

# **ACTION ITEM #1**

## **Amendments to WAC 504-26 – Standards of Conduct for Students (Fraire)**

TO ALL MEMBERS OF THE BOARD OF REGENTS

**SUBJECT:** Amendments to WAC 504-26 - Standards of Conduct for Students

**PROPOSED:** That the Board of Regents approve amendments and changes to chapter 504-26 of the Washington Administrative Code regarding the standards of conduct for students.

**SUBMITTED BY:** John Fraire, Vice President for Student Affairs

**SUPPORTING INFORMATION:** These revisions are intended to bring the Standards of Conduct for Students in line with current University practice, promote compliance with federal and state laws, allow for communication to parties using electronic mail, and ensure that the standards of conduct are consistently applied and enforced. The changes include the following:

504-26-001: Preamble  
Includes information about educational mission and developmental focus.

504-26-005: Good Standing  
Updates the definition of "good standing" and notes that the university shall have the sole authority in determining whether to withhold the degree and/or diploma.

504-26-010: Definitions  
Updates definitions of "appeals board," "complainant," "member of the university community," and "university conduct board," and added the term "recognized student organization."

504-26-100: Composition of conduct and appellate boards  
Amends composition of conduct boards to include all categories of employees.

- 504-26-103: Decisions  
Changes wording from “prior to” to “before”.
- 504-26-200: Jurisdiction of the standards of conduct for students  
Updates definition to include behavior conducted electronically, during a leave of absence, or if a student graduates while a matter is being investigated.
- 504-26-201: Misconduct—Rules and Regulations  
Updates WAC numbers associated with specific kinds of misconduct.
- 504-26-202: Acts of dishonesty  
Revises definition to include “fraud or misrepresentation.”
- 504-26-204: Abuse of self or others  
Updates title of item to “Abuse of others or disruption or interference with the university community”; amends definition to remove “harm to self” in accordance with guidance regarding the Americans with Disabilities Act and to include and define “disruption or interference with the university community.”
- 504-26-209: Violation of university policy, rule, or regulation  
Updates wording to include the University’s alcohol and drug policy, Executive Policy 15, and housing and residence life policy.
- 504-26-212: Alcohol  
Updates wording to include “federal, state, and local laws.”
- 504-26-215: Obstruction  
Clarifies nature of obstruction as involving persons.
- 504-26-216: Disorderly conduct  
Removes restriction as to “university premises.”
- 504-26-218: Computer abuses or theft  
Updates reference to correct policy location.

- 504-26-219: Abuse of the student conduct system  
Updates policy to include “written” harassment or intimidation of any “individual involved in the conduct process.” Updates definition of “failure to comply.” Adds “violation of probation or any probationary conditions.”
- 504-26-303: International and national exchange programs  
Updates regulations governing student conduct abroad or at other domestic institutions to include WSU’s Standards of Conduct for Students.
- 504-26-304: Group conduct  
Amends title to “Recognized student organization conduct.” Updates definition to include “recognized” student organizations and clarifies the relationship to group accountability guidelines issued by the Office of Student Standards and Accountability.
- 504-26-401: Complaints and student conduct process  
Updates section to clarify notification and service delivery methods, and adding email notification. Adds section regarding access to and expectations of an advisor during conduct processes. Adds section stating the “preponderance of the evidence” standard in conduct processes. Adds section clarifying the difference in process, standard of evidence, and procedures in conduct proceedings, as opposed to civil or criminal court.
- 504-26-402: Conduct officer actions  
Removes information as to notification, which is covered in other sections. Updates wording as to termination of proceedings. Updates wording to indicate that a dismissed case may be reopened at a later date if relevant information arises.
- 504-26-403: Conduct board proceedings  
Removes wording as to notification, which is covered in other sections. Removes wording as to access to a University advisor, which is covered in other sections. Adds that the chair of the conduct board has discretion to determine admissibility of evidence.

Removes wording as to the standard of evidence, which is covered in other sections.

504-26-405: Sanctions

Updates wording to include "recognized student organization." Clarifies the board's ability to consider past contacts with the office of student standards and accountability during the sanctioning phase of deliberations. Provides that boards may consider suspension or expulsion for students found responsible for violating the sexual misconduct provisions of the code.

504-26-406: Interim suspension

Updates methods of notification to include electronic mail.

504-26-407: Review of decision

Revises language for clarity.

Adds requirement to provide a copy of the appeal request to all parties. Adds the capacity for the appeals board to set aside findings and sanctions, or remand the matter to the conduct board or officer with instructions for further proceedings

504-26-408: NEW SECTION: Interim measures

Adds section on actions that may be taken while a complaint of sex discrimination is pending, in accordance with guidance from the Department of Education.

504-26-501: Records

Added that the disciplinary record is released only as authorized under the Family Educational Rights and Privacy Act (FERPA) and University policy.

504-26-602: Periodic review

Updates wording to state that the director of the Office of Student Standards and Accountability directs periodic reviews.

AMENDATORY SECTION (Amending WSR 11-11-031, filed 5/11/11, effective 6/11/11)

**WAC 504-26-001 Preamble.** Washington State University, a community dedicated to the advancement of knowledge, expects all students to behave in a manner consistent with its high standards of scholarship and conduct. Students are expected to uphold and be accountable for these standards both on and off campus and acknowledge the university's authority to take disciplinary action. The purpose of these standards and processes is to educate students and protect the welfare of the university community.

Accordingly, the conduct process is nonadversarial, confidential except to the extent permitted by law and these standards of conduct (this chapter), and not to be considered analogous to court proceedings. Further, the conduct process is independent of any criminal or civil penalties. WSU permits students to have advisors in certain circumstances in the student conduct process, but the role of the advisor is very limited. Sanctions under these standards of conduct are intended to challenge students' moral and ethical decision making and help them bring their behavior into accord with university community expectations. When students are unable to conform their behavior to community expectations, the student conduct process may determine that they should no longer share in the privilege of participating in the university community.

Washington State University is guided by a commitment to excellence embodied in a set of core values. The university aims to create an environment that cultivates individual virtues and institutional integrity in the community. The mission of the university is supported when students uphold and take responsibility for the full scope of these values. The university's core values are identified in its strategic plan. Under the terms of enrollment, students acknowledge the university's authority to take disciplinary action for conduct on or off university property that is detrimental to the university's core values. Students who violate the university standards of conduct are subject to discipline, which may include temporary or permanent removal from the university.

AMENDATORY SECTION (Amending WSR 08-05-001, filed 2/6/08, effective 3/8/08)

**WAC 504-26-005 Good standing.** The award of a degree and/or diploma is conditioned upon the student's good standing in the university and satisfaction of all university graduation requirements. "Good standing" means the student has resolved any (~~unpaid fees or~~) acts of academic or behavioral misconduct and complied with all sanctions imposed as a result of (~~any~~) the misconduct. The university shall have the sole authority in determining whether to withhold the degree and/or diploma in cases where the student is not in good standing due to acts of misconduct, has not resolved any acts of academic or behavior misconduct, or has not complied with all sanctions imposed as a result of misconduct. The university shall deny the award of a degree if the student is dismissed from the university based on his or her misconduct. Neither diplomas nor transcripts are sent until students

have resolved any unpaid fees and resolved any acts of academic or behavioral misconduct and complied with all sanctions imposed as a result of misconduct. (See also ~~((rule))~~ academic regulation 45 in the university general catalog.)

AMENDATORY SECTION (Amending WSR 11-11-031, filed 5/11/11, effective 6/11/11)

**WAC 504-26-010 Definitions.** (1) The term "accused student" means any student accused of violating the standards of conduct for students (this chapter).

(2) The term "~~((appellate))~~ appeals board" means any person or persons authorized by the vice-president for student affairs to consider an appeal from a university conduct board's or conduct officer's determination as to whether a student has violated the standards of conduct for students ~~((or from the))~~ and any sanctions imposed ~~((by the student conduct officer))~~.

(3) The term "cheating" includes, but is not limited to:

(a) Use of unauthorized materials in taking quizzes, tests, or examinations, or giving or receiving unauthorized assistance by any means, including talking, copying information from another student, using electronic devices, or taking an examination for another student.

(b) Use of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments.

(c) Acquisition or possession of tests or other academic material belonging to a member of the university faculty or staff when acquired without the permission of the university faculty or staff member.

(d) Fabrication, which is the intentional invention or counterfeiting of information in the course of an academic activity. Fabrication includes, but is not limited to:

(i) Counterfeiting data, research results, information, or procedures with inadequate foundation in fact;

(ii) Counterfeiting a record of internship or practicum experiences;

(iii) Submitting a false excuse for absence or tardiness or a false explanation for failing to complete a class requirement or scheduled examination at the appointed date and time.

(e) Engaging in any behavior for the purpose of gaining an unfair advantage specifically prohibited by a faculty member in the course syllabus or class discussion.

(f) Scientific misconduct. Falsification, fabrication, plagiarism, or other forms of dishonesty in scientific and scholarly research are prohibited. Complaints and inquiries involving cases of scientific misconduct are managed according to the university's policy for responding to allegations of scientific misconduct. A finding of scientific misconduct is subject to sanctions by the office of student standards and accountability. The policy for responding to allegations of scientific misconduct may be reviewed by contacting the vice-president for research.

(g) Unauthorized collaboration on assignments.

(h) Intentionally obtaining unauthorized knowledge of examination materials.

(i) Plagiarism. Presenting the information, ideas, or phrasing of another person as the student's own work without proper acknowledgment of the source. This includes submitting a commercially prepared paper or research project or submitting for academic credit any work done by someone else. The term "plagiarism" includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.

(j) Unauthorized multiple submission of the same work.

(k) Sabotage of others' work.

(l) Tampering with or falsifying records.

(4) The term "complainant" means any ~~((person))~~ party, including the university, who submits a charge alleging that a student violated the standards of conduct for students.

(5) The term "faculty member" for purposes of this chapter, means any person hired by the university to conduct classroom or teaching activities or who is otherwise considered by the university to be a member of its faculty.

(6) The term "gender identity" means having or being perceived as having a gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the sex assigned to the person at birth.

(7) The term "may" is used in the permissive sense.

(8) The term "member of the university community" includes any person who is a student, faculty member, university official, ~~((or))~~ any ~~((other))~~ person employed by the university, or any person with a relationship with the university. A person's status in a particular situation is determined by the vice-president for student affairs or designee.

~~(9) ((The term "organization" means any number of persons who have complied with the formal requirements for university recognition.~~

~~(10))~~ The term "policy" means the written regulations of the university as found in, but not limited to, the standards of conduct for students, residence life handbook, the university web page and computer use policy, and graduate/undergraduate catalogs.

(10) The term "recognized student organization" means any number of persons who have complied with the formal requirements for university recognition.

(11) The term "shall" is used in the imperative sense.

(12) The term "student" includes all persons taking courses at the university, either full-time or part-time, pursuing undergraduate, graduate, or professional studies. Persons who withdraw after allegedly violating the standards of conduct for students, who are not officially enrolled for a particular term but who have a continuing relationship with the university (including suspended students) or who have been notified of their acceptance for admission are considered "students" as are persons who are living in university residence halls, although not enrolled in this institution.

(13) The term "student conduct officer" means a university official authorized by the vice-president for student affairs to manage conduct complaints including the imposition of sanctions upon any student(s) found to have violated the standards of conduct for students.

(14) The term "university" means all locations of Washington State University.

(15) The term "university conduct board" means those persons who, collectively, have been authorized by the vice-president for student affairs to determine whether a student has violated the standards of conduct for students and to impose sanctions when a ~~((rules violation has been committed))~~ student is found responsible by the board to have violated these standards of conduct.

(16) The term "academic integrity hearing board" means those teaching faculty who, collectively, have been authorized by the university or college to review an instructor's determination that a student violated university academic integrity policies and whether or not the outcome proposed by the instructor is in keeping with the instructor's published policies.

(17) The term "university official" includes any person employed by the university, performing assigned administrative or professional responsibilities.

(18) The term "university premises" includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the university (including adjacent streets and sidewalks).

(19) The vice-president for student affairs is that person designated by the university president to be responsible for the administration of the standards of conduct for students.

AMENDATORY SECTION (Amending WSR 12-04-049, filed 1/30/12, effective 3/1/12)

**WAC 504-26-100 Composition of conduct and ~~((appellate))~~ appeals boards.** (1) The university conduct board shall be composed of five individuals appointed by the vice-president for student affairs ~~((~~Two students, two faculty members, and a fifth person, who may be~~))~~ and comprised of students and persons who are any category of university employee ~~((and who))~~. The chairperson of the conduct board shall be named by the vice-president for student affairs ~~((as the chairperson of the board))~~ and may be any category of university employee.

Any three persons constitute a quorum of a conduct board and may act, provided that at least one student and the chairperson are present.

(2) The appeals board shall be appointed by the vice-president for student affairs. It shall be composed of three persons, including the chair. The chair shall be a university employee. The other members may be university employees or students, provided that the student members have had at least one academic year of service on the university conduct board. Three persons constitute a quorum of the appeals board.

AMENDATORY SECTION (Amending WSR 11-11-031, filed 5/11/11, effective 6/11/11)

**WAC 504-26-103 Decisions.** Decisions made by a university conduct board and/or student conduct officer become final twenty-one days

after the date the decision is signed, unless an appeal is filed (~~(prior to)~~) before that date.

AMENDATORY SECTION (Amending WSR 14-11-025, filed 5/12/14, effective 6/12/14)

**WAC 504-26-200 Jurisdiction of the standards of conduct for students.** The standards of conduct for students shall apply to conduct that occurs on university premises, at university sponsored activities, and to off-campus conduct that adversely affects the university community and/or the pursuit of its objectives. These standards of conduct may be applied to behavior conducted online, via electronic mail or other electronic means.

Each student is responsible and accountable for his/her conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment. These standards shall apply to a student's conduct even if the student withdraws from school, takes a leave of absence, or graduates while a disciplinary matter or investigation is pending. (~~(Definitions from these standards are incorporated into the Washington State University's Executive Policy 15, which prohibits discrimination, sexual harassment, and sexual misconduct.)~~) The university has sole discretion to determine what conduct occurring off campus adversely impacts the university community and/or the pursuit of university objectives.

AMENDATORY SECTION (Amending WSR 08-05-001, filed 2/6/08, effective 3/8/08)

**WAC 504-26-201 Misconduct—Rules and regulations.** Any student or recognized student organization found to have committed, assisted, conspired, or attempted to commit the following misconduct (WAC 504-26-202 through (~~(504-26-226)~~) 504-26-230) is subject to the disciplinary sanctions outlined in WAC 504-26-405.

AMENDATORY SECTION (Amending WSR 08-05-001, filed 2/6/08, effective 3/8/08)

**WAC 504-26-202 Acts of dishonesty.** Acts of dishonesty(~~(τ)~~) include, but are not limited to, those listed in this chapter:

(1) Academic integrity violations including, but not limited to, cheating as defined in WAC 504-26-010.

(2) Knowingly furnishing false information to any person, including university officials, faculty members, or (~~(office)) administrators.~~

(3) Forgery, alteration, or misuse of any university document or record, or instrument of identification whether issued by the university or other state or federal agency.

(4) Fraud or misrepresentation.

AMENDATORY SECTION (Amending WSR 14-11-025, filed 5/12/14, effective 6/12/14)

**WAC 504-26-204 Abuse of ((self-~~or~~)) others or disruption or interference with the university community.** Abuse of others or disruption or interference with the university community includes, but is not limited to:

(1) Physical abuse, threats, intimidation, and/or other conduct ((which)) that threatens ((~~or~~)), endangers, harms, or undermines the health ((~~or~~)), safety, or welfare of the university community or any person, ((including one's self)) including, but not limited to, domestic or intimate partner violence.

(2) Conduct that disrupts the university community or prevents other students, employees, or guests of the university from completing their duties.

(3) Conduct that interferes with or disrupts the university's mission, operations, or activities.

AMENDATORY SECTION (Amending WSR 11-11-031, filed 5/11/11, effective 6/11/11)

**WAC 504-26-209 Violation of university policy, rule, or regulation.** Violation of any university policy, rule, or regulation published electronically on the university web site or in hard copy including, but not limited to, Washington State University's alcohol and drug policy, executive policy 15 (policy prohibiting discrimination, sexual harassment and sexual misconduct), and housing and residence life policy.

AMENDATORY SECTION (Amending WSR 06-23-159, filed 11/22/06, effective 12/23/06)

**WAC 504-26-212 Alcohol.** Use, possession, manufacture, or distribution of alcoholic beverages (except as expressly permitted by university regulations, and federal, state, and local laws), or public intoxication ((are prohibited)). Alcoholic beverages may not, in any circumstance, be used by, possessed by, or distributed to any person under twenty-one years of age.

AMENDATORY SECTION (Amending WSR 06-23-159, filed 11/22/06, effective 12/23/06)

**WAC 504-26-215 Obstruction.** Obstruction of the free flow of persons, including pedestrian or vehicular traffic on university premises or at university-sponsored or supervised functions.

AMENDATORY SECTION (Amending WSR 06-23-159, filed 11/22/06, effective 12/23/06)

**WAC 504-26-216 Disorderly conduct.** Conduct that is disorderly, lewd, or indecent; disturbing the peace; or assisting or encouraging another person to disturb the peace (~~on university premises or at functions sponsored by, or participated in by, the university or members of the academic community~~)).

AMENDATORY SECTION (Amending WSR 12-04-049, filed 1/30/12, effective 3/1/12)

**WAC 504-26-218 Computer abuses or theft.** Theft or other abuse of computer facilities and resources, including but not limited to:

- (1) Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.
- (2) Unauthorized transfer of a file.
- (3) Unauthorized use of computer hardware.
- (4) Use of another individual's identification and/or password.
- (5) Use of computing facilities and resources to interfere with the work of another student, faculty member, or university official.
- (6) Use of computing facilities and resources to send obscene, harassing, or threatening messages.
- (7) Use of computing facilities and resources to interfere with normal operation of the university computing system.
- (8) Use of computing facilities and resources in violation of any law, including copyright laws.
- (9) Any violation of the university computer use policy found (~~(at~~ [http://public.wsu.edu/~forms/HTML/EPM/EP4\\_Electronic\\_Communication\\_Policy.htm](http://public.wsu.edu/~forms/HTML/EPM/EP4_Electronic_Communication_Policy.htm)) in the university's executive policy 4 (electronic communication policy).

AMENDATORY SECTION (Amending WSR 08-05-001, filed 2/6/08, effective 3/8/08)

**WAC 504-26-219 Abuse of the student conduct system.** Abuse of the student conduct system(~~(7)~~) including, but not limited to:

- (1) Failure to obey any notice from a university conduct board or other university official to appear for a meeting or hearing as part of the student conduct system.

(2) Willful falsification, distortion, or misrepresentation of information before a university conduct proceeding.

(3) Disruption or interference with the orderly conduct of a university conduct board proceeding.

(4) Filing fraudulent charges or initiating a university conduct proceeding in bad faith.

(5) Attempting to discourage an individual's proper participation in, or use of, the student conduct system.

(6) Attempting to influence the impartiality of a member of the university conduct system prior to, and/or during the course of, any university conduct board proceeding.

(7) Harassment (verbal, written, or physical) and/or intimidation of a member of a university conduct board (~~(prior to)~~), any individual involved in the conduct process, or any conduct officer before, during, and/or after any university conduct proceeding.

(8) Failure to comply with ~~((the))~~ or failure to complete any term or condition of any disciplinary sanction(s) imposed under the standards of conduct for students.

(9) Influencing or attempting to influence another person to commit an abuse of the university conduct system.

(10) Violation of probation or any probationary conditions.

AMENDATORY SECTION (Amending WSR 11-11-031, filed 5/11/11, effective 6/11/11)

**WAC 504-26-303 International and national exchange programs.**

Students who participate in any university-sponsored or sanctioned international or national study program shall observe the following rules and regulations:

(1) The laws of the host country and/or state;

(2) The academic and disciplinary regulations of the educational institution or residential housing program where the student is studying; ~~((and))~~

(3) Any other agreements related to the student's study program; and

(4) These standards of conduct for students.

AMENDATORY SECTION (Amending WSR 11-11-031, filed 5/11/11, effective 6/11/11)

**WAC 504-26-304 ((Group)) Recognized student organization conduct.** Sororities, fraternities, and recognized ~~((groups))~~ student organizations shall comply with the standards of conduct for students and with university policies. When a member or members of a recognized student organization violates the standards of conduct for students, the recognized student organization and/or individual members may be subject to appropriate sanctions authorized by these standards in accordance with the university's group accountability guidelines issued by the office of student standards and accountability.

**WAC 504-26-401 Complaints and student conduct process.** (1) Any member of the university community may file a complaint against a student for violations of the standards of conduct for students. (~~A complaint is prepared in writing and directed to a student conduct officer.~~) Any complaint is to be submitted as soon as possible after the event takes place, preferably within thirty days.

(2) A student conduct officer, or designee, may review and investigate any complaint to determine whether it appears to state a violation of the standards of conduct for students. If a conduct officer determines that a complaint appears to state a violation of the standards of conduct, she or he considers whether the matter might be resolved through agreement with the accused or through alternative dispute resolution proceedings involving the complainant and the accused. The complainant and the accused are informed of university options for alternative dispute resolution and may request that the matter be addressed using alternative dispute resolution techniques. Generally, the accused and complainant must agree to the use of alternative dispute resolution techniques. If the accused and the student conduct officer reach an agreed resolution of the complaint, the disposition is final; there is no right to appeal from an agreed disposition.

(3) If the conduct officer has determined that a complaint has merit and if the matter is not resolved through agreement or alternative dispute resolution, the matter is handled through either a conduct officer hearing or as a university conduct board hearing.

(a) When the allegation involves harm or threat of harm to any person or person's property and the accused disputes the facts and/or denies responsibility, the matter may be referred to the university conduct board for resolution.

(b) If the possible or recommended sanction is expulsion or suspension, the matter is referred to the university conduct board.

(c) Matters other than those listed in (a) and (b) of this subsection are heard by a conduct officer, unless the conduct officer exercises his or her discretion to refer the matter to a conduct board at any time before a decision is issued. A student may request that a conduct board hear the case, but the final decision to refer the matter to the university conduct board for hearing is made by the university conduct officer and such decision is not subject to appeal.

(4) The student conduct officer provides complainants who have been targets of alleged misconduct or who feel victimized thereby with names of university and community advocates or resources who may be able to help the complainant address his or her concerns about the behaviors and provide support to the complainant throughout the conduct process. Upon request, a university advisor from the office of the dean of students is available to the complainant and the accused student to assist in understanding the student conduct process. Due to federal privacy law, the university may not disclose to the complainant any sanctions taken against the accused student, unless the complainant was the victim of a violent crime for which the accused was found responsible as defined under the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. Sec. 1232g; 34 C.F.R. Part 99), or the accused student consents to such disclosure.

(5) All notifications and service under this chapter are delivered either by electronic mail or other electronic means, delivered

personally, or sent via regular U.S. mail. Notifications sent via regular U.S. mail are sent to the party's last known address or the address on file with the university registrar. The student or recognized student organization is responsible for maintaining an updated mailing address on file with the registrar. Deadlines described in this chapter begin the date the notification is sent via electronic means, personally delivered, or placed in regular U.S. mail.

(6) Throughout the conduct process, the complainant and the accused student have the right to be assisted by an advisor they choose, at their own expense. Upon request, a university advisor from the office of the dean of students is available to the complainant and the accused student to assist in understanding the student conduct process. The complainant and/or the accused student is responsible for presenting his or her own information, and therefore, during the hearing, advisors are not permitted to address the board, witnesses, conduct officers or any party or representatives invited by the parties to the hearing, nor to participate directly in any university conduct board hearing, conduct officer hearing, or other aspect of the conduct process. An advisor may communicate with the accused and recesses may be allowed for this purpose. A student should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the scheduled meeting or hearing. The scheduling conflicts of an advisor are not considered good cause for a delay and do not entitle either party to a delay.

(7) The conduct officer or university conduct board's determinations are made on the basis of a "preponderance of the evidence," that is, whether it is more likely than not that the accused student violated the standards of conduct for students.

(8) Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in conduct proceedings. Relevant evidence, including hearsay, is admissible if it is the type of evidence that reasonable members of the university community would rely upon in the conduct of their affairs. The chair of the university conduct board and/or the conduct officer shall have the discretion to determine admissibility of evidence.

AMENDATORY SECTION (Amending WSR 12-04-049, filed 1/30/12, effective 3/1/12)

**WAC 504-26-402 Conduct officer actions.** (1) Any student charged by a conduct officer with a violation of any provision of standards of conduct for students is notified of the basis for the charge or charges and of the time, date, and place of a conference between the student and the conduct officer through one of the (~~following~~) procedures in WAC 504-26-401(5).

~~((a) The conduct officer provides notice by personal delivery or by regular United States mail addressed to the student or student organization at his, her, or its last known address. Duplicate notice may be provided by electronic mail.~~

~~(b) If the student is no longer enrolled at the time notice is sent, the notice is sent to the student's permanent address recorded in the registrar's files. The student or student organization is responsible for maintaining an updated mailing address on file with the registrar.~~

(e)) Any request to extend the time and/or date of the conduct officer conference/hearing should be addressed to the conduct officer.

(2) In order that any informality in disciplinary proceedings not mislead a student as to the seriousness of the matter under consideration, the student is informed of the potential sanctions involved at the initial conference or hearing.

(3) After a review of the evidence and interviewing the student(s) involved in the case, the conduct officer may take any of the following actions:

(a) Terminate the proceeding(~~(, thereby exonerating))~~ and enter a finding that the accused student or ((students)) recognized student organization is not responsible for the alleged conduct violation;

(b) Dismiss the ((ease)) investigation, which may be reopened at a later date if relevant information that was unknown to the conduct officer arises;

(c) Impose appropriate sanctions as provided in WAC 504-26-405. Such sanctions are subject to the student's right of appeal as provided in these standards of conduct; or

(d) Refer the matter to the university conduct board pursuant to WAC 504-26-401(3).

(4) The conduct officer may consider the student's past contacts with the office of student standards and accountability in determining an appropriate sanction and/or deciding whether to refer the case for a university conduct board hearing.

(5) The student is notified in writing of the determination made by the conduct officer within ten business days of the proceeding. The notice includes information regarding the student's right to appeal pursuant to WAC 504-26-407.

AMENDATORY SECTION (Amending WSR 11-11-031, filed 5/11/11, effective 6/11/11)

**WAC 504-26-403 Conduct board proceedings.** (1) Any student charged by a conduct officer with a violation of any provision of the standards of conduct for students that is to be heard by a conduct board is provided notice (~~((by personal delivery or by regular United States mail addressed to the student or student organization at her, his, or its last known address.~~

~~(a) If the student is no longer enrolled at the time notice is sent, the notice is sent to the student's permanent address recorded in the registrar's files.~~

~~(b) The student or student organization is responsible for keeping an updated mailing address on file with the registrar))~~ as described in WAC 504-26-401(5).

(2) The written notice shall be completed by the conduct officer and shall include:

(a) The specific complaint, including the university policy or regulation allegedly violated;

(b) The approximate time and place of the alleged act that forms the factual basis for the charge of violation;

(c) The time, date, and place of the hearing;

(d) A list of the witnesses who may be called to testify, to the extent known;

(e) A description of all documentary and real evidence to be used at the hearing, to the extent known, including a statement that the student shall have the right to inspect his or her student conduct file.

(3) Time for hearings.

(a) The conduct board hearing is scheduled not less than seven days after the student has been sent notice of the hearing, except in the case of interim suspensions as set forth in WAC 504-26-406. (~~Ordinarily, the hearing occurs within fifteen days of notice.~~)

(b) Requests to extend the time and/or date for hearing must be addressed to the chair of the university conduct board (~~Requests made by an accused student~~), and must be copied to the office of student standards and accountability (~~Requests made by the office of student standards and accountability must be copied to the accused student~~). A request for extension of time is granted only upon a showing of good cause.

(4) University conduct board hearings are conducted by a university conduct board. A goal of the hearing is to have an educational tone and to avoid creation of an unduly adversarial environment. The hearings are conducted according to the following guidelines, except as provided by subsection (6) of this section:

(a) Procedures:

(i) University conduct board hearings are conducted in private.

(ii) The complainant, accused student, and his or her advisor, if any, are allowed to attend the entire portion of the university conduct board hearing at which information is received (excluding deliberations). Admission of any other person to the university conduct board hearing is at the discretion of the university conduct board chair and/or the student conduct officer.

(iii) In university conduct board hearings involving more than one accused student, the student conduct officer, at his or her discretion, may permit joint or separate hearings.

(iv) In university conduct board hearings involving graduate students, board memberships are comprised to include graduate students and graduate teaching faculty to the extent possible.

(v) (~~The complainant and the accused student have the right to be assisted by an advisor they choose, at their own expense. Upon request, a university advisor from the office of the dean of students is available to the complainant and the accused student to assist them in understanding the student conduct process. The complainant and/or the accused student is responsible for presenting his or her own information, and therefore, during the hearing, advisors are not permitted to address the board, witnesses, conduct officers or any party or representatives invited by the parties to the hearing, or to participate directly in any university conduct hearing. An advisor may communicate with the accused and recesses may be allowed for this purpose. A student should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the university conduct board hearing because delays are not normally allowed due to the scheduling conflicts of an advisor.~~)

(vi)) The complainant, the accused student, and the student conduct officer may arrange for witnesses to present pertinent information to the university conduct board. The conduct officer tries to arrange the attendance of possible witnesses who are identified by the complainant. Complainant witnesses must provide written statements to the conduct officer at least two weekdays prior to the hearing. Witnesses identified by the accused student must provide written state-

ments to the conduct officer at least two weekdays prior to the conduct hearing. The accused student is responsible for informing his or her witnesses of the time and place of the hearing. Witnesses provide information to and answer questions from the university conduct board. Questions may be suggested by the accused student and/or complainant to be answered by each other or by other witnesses. Written questions are directed to the conduct board chair, rather than to the witness directly. This method is used to preserve the educational tone of the hearing and to avoid creation of an unduly adversarial environment, and to allow the board chair to determine the relevancy of questions. Questions concerning whether potential information may be received are resolved at the discretion of the chair of the university conduct board. The chair of the university conduct board shall have the discretion to determine admissibility of evidence.

~~((vii))~~ (vi) Pertinent records, exhibits, and written statements (including student impact statements) may be accepted as information for consideration by a university conduct board at the discretion of the chair.

~~((viii))~~ (vii) Questions related to the order of the proceedings are subject to the final decision of the chair of the university conduct board.

~~((ix))~~ (viii) After the portion of the university conduct board hearing concludes in which all pertinent information is received, the university conduct board shall determine (by majority vote) whether the accused student has violated each section of the standards of conduct for students as charged.

~~((x) The university conduct board's determination is made on the basis of a "preponderance of the evidence," that is, whether it is more likely than not that the accused student violated the standards of conduct for students.~~

~~(xi) Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in conduct proceedings. Relevant evidence, including hearsay, is admissible if it is the type of evidence that reasonable members of the university community would rely upon in the conduct of their affairs. The chair of the university conduct board shall have the discretion to determine admissibility of evidence.))~~

(b) If the accused student is found responsible for any of the charges brought against the accused, the board may, at that time, consider the student's past contacts with the office of student standards and accountability in determining an appropriate sanction.

(c) The accused student or recognized student organization is notified of the conduct board's decision within ten calendar days from the date the matter is heard. The accused student or recognized student organization shall receive written notice of the decision, the reasons for the decision (both the factual basis therefore and the conclusions as to how those facts apply to the standards of conduct for students), the sanction, notice that the order will become final unless internal appeal is filed within twenty-one days of the date the letter was personally delivered ~~((or))~~ deposited in the U.S. mail, or electronically mailed, and a statement of how to file an appeal.

(i) ~~((The conduct board's written decision is sent by regular mail or personal delivery, and may also be sent by electronic mail to the accused student's or the president of the student organization's last known address, as set forth in the registrar's files.~~

~~(ii))~~ The written decision is the university's initial order.

~~((iii))~~ (ii) If the student or recognized student organization does not appeal the conduct board's decision ~~((within))~~ before twenty-one calendar days from the date of the decision letter, it becomes the university's final order.

(5) There is a single verbatim record, such as an audio record, of all university conduct board hearings (not including deliberations). Deliberations are not recorded. The record is the property of the university.

(6) If an accused student to whom notice of the hearing has been sent (in the manner provided above) does not appear before a university conduct board hearing, the information in support of the complaint is presented and considered in his or her absence, and the board may issue a decision based upon that information.

(7) The university conduct board may for convenience or to accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the complainant, accused student, and/or other witnesses during the hearing ~~((by providing))~~ provide separate facilities, and/or ~~((by permitting))~~ permit participation by telephone, audio tape, written statement, or other means, as determined in the sole judgment of the vice-president for student affairs or designee to be appropriate.

AMENDATORY SECTION (Amending WSR 12-04-049, filed 1/30/12, effective 3/1/12)

**WAC 504-26-405 Sanctions.** (1) The following sanctions may be imposed upon any student found to have violated the standards of conduct for students:

(a) Warning. A notice in writing to the student that the student is violating or has violated institutional regulations.

(b) Probation. Formal action placing conditions upon the student's continued attendance at the university. Probation is for a designated period of time and warns the student or recognized student organization that suspension ~~((or))~~, expulsion, loss of recognition, or any other sanction outlined in this section may be imposed if the student is found to violate any institutional regulation(s) or fails to complete his or her conditions of probation during the probationary period. A student on probation is not eligible to run for or hold an office in any recognized student group or organization; she or he is not eligible for certain jobs on campus, including but not limited to resident advisor or orientation counselor~~((r))~~; and she or he is not eligible to serve on the university conduct or appeals board.

(c) Loss of privileges. Denial of specified privileges for a designated period of time.

(d) Restitution. Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.

(e) Education. The university may require the student to successfully complete an educational project designed to create an awareness of the student's misconduct.

(f) Community service. Imposition of service hours (not to exceed eighty hours per student or per member of ~~((an))~~ a recognized student organization).

(g) Residence hall suspension. Separation of the student from ((the)) a residence hall or halls for a definite period of time, after which the student may be eligible to return. Conditions for readmission may be specified.

(h) Residence hall expulsion. Permanent separation of the student from ((the)) a residence hall or halls.

(i) University suspension. Separation of the student from the university for a definite period of time, after which the student is eligible to request readmission. Conditions for readmission may be specified.

(j) University expulsion. Permanent separation of the student from the university. Also referred to as university dismissal. The terms are used interchangeably throughout this chapter.

(k) Revocation of admission and/or degree. Admission to or a degree awarded from the university may be revoked for fraud, misrepresentation, or other violation of law or university standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.

(l) Withholding degree. The university may withhold awarding a degree otherwise earned until the completion of the process set forth in this standards of conduct for students, including the completion of all sanctions imposed, if any.

(m) Trespass. A student may be restricted from any or all university premises based on his or her misconduct.

(n) Loss of recognition. A recognized student organization's recognition may be withheld permanently or for a specific period of time. A fraternity or sorority may be prohibited from housing freshmen. Loss of recognition is defined as withholding university services, privileges, or administrative approval from a student organization. Services, privileges, and approval to be withdrawn include, but are not limited to, intramural sports (although individual members may participate), information technology services, university facility use and rental, campus involvement office organizational activities, and office of Greek life advising.

(o) Hold on transcript and/or registration. A hold restricts release of a student's transcript or access to registration until satisfactory completion of conditions or sanctions imposed by a student conduct officer or university conduct board. Upon proof of satisfactory completion of the conditions or sanctions, the hold is released.

(p) No contact order. A prohibition of direct or indirect physical, verbal, and/or written contact with another individual or group.

(q) Fines. Previously established and published fines may be imposed. Fines are established each year prior to the beginning of the academic year and are approved by the vice-president for student affairs.

(2) More than one of the sanctions listed above may be imposed for any single violation.

(3)(a) In determining an appropriate sanction ((for a violation of the standards of conduct for students, a student's or student organization's)), the conduct officer or relevant board may consider any record of past contacts with the office of student standards and accountability ((may be considered)), and the nature and severity of such past contact(s).

(b) The conduct board and/or appeals board may consider suspending or expelling any student found responsible for violating the university's sexual misconduct code (WAC 504-26-221).

(4) Other than university expulsion or revocation or withholding of a degree, disciplinary sanctions are not made part of the student's permanent academic record, but shall become part of the student's disciplinary record.

(5) In cases heard by university conduct boards, sanctions are determined by that board. The student conduct officer has the authority to assign sanctions in any conduct officer hearing.

(6) Academic integrity violations.

No credit need be given for work that is not a student's own. Thus, in academic integrity violations, the responsible instructor has the authority to assign a grade and/or educational sanction in accordance with the expectations set forth in the relevant course syllabus. The instructor's choices may include, but are not limited to, assigning a grade of "F" for the assignment and/or assigning an educational sanction such as extra or replacement assignments, quizzes, or tests, or assigning a grade of "F" for the course.

AMENDATORY SECTION (Amending WSR 11-11-031, filed 5/11/11, effective 6/11/11)

**WAC 504-26-406 Interim suspension.** In certain circumstances, the vice-president for student affairs, or a designee, may impose an interim suspension prior to the university conduct board hearing or at any time prior to the university's final order.

(1) Interim suspension may be imposed only in situations involving an immediate danger to the health, safety or welfare of:

- (a) Any part of the university community or public at large; or
- (b) The student's own physical safety and well-being.

(2) Conduct that creates an ongoing disruption of, or interference with, the operations of the university and that prevents other students, employees, or invitees from members of the university community from completing their duties as employees or students, is conduct harmful to the welfare of members of the university community.

(3) During the interim suspension, a student may be denied access to the residence halls, and/or to the campus (including classes), and/or all other university activities or privileges for which the student might otherwise be eligible, as the vice-president for student affairs or designee may determine to be appropriate.

(4) The vice-president for student affairs or designee ordering an interim suspension prepares a brief written decision containing the reasons for the decision (both the factual basis and the conclusions as to why those facts constitute a violation of the standards of conduct for students), and the policy reasons for the interim suspension. The vice-president of student affairs or designee sends copies of the decision by personal delivery ~~((or))~~, by regular U.S. mail, or by electronic mail to all persons or offices bound by it (including, at a minimum, the suspended student and the office of student standards and accountability).

(5) The interim suspension does not replace the regular hearing process, which shall proceed to hearing as quickly as feasible, ordinarily within five working days of the notice of the interim suspension where the accused student has not consented to a longer time frame.

**WAC 504-26-407 Review of decision.** (1) ~~((A decision reached))~~ The findings and sanctions rendered by the university conduct board or a ~~((sanction imposed by the))~~ student conduct officer may be appealed by the complainant ~~((or))~~ and accused student(s) in the manner prescribed in the decision letter containing the university's ~~((decision))~~ findings and sanctions. Such appeal must be made ~~((within))~~ before twenty-one days of the date of the decision letter. The director of student standards and accountability provides a copy of the appeal request by one party to the other party (parties).

(a) The university president or designee, of his or her own initiative, may direct that an appeals board be convened to review a conduct board or conduct officer decision without notice to the parties. However, the appeals board may not take any action less favorable to the accused student(s), unless notice and an opportunity to explain the matter is first given to the accused student(s).

(b) If the complainant or accused student and/or the student conduct officer or designee wish to explain their views of the matter to the appeals board they shall be given an opportunity to do so in writing.

(c) The appeals board shall make any inquiries necessary to ascertain whether the proceeding must be converted to a formal adjudicative hearing under the Administrative Procedure Act (chapter 34.05 RCW).

(2) Except as required to explain the basis of new information, an appeal is limited to a review of the verbatim record of the university conduct board hearing and supporting documents for one or more of the following purposes:

(a) To determine whether the university conduct board hearing was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures giving the complaining party a reasonable opportunity to prepare and to present information that the standards of conduct for students were violated, and giving the accused student a reasonable opportunity to prepare and to present a response to those allegations. Deviations from designated procedures are not a basis for sustaining an appeal unless significant prejudice results.

(b) To determine whether the decision reached regarding the accused student was based on substantial information, that is, whether there were facts in the case that, if believed by the fact finder, were sufficient to establish that a violation of the standards of conduct for students occurred.

(c) To determine whether the sanction(s) imposed were appropriate for the violation of the standards of conduct for students which the student was found to have committed.

(d) To consider new information, sufficient to alter a decision, or other relevant facts not brought out in the original hearing, because such information and/or facts were not known to the person appealing at the time of the original university conduct board hearing.

(3) The university appeals board shall review the record and all information provided by the parties and ~~((make determinations based on))~~ take one of the following actions:

(a) Affirm, reverse, or modify the conduct board's or conduct officer's decision;

(b) Affirm, reverse, or modify the sanctions imposed by the conduct board or conduct officer;

(c) Set aside the findings and sanctions or remand the matter back to the conduct board or conduct officer with instructions for further proceedings.

(4) The appeals board's decision shall be personally delivered (~~or mailed~~), sent via regular U.S. mail, or electronically mailed to the student. Such decision shall be delivered or mailed to the last known address of the accused student(s) or electronically mailed to the student's official university electronic mail account. It is the student's responsibility to maintain a correct and updated address with the registrar. The university appeals board's decision letter is the final order and shall advise the student or recognized student organization that judicial review may be available. If the appeals board does not provide the student with a response within twenty days after the request for appeal is received, the request for appeal is deemed denied.

(5) The appeals board decision is effective as soon as the order is signed, except in cases involving expulsion or loss of recognition. In cases involving expulsion or loss of recognition, the appeals board decision is effective ten calendar days from the date the order is signed, unless the university president or designee provides written notice of additional review as provided in subsection (6) of this section.

(6) For cases involving expulsion or loss of recognition, the university president or designee may review a decision of the appeals board by providing written notice to the student or recognized student organization no later than ten calendar days from the date the appeals board decision is signed.

(a) This review is limited to the record and purposes stated in subsection (2) of this section.

(b) Prior to issuing a decision, the president or designee shall make any inquiries necessary to determine whether the proceeding should be converted into a formal adjudicative hearing under the Administrative Procedure Act (chapter 34.05 RCW).

(c) If the complainant or accused student and/or the student conduct officer or designee wish to explain their views of the matter to the president or designee, they shall do so in writing.

(d) The president or designee's decision is in writing, includes a brief statement of the reasons for the decision, and is issued within twenty calendar days after the date of the appeals board order. The decision becomes effective as soon as it is signed and includes a notice that judicial review may be available.

(7) Students may petition to delay the date that the final order of the university becomes effective by directing a petition to the chair of the appeals board, or the president or designee, as applicable, within ten calendar days of the date the order was personally delivered to the student or placed in the regular U.S. mail, or electronically mailed. The chair, or the president or designee, as applicable, shall have authority to decide whether to grant or deny the request.

(8) There is no further review beyond that of the findings of responsibility or outcomes assigned by university or college academic integrity hearing boards.

NEW SECTION

**WAC 504-26-408 Interim measures.** (1) While any complaint of sex discrimination is pending, the university may take a number of interim actions in order to ensure the preservation of the educational experience and the overall university environment of the party bringing the complaint. These actions may include, but are not limited to:

(a) A no contact order imposed on either party;  
(b) Residence hall room change for one or more involved parties;  
(c) Changes in academic schedules or assignments for one or both parties.

(2) As stated in the university's housing policies, the university reserves the right to assign roommates, to change room or hall assignments, and/or to consolidate vacancies by requiring residents to move from one room to another in the event such reassignments are determined to be necessary by the university.

(3) Interim measures are not sanctions imposed under WAC 504-26-405.

AMENDATORY SECTION (Amending WSR 11-11-031, filed 5/11/11, effective 6/11/11)

**WAC 504-26-501 Records.** (1) Standards of conduct for students records are maintained in accordance with the university's records retention schedule.

(2) The disciplinary record is confidential, and is released only as authorized under the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. Sec. 1232g; 34 C.F.R. Part 99) and the university policy on student educational records (chapter 504-21 WAC).

(3) A student may request a copy of his or her own disciplinary record at his or her own reasonable expense by making a written request to the office of student standards and accountability.

(4) Personally identifiable student information is redacted to protect ~~((another student's))~~ other students privacy.

(5) A student may authorize release of his or her own disciplinary record to a third party in compliance with ~~((the Family Educational Rights and Privacy Act (-)))~~ FERPA ~~((+))~~ (20 U.S.C. Sec. 1232g; 34 C.F.R. Part 99) by making a written request to the office of student standards and accountability.

(6) The university may inform the complainant of the outcome of any disciplinary proceeding involving a crime of violence as defined by FERPA (20 U.S.C. Sec. 1232g; 34 C.F.R. Part 99).

(7) The university informs the complainant of the outcome of any disciplinary proceeding alleging sexual misconduct. (34 C.F.R. 668.46 (b)(11)(vi)(B).)

(8) The university may not communicate a student's disciplinary record to any person or agency outside the university without the prior written consent of the student, except as required or permitted by law. Exceptions include but are not limited to:

(a) The student's parents or legal guardians may review these records if the student is a minor or a dependent for tax purposes as defined by FERPA (20 U.S.C. Sec. 1232g; 34 C.F.R. Part 99).

(b) Release to another educational institution, upon request, where the student seeks or intends to enroll, as allowed by FERPA (20 U.S.C. Sec. 1232g; 34 C.F.R. Part 99).

AMENDATORY SECTION (Amending WSR 06-23-159, filed 11/22/06, effective 12/23/06)

**WAC 504-26-602 Periodic review.** The standards of conduct for students are reviewed every three years under the direction of the director of student (~~conduct officer~~) standards and accountability.