Minutes
Senate Executive Committee Meeting
Monday, January 9, 2017, 2:30 p.m.
142 Gerberding Hall

Absent: Rick Keil, President Cauce
Guests: Patricia Kramer, Amanda Paye, Denzil Suite, Elizabeth Lewis, Ellen Taylor, Jill Lee, Frank Hodge, Rich Christie

1. Call to Order and Approval of Agenda.

Chair Barsness called the meeting to order at 2:35 p.m. The agenda was approved.

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

Chair Barsness spoke to her report, highlighting forthcoming legislation and the Faculty Seminar Series that will begin at the end of January. She renewed the call for nominations for Vice Chair of the Faculty Senate.

   a. Report of the Secretary of the Faculty. [Exhibit B]
   b. Report of the Chair of the Senate Committee on Planning and Budgeting. [Exhibit C]
   c. Report of the Faculty Legislative Representative. [Exhibit D]

JoAnn Taricani, Faculty Legislative Representative, spoke to her report. She noted that a small group of four Republicans and four Democrats failed to come up with a funding proposal for K-12 education after seven months of work. The lack of cooperation is significant, but not unexpected.

In response to questions, Taricani noted that the Governor’s office has asked for a 6% compensation increase over the next biennium, and it is up to the state colleges and universities to make the case for 8%. In any case, legislators view higher education very favorably, with real gains in the last four years.

Paul Hopkins, Chair of the Senate Committee on Planning and Budgeting (SCPB), was asked for background on the move from 12% to 10% for promotion raises in Executive Order 64. There was discussion in SCPB on whether a 10% promotion raise would be more appropriate than a 12% raise. There was a general recognition that money devoted to promotion raises would not be available to deal with other issues, such as compression. A straw vote showed that opinion was divided in the Committee.


Provost Baldasty detailed his discussions with Deans to encourage them to work actively with their Elected Faculty Councils. He would like more involvement from Elected Faculty Councils in the budget process.

SEC members expressed concerns about the ability of small departments to survive under Activity Based Budgeting (ABB). Baldasty responded that ABB pushes responsibility to the school level to address such concerns.

5. Consent Agenda.
   a. Approve the November 14, 2016, SEC minutes.
   b. Approve the December 1, 2016, Faculty Senate minutes.
   c. Approve nominees for Faculty Councils and Committees. [Exhibit E]
The consent agenda was approved.

6. Announcements.

There were no announcements.

7. Unfinished Business.

Official Request for Faculty Code Interpretation. [Exhibit F]
Interpretive issues with respect to Chapter 29 Amendment of the Faculty Code.

Discussion: Subcommittee report and second review of the advisory opinion of the Advisory Committee on Faculty Code and Regulations.

Secretary Townsend summarized the subcommittee’s report on amending Chapter 29 of the Faculty Code.

The ensuing discussion raised several points. With respect to the differing figures on submission of legislation by faculty petition, any specific resolution should keep in mind that this situation arises when there is no support from Councils, the SEC, or any individual Senator. With respect to the dual-proposal scenario, where the original legislation and an amended version from the SEC advances to the Faculty Senate, the assumption is that the SEC proposal is discussed first.

Chair Barsness outlined the steps forward; namely, the Code Cops will draft implementing language for SEC discussion and action.


a. Student Conduct Code Revisions. [Exhibit G]

Discussion: Review proposed revisions to the student conduct code (WAC 478-120).

Chair Barsness began with a broad historical overview of the ten years of effort leading to the current revisions. In particular, the faculty recently adopted so-called “Phase I” revisions that addressed substantive definitional issues involving prohibited conduct and the like. The current “Phase II” revisions fulfill a promise made last year to consider procedural issues in more detail.

Chris Laws, Chair of the Faculty Council on Student Affairs, introduced the revisions. The revisions are the result of a large effort by a multitude of people with a great deal of experience and expertise. A recent court case resulted in some last minute tweaking, providing for a “full adjudication” in cases where serious misconduct and/or serious sanctions are at issue. To preserve flexibility, an effort has been made to separate out those things (provisions affecting rights and obligations) that need to go through formal Administrative Procedure Act (APA) / Washington Administrative Code (WAC) rule-making, from those that do not (“policies”). The first focus will be the WAC revisions.

Jill Lee, University Complaint Investigation and Resolution (UCIRO) Director, provided more detail on the process leading to the current draft. The new code needs to address multiple different concerns, while also complying with the regulatory rules. Another recent change is that the President does not have a discretionary administrative review power; final administrative review occurs through faculty panels.

Amanda Paye, Deputy Title IX/ ADA Coordinator, discussed the WAC provisions.

Since June 1, 2016, there have been approximately 120 new student-conduct cases, approximately 10% of which could trigger a full hearing under the proposed revisions. During the same period last year, the corresponding figures were approximately 250 and 33%. The numbers wax and wane. The University process is separate from any outside legal action and the conduct officers are trained members of professional staff. With respect to the faculty panels, the Title IX cases use panels with special training. In other cases, the Senate office seeks panelists with relevant background and experience. Moreover, the
Senate office seeks panelists representing a range of units and campuses. The preponderance-of-the-evidence standard is mandated for Title IX and is consistent with the APA and what other schools use.

b. Class B legislation — Scholastic Regulations, Chapter 101 – Admissions. [Exhibit H]
   Faculty Council on Academic Standards.
   **Discussion:** Review proposed revisions to Scholastic Regulations, Chapter 101 – Admissions.

   Patricia Kramer, the former Chair of the Faculty Council on Academic Standards, introduced the legislation. FCAS has worked with all three campuses. It makes it possible to consider academic interests of students (other than Washington-state first-year applicants) during the admission process so that we can protect both these students and the relevant units with respect to majors facing enrollment pressures.

   There were questions raised about gaming the policy, discouraging good students, and providing applicants with relevant information about majors. In response, it was conceded that the policy could be gamed by picking majors not facing pressures, although such a choice would have to be consistent with the rest of the application. Washington state first-year students would not face discouragement because the policy has no adverse effect on them. Transfer students have to declare a major anyway, and it is not our function to serve out-of-state applicants. With respect to information, there are formal procedures for designating “capacity-constrained” majors, and these designations are available to applicants.

   A motion to forward the legislation to the Faculty Senate was made and seconded. The motion passed.

c. Class C Resolution Concerning University of Washington Students. [Exhibit I]
   Faculty Council on Student Affairs and Advisory Committee on Intercollegiate Athletics.
   **Action:** Approve for Faculty Senate consideration.

   Chris Laws introduced the resolution.

   The resolution is to cover graduate as well as undergraduate students. It is true that athletic events are scheduled during the school week, but so are some academic competitions. As Class C, the resolution is not binding on faculty and they retain discretion to refuse requests for accommodation, but the resolution is important because it encourages faculty to be accommodating. The word “coaches” was added to specifically address concerns that some coaches were not being accommodating with student-athlete academic aspirations.

   A motion was made and seconded to amend the legislation. Graduate was added after undergraduate in the first sentence and the Advisory Committee on Intercollegiate Athletics (ACIA) was replaced with Faculty Senate. The motion to amend the legislation passed.

   A motion to forward the amended legislation to the Faculty Senate was made and seconded. The motion passed as amended.

d. Class C Resolution Concerning General Assignment Classrooms. [Exhibit J]
   Faculty Council on University Facilities and Services.
   **Action:** Approve for Faculty Senate consideration.

   A motion to forward the resolution to the Faculty Senate was made and seconded. The motion passed.

e. Approval of the January 26, 2017, Faculty Senate Agenda. [Exhibit K]
   **Action:** Approve for distribution to Faculty Senators.

   A motion to approve the agenda was made, seconded and amended, move Class B legislation regarding scholastic regulations from "summary of SEC actions" to “new business” as an action item. The motion passed as amended.

The meeting adjourned at 4:57 p.m.

Prepared by: Mike Townsend
Secretary of the Faculty

Approved by: Zoe Barsness, Chair
Faculty Senate

NOTE: If a continuation meeting is necessary to conduct unfinished or special business, it will be held on Tuesday, January 17 at 2:30 p.m. in Gerberding 142.
Report of the Faculty Senate Chair  
Zoe Barsness, Associate Professor, Milgard School of Business, UW Tacoma

I hope everyone enjoyed a relaxing and rejuvenating winter break. Please take the time to review the agenda and supporting materials.

We turn our focus this meeting to student affairs. In particular, we will begin our review of draft Class B legislation concerning proposed revisions to the Student Conduct Code. Last year, the Faculty approved a Class B change in the UW Policy Directory: WAC 478-120 – related to the Student Conduct Code. The changes adopted focused on substance. They were designed to clarify expectations for student conduct, more clearly define important concepts such as prohibited conduct, bring those definitions into compliance with federal laws and guidance pertaining to sexual misconduct, and make more explicit students’ rights and responsibilities. During the course of our review of that legislation, Faculty Appeal Board and SEC members raised concerns regarding student conduct “process and procedures,” especially with regard to investigation and appeal processes. An additional round of revision was therefore anticipated that would encompass a more holistic review of the conduct code with a goal of creating a student conduct code that complies with applicable laws, including Title IX and other federal laws and guidance pertaining to sexual misconduct, and also optimizes the overall process for our students across our three campuses. As was promised last year, the attached draft completes that step and, to the extent possible, achieves that goal.

The focus of our discussion today will be on the draft student conduct code WAC (Washington Administrative Code), as these policies are subject to rulemaking and thus more difficult to change in the future. To facilitate our review, a draft of the Title IX Policy (one of two companion University policies to the student conduct code WAC) is also attached. The draft Title IX Policy is provided here for context to assist you in your review of the proposed student conduct code WAC. We will reserve discussion of the draft Title IX Policy until later this quarter, when both companion University policies to the student conduct code WAC, will be brought forward for discussion and ultimately formal review.

Our focus today is on an initial review of the proposed revisions to the student conduct code WAC in anticipation of taking formal action on the proposed policy as Class B legislation at the next SEC meeting. As the draft student conduct code WAC is long and very complicated, we wanted to assure SEC members sufficient time to digest and review this important and nuanced piece of legislation. Substantive or editorial feedback should passed along either to our Compliance Services Team--Jill Lee (jbeaver@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 January 18. This will assure any changes can be made before the Faculty Council on Student Affairs conducts its final review of the proposed legislation at the beginning of February. We anticipate that the proposed legislation will then return to SEC as an action item at our next meeting.

Today, we will also begin review of proposed Class B legislation concerning revisions to Scholastic Regulations, Chapter 101 – Admissions. The proposed changes focus on the general criteria considered in the holistic review of undergraduate applicants to the University and seek to expand the type of information that can be considered also to clarify how the general criteria can be used.

Finally, two important proposed Class C resolutions, one concerning university of Washington students, and the other concerning general assignment classrooms will be considered. Both deserve careful review.

Continuing projects

On December 1 the Faculty Senate Class C 559: Resolution Concerning Faculty Seminar Series which asks the leadership to facilitate a series of informational meetings on a number of topics to help support faculty and staff in their efforts to foster a community of diverse opinions, in which all members feel welcomed and respected. The resolution also asks the leadership to facilitate informational meetings that would inform faculty on the potential changes in federal policies, regulations, and funding.
Senate leadership is happy to report that the faculty/staff seminar series is coming together. The following seminars are scheduled to take on the following dates (all Friday afternoons) from 3:30 p.m. – 5:00 p.m.

- Climate and environmental science and policy: Aseem Prakash and Nives Dolsak, January 27
- Higher education funding and practices; Sara Castro, Randy Hodgins, February 3
- Immigration law and the status of DACA students; Angelica Charzaro, February 24
- The Affordable Care Act; Sallie Sanford, March 10
- Government support of basic research; Mary Lidstrom? March 31
- Civility and inclusivity training; Ben Marwick and Beth Kalikoff, April 14

We are working to identify locations for each of these seminars. We will be sure to share detailed information about these seminars once we have confirmed meeting locations and will ask for your help in publicizing them with faculty and staff.

Work to finalize the membership and charge of the newly constituted Advisory Council on Intellectual Property, Policy and Practice (ACIPPP) continues. We anticipate a formal launch of this council before the end of January. We will schedule Bob Gromulkiewicz, chair of the ACIPPP, to visit the SEC later this quarter as soon as the committee has commenced its work.

In closing, I note that we have begun the biennial budget-setting process in Olympia. I will defer to JoAnn Taricani’s great expertise on what that may entail. Much of the remainder of our work this year will require us to think carefully about preserving core priorities in the face of continued challenging and uncertain finances, but I worry that our prolonged financial challenges make many faculty entirely focused on coping with internal budgets. In the public square, however, these are interesting times. Public attention continues to focus on issues concerning the funding of education, including higher education, and the state’s tax structure. I think we do our future students and colleagues a disfavor if faculty cannot figure out better ongoing ways to persuade the public that an excellent, affordable education and first-class, disinterested research are public goods that merit more public funding. We should not leave this entirely to administrators and public relations officers. Since the SEC and the Senate’s traditional agendas do not easily accommodate such discussions, I hope that you will let me know by email if you are interested in joining an informal group to brainstorm how to advocate more effectively within ethics rules.
Report of the Secretary of the Faculty
Mike Townsend, Associate Professor, School of Law

The Faculty Senate Vice-Chair Nominating Committee is seeking nominations for next year's vice chair. The ideal candidate would be an accomplished senior faculty member who has served in leadership roles within the University and who has the breadth of understanding to speak for the Faculty across the university. If you are interested or know someone who would be well qualified for the position, please contact Jordan Smith in the Faculty Senate Office (secfac@uw.edu). The nominating committee expects to recommend candidates to the Senate Executive Committee at its February meeting.
Report of the Chair of the Senate Committee on Planning and Budgeting  
Paul Hopkins, Professor, Chemistry

*The Senate Committee on Planning and Budget (SCPB) meets weekly with the Provost, the Vice-Provost for Planning and Budget, and the head of the Board of Deans. SCPB is charged with consulting on all matters relating to the University budget and on a wide range of program and policy decisions.*

The Committee met five times during Autumn Quarter.

Committee members received an introduction to the sources of the now about $7 billion annual budget of the UW. Approaching a dozen distinct categories, nearly half of the budget originates with UW Medicine Health Systems. Grant and contract funds from both public and private sources, including indirect costs, account for about 20% of the budget. The State (5%) and Tuition (9%) components are in the single digits. Nevertheless, the State and Tuition components constitute a significant fraction of the “University Operating Resources” that support our core instructional mission.

The Committee reviewed the administration’s proposed 2017-19 Operating Budget and Capital Budget requests to the legislature. About one half of the new funds proposed in the Operating Budget request are intended to support “Competitive Compensation” for faculty and professional staff. The second-largest request within the Operating Budget proposal was to fund expansion of enrollment in high demand areas.

The Committee received information describing the current Activity Based Budgeting (ABB) system, and then reviewed changes to the system proposed in the “ABB Phase II” report. The committee offered no objections to the proposed changes. The Provost charged the Committee with returning to an outstanding issue related to ABB, the proliferation of so-called “duplicative” courses and degrees. We intend to do so during Winter and Spring Quarters.

The Committee reviewed the current status of administration plans to meet classroom space needs on the Seattle campus during the coming 20 years, and also an interesting discussion of the issue of deferred maintenance of our buildings. An important and not widely recognized concept is the notion of “appropriately deferred maintenance”: some things can wait. Despite a daunting ca. $1 billion backlog of deferred maintenance that has received much discussion, it was suggested that an increased investment on the order of $10 million per year would in the coming decades bring the backlog of deferred maintenance down to an appropriate level.

Informed by financial data provided by the Office of Planning and Budgeting, the Committee considered the case for increasing undergraduate resident tuition rates, assuming the Legislature were to allow it. Taking into account UW tuition rates relative to our peers nationally, the actual price paid by students once aid is taken into account, and the levels of debt for students (more than half graduate with no student loan debt), we concluded that if the State is insufficiently forthcoming with new funds to maintain the excellence of our programs, that a modest increase in undergraduate resident tuition would be justified.

The Committee reviewed the proposed changes to Executive Order 64 (EO64), increasing the raise percentage for promotions in rank and liberalizing the allowed uses of “unit adjustment” raises to correct or prevent the emergence of salary shortfalls. The Committee was split on the degree by which the promotion raise was increased: some argued that the proposed 12% raise would increase compression of more senior faculty, by diverting too much funding to promotions, and thus was too large. Others supported the proposed 12% level. There was no dissent on the notion of liberalizing use of unit adjustments.

Finally, the Committee has made significant progress assembling a package of materials charging all schools, colleges, and campuses with articulating plans for the coming five years to manage faculty salaries under revised EO64. These materials are under review. They will be communicated to Deans, Chancellors, and the associated Elected Faculty Councils as soon as we can reach agreement to go forward with this project jointly with the Provost.
Report of the Faculty Legislative Representative
JoAnn Taricani, Music History

The 2017 legislative session opens on January 9, with slim majorities in the House (Democratic) and Senate (Republican), as described in the December report to the Faculty Senate. 2017 is the session in which the budget for 2017-19 will be written, and there will be several major budget proposals offered by mid-April, when the regular session ends. If no budget is agreed to by then, 30-day special sessions will begin to occur until a budget is agreed to by the House, Senate, and Governor.

Many bills, changing current state law or introducing new law, will be appearing over the next month. Generally only about 10% of all bills are eventually enacted as law; I will be tracking the bills likely to be proceeding forward. Many of the topics that I had included in the survey I sent to the Faculty Senate last Spring will be addressed in the coming session, listed under “UW Faculty Legislative Priorities” at the website http://tinyurl.com/uwolympia -- the top priorities identified by Faculty Senators are (1) faculty compensation, (2) student support and access (financial aid and support for a diverse student population), and (3) institutional funding.

Governor Inslee released his budget proposal in mid-December, providing new and stable funding for a wide range of needs in K-12 and higher education. His budget is the first phase of three major legislative budget proposals that will be negotiated at the end of March and into April (possibly through June). The House and Senate budget proposals will appear in about three months, so you will not hear much about the negotiations until then. The Governor's proposed budget is beneficial to higher education, but relies on a variety of new revenue sources that are already being vigorously questioned by members of the state Senate, so ultimately, the Legislature will need to decide how much new spending is needed and how to fund increases to the current 2015-17 budget.

The Governor's proposal contains several new revenue proposals: a carbon tax and a capital gains tax above specified levels (on the sale of stocks, bonds and other assets, with exemption for retirement accounts) along with the removal of some current tax exemptions (loopholes). In his budget, the revenue proposals would generate close to $4.4 billion for the operating budget, which funds salaries, financial aid, and universities.

I start by mentioning his revenue plan because the Governor's budget is very beneficial for higher education, and his funding depends on new revenue. As a point of historical context, he also proposed a carbon tax and similar capital gains tax in the 2015 session, and neither proposal was passed by the full House and Senate. Here are some highlights of his budget, which will be countered by the House and Senate proposals later in 2017. I start with the three top priorities identified by the Faculty Senate survey: compensation, financial aid, and institutional funding.

Compensation: For UW faculty and professional staff, a 6% biennial increase is provided in the Governor's budget over 2017-19, spread across three increases of 2% in July 2017, July 2018, and January 2018. At the UW, faculty increases are merit-based, so the UW will be able to determine how to use its faculty consultative processes for allocating these increases, if they eventually are provided at this level and timing.

Tuition policy (only resident undergraduate tuition is set by the Legislature; all other tuition categories are set at the university level): resident undergraduate tuition in 2017-19 is frozen at the level of 2016-17. $15.5 million for the biennium is provided as tuition backfill in exchange for the freeze, an amount that is approximately what would have been generated by a tuition increase.

Financial Aid (state-wide, but this will benefit many UW students): $116 million to expand State Need Grant to serve 14,000 more eligible students each year, increasing the total number of grant recipients annually from 70,000 students to 84,000. An additional $30 million will maintain State Need Grant in the context of expected increases in College Bound students, who have priority for the State Need Grant. An additional $3 million will expand Opportunity Scholarship (which has private matching funding) to students enrolled in professional-technical certificates or degrees.
WWAMI/ Medical School in Spokane has a continuation of funding, and some funding for expansion of the program in Spokane: Continuation of $5 million for the biennium ($3m in FY18, $2m in FY19) for 20 UW medical students in Spokane to continue to years 3 and 4 of their medical education, bringing the cohort size to 60 students per cohort. This is slightly less than what the UW requested for the biennium ($5.7 million), but the ongoing appropriation will be $2 million per year, which is sufficient to cover ongoing needs. Expansion of WWAMI in Spokane: $5 million for the biennium ($2.5m in FY18, $2.5m in FY19) to expand WWAMI in Spokane by 10 students per cohort, to a total of 70 students per cohort. The UW request is for $9.2 million for the biennium to expand each cohort by 20 students, to a total of 80 per cohort, so that part of the UW request will continue to be discussed with legislators.

Special allocation for the 2018 Special Olympics: $2 million in one-time funding for the UW to host the 2018 Special Olympics USA games in July 2018. This was not part of the UW request and was added by the Governor.

Center for Human Rights: $250,000 of one-time funding, to expand efforts at the Washington Center for Human Rights to coordinate with the schools of law, business, economics, public policy and international studies.

Articles about the Governor's budget:

"Inslee wants $46.7 billion for education and mental health"

"Governor Proposes $4.4 Billion in New Taxes"

"Will Inslee get a $4.4 billion tax hike for education?"
http://www.union-bulletin.com/opinion/editorials/will-inslee-get-a-billion-tax-hike-for-education/article_73e4b980-c22c-11e6-90ed-37c631b90d0e.html


2016-2017 Appointments to University Committees and Faculty Councils

Faculty Council on Benefits and Retirement (Meets Mondays at 2:30)

- Iva Loukanova, Associated Students of the University of Washington, as a voting member for a term beginning September 16, 2016, and ending September 15, 2017.

Faculty Council on Faculty Affairs (Meets Tuesdays at 11:00)

- Alec Slaney, Associated Students of the University of Washington, as a member for a term beginning September 16, 2016, and ending September 15, 2017.

Faculty Council on University Facilities and Services (Meets Thursdays at 10:00)

- Carly Bainbridge, Associated Students of the University of Washington, as a voting member for a term beginning September 16, 2016, and ending September 15, 2017.
Report from the Subcommittee on amending the amendment procedure in Chapter 29 of the Faculty Code:

To: SEC members:
From: Mike Townsend, Theo Myhre, Duane Storti, and Gordon Watts
Re: Interpretive issues with respect to Chapter 29 (Amendment of the Faculty Code)
Date: January 9, 2016

Last year in connection with the debate on the faculty salary policy, several questions arose about the amendment process as spelled out in Chapter 29 of the Faculty Code. The Advisory Committee on Faculty Code and Regulations (“Code Cops”) considered the issues and provided “opinions for consideration by the Senate Executive Committee.”

The SEC has ultimate interpretive authority per Section 22-60.B.9. Because of the importance of these issues, the Code Cops “recommend[] that whatever interpretations the SEC adopts be codified explicitly by amendment of the Faculty Code.” The Secretary agreed that the SEC should provide definitive interpretations with respect to these questions and start the formal amendment process by requesting that the Code Cops draft appropriate language pursuant to their responsibility under Section 22-61.A.3.a. The SEC appointed a subcommittee (consisting of the Secretary, Theo Myhre, Duane Storti, and Gordon Watts) to consider the Code Cop memo and make recommendations, which recommendations appear below in italics.

1. The Code Cops were asked whether the SEC may, as part of its first consideration of Class A legislation submitted to it, decline to forward the legislation to the Faculty Senate. Their answer was that the SEC may not decline to forward such legislation. They went on to say: “[T]he SEC could, in theory, delay that introduction indefinitely, effectively voting it down without explicitly declining to forward. However, given the requirements for ‘submission to the Senate’ in 42-33A or to ‘introduce’ in Subsection 29-32B and the ‘next meeting’ timelines for proposed legislation elsewhere in the Faculty Code, the SEC could reasonably interpret the Faculty Code to require that it submit or introduce proposed legislation at the next regularly scheduled Faculty Senate meeting or at a special Faculty Senate meeting.”

   The subcommittee agrees with this interpretation. The subcommittee suggests amending Sections 29-32.B, 42-33.A to reflect that the SEC must forward such submissions in “a timely manner.”

2. The Code Cops were asked whether the SEC may at such a first consideration amend the language of submitted legislation before forwarding it to the Faculty Senate. With respect to legislation submitted by faculty petition, the Code Cops said: “Since the SEC must introduce the proposed legislation ‘submitted to it in appropriate written form,’ a reasonable interpretation would be that the SEC may not amend, alter or decline to forward the proposed legislation. The SEC may reasonably request that the proposed legislation be revised into appropriate written form (see, e.g., Subsection 29-32C).” With respect to legislation submitted by a Faculty Council, the Code Cops said: “A reasonable interpretation of the text of the Faculty Code would be that the SEC may recommend amendments to proposed legislation submitted by a Faculty Council to the Senate, but may not implement them, i.e., that the SEC must submit proposed legislation from a Faculty Council to the Senate substantially in the form in which it was received, perhaps with minor changes to format and grammar but without substantive changes to meaning, along with any recommended amendments, which the Senate may then adopt or alter as it chooses. This would not preclude the SEC making recommendations to the submitting Faculty Council, and that Faculty Council choosing to revise the proposed legislation in view of the recommendations, prior to resubmission to the Senate through the SEC.” However, the Code Cops noted: “[T]his is not how the SEC has proceeded in recent times. The legislative flowchart at www.washington.edu/faculty/files/2014/05/class_a_flowchart.pdf clearly envisions the SEC amending proposed legislation [submitted by a Faculty Council].”
The subcommittee agreed that the SEC MAY NOT amend such submissions. Instead, as the Code Cops suggest, the SEC may offer, along with the original submission, an alternative proposal containing amendments. The subcommittee recommends that Sections 29-32.B, 42-33.A be amended to reflect this. NOTE THAT IN CONJUNCTION WITH THE RECOMMENDATION ABOVE, THE RESULT WOULD BE A PROCEDURE ANALOGOUS TO THAT GIVEN IN 29-34.B, C FOR THE SECOND CONSIDERATION OF CLASS A LEGISLATION.

The subcommittee also agrees with the Code Cops that this would not preclude the SEC making recommendations to the submitting Faculty Council, and that Faculty Council choosing to revise the proposed legislation in view of the recommendations, prior to resubmission to the Senate through the SEC. Indeed, the Faculty Council could choose to withdraw their submission. Moreover, the subcommittee agreed that Faculty Councils could in the first instance submit proposals to the SEC for consideration alone, rather than submission to the Senate. Having said that, the subcommittee is nervous about the ability to draft simple and unambiguous language recognizing these latter points.

[Secretary’s Notes: (1.) This is perhaps the most important point because it represents a significant difference with current practice. Formally, the change can be viewed either as a non-retroactive interpretation of the current Code with suggestions for clarifying language or as an actual change of code meaning.  
(2) It is possible that Sections 29-33.A,B would need to be clarified as well.  
(3) The substantive points considered by the subcommittee included, but were not limited to, the problems with the SEC drafting amendments in a relatively constrained time frame and the complexity introduced to the legislative process by an additional layer of 29-34.B, C procedures.  
(4) Neither the Code Cops nor the subcommittee considered the Class B, Class C situations.]

3. The Code Cops noted a potential inconsistency in the way legislation may be introduced through the SEC by faculty petition. In particular, Section 29-32.B describes a request in writing by 1% or more of the voting members of the faculty, but Section 22-60.B.3 describes a request in writing by at least 10% of the voting members of the faculty.

The subcommittee agreed that the two criteria should be consistent and should be worded to require some sort of broad-based support. The subcommittee did not come up with a specific suggestion, but discussed options including percentages, number of departments and/or campuses represented, etc.

4. The Code Cops were asked what changes could be made by the SEC at the second consideration of Class A legislation. Their response was that the SEC is limited by Section 29-34.A.3, which states that the SEC:

“3. May make such changes in the form and substance of the proposal as it deems necessary:  
   a. To make the proposal conform with the organization and style of the Faculty Code, and  
   b. To avoid conflict with statutes, resolutions of the Regents, and executive orders, or with other provisions of the Faculty Code, and  
   c. To avoid disapproval of the proposal by the President.”

The subcommittee agrees and feels that the current language is sufficient.

5. Finally, the Code Cops were asked what changes, if any, the Senate, may make during the second consideration of Class A legislation to the original proposal (i.e. the proposal that resulted from the Senate’s first consideration) or the alternate that results from the operation of 29-34.A.3. They responded: “[N]o change in the [alternate] proposed legislation is permitted. … [T]he most reasonable interpretation is that consideration of the original proposal at second consideration is limited to whether to submit it to the faculty, and amendments are not permitted. … [T]he Senate may reject the original proposal and then reintroduce either proposal for first consideration, including amendment.”

The subcommittee agrees with the Code Cops and suggests that 29-34.D be amended to make this clear.
Information received at November 14, 2016, SEC meeting follows:

Request for official code interpretation

To: SEC members:
From: Mike Townsend, Secretary of the Faculty
Re: Interpretive issues with respect to Chapter 29 (Amendment of the Faculty Code)
Date: November 1, 2016

Last year in connection with the debate on the faculty salary policy, several questions arose about the amendment process as spelled out in Chapter 29 of the Faculty Code. The Advisory Committee on Faculty Code and Regulations ("Code Cops") considered the issues and provided "opinions for consideration by the Senate Executive Committee." Their response is attached.

The SEC has ultimate interpretive authority per Section 22-60.B.9. Because of the importance of these issues, the Code Cops "recommend[] that whatever interpretations the SEC adopts be codified explicitly by amendment of the Faculty Code." The Secretary recommends that the SEC provide definitive interpretations with respect to these questions and start the formal amendment process by requesting that the Code Cops draft appropriate language pursuant to their responsibility under Section 22-61.A.3.a.

Members of the SEC should carefully read the Code Cop memo, but a brief precis, as I see it, of the key questions and the Code Cop responses is provided below:

1. The Code Cops were asked whether the SEC may, as part of its first consideration of Class A legislation submitted to it, decline to forward the legislation to the Faculty Senate. Their answer was that the SEC may not decline to forward such legislation. They went on to say: "[T]he SEC could, in theory, delay that introduction indefinitely, effectively voting it down without explicitly declining to forward. However, given the requirements for 'submission to the Senate' in 42-33A or to 'introduce' in Subsection 29-32B and the 'next meeting' timelines for proposed legislation elsewhere in the Faculty Code, the SEC could reasonably interpret the Faculty Code to require that it submit or introduce proposed legislation at the next regularly scheduled Faculty Senate meeting or at a special Faculty Senate meeting."

2. The Code Cops were asked whether the SEC may at such a first consideration amend the language of submitted legislation before forwarding it to the Faculty Senate. With respect to legislation submitted by faculty petition, the Code Cops said: "Since the SEC must introduce the proposed legislation 'submitted to it in appropriate written form,' a reasonable interpretation would be that the SEC may not amend, alter or decline to forward the proposed legislation. The SEC may reasonably request that the proposed legislation be revised into appropriate written form (see, e.g., Subsection 29-32C)." With respect to legislation submitted by a Faculty Council, the Code Cops said: "A reasonable interpretation of the text of the Faculty Code would be that the SEC may recommend amendments to proposed legislation submitted by a Faculty Council to the Senate, but may not implement them, i.e., that the SEC must submit proposed legislation from a Faculty Council to the Senate substantially in the form in which it was received, perhaps with minor changes to format and grammar but without substantive changes to meaning, along with any recommended amendments, which the Senate may then adopt or alter as it chooses. This would not preclude the SEC making recommendations to the submitting Faculty Council, and that Faculty Council choosing to revise the proposed legislation in view of the recommendations, prior to resubmission to the Senate through the SEC." However, the Code Cops noted: "[T]his is not how the SEC has proceeded in recent times.

3. The Code Cops noted a potential inconsistency in the way legislation may be introduced through the SEC by faculty petition. In particular, Section 29-32.B describes a request in writing by 1% or more of the voting members of the faculty, but Section 22-60.B.3 describes a request in writing by at least 10% of the voting members of the faculty.

4. The Code Cops were asked what changes could be made by the SEC at the second consideration of Class A legislation. Their response was that the SEC is limited by Section 29-34.A.3, which states that the SEC:
“3. May make such changes in the form and substance of the proposal as it deems necessary:

d. To make the proposal conform with the organization and style of the Faculty Code, and

e. To avoid conflict with statutes, resolutions of the Regents, and executive orders, or with other provisions of the Faculty Code, and

f. To avoid disapproval of the proposal by the President.”

5. Finally, the Code Cops were asked what changes, if any, the Senate, may make during the second consideration of Class A legislation to the original proposal (i.e. the proposal that resulted from the Senate’s first consideration) or the alternate that results from the operation of 29-34.A.3. They responded: "[N]o change in the [alternate] proposed legislation is permitted. … [T]he most reasonable interpretation is that consideration of the original proposal at second consideration is limited to whether to submit it to the faculty, and amendments are not permitted. … [T]he Senate may reject the original proposal and then reintroduce either proposal for first consideration, including amendment.”

Advisory opinion of the Advisory Committee on Faculty Code and Regulations

March 25, 2016

Dear Marcia,

In response to your letter of March 8, 2016, the Advisory Committee on Faculty Code and Regulations has considered the issues you raised and offers the following opinions for consideration by the Senate Executive Committee, should it desire to make a formal interpretation of the relevant sections of the Faculty Code.

A note on vocabulary. The Faculty Code refers to ‘a proposal for amendment of the Faculty Code.’ We are then asked to consider the process for amending these proposals for amendment of the Faculty Code. In our discussion we follow your practice of referring to what the Faculty Code calls ‘proposal(s) for amendment of the Faculty Code’ as ‘proposed legislation,’ and discuss amending the proposed legislation.

In the preamble to the issues, you state:

If the Senate approves the legislation at this ‘first consideration’, the matter is sent (back) to the SEC to consider any amendments made by your committee and the President ("second consideration"), as described in Chapter 29, Section 29-33 and Section 29-34.

In fact, the Advisory Committee on Faculty Code and Regulations does not make amendments to proposed legislation. Per 29-33E, it

1. Examine(s) the proposed amendment, with reference only to its form and its consistency with other provisions of the Faculty Code, relevant statutes, resolutions, and executive orders; and

2. Report(s) to the Executive Committee at its next regular meeting any suggestions which may arise from its examination of the proposal.

Also, the President does not make amendments to proposed legislation. Per 29-33D,

A. The President shall consider the proposed amendment and within 14 days shall notify the Executive Committee of his or her approval or disapproval of the proposal. If the President disapproves it, reasons for so doing shall be stated.
While the President’s reasons may reasonably contain suggestions as to changes that would earn Presidential approval, these are not amendments to the proposed legislation.

You first ask

1. Section 29-32 provides for the SEC to introduce a proposed amendment to the Senate. Frequently the proposed legislation is brought to the SEC by a Council or a member of the Senate or SEC. Is it consistent with the Faculty Code for the SEC at this “first consideration” to make changes to the proposed legislation? May the SEC decline to forward the legislation to the Senate (ie. (sic) “vote it down”)? Under what conditions may an individual faculty member or group of faculty introduce a Class A proposal directly to the Senate for “first consideration”?

Taking the questions in turn:

Q1A. Is it consistent with the Faculty Code for the SEC at this “first consideration” to make changes to the proposed legislation? May the SEC decline to forward the legislation to the Senate (ie. (sic) “vote it down”)?

Proposed legislation reaches the Senate Executive Committee (SEC) in three ways: From Faculty Councils, by petition of the faculty, or originated in the SEC itself. When originating proposed legislation under Section 29-32A the SEC may clearly alter it in any way it sees fit, including deciding not to submit it to the Senate.

Proposed legislation from Faculty Councils is governed by Section 42-33A.1 and A.3:

42-33A.1. (Faculty Councils) (s)hall prepare for submission to the Senate through the Executive Committee all legislative proposals pertaining to matters set forth in Chapter 22, Section 22-32, Subsection A;

42-33A.3. (A Faculty Council) (m)ay on its own initiative prepare legislative proposals or resolutions for submission through the Executive Committee to the Senate;

Since the Faculty Code calls for submission of proposed legislation to the Senate through the Executive Committee, the clear interpretation is that the SEC must submit proposed legislation from Faculty Councils to the Senate, and cannot ‘vote it down.’ The question is then to what extent the SEC may alter the proposed legislation prior to such submission. Section 22-60A says that the SEC ‘(is) to assist the Senate in the discharge of its legislative duties.’ Section 22-60B.4 states:

22-60B.4. (The SEC) (s)hall make recommendations to the Senate concerning proposed legislative actions;

The question then is whether making recommendations extends to amending the language of proposed legislation.

As a matter of text and structure, we consider the SEC to be a “non-plenary” committee, i.e., with no more powers than those specifically granted. Major alterations made by the SEC to legislation proposed to the Senate by a Faculty Council, prior to submission to the Senate, would appear to be closer to ‘supplanting’ the legislative duties of the Senate than to ‘assisting’ them. A reasonable interpretation of the text of the Faculty Code would be that the SEC may recommend amendments to proposed legislation submitted by a Faculty Council to the Senate, but may not implement them, i.e., that the SEC must submit proposed legislation from a Faculty Council to the Senate substantially in the form in which it was received, perhaps with minor changes to format and grammar but without substantive changes to meaning, along with any recommended amendments, which the Senate may then adopt or alter as it chooses. This would not preclude the SEC making recommendations to the submitting Faculty Council, and that Faculty Council choosing to revise the proposed legislation in view of the recommendations, prior to resubmission to the Senate through the SEC.
However, this is not how the SEC has proceeded in recent times. The legislative flowchart at www.washington.edu/faculty/files/2014/05/class_a_flowchart.pdf clearly envisions the SEC amending proposed legislation. An interpretation based on historical practice could interpret 'recommendations' as including making substantive changes to proposed legislation from Faculty Councils. However, this flowchart does not envision 'voting down' legislation proposed by a Faculty Council.

Proposed legislation from faculty petition is governed by Section 29-32B:

29-32B: When requested in writing to do so by 1% or more voting members of the faculty, the Executive Committee shall introduce a proposed amendment of the Faculty Code which has been submitted to it in appropriate written form.

Proposed legislation forwarded to the SEC under the provision of Subsection 29-32B, i.e., accompanied by a written request signed by 1% or more of the voting members of the faculty, must be ‘introduced’ by the SEC. Although 29-32B does not explicitly say so, the proposed legislation clearly must be introduced to the Senate. Since the SEC must introduce the proposed legislation ‘submitted to it in appropriate written form,’ a reasonable interpretation would be that the SEC may not amend, alter or decline to forward the proposed legislation. The SEC may reasonably request that the proposed legislation be revised into appropriate written form (see, e.g., Subsection 29-32C).

As an aside, Section 22-60B.3 states:

22-60B.3. (The SEC) shall include on the agenda any item requested in writing by at least 10% of the voting members of the faculty;

Yet Section 29-32B requires only 1% of the faculty to introduce proposed legislation. We view proposed legislation as a special case of ‘any item.’ However, we consider that one or the other of these numbers may be in error.

There is no explicit time limit on introduction of proposed legislation from Faculty Councils or from petition of the faculty by the SEC to the Senate, so the SEC could, in theory, delay that introduction indefinitely, effectively voting it down without explicitly declining to forward. However, given the requirements for ‘submission to the Senate’ in 42-33A or to ‘introduce’ in Subsection 29-32B and the ‘next meeting’ timelines for proposed legislation elsewhere in the Faculty Code, the SEC could reasonably interpret the Faculty Code to require that it submit or introduce proposed legislation at the next regularly scheduled Faculty Senate meeting or at a special Faculty Senate meeting.

Q1B. Under what conditions may an individual faculty member or group of faculty introduce a Class A proposal directly to the Senate for “first consideration”?

Subsection 29-32A provides that any Senator may introduce a ‘proposal for amendment of the Faculty Code,’ i.e., Class A proposed legislation, at any meeting of the Faculty Senate, presumably under the New Business agenda item, provided that the proposed legislation is in written form and that it conforms to the form required in Subsection 29-33C, i.e., it is a resolution to submit the proposal to the faculty. There is no requirement or provision for Senate Executive Committee review or amendment of such proposed legislation prior to its introduction to the Faculty Senate.

A single individual member of the faculty who is not a Senator may not introduce proposed legislation directly to the Senate. Section 29-32B, as discussed above, provides for a request to the SEC to introduce proposed legislation accompanied by the signatures of 1% or more of the voting faculty.

Your second issue was

1. Section 29-34, subsections A, B, and C describe what we call the “second consideration” of the proposed legislation by the SEC. May any changes be made to the proposed legislation by the SEC other than those recommended by the Advisory Committee on Faculty Code and Regulations or the President?
Section 29-34 requires that the SEC consider the statement of the President and the suggestions of the Advisory Committee on Faculty Code and Regulations concerning proposed legislation. However, the SEC is neither bound by nor limited to these inputs. The SEC does not, however, have a totally free hand to make changes to proposed legislation at this point in the process. The SEC may decline to make any specific suggested change, and may make such other changes as it chooses, provided that the changes can be justified as meeting one or more of the requirements of Subsection 29-34A.3, which states:

2. (The SEC) (m)ay make such changes in the form and substance of the proposal as it deems necessary:
   a. To make the proposal conform with the organization and style of the Faculty Code, and
   b. To avoid conflict with statutes, resolutions of the Regents, and executive orders, or with other provisions of the Faculty Code, and
   c. To avoid disapproval of the proposal by the President.

Your third issue was:

3. Section 29-34, subsection D describes actions to be taken at the Senate’s “second consideration.” May any changes be made by the Senate to either the “original proposal” or the “alternate proposal” at this meeting or must they be voted on as submitted by the SEC without further amendment?

Subsection 29-34D states that if the SEC has altered the proposed legislation resulting from first consideration in the Faculty Senate, the ‘first question’ for the Faculty Senate is to approve or disapprove submitting the revised proposed legislation (the ‘alternate proposal’) to the Faculty. Thus no change in the revised proposed legislation is permitted before this determination is made. If the revised proposed legislation is rejected, i.e., the Faculty Senate votes to not submit it to the Faculty, then the Faculty Senate ‘shall then consider’ the proposed legislation approved by the Senate at the first consideration (‘the original proposal’). The question is whether the term ‘consider’ includes amendment of the proposed legislation.

The structure of the double-consideration framework of proposed legislation by the Faculty Senate seems to be aimed in large part at avoiding sending to the full faculty a proposal that is “flawed” because of conflicts with other parts of the code, executive orders, relevant state law, or administrative support. If the Senate were able to reject the alternate proposal and then freely amend the original proposal and send it to the faculty without further review by the Advisory Committee on Faculty Code and Regulations, and without further Presidential review, flawed proposals are far more likely.

Moreover, if this were intended there would be no need for the double-consideration framework as it exists. It would have been simpler to allow the Senate to freely amend the SEC’s alternate proposal.

Thus the presence of the double-consideration framework strongly implies that consideration of the original proposal is limited to whether to submit it to the faculty. As a matter of historical practice amendments of the original proposal have not been allowed. Indeed, the flow chart does not have an "amendments" input on the second consideration. Therefore, the most reasonable interpretation is that consideration of the original proposal at second consideration is limited to whether to submit it to the faculty, and amendments are not permitted. As we have seen, the Senate may reject the original proposal and then reintroduce either proposal for first consideration, including amendment.

Because of the importance of these issues the Advisory Committee on Faculty Code and Regulations recommends that whatever interpretations the SEC adopts be codified explicitly by amendment of the Faculty Code.

Richard D. Christie, Chair, Advisory Committee on the Faculty Code and Regulation
Class B Legislation: Proposed changes to the Student Conduct Code (WAC 478-120)

Date: January 4, 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: Draft of Student Conduct Code WAC

For your information, attached is a draft of a proposed Student Conduct Code, Chapter 478-120 of the Washington Administrative Code.

Background

Each public institution in Washington creates its own regulations relating to student conduct, which are subject to the provisions of and rulemaking processes under the Washington State Administrative Procedures Act (“APA”), Chapter 34.05 RCW. Last year, with your involvement, the University revised the student conduct code definitions of prohibited conduct to bring those definitions into compliance with federal laws and guidance pertaining to sexual misconduct. An additional round of revision was anticipated then that would encompass a more holistic review of the conduct code with a goal of creating a student conduct code that complies with applicable laws, including Title IX and other federal laws and guidance pertaining to sexual misconduct, and also optimizes the overall process for our students across our three campuses.

The attached draft completes that step and, to the extent possible, achieves that goal. Faculty process partners contributed to this revision early on by identifying process topics for review and discussion. Students shared their experiences in the process, and both complainants and respondents expressed frustration with how long the process takes. Outside counsel provided legal advice and national expertise on Title IX. Recent case law relating to the APA informed the University’s review and revision of code processes and procedures. The resulting code revision reflects the University’s recognition and review of these factors and interests, its desire for a more timely process with ample protections that fairly and equitably serves all UW students, and the unique regulatory requirements for public institutions in Washington State.

Through this revision, the University is simultaneously revising its student conduct code WAC and also creating companion University policies to provide further interpretation and clarification. This approach will provide students with a more user-friendly and consolidated campus resource for information about their rights and responsibilities as members of the UW community. This also will enable the University to update the policies in the future, through its governance processes, as needed in response to possible changes in law or guidance from regulatory agencies. Unlike the proposed student conduct code WAC, these policies are not subject to rulemaking; they will be formally reviewed later by this Committee as Class B Legislation. One of the draft policies is provided here for context to assist the Committee in its review of the proposed WAC.

Once the revised code and policies are approved and in place, the University will engage faculty and others in regular monitoring and auditing of the revised code, the companion policies, and the conduct system as a whole.
Highlights of the code revision:

- In line with recent case law, a full adjudicative proceeding with additional procedures is provided when the issues and interests warrant it, such as when a student faces dismissal or suspension or is charged with misconduct that would amount to a felony under criminal law. In all other matters, a brief adjudicative proceeding is used with enhanced opportunities for notice and to be heard. While the code at present employs the brief and full adjudicative proceedings, the revised code allows for an earlier assessment and decision point regarding what procedures apply, which will result in a more informed, prompt and equitable process for students.

- Faculty are utilized in their preferred role as reviewers of adjudicative proceedings through the administrative review process, an essential checks and balances responsibility.

- The faculty-led administrative review process will serve as the University's internal appeal option for a party to a conduct matter. This provides students with a meaningful opportunity to request review and at the same time limits automatic, sequential appeals, facilitating both considered and timely outcomes. At the same time, given the significance and finality of a dismissal sanction, the President retains and may elect to exercise the authority to review any order of dismissal from an administrative review.

Draft Code (for information)

Chapter 478-120 WAC – Draft of Proposed WAC

- The WAC sets forth the rules for action regarding student conduct and the respondent’s rights in the process, including due process rights of notice and an opportunity to be heard.

Policy Draft (for context only)

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

- The sections from the draft WAC are duplicated in the relevant sections of the draft policy and are shaded in gray for your ease of reference. The intent, moving forward, is that the policies would incorporate sections of the WAC in this manner to enhance clarity and ease of navigation.

- For the forms of prohibited conduct covered by this policy, the University is offering equitable rights in the conduct process for complainants, which are required by law and spelled out in the policy.

- Additionally, under the 2013 Reauthorization of the Violence Against Women Act and guidance from the Department of Education Office for Civil Rights, the University must include certain provisions in policies which are specifically directed toward complainants. Currently, many of these provisions already exist in Executive Order No. 51 – Sexual Violence Elimination Policy, but they are being included in this policy to create one complete policy and resource for students. EO 51 will be revised accordingly.

Discussion of Student Conduct Code Revisions - Acronyms

APA  Administrative Procedure Act, Chapter 34.05 RCW (Revised Code of Washington)
BAP  Brief Adjudication Proceeding
CSSC  Community Standards and Student Conduct
FAB  Faculty Appeal Board
FAP  Full Adjudication Proceeding
OCR  U.S. Department of Education, Office for Civil Rights
UCIRO  University Complaint Investigation and Resolution Office
UDC  University Disciplinary Committee
WAC  Washington Administrative Code
# [REVISED WAC]
Student Conduct Code for the University of Washington

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Pursuant to chapter 34.05 RCW and the authority granted by RCW 28B.20.130, the board of regents of the University of Washington has established the following rules regarding student conduct and student discipline. The University has also developed agency-level policies and procedures regarding the agency’s interpretations of these rules. *See Chapters 209 and 210 of Student Governance and Policies.*

I. APPLICATION OF THE STUDENT CONDUCT CODE

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

This conduct code applies to all students from the time of admission through the actual conferral of a degree, including any period between terms of enrollment.

The disciplinary sanctions specified in *WAC 478-120-0020,* 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 478-120-0044 through 478-120-0049,* apply to the extent such review is permitted by Executive Order No. 61, with the dean acting as the “conduct officer” when a research misconduct proceeding is involved.

478-120-004 Jurisdiction of the University

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

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

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

478-120-005 Definitions

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

1. Complainant

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

2. 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.

3. Conduct proceedings

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

4. 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).

5. 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.

6. 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.

7. Presiding officer

"Presiding officer" refers to conduct officers and hearing officers collectively.

8. Respondent

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

9. 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.

10. 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.
11. 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.

12. 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.

13. 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.

14. University official

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

15. 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:
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 delegatee.

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

- action of gunpowder or other explosives;
- action of compressed air; or
- 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:

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

15. Unauthorized Recording

Unauthorized Recording includes, but is not limited to:

- 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
- 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 accordance with Chapter 10.08 Washington Administrative Code - Model Rules, where the University has adopted rules that differ from the Model Rules, this code will supersede the rules.

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 478-120-0030.

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.

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

When the issues and interests involved warrant a full adjudicative proceeding, a 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; 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 order that states it is a final order becomes effective when it is served. 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.

478-120-0023 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.

478-120-0024 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.

478-120-0025 Conduct Hold on Student Record

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

478-120-0026 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.

478-120-0027 Interim Protective Measures

After receiving a report of prohibited conduct, the University may implement interim protective
measures, in addition to other supportive 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).

478-120-0028 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.
478-120-0029  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. In the alternative, service may also be accomplished by personal service or by posting it in the United States mail, properly addressed, and postage prepaid. Service by mail is complete upon deposit in the United States mail.

The parties are permitted to file documents with the 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.

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

478-120-0030  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.

478-120-0031  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.

478-120-0032  Burden of Proof

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

VII.  EVIDENCE

478-120-0033  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.

478-120-0034 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.

478-120-0035 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.

478-120-0036 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.

478-120-0037 Experts

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.

478-120-0038 Self-incriminating evidence

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.
**Criminal Conviction**

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**

**Notice of Conduct Proceeding and Investigative Interview**

The conduct officer will provide notice to the parties, in writing, of the commencement of conduct proceedings, which will include information on how to raise an objection regarding bias or conflict of interest.

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

**Fact Finding**

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").

**Standard of Proof**

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.

**Initial Order**

At the conclusion of the fact finding, the conduct officer will prepare an initial order. If the respondent is found responsible, the conduct officer will impose a sanction. The conduct officer will serve the initial order to the parties, simultaneously and in writing. The initial order will include 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**

**Requesting Administrative Review**

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

A request for administrative review must be submitted in writing to the conduct officer within 21 days of the date of service of the initial order. The party requesting the review will be provided with an opportunity to explain the reasons for seeking review. If one of the grounds is to consider newly discovered evidence, that evidence must also be provided with the request for review.
If an administrative review is not requested within 21 days of service of the initial order, the initial order shall become the final order.

**478-120-0045 Grounds for Administrative Review**

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

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

**478-120-0046 Notice of Administrative Review**

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

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

**478-120-0047 Procedures for Administrative Review**

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

- The conduct officer’s record and fact finding;
- Information submitted to the review panel in the request for review or response to request for review; and
- 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.

**478-120-0048 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:

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

478-120-0049 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

478-120-0050 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.

478-120-0051 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.
478-120-0052  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.

478-120-0053  Subpoenas

The parties may 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. 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.

478-120-0054  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.

478-120-0055  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.

478-120-0056  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.

478-120-0057  Standard of Proof

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.

478-120-0058  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.
478-120-0059  Testimony under Oath or Affirmation

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

478-120-0060  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.

478-120-0061  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

478-120-0062  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 478-120-0063.

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.

478-120-0063  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.

478-120-0064  Notice of Administrative Review

If administrative review is requested, the University will provide the parties notice, in writing, of the date the administrative review will be initiated and the identities of the reviewing officer(s). The parties will be provided with an opportunity to raise an objection regarding bias or conflict of interest prior to the administrative review.
Other parties will be provided with a copy of the request for administrative review and notice of how to submit a written response. Responses must be submitted within five (5) business days of service of the notice of administrative review.

478-120-0065  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.

478-120-0066  Order from Administrative Review of Full Hearing

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).

If the imposed sanction resulting from an administrative review is dismissal, the reviewing officer(s) will issue an initial order. The reviewing officer will serve the initial order to the parties, simultaneously and in writing, and to the President's office.

Otherwise, the order issued will be a final order. The reviewing officer will serve the order to the parties, simultaneously and in writing.

**478-120-0067 Process Following Remand from Administrative Review**

If the proceeding is remanded, the initial order will be rescinded and the reviewing officer(s) will describe, in writing, the reasons for the remand. Following remand, additional proceedings will be conducted as necessary to address the reasons for the remand.

At the conclusion, the 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.

**478-120-0068 Authority of President of the University to Initiate Review**

Upon receiving notice of an initial order of dismissal from an administrative review under this section, the president or the president's delegate may determine that the initial order should be reviewed. Notice of the president's (or president's delegate's) decision to review any initial order under this subsection shall be provided to all parties. Any such review shall be in accordance with RCW 34.05.464.

If the president or delegate has not initiated a review within 10 days of the date of the initial order, then the order will become final.

**XII. RECONSIDERATION OF FINAL ORDERS IN FULL ADJUDICATIVE PROCEEDINGS**

**478-120-0069 Reconsideration of Final Orders**

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 478-120-0070**, 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.
478-120-0070  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

478-120-0071  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 additional recordings to be made during the hearing if the making of the additional recording does not cause distraction or disruption. If a party intends to make a recording of the proceeding, the party shall advise the presiding officer prior to the prehearing conference so that any issues related to making an additional recording can be addressed prior to the full hearing.

478-120-0072  Recordkeeping

Records related to conduct proceedings shall be maintained consistent with RCW 34.05.476, university records retention policies, and other relevant policies.

478-120-0073  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.
# Chapter 210 – Student Governance and Policy

## Student Conduct Policy for

Discriminatory and Sexual Harassment, Intimate Partner Violence, Sexual Misconduct, Stalking, and Retaliation

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I. POLICY AND AUTHORITY

1. Policy

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

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

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

2. Statement of Authority

Pursuant to chapter 34.05 RCW and the authority granted by RCW 28B.20.130, the board of regents of the University of Washington has established the following rules regarding student conduct and student discipline. The University has also developed agency-level policies and procedures regarding the agency’s interpretations of these rules. See Chapters 209 and 210 of Student Governance and Policies.

3. Purpose

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

- “Discriminatory and Sexual Harassment” as defined in WAC 478-120-0010;
- “Intimate Partner Violence” as defined in WAC 478-120-0011;
- “Sexual Misconduct,” as defined in WAC 478-120-0013, which includes indecent exposure, sexual assault, and sexual exploitation;
- “Stalking” as defined in WAC 478-120-0014; and
- “Retaliation” as defined in WAC 478-120-0012.

If the report involves conduct that would potentially violate both Chapter 209 and 210 Student Governance and Policies, the University will conduct one investigation and conduct proceeding under the procedures set forth in this policy, provided that the conduct arises out of the same incident or series of incidents, and doing so will not unduly delay proceedings under this policy.
If a conduct proceeding is initiated that involves any of the prohibited conduct covered by this policy, the complainant will be provided with equitable rights in the conduct process. If reported conduct may constitute “Retaliation” and that conduct arose in connection with a report or conduct proceeding covered by this policy, then the complainant will be provided with equitable rights in any conduct proceeding initiated relating to that report.

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

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

4. Intersection and Coordination with Other Related University Policies

The following University policies may intersect with this policy:

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

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

5. Title IX Coordinator

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

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

The Title IX Coordinator may delegate responsibilities under this policy to designated administrators or external professionals, who will have appropriate training and/or experience. For more information, see the Title IX page on the Compliance Services website [https://compliance.uw.edu/titleix].
6. External Reporting Options

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

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

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

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

II. UNIVERSITY ASSISTANCE AND RESOURCES

1. Reports to the University and Outreach to Complainant

The University encourages individuals who are affected by prohibited conduct under this policy to seek assistance from the confidential advocates listed in Section II.2, below, and to report the conduct to the University and/or law enforcement as described in Section IV, Reporting Options, below. The assistance and resources described in this section are available to individuals regardless of whether they choose to make a report to law enforcement or request any particular response by the University.

When the University receives a report that a member of the University community has been impacted, either directly or indirectly by conduct covered by this policy, the individual will be provided with written information about resources and applicable policies. For the purposes of this policy, that individual will be referred to as the “complainant,” even if that individual did not initiate the report. For purposes of this policy, the individual alleged to have engaged in prohibited conduct under the code or this policy will be referred to as the “respondent,” whether or not the University initiates conduct proceedings against that individual.

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

2. Confidential Advocates

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

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

For those associated with UW Seattle
UW Police Department (UWPD) Victim Advocate
3. **Interim Measures**

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

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

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

4. **Leave Use or Work Schedule Adjustments**

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

5. **Information about University and Community Services**

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

6. **Protection Orders**

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

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

8. Disability Accommodations

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

III. PRIVACY AND CONFIDENTIALITY

1. Privacy and Confidentiality

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

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

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

2. Communications with Confidential Employees and Related Records

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

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

a. If the patient gives written consent for its disclosure;

b. If there is risk of imminent harm to the patient or another identified person;

c. If there is reason to suspect that a minor or an elderly person is in danger of being abused or neglected;
d. If a court of law orders the release of certain information about a patient; or

e. If the patient files a lawsuit or other legal action against the University or its employees, agents, or officers contesting the provision of services, information contained in the provider’s records could be released to UW attorneys if relevant to the action.

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

3. Reporting Suspected Child Abuse

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

4. Clery Act Reporting

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

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

5. Reporting by University Employees

The University’s Violence Prevention and Response Program (SafeCampus) has been designated to receive reports from University employees when employees learn of potential prohibited conduct under this policy. SafeCampus will collect all relevant details (obtained directly or indirectly) about the incident, including dates, times, locations, and names of complainant and other individuals involved, if known. SafeCampus will then contact the complainant to provide information about available support, resources, and reporting options under this policy and will also notify the Title IX Coordinator. SafeCampus will also connect the complainant with a confidential advocate. Contacting SafeCampus will not automatically initiate a conduct proceeding or other University investigation.

Generally, University employees are not required to report, and the University will not consider it a report, when information is disclosed (1) at public awareness events (e.g., “Take Back the Night,” candlelight vigils, protests, “survivor speak-outs,” or other public forums in which students may disclose prohibited conduct); or (2) during an individual’s participation as a subject in an Institutional Review Board-approved human subjects research protocol (IRB Research).
IV. REPORTING OPTIONS

1. Reporting Options for Complainants

Complainants may make a report to the University, to law enforcement, to both, or to neither. Complainants may also simultaneously pursue criminal and University action. University conduct proceedings and law enforcement investigations operate independently of one another, although the University will coordinate information with law enforcement when there are parallel investigations. The University will support complainants in understanding, assessing, and pursuing these options.

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

Complainants are encouraged to make a report to the University. Reports of prohibited conduct under this policy should be made to:

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

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

3. Reporting Other Prohibited Conduct

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

4. Reporting to Law Enforcement

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

See Section XIX for information about local law enforcement agencies.

5. Amnesty for Alcohol or Other Drug Violations

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

V. ASSESSMENT OF REPORTS

1. Initial Assessment

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

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

2. Request to Not Pursue a Conduct Proceeding

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

The factors that will be considered in evaluating such requests, include, but are not limited to:
the nature and scope of the reported conduct, including whether the reported conduct involved physical force or the use of a weapon;
the potential impact on the complainant of moving forward, particularly in reports involving intimate partner violence;
the respective ages and roles of the complainant and respondent, including whether the complainant is (or was at the time of the reported conduct), a minor under the age of 18;
the risk posed to any individual or to the campus community by not proceeding, including the risk of additional violence;
whether there have been other complaints to the University related to similar behavior about the same respondent (if known);
whether the respondent has a history of convictions or records from a prior school indicating a history of harassment/misconduct, if such records are available;
whether the respondent threatened further sexual violence or other violence against the complainant or others;
whether the report reveals a pattern of conduct at a given location or by a particular group such that there is an increased risk of future acts of sexual misconduct under similar circumstances; and
whether the conduct included multiple respondents.
Where the University determines that a complainant’s request can be honored, the University will evaluate whether there are other steps that can be taken to respond to the report and remedy any effects on the complainant and the University community. Those steps may include offering appropriate remedial measures to the complainant, providing targeted training or prevention programs, and/or providing or imposing other remedies tailored to the circumstances.
Where the University determines that action should be taken that is inconsistent with the request of the complainant, the complainant will be informed about the chosen course of action, which may include the University initiating a conduct proceeding against a respondent. In that event, the University will make reasonable efforts to protect the privacy of the complainant. However, in the course of a conduct proceeding a complainant’s identity may have to be disclosed. If so, the complainant will be notified that the University intends to proceed with a conduct proceeding, but that the complainant is not required to participate in the proceeding or in any other actions undertaken by the University. Where a complainant declines to participate in a conduct proceeding, however, the University’s ability to meaningfully investigate and respond to a report may be limited.
In such cases when the complainant chooses not to participate or does not respond to a request to participate, the University may pursue conduct proceedings if it is possible to do so without the complainant’s participation.

3. Mediation

Mediation, including direct confrontation between a complainant and respondent, even if voluntary, may not be used in resolving reports of sexual assault under this policy.
VI. STANDARDS OF CONDUCT AND APPLICATION OF THE STUDENT CONDUCT CODE

1. Standards of Conduct

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

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

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

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

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

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

2. 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.

3. 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.
The conduct officer will determine whether the university has jurisdiction based on the information available through the report and initial assessment.

4. Other Proceedings

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

a. Campus parking and traffic regulations are under the general jurisdiction of the transportation services department and the police department at the University of Washington Seattle campus and under the jurisdiction of public safety officers at the University of Washington Bothell and Tacoma campuses. See chapters 478-116, 478-117 and 478-118 WAC.

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

VII. DEFINITIONS FOR CONDUCTING PROCEEDINGS

1. Definitions

For the purposes of this policy, the following definitions apply:

a. Complainant

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

b. 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.

c. Conduct proceedings

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

d. 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).

e. 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.

f. 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.

g. Presiding officer

"Presiding officer" refers to conduct officers and hearing officers collectively.
h. Respondent

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

i. 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.

j. 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.

k. 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.

l. 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.

m. 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.

n. University official

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

o. University premises

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

VIII. PROHIBITED CONDUCT

1. General Application

Prohibited conduct under this policy includes, but is not limited to the conduct as described in WAC 478-120-007 through 0015 and other relevant University policies, including this policy and Chapter 209
2. **Aiding Assisting, and Attempting**

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

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

e. 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

f. Attempt to commit prohibited conduct.

3. **Discriminatory Harassment**

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

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

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

4. **Indecent Exposure**

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

5. **Intimate Partner Violence**

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

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

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

6. Retaliation

Under WAC 478-120-0012, retaliation includes engaging or attempting to engage in any action, directly or indirectly, including through a third party, that is intended to harass, intimidate, threaten, harm or improperly influence any person because they:

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

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

f. Appear as a witness.

7. Sexual Assault

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

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

d. 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;

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

f. 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:

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

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

f. Consent cannot be given or granted by a person who is under the statutory age of consent in accordance with the Criminal Code of Washington Chapter 9A.44 RCW – Sex Offenses.
A respondent’s use of alcohol or drugs is not a valid defense to a charge of sexual assault, and a respondent will be held to the standard of a reasonable sober person in evaluating whether the respondent knew or reasonably should have known that the complainant was incapacitated.

When assessing “consent,” the following may also be considered:

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

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

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

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

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

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

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

For the purpose of this subsection, individuals are “incapacitated” when they lack the ability to understand the facts, nature, extent, or implications of the sexual contact for any reason including, but not limited to, being asleep, unconscious, unaware that the sexual contact is occurring, mentally or physically impaired due to an intellectual or other disability, or mentally or physically incapacitated due to the effects of alcohol or other drugs.

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

8. Sexual Exploitation

Under WAC 478-120-0013(3), sexual exploitation involves taking nonconsensual or abusive advantage of another for the purposes of sexual arousal or gratification, financial gain, or other personal benefit. Examples of sexual exploitation include:

e. 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);

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

g. Prostituting another person; or

h. Knowingly allowing another to surreptitiously watch otherwise consensual sexual activity.
9. Sexual Harassment

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

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

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

10. Stalking

Under WAC 478-120-0014, stalking means engaging in a course of conduct directed at another person that would cause a reasonable person to:

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

b. Suffer substantial emotional distress.

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

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

IX. CONDUCT PROCEEDINGS

1. Form of Adjudicative Proceeding

All conduct proceedings under this code shall be conducted in accordance with Chapter 34.05 RCW – the Administrative Procedure Act and constitutional requirements of due process. If there is an irresolvable conflict between 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 accordance with Chapter 10.08 Washington Administrative Code - Model Rules, where the University has adopted rules that differ from the Model Rules, this code will supersede the rules.
2. 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 478-120-0030.

3. 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.

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

4. Full Adjudicative Proceeding

When the issues and interests involved warrant a full adjudicative proceeding, a full hearing will be held in accordance with Section XX 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 Chapter 209 and 210 Student Governance and Policy.

X. DISCIPLINARY SANCTIONS

1. Disciplinary Sanctions

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

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

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

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

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

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

m. Dismissal. A respondent may be dismissed (i.e., permanently separated) from the University.
n. **Sanctions for hazing.** In addition to other sanctions, a student who is found responsible for participating in hazing of another shall forfeit any entitlement to state funded grants, scholarships, or awards for a specified period of time.

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

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

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

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

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

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

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

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

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

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

The imposition of sanctions is designed to eliminate prohibited conduct, prevent its recurrence, and remedy its effects, while supporting the University’s educational mission. Sanctions may include educational, restorative, rehabilitative, and punitive components. Some conduct, however, is so egregious in nature, harmful to the individuals involved, or so deleterious to the educational process that it requires severe sanctions, including suspension or dismissal.

2. **Effective Date of Sanctions**

Sanctions will be implemented when a final order becomes effective in the university’s conduct proceeding. An order that states it is a final order becomes effective when it is served. An initial order that becomes a final order because no administrative review was requested or initiated becomes effective on the day after the period for requesting review has expired.

XI. **INITIATING CONDUCT PROCEEDINGS**

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

The following University officials may initiate conduct proceedings under this conduct code:

e. The vice-president for student life at University of Washington Seattle;

f. The chancellors at University of Washington Bothell and Tacoma;

g. Deans of a school or college (including the graduate school) at University of Washington Seattle;

and

h. Deans or directors of any school or program at University of Washington Bothell or Tacoma.
The above named university officials may delegate the authority to one or more individuals to initiate conduct proceedings, engage in fact finding, hold hearings, and issue initial orders under this conduct code. They may also establish student or student-faculty-staff hearing bodies to advise or to act for them in conduct proceedings.

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

c. the Chair of the Faculty Senate will appoint one or more faculty to form a pool of available reviewing officers; and

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

Review Panels, composed of multiple reviewing officers, may be created to complete administrative reviews under Sections IX and XI of Chapter 478-120 WAC.

2. Appointment of Reviewing Officers

The Chair of the Faculty Senate will appoint reviewing officers for [TBD]-year terms effective [TBD].

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

3. Administrative Review Panels

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

4. Qualifications of Presiding Officers and Reviewing Officers and Training

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

Presiding and reviewing officers will also be impartial and free from conflict of interest or actual bias.
5. 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.

6. 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.

7. Conduct Hold on Student Record

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

8. 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 Chapters 209 and 210 Student Governance and Policies.

9. Interim Protective Measures

After receiving a report of prohibited conduct, the University may implement interim protective measures, in addition to other supportive 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).

Examples of interim protective measures may include:
a. A no-contact directive prohibiting direct or indirect contact, by any means, with a complainant, an individual who reported, other specified persons, and/or a specific student organization;

b. Reassigning the respondent within on-campus housing;

c. Changes to class schedules, assignments, or test schedules;

d. Limiting the respondent’s access to, or limiting participation in, identified University-controlled buildings, programs, or activities; or

e. Exercising emergency authority to suspend the student as set forth in Section 6, below.

Interim measures may be implemented when reasonably available and may be on an interim or permanent basis. When interim protective measures are implemented, the respondent will be provided with information on how to contest the measure or request that it be made less restrictive.

10. 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.

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

11. 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 officers in writing. Service is complete at the moment the e-mail is sent to the e-mail address. In the alternative, service may also be accomplished by personal service or by posting it in the United States mail, properly addressed, and postage prepaid. Service by mail is complete upon deposit in the United States mail.
The parties are permitted to file documents with the 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.

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

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

12. 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 or reviewing officer(s).

The advisor may be any person who is not otherwise a party or witness involved in the proceeding. An “attorney” is any person admitted to practice law in the state of Washington.

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

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

13. 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.

14. Burden of Proof

The burden of proof in conduct proceedings rests with the University.
15. Obligation to Provide Truthful Information

The parties and witnesses are expected to provide truthful information in any report, fact finding, or hearing under the code and this policy. Student witnesses are expected to cooperate with any request to participate in any conduct proceedings under the code and this policy. Student should be aware that “Abuse of the Student Conduct Process” is a form of prohibited conduct under the code. See Chapter 209 - Student Governance and Policies – Student Conduct Policy for Academic and Research Misconduct and Behavioral Misconduct.

16. Coordination with Law Enforcement

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

17. Disability Accommodation

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

PH: 206.543.6450
dso@u.washington.edu

XII. EVIDENCE

1. 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 of Chapter 210 of Student Governance and Policies.

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

2. Relevant Evidence, Hearsay, and Character Evidence

Under WAC 478-120-0034, evidence, including hearsay, is admissible if, in the judgment of the presiding officer, it is the kind of evidence on which reasonably prudent persons are accustomed to rely in the conduct of their affairs. Findings may be based on such evidence even if it would be inadmissible in a civil trial. In a full hearing, however, the hearing officer shall not base a finding exclusively on such inadmissible evidence unless the hearing officer determines that doing so would not unduly abridge the parties' opportunities to confront witnesses and rebut evidence. The basis for this determination shall appear in the initial order.

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

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

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

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

3. 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.

4. 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.

5. Experts

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

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

6. Self-incriminating evidence

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

7. Criminal Conviction

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.

8. Law Enforcement Records

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

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

10. Medical or Counseling Records

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

XIII. BRIEF ADJUDICATIVE PROCEEDINGS

1. Notice of Conduct Proceeding and Investigative Interview

The conduct officer will provide notice to the parties, in writing, of the commencement of conduct proceedings, which will include information on how to raise an objection regarding bias or conflict of interest.

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

2. Fact Finding

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

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

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

During the conduct proceedings under this policy, the complainant and respondent have equal rights, including the opportunity to receive a written notice of the investigation and conduct proceeding; to participate in the investigation and conduct proceeding; to submit information and evidence; to respond
to information and evidence; to be accompanied by an advisor of their choice to any meeting; to timely and equal access to information that will be used in a conduct proceedings; to timely notice of meetings at which their presence will be requested or required; to simultaneous written notice of the outcome, sanction, and rationale; and to seek review of the finding.

3. Standard of Proof

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.

4. Timeframe for Completion and Extension for Good Cause

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

"Good cause" includes if additional time is necessary to ensure the integrity and completeness of the fact finding, to comply with a request by external law enforcement for temporary delay to gather evidence for a criminal investigation, to accommodate the availability of witnesses, to account for University breaks or vacations, or to account for the complexities of a case, including the number of witnesses or volume of information provided.

5. Initial Order

At the conclusion of the fact finding, the conduct officer will prepare an initial order. If the respondent is found responsible, the conduct officer will impose a sanction. The conduct officer will serve the initial order to the parties, simultaneously and in writing. The initial order will include 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.

6. Record of Brief Adjudicative Proceeding Fact Finding

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

XIV. BRIEF ADJUDICATIVE PROCEEDING ADMINISTRATIVE REVIEW

1. Requesting Administrative Review

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

A request for administrative review must be submitted in writing to the conduct officer within 21 days of the date of service of the initial order. The party requesting the review will be provided with an opportunity to explain the reasons for seeking review. If one of the grounds is to consider newly discovered evidence, that evidence must also be provided with the request for review.
If an administrative review is not requested within 21 days of service of the initial order, the initial order shall become the final order.

2. Grounds for Administrative Review

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

e. To determine whether there was a material error that substantially affected the outcome of the fact finding or sanctioning;

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

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

h. To determine whether the issue and interests involved warrant a full hearing.

3. Notice of Administrative Review

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

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

4. Procedures for Administrative Review

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

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

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

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

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

5. 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:

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

f. Remand for further fact finding or review if newly-discovered evidence may have impacted the result or if the record demonstrates material error;
g. Increase or reduce the sanction(s) and issue a final order, if the increased sanction does not warrant a full hearing; or

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

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

6. 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.

XV. FULL ADJUDICATIVE PROCEEDINGS AND FULL HEARING

1. 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.

2. 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.
3. Discovery

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

4. Subpoenas

The parties may 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. 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.

5. 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.

6. 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.

7. 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.

8. Standard of Proof

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.

9. 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.
1094 10. Testimony under Oath or Affirmation
1095 In a full hearing, all testimony of parties and witnesses shall be made under oath or affirmation.

1096 11. Remote Participation
1097 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.

1103 12. Initial Order from Full Hearing
1104 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.

1108 If an administrative review is not requested within 21 days of service of the initial order, the initial order shall become the final order.

XVI. ADMINISTRATIVE REVIEW FROM FULL HEARINGS

1111 1. Requesting Administrative Review
1112 A party may request administrative review of the initial order from a full hearing based on the grounds as set forth in WAC 478-120-0063.

1114 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.

1117 If an administrative review is not requested within 21 days the initial order shall become the final order.

1118 2. Grounds for Administrative Review
1119 A party may request administrative review for any or all of the following reasons:
1120 e. To determine whether there was a material error that substantially affected the outcome of the fact finding or sanctioning;
1122 f. To consider newly discovered evidence, not reasonably available during the fact finding, that could substantially impact the outcome;
1124 g. To determine whether the sanction(s) imposed were appropriate for the violation committed and were not excessively lenient or excessively severe; or
1126 h. Any other grounds that would warrant modification, withdrawal, or reversal of the order.

1127 3. Notice of Administrative Review
1129 If administrative review is requested, the University will provide the parties notice, in writing, of the date the administrative review will be initiated and the identities of the reviewing officer(s). The parties will be provided with an opportunity to raise an objection regarding bias or conflict of interest prior to the administrative review.
Other parties will be provided with a copy of the request for administrative review and notice of how to submit a written response. Responses must be submitted within five (5) business days of service of the notice of administrative review.

4. Procedures for Administrative Review from a Full Hearing

When the reviewing officer(s) conducts an administrative review, the reviewing officer(s) shall:

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

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

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

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

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

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

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

5. Order from Administrative Review of Full Hearing

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

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

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

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

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

h. 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).

If the imposed sanction resulting from an administrative review is dismissal, the reviewing officer(s) will issue an initial order. The reviewing officer will serve the initial order to the parties, simultaneously and in writing, and to the President’s office.

Otherwise, the order issued will be a final order. The reviewing officer will serve the order to the parties, simultaneously and in writing.

6. Process Following Remand from Administrative Review

If the proceeding is remanded, the initial order will be rescinded and the reviewing officer(s) will describe, in writing, the reasons for the remand. Following remand, additional proceedings will be conducted as necessary to address the reasons for the remand.

At the conclusion, the 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.

7. Authority of President of the University to Initiate Review

Upon receiving notice of an initial order of dismissal from an administrative review under this section, the president or the president’s delegate may determine that the initial order should be reviewed.

Notice of the president’s (or president’s delegate’s) decision to review any initial order under this subsection shall be provided to all parties. Any such review shall be in accordance with RCW 34.05.464. If the president or delegate has not initiated a review within 10 days of the date of the initial order, then the order will become final.

8. Judicial Review

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

XVII. RECONSIDERATION OF FINAL ORDERS IN FULL ADJUDICATIVE PROCEEDINGS

478-120-0074 Reconsideration of Final Orders

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 478-120-0070, 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.
478-120-0075  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.

XVIII. PRIVACY AND RECORDS

1. Privacy of Educational Records

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

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 additional recordings to be made during the hearing if the making of the additional recording does not cause distraction or disruption. If a party intends to make a recording of the proceeding, the party shall advise the presiding officer prior to the prehearing conference so that any issues related to making an additional recording can be addressed prior to the full hearing.

2. Recordkeeping

Records related to conduct proceedings shall be maintained consistent with RCW 34.05.476, university records retention policies, and other relevant policies.

The conduct officer shall keep records related to all conduct proceedings reported to their respective offices.

3. 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.
XIX. UNIVERSITY RESOURCES

1. Disability Services Offices

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

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

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

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

2. Law Enforcement Agencies

Placeholder for additional resources
Class B Legislation: Scholastic Regulations Chapter 101 – Admissions

Background and Rationale:

The Faculty Senate leadership constituted a faculty task force in Autumn Quarter 2016 to evaluate the undergraduate enrollment management issues of the Seattle campus. This revision to the Student Regulations is the first recommendation to come from the task force. This recommendation was reviewed and approved by the Faculty Council on Academic Standards (FCAS).

The general criteria considered in the holistic review of undergraduate applicants to the University are given in Chapter 101 of the Student Regulations. While the explicit list of the specific criteria has not been considered to be exhaustive, the type of information that can be considered has been understood to be prescribed by this list. Most of our peer institutions that do holistic review include an additional area, which we describe in the proposed change as "area of academic interest." The intent is that this wording is sufficiently broad to be compatible with the other areas (e.g. "courses taken" and "leadership"), but indicative of a new type of information. Area of academic interest can be demonstrated by the applicants in a variety of ways, including the applicant's requested major, previously completed coursework, or essays. Area of academic interest will be used along with the other information.

Additionally, the existing wording of the regulations does not make clear that the general criteria can be used in different relative ways for the different groups of applicants, i.e., freshman vs. transfer applicants and those groups determined by residency status (Washington state residents, non-Washington state domestic (which means "US") residents, and international applicants). All applicants will continue to be reviewed holistically and FCAS will continue to monitor closely all admissions procedures for the Seattle campus.

Scholastic Regulations
Chapter 101 Admission

2. Admission to Undergraduate Standing

A. Holistic Review

Undergraduate programs offered by the University lead to a bachelor's degree. Admission is competitive. In making admissions judgment, the University uses a holistic review process. This process considers such factors as high school grade-point average, courses taken, grade-point average in transferable college level course work, institution(s) attended, level of entry, scores on an acceptable admissions test when required, areas of academic interest, and personal factors such as school and community service, leadership, overcoming adversity, and family educational and socioeconomic background. The relative consideration of these factors may differ between freshman and transfer applicants and among WA state residents, non-WA state domestic residents, and international applicants. The Faculty Council on Academic Standards shall periodically review and approve the holistic review process.

B. Distribution of Enrollment

Admission to the University is competitive, which means there are more qualified applicants than can be admitted.

The Provost, therefore, in consultation with the Senate Committee on Planning and Budgeting (SCPB), shall determine the distribution of enrollment among freshmen, Washington community college transfer, other college transfer, and postbaccalaureate applicants, as well as the distribution of entrants between residents and non-residents of the state of Washington.
Consideration for admission is assured when the applicant fulfills the requirements in Subsections 2.B.1 or 2.B.2 below.

1. Freshman or Transfer Admission

   The University shall consider for admission any applicant who meets the following minimum standards:

   a. Completion of a college preparatory course of study to include the following high school credits*:
      - 4 high school credits of English;
      - 2 high school credits of a single foreign language;
      - 3 high school credits of mathematics: algebra, geometry, and preferably trigonometry (a fourth high school credit of mathematical analysis or calculus is recommended for students preparing for majors in the sciences or engineering);
      - 2 high school credits of science including one laboratory science course in biology, chemistry or physics;
      - 3 high school credits of social science;
      - 1/2 high school credit of the fine or performing arts; and
      - 1/2 high school credit of electives taken from the above areas.

   Total 15 high school credits of college preparatory course work.

   *One high school credit represents a standard full year of high school course work.

   b. A scholastic and personal record that indicates the applicant is adequately prepared to complete a degree at the University of Washington.

   c. Submission of scores on an acceptable admission test such as the SAT or the ACT, unless the applicant has earned at least 40 reasonably distributed transferable quarter-credits after high school graduation.

2. Transfer Agreement Admission

   Students may also be admitted to the University under the terms of transfer agreements between the University and community colleges of the state of Washington, provided that they satisfy the mathematics and foreign language requirements in Subsection 2.B.1.a above or the equivalent college courses. Students must also satisfy the general education requirements of a qualifying academic Associate of Arts or Sciences degree.

C. Additional Considerations

   The University in its discretion may consider applicants for admission who do not meet the above requirements, but are able to submit additional evidence supportive of sufficient promise of benefiting from or contributing to the University's undergraduate programs. Admission test scores may be waived by the Office of Admissions when the applicant's high school and/or college scholastic records indicate a high probability of academic success.
D. Review of Denial

Denied applicants may request an additional review of their admission files if they believe an error or omission has occurred. All supportive documentation should be filed with the initial application. Late documents will ordinarily not be considered after the initial decision has been made.

E. Non-Matriculated Students Enrolled for Credit

Non-matriculated students may be enrolled for credit on a space available basis to pursue limited academic objectives, but they are not admitted to a degree program or to a department, school, or college of the University. Non-matriculated students subsequently admitted in matriculated status must complete at least 45 credits in matriculated status to qualify for a degree.

F. Duplication of Credit

A student may not receive University credit for repetition of work at the same or at a more elementary level, if credit has been granted in an earlier course. This rule applies whether the earlier course was taken in high school or college, and whether, in the latter case, course numbers are or are not duplicated, except that when continuation of previous study is involved (e.g., foreign language), proper placement for credit in University courses shall be determined by the department that presents the subject.

G. Non-WA State Domestic/Out of State and International Students

The University recognizes the academic and educational benefits of a geographically diverse student body. In order that the University meet its primary obligation to residents of the state, the admissions requirements for non-WA state domestic and international applicants are more restrictive than those of WA state resident applicants and the criteria or consideration of criteria used for selection of non-WA state domestic and international applicants may differ from those of WA state residents. All successful international applicants shall have demonstrated English language competency.

Approved by:
Senate Executive Committee
January 9, 2017
Class C Resolution Concerning University of Washington Students

Rationale: The University of Washington is justly renowned for the quality and breadth of its academic programs. But the “Husky Experience” is more than just a program of study. It also encompasses a wide variety of extracurricular activities that deepen, enrich, and extend the learning that takes place in our classrooms. Travel for university-related purposes, including conferences, foreign study programs, and competitions of various sorts, is an important part of our students’ educational experience. Inevitably, however, some of these opportunities, with their requirements for travel away from campus, will make fulfilling classroom obligations more difficult for the students who participate in them.

This resolution encourages all members of the UW community who work with our students to do all they can to accommodate such student travel, and to be as flexible as possible in devising strategies that will allow students traveling for UW-sanctioned purposes to fulfill their academic requirements in a timely and responsible manner.

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

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

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

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

Approved by:
Senate Executive Committee
January 9, 2017
Class C Resolution Concerning General Classroom Assignment.
Approved by FCUFS vote 11/17/16.

Rationale: For many years the Faculty Council on University Facilities and Services (FCUFS) has emphasized the need for general assignment classrooms on the Seattle central campus when reviewing proposed building projects. Despite this several buildings have been built with private classrooms, or no classrooms. With a revision of the Campus Master Plan in progress, and continued construction on the central Seattle campus, FCUFS feels strongly that it is time to include provisions to ensure the availability of building sites and walkable general assignment classrooms in the future. When this point was raised in FCUFS review of the proposed Master Plan revision, the administration, in the form of the Office of Planning and Management, that prepares the Master Plan, took note but has so far not adopted such provisions. This resolution is an effort to emphasize to the Master Planning process that there is broad support among the faculty for these provisions.

WHEREAS the education of undergraduate students on the campuses of the University of Washington is, has been, and will continue to be its primary mission and primary reason for state support, and

WHEREAS the Master Plan anticipates an increase in undergraduate matriculation of 8000 students (20%) on the Seattle Campus by 2028, and

WHEREAS planning for facilities to assure the success of our core mission is best done on time scales of 10 and 100 years, and

WHEREAS the number of general assignment classrooms on the Seattle Campus has systematically lagged behind enrollment for at least a decade, and

WHEREAS the pending improvement in the utilization of existing general assignment classrooms is not likely to provide adequate classroom space in and after 2028 due to enrollment growth, and

WHEREAS future general assignment classroom space must be situated in reasonable proximity to allow students to move from one room to another in ten minutes to ensure efficient utilization of capital assets, and

WHEREAS faculty are generally very concerned about the proximity of classrooms to their offices; therefore

BE IT RESOLVED that the Faculty Senate of the University urge the Provost:

TO identify and protect building sites in the central part of the Seattle Campus and similarly functional sites at other campuses for future buildings to satisfy long-term needs for general assignment classroom seating, and

TO modify the Master Plan for the Seattle Campus presently under consideration for adoption in 2017 by the Regents and the City of Seattle so as to assure that the construction of buildings on these sites will undergo a special review for long-term impact on undergraduate education before any use of the site is approved.

Approved by:
Senate Executive Committee
January 9, 2017
Agenda
Faculty Senate Meeting
Thursday, January 26, 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 Chair of the Senate on Planning and Budgeting.
   c. Report of the Faculty Legislative Representative.

4. President’s Remarks– Ana Mari Cauce.

5. Requests for Information.
   a. Approval of the November 14, 2016, SEC minutes.
   b. Approval of the December 1, 2016, Faculty Senate minutes.
   c. Update and second review of official code interpretation.
   d. Review and discussion on proposed changes to the Student Conduct Code.

6. Memorial Resolution

7. Consent Agenda.

8. Announcements.


    Information items:
    a. Tent City Update.
    b. HR Payroll Modernization Program Update.

    Action items:
    a. Class C Resolution Concerning University of Washington Students.
       Faculty Council on Student Affairs and Advisory Committee on Intercollegiate Athletics.
       Action: Approve for distribution to faculty.
    b. Class B legislation: Scholastic Regulations, Chapter 101 – Admissions
       Faculty Council on Academic Standards
       Action: Approve for distribution to faculty.
    c. Class C Resolution Concerning General Assignment Classrooms.
       Faculty Council on University Facilities and Services.
       Action: Approve for distribution to faculty.

11. Good of the Order.


Prepared by: Mike Townsend
Secretary of the Faculty

Approved by: Zoe Barsness, Chair
Faculty Senate
NOTE: If a continuation meeting is necessary to conduct unfinished or special business, it will be held on Thursday, February 2 at 2:30 p.m. in Savery 260.