

STANDING COMMITTEES

Academic and Student Affairs Committee

Approve Amendments to Student Conduct Code WAC 478-121-135 (Hazing) and General Conduct Code WAC 478-124-037 (Hazing)

RECOMMENDED ACTION

It is the recommendation of the administration and the Academic and Student Affairs Committee that the Board of Regents adopt the proposed changes to Student Conduct Code Washington Administrative Code (WAC) 478-121-135 (Hazing) and General Conduct Code WAC 478-124-037 (Hazing).

This action brings the Student Conduct Code into alignment with the General Conduct Code and with the Revised Code of Washington (RCW) regarding hazing. These changes reduce inconsistencies and provide more relevant examples of behaviors of hazing. Amending these sections of the WAC is part of the University's effort to keep information regarding prohibited behaviors accurate and up-to-date for current and incoming students. Administrative policy and website information will be updated to reflect proposed changes, if approved.

BACKGROUND

National attention to hazing at colleges and universities is growing. It is incumbent upon the University of Washington to help students understand the behaviors that characterize hazing and the consequences for hazing. Hazing in Washington State is regulated by RCW 28B.10.900, RCW 28B.10.901, RCW 28B.10.902, and RCW 28B.10.903. According to RCW 28B.10.903 institutions are instructed to promulgate rules outlining sanctions hazing by organizations or groups.

Two University of Washington WACs define "hazing." **Collectively**, these two WACs meet the obligations specified by RCW 28B.10.903. They include the General Code of Conduct WAC 478-124-037 and the Student Conduct Code WAC 478-121-135. However, these existing WACs are inconsistent with each other. They provide different definitions and examples of hazing. The inconsistencies introduce risk to University of Washington and are confusing to students, staff, and community.

This action updates the Student Conduct Code WAC 478-121-135 to incorporate the major sections of the General Conduct Code WAC 478-124-037 by outlining types of hazing behaviors and the consequences for both students and student organizations. Further, it updates the Student Conduct Code WAC 478-121-135 to include RCW 28B.10.902, which specifies consequences related to state financial

STANDING COMMITTEES

Academic and Student Affairs Committee

Approve Amendments to Student Conduct Code WAC 478-121-135 (Hazing) and General Conduct Code WAC 478-124-037 (Hazing) (continued p. 2)

aid. Lastly, it provides relevant examples of hazing behavior to be more instructive to students and student organizations and aligns with national best practices. Finally, the General Conduct Code WAC 478-124-037 will mirror the Student Conduct Code WAC 478-121-135 reducing confusion for the UW community by having both WACs consistent with each other.

These WAC amendments are the first step and will be followed by changes to administrative policy and to the Student Conduct Office's websites.

This work was undertaken with student and faculty input and included a small working group with invited representatives from: Faculty Council on Student Affairs, Interfraternity Council, Panhellenic Council, National PanHellenic Council, United Greek Council (now called Multicultural Greek Council), UW Intercollegiate Athletics, Associated Students of the University of Washington, Graduate and Professional Student Senate, ROTC, UW Club Sports, Office of Fraternity and Sorority Life, Assistant Attorney General's Office and Community Standards and Student Conduct.

Permanent rulemaking was initiated on January 21, 2020 with the filing of a CR-102 (published in [WSR 20-03-167](#)). Required notices were filed, and a public hearing was held on March 2, 2020, at which no individuals or organizations provided written comment or testified. A hearing officer's report is attached.

Attachments

1. Hearing Officer's Report, dated March 2, 2020
2. Proposed Amendments to Student Conduct Code WAC 478-121-135, (Hazing)
3. Proposed Amendments to General Conduct Code WAC 478-124-037 (Hazing)
4. Presenter's Biographical Information

March 2, 2020

TO: President Ana Mari Cauce

FROM: Barbara Lechtanski, Director of the University Policy and Rules Office

SUBJECT: Hearing Officer Report for WAC 478-121-135, “Student Conduct Code for the University of Washington, Hazing” and WAC 478-124-037, “General Conduct Code for the University of Washington, Conduct on Campus Code – Hazing.”

Dear President Cauce,

Pursuant to your delegation, I served as the Hearing Officer to receive public comment on the proposed amendments to WAC 478-121-135, “Student Conduct Code for the University of Washington, Hazing” and WAC 478-124-037, “General Conduct Code for the University of Washington, Conduct on Campus Code – Hazing.” The amendments intend to bring the two WAC sections into alignment with each other to clarify the process by which a person could be held accountable for a violation. Additionally, this will provide an opportunity to update to reflect current best practices around hazing prevention.

Background

As required by the Administrative Procedure Act (APA), the University filed the following notices with the state Office of the Code Reviser: a Preproposal Statement of Inquiry (published as WSR 18-24-049 filed November 26, 2018) and also Proposed Rule Making (published as WSR 20-03-167 filed January 21, 2020). Notice that a public hearing would be held was published in *The Daily* student newspaper on February 18, 2020.

The written comment period began on November 26, 2018 with the first publication in the *Washington State Register* and ended at close of business March 2, 2020 on the date the public hearing was held.

Public Comment

A public hearing was held on March 2, 2020 from 10:00 am – 11:00 am in Conference Room 142 of Gerberding Hall located on the Seattle, WA campus.

The purpose of the hearing was to allow all interested persons an opportunity to provide input, either orally or in writing, on the proposed amendments.

The University Policy and Rules Office received no public comments regarding the updates to this chapter, and there were no members of the public that attended the hearing.

Analysis and Recommendation

There were no public comments to the contrary to the proposed amendments. However, there were some internal minor additional edits suggested and made in order to provide additional clarity.

I verified with my Assistant Attorney General that the changes are not considered substantial and do not require a supplemental notice filing or additional public hearing.

It is my recommendation that the Board of Regents adopt these changes to the WAC rules as proposed.

An audio recording of the hearing will be shared with the Secretary of the Board of Regents.

Sincerely,



Barbara Lechtanski
Director of the University Policy and Rules Office

c: Glenna Chang
Jessica Creighton
Rolf Johnson
Elizabeth Lewis
Ed Mirecki
Margaret Shepherd
Denzil J. Suite
Anton Ward-Zanotto

AMENDATORY SECTION (Amending WSR 17-15-068, filed 7/14/17, effective 8/18/17)

WAC 478-121-135 Hazing. All student organizations and living groups are prohibited from hazing.

(1) Hazing includes ((any method of)):

(a) Conduct associated with initiation or admission 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((r)) or is likely to cause((r)) bodily danger or physical harm((r)) or serious ((mental)) psychological or emotional harm((r)) to any student or other person. ((Hazing activities may)) This conduct includes, but ((are)) is not limited to((r, encouraging or promoting the abuse of alcohol)):

(i) Humiliation by ritual act;

(ii) Striking another person whether by use of any object or any part of one's body;

(iii) Causing someone to experience excessive fatigue or physical and/or psychological shock; ((or))

(iv) Causing someone to engage in degrading or humiliating games or activities that create a risk of serious ((mental)) psychological, emotional, and/or physical harm((-)); or

(v) Encouraging or promoting the unlawful possession, forced or coerced use, or competitive or ritualistic consumption of alcohol, drugs or other substances.

(b) Hazing also includes conduct that is not a violation of (a) of this subsection and is associated with initiation or admission into a student organization or living group, or any pastime or amusement engaged in with respect to a student organization or living group, such as:

(i) Subtle hazing: Activities or situations created that emphasize a direct or indirect power imbalance between members. This includes, but is not limited to, physical or mental manipulation, or causing someone to believe that they may be required to participate in degrading or humiliating games or activities that create psychological, emotional, or physical harm;

(ii) Harassment hazing: Activities that cause confusion, frustration, or physical discomfort that are directly or indirectly required, in order to become or remain a member of the student organization or living group. This includes, but is not limited to, sleep deprivation, verbal abuse, or being expected to harass others; or

(iii) Interference hazing: Activities that do not allow reasonably adequate time for study or that otherwise unreasonably interferes with academic obligations.

(2) Hazing does not include customary athletic or cultural events or other similar contests or competitions.

(3) Consent ((of a victim or victims)) is not a defense to ((an allegation of)) hazing.

(4) Any student organization or living group that knowingly permits hazing as defined in subsection (1)(a) of this section shall be deprived of official recognition, approval, or registration granted by the university.

Any student organization or living group that knowingly permits hazing as defined in subsection (1)(b) of this section shall either be deprived of official recognition, approval, or registration or be

placed on disciplinary probation for a period specified by the university.

(5) Students found responsible for violations of this section shall forfeit any entitlement to state funded grants, scholarships, or awards for a specified period of time determined by the university.

AMENDATORY SECTION (Amending WSR 96-10-051, filed 4/29/96, effective 5/30/96)

WAC 478-124-037 Conduct on campus code—Hazing. All ~~((university))~~ student organizations ~~((~~associations and student~~))~~ and living groups are prohibited from hazing.

(1) Hazing includes:

(a) ~~((Any method of))~~ Conduct associated with initiation or admission 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 ~~((~~τ~~))~~ or is likely to cause ~~((~~τ~~))~~ bodily danger or physical harm ~~((~~τ~~))~~ or serious ~~((mental))~~ psychological or emotional harm to any student or other person ~~((attending the university; and))~~. This conduct includes, but is not limited to:

(i) Humiliation by ritual act;

(ii) Striking another person whether by use of any object or any part of one's body;

(iii) Causing someone to experience fatigue or physical and/or psychological shock;

(iv) Causing someone to engage in degrading or humiliating games or activities that create a risk of serious psychological, emotional, and/or physical harm; or

(v) Encouraging or promoting the unlawful possession, forced or coerced use, or competitive or ritualistic consumption of alcohol, drugs, or other substances.

(b) Hazing also includes conduct that is not a violation of (a) of this subsection associated with initiation or admission into a student organization or living group, or any pastime or amusement engaged in with respect to ~~((~~an~~))~~ a student organization or living group ~~((not amounting to a violation of (a) of this subsection, but including such conduct as humiliation by ritual act and sleep deprivation))~~, such as:

(i) Subtle hazing: Activities or situations created that emphasize a direct or indirect power imbalance between members. This includes, but is not limited to, physical or mental manipulation, or causing someone to believe that they may be required to participate in degrading or humiliating games or activities that create psychological, emotional, or physical harm;

(ii) Harassment hazing: Activities that cause confusion, frustration, or physical discomfort that are directly or indirectly required, in order to become or remain a member of the student organization or living group. This includes, but is not limited to, sleep deprivation, verbal abuse, or being expected to harass others; or

(iii) Interference hazing: Activities that do not allow reasonably adequate time for study or that otherwise unreasonably interferes with academic obligations.

(2) Hazing does not include customary athletic or cultural events or other similar contests or competitions.

(3) Consent is ~~((~~no~~))~~ not a defense to hazing. ~~((Hazing does not include customary athletic events or other similar contests or competition.~~

~~((2))~~ (4) Any ~~((university))~~ student organization ~~((~~association~~))~~ or student living group that knowingly permits hazing as defined in subsection (1)(a) of this section shall be deprived of official recognition ~~((~~or~~))~~, approval, or registration granted by the university. Any ~~((university))~~ student organization ~~((~~association or~~))~~

student)) or living group that knowingly permits hazing as defined in subsection (1)(b) of this section shall either be deprived of official recognition, approval, or registration or be placed on disciplinary probation for a period specified by the university.

(5) Students found responsible for violations of WAC 478-121-135 shall forfeit any entitlement to state funded grants, scholarships, or awards for a specified period of time determined by the university.

Presenter's Biographical Information



Elizabeth A. Lewis, M.Ed.
Community Standards & Student Conduct

Elizabeth joined the University of Washington in 2007 and is the founding Director of Community Standards & Student Conduct. Elizabeth oversees a team of professional staff who respond to student behavioral and academic misconduct under the Student Conduct Code.

Elizabeth and the team also help to support all Colleges and Schools by being resources and consultants to faculty and staff addressing student academic misconduct in their particular academic discipline.

Elizabeth is proud to help students become more successful through reflective engagement and development.