

**University of Washington**  
**Faculty Council on Student Affairs**  
29 September 2015, 1:30 pm – 3:00 pm  
Gerberding 26

**Meeting synopsis:**

1. Call to Order
  2. Approval of the Agenda
  3. Approval of the Minutes from 5 May and 2 June 2015
  4. Council use of Google Drive (in lieu of Sharespaces retirement)
  5. Student Conduct Code
  6. Tentative agenda of items
  7. Adjourn
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**1) Call to Order**

Treser called the meeting to order at 1:30 p.m.

**2) Approval of the Agenda**

The agenda was approved as written.

**3) Approval of the Minutes from 5 May and 2 June 2015**

The minutes from May 5<sup>th</sup>, 2015 were approved unanimously as written; the minutes from June 2<sup>nd</sup>, 2015 were approved unanimously as written.

**4) Council use of Google Drive (in lieu of Sharespaces retirement)**

Council support analyst Joey Burgess demonstrated use of Google Drive (cloud-based file sharing software) to members of the council, and explained that in lieu of Catalyst Sharespaces' expected retirement by UW-IT on November 12<sup>th</sup>, 2015 - the council will make use of Google Drive for all future file-sharing needs. He noted this decision has been authorized by Marcia Killien, Secretary of the Faculty.

Logistically, he noted council members will receive hyperlinks connecting them to their respective council's Google Drive folder in each meeting broadcast email, and folder securities may or may not be heightened depending on the council's posting of sensitive and/or exclusive materials.

**5) Student Conduct Code (Exhibit 1) (Exhibit 2)**

The council was joined by Elizabeth Lewis and Ellen Taylor from the office of Community Standards and Student Conduct (CSSC) to gain some background on the completed revisions to the Student Conduct Code (SCC). The SCC is undergoing revisions to meet compliance with United States federal regulations concerning Title IX offenses (sexual misconduct) at higher education institutions. The revisions also present an opportunity to update other code language, reconciling it with the current practices for student conduct review at the UW. The council was expected to vote on Class B legislation at the

culmination of discussion to give their official approval of the revisions, which will be forwarded to the Senate Executive Committee (SEC) of the Faculty Senate, if approved, for furthering of the formalization process.

The guests explained that all changes to the SCC will now be formalized in two separate phases. Phase I will be on its way to completion if the council approves the initial revisions in today's meeting, and will end with approval of the same revisions (possibly modified by vetting bodies) on the part of the UW Board of Regents in January, 2016. Phase II is expected to be completed during or before January, 2017. The guests explained an "emergency rule" has already been passed on the part of the University for achieving mandatory compliance with federal regulations; the rule will remain legitimate for a limited duration of time, at which point it must either be renewed, or replaced by official revisions to the Student Conduct Code.

The guests explained that entirely new code language came before the council last spring, but now, given the strategy for approval in two phases, today's code language includes revisions to preexisting code language, and is not a total replacement of the old code.

#### *WAC 478-120 / revisions*

Lewis explained that WAC 478-120 is before the council today. Sections that have been revised include: 12, 14, 16, 24, 26, 32, 34, 36, 38, and 137 (137 includes language from the already passed emergency rule). A detailed rationale of changes in every revised section of the SCC is attached at the end of this document (Exhibit 1).

#### *Council feedback*

- ❖ Section 120-32: A member noted some grammatical redundancy in section 120-32, relating to the word "complainant." The guests noted the redundancy is by design for increasing clarity, as under Title IX, a complainant has the right to appear as a party in a case, yet also has the right to choose not to appear as party in a case. This has been emphasized specifically because it is not consistent with traditional regulations for court proceedings in the United States.
- ❖ Section 120-20: There was question if SCC language could extend over an individual's constitutional rights, especially in relation to the matter of protesting. The guests explained that an individual's constitutional rights always dominate over language included in the Student Conduct Code. Treser clarified there is nothing in the Student Conduct Code prohibiting a UW student from protesting in Red Square, but there is language prohibiting a student from protesting in, and disrupting, a classroom setting.
- ❖ A member noted he has read the revised code language and has found it to be an overall improvement upon the existing code language, especially for for an outside reader, as clarity has been increased. After a few questions, the guests explained the emergency rule keeping the university in compliance with federal law will be in place until October 28<sup>th</sup>, 2015, and before this date, the UW needs to publish a new rule, or extend the currently-utilized emergency rule. The guests also noted that if any significant changes are made to the SCC, they will re-consult with the student groups who had vetted the code previously, before approval from Board of Regents in January 2016.

- ❖ Treser noted the statute - Clery Act and Title IX - are problematic because they never explain how to literally enact changes to achieve full compliance. Treser noted that the drawn-out process has actually been beneficial in getting all the pieces in order, as the Department of Education has issued some additional clarifying language, which has been used in making the current revisions.
- ❖ The council discussed including tenured vs. non-tenured faculty to serve on student conduct boards. Lewis explained that she was advised to leave the question alone while working to revise the code. She explained that current practice at the UW is to include non-tenured faculty on student conduct boards. Taylor noted make-up of the conduct boards will be included in Phase II of approval of the Student Conduct Code. She confirmed after question that the FCSA would be consulted over the question of who may serve. It was noted serving on a Title IX board will require a very large amount of specialized training, and the board operates throughout the full calendar year (12 months on-call).
- ❖ Section 120-085: A member noted a grammatical error at the bottom of page 31 of proposed Section 120. The sentence uses the word “from” when it should be “by” [“the Faculty Senate”]. This change was agreed upon by guests and will be applied.
- ❖ Section 120-085: Underneath heading “1” – passage “A” – was agreed to be stricken from the document for reasons of redundancy.
- ❖ Section 120-100: In the second sentence of section 100, the SCC states “The faculty appeal board shall be composed of seven members of the faculty.” A member requested the words “at least” be added after the word “of” – which was agreed upon.

*Vote for approval*

Following the above discussion, the council held a vote to approve Chapter 478-120 WAC (Student Conduct Code) as Class B legislation, to be forwarded on to the Senate Executive Committee and the faculty senate.

The Class B legislation was approved by unanimous vote of all voting members present, and formalized by way of a council written resolution (Exhibit 2).

*Improving the process for feedback*

After some discussion, Suite (president’s designee) noted it would be useful to set up a concrete process for approving further changes to the Student Conduct Code on behalf of the council. He noted he would like the Student Conduct and Community Standards office to commit to a stricter timeline in involving the FCSA in future approval processes for official legislation, such a Phase II of the Student Conduct Code revisions.

Members Laws and Lopez volunteered to be faculty representatives for the administratively-administered “Student Conduct Code Revision Committee” (official name pending).

**6) Tentative agenda of items**

After some discussion of expected council business, a member noted it would be beneficial to define the expectations for all subcommittees of the council, including what their outcomes should be by the end

of the academic year. Treser noted the council will discuss expectations in-depth in a future meeting after the council's agenda has been set.

Treser noted he expects the council to discuss and/or take action on:

- Student debt
- Making athletes feel more welcome on campus
- Childcare/Daycare
- Student housing
- Current "Class Excuse Policy"
- Classroom scheduling
- Concerns over "overflowing" UWS testing center

## 7) Adjourn

Treser adjourned the meeting at 2:45 p.m.

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*Minutes by Joey Burgess, jmbg@uw.edu, council support analyst*

### **Present:**

**Faculty:** Mabel Ezeonwu, Bruce Hevly, Chris Laws, Sara Lopez, Chuck Treser, Jasmine Bryant

**President's designee:** Denzil Suite

**Ex-Officio representatives:** Christine Tawatao, Martha Chan

**Guests:** Elizabeth Lewis, Ellen Taylor

### **Absent:**

**Faculty:** Anthony Gill, Christopher Campbell, Holly Barker

**Ex-Officio representatives:** Jewell Evenson

### **Exhibits**

Exhibit 1 – Rationale for proposed changes to SCC

Exhibit 2 – FCSA resolution for approval of the SCC

**Student Conduct Code Proposal**  
**Faculty Council on Student Affairs September 29, 2015**

The proposed revisions to the existing Student Conduct Code WAC 478-120 are designed to clarify expectations for students, make the process more transparent and easier to navigate. The New Proposed Sections draw heavily from the existing code by pulling out important concepts or rights that were buried in multiple sections of the code. The recommendations regarding the current code reflect current practices and eliminate outdated practices. This code clearly outlines student's rights and responsibilities while preserving the general procedures for imposing disciplinary sanctions through the informal hearing, the University Disciplinary Committees, the Faculty Appeal Board and the President's office.

**New Proposed Sections:**

WAC 478-120-12 Preamble

This was formerly WAC 478-120-020(1) under Standards of Conduct. There have been no changes to the wording of this section. This is the foundational statement for the Student Conduct Code and as such should be recognized as a stand-alone part of the Student Conduct Code.

WAC 478-120-14 Definitions

A stated goal of the review process was to provide clarity for students in navigating the process. This section provides explanations for terms previously used in the code or new terms that have been added to more clearly meet compliance goals with state and federal requirements.

WAC 478-120-016 Statement of jurisdiction

The current student conduct code, WAC 478-120-050 Jurisdiction appears later in the code and focuses on who can take action under the code rather than addressing under what terms and where does the Student Conduct Code apply to students. This proposed section moves up to the front of the code information for students in terms of when the code starts applying to them (from the time of admission through the actual conferral of degree). The time of admission is consistent with what is already in the current Student Conduct Code WAC 478-120-020(2) however the code lacked specificity in terms of when the Code ceased to apply to students, i.e. when they are not students anymore because of conferral of a degree. Subsection 1 of this proposed code also clarifies that the Code applies during periods of enrollment, such as times between quarters for example. Furthermore it identifies where and under what circumstances the Code applies to students. Lastly, it preserves the ability of the Colleges, Schools and Programs to take academic action when students fail to uphold professional standards of that academic discipline.

WAC 478-120-024 Prohibited conduct

This section outlines the University's expectations. It allows for clarity with students as to the University's expectations of them as members of the academic community. Additionally, this allows for all the expectations to be located in one section with separate distinct subsections necessary for assessment and compliance purposes. It is designed to provide students with a clearer understanding and examples of prohibited behavior; however the list is not exhaustive to provide it the flexibility to respond to changing student behaviors.

WAC 478-120-026 Reporting violations of the student conduct code and initiating conduct proceedings

In the current code this was in several different places. This new section brings together clarity for how a person reports an alleged violation of the Student Conduct Code and clarifies that academic misconduct is the purview of the Deans and Directors. It also puts in one place who under the code has authority to take action under the code and how that authority is delegated.

WAC 478-120-032 Participation of advisors and attorneys

The Student Conduct Code has allowed for Advisors and Attorneys to participate and represent students in the formal adjudicative process under the current Student Conduct Code. However this was listed in several places in the code and wasn't clear as to what the role of the Advisor or Attorney would be at a brief adjudicative process, in which includes both the informal hearing and the hearings before the University Disciplinary Committees. Furthermore, this new section informs that any party, (i.e. a respondent, or in cases of sexual misconduct, a complainant) may be accompanied by an advisor or attorney to any disciplinary proceeding.

WAC 478-120-034 Service of notices and orders and time limits

This section outlines that service will be provided to students electronically through their UW email address. This brings the code up to date with a change in the Washington Administrative Procedures Act which now allows electronic service but requires that we provide notice to students that we are using electronic service. This section serves that purpose. Additionally, the code has a number of time frames outlined; particularly important is the time frame for submitting a written petition for appeal or review. This section informs students how that time frame is calculated.

WAC 478-120-036 Standard and burden of proof

Defines preponderance of the evidence and establishes who has the burden to show by a preponderance of the evidence a violation occurred.

WAC 478-120-038 Interim Measures

The University must under Title IX take steps to reduce harassment and mitigate its effects. Interim measures are designed to separate parties and are not sanctions under the student conduct process.

**Revisions to Current Student Conduct Code:**WAC 478-120-137 Supplementary Provisions Regarding Sexual Misconduct (*emergency rule*)

This section was added as an emergency rule to bring us into compliance with the requirements of Violence Against Women Act amendments to the Clery Act which went into effect July 1, 2014. Much of this supplementary section has been absorbed in to the revisions of the code, specifically the prohibited behaviors. However, this section clarifies the process and procedures used at a Faculty Appeal Board hearing and establish that the Faculty Appeal Board has the authority to hear the matter.

FACULTY COUNCIL ON STUDENT AFFAIRS  
Faculty Senate  
University of Washington

**Resolution Concerning the Proposed Revisions to the Student Conduct Code WAC 478-120**  
***September 29, 2015***

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WHEREAS, the Student Conduct Code (WAC 478-120) is part of the Washington Administrative Code and is the mechanism used to hold students responsible for their actions; and

WHEREAS, the last substantive revision of the Student Conduct Code (WAC 478-120) was enacted in 2007 with the addition of WAC 478-120-025; and

WHEREAS, the Violence Against Women Act (VAWA) amendments to the Clery Act, effective July 1, 2015, expand the rights afforded to campus survivors of sexual assault, domestic violence, dating violence, and stalking in campus disciplinary processes; and

WHEREAS, the proposed revision of the Student Conduct Code (WAC 478-120) is needed to meet the new requirements of the Violence Against Women Act (VAWA) amendments to the Clery Act; and

WHEREAS, the proposed revisions to the Student Conduct Code (WAC 478-120) include definitions, specificity regarding potential violations of the Code and specific rights afforded to students; and

WHEREAS, the proposed revisions to the Student Conduct Code (WAC 478-120) makes structural changes to the Code by combining already existing parts of the current Code into new sections for ease of navigation and comprehension; and

WHEREAS, the proposed revisions to the Student Conduct Code (WAC 478-120) preserve the University Disciplinary Committees and the Faculty Appeal Board; therefore,

BE IT RESOLVED, that the Faculty Council on Student Affairs moves the Proposed Revisions to the Student Conduct Code, WAC 478-120, to the Faculty Senate Executive Committee for further consideration as Class B Legislation.