



# University of Washington Student Conduct Code

Pursuant to chapter 34.05 RCW and the authority granted by Chapter 28B.20.130 RCW, the Board of Regents of the University of Washington has established regulations on student conduct and student discipline on the University campus.

**Violations of the Student Conduct Code could result in a variety of disciplinary actions, including suspension or permanent dismissal from the University. Concerns regarding possible violations should be directed to:**

Office of the Vice President for Student Affairs  
476 Schmitz Hall  
543-4972

## University of Washington General Conduct Code

It is the policy of the University of Washington to support and promote each individual's right to express views and opinions, to associate freely with others, and to assemble peacefully. In order to assure those rights to all members of the University community, the General Conduct Code (CH. 478-124 WAC) outlines prohibited conduct on the University campus and identifies applicable disciplinary codes under which sanctions can be applied for violation of the stated rules.

The following is a complete copy of the Student Conduct Code.

## WASHINGTON ADMINISTRATIVE CODE

### Rules of the University of Washington

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## **STUDENT CONDUCT CODE**

### **WAC 478-120-010 Student Conduct Code- Authority**

Pursuant to Chapter 34.05 RCW and the authority granted by RCW 28B.20.130, the Board of Regents of the University of Washington has established the following regulations on student conduct and student discipline on the University campus.

### **WAC 478-120-020 Standards of Conduct**

(1) The University is a public institution having special responsibility 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 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 the rules, regulations, procedures, policies, and standards of conduct that safeguard its functions and protect the rights and freedoms of all members of the academic community.

(2) Admission to the University carries with it the presumption that students will conduct themselves as responsible members of the academic 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 academic community. That responsibility includes, but is not limited to:

(a) Practicing high standards of academic and professional honesty and integrity;

(b) Respecting the rights, privileges, and property of other members of the academic community and visitors to the campus, and refraining from any conduct that would interfere with University functions or endanger the health, welfare, or safety of other persons;

(c) Complying with the rules, regulations, procedures, policies, standards of conduct, and orders of the University and its schools, colleges, and departments.

(3) Specific instances of misconduct include, but are not limited to:

(a) Conduct that intentionally and substantially obstructs or disrupts teaching or freedom of movement or other lawful activities on the University campus and is not constitutionally and/or legally protected;

(b) Physical abuse of any person, or conduct intended to threaten imminent bodily harm or to endanger the health or safety of any person on the University campus;

(c) Conduct on the University campus constituting a sexual offense, whether forcible or nonforcible, such as rape, sexual assault, or sexual harassment;

(d) Malicious damage to or malicious misuse of University property, or the property of any person where such property is located on the University campus;

(e) Refusal to comply with any lawful order to leave the University campus or any portion thereof;

(f) Possession or use of firearms, explosives, dangerous chemicals or other dangerous weapons or instrumentalities on the University campus, except for authorized University purposes, unless prior written approval has been obtained from the Vice President for Student Affairs, or any other person designated by the President of the University (see WAC 478-124-020 (2)(e)) (legal defense sprays are not covered by this section);

(g) Unlawful possession, use, distribution, or manufacture of alcohol or controlled substances (as defined in chapter 69.50 RCW) on the University campus or during University-sponsored activities;

(h) Intentionally inciting others to engage immediately in any unlawful activity, which incitement leads directly to such conduct on the University campus;

(i) Hazing, or conspiracy to engage in hazing, which includes:

(i) Any method of initiation into a student organization or living group, or any pastime or amusement engaged in with respect to such an organization or living group, that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm, to any student or other person attending the University; and

(ii) Conduct associated with initiation into a student organization or living group, or any pastime or amusement engaged in with respect to an organization or living group not amounting to a violation of (i) of this subsection, but including such conduct as humiliation by ritual act and sleep deprivation. Consent is no defense to hazing. Hazing does not include customary athletic events or other similar contests or competitions;

(j) Falsely reporting a violation of the Student Conduct Code.

- (4) Disciplinary action may be taken in accord with this chapter regardless of whether that conduct also involves an alleged or proven violation of law.
- (5) An instructor has the authority to exclude a student from any class session in which the student is disorderly or disruptive. If the student persists in the disorderly or disruptive conduct, the instructor should report the matter to the dean of the school or college in which the student is enrolled. (See WAC 478-120-030(3).)
- (6) Nothing herein shall be construed to deny students their legally and/or constitutionally protected rights.

### **WAC 478-120-030 General Procedures for Disciplinary Sanctions**

- (1) This section describes the general process under the Student Conduct Code for enforcing the University's rules, regulations, procedures, policies, standards of conduct, and orders. The specific procedures to be used at each step of the process are described in the following sections of this chapter. In all situations, whether handled formally or informally, basic standards of fairness will be observed in the determination of:
  - (a) The truth or falsity of the charges against the student;
  - (b) Whether the alleged misconduct violates this code; and if so,
  - (c) The sanctions to be imposed, if any.

The criteria for judging student misconduct shall include, but not be limited to, the standards of conduct as stated in WAC 478-120-020. Informal hearings shall use the procedures in Chapter 34.05 RCW governing brief adjudicative proceedings. Formal hearings conducted by the Faculty Appeal Board shall follow the procedures required by Chapter 34.05 RCW for formal adjudicative proceedings. Informal settlements may be conducted under the authority of RCW 34.05.060.

- (2) Persons who believe that a violation of the Student Conduct Code has been committed should contact the Vice President for Student Affairs.
- (3) Only the dean of the school or college in which a student is enrolled or the Vice President for Student Affairs may initiate disciplinary proceedings against a student under this code of conduct. (See WAC 478-120-050.) The deans and the Vice President for Student Affairs may delegate the authority to initiate disciplinary proceedings consistent with this chapter to members of their staffs and to students. They may also establish student or student-faculty hearing bodies to advise or to act for them in disciplinary matters. The person initiating a disciplinary proceeding shall be referred to as the initiating officer.

(4) The initiating officer will begin a disciplinary proceeding by holding, or directing a member of his or her staff to hold, an informal hearing with the student charged with misconduct. Based on this informal disciplinary hearing, the initiating officer may choose to exonerate the student, dismiss the action, impose an appropriate sanction, and/or refer the matter to the University Disciplinary Committee. (See WAC 478-120-065.) If the initiating officer identifies a potential or existing exceptional circumstance as defined in WAC 478-120-100 (3)(b)(i),

"Exceptional circumstances exist when:

(A) The sanction of dismissal has been recommended; or

(B) The student has been charged with hazing; or

(C) The sanction of restitution (in excess of three hundred dollars) has been recommended; or

(D) Suspension has been recommended," the matter shall be referred directly to the Faculty Appeal Board. (See WAC 478-120-100.)

(5) Students have the right to appeal any sanction imposed at an informal hearing to the University Disciplinary Committee, except that when such sanction identifies an existing or potential exceptional circumstance as defined in WAC 478-120-100 (3)(b)(i), the matter shall be referred directly to the Faculty Appeal Board.

(6) Any decision of the University Disciplinary Committee may be appealed to the Faculty Appeal Board. All decisions of the University Disciplinary Committee identifying existing or potential exceptional circumstances as defined in WAC 478-120-100 (3)(b)(i) shall be referred directly to the Faculty Appeal Board. In addition, the University Disciplinary Committee may, at any time, in its discretion, refer a matter directly to the Faculty Appeal Board. The Faculty Appeal Board performs distinct functions. In most cases, the Faculty Appeal Board conducts an administrative review. In certain cases (defined in WAC 478-120-100(3)), the Faculty Appeal Board conducts a formal hearing.

(7) Any decision based on a formal hearing conducted by the Faculty Appeal Board may be appealed to the President of the University or the President's delegate for a final review. All orders of dismissal shall be reviewed by the President or the President's delegate. Orders entered by the President or the President's delegate are final. (See WAC 478-120-125.)

(8) The President or his or her delegate may take emergency disciplinary action when a student's conduct threatens the health, welfare, or safety of the University community or members thereof. (See WAC 478-120-140.)

(9) When questions of mental or physical health are raised in conduct cases, the dean, the Vice President

for Student Affairs, their delegates, the University Disciplinary Committee, or the Faculty Appeal Board may request the student to appear for examination before two physician-consultants designated by the Dean of the School of Medicine. If the student agrees, the physician-consultants may call upon the student health center for any other professional assistance they deem necessary. After examining the student and/or consulting with the student's personal physician, the physician-consultants shall make a recommendation to the dean, the Vice President for Student Affairs, their delegates, the University Disciplinary Committee, or the Faculty Appeal Board as to whether the case should be handled as a disciplinary matter or as a case for medical or other treatment. Any decision made based upon the recommendation of the physician-consultants may be appealed in accordance with the provisions of this chapter.

(10) The following persons conducting proceedings under this chapter shall have the authority to issue protective orders and subpoenas: deans, the Vice President for Student Affairs, the chair of the University Disciplinary Committee, the chair of the Faculty Appeal Board, and the President or his or her delegate.

(11) In a case involving an alleged sexual offense, the accuser and the accused are entitled to the same opportunities to have others present during a disciplinary hearing and they shall both be informed of the outcome of such disciplinary proceeding.

(12) Any final order resulting from a disciplinary proceeding shall become a part of the student's disciplinary record, unless the student is exonerated. (See WAC 478-120-145.)

(13) In accord with the Family Educational Rights and Privacy Act and pursuant to RCW 34.05.250, all hearings conducted under this chapter generally will be held in closed session out of respect for the privacy of all the students involved. However, the students involved may waive in writing this requirement and request a hearing in open session, and the initiating or presiding officer shall conduct the hearing in a room that will accommodate a reasonable number of observers. The initiating or presiding officer may exclude from the hearing room any persons who are disruptive of the proceedings and may limit the number who may attend the hearing in order to afford safety and comfort to the participants and orderliness to the proceedings.

### **WAC 478-120-040 Disciplinary Sanctions**

The following disciplinary sanctions may be imposed for violations of the Student Conduct Code:

(1) Disciplinary Warnings and Reprimands-Action may be taken to warn or to reprimand a student for violation of University rules, regulations, procedures, policies, standards of conduct, or orders. Warnings and reprimands must always be made in writing and shall include a statement that continuation or repetition of the specific conduct or other misconduct will normally result in one or more of the more serious disciplinary sanctions: restitution, disciplinary probation, suspension, or dismissal.

- (2) Restitution-An individual student may be required to make restitution for damage or other loss of property and for injury to persons. Failure to pay, or to make in writing University-approved arrangements to pay, will result in cancellation of the student's registration and will prevent the student from registering with the University.
- (3) Disciplinary Probation-A student may be placed on disciplinary probation (meaning formal conditions are imposed on a student's continued attendance) for violation of University rules, regulations, procedures, policies, standards of conduct, or orders. The time period and conditions, if any, for the disciplinary probation shall be specified. Disciplinary probation serves as a warning to a student that further misconduct will raise the question of suspension or dismissal from the University.
- (4) Suspension-A student may be suspended from the University for violation of University rules, regulations, procedures, policies, standards of conduct, or orders. The time period and conditions, if any, for the suspension shall be specified. Suspension serves as a warning to a student that further misconduct will raise the question of dismissal from the University.
- (5) Dismissal-A student's enrollment in the University may be terminated for violation of University rules, regulations, procedures, policies, standards of conduct, or orders.
- (6) Forfeiture-In addition to other sanctions, a student who participates in hazing of another shall forfeit any entitlement to state funded grants, scholarships, or awards for a specified period of time.
- (7) A suspension or dismissal is considered a serious sanction and will be imposed only after the completion of the formal due process review provided for in this code.

### **WAC 478-120-050 Jurisdiction**

- (1) The Vice President for Student Affairs, or his or her delegate, may initiate any disciplinary action related to violations of any of the University's rules, regulations, procedures, policies, standards of conduct, or orders. Jurisdiction in such cases may be transferred to the dean of the school or college in which the student is enrolled if the alleged misconduct bears upon the student's fitness to continue in the school or college.
- (2) Additionally, the dean of each college or school, including the Graduate School, or the dean's delegate, may initiate any disciplinary action:
  - (a) Related to violations of University rules, regulations, procedures, policies, standards of conduct, and orders which pertain to that particular college or school; and
  - (b) Related to violations of rules, procedures, policies, and standards of conduct of that particular college or school. The student academic grievance procedure is a separate procedure and is set forth in the University Handbook (Graduate School students should also refer to Graduate School Memorandum No.

33). Violations involving academic misconduct should be reported to the dean of the appropriate school or college.

(3) Other departments of the University have proceedings separate and distinct from the Student Conduct Code. For example:

(a) Campus traffic regulations are under the general jurisdiction of the Police Department of the University. The Citation Hearing Office has jurisdiction to hear and decide all cases involving alleged violations of traffic regulations. (See Chapter 478-116 WAC.)

(b) The Library Fines Appeals Committee has the authority to consider appeals of library charges. (See Chapter 478-168 WAC.)

### **WAC 478-120-065 Informal Disciplinary Hearings**

(1) A dean or the Vice President for Student Affairs or his or her delegate may initiate a disciplinary proceeding by conducting, or directing a member of his or her staff to conduct, an informal hearing with the student accused of misconduct. This informal disciplinary hearing may be nothing more than a face-to-face meeting between the initiating officer or staff person and the student, and no special notice of the meeting is required. The purpose of this informal disciplinary hearing is to provide an opportunity for the student to respond to allegations of misconduct before disciplinary action is taken, and the student waives any rights to an informal hearing by his or her failure to attend.

(2) During an informal disciplinary hearing, the student must be provided with the following information:

(a) The alleged misconduct and the reasons for the University's belief that the student engaged in the misconduct;

(b) The specific section(s) of the Student Conduct Code allegedly violated; and

(c) The possible sanctions that may be imposed.

(3) Based on the findings of an informal hearing, the initiating officer shall enter in writing one of the following orders:

(a) An order exonerating the student or dismissing the disciplinary proceeding if it appears that there has been no misconduct;

(b) An initial order imposing a disciplinary sanction;

- (c) An order referring the matter to the University Disciplinary Committee; or
  - (d) An order referring the matter directly to the Faculty Appeal Board because exceptional circumstances as defined in WAC 478-120-100 (3)(b)(i) may exist.
- (4) (a) If the order imposes a sanction and exceptional circumstances as defined in WAC 478-120-100 (3)(b)(i) exist, the matter shall be referred directly to the Faculty Appeal Board and the student shall be informed that he or she has the right to request a formal hearing according to the procedures set forth in WAC 478-120-075(3).
- (b) If the order imposes a sanction but exceptional circumstances do not exist, then the student must be informed that he or she has twenty-one calendar days from the date of the order (or twenty-five calendar days from the date of the mailing of the initial order) to request a hearing before the University Disciplinary Committee. If the student chooses not to appeal, the order becomes the final order.
- (5) Within ten days of the conclusion of the hearing and any associated investigations, the student shall be provided with a written order which shall include a statement of the decision, the reasons for the decision, and information about appealing the decision. No unfavorable action may be taken against the student until the student has been given such notice and information. In a case involving an alleged sexual offense, both the accuser and the accused shall be informed of the outcome of that hearing. In a case where the student is a minor, the disciplinary sanctions imposed may be reported to the student's parents or legal guardian at the discretion of the initiating officer.
- (6) A student may request a hearing by the University Disciplinary Committee at any time during these informal proceedings. If such a request is made, the matter shall be referred to the University Disciplinary Committee.
- (7) The official record of this informal hearing shall consist of all documents prepared or considered by the dean or the Vice President for Student Affairs with regard to the dispute at hand.

### **WAC 478-120-075 Appeals**

Any initial order may be appealed by timely submission of a written petition to the appropriate body. An order only referring a matter from one hearing body to another, not determining the matter on its merits, is not an initial order.

- (1) If a student does not appeal to the appropriate body within twenty-one days of the initial order (or within twenty-five calendar days of the date when the University mailed the initial order to the student), the right to appeal is waived and the order becomes final.
  - (a) All initial orders shall be hand delivered or delivered by mail.

(b) Any student involved in a disciplinary hearing is required to provide his or her current and accurate address to the Office of the Vice President for Student Affairs.

(2) All petitions for appeal must be made in writing to the appropriate authority (the chair of the University Disciplinary Committee, the chair of the Faculty Appeal Board, or the President). The petition must state the reasons for the appeal and indicate points of disagreement with the initial order.

(3) If a student wishes to request a formal hearing before the Faculty Appeal Board, the student's written petition for appeal must also state that a formal hearing is being requested and must identify the specific exceptional circumstances (as defined in WAC 478-120-100 (3)(b)(i)) warranting such a hearing. When conducting administrative reviews of informal hearings, the Faculty Appeal Board shall make any inquiries necessary to ascertain whether the proceeding must be converted to a formal disciplinary hearing.

(4) After conducting the appropriate review, the appeal body or the President may sustain, reduce, or vacate the sanction imposed by the initial order, except if that review is in the form of a formal hearing before the Faculty Appeal Board, that board may increase any sanction.

(5) Only the President or the President's delegate may issue a final order of dismissal.

(6) Sanctions, if any, will be imposed only after an order becomes final, except for actions taken under WAC 478-120-140.

### **WAC 478-120-085 The University Disciplinary Committee**

The University Disciplinary Committee shall consist of a nonvoting chair, three voting faculty members, and three voting student members. The committee shall be maintained for the purpose of providing hearings for disciplinary actions that have been initiated by the deans or the Vice President for Student Affairs or their delegates.

(1) The President of the University shall designate a member of the faculty or administration to serve as chair of the University Disciplinary Committee for a term of one year. The chair may be reappointed for consecutive terms.

(a) The chair shall ensure that all procedural safeguards and guidelines are followed. Accordingly, the chair shall decide all procedural questions that arise in relation to hearings, including rulings on evidence (as defined in WAC 478-120-095(3)) and challenges to the impartiality of committee members. The chair shall have the discretion to regulate all aspects of the proceedings.

(b) The chair shall take whatever steps are necessary to ensure that hearings are conducted in a safe and orderly manner.

- (2) The three voting faculty members of the University Disciplinary Committee shall be selected at random to serve one-year terms. Voting faculty members may not be reappointed to consecutive terms.
  - (a) Panels of eligible faculty members shall be randomly selected to serve on the committee in the order in which they were selected, except that each faculty member of the committee must represent a different faculty senate group.
  - (b) Faculty members must have been members of the faculty for at least one year and hold the position of assistant professor or higher in order to be eligible to serve as voting members of the University Disciplinary Committee.
- (3) The three voting student members of the University Disciplinary Committee shall be selected at random from the student body to serve one-year terms. Student members of the committee may not be reappointed.
  - (a) Panels of eligible students shall be selected randomly from the entire full-time student body to serve as committee members or alternates in the order in which they were selected, except that one member must be a professional or graduate student and the other two members must represent different undergraduate classes.
  - (b) To be eligible to serve on the University Disciplinary Committee, students must be full-time and in good standing with the University.
- (4) In addition to the chair, a quorum shall be two faculty members and two student members. The chair shall select alternates from the panels of eligible faculty or students as needed to produce a quorum.
- (5) A committee member may be disqualified from a particular hearing for bias, prejudice, conflict of interest, or any other reason which may prevent him or her from serving as an impartial judge of the matter before the committee.
  - (a) A committee member may excuse himself or herself for any of the causes set forth in this section by submitting a written statement to the committee chair stating facts and reasons for the disqualification.
  - (b) A student before the University Disciplinary Committee may challenge the impartiality of a committee member by written petition. The chair shall determine whether to grant the petition and excuse the committee member from the case, and shall state the facts and reasons for that determination in writing.
  - (c) Any person who has been delegated the authority to initiate disciplinary proceedings is disqualified from serving as a member of the University Disciplinary Committee.
- (6) The chair may relieve a member of the University Disciplinary Committee from serving on that

committee for a particular case, for a specific period of time, or for the rest of the year after the member submits a written request to the chair.

(7) Members of the University Disciplinary Committee shall begin their terms on the first day of classes of Winter Quarter. Those terms shall expire on the first day of classes of the next Winter Quarter, except that cases in process shall be continued until a decision is reached. The new panels of committee members shall be identified by the outgoing chair, or by the person designated by the chair, through random procedures established by the chair.

### **WAC 478-120-095 Hearings Before the University Disciplinary Committee**

The purpose of a hearing before the University Disciplinary Committee is to provide all parties with an opportunity to present evidence and argument before disciplinary sanctions are imposed on a student. Based on the evidence presented at this hearing, the committee shall determine whether the student has engaged in the alleged misconduct. If there is a finding of misconduct, the committee shall then determine the appropriate sanction to be imposed.

(1) When a hearing is scheduled before the University Disciplinary Committee, the chair of the committee shall provide the student with written notice of the following information:

- (a) The time and place of the hearing;
- (b) The allegations of misconduct against the student;
- (c) A list of all witnesses who may be called to testify;
- (d) A description of all documentary and real evidence to be presented at the hearing, including a copy of his or her disciplinary file; and
- (e) The sanctions that may be imposed at the hearing if the allegations of misconduct are found to be true.

(2) The chair of the committee shall adhere to the following procedures at all disciplinary hearings:

- (a) The student shall be provided with a reasonable opportunity (at least seven days) to gather evidence, contact witnesses, and prepare a defense for the hearing.
- (b) The student may be accompanied by an advisor of the student's choice.
- (c) The student is entitled to hear all testimony and examine all evidence that is presented at the hearing. In response, the student may present evidence and witnesses on his or her own behalf and may ask

questions of any other witnesses.

(d) No student shall be compelled to give self-incriminating evidence.

(3) Evidence shall be admissible at the hearing if it is the type of evidence that reasonably prudent members of the University community would rely upon in the conduct of their affairs.

(4) The initiating officer (the appropriate dean, the Vice President for Student Affairs, or his or her delegate) must prove by a preponderance of the evidence presented at the hearing that the student has engaged in the alleged misconduct. The committee shall base its factual determination solely on the evidence presented at the hearing.

(a) Decisions of the University Disciplinary Committee will be made based on a simple majority vote of the committee.

(b) If the University Disciplinary Committee cannot reach a decision by simple majority vote, an order shall be entered referring the matter to the Faculty Appeal Board. Where exceptional circumstances exist, the student shall be notified of the right to request a formal hearing. Otherwise, the Faculty Appeal Board shall conduct an administrative review as provided under WAC 478-120-100 (1) and (2).

(5) If at any time after a matter has been referred to the University Disciplinary Committee the chair determines that the matter should properly be before the Faculty Appeal Board, the chair may refer the matter to the Faculty Appeal Board and shall provide the student with written notice of the referral and of the opportunity to request a formal hearing if exceptional circumstances exist. (See WAC 478-120-100 (3)(b)(i).)

(6) If the committee determines that the student has violated the University's rules, regulations, procedures, policies, standards of conduct, or orders, it shall then determine the appropriate sanction to be imposed. When determining the appropriate sanction, the committee shall review the evidence presented at the hearing and the student's past record of conduct at the University.

(7) The chair of the University Disciplinary Committee shall provide the student with a written statement of the committee's decision within ten days of the conclusion of the hearing. This written statement shall include the committee's factual findings, the conclusions that have been drawn from those findings, the reasons for those conclusions, and the sanctions, if any, to be imposed. If sanctions are imposed, the student must also be informed of the appropriate procedures for appealing the committee's decision to the Faculty Appeal Board. In a case involving an alleged sexual offense, both the accuser and the accused shall be informed of the outcome of the hearing. In a case where the student is a minor, the written statement of the committee's decision may be reported to the student's parents or legal guardian at the discretion of the chair of the University Disciplinary Committee.

(8) This written statement of the committee's decision shall be the committee's initial order. If the

student chooses not to appeal, the initial order of the University Disciplinary Committee becomes the final order at the end of the appeal period set forth in WAC 478-120-075(1), except that orders of dismissal shall be referred to the President.

(9) The student may choose to present evidence to the chair of the University Disciplinary Committee rather than at a hearing before the full committee. The student's waiver of the right to a hearing before the University Disciplinary Committee must be submitted in writing to the chair of the committee. The chair will submit the student's evidence and arguments to the full committee and the committee will make its decision based on the chair's report.

(10) All proceedings of the committee will be conducted with reasonable dispatch and be terminated as soon as possible, consistent with fairness to all parties involved. The chair shall have the discretion to continue the hearing.

(11) An adequate summary of the proceedings will be kept. Such a summary shall include all documents that were considered by the committee and may include a tape recording of the testimony and any other documents related to the hearing.

(12) A report of the University Disciplinary Committee shall, upon written request and release by the student or students involved, and subject to the requirements of the Family Educational Rights and Privacy Act, be made available to members of the University community through the Vice President for Student Affairs.

### **WAC 478-120-100 Faculty Appeal Board**

The Faculty Appeal Board shall be composed of seven members of the faculty to be appointed by the chair of the Faculty Senate after consultation with the Faculty Council on Student Affairs. The chair of the Faculty Senate shall appoint one of the members to be the chair of the Faculty Appeal Board. The Faculty Appeal Board shall conduct either administrative reviews or formal hearings and the procedures to be used shall depend on the nature of the appeal before the board. Cases may be heard by the entire board or by panels of no fewer than three board members.

(1) The Faculty Appeal Board may conduct an administrative review when exceptional circumstances do not exist or the student has not requested a formal hearing in writing.

(2) The procedures for conducting such administrative review are set forth in WAC 478-120-105. The chair shall maintain a record of all administrative reviews conducted by the Faculty Appeal Board. At a minimum, such a record shall include all documents that were considered by the board and may include a tape recording of all testimony and all other documents related to the review.

(3) The Faculty Appeal Board shall conduct a formal hearing when:

(a) The student requests a formal hearing before the Faculty Appeal Board in writing setting forth the exceptional circumstances that exist (see below); and

(b) The chair reviews the student's written request and determines that exceptional circumstances do exist. Additionally, the Faculty Appeal Board may conduct a formal hearing in other circumstances as the board deems appropriate. If the Faculty Appeal Board does not conduct a formal hearing, it shall conduct an administrative review of the prior decision.

(i) Exceptional circumstances exist when:

(A) The sanction of dismissal has been recommended; or

(B) The student has been charged with hazing; or

(C) The sanction of restitution (in excess of three hundred dollars) has been recommended; or

(D) Suspension has been recommended.

(ii) If the Faculty Appeal Board decides not to grant a student's written request for a formal hearing, the chair shall provide the student with a written copy of the board's decision and a brief statement of the reasons for denying the petition within ninety days as specified in WAC 478-120-115(2).

(4) If a matter is referred directly to the Faculty Appeal Board and there is no initial order, then the Faculty Appeal Board shall determine whether exceptional circumstances exist or could exist. If exceptional circumstances exist or could exist, then the board shall notify the student in writing that he or she has twenty-one days from the date of the notice or twenty-five days from the date of mailing the notice to request a formal hearing. If the student fails to make such a request, any right to a formal hearing is waived.

(5) Formal hearings conducted by the Faculty Appeal Board shall be according to the procedural guidelines set forth in WAC 478-120-115 and Chapter 34.05 RCW.

(a) At the conclusion of the formal hearing, the Faculty Appeal Board shall enter an initial order based on the findings of that hearing. That initial order shall include a written statement of the board's decision and the basis for that decision, including procedures for appealing the decision to the President or President's delegate. The initial order shall be provided to the student within ninety days of the conclusion of the hearing. In a case involving an alleged sexual offense, both the accuser and the accused shall be informed of the board's decision. In a case where the student is a minor, the board's decision may be reported to the student's parents or legal guardian at the discretion of the initiating officer.

(b) An initial order from a formal hearing may be appealed to the President of the University or the

President's delegate for a final administrative review.

(c) If the student chooses not to appeal, the initial order of the Faculty Appeal Board shall become the final order, except that orders of dismissal entered by the Faculty Appeal Board shall be reviewed by the President or the President's delegate.

(6) The record in cases in which the Faculty Appeal Board conducts a formal hearing shall be as specified in WAC 478-120-115(15).

(7) Board members may be disqualified from a particular formal hearing for bias, prejudice, conflict of interest, or any other reason which may prevent them from serving as impartial judges of the matter before the board.

(a) A committee member may excuse himself or herself for any of the causes set forth in this section by submitting a written statement to the board chair stating facts and reasons for the disqualification.

(b) A student before the Faculty Appeal Board may challenge the impartiality of a board member by written petition. The chair shall determine whether to grant the petition and excuse the board member, stating the facts and reasons for the determination in writing.

(c) Faculty who have been delegated the authority to initiate disciplinary proceedings are disqualified from serving as members of the Faculty Appeal Board.

(8) At the discretion of the chair, board members may be excused from a particular hearing on the basis of compelling personal need after submitting a written request to the chair explaining the basis of the request.

### **WAC 478-120-105 Administrative Review by the Faculty Appeal Board**

(1) The Faculty Appeal Board may conduct administrative review when exceptional circumstances do not exist or the student has not requested a formal hearing. When the Faculty Appeal Board determines that administrative review is appropriate, the chair shall notify all parties of that decision. The notice to the parties shall include a statement of:

(a) The allegations of misconduct against the student;

(b) The sanctions that were recommended by the initiating officer or the University Disciplinary Committee, if any;

(c) A date by which any voluntarily submitted written briefs or statements must be submitted.

(2) When the Faculty Appeal Board conducts an administrative review, the board may base its review on:

(a) All documents and any recordings considered by the initiating officer or the University Disciplinary Committee; or

(b) Oral and/or written argument of both parties; or

(c) Additional evidence.

(3) At the conclusion of its review, the Faculty Appeal Board shall enter an order. An initial order may be appealed and a final order may not be appealed, except that final orders of dismissal shall be reviewed by the President or the President's delegate. The student shall be provided with a written order which shall include a written statement of the board's decision within ten days of the conclusion of the review and information on rights of appeal, if any. In a case involving an alleged sexual offense, both the accuser and the accused shall be informed of the outcome of the review. In a case where the student is a minor, the board's decision may be reported to the student's parents or legal guardian at the discretion of the chair of the Faculty Appeal Board.

### **WAC 478-120-115 Formal Hearings Before the Faculty Appeal Board**

(1) The Faculty Appeal Board shall conduct a formal hearing when exceptional circumstances exist and the student has requested in writing a formal hearing. Additionally, the Faculty Appeal Board may conduct a formal hearing in other circumstances as the board deems appropriate.

(2) Within thirty days after receipt of a written petition for a formal hearing before the Faculty Appeal Board, the board shall notify the requesting party of any obvious errors or omissions in the party's petition, request any additional information the board wishes to obtain and is permitted by law to require, and notify the requesting party of the name, mailing address, and telephone number of an office or person who may be contacted regarding the formal hearing.

(3) Within ninety days after receipt of a written petition for formal hearing or within ninety days after the party's response to a timely request from the board as provided in subsection (1) of this section, the board shall either deny the formal hearing or commence the formal hearing.

(4) Once the board decides to conduct a formal hearing, the chair of the Faculty Appeal Board shall schedule the time and place of the hearing and give not less than seven days advance written notice of the hearing to all parties. That notice shall include:

(a) The names and addresses of all parties to whom notice is being given, and if known, the names and addresses of their representatives;

- (b) The name, business address, and telephone number of the person designated to represent the University at the hearing;
  - (c) The official file number and name of the proceeding;
  - (d) The name, mailing address, and telephone number of the chair of the Faculty Appeal Board;
  - (e) A statement of the time, place, and nature of the hearing;
  - (f) A statement of the legal authority and jurisdiction under which the hearing is to be held;
  - (g) A reference to the particular sections of University rules that are involved;
  - (h) A short and plain statement of the charges against the student; and
  - (i) A statement that a student who fails to attend the hearing or otherwise respond to this notice may lose his or her right to a formal hearing.
- (5) If a student fails to attend or participate in a formal hearing, the Faculty Appeal Board may serve upon all parties a default or other dispositive order which shall include a statement of the grounds for the order. Within seven days after service of a default order, the student may file a written motion requesting that the order be vacated, and stating the grounds relied upon.
- (6) The student may be represented by counsel and/or be accompanied by an advisor of the student's choice. No student shall be compelled to give self-incriminating evidence.
- (7) The chair shall determine whether discovery is to be available, and, if so, which forms of discovery may be used. The chair may condition the use of discovery procedures on a showing of necessity and unavailability by other means. In exercising such discretion, the chair shall consider:
- (a) Whether all parties are represented by counsel;
  - (b) Whether undue expense or delay in bringing the case to a hearing will result;
  - (c) Whether the use of discovery will promote the orderly and prompt conduct of the proceeding; and
  - (d) Whether the interests of justice will be promoted.

The chair may decide whether to permit the taking of depositions, the requesting of admissions, or any other procedures authorized by Rules 26 through 37 of the Superior Court Rules.

- (8) At appropriate stages of the hearing, the chair may give all parties an opportunity to submit and respond to briefs, proposed findings of fact and conclusions of law, and proposed initial or final orders. To the extent necessary for a full disclosure of all relevant facts and issues, the chair shall afford both parties the opportunity to respond, present evidence and argument, conduct cross-examination, and submit rebuttal evidence. A party filing a pleading, brief, or other paper with the chair shall serve copies on all other parties.
- (9) Evidence, including hearsay evidence, is admissible if it is the kind of evidence on which reasonably prudent persons are accustomed to rely in the conduct of their affairs. Evidence is not admissible if it is excludable on constitutional or statutory grounds or on the basis of evidentiary privilege recognized in the courts of this state. The chair shall decide rulings on the admissibility of evidence, and the Washington Rules of Evidence shall serve as guidelines for those rulings.
- (10) All testimony of parties and witnesses shall be made under oath or affirmation.
- (11) The Faculty Appeal Board may appoint an examiner to conduct the actual hearing. The decision to use a hearing examiner requires the approval of a majority of the board members. The hearing examiner will then conduct the hearing and submit a detailed report to the Faculty Appeal Board according to the provisions of this section.
- (a) If a hearing examiner conducts the hearing, an audio recording of the hearing must be kept, and the recording and any transcription thereof must be provided to the board.
- (b) The Faculty Appeal Board may, at its option, request the hearing examiner to provide recommendations as to findings, conclusions, and decisions, but those recommendations shall not be binding on the board. The hearing examiner shall transmit to the board the full and complete record of the hearing and the board shall make its own findings, conclusions, and decisions based on the record.
- (c) The hearing examiner will make initial rulings on the use of discovery, the admissibility of evidence, and the procedures for the hearing.
- (d) The hearing examiner must be a member of the bar. Any member of the Faculty Appeal Board who is also a member of the bar, including the chair, may serve as the hearing examiner.
- (12) The chair of the Faculty Appeal Board may issue subpoenas and enter protective orders.
- (13) Members of the Faculty Appeal Board must avoid ex parte communications with any party involved in the hearing regarding any issue other than communications necessary to maintaining an orderly procedural flow to the hearing. Ex parte communications received by members of the board must be placed on the record, and the other party must be informed of the ex parte communication and given an opportunity to respond on the record.

(14) Findings, conclusions, and decisions by the Faculty Appeal Board shall be based exclusively on the evidence of record from the hearing and on matters officially noted in the record.

(15) The board shall enter an initial order which shall be served in writing on the student within ninety days after conclusion of the hearing or after submission of memos, briefs, or proposed findings, whichever is later, unless the period is waived or extended for good cause shown. The student shall be informed of procedures for appealing the decision. If the student does not appeal the board's initial order within the time set out in WAC 478-120-075(1), the initial order of the board shall become the final order, except all orders of dismissal shall be reviewed by the President or the President's delegate.

(16) The chair shall maintain an official record of the hearing. The record shall contain those items specified in RCW 34.05.476.

### **WAC 478-120-125 Review by the President of the University**

(1) Any order of the Faculty Appeal Board that is based on the findings of a formal hearing may be appealed for a final review to the President or the President's delegate. The student must submit an appeal in writing within twenty-one days of service of the board's order, or twenty-five days of mailing the order, unless the order specifies a different time limit. Any appeal shall specify the portion of the board's order to which exception is taken and shall refer to the evidence of record which is relied upon to support the petition. However, the President or the President's delegate shall review all orders of dismissal, regardless of whether the student appeals.

(2) The President or the President's delegate shall consider the entire record of the disciplinary proceeding or such portion as may be cited by the student. At the President's or the President's delegate's discretion, the parties may also supplement the record with additional evidence.

(3) The parties may present their arguments to the President or the President's delegate in writing, and the President or the President's delegate may, at his or her discretion, afford each party an opportunity for oral argument.

(4) After reviewing the record and considering the arguments of the two parties, the President or the President's delegate shall enter a final order disposing of the matter or remanding the case for further proceedings and provide the student with a copy of that order.

(5) In a case involving an alleged sexual offense, both the accuser and the accused shall be informed of the outcome of the review. In a case where the student is a minor, the decision of the President or the President's delegate may be reported to the student's parents or legal guardian at the discretion of the President or President's delegate.

(6) Notwithstanding any other provisions of this chapter, and before an initial order becomes final, the President or the President's delegate may review the order. Any such review shall be in accord with

RCW 34.05.464 and 34.05.491.

### **WAC 478-120-135 Reconsideration of Final Orders**

- (1) Within ten days of the service of a final order from the President or the President's delegate, the student may file a request for reconsideration, stating in writing specific reasons for the request. The request shall be directed to the President or the President's delegate.
- (2) A request for reconsideration is only intended to correct obvious mistakes in the judgment or order and should not be used to reargue the case. Filing a request for reconsideration is not a prerequisite for obtaining judicial review, and denial of the request is not subject to judicial review.
- (3) The request for reconsideration shall be promptly considered. If, within twenty days from the date the request is filed, the President or President's delegate does not either (a) dispose of the request, or (b) serve the student with a written notice specifying the date by which it will act upon the request, the request is deemed to be denied.

### **WAC 478-120-140 Emergency Authority of the President of the University**

If a student's conduct represents a threat to the health, safety, or welfare of the University or any member of the University community, the President or the President's delegate may suspend that student from participation in any or all University functions or privileges.

- (1) In such an emergency situation, the President or a delegate shall issue a written order to be served upon the student describing the terms of the emergency suspension and the reasons for imposing the suspension. The order shall be effective immediately.
- (2) The President or delegate shall then refer the matter to the Vice President for Student Affairs or his or her delegate, who shall proceed as quickly as feasible to complete any proceedings that would be required if the matter did not involve an immediate danger.

### **WAC 478-120-145 Recording and Maintenance of Records**

- (1) The Vice President for Student Affairs shall keep records of all disciplinary actions reported to his or her office. Disciplinary records shall be kept separate from academic records, and transcripts of a student's academic record shall contain no notation of any disciplinary action.
- (2) The dean of a college or school initiating disciplinary action shall report in writing to the Office of the Vice President for Student Affairs all cases in which disciplinary action is taken. The dean shall also inform the Registrar of any action affecting a student's official standing in the University. The Office of the Vice President for Student Affairs shall notify the dean of the college or school in which the student is enrolled of any disciplinary action it takes and also shall notify the Registrar of any action affecting a

student's official standing in the University.

(3) Disciplinary records of students not exonerated shall be maintained by the Vice President for Student Affairs and the Registrar for seven years after disciplinary action has been taken and/or after the administrative purpose has been served.

(4) Disciplinary records of exonerated students shall not be maintained.

(5) Notwithstanding any other provision of this section, the Vice President for Student Affairs, at his or her discretion, upon written request by the student, may expunge the student's disciplinary record.

(6) Records and information regarding student disciplinary proceedings are subject to the provisions of the Family Educational Rights and Privacy Act and supporting regulations (20 U.S.C. 1232g), and to Chapter 478-140 WAC.

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