

UW POLICY DIRECTORY

SGP 210 Student Conduct Policy for Discriminatory and Sexual Harassment, Intimate Partner Violence, Sexual Misconduct, Stalking, and Retaliation

1. Policy and Authority

A. 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.

Exception: In compliance with the 2020 revisions to federal regulations implementing Title IX of the Education Amendments of 1972, 34 CFR Part 106, the University amended the Student Conduct Code of the University of Washington, Chapter 478-121 WAC. The Department of Education's federal regulations require that specific types of prohibited conduct be addressed under a specific grievance or adjudication process, which is similar to but not entirely consistent with the procedure and processes described in this policy. This policy neither applies to those specific types of prohibited conduct defined in the Department of Education's federal regulations nor the process the University will use to adjudicate them. See Part VII of the Student Conduct Code for the relevant policies, definitions, and procedures.

This policy, including the above exception, 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 the Administrative Procedure Act ([Chapter 34.05 RCW](#)).

B. Purpose

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

The purpose of this policy is also to describe the University's agency-level policies and procedures regarding student conduct and student discipline of the rules set forth in [Chapter 478-121 WAC](#), Student Conduct Code for the University of Washington related to reports of prohibited conduct under the code and to describe the University's current approach to

implementation of the code and its practices, procedures, and methods of action based upon that approach for student conduct proceedings alleging misconduct under the following sections of the code:

- “Discriminatory harassment” as defined in [WAC 478-121-123](#);
- “Intimate partner violence” as defined in [WAC 478-121-140](#);
- “Sexual harassment” as defined in [WAC 478-121-155](#);
- “Sexual misconduct,” which includes “indecent exposure” as defined in [WAC 478-121-137](#), “sexual assault” as defined in [WAC 478-121-150](#), and “sexual exploitation” as defined in [WAC 478-121-153](#);
- “Stalking” as defined in [WAC 478-121-157](#); and
- “Retaliation” as defined in [WAC 478-121-147](#), when that alleged conduct arose in connection with a report or conduct proceeding covered by this policy.

Exception: This policy does not address the University’s policies and procedures regarding specific types of prohibited conduct that are defined in the 2020 revisions to federal regulations published by the United States Department of Education. For these specific definitions of prohibited conduct and the adjudication process required by the Department of Education, see Part VII of [Chapter 478-121 WAC](#) (beginning with WAC 478-121-600).

C. Advisory Committee on Student Conduct

The Advisory Committee on Student Conduct is charged and authorized with reviewing and evaluating conduct processes and outcomes and making recommendations to the Faculty Council on Student Affairs for potential revisions to policies and procedures. The committee is chaired by a faculty representative nominated by the Faculty Council on Student Affairs and approved by the Faculty Senate.

D. Complainant as a Party to a Conduct Proceeding

If a conduct proceeding is initiated that involves any of the prohibited conduct covered by this policy, in accordance with [WAC 478-121-233](#), the complainant will be designated as a “party” in the conduct proceeding. The other parties to a conduct proceeding are typically the University and the respondent.

Under the code, a “complainant” is the person who is the subject of the prohibited conduct, whether or not that person made a report that a violation of the code had been committed against them (per [WAC 478-121-050\(2\)](#)). A “respondent” is any student or student organization reported to have engaged in prohibited conduct under the conduct code (per [WAC 478-121-050\(10\)](#)).

If reported conduct may constitute “Retaliation” and that alleged conduct arose in connection with a report or conduct proceeding covered by this policy, in accordance with [WAC 478-121-233](#), the complainant will be designated as a party in any conduct proceeding initiated relating to that report.

E. Intersection of the Student Conduct Code and Related Student Conduct Policies

If the reported conduct involves common issues or parties that would potentially fall under both *Student Governance and Policies*, [Chapter 209](#) and this policy, the University may in its discretion conduct one conduct proceeding. In addition, reports that may constitute “Abuse of Others” under [WAC 478-121-103](#) 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 covered by *Student Governance and Policies*, [Chapter 209](#), Student Conduct Policy for Academic Misconduct and Behavioral Misconduct, will be addressed under that policy.

F. 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, sexual orientation, and gender identity or expression. Sexual and discriminatory harassment are also prohibited forms of discrimination;

- Executive Order [No. 51](#), Sexual Violence Elimination, 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](#) web page, which prohibits acts or threatened acts of violence, including relationship violence or domestic violence.

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

G. 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.

H. 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](tel: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](tel:1-800-233-3247) (toll-free) [1-800-300-7525](tel:1-800-300-7525) (toll-free TTY)

2. University Assistance and Resources

A. 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 2.B](#), below, and to report the conduct to the University and/or law enforcement as described in [Section 4](#), Reporting Options and Initial Assessment of Reports, below. Complainants may make a report to the University, to law enforcement, to both, or to neither. Complainants may also simultaneously pursue criminal and University action. University conduct proceedings and law enforcement investigations operate independently of one another, although the University will make efforts to coordinate information with law enforcement when there are parallel investigations. The assistance and resources described in this section are available to individuals regardless of whether they choose to make a report to law enforcement or request any particular response by the University.

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

Additional information about University and community resources is also available on the [Sexual Assault Resources](#) website.

B. Confidential Advocates

The University has designated confidential advocates who provide a safe place for individuals to discuss concerns regarding conduct covered by this policy and to learn about the options and resources available to them. They can also provide support in seeking interim supportive measures or other resources described in this policy. Disclosures made to a confidential advocate do not constitute a report to the University for the purposes of initiating a conduct proceeding or taking action involving a respondent. Additional information about confidentiality, and any further limits on confidentiality, is provided below in [Section 3](#), Privacy and Confidentiality. Information can also be obtained from the [confidential advocates](#).

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

C. Interim Supportive Measures

The University will offer reasonable and appropriate interim measures for the complainant. These measures may be supportive (designed to address a complainant's continued access to University educational programs and activities, employment, or other University activities or programs) or protective (involving action that impacts a respondent). See [Section 10.L](#) for more information on interim protective measures.

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

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

D. 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 46.8](#), Domestic Violence in the Workplace and Reasonable Accommodations and Leave Related to Domestic Violence, Sexual Assault, or Stalking.

E. Information about University and Community Services

The University and/or local communities offer 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 communities is available on the [Sexual Assault Resources](#) website, from the Title IX Coordinator, or from a confidential advocate.

F. 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 or respondent's participation in employment, educational programs and activities, or other University activities or programs, the University will assist with implementation. For more information, see the [Sexual Assault Resources](#) website.

G. 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 Examiners (SANE) 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.

H. 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 *Student Governance and Policies*, [Chapter 208](#), Reasonable Accommodations for Students with Disabilities. For contact information see resources on the [Student Conduct website](#).

3. Privacy and Confidentiality

A. Privacy and Confidentiality Meanings

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 17](#) 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 State 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.”

B. 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:

- If the patient gives written consent for its disclosure;
- If there is risk of imminent harm to the patient or another identified person;
- If there is reason to suspect that a minor or an elderly person is in danger of being abused or neglected;
- If a court of law orders the release of certain information about a patient; or
- 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 University attorneys if relevant to the action.

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

C. Reporting Suspected Child Abuse

In accordance with [Executive Order No. 56](#), Reporting Suspected Child Abuse or Neglect, 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.

D. 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.

E. 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).

4. Reporting Options for Complainants and Initial Assessment of Reports

A. Reporting Discriminatory and Sexual Harassment, Intimate Partner Violence, Sexual Misconduct, Stalking, and Retaliation Under This Policy

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

[Title IX Investigation Office](#)

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

B. Reporting Other Prohibited Conduct

Reports of other types of prohibited conduct under [Chapter 478-121 WAC](#), Student Conduct Code for the University of Washington, should be made in accordance with *Student Governance and Policies*, [Chapter 209](#), Student Conduct Policy on Academic Misconduct and Behavioral Misconduct.

C. 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. For more information on reporting, see the [Sexual Assault Resources](#) website.

D. 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 participating witnesses who admit to the possession or use of alcohol or drugs in connection with a report under this policy.

E. Informal Settlements and Mediation

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

F. Initial Assessment

Upon receipt of a report, representatives of appropriate University offices, such as the Title IX Coordinator, will conduct an initial assessment, as described in Section 4.G, below. 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.

G. Request to Not Pursue a Conduct Proceeding

When complainants request that their name or other identifiable information not be shared with respondents and/or that no conduct proceeding or other action be taken, the University will seek to honor that preference when possible. In determining how to proceed, the University will balance a complainant's request with its obligation to provide a safe and nondiscriminatory 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:

1. The nature and scope of the reported conduct, including whether the reported conduct involved physical force or the use of a weapon;
2. The potential impact on the complainant of moving forward, particularly in reports involving intimate partner violence;
3. 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;
4. The risk posed to any individual or to the campus community by not proceeding, including the risk of additional violence;
5. Whether there have been other complaints to the University related to similar behavior about the same respondent (if known);
6. 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;
7. Whether the respondent threatened further sexual violence or other violence against the complainant or others;
8. 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
9. Whether the conduct included multiple respondents.

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

Where the University determines that action should be taken that is inconsistent with the request of the complainant, the complainant will be informed about the chosen course of action, which may include the University initiating a conduct proceeding against a respondent. In that event, the University will make reasonable efforts to protect the privacy of the

complainant. However, in the course of a conduct proceeding a complainant's identity may have to be disclosed. If so, the complainant will be notified that the University intends to proceed with a conduct proceeding, but that the complainant is not required to participate in the proceeding or in any other actions undertaken by the University.

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

5. Standards of Conduct and Application of the Student Conduct Code

A. Statement of Authority

Pursuant to [Chapter 34.05 RCW](#) and the authority granted by [RCW 28B.20.130](#), the Board of Regents of the University of Washington has established rules regarding student conduct and student discipline ("code") that are set forth in [Chapter 478-121 WAC](#), Student Conduct Code for the University of Washington.

B. Standards of Conduct

By way of further interpretation, in determining what types of conduct would be prohibited under WAC [478-121-100](#) through [478-121-173](#), the University applied guiding principles that can be summarized as follows: Admission to the University carries with it the presumption that students will conduct themselves as responsible members of the University community. As a condition of enrollment, all students assume responsibility to observe standards of conduct that will contribute to the pursuit of academic goals and to the welfare of the University community. That responsibility includes, but is not limited to:

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

C. General Application of the Student Conduct Code

Under [WAC 478-121-020](#), the conduct code applies to all students from the time of admission through the actual conferral of a degree, including any period between terms of enrollment.

The disciplinary sanctions specified in [WAC 478-121-210](#), 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 [478-121-100](#) through [478-121-173](#) and as described in relevant University policies.

D. Jurisdiction of the University

Under [WAC 478-121-040](#), the scope of the University's jurisdiction includes reports that prohibited conduct occurred:

1. On any University premises or in connection with any University-sponsored program or activity, regardless of the location of the program or activity; or
2. Off campus (i.e., conduct that does not occur on University premises or in the context of a University-sponsored program or activity) where: the University reasonably determines that the conduct adversely affects a University interest or, has

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

Nothing in the conduct code or this policy shall be construed to limit academic action that may be taken by schools, colleges, or programs against a respondent based on an established violation of [Chapter 478-121 WAC](#) 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 move forward with the conduct proceeding and, if so, 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.

6. Definitions for Conduct Proceedings

Under [WAC 478-121-050](#), for the purposes of the conduct code, the following definitions apply:

A. Attorney

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

B. Complainant

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

C. Conduct Hold

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

D. Conduct Officer

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

E. Conduct Proceedings

“Conduct proceedings” refers to brief adjudicative proceedings and full adjudicative proceedings, collectively, under [Chapter 34.05 RCW](#).

F. FERPA

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

G. Full Hearing

“Full hearing” refers to the hearing that occurs when a matter is designated as being appropriate for a full adjudicative proceeding, consistent with Part V of [Chapter 478-121 WAC](#), and [Section 14](#) of this policy.

H. Hearing Officer

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

I. Presiding Officer

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

J. Respondent

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

K. Review Coordinator

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

L. Review Panel

“Review panel” is a panel of reviewing officers selected from the pool of reviewing officers appointed to conduct administrative reviews under Parts IV or V of [Chapter 478-121 WAC](#) and [Section 13](#) and/or [Section 15](#) of this policy. The review panel may also include a “review coordinator.”

M. Reviewing Officers

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

N. Student

A “student” is any person enrolled in or taking courses at or through the University, either full-time or part-time, including credit, noncredit, online, and non-degree 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 the conduct code and this policy.

O. Student Organization

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

P. University Community

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

Q. University Official

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

R. University Premises

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

7. Prohibited Conduct

A. General Application

Prohibited conduct under this policy includes, but is not limited to the conduct as described in WAC [478-121-100](#) through [478-121-173](#) and other relevant University policies, including this policy and *Student Governance and Policies*, [Chapter 209](#), Student Conduct Policy for Academic Misconduct and Behavioral Misconduct.

B. Aiding Assisting, and Attempting

Under [WAC 478-121-113](#), students may also be found responsible for prohibited conduct if they:

- 1) Aid or assist another student or student organization in the commission of prohibited conduct;
- 2) Request, hire, or incite another person to commit prohibited conduct, either intending that the other person commit the prohibited conduct or with the knowledge that the other person intends to commit the prohibited conduct; or
- 3) Attempt to commit prohibited conduct.

C. Discriminatory Harassment

Under [WAC 478-121-123](#), 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 below in Sections [7.C.1](#) or [7.C.2](#) is present:

1. 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 personnel decisions; or
2. 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.

D. Indecent Exposure

Under [WAC 478-121-137](#), 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. Breastfeeding or expressing breast milk is not indecent exposure.

E. Intimate Partner Violence

Under [WAC 478-121-140](#), 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 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.

For the purpose of the University's annual crime statistics, as used in [WAC 478-121-140](#) and this policy, the definition of "intimate partner violence" is intended to be consistent with the definitions of dating violence and domestic violence set forth in the Clery Act (as amended by VAWA). When determining whether the reported conduct meets the Clery definition, whether there has been a domestic or dating relationship will be determined by a review of its length, type, and frequency of interaction.

F. Retaliation

Under [WAC 478-121-147](#), 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:

1. Make, or intend to make, a report, complaint, grievance, or allegation of prohibited conduct under any University policy or rule, or under any law;
2. Participate in and/or cooperate with conduct proceedings; or
3. Appear as a witness.

G. Sexual Assault

Under [WAC 478-121-150](#), sexual assault includes sexual contact with another person without, or that exceeds, that person's consent.

1. 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.
2. 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.
3. 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.
4. When assessing "consent," the agency's interpretation of the code is that the presiding officer may consider the following, along with any other information that is relevant to determine if consent was "freely given" as set forth in [WAC 478-121-147\(2\)](#) of the conduct code:
 - a. Consent cannot solely be inferred from silence, passivity, or a lack of resistance, and relying on non-verbal communication alone may violate the code and this policy;
 - b. Consent cannot be inferred merely from an existing or previous dating or sexual relationship;
 - c. Even in the context of a relationship, there must be mutual consent to engage in sexual contact;
 - d. Past consent alone is not sufficient to imply future consent;

- e. Consent given to one person does not constitute consent given to another person;
 - f. Consent to one sexual act does not constitute consent to other sexual acts; and
 - g. Consent can be withdrawn at any time and, once consent is withdrawn and reasonably communicated, sexual contact must stop immediately.
5. For the purposes of determining whether consent has been given, the University interprets the code to mean that individuals are “incapacitated” when they lack the ability to understand the facts, nature, extent, or implications of the sexual contact for any reason including, but not limited to, being asleep, unconscious, unaware that the sexual contact is occurring, mentally or physically impaired due to an intellectual or other disability, or mentally or physically incapacitated due to the effects of alcohol or other drugs.
 6. 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.

H. Sexual Exploitation

Under [WAC 478-121-153](#), 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:

1. 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);
2. Taking, making, sharing, or directly transmitting photographs, films, or digital images of the private body parts of another person without that person’s consent;
3. Prostituting another person; or
4. Knowingly allowing another to surreptitiously watch otherwise consensual sexual activity.

I. Sexual Harassment

Under [WAC 478-121-155](#), 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 below in Sections [7.1.1](#) or [7.1.2](#) is present:

1. 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 personnel decisions; or
2. 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.

J. Stalking

Under [WAC 478-121-157](#), stalking means engaging in a course of conduct directed at another person that would cause a reasonable person to:

1. Fear for the person’s safety or safety of others; or

2. Suffer substantial emotional distress.

For the purposes of this section, “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 cyberstalking such as through electronic media, the Internet, social networks, blogs, cell phones, or text messages.

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

8. Conduct Proceedings

A. Form of Adjudicative Proceeding

Under [WAC 478-121-200](#), all conduct proceedings under the student conduct code and this policy are conducted in accordance with [Chapter 34.05 RCW](#), the Administrative Procedure Act, and constitutional due process. If there is an irresolvable conflict between the student conduct code and the Administrative Procedure Act or constitutional due process, the Administrative Procedure Act or constitutional due process shall supersede the student conduct code.

In applying the student conduct code and this policy, 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 the conduct code or in [Chapter 34.05 RCW](#). In formal proceedings pursuant to RCW [34.05.413](#) through [34.05.476](#), the University adopts the model rules of procedure [Chapter 10-08 WAC](#), Model Rules of Procedure. In the case of a conflict between the model rules of procedure and [Chapter 478-121 WAC](#), the procedural rules adopted in the code shall govern.

Informal settlements may be conducted under the authority of [RCW 34.05.060](#).

B. Brief Adjudicative Proceedings

Under [WAC 478-121-203](#), when conduct proceedings have been designated as brief adjudicative proceedings under the student conduct code, they will be conducted in accordance with RCW [34.05.482](#) through [34.05.494](#) and the parties will receive notice as set forth in [WAC 478-121-235](#).

C. Conversion to Full Adjudicative Proceeding

Under [WAC 478-121-205](#), 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](#), of the Administrative Procedure Act. If converted, the conduct officer will take steps necessary to initiate a full hearing and a hearing officer will be assigned.

To the extent feasible, the conduct officer’s record will be included in the record for the full hearing. The time of commencement of the full hearing shall be considered to be the time of commencement of the original conduct proceeding.

If not converted by the conduct officer, the parties will be given an opportunity to request a full hearing through the administrative review process per WAC [478-121-320](#) through [478-121-345](#).

D. Full Adjudicative Proceeding

Under [WAC 478-121-207](#), if it becomes apparent that a full adjudicative proceeding is necessary, is in the public interest, or is more appropriate to resolve issues affecting the participants, a full hearing will be held in accordance with WAC [478-121-400](#) through [478-121-427](#) that is in compliance with [RCW 34.05.413](#) through [34.05.476](#).

The following are factors that may be considered as guidelines to determine whether the issues and interests involved warrant a full adjudicative proceeding:

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

2. If a respondent has been charged with hazing; or
3. If a respondent has been charged with a felony offense under the Washington State Criminal Code related to the alleged prohibited conduct.

A disciplinary sanction of suspension or dismissal will not be imposed on a respondent without the University completing a full hearing, unless those sanctions were applied as a term of an informal settlement.

9. Disciplinary Sanctions

A. Applicable Disciplinary Sanctions

Sanctions are intended to provide educational opportunities and accountability while also reducing the likelihood of future prohibited conduct. Sanctions may include administrative, educational, and restorative components. Some conduct, however, is so egregious in nature or so damaging to the educational environment that it requires more serious sanctions, including suspension or dismissal.

Under [WAC 478-121-210](#), one or more of the following disciplinary sanctions may be imposed for any violation of this conduct code:

1) Disciplinary Reprimand

A respondent may be issued a written disciplinary reprimand.

2) 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.

3) 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.

4) 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.

5) 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.

6) Dismissal

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

7) 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.

B. Possible Factors for Determining Sanctions

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

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

C. Effective Date of Sanctions

Under [WAC 478-121-213](#), sanctions will be implemented when a final order becomes effective in the University's conduct proceeding. An initial order that becomes a final order because no administrative review was requested or initiated becomes effective on the day after the period for requesting review has expired.

10. Initiating Conduct Proceedings

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

Under [WAC 478-121-215](#), the following University officials may initiate conduct proceedings under the conduct code and this policy:

- The Vice President for Student Life at UW Seattle;
- The chancellors at UW Bothell and Tacoma;
- Deans of a school or college (including the graduate school) at UW Seattle; and
- Deans or directors of any school or program at UW 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 the conduct code and this policy. 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 Parts IV and V under the student conduct code:

1. The Chair of the Faculty Senate will appoint one or more faculty to be included in a pool of available reviewing officers; and
2. The President, Vice President for Student Life at UW Seattle, or the chancellors at the UW Bothell and Tacoma campuses 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 Parts IV and V of the student conduct code and Sections [13](#) and [15](#) of this policy. Review panels may also include a review coordinator.

B. Appointment of Reviewing Officers

Under [WAC 478-121-217](#), faculty and students may be appointed to the pool of available reviewing officers at any time by a University official with authority to appoint such individuals. The appointment will be for a specific term, which may be extended at the discretion of a University official with authority to appoint such individuals, and will include any training and other conditions of service.

Faculty candidates for reviewing officers are identified and approved through the same process as used for membership on Faculty Senate councils and are appointed by the Chair of the Faculty Senate.

Efforts will be made to ensure the pool includes available reviewing officers representing the UW Seattle, UW Bothell, and UW Tacoma campuses.

C. Selection of Review Panels

Under [WAC 478-121-220](#), for each administrative review, an odd number of available reviewing officers will be selected from the pool, based on availability, to form the review panel. Only reviewing officers who are faculty will be selected to serve on review panels for conduct proceedings under this policy. Those selected for the panel will designate a faculty member of the panel to act as chair, with efforts made that the chair be a representative from the campus where the respondent is enrolled.

D. Training for Presiding Officers and Reviewing Officers

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

E. Disqualification and Substitution of Presiding Officers and Reviewing Officers

Under [WAC 478-121-223](#), any presiding officer or reviewing officer is subject to disqualification for bias, prejudice, interest, or any other applicable cause. Any party may petition for the disqualification of an individual promptly after receipt of notice indicating that the individual will preside or, if later, promptly upon discovering facts establishing grounds for disqualification. The individual whose disqualification is requested shall determine whether to grant the petition, stating facts and reasons for the determination. An appropriate individual will then be substituted as a presiding or reviewing officer.

If a party requests the disqualification of a presiding officer and that request is denied, the denial of the request may be raised as a reason for seeking administrative review.

F. Initiating Conduct Proceedings

Under [WAC 478-121-225](#), conduct proceedings may be initiated when the University receives any direct or indirect report of conduct that may violate the student conduct code or this policy, which may include, but is not limited to, a police report, an incident report, a witness statement, other documentation, or a verbal or written report from a complainant, witness, or other third party.

Conduct matters may be initiated under the conduct code regardless of whether or not the incident in question is the subject of criminal or civil proceedings.

G. Decision Not to Initiate a Conduct Proceeding

Under [WAC 478-121-227](#), 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.

H. Time Frame for Completion and Extension for Good Cause

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

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

I. Coordination with Law Enforcement

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

J. Conduct Hold on Student Record

Under [WAC 478-121-230](#), a conduct office or other designated University official may place a conduct hold on the student’s record if the student is the respondent in a pending report of prohibited conduct, a pending conduct proceeding under the code and this policy, or in conjunction with a disciplinary sanction under the student conduct code. A conduct hold may restrict the student from registering for classes, requesting an official transcript, or receiving a degree from the University until the hold has been removed. If a conduct hold is put in place pending or during a conduct proceeding, the student will be notified of the hold and be advised how to raise an objection about the hold or request that it be made less restrictive. The hold will remain in place until lifted by the conduct office or other designated University official with authority to do so.

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

Typically, a conduct hold will be lifted when circumstances change, where the hold is no longer necessary, or at the completion of a conduct proceeding. If a conduct hold is necessary to monitor a sanction, per [Section 9](#), notification of the hold will be incorporated into the initial order or final order.

K. Parties

Under [WAC 478-121-233](#), the parties to conduct proceedings are typically the University and the respondent. In cases involving discriminatory harassment, sexual 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 *Student Governance and Policies*, [Chapter 209](#), “Student Conduct Policy for Academic Misconduct and Behavioral Misconduct.”

L. Interim Protective Measures

Under [WAC 478-121-235](#), after receiving a report of prohibited conduct, the University may implement interim protective measures that impact a respondent at any time prior to the conclusion of a conduct proceeding. When implemented, the respondent will be advised on how to raise an objection about the interim measure or request that it be made less restrictive. Interim measures will remain in place until lifted or modified by a University official with authority to do so.

Interim protective measures are designed to limit contact between a complainant and respondent and avoid repeated prohibited conduct, if occurring, or potential retaliation against the complainant, an individual who reported, other specified persons, and/or a specific student organization. The specific interim protective measure(s) implemented will vary depending on the circumstances of each report. The implementation of interim protective measures under this policy is monitored by the office of the Title IX Coordinator.

If an interim protective measure is implemented, the respondent will be notified. Implementation of any interim measure does not assume any determination of, or create any expectation of, responsibility for prohibited conduct under the conduct code or this policy. A respondent who fails to comply with any interim protective measures may, however, be charged with a “failure to comply” pursuant to [WAC 478-121-130](#). Interim protective measures typically remain in place for the entire conduct proceeding unless circumstances change and there is no longer a need for a specific interim protective measure.

Following are examples of interim protective measures:

1) A No-Contact Directive

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

2) Housing Reassignments

In accordance with University housing agreements, a student may be reassigned to other University housing under certain circumstances as necessary.

3) Limiting the Respondent’s Access to, or Limiting Participation in, Identified University-Controlled Buildings, Programs, or Activities

University employees or others with authority over the building, program, or activity are typically consulted regarding appropriate interim protective measure and/or may implement the interim protective measure.

4) Changes to Class Schedules, Assignments, or Test Schedules

This may include moving the respondent to a different class time or section. Efforts are made to avoid an impact on the respondent’s academic progress.

5) Emergency Suspension

Authority to place a student on emergency suspension is set forth in [Section 10.M](#) below.

Certain interim protective measures may also be put in place as a condition of a sanction, per [Section 9](#) above, and notification of the condition will be incorporated into the initial or final order.

M. Emergency Authority of the University

Under [WAC 478-121-237](#), 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 UW Bothell and Tacoma campuses or delegates may immediately suspend that student from participation in any or all University functions, privileges, or locations.

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

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

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

N. Service of Notices, Filings, and Orders; and Time Limits

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

The parties are permitted to file documents with the presiding officer or reviewing officer(s) via email 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 email. 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 the conduct code and this policy, the day of service of any order, notice, or other document is not counted. The last day of the applicable period of time is counted. If the last day of the applicable period of time falls on a Saturday, Sunday, or official state holiday (which includes the day after Thanksgiving), the period ends on the next business day. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays, and holidays shall be excluded in the computation.

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

University students and employees have an ongoing obligation to update their physical and email 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 email addresses.

O. Participation of Advisors and Attorneys

Under [WAC 478-121-243](#), 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 the brief adjudicative proceeding, as determined by the conduct officer. In a full adjudicative proceeding, including any prehearing matters, if the party's advisor is an attorney, the attorney may advise and represent the party, but the advisor may not disrupt or interfere with any aspect of the proceeding, as determined by the hearing officer or reviewing officer(s).

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

P. Consolidation

Under [WAC 478-121-245](#), 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.

Q. Burden of Proof

Under [WAC 478-121-247](#), the burden of proof in conduct proceedings rests with the University.

R. Disability Accommodation

The University provides reasonable accommodation to individuals involved in the conduct process, including interpreter services for deaf and hard of hearing, in accordance with relevant federal and state laws and University policies. To request disability accommodation, contact a disability services office (see [the Student Conduct website](#)).

11. Evidence

A. Evidence in Conduct Proceedings

Under [WAC 478-121-250](#), the following evidentiary provisions apply to conduct proceedings under the student conduct code and this policy. In applying the code, due consideration shall be given to the fact that the conduct process is administrative and not judicial in nature and that rules of evidence only apply to the extent set forth in the code or in [Chapter 34.05 RCW](#). This policy also provides guidance regarding the University's interpretation of those rules.

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 State Rules of Evidence when they do not conflict with the code or relevant University policies.

B. Relevant Evidence, Hearsay, and Character Evidence

Under [WAC 478-121-253](#), 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](#).

C. Prior or Subsequent Conduct of the Respondent

Under [WAC 478-121-255](#), 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.

D. Prior Sexual History

Under [WAC 478-121-257](#), the sexual history of the parties or witnesses will not be used to prove character or reputation. Evidence related to the prior sexual history of the parties or witnesses is generally not relevant to the determination of a violation of the code and will be considered only in limited circumstances. The presiding officer will determine the relevance of this evidence.

E. Experts

Under [WAC 478-121-260](#), 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.

F. Self-Incriminating Evidence

Under [WAC 478-121-263](#), 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, continue with the conduct proceeding and reach a finding based on other available and admissible evidence.

G. Criminal Conviction

Under [WAC 478-121-265](#), the presiding officer may accept a conviction of a crime under any federal, state, or local law as the evidentiary basis for establishing prohibited conduct under the code when the elements of that crime establish prohibited conduct under the student conduct code and this policy that adversely affects a University interest.

H. 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 conduct proceedings.

I. Medical or Counseling Records

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

12. Brief Adjudicative Proceedings

A. Notice of Conduct Proceeding and Investigative Interview

Under [WAC 478-121-300](#), the conduct officer will provide notice to the parties, in writing, of the commencement of conduct proceedings, which will include information on how to petition for disqualification of the conduct officer.

The notice will include:

- A brief description of the alleged misconduct;
- The specific section(s) of the student conduct code allegedly violated; and
- Information about the range of sanctions that may be imposed in a conduct proceeding.

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

B. Fact Finding

Under [WAC 478-121-305](#), 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").

As part of the fact finding process and prior to its completion, the conduct officer will notify and provide the opportunity to meet separately with the complainant, the respondent, and third-party witnesses. Each party will also be asked to identify witnesses and provide other relevant information, such as documents, communications, photographs, and other evidence. The conduct officer is responsible for gathering reasonably available evidence and information.

If a party fails to respond to notices or does not participate in the conduct proceeding at any stage of the proceeding, the University may move forward with the conduct proceeding without the participation of a party.

C. Standard of Proof

Under [WAC 478-121-310](#), 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 the student conduct code and this policy, the conduct officer must conclude, based on all of the evidence in the record, that it is more likely than not that the respondent engaged in an act or acts of conduct prohibited by the code.

D. Initial Order

Under [WAC 478-121-315](#), 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 time frame to do so.

13. Brief Adjudicative Proceeding Administrative Review

A. Requesting Administrative Review

Under [WAC 478-121-320](#), a party may request administrative review of the initial order based on the grounds as set forth in [WAC 478-121-325](#).

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.

B. Grounds for Administrative Review

Under [WAC 478-121-325](#), a party may request administrative review for any or all of the following reasons:

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

C. Notice of Administrative Review

Under [WAC 478-121-330](#), if administrative review is requested, the University will provide the parties notice, in writing, of the date the administrative review will be initiated and the identities of the reviewing officer(s) selected for the review panel. The parties will also be provided with information on how to petition for disqualification of any reviewing officer(s).

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

D. Procedures for Administrative Review

Under [WAC 478-121-335](#), when the reviewing officer(s) conducts an administrative review, the review is based on:

1. The conduct officer's record and fact finding;
2. Information submitted to the review panel in the request for review or response to request for review; and
3. 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.

E. Order from Administrative Review

Under [WAC 478-121-340](#), 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;
- Increase or reduce the sanction(s) and issue a final order, if the increased sanction does not warrant a full hearing; or
- 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.

F. Process Following Remand from Administrative Review or Conversion

Under [WAC 478-121-345](#), if the proceeding is remanded or converted to a full adjudicative proceeding following administrative review, the initial order will be rescinded and the reviewing officer(s) will describe, in writing, the reasons for the remand or conversion.

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

14. Full Adjudicative Proceedings and Full Hearing

A. Notice of Full Hearing

Under [WAC 478-121-400](#), the hearing officer shall set the time and place of the full hearing and give not less than seven days advance written notice to all parties and to all persons who have filed written petitions to intervene in the matter. The notice will include information on how to petition for disqualification of the hearing officer.

B. Prehearing Conferences

Under [WAC 478-121-403](#), hearing officers upon their 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:

- Simplification of issues;
- The necessity or desirability of amendments to the pleadings, if any;
- The possibility of obtaining stipulations, admissions of fact and admissions of the genuineness of documents which will avoid unnecessary proof;
- Limitations on the number and consolidation of the examination of witnesses;
- Procedural matters;
- Distribution of written testimony and exhibits to the parties prior to the hearing;
- 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 hearing officers.

Following prehearing conferences, hearing officers shall issue an order. Orders are effective when they are served. Hearing officers may, at their discretion, hold more than one prehearing conference and issue orders modifying any prehearing order.

In any full hearing, hearing officers may, in their 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 provision. The hearing officer shall state on the record the results of such conference.

C. Record for the Full Hearing

Under [WAC 478-121-205](#), the conduct officer's record will be included in the record for the full hearing. Prior to the hearing, the conduct officers' record is provided the parties for review. The parties are given the opportunity, typically finalized through the prehearing conference, to request that evidence be included in or excluded from the record.

Under [WAC 478-121-253](#), the hearing officer will determine the admissibility and relevance of all evidence, including that offered by the parties and/or witnesses.

D. Discovery

Under [WAC 478-121-405](#), discovery, including depositions, interrogatories, requests for production, entry onto land for inspection or other purposes, and physical and mental examinations, is not available in conduct proceedings under the student conduct code and this policy.

E. Subpoenas

Under [WAC 478-121-407](#), the hearing officer may issue subpoenas. The parties may also request that the hearing officer issue subpoenas or a party's attorney of record may also issue a subpoena in whose behalf the witness is required to appear at a full hearing. The requesting party is responsible for serving the subpoena upon the witness. In the discretion of the hearing officer, and where the rights of the parties will not be prejudiced thereby, such testimony may be by telephone or other electronic means.

F. Protective Orders

Under [WAC 478-121-410](#), 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.

G. Pleadings, Briefs, and Motions

Under [WAC 478-121-413](#), 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 hearing 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.

H. Communications with Hearing Officer

Under [WAC 478-121-415](#), 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.

I. Standard of Proof in Full Hearings

Under [WAC 478-121-417](#), 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 student conduct code and this policy, 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.

J. Continuances

Under [WAC 478-121-420](#), 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 hearing officer may schedule a prehearing conference to receive argument or may rule on the request without argument.

K. Testimony under Oath or Affirmation

Under [WAC 478-121-423](#), in a full hearing, all testimony of parties and witnesses shall be made under oath or affirmation.

L. Remote Participation

Under [WAC 478-121-425](#), 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 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.

M. Procedure in Full Hearing

To the extent necessary for full disclosure of all relevant facts and issues, the hearing officer shall afford to all parties the opportunity to respond, present evidence and argument, conduct cross-examination, and submit rebuttal evidence, except as restricted by a limited grant of intervention or by the prehearing order.

The respondent and a complainant may not ask questions of each other directly, but will be allowed to submit written questions to the hearing officer, who will ask any relevant and appropriate questions submitted by these parties. The hearing officer has the discretion to accept, reject, or rephrase any question submitted by the respondent or a complainant.

N. Initial Order from Full Hearing

Under [WAC 478-121-427](#), 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 time frame 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.

15. Administrative Review from Full Hearings

A. Requesting Administrative Review from a Full Hearing

Under [WAC 478-121-430](#), a party may request administrative review of the initial order from a full hearing based on the grounds as set forth in [WAC 478-121-433](#).

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.

B. Grounds for Administrative Review from a Full Hearing

Under [WAC 478-121-433](#), 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

- Any other grounds that would warrant modification, withdrawal, or reversal of the order.

C. Notice of Administrative Review from a Full Hearing

Under [WAC 478-121-435](#), if administrative review is requested, the University will provide the parties notice, in writing, of the date the administrative review will be initiated and the identities of the reviewing officer(s) selected for the review panel. The parties will also be provided with information on how to petition for disqualification of any reviewing officer(s).

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

D. Procedures for Administrative Review from a Full Hearing

Under [WAC 478-121-437](#), when the reviewing officer(s) conducts an administrative review, the reviewing officer(s) shall:

1. Personally consider the whole record or such portions of it as may be cited by the parties;
2. 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;
3. 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;
4. Review information submitted to the review panel in the request for review or response to request for review; and
5. 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.

E. Communications with Reviewing Officers

Under [WAC 478-121-440](#), all communications with reviewing officers, except for communications necessary to procedural aspects of maintaining an orderly process, must be in the presence of, or with a copy to, all other parties. Ex parte communications received by reviewing officers must be placed on the record, and all other parties must be informed of the ex parte communication and given an opportunity to respond on the record.

F. Order from Administrative Review of Full Hearing

Under [WAC 478-121-443](#), 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:

- 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 with instructions to the presiding officer who entered the initial order;
- Increase or reduce the sanction(s), and issue a final order disposing of the proceeding; or
- Issue a final order disposing of the proceeding or remand the matter for further proceedings on any other grounds that would warrant modification, withdrawal, or reversal of the order, with instructions to the presiding officer who entered the initial order.

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

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

G. Process Following Remand from Administrative Review of a Full Hearing

Under [WAC 478-121-445](#), 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 time frame 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.

H. 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 State Administrative Procedure Act. The time limit for seeking judicial review of a final order is set forth in [RCW 34.05.542](#).

16. Reconsideration of Final Orders in Full Adjudicative Proceedings

A. Reconsideration of Final Orders

Under [WAC 478-121-447](#), within ten days of the service of a final order or within ten 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 478-121-450](#), 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.

B. Denial of Request for Reconsideration

Under [WAC 478-121-450](#), the request for reconsideration is automatically deemed to have been denied if, within 20 days from the date the request for reconsideration is timely submitted, the officer(s) who issued the final order does not either:

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

17. Privacy and Records

A. Privacy in a Full Hearing

Under [WAC 478-121-453](#), in accord with the Family Educational Rights and Privacy Act (FERPA), (20 U.S.C. Sec. 1232g) and its implementing regulations (34 C.F.R. Part 99), all meetings or reviews conducted under the student conduct code and this policy 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 hearing officer pursuant to applicable rules and the hearing 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 hearing officer will determine who can have access to information that would otherwise be protected from disclosure by FERPA, including without limitation who can be present at any hearing held in a full adjudicative proceeding under the code and this policy. If the hearing is open to public observation, the hearing officer shall conduct the hearing in a room that will accommodate a reasonable number of observers. The hearing 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 hearing officer prior to the prehearing conference so that any issues related to making an additional recording can be addressed prior to the full hearing.

B. General Recordkeeping

Under [WAC 478-121-500](#), records related to conduct proceedings shall be maintained consistent with RCW [34.05.476](#) and [34.05.494](#), University records retention policies, and other relevant policies.

C. Disciplinary Record

Under [WAC 478-121-510](#), 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](#).

This may include, but is not limited to, releasing to the alleged victim of a crime of violence or a non-forcible sex offense the final results of the conduct proceeding conducted by the University involving the student who is alleged to have engaged in that crime or offense.

18. University Resources

For all University resources related to this policy please refer to the University of Washington [Student Conduct website](#).

19. History

S-B 186, May 19, 2017 [effective August 18, 2017] with Presidential approval; RC, October 17, 2017; August 14, 2020.