of format. As part of its work, DRWG will collaborate with the Head of Media Services, Libraries Copyright Officer, Scholarly Publishing Librarian, Head, Web Services/Web and User Experience Librarian, University Archivist, and other key stakeholders to insure that the work meets the Libraries’ programmatic needs in those areas.

While current repository efforts focus on scholarly works and datasets, other formats will be ingested as the repository grows. The DRWG should consider this future direction in its work and consult with stakeholders as appropriate.

2) Provide strategic direction and oversight of repository operations in key areas, including ingest, description, discovery, access, services, and preservation of content.

3) Review, revised, and develop policies, best practices, standards and guidelines for local repository operations.

4) Identify and establish internal and external partnerships that will contribute to the development of the repository.
5) Communicate policies, progress, and accomplishments to Libraries staff.

Core membership:

- Jennifer Ward, Chair, Director, Information Technology Services and Digital Strategies
- Gordon Aamot, Director, Content and Collections Strategy
- Liz Bedford, Data Services Project Librarian
- Moriah Caruso, Digital Preservation Librarian
- Theo Gerantakos, Metadata and Cataloging Librarian
- Ann Lally, Digital Collections Curator
- David Tolmie, Repository Management Librarian
- Jenny Muilenburg, Acting Data Services Coordinator

Expectations and Responsibilities for Core members:

- Attend Digital Repository Working Group meetings, rotate note taking responsibilities.
- Bring their knowledge and expertise to bear on the growth of the repository as a whole.
- Raise issues or opportunities that require investigation or consideration.
- Communicate information distributed to the memberships and/or discussed at the meeting to their constituent groups.
- Participate in the shared learning environment and contribute to the ongoing education of the group.
- Actively engage all staff in the evolution and maintenance of the digital repository.
November 10, 2015

TO: Open Access Initiative Advisory Group
Jody Deming, Professor, Oceanography and Professor, Astrobiology, College of the Environment
Santosh Devasia, Professor, Mechanical Engineering and Associate Dean for Research and Faculty Affairs, College of Engineering
Rick Glover, Senior Contracts Specialist, Office of Sponsored Programs, Office of Research
Dianne Lattemann, Research Professor, Psychiatry and Behavioral Sciences, School of Medicine and Chair, Faculty Council on Libraries
Tom Lee, Professor, Management and Organization and Associate Dean for Academic and Faculty Affairs, Foster School of Business
Ben Marwick, Assistant Professor, Anthropology, College of Arts and Sciences
Kate O’Neill, Professor, School of Law and Past Chair, Faculty Senate
Phil Reed, Professor, Chemistry, College of Arts and Sciences and Associate Vice Provost, UW-IT
Michael Rosenfeld, Professor, Environmental and Occupational Health Sciences; School of Public Health; Professor, Pathology; School of Medicine; and Chair, Faculty Council on Research
Sarah Stroup, Associate Professor, Classics, College of Arts and Sciences
Fiona Wills, Director, Innovation and Development, UW CoMotion

FROM: Betsy Wilson, Vice Provost for Digital Initiatives and Dean of University Libraries

RE: Open Access Initiative Advisory Group

Thank you for agreeing to serve on the Open Access Initiative Advisory Group. I will be convening the group and will endeavor to make good use of your time. Your insights and advice will be invaluable to developing an open access publication policy for the University.

Background
On April 23, 2015 the University of Washington Faculty Senate passed a resolution requesting that the Provost direct me, as Vice Provost for Digital Initiatives and Dean of University Libraries, to develop an open access publication policy for recommendation to the University. Paired with that task was a request to determine what resources would be necessary to develop a new and improved institutional repository that will meet the current and future needs of the University community, and put UW among the top providers of repository services worldwide.
Provost Jerry Baldasty and I have discussed the resolution, and I am pleased and excited to undertake these challenges on behalf of the University. To that end, I have already charged two groups within the Libraries to help push these projects forward: one is charged with undertaking a detailed analysis of state of the art repository functions, features and trends, while the other will advise me directly on policy development considerations.

Charge
In line with the resolution’s request that I work closely with UW faculty leaders toward these goals, I would like to formally welcome you to the Open Access Initiative Advisory Group, which will also play a critical role in achieving these objectives. I anticipate that the Group will meet once or twice per quarter during the 2015-2016 academic year.

The Advisory Group will serve as a key body of stakeholders and partners offering special perspectives, experience and insight, and will be asked to:

- Provide advice and guidance on the development of a robust and sustainable University of Washington Open Access policy that is both sensitive to faculty needs and consistent with existing University policies and state and federal legislation.
- Provide advice and guidance as the Libraries plans for a world class institutional repository that supports the dissemination and stewardship of digital scholarship and resources created by the University of Washington community.
- Provide advice and guidance on how best to communicate with the University Community regarding the issues and benefits of open access.

Nan Holmes, Office of the Vice Provost and Dean of University Libraries, will be contacting you to schedule the inaugural advisory meeting. If you have questions please don’t hesitate to contact me.

cc: Provost Baldasty
    Libraries Open Access Policy Steering Group
Class C Resolution Concerning Postdoctoral Fellows

The Faculty Council on Research recognizes the invaluable service provided by postdocs to both the research and education missions of the University. Post-doctoral researchers are a critical part of the University’s research enterprise, and provide key mentoring and education to UW graduate and undergraduate students.

The postdoctoral experience is nationally recognized as a temporary and transitional period of advanced mentored training toward an independent career. As an institution and as individual faculty advisors, it is vital for us to commit to recognizing that postdocs are on a pathway to career independence. The National Academies of Sciences has studied the postdoc experience extensively and put forward clear recommendations in 2000 and in 2014. With this resolution, the FCR outlines the commitments and practices that would strongly support the UW in achieving parity with national guidelines and peer standards.

Further, by improving our support and services for postdocs, the UW can continue to recruit and retain the best and the brightest. Prior to the re-opening of the Office of Postdoctoral Affairs in 2015, the UW was missing a go-to place for resources, guidance, professional development programming, policies, and coordination of diverse services across many UW units relating to postdoctoral affairs. Centralizing some of these services will provide efficiencies in that faculty supervisors and departments will be able to utilize and adapt rather than building anew, which will additionally help reduce inequities and inconsistencies in our treatment of postdocs at UW.

Whereas the 2014 National Postdoctoral Association (NPA) Institutional Policy Report shows that UW peer institutions have an average of 2.0FTE in a central Office of Postdoctoral Affairs; and

Whereas the NPA Institutional Policy Report found 71 percent of central Postdoctoral Offices had grievance policies, 87 percent had centralized appointment processes, 63 percent set the maximum term limit as 5 years, 47 percent require Individual Development Plan (IDP) or encourage (37 percent) one; and

Whereas several national bodies, including the NIH, NSF, the federal Office of Management and Budget, the National Postdoctoral Association, and the National Academies have defined the role of postdoctoral researcher as “a temporary position of advanced mentored training in research,” and recognize the “dual role” of postdocs as employees and trainees; and

Whereas the National Science Foundation Survey 1 shows University of Washington ranked 9th nationally out of 323 institutions by total numbers of postdoctoral appointees in science, engineering, and health in 2014; and

Whereas postdocs are nevertheless not represented formally at the UW by either the Faculty Senate or Graduate and Professional Student Senate;

WE MUST, as a university employing over one thousand post-doctoral researchers, commit to fulfilling our obligations toward these vital members of our research and learning ecosystem; therefore

Be it resolved that the University of Washington recognizes the postdoctoral experience as a transitory phase and places a limit of five years of experience under the various job titles encompassing postdoctoral researchers, barring extraordinary circumstances. Once the period of advanced training is completed, individuals should transition to appropriate professional roles; and

Be it further resolved that the University recognizes the dual role of postdoctoral researchers as both employees and trainees entitled to reasonable release time and support for professional development including workshops, travel to conferences, or teaching opportunities; and

Be it further resolved that faculty recognize that mentoring is an essential responsibility taken on when supporting a postdoc. As such, best practices should be adopted including the creation and maintenance of Individual Development Plans (IDPs) and annual progress reviews with constructive feedback; and

Be it further resolved in keeping with national recommendations, that postdocs are encouraged to form mentoring teams to provide research, career, and personal guidance; and

Be it further resolved that the Office of Postdoctoral Affairs is a permanent part of the University organization with the responsibility of coordinating policies, practices, and procedures for postdocs at the University; and

Be it further resolved that the University recognizes the University of Washington Postdoctoral Association (UWPA) as an organization of interest for the postdoctoral research body of the University and for the University. The University should support, promote and respect the independence of the Association; and

Be it further resolved that units with a significant body of postdoctoral researchers support the appointment of a faculty or staff member with the responsibility of collaborating with the Office of Postdoc Affairs to connect postdocs with programming and facilitate oversight and accountability for University policies; and

Be it further resolved that offer letters extended to postdocs include at least the following: the compensation the postdoc will receive (in keeping with new FSLA minimums), specific benefits, the source of the funding, time limits for initial funding and for the length of the postdoctoral position, whether or not a fellow is required to acquire funding from outside sources to remain in the laboratory, commitment to professional development opportunities, primary advisor or supervisor confirmed, reference to the Office of Postdoc Affairs for central resources, and any specific responsibilities that must be fulfilled to ensure continued employment/training in the lab; and

Be it further resolved that hired postdocs are assigned to a minimum number of unambiguous job classifications be used for postdoctoral research fellows to facilitate tracking and accountability from first hiring to exit; and

Be it further resolved that postdocs, as an essential part of the University's research enterprise, are entitled to permanent representation on relevant University bodies such as the Research Advisory Board, the Faculty Council on Research, and others; and

Be it further resolved that the University centralize and make publicly available the collection of data on postdocs it employs including the satisfaction with their training and tracking of employment after leaving in order to quantify the quality of research training received at the University; and

Be it further resolved that a Task Force for Postdoctoral Affairs be appointed to operationalize and enact the actions within this Resolution.

Approved by:
Senate Executive Committee
February 13, 2017
Agenda
Faculty Senate Meeting
Thursday, March 2, 2017, 2:30 p.m.
Savery Hall, Room 260

1. Call to Order and Approval of Agenda.

2. Faculty Senate Chair’s Remarks – Professor Zoe Barsness.

   a. Report of the Secretary of the Faculty.
   b. Report of the Faculty Legislative Representative.

4. President’s Remarks– Ana Mari Cauce.

5. Requests for Information.
   a. Approval of the January 9, 2017, SEC minutes.
   b. Approval of the January 26, 2017, Faculty Senate minutes.
   c. Approval of official code interpretation.

6. Memorial Resolution

7. Consent Agenda.

8. Announcements.

   a. Class C Resolution Concerning General Assignment Classrooms.
      Faculty Council on University Facilities and Services.
      Action: Approve for distribution to faculty.

    a. Class B Legislation - Student Conduct Code Revisions (WAC 478-120).
       Faculty Council on Student Affairs
       Action: Approve for distribution to the faculty.

    b. Class B Legislation – Open access policy.
       Faculty Council on Research and University Libraries.
       Discussion: Initial review of the open access policy.

    c. Class C Resolution – Resolution concerning postdoctoral fellows.
       Faculty Council on Research
       Action: Approve for distribution to the faculty.

11. Good of the Order.


Prepared by: Mike Townsend
Approved by: Zoe Barsness, Chair
Mike Townsend
Secretary of the Faculty
Faculty Senate

NOTE: If a continuation meeting is necessary to conduct unfinished or special business, it will be held on Thursday, March 9 at 2:30 p.m. in Savery 260.