

**MINUTES
FACULTY SENATE MEETING
THURSDAY, MAY 24, 2007
Gowan Hall, Room 301, 2:30 p.m.**

1. Call to Order and Approval of Agenda.

Professor Gail Stygall, Chair of the Faculty Senate, called the meeting to order at 2:40 p.m. The agenda was approved. The Chair reminded Senators to identify themselves by name and departmental affiliation when speaking.

2. Farewell Remarks from the Chair.

"Welcome to the final meeting of the Faculty Senate for this academic year. Although one might think that things were winding down at the end of the year, we do have our usual full agenda. We are fortunate today to have a guest speaker, Representative Fred Jarrett, from the 41st Legislative District, a legislator who has spent a great deal of energy coming to know higher education in Washington. After he speaks, we'll have an opportunity to ask questions. We will then turn to our own budget with a report from the Provost on this year's budget. Under requests for information, we will hear from Elizabeth Warrick on the progress of the Leadership and Community Values Initiative. We will also consider Class B legislation today, amending the Student Conduct Code, as well as two Class C resolutions related to benefits. These Class C resolutions, if passed, will provide the administration with a guideline for future faculty benefits and changes in benefits.

"But before we turn to the rest of the agenda, I want to close my year as Chair with both thanks to those who have made special contributions to the work of the Senate and Councils and observations on the work of the Senate. I begin my thanks to my colleagues who complete the elected Senate leadership, Dan Luchtel, Senate Vice Chair and Ashley Emery, Immediate Past Chair, and Chair of the Senate Committee on Planning and Budgeting. Both have been generous in their support of Faculty Senate goals for the year. Nancy Bradshaw, Assistant to the Chair, as well as the Vice Chair and the Immediate Past Chair, is simply outstanding in her support of the Senate. In large part, the Senate works because Nancy does. Our two faculty representatives in Olympia, Legislative Representative David Lovell and Deputy Legislative Representative JW Harrington were effective advocates for the concerns of faculty. Their efforts go beyond simply being present in Olympia but also include participation in groups like the business-oriented Seattle area Prosperity Partnership and tracking and attending meetings of the HEC Board. Thanks to David and JW, we had a presence in Olympia and beyond. I would also like to thank Gerry Philipsen for his superb performance as Secretary of the Faculty, stepping into the position of Secretary, and returning the Office of University Committees to a much appreciated level of support for the Faculty Councils. In doing so, Gerry made two excellent hires, Susan Folk, Assistant to the Secretary of the Faculty, and Melissa Kane, recorder for Faculty Councils. I deeply appreciate their support of Gerry, of the Faculty Councils, and of the Senate.

"In turning to the work of the Faculty Councils, I want to thank four chairs, each of whom brought legislation forward during the year. Jan Sjøvik and the Faculty Council on Faculty Affairs brought you legislation on the selection process for the Secretary of the Faculty. That Council also worked with the Senate Committee on Planning and Budgeting to study faculty salary policy in some detail. Marsha Killien and the TriCampus Council brought you legislation on recognizing the changes and development of our campuses at Bothell and Tacoma. Kathy Gill and the Faculty Council on University Relations brought us a Class C resolution on the planned SR 520 Bridge replacement, which, I believe, helped make mediation an important part of the discussion about the bridge. Brian Fabien and the Faculty Council on Student Affairs brought to the SEC today's legislation on the Student Conduct Code and Bob Bowen of Retirement and Benefits brought to the SEC today's Class C resolutions. And these are simply the Faculty Councils that brought legislation forward. All the other councils worked hard all year long, providing much needed faculty input on issues ranging from

academic program approvals to space usage in the former Safeco, now UW Tower. We also had an engaged set of group representatives this year, and they brought forward concerns, including those related to the Faculty Effort Certification, joining with the Faculty Council on Research to make faculty perspectives well known. These are all ways through which shared governance works on the faculty end of things and my thanks to all who have participated. All of this is hard work, too often unrecognized. I'd also like to close this segment with my thanks to Mark, Phyllis and Ana Mari for keeping the lines of communication open throughout the year. And a final thanks to Regent Sally Jewell for working to understand the salary issues that faculty at the University of Washington face.

"The major observation that I would like to share is that unexpected events may drive a Senate Chair as much as a planned agenda for the year. As I remember, my planned agenda had to do with better connections for south campus with the Senate and the *Faculty Code* and with budget transparency. "But instead I found myself dealing with events as well as an agenda. Perhaps the most important way in which I experienced these agenda-changing events relates to salary policy. Last spring, after the last Senate meeting of the year, Ashley and I became aware that, post-Storti settlement, there was some number of the Regents who wanted the President to vacate Executive Order 64, especially the 2% policy for ordinary merit. Thanks to Regent Sally Jewell, who counseled study and patience to the other Regents, the move to vacate the order was removed from agenda and deferred until there could be a consideration of the more general faculty salary policies. The President asked us to consider what changes, if any, would the faculty want to make in Executive Order 64. This request meant that I and members of the Faculty Council on Faculty Affairs and the Senate Committee on Planning and Budgeting spent months examining the history of salary policy at the UW, what changes in the *Faculty Code* might allay concerns about changes in the Executive Order, and possible language changes for the Executive Order. We learned that the so-called financial crisis in the 2002-03 academic year was not as critical as we had been asked to believe. We learned that we still had a significant compression problem. We learned that it was difficult to address the lecturers' concerns about salary and compression because it was difficult to even get data that disaggregated the ranks within the lecturer category. We learned that although a California style step system would address some of our problems that such a system would bring a new set of complex problems to the salary system. When we finished our study, we proposed some modest changes to the code and to Executive Order 64. In bringing that proposed change to the code to the SEC, I and the others from the salary committee learned just how concerned faculty were about any change to the current policy. As I reported at the last Senate meeting, after a serious and lengthy discussion between members of the SEC and the President, the legislation was tabled and the President agreed to make the case to the Regents on leaving the Executive Order in place for the present. And he did so. But as I learned at the last Regents' meeting, there are still some Regents who believe that the policy should be abandoned. So while Executive Order 64 was not on my agenda for my term as Senate Chair, it became firmly implanted on the list, welcome or not. And, apparently, after the last Regents' meeting, it may turn out to be on Dan's list as well.

"My second observation is that shared governance for faculty depends on our willingness to do our homework, our ability to persuade the administration that our views matter. That ability to persuade requires that we be able to see the functioning of the university in complex ways. Shared governance also requires timely and full disclosure of important information by the administration. Included in our part of shared governance should be our vigilance and concerns over the operation of the university at large. Unlike our colleagues at the state's regional universities, we are not unionized and so more definitive means to change positions are not currently available to us. Let me return to salaries for a moment. You are going to hear a presentation on the proposed budget a bit later on the agenda. That budget and salary proposal is a disappointment to some faculty. And part of that disappointment, I believe, stems from announcements from the administration that "this is the best budget in 20 years." My own sense is that it is an adequate budget, not a catch-up budget. Although larger, this budget requires the university to spend money on a number of specific items, including \$6.3 million on the new Department of Global Health, \$9 million dollars to high demand enrollments which requires reporting to the state on increased enrollment, and \$4.5 million on WWAMI, for medical and dental education, in Spokane. These are not trivial amounts and the collection of other required expenditures leaves me without the lift of "the best budget in 20 years." The comparison I

might use is that the budget is a regular meal after years of partial meals and that it isn't even necessarily a healthy meal much less a feast. So that is the complexity that we need to understand. Many of us wanted more in salary than we will be getting. Some of us wanted more money to appear in ordinary merit. Others of us wanted more money devoted to compression and other salary inequities. Some of us felt that student issues should result in more commitments in the budget. Did the administration hear us? Certainly, they haven't changed the original proposal. Were we persuasive? For this next year's budget, no. But perhaps they did hear us on making longer term commitments to faculty salaries and other items related to the central educational mission. I am hoping that you will hear the Provost make a commitment, barring financial disasters, to the same salary program in the second year of the biennium as the first. I am also hoping that we will begin long-term planning for maintenance of faculty salaries as well as salaries being budgeted early in the process and will make those items my goals next year in the Senate Committee on Planning and Budgeting. Doing our homework, understanding complexity and being persuasion must all be operating for shared governance to succeed. And so, too, must the administration provide information, listen, and be willing to be persuaded.

"So there you have it. Although there were many other events during this academic year, many other issues on which we were successful, addressing salary issues remained central all year long and these are my lessons learned.

"Let me close on a somber note. We have, since the last Senate meeting, lost another former Senate Chair, David Fowler, from my home department of English. He served as chair of the Senate in the mid-1960s, retiring from English in the late 1980s. Amazingly, David remained a practicing scholar right up to the end, still visible in the department over those years since retirement. May we be as graceful in the later years as David was.

"And that's my report. I will turn the microphone over to David Lovell, our faculty legislative representative, who will introduce our guest speaker, Representative Fred Jarrett."

3. Discussion with Representative Fred Jarrett, 41st Legislative District.

Chair Stygall introduced David Lovell, the Faculty's Legislative Representative, who in turn introduced Representative Fred Jarrett from the 41st Legislative District, who had been invited to speak to the Senate.

Lovell described Jarrett as a theoretician working to create legislation that reflects a fundamental reconsideration of the value of higher education. This legislation would include restructuring how higher education is financed by the state.

Jarrett began his remarks by expressing his disappointment in the way the state of Washington establishes policy for education. He explained that although the legislature has both policy and "money" committees, in fact money issues consistently drive the decisions made in policy committees. As a result, too much time is spent on inconsequential.

The bill that he and his colleague, Skip Priest, have been working on would move the per-student funding from the 35th to the 50th percentile among the HECB comparison group. In addition, enrollments across the system would increase by 40,000 by 2012. Although he got strong positive feedback and support for his proposed legislation from the private sector, very few of his legislative colleagues were willing to talk seriously with him about this issue, and he was allowed only seven minutes during the session to present his proposal.

This year, however, there has been an increase of interest which culminated in a full hearing of the proposal and many related conversations. There will be a two-day symposium this summer at the UW on how to make the legislature accountable for higher education. This discussion will include questions such as: What do we mean by "quality" in higher education? What is the future direction of higher education in the State? What is the legislature's responsibility for higher education?

He hopes that legislators attending the symposium will be able to stay in UW dorm rooms to encourage their participation in college-style bull sessions to brain-storm ways of strengthening and enhancing his proposed legislation for the next year's session.

In response to a question from David Lovell, Jarrett reiterated that the focus of his work on higher education over the past few years is on the accountability of the legislature. Legislative funding reflects the values and priorities of the politicians that we all elect. The legislature needs to tell the University what it expects – and then negotiate the costs, leaving how to achieve those expectations up to those who run the University.

In response to a question from Laurie George (English), Jarrett addressed the need for a wide range of options for students in Washington State that include a balance of diverse academic offerings as well as technical training.

JW Harrington (Geography) asked how University people can work most effectively with legislators. Jarrett emphasized the importance of getting to know your legislator. He advised faculty to contact legislators frequently about concerns and correspond with original messages rather than the cut-and-paste method.

In response to a question from Dan Luchtel (Senate Vice Chair) about whether there would be value in the Faculty Senate trying to pursue better and more significant relationships with the legislature, Jarrett enthusiastically replied, "Yes!" Luchtel also reported having heard that the reason higher education was not a popular topic among legislators is because very few have college degrees. Jarrett responded that of those he knows, most do have degrees. The problem arises when the majority of a legislator's constituency does not have experience in higher education. A legislator's first job is getting (and staying) elected, and he or she must act in accordance with the wishes of his/her constituency.

In reference to his expression of the need for more technical training, Kathy Gill (Communication) cautioned Representative Jarrett to be very careful about defining problems associated with the University before rushing forward with solutions. Jarrett responded that within the next ten years, 65% of employees in Washington State will be eligible for retirement. Those workers must be replaced and younger people need to have access to education and training to be able to fill those positions. He does not proposed eliminating departments of Communication or English – but feels the state must also provide spaces for *all* those interested in pursuing, for example, Nursing.

Sarah Stroup (Classics) raised the issue of how to elicit support in a legislature that must be held accountable to a constituency that has no interest in supporting higher education. Jarrett responded that this is one of the more disconcerting dilemmas for him in the field of politics.

William Schubach (Medicine) voiced his appreciation for Jarrett's work, saying he's the only republican he had ever voted for. Jarrett reported having heard this sentiment before from others – and that he considered it a badge of honor.

4. Report of the Provost & Vice President for Academic Affairs / Opportunity for Questions.

The Provost began her report on the University's budget by giving it a context within the University's Vision Statement. The Vision commits the University to educating a diverse student body to become responsible global citizens and future leaders through a challenging learning environment informed by cutting-edge scholarship. The Vision includes the statement that discovery is at the heart of our university, and that we discover timely solutions to the world's most complex problems and enrich the lives of people throughout our community, the state of Washington, the nation, and the world.

She reviewed awards that students had won over the past academic year, including:

- Truman Scholar
- Goldwater Scholars (3)
- Udall Scholar
- 2007 Mathematical Contest on Modeling (3 teams)
- Outstanding Advising Technology Innovation Certificate

In addition, she recited only a partial list of awards and honors presented to UW faculty:

- National Academy of Sciences
- National Institute of Medicine
- American Academy of Arts and Sciences
- Outstanding Pharmacy Dean of the Year
- Academic Librarian of the Year
- Fellows in the AAAS
- Sloan Fellowship
- Carnegie Scholar
- Pew Fellowship
- Louise Hay Award
- Packard Fellowship
- George Brown Award for International Scientific Cooperation
- Guggenheim Fellowships
- Technology Innovator of the Year
- Consumer Product of the Year

Exciting initiatives that have been launched this past year include Joint Oceanographic Institutions projects, the Partners for our Children program, the Undergraduate Research Symposium, and the Provost Distinguished Speaker program.

She remarked that these are incredibly exciting times for ocean science. The award for JOI (Joint Oceanographic Institutions) marks the first step in transforming the way ocean science is conducted. Rather than relying on limited expeditions from ships to gather data, observatories in the ocean allow researchers to access data directly from labs and desktops. Through the OOC (Ocean Observing Contracts), real-time data will be made available to scientists, citizens, teachers, and schoolchildren across the country.

The Washington State Department of Social and Health Services and the University of Washington School of Social Work, along with Cofounder and Board Chair Connie Ballmer, have formed a truly magical public private coalition called "Partners for Our Children." It is a unique collaboration designed to create positive changes within the Washington state child welfare system. Mark E. Courtney, Ph.D., one of the nation's most respected experts in child welfare, has been named executive director and the Ballmer Endowed Chair for Child Well-Being at the University of Washington School of Social Work. Courtney is the former director of the distinguished Chapin Hall Center for Children

The Annual Undergraduate Research Symposium is an opportunity for students to share the products of research experiences to a larger audience, to discuss cutting edge research topics and to examine the connection between discovery and learning. The Symposium includes students from all academic disciplines and all three UW campuses. Attending the Symposium is a great way to learn about the broad range of opportunities available at the UW.

Turning to the budget, the Provost reported the following revenues:

State General Fund	\$29,772,000
Tuition Operating Fee	\$31,200,000
DOF (summer, interest)	\$2,016,000
 Total New Revenues:	 \$62,988,000
Other Available Resources*:	\$3,420,000
 Total Revenues:	 \$66,408,000

Expenditures were broken down, beginning with compensation totaling \$29,149,000. Salaries and benefits will be addressed by 43.8% of the new revenues. The following shows how this will affect faculty, professional staff, librarians and TA/RAs:

Faculty

- 2.0% Merit
- 2.5% Extra merit/compression/inequities
- 1% Unit adjustments
- Promotions
- Recruitment

Professional Staff/Librarians

- 4.5%

TA/RA, Represented and Non-Represented Classified Staff

- 3.2%

In response to Senate Chair Stygall's expressed hope for a commitment to the same salary program in the second year of the biennium, the Provost affirmed her commitment to the same adjustments next year as the ones outlined above.

If this plan can be sustained through the following year, the UW goal of bringing faculty salaries to within the 75th percentile of the HECB-24 will be within reach (within 97.5% of that goal). The President, Gail Stygall, the SCPB, the Board of Deans, Gary Quarfoth, Ana Mari Cauce and she will be continuing discussions on how to meet and maintain this very significant challenge.

Proposed Expenditures: Provide a rich learning experience

Total: \$7,449,000

Eleven and two tenths of a percent of revenues will go directly to improving the learning environment. This does not count the improvement in salaries which obviously contributes to attracting the best students. There will be new enrollment allocations for all three campuses and initiatives to attract and retain a diverse student body through:

1. Teaching Assistants, Research Assistants, Lecturers
2. Graduate and professional student services
3. Increased advising
4. International learning opportunities
5. Undergraduate retention and completion
6. Increased financial aid

Proposed Expenditures: Academic and Research Excellence

Total: \$14,074,000

This amount represents an investment in academic excellence. It includes dean recruitment packages for new faculty and administrative staff as well as program development and infrastructure, materials, and Title VI grant matching to address:

- Global teaching and research
- Enhancement of cross-college interdisciplinary teaching and research activities

Proposed Expenditures: Integrity/Compliance/Stewardship

Total: \$7,695,000

Addressing:

- Safety and asbestos compliance
- Campus health service
- Enhanced childcare for faculty, staff, and students

- Internal audit staff and infrastructure
- Student Life Office: counseling, disability services
- Office of Academic Personnel
- Faculty Senate Office
- Office of Minority Affairs
- Human Resources: LCVI, HR staffing
- EVP: Enterprise Risk Management, Campus police, IT security
- Office of Information Management: technology investments

Proposed Expenditures: Required Costs

Total: \$6,243,000

Addressing:

- Utilities: electricity, natural gas, water, solid waste
- Property rentals
- Data Centers
- Internet connectivity cost increases

Proposed Expenditures: "Earmarked" Legislative Actions

Total: \$1,798,000

Addressing:

- Law School Loan Repayment Program
- Ruckelshaus Policy Consensus Center
- Burke Museum
- I-LABS
- WA Academy of Science
- State Climatologist
- Autism training and parent support
- Olympic Natural Resource Center

Proposed Expenditures: Other Required Actions

Addressing:

- 3.2% compensation for faculty, staff, TA/RAs
- Benefits
- UW Tower
- Global Health Teaching and Research
- WWAMI / RIDE
- International Learning Opportunities
- Retention/Completion Program
- UWB and UWT tuition and enrollment
- Internal Audit Staffing
- IT Security Investments
- Utilities

Capital Budget \$156,535,500

Major Projects:

- Restore the Core
- Interdisciplinary Academic Building (Molecular Engineering)
- C&C Data Center
- Student Services and Classroom Improvement
- Tacoma Phase 3 – planning and design
- Bothell Phase 3 – planning

spending is salaries, and the current budget would not allow for expanding benefits to include tuition for children of faculty and staff.

5. Report from the Senate Committee on Planning and Budgeting.

This report was given by Ashley Emery, Chair of the Senate Committee on Planning and Budgeting (SCPB) and Immediate Past Chair of the Faculty Senate. He noted that SCPB has significant reservations regarding the protection of faculty involved in the recent move to eliminate the Pathobiology Department through the RCEP process (Reorganization, Consolidation and Eliminations of Programs). Discussions with the Provost regarding these concerns are on-going.

He also noted that given past history of deans being allowed to allocate salary increases primarily on merit, even with the best budget in 20 years, most faculty may not see more than a 2% increase in salary. He urged the Provost to communicate clearly with Deans and Chairs about the importance of addressing some level of cost of living increase for all faculty.

6. Summary of Executive Committee Actions and Upcoming Issues and Actions.

a. The minutes of the April 9, 2007, SEC meeting and the April 26, 2007, Faculty Senate meeting were approved. b. The dates for the 2007-2008 meetings of the Senate Executive Committee and Faculty Senate were approved, attached as **{Exhibit A}**. c. Robert Crutchfield, Faculty Representative on the UW Foundation Board presented an update on the Board's work this year.

7. Announcements.

There were no announcements.

8. Requests for Information.

a. LCVI Update: Elizabeth Warrick, Director, Professional & Organizational Development.

Beth Warrick began her report by reviewing the background of LCVI. Having been initiated by President Emmert's concern about workplace issues, this became the focus of engagement for much of the University's administration, particularly the Provost. It responds to the University's need for a clear vision, values and transparency. Recent results have included the launching of the LCVI website, the new Recognition Program, various diversity efforts and the barbeque for faculty and staff. Upcoming events include Professional Development Days for staff and Leadership Development for faculty.

b. Honorary Degree Nominations: Kathy Gill, Chair, Faculty Council on University Relations.

Due to the fact that Kathy Gill had to leave to teach a course, Chair Gail Stygall "stood in" for her and urged Senate members to consider prospects for UW Honorary Degrees and to submit nominations to the Faculty Council on University Relations care of the Faculty Senate Office.

9. Nominations and Appointments.

On behalf of the Senate Executive Committee, Dan Luchtel, Senate Vice Chair, nominated members of faculty councils and committees attached to the agenda as **{Exhibit B}**. The slate of nominations was approved by the Senate.

10. Memorial resolution.

Senate Vice Chair Dan Luchtel read the resolution:

BE IT RESOLVED that the minutes of this meeting record the sorrow of the entire faculty upon its loss by death of these friends and colleagues:

Professor Emeritus Kenneth Berg of Accounting who died on March 22, 2007 after having served the University since 1950.

Professor Emeritus David Fowler of English who died on April 30, 2007 after having served the University since 1952.

Lecturer Stephen Hale of Management & Organization who died on May 5, 2007 after having served the University since 1978.

Lecturer Miguel Rabay of Marketing & International Business who died on May 14, 2007 after having served the University since 2006.

Associate Professor Scott Schulte of Radiology who died on April 20, 2007 after having served the University since 1988.

Assistant Professor Curran Smith of Otolaryngology who died May 12, 2007 after having served the University since 1973.

BE IT FURTHER RESOLVED, that the senate chair be directed to communicate to the immediate survivors the action taken, together with the condolences and sympathy of the faculty.

The resolution was approved by a standing vote of the Faculty Senate.

11. Unfinished Business.

There was no unfinished business.

12. New Business.

a. Class B Legislation – Proposed changes to the Student Conduct Code.

The first of three items of new business was Class B Legislation proposing changes to the University of Washington's Student Conduct Code **{Exhibit C}**.

Chair Stygall reminded the Senate that Class B legislation changes non- *Faculty Code* sections of the *University Handbook*. After review by the Senate Executive Committee, the Faculty Senate considers Class B legislation once and then sends it to the university president for review. Within ten days of approval of the action by the president, the Class B legislation is duplicated in a *Class B Bulletin* and sent by the Secretary to each member of the faculty. The legislation becomes effective if there are no objections within 21 days of its publication. To be effective, the objections must constitute five percent or more of the voting members of the faculty, or by two-thirds of the eligible voting faculty at either UW Bothell or UW Tacoma.

Vice Chair Dan Luchtel introduced the motion, saying, "On behalf of the Senate Executive Committee, I move that the Faculty Senate submit to the faculty in a Class B Bulletin, the Class B Legislation amending the *University Handbook* attached as Exhibit C to the agenda."

JW Harrington then moved to amend the motion. The motion was seconded.

Eric Godfrey, Vice Provost for Student Life, then gave a brief introduction to the history of the legislation and its amendment, explaining that historically the Student Conduct Code had applied only to student behavior within the boundaries of the campus. The recent focus of attention on the neighborhood north of 45th Street, however, lead to re-opening the question of beginning to extend the boundaries of the Student Code to the North of the University. The resulting document has been widely considered and approved by consensus with ASUW, GPSS, the Fraternities and Sororities, FCFA and the Senate Executive Committee. It continues to hold students to account north of the University as well as on campus, it gives the University authority to ban an individual from campus if it appears that he or she may be a danger to him or herself or others, and it addresses quality of life issues for everyone who lives north of 45th.

The Senate voted to submit this legislation amending the *University Handbook* to the faculty in a *Class B Bulletin*.

b. Class C Resolutions – Automatic Enrollment in UW Retirement Plans.

The second item of new business was a Class C Resolution regarding Automatic Enrollment in UW Retirement Plans attached in **{Exhibit D}**. This resolution came to the Senate at the request of the Senate Executive Committee. Vice Chair Dan Luchtel moved (on behalf of the Senate Executive Committee) that the Faculty Senate endorse the resolutions regarding the Automatic Enrollment in UW Retirement Plans attached as **{Exhibit D}**.

Steve Demorest, member of the Faculty Council on Benefits and Retirement, gave a brief introduction to the history of the resolution. Under current rules, the faculty can elect (opt-in) to a retirement plan at any time during their first two years of employment. (After two years, participation is required.) At age 35, matched contributions are automatically increased from 5% to 7.5%. At age 50, faculty can elect (opt-in) to raise the rate of their matched contribution from 7.5% to 10%.

The problem perceived by the Council is that by failing to opt-in, faculty are losing income in retirement. Empirical research shows that the choice to participate is a function of how the choice is presented. The lowest participation occurs when employees have to actively opt-in (our current system); the highest participation occurs when employees have to actively opt-out (which the Council's proposal recommends). Further, some faculty are not immediately aware of the opt-in option at age 50, and therefore miss the opportunity for months (or years) to make increased matched contributions.

The Council's proposal would change current practice in that new hires (those eligible for UWRP) would be automatically enrolled upon employment; they would retain the option to opt-out. In addition, employees turning 50 (who are eligible for UWRP) would have their contribution and the UW match automatically increased to 10% (from 7.5%); and again, they would retain the option to opt-out.

In response to a question from JW Harrington (Geography) concerning funding of such a proposal, Demorest responded that the Council could find no institutional data on how this might impact the UW's budget. In any case, the Council sees this as an ethical issue. Retirement matching contributions are an existing benefit that, when not maximized, can greatly harm the individual and his or her family in retirement. In addition, failure to opt in under the current system is often due to oversight or lack of information – probably rarely due to a conscious choice to reject a risk-free, tax deferred 100% return on investment. Automatic enrollment in retirement programs is now encouraged under federal law. And, finally, the proposed change would retain the option not to participate, but it would help to ensure that those who do not participate make the choice based on careful analysis rather than based on misunderstanding or lack of information.

The resolution was approved by a unanimous vote of the Senators present.

c. Class C Resolution – Dependent Tuition Benefit Proposal.

The final item of new business was a Class C Resolution regarding a Dependent Tuition Benefit Proposal from the Faculty Council on Benefits and Retirement. A motion was made to approve the resolution in **{Exhibit E}**.

On behalf of the Faculty Council on Benefits and Retirement Steve Demorest spoke to this resolution as well. Demorest briefly described the proposal as a 50% waiver of tuition for children of faculty, professional staff and librarians after a five-year vesting period. The Council felt this

was a relatively easy and inexpensive way to make the UW more competitive with its peers, half of whom currently offer tuition waivers. It also reflects much of the recent renewed concern about making the University more family-friendly.

In response to questions from Eric Stern (Radiology) about limiting the waiver to 50% of tuition and the option of offering tuition help to those children of faculty who choose to attend other colleges, Demorest said that the Council thought it would be wise to start out with a minimum impact on the University's budget. Offering 50% is not unusual among the UW's peers; it's a "foot in the door" that might be expanded and enhanced at a later time.

Blaine Heckel (Physics) suggested that citizens of the state of Washington would be offended that University faculty would be getting an additional "perc" to their already inflated salaries (based on press reports of high-paid Washington State employees). Demorest responded that the public in general already believes that children of faculty members are able to attend the UW for free.

The resolution was approved by a unanimous vote of the Senators present.

There was no further new business.

13. Resolution of Appreciation.

Vice Chair Dan Luchtel asked that the Senate join him in an expression of appreciation for the hard work and impressive legislative accomplishments of Senate Chair Gail Stygall during the academic year.

The Senate approved the resolution with an extended standing ovation.

14. Adjournment.

The meeting was adjourned at 4:50 p.m.

PREPARED BY: Gerry F. Philipsen, Secretary of the Faculty

APPROVED BY: Gail Stygall, Chair, Faculty Senate

2007-2008

SCHEDULE OF SENATE AND EXECUTIVE COMMITTEE MEETINGS

Autumn Quarter, 2007

Executive Committee Agenda Deadline	October 1
Executive Committee Meeting	October 8 *
SENATE Meeting	October 25 **
Executive Committee Agenda Deadline	November 5
Executive Committee Meeting	November 19 *
SENATE Meeting	November 29**

Winter Quarter, 2008

Executive Committee Agenda Deadline	January 7
Executive Committee Meeting	January 14 *
SENATE Meeting	January 31 **
Executive Committee Agenda Deadline	February 15
Executive Committee Meeting	February 25 *
SENATE Meeting	March 13 **

Spring Quarter, 2008

Executive Committee Agenda Deadline	March 31
Executive Committee Meeting	April 7 *
SENATE Meeting	April 24 **
Executive Committee Agenda Deadline	April 28
Executive Committee Meeting	May 5 *
SENATE Meeting	May 22 **

Senate meetings will be held at 2:30 p.m. in Gowen 301.

Executive Committee meetings will be held at 2:30 p.m. in 142 Gerberding Hall.

- * A continuation meeting may be held on the following Monday.
- ** A continuation meeting may be held on the following Thursday.
- *** A continuation meeting may be held on the following Tuesday.

2007-2010 Faculty Member Appointments to University and Senate Committees.**Academic Standards**

Richard Fitzpatrick, Group 5, Naval Science, for a term September 16, 2007 – September 15, 2010.
Caroline Simpson, Group 1, English, for a term September, 16, 2007 – September 15, 2010.
Leslie Breitner, Group 4, Evans School, for a term September, 16, 2007 – September 15, 2010.
John Schaufelberger, Group 2, Construction Management, for a term September, 16, 2007 – September 15, 2010.

Benefits and Retirement

Patricia Brandt, Group 8, Family & Child Nursing, for a term September, 16, 2007 – September 15, 2010.
Robert Breidenthal, Group 6, Aeronautics & Astronautics, for a term September, 16, 2007 – September 15, 2010.

Robert Bowen, Group 5, Business, as Chair, 2007-2008.

Educational Outreach

Brenda Zierler, Group 8, Biobehavioral Nursing & Health Systems, for a term September, 16, 2007 – September 15, 2010.
Rob Harrison, Group 6, Forest Resources, for a term September, 16, 2007 – September 15, 2010.
Kathleen O'Neill, Group 5, Law, for a term September, 16, 2007 – September 15, 2010.
Jeffrey Wilkes, Physics, Group 3, for a term September, 16, 2007 – September 15, 2010.

Kathleen O'Neill, Group 5, Law, as Chair, 2007-2009.

Educational Technology

David Masuda, Group 7, Medicine, for a term September, 16, 2007 – September 15, 2010.
Werner Kaminsky, Group 7, Radiology, for a term September, 16, 2007 – September 15, 2010.

Werner Kaminsky, Group 7, Radiology, as Chair 2007-2008.

Faculty Affairs

Jan Sjøvik, Group 1, Scandinavian Studies, for a term September, 16, 2007 – September 15, 2010.
Todd Scheuer, Group 7, Pharmacology, for a term September 16, 2007 – September 15, 2010.
Larry Ricker, Group 6, Chemical Engineering, for a term September, 16, 2007 – September 15, 2010.

Jan Sjøvik, Group 1, Scandinavian Studies, as Chair, 2007-2008.

Instructional Quality

Craig Allen, Group 5, Law, for a term September, 16, 2007 – September 15, 2010.
Don Janssen, Group 6, Civil Engineering, for a term September, 16, 2007 – September 15, 2010.

Mary Wenderoth, Group 3, Biology, as Chair 2007-2009.

Multicultural Affairs

Tom Colonnese, American Indian Studies, Group 4, for a term September 16, 2007 – September 15, 2010.
Steve Schwartz, Pathology, Group 7, for a term September 16, 2007 – September 15, 2010.

Tom Colonnese, American Indian Studies, Group 4, as Chair 2007-2009.

Research

Cathryn Booth-Laforce, Family & Child Nursing, Group 8, for a term September, 16, 2007 – September 15, 2010.

Cathryn Booth-Laforce, Family & Child Nursing, Group 8, as Chair, 2007-2008.

Student Affairs

Jeffrey Schwartz, Radiation Oncology, Group 7, for a term September, 16, 2007 – September 15, 2010.

University Facilities and Services

Bruce Balick, Astronomy, Group 3, for a term September, 16, 2007 – September 15, 2010.

Bruce Balick, Astronomy, Group 3, as Chair, 2007-2008.

University Libraries

Pamela Mitchell, Nursing, group 8, for a term September 16, 2007 – September 15, 2010.

University Relations

Mary Ann Odegaard, Marketing & International Business, Group 5, for a term September, 16, 2007 – September 15, 2010.

Kathy Gill, Communication, Group 2, for a term September, 16, 2007 – September 15, 2010.

Mary Ann Odegaard, Marketing & International Business, Group 5, as Chair, 2007-2009.

Women in Academia

Louisa Iarocci, Architecture, Group 2, for a term September, 16, 2007 – September 15, 2010.

Advisory Committee on Faculty Code and Regulations

Karen Boxx, Law, Group 5, for a term September 16, 2007 – September 15, 2010.

STUDENT CONDUCT CODE
WASHINGTON ADMINISTRATIVE CODE
Rules of the University of Washington
Chapter 478-120 WAC

DRAFT Revisions 04/07

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-premises or in connection with any University-sponsored event or activity~~ 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~~ premises ~~campus~~;

(c) Conduct on ~~the University~~ premises ~~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-premises;

- (e) Refusal to comply with any lawful order to leave ~~the University premises campus~~ or any portion thereof;
- (f) Possession or use of firearms, explosives, dangerous chemicals or other dangerous weapons or instrumentalities on ~~the University premises campus~~, except for authorized University purposes, unless prior written approval has been obtained from the ~~Vice President for Student Affairs~~ Chief, University of Washington Police Department, 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 premises 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 premises 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)(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, or, at UW Bothell and UW Tacoma, to the director of the program 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.

NEW SECTION 478-120-021

Off-Campus Conduct

The University shall have the authority to hold students accountable under the student conduct code for certain off-campus behavior (i.e. behavior that does not occur on University premises or in the context of a University-sponsored event or activity) that directly affects a University interest, in accordance with the provisions of this section.

(1) A student may be subject to disciplinary proceedings under the student conduct code if: a) the University is made aware that a court of competent jurisdiction has determined that such student has engaged in intentional unlawful conduct off-campus that involves the physical harm or abuse, or a direct threat of the physical harm or abuse, of any person, including but not limited to homicide, assault,

kidnapping, armed robbery, arson, rape or sexual assault, criminal harassment, criminal stalking or the unlawful possession, use, storage or manufacture of weapons or destructive devices; and b) the University determines that a significant University interest is affected.

(2) A student may also be subject to disciplinary proceedings under the student conduct code if the University is made aware that the student has engaged in off-campus conduct that involves the physical harm or abuse, or the direct threat of physical harm or abuse, of another University student, or a University faculty or staff member. Disciplinary proceedings may be initiated under this subsection regardless of whether or not the incident is subject to criminal or civil proceedings.

(3) In furtherance of the University's interest in maintaining a positive relationship with its surrounding community, the University shall also have the authority to hold students accountable under the student conduct code for conduct within the "North of 45th" residential community immediately adjacent to the Seattle campus (bounded by NE 45th Street on the south, 15th Ave NE on the west, 22nd Ave NE and north of NE 54th Street, Ravenna Ave NE on the east and Ravenna Park Blvd on the north and including all residences located on either side of each of the aforementioned streets) as follows:

a) A student may be subject to disciplinary proceedings under the code if the University is made aware that the student has been cited by the Seattle Police or the University Police for, and is determined to have committed, a violation of any state statute or City of Seattle municipal ordinance prohibiting misconduct that has a direct and significant quality-of-life impact on community residents, including but not limited to, creating a public nuisance due to noise, theft, intentional destruction of property, urinating in public, or criminal trespass.

b) A first violation under subsection (3)(a) will not subject the student to disciplinary sanctions under Section 478-120-040 if the student voluntarily meets with a representative of the Office of the Vice Provost for Student Life to receive information and counseling regarding his or her responsibilities as a University community member and as a resident in the area. A second violation will not be subject to disciplinary sanctions if the student involved agrees to participate, in good faith, in a mediation with the person or persons affected by the misconduct under a mediation protocol established by the Office of the Vice Provost for Student Life.

(4) Nothing herein shall be construed as being intended to protect any person or class of persons from injury or harm, or 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~~ Vice Provost for Student Life at the University of Washington Seattle campus, or the Chancellor of the University of Washington Bothell or Tacoma campuses, whichever is appropriate.

(3) Only the Vice Provost for Student Life, the dean of the school or college or the Vice President for Student Affairs at UW Seattle or, at UW Bothell and UW Tacoma, the director of the program in which a student is enrolled, or the Chancellors of the University of Washington Bothell and Tacoma campuses 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, the Vice Provost for Student Life, or the Chancellors of the University of Washington Bothell and Tacoma campuses~~ 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 appropriate 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 appropriate 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 decisions of the University Disciplinary Committees may be appealed to the Faculty Appeal Board. All decisions of the University Disciplinary Committees 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 Committees may, at any time, ~~in its~~ at their 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~~, or Chancellors or their delegates 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~~, Vice Provost for Student Life, the Chancellors of the University of Washington Bothell and Tacoma campuses or their delegates, the University Disciplinary Committees, or the Faculty Appeal Board may require 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~~ Vice Provost for Student Life, the Chancellor of the University of Washington Bothell or Tacoma campuses, whichever is appropriate, or their delegates, the appropriate 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, or at UW Bothell and UW Tacoma, the director of the program in which the student is enrolled, ~~the Vice President for Student Affairs~~ the Vice Provost for Student Life, the Chancellors of the University of Washington Bothell and Tacoma campuses, or the chairs of their respective ~~the University Disciplinary Committees~~, 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, Vice Provost for Student Life, the Chancellors of the University of Washington Bothell and Tacoma campuses or their delegates,~~ 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, or at UW Bothell and UW Tacoma, to the director of the program in which the student is enrolled if the alleged misconduct bears upon the student's fitness to continue in the school, college or program.

(2) Additionally, the dean of each college or school, including the Graduate School, or the dean's delegate, or the directors of programs in which the student is enrolled on the University of Washington Bothell or Tacoma campuses 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 campus, college or school or at UW Bothell and UW Tacoma, the program in which the student is enrolled; and

(b) Related to violations of rules, procedures, policies, and standards of conduct of that particular campus, college or school, or at UW Bothell and UW Tacoma, and the program in which the student is enrolled. 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, or program director at the University of Washington Bothell or Tacoma campuses.

(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, the Vice Provost for Student Life, the Chancellors of the University of Washington Bothell and Tacoma campuses, directors of programs or their delegates~~ 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 appropriate 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 appropriate 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 appropriate University Disciplinary Committee at any time during these informal proceedings. If such a request is made, the matter shall be referred to the appropriate 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~~, the Vice Provost for Student Life, or the Chancellors of the University of Washington Bothell and Tacoma campuses, program directors or their delegates, 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 Provost ~~President~~ for Student Life Affairs or the Office of the Chancellor for the University of Washington Bothell or Tacoma campuses, whichever is appropriate, or their delegates.

(2) All petitions for appeal must be made in writing to the appropriate authority (the appropriate chair of one of the University Disciplinary Committees [Seattle, Bothell, or Tacoma], 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 Committees

Each University of Washington campus shall have its own University Disciplinary Committee. The University Disciplinary Committees shall consist of a nonvoting chair, three voting faculty members, and three voting student members. The committees 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, at UW Bothell and UW Tacoma, the director of the program in which a student is enrolled, the Vice Provost for Student Life at the University of Washington Seattle campus, the Chancellors of the University of Washington Bothell and Tacoma campuses, or their delegates.

(1) The President of the University of Washington Seattle campus and the Chancellors of the University of Washington Bothell and Tacoma campuses shall designate a member of the faculty or administration to serve as chair of the each respective University Disciplinary Committee for a term of one year. All The chair chairs may be reappointed for consecutive terms.

(a) The chairs shall ensure that all procedural safeguards and guidelines are followed. Accordingly, the chairs 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 chairs shall have the discretion to regulate all aspects of the proceedings.

(b) The chairs 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 each University Disciplinary Committee shall be selected at random from the Faculty Senate at UW Seattle or at UW Bothell and UW Tacoma, their respective Faculty Assembly or Organization 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 committees in the order in which they were selected, except that each faculty member of the committees 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 Committees.

(3) The three voting student members of the University Disciplinary Committees shall be selected at random from the each student body to serve one-year terms. Student members of the committees 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 at UW Seattle 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 Committees, students must be full-time and in good standing with the University.

(4) In addition to the chairs, a quorum shall be two faculty members and two student members. The chairs shall select alternates from the panels of eligible faculty or students as needed to produce a quorum.

(5) ~~A~~Committee members 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 committees.

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

(b) A student before any of the University Disciplinary Committees may challenge the impartiality of a committee member by written petition. The appropriate 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 Committees.

(6) The appropriate chair may relieve a member of his or her ~~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 Committees 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 chairs, or by the person designated by the appropriate chair, through random procedures established by the chair.

WAC 478-120-095 Hearings Before the University Disciplinary Committees

The purpose of a hearing before ~~the~~ a 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~~ a University Disciplinary Committee, the chair of the appropriate 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~~ each 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~~ or at UW Bothell and UW Tacoma, director of the program in which the student is enrolled, the Vice Provost for Student Life, the Chancellors of the University of Washington Bothell and Tacoma campuses or their delegates) 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 Committees will be made based on a simple majority vote of each committee.
- (b) If ~~a~~ the University Disciplinary Committees 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~~ a University Disciplinary Committee the appropriate 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 appropriate University Disciplinary Committee shall provide the student with a written statement of the committee's decision within ten business 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 appropriate 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 appropriate 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 appropriate University Disciplinary Committee rather than at a hearing before the full committee. The student's waiver of the right to a hearing before ~~the a~~ University Disciplinary Committee must be submitted in writing to the chair of the appropriate 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 committees 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 appropriate committee and may include a tape recording of the testimony and any other documents related to the hearing.

(12) A report of ~~the a~~ 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~~ Vice Provost for Student Life, or the Office of the Chancellor at the University of Washington Bothell or Tacoma campuses, whichever is appropriate, or their delegates.

WAC 478-120-100 Faculty Appeal Board

There shall be a single Faculty Appeal Board which will serve all University of Washington campuses. 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, to include one faculty member from each of the University of Washington Bothell and Tacoma campuses. 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. 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.

(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 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 and Chancellors 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, or the Chancellors of the University of Washington Bothell and Tacoma campuses or their delegates, may suspend that student from participation in any or all University functions or privileges.

(1) In such an emergency situation, the President or Chancellors or ~~a delegate~~ their delegates 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, or Chancellors or their delegates shall then refer the matter to the Vice Provost for Student Life at the University of Washington Seattle campus or the appropriate campus official at the University of Washington Bothell or Tacoma campuses, whichever is appropriate, ~~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~~ Vice Provost for Student Life at the University of Washington Seattle campus or the Chancellors of the University of Washington Bothell and Tacoma campuses, or their delegates shall keep records of all disciplinary actions reported to ~~his or her~~ their respective offices. 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 at UW Seattle, or on the University of Washington Bothell and Tacoma campuses, the director of the program in which the student is enrolled, initiating disciplinary action shall report in writing to the Office of the ~~Vice President Provost for Student Affairs Life, or the Office of the Chancellor for Bothell or Tacoma campuses, whichever is appropriate, or their delegates~~, all cases in which disciplinary action is taken. The dean at UW Seattle shall also inform the Registrar of any action affecting a student's official standing in the University. The Office of the ~~Vice President Provost for Student Affairs Life, or the Office of the Chancellor for the Bothell or Tacoma campuses~~ shall notify the dean of the college or school or director of the program in which the student is enrolled of any disciplinary action it takes and also shall notify the Registrar or campus officer of Student Affairs 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 Provost President for Student Affairs Life, or the Chancellor at the University of Washington Bothell or Tacoma campuses, whichever is appropriate, or their delegates~~, 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 Provost for Student Affairs Life, or the Chancellor at the University of Washington Bothell or Tacoma campuses, whichever is appropriate, or their delegates~~, at ~~his or her~~ their 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.

Adopted by the University of Washington Senate,
May 27, 1969

Amended by the University of Washington Senate,
June 15, 1983

Confirmed by the Board of Regents, June 27, 1969
Amended by the University of Washington Senate,
April 8, 1971

Confirmed by the Board of Regents,
December 9, 1983

Confirmed by the Board of Regents,
June 18, 1971

Amended by the University of Washington Senate,
January 25, 1996

Washington Administrative Code,
Filed November 30, 1972; Effective December 30,
1972

Confirmed by the Board of Regents,
April 19, 1996

Washington Administrative Code Amended,
Filed April 29, 1996; Effective May 30, 1996

**Faculty Council on Benefits and Retirement
Resolutions on Automatic Enrollment in UW Retirement Plans**

Resolution Concerning automatic enrollment system for retirement contributions of new faculty, librarians and professional staff.

WHEREAS, automatic enrollment in retirement is not a new benefit. However, by failing to contribute to retirement in their first two years of employment, new faculty, librarians and professional staff lose the University's matching contributions, and thus forgo an immediate 100% return on their investment. The cumulative future value of these lost contributions at retirement can be substantial.¹ In our experience, many new faculty, librarians and professional staff fail to 'opt-in' to the retirement system not because of a conscious decision but rather because they are overwhelmed by all of the competing demands of starting a new job. Further, many new faculty, librarians and professional staff are unaware of the compounded monetary effect of failing to begin retirement contributions from the first day of employment. We predict that very few informed individuals would consciously opt-out of an opportunity to earn a 100% return on their investment; and

WHEREAS, the Federal Pension Protection Act signed into law in August 2006, endorses automatic enrollment into defined contribution plans (such as UWRP). As part of the congressional effort to encourage more individual retirement savings and less reliance on government benefits like Social Security, companies may automatically enroll employees in the employer 401(k) plan. Employers must make a matching contribution. Employees get a 90-day window to opt out by withdrawing contributions and earnings. They will owe income tax on the contributions and any earnings but will not be subject to the premature distribution penalty of 10%; and

WHEREAS, "Behavioral research has repeatedly demonstrated many workers' tendency to follow whatever retirement planning path provides the least resistance. Benefit plan architects and administrators effectively direct and pave that path when they design retirement plans, especially when establishing plan default provisions, the "rules" governing what happens when workers fail to make active decisions." Source: The Employee Benefits Research Institute Issue Brief #301, January 2007. WHEREAS, a system based on automatic enrollment (with an opt-out option) will require less effort and be more effective than a communication campaign aimed at new faculty, librarians and professional staff; therefore,

BE IT RESOLVED, that the Faculty Council on Benefits and Retirement urges the University administration to move as quickly as reasonable to an automatic enrollment ('opt-out') system for the retirement contributions of new faculty, librarians and professional staff who are subject to the University of Washington Retirement Plan (UWRP).

*Submitted by:
Faculty Council on Benefits and Retirement
May 7, 2007*

Summary Rationale: In summary, our view is that automatic enrollment is an ethical issue that should be addressed now. Some colleagues are unknowingly losing 5% to 7.5% of their salary annually (the University's promised match depending on their age) because they fail to opt-in from the beginning of their employment.

¹ For example, a new colleague starting at age 30 (35) at a salary of \$50,000 would lose over \$140,000 (\$145,000) at age 65 (assuming their retirement assets earn an average of 8% per year). Source: calculation by Robert Bowen, FCBR chair, available on request.

Resolution concerning an automatic enrollment system for increasing the retirement contributions of faculty, librarians and professional staff turning 50.

WHEREAS, in our experience, some faculty, librarians and professional staff also inadvertently fail to immediately 'opt-in' to increase their contribution to 10% at age 50. While all of the arguments above apply, additional arguments include:

1. Given that the increase in contribution to 7.5% (from 5%) at age 35 is automatic and required, some may overlook or be confused by the need to actively opt-in to increase their contribution to 10% at age 50.
2. Failure to opt-in to an increased contribution of 10% at age 50 will affect negatively not only the employee's basic retirement benefits, but also the protection inherent in the "supplemental benefit" as outlined in section III of the UW Retirement Plan; therefore²

BE IT RESOLVED, that the Faculty Council on Benefits and Retirement urges the administration to move as quickly as reasonable to an automatic enrollment ('opt-out') system for increasing (to 10%) the retirement contributions of faculty, librarians and professional staff turning 50 who are subject to the University Retirement Plan (UWRP).

*Submitted by:
Faculty Council on Benefits and Retirement
May 7, 2007*

Summary Rationale:

In summary, the failure to immediately enroll at age 50 is highly likely to be an oversight rather than a conscious decision to maintain the old level of contribution (7.5%). We predict that very few informed faculty, librarians and professional staff would consciously opt-out of an opportunity to earn a 100% return on their investment and maximize the protection available in the UW Retirement Plan (because of the supplemental benefit).³

² The supplemental benefit represents a guaranteed minimum retirement benefit – a floor in that protects plan members from the risk inherent in having retirement contributions invested in a portfolio of marketable securities. The formula in the UW Retirement Plan (UWRP) that determines whether an employee receives a supplemental benefit differs depending on the employee's contribution rate. The formula is based on the average of the highest two consecutive years of salary, multiplied by years of service, and a service factor. This service factor is 1.5% instead of 2% for any years of creditable service earned after July 1, 1974 in which your contribution rate *is less than the 10%*. Thus failure to contribute 10% can negatively affect one's income in retirement. (See UWRP Section III.)

³ An individual turning 50 at a salary of \$60,000 would lose over \$98,000 at age 65 if they never switch to 10%. (This again assumes their retirement assets earn an average of 8% per year.) Source: calculation by Robert Bowen, FCBP chair, available on request.

Faculty Council on Benefits and Retirement

Resolution endorsing a proposal for a 50% waiver of the full-time, standard, resident, undergraduate University of Washington tuition for dependent children of faculty, librarians and professional staff.

WHEREAS, the University of Washington seeks to be competitive in salary and benefits with peer institutions, many of whom offer some kind of tuition benefit; and

WHEREAS, the proposed new benefit would be a recruiting and retention tool that could be very attractive to a wide range of faculty, librarians, and professional staff; and

WHEREAS, the University of Washington's current tuition exemption benefit for faculty and staff is used significantly less by faculty and those with terminal degrees in their field; and

WHEREAS, the proposed benefit is relatively larger in impact for our lower-paid faculty colleagues; and

WHEREAS, the University community has recently launched initiatives related to improving childcare and making the University of Washington more 'family-friendly' by fostering a stronger sense of community and balance of work and family; and

WHEREAS, the proposal could be funded entirely by tuition forgone; therefore

BE IT RESOLVED, that the Faculty Council on Benefits and Retirement urges the University administration to consider offering a tuition waiver of 50% of the full-time, standard, resident, undergraduate UW tuition for dependents of Faculty, Professional Staff and Librarians.

*Submitted by:
Faculty Council on Benefits and Retirement
May 24, 2007*

Note: Please see following proposal from the Faculty Council on Benefits and Retirement for a comprehensive rationale and background information in support of this resolution.

**Faculty Council on Benefits and Retirement
Dependent Tuition Benefit Proposal
April 2007**

Background: UW Faculty and staff currently have a UW Tuition Exemption Program benefit:

“The University of Washington Tuition Exemption Program, established under the authority of [RCW 28B.15.558](#), enables University of Washington employees, state of Washington employees and members of the Washington State National Guard who have been admitted to the University of Washington, to have tuition waived for up to six credits when enrollment is on a "space-available" basis. The Tuition Exemption Program is available at the University of Washington Seattle, Bothell and Tacoma campuses.” Reference: <http://www.washington.edu/admin/rules/APS/22.01.html#1>

Current eligibility for the program is as follows:

“Professional staff, faculty, librarians, and permanent classified staff who meet all of the following criteria are eligible to participate in the Tuition Exemption Program:

- Employed half-time or more;
- Employed on the first day of the quarter;
- Paid monthly (except for employees in the Print Plant Craft Bargaining Unit) and not hourly; and
- For classified staff new to the University, have completed the probation period prior to the first day of the quarter. “

Proposed Tuition Waiver Benefit

A Tuition Waiver Benefit developed within the Faculty Council on Benefits and Retirement (FCBR) would build on the current program and provide an expanded benefit:

- Dependent children of faculty, professional staff, and librarians⁴ receive a quarterly tuition waiver equivalent of up to 50% of the full-time, standard, resident, undergraduate tuition at the UW (benefit is linked to undergraduate standard tuition rate, regardless of the program in which dependent is enrolled).

The proposed new benefit would be a recruiting and retention tool that could be very attractive to a wide range of faculty, librarians, and professional staff. It serves as a recruitment benefit by offering prospective faculty, librarians and staff the security of knowing that their service at UW will be rewarded by offering support for their children’s education. It serves as a retention benefit because the proposal recommends that the dependent benefit be made available for most employees after 5 years of employment. This rewards commitment and longevity in one’s position.

Parameters of the Benefit

Student Status

- 50% waiver benefit recipients would have full student status (**not** space available) and
- must qualify for admission through standard guidelines (no special admission status for these students).
 - Enrollments would count against UW enrollment cap.

⁴ The FCBR represents faculty, professional staff and librarians. Thus our proposal does not speak to benefits for other employees.

Parameters of the Benefit (cont'd)**Dependent Status**

- Definitions match current PEBB medical/dental dependent eligibility:
 - Dependent children through age 23
 - A 15-quarter limit per dependent

Employment service requirement

- Proposed eligibility requirement is 5 years
- POSSIBLE: Faculty offered tenure at employment, librarians offered permanent or continuing status at appointment, and newly hired senior administrators (grade 10 or above) may receive benefit immediately on employment.

Restrictions:

- Benefit may only be used by one eligible dependent at a time.
- Benefit cannot be additive between two married/same-sex partner employees, but each could support a different eligible dependent.
- Benefit would not cover additional tuition costs beyond full-time, standard, resident, undergraduate tuition.
- Benefit for enrolled students only (not non-matriculated).
- Benefit would be taxable.

Peer Institutions – as of 2004

- HECB list: 58% offer some tuition benefit ranging from 50% – 100% of tuition costs
 - Includes Ohio State, Michigan State, University of Pittsburgh.
- OFM Peer list: 50% offer tuition benefit ranging from 50% – 75% of tuition costs
 - Includes University of Oregon, University of Arizona, University of Illinois

Funding

- The 'cost' of the tuition waiver in Table 1 attached represents tuition foregone. Our estimate is that, in equilibrium, the total cost estimate to fund tuition waivers for dependents of faculty, professional staff and librarians is approximately \$1 million per year – based on 2006-2007 tuition rates and employment/enrollment figures from 2003-04. The estimated cost would be less than \$250,000 in the first year and then costs would increase gradually over five years as eligible dependents under this benefit are added to each freshman class, approaching \$1 million in the fifth year.
- The estimate assumes that student slots occupied by dependants of faculty/professional staff/librarians would displace other *full-tuition* paying students. To the extent that student slots remain vacant or are filled with subsidized students, foregone tuition would be less and could even be zero. If *out-of-state full-tuition* paying students are displaced, these amounts could be understated.
- While the number of students served by this benefit may remain relatively stable, the cost of the benefit will increase as the cost of UW tuition increases.
- The estimate was based on actual enrollments of dependents of employees in 2003-04. While this waiver would likely attract more applications from dependents of employees, it is a self-regulating benefit because University Admissions are very selective and would not consider a student's dependent status.
- Table 1 includes an estimate of the incremental cost to fund a tuition waiver for classified staff.

TABLE 1. Cost Estimates for Dependent Tuition Benefit.

Personnel Type	Student Level	Number of Students	Annual Waiver Amount
ACADEMIC ADMINISTRATORS	1. UG	12	\$66,831
EDUCATIONAL OUTREACH	1. UG	2	\$11,970
FACULTY	1. UG	78	\$461,344
LIBRARIANS	1. UG	3	\$17,955
NON-GRADUATE STUDENT	1. UG	1	\$5,985
PROFESSIONAL	1. UG	79	\$463,385
RESIDENTS/INTERNS	1. UG	1	\$5,985
CLASSIFIED	1. UG	160	\$943,531
CLINICALS	1. UG	1	\$6,106
Faculty/Professional Staff/Librarians		175	\$1,033,455
All Faculty & Staff		336	\$1,983,092

Notes:

Estimates prepared by Carol Diem, Office of Institutional Studies, University of Washington with the following conditions: 1) only dependent children under 24, 2) only one child at a time for an employee, 3) employees with 5 yrs at UW, and 4) excluding waivers for costs beyond full-time, standard, resident undergraduate tuition.

The number of dependent students by employee group is estimated from 2003-04 enrollments.

The annual waiver amounts are tuition dollars lost relative to a student paying 100% of the posted in-state tuition.

This is a steady-state estimate assuming the program had been in place approximately 5 years. To the extent there are vacancies, (i.e., some full-tuition paying students are not displaced), these amounts are overstated.

To the extent out-of-state full-tuition paying students are displaced, these amounts are understated.

While the number of students served by this benefit may remain relatively stable, we assume that the cost of the benefit will increase as the cost of UW tuition increases.