

MINUTES
Board of Regents
November 16, 2018

The Board of Regents of Washington State University (WSU or University) met pursuant to call in Open Meeting at 9:00 a.m. on Friday, November 16, 2018, at WSU Pullman, Compton Union Building, Room 204, Pullman, Washington.

Present: Regents Ted Baseler, Brett Blankenship, Scott Carson, Marty Dickinson, Jordan Frost, Lura Powell, Heather Redman, Lisa Schauer, and Mike Worthy; Faculty Representative Judith McDonald and President Kirk H. Schulz.

I. OPENING

A. Report from the Chair of the Board of Regents. Vice Chair Blankenship, standing in for Chair Ron Sims, welcomed everyone to the meeting. He extended a special welcome to newly-appointed Regent Lisa Schauer, who was appointed by Governor Jay Inslee on October 30. Vice Chair Blankenship said Regent Schauer is president of PointNorth Consulting and has held several leadership roles in the Vancouver, Washington area.

Vice Chair Blankenship further reported the following activities Board members have participated in since the last regular meeting:

- October 9, Chair Ron Sims participated in the College Success Foundation – Empowering Youth Luncheon and Roundtable in Seattle.
- October 19, Regents Frost, Powell and Carson attended the WSU Foundation Recognition Gala. The annual event recognizes WSU alumni, friends and donors.
- October 22, Regent Redman participated in and was the keynote speaker at WSU's first inaugural Entrepreneurial Faculty Ambassadors (EFA) retreat. The EFA, launched in 2016, was established to recognize and support outstanding accomplishments and initiatives in innovation and entrepreneurship at WSU.

In conclusion, Vice Chair Blankenship reminded the audience there would be a public comment period during the meeting. He said the public comment period would be after the regular agenda items and would be for up to ten minutes.

B. Report from the President of the University. President Schulz added welcoming remarks, including a special welcoming to Regent Lisa Schauer and provided the following updates:

- Recent major gifts and grants – Since August the University had received four private gifts of \$1,000,000 or more, totaling nearly \$6,000,000 and five grants of \$1,000,000 or more totaling nearly \$15,000,000. These gifts and grants continue to advance the Drive to 25 initiative.

- Awareness Building: ESPN College GameDay Impact - The recent GameDay visit to Pullman ultimately boosted the Drive to 25 with heightened visibility, which aids student recruitment, philanthropy, and awareness among academic peers. The GameDay visit is the type of event that dramatically raises WSU's profile nationally. The week of GameDay, total traffic to the main WSU website increased 13 percent with the biggest jump being on the main Admissions Office page, up over 23 percent for the week. Traffic increased a 115 percent on GameDay itself. Total live audience watching the GameDay show on ESPN and ESPNU equaled 1.8M, up 17 percent in viewers compared to the previous week's broadcast. GameDay photos on WSU Twitter, Facebook, and Instagram accounts received tens of thousands of views. A photo of the crowd at GameDay taken from the roof of the Vet Med building had the largest reach with almost a quarter of a million views.
- Progress in Campus Culture and Climate – Five working groups of more than 100 faculty, staff, and students systemwide have been meeting since last spring. Groups are working to create a more inclusive and welcoming community. Topics of focus are Executive Policy 15, cultural competency, campus cultural resource centers, diverse faculty and staff, and gender inclusive and trans support. Student leaders from ASWSU and GPSA are encouraged by the progress to date.

C. Commendation for Joan King. Vice Chair Blankenship read Board of Regents Resolution 181116-591 commending Associate Vice President and Chief University Budget Officer Joan King for her many years of dedicated service to WSU.

It was moved and seconded that the Board of Regents adopt resolution 181116-591. Carried. *(A copy may be requested from the President's Office)*

II. CONSENT AGENDA.

Vice Chair Blankenship reported there was one item on the Consent Agenda.

A) Approval of Minutes – September 21, 2018 Board of Regents Meetings

Vice Chair Blankenship asked if any Regent wished to remove the item on the Consent Agenda to be considered separately. Hearing no requests, it was moved and seconded that the Consent Agenda be approved. Carried.

III. REPORTS FROM SHARED GOVERNANCE GROUPS. Representatives from each of the University groups—Foundation Board of Governors, Faculty Senate, Associated Students of Washington State University, the Graduate and Professional Student Association, Administrative and Professional Advisory Council, and the Alumni Association—reviewed their reports as submitted. *(Exhibit A)*

IV. STUDENT AFFAIRS AND STUDENT LIFE COMMITTEE REPORT. Regent Powell reported the Committee heard an Athletics Update from Athletic Director Pat Chun and a presentation on Student Success from the Vice President for Student Affairs Mary Jo Gonzales.

V. RESEARCH AND ACADEMIC AFFAIRS COMMITTEE REPORT. Regent Worthy, standing in as Acting Chair for Regent Redman, reported the Committee heard presentations on two Information Items: Determinants of Student Success presented by Provost and Executive Vice President Dan Bernardo and an Office of Research Update presented by Vice President for Research Chris Keane. Regent Worthy further reported the Committee reviewed and discussed three Action Items and submitted the following for the Board's consideration:

Establish a Health Equity Research Center

It was moved and seconded that the Board of Regents establish the Health Equity Research Center as proposed. Carried. *(Exhibit B)*

Discontinue the Master of Business Administration at WSU Tri-Cities

It was moved and seconded that the Board of Regents discontinue the Master of Business Administration at WSU Tri-Cities as proposed. Carried. *(Exhibit C)*

Discontinue Bachelor of Science in Athletic Training

It was moved and seconded that the Board of Regents discontinue the Bachelor of Science in Athletic Training as proposed. Carried. *(Exhibit D)*

VI. INSTITUTIONAL INFRASTRUCTURE COMMITTEE REPORT. Regent Blankenship reported the Committee reviewed three Future Action Items: WSU Pullman, Baseball Clubhouse, Design and Construction; WSU Pullman, Baseball Stadium Renovation and Enhancement Project Financing Plan; and Meyer's Point Conservation Easement all of which were presented by Vice President for Finance and Administration Stacy Pearson.

VII. FINANCE AND COMPLIANCE COMMITTEE REPORT. Regent Baseler reported that the following were presented at the Committee meeting: an Internal Audit update; the State Auditor's Office (SAO) FYs 2016-2017 Accountability Audit Exit Report; the SAO Entrance Conference for the FY 2018 financial statement audit; an Office of Equal Opportunity compliance update; the Change in Accounting Principal – OPEB (GASB 75); and an update on controls over financial reporting. Regent Baseler further reported the Committee reviewed one Future Action Item: FY2020 Housing and Dining Rates and two Action Items. Regent Baseler submitted the following for Board consideration:

Increase Market Demand for Cosmic Crisp®

It was moved and seconded that the Board of Regents postpone consideration of this item until a future Regents' meeting. Carried.

WSU Tri-Cities, Academic Building – Design and Pre-Construction Approval

It was moved and seconded that the Board of Regents adopt Resolution 181116-589 authorizing the WSU Tri-Cities, Academic Building to proceed to design and pre-construction using the Design-Build (DB) process pursuant to RCW 39.10, and further delegate authority to the President or his designee to select a Design-Build contractor and

enter into any and all contracts necessary to commence the design and pre-construction for the project, with costs not to exceed the budgeted amount of \$3,000,000 as proposed. Carried. *(Exhibit E)*

IX. STRATEGIC AND OPERATIONAL EXCELLENCE COMMITTEE REPORT. Regent Carson reported the Committee reviewed and discussed five Action Items and submitted the following for Board consideration:

Proposed Revisions to WAC 504-26 Standards of Conduct for Students

It was moved and seconded that the Board of Regents adopt revisions to WAC 504-26 Standards of Conduct for Students as proposed. Carried. *(Exhibit F)*

Proposed Revisions to WAC 504-04 Practice and Procedure

It was moved and seconded that the Board of Regents adopt revisions to WAC 504-04 Practice and Procedure as proposed. Carried. *(Exhibit G)*

Proposed Revisions to WAC 504-36-030 Spectator Events – Safety Rules – Public Records

It was moved and seconded that the Board of Regents adopt revisions to WAC 504-36-030, relating to spectator events safety rules as proposed. Carried. *(Exhibit H)*

2020 Board of Regents Meeting Schedule

It was moved and seconded that the Board of Regents approve the 2020 as proposed. Carried. *(Exhibit I)*

Regents Distinguished Alumnus/a Award

It was noted for the record the Board decided that this item would be presented as an Action Item rather than a Future Action Item, in accordance with Board of Regents Bylaw II.12.B.

It was moved and seconded that the Board of Regents grant the 2019 Regents Distinguished Alumnus Award to Candidate A. Carried. *(Exhibit J)*

X. OTHER BUSINESS. The Regents met in Executive Session on November 15, 2018, with legal counsel to discuss pending or potential litigation involving the University. Related to that discussion the following Action Items were presented for Board consideration:

Request for Defense

It was moved and seconded that the Board of Regents adopt Resolution 181116-592 approving the request for defense of a university employee. Carried. *(Exhibit K)*

Request for Defense

It was moved and seconded that the Board of Regents adopt Resolution 181116-593 approving the request for defense of a university employee. Carried. (*Exhibit L*)

XI. PUBLIC COMMENT PERIOD. No public comment.

XII. ADJOURNMENT. The meeting adjourned at 11:20 a.m.

Approved by the Board of Regents at its meeting held March 8, 2019, in Everett, Washington.

SIGNED COPY AVAILABLE IN THE PRESIDENT'S OFFICE

WASHINGTON STATE UNIVERSITY FOUNDATION

November 16, 2018

TO ALL MEMBERS OF THE BOARD OF REGENTS

SUBJECT: WSU Foundation Regents Report

SUBMITTED BY: Lisa Calvert, Vice President for Advancement
CEO, Washington State University Foundation

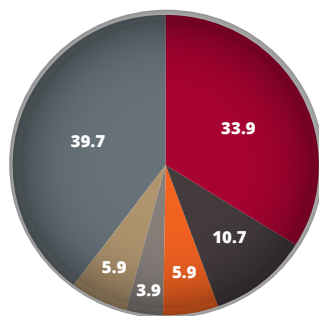
The Washington State University Foundation is pleased to report the following:

- To date during Fiscal Year 2019 (July 1, 2018—June 30, 2019) the WSU Foundation received \$26,781,435 in total fundraising commitments as of September 30, 2018. More information can be found on the Year-to-Date Progress Report that accompanies this report.
- As of August 31, 2018, the endowment market value was \$516,199,909, a high-water mark for the fund.
- WSU announced a few notable gifts in recent months, including:
 - Ken and Sue Christianson designated \$1 million to help build the WSU Honey Bee and Pollinator Research Facility on WSU's Pullman campus. The project is in the fundraising phase, with the goal to raise \$15 million to complete the planned 15,330 square foot center. Once constructed, the state-of-the-art facility will enable WSU's excellent pollinator research program to be on the leading edge of innovation and discovery in a field of study that affects everybody around the globe.
 - A \$2.2 million gift from the estate of Bernadine and James Seabrandt created the *Bernadine Fulfs Seabrandt Graduate Fellowship in Molecular Biosciences* at WSU's School of Molecular Biosciences. The fellowship will be awarded to graduate students who are focused on health research. Recipients also will gain research expertise that is interdisciplinary, and receive focused training in biochemistry, cell biology, genetics or microbiology.
- Alignment of best-in-industry organizational structure, systems, processes, staffing, and resources continues as WSU positions its fundraising operation for optimal, sustainable philanthropic growth. More than 60 advancement staff are actively participating in a number of strategic task forces, each created to tackle specific objectives aimed at improving WSU's fundraising operation.
- The WSU Foundation hosted more than 100 volunteers during its annual fall meeting in Pullman, October 17-19. The Foundation also honored 87 individuals and organizations for their generous philanthropic support for WSU students, research and programs during the 39th Annual Recognition Gala on October 19. During the Gala, the Foundation also presented two prestigious volunteer awards—the *William F. Brotherton Cougar Spirit Award* to Tom and Diana Prenguber, and the Foundation's highest volunteer honor, the *Weldon B. Gibson Distinguished Service Award*, to Mikal Thomsen.
- The next meetings of the WSU Foundation Trustees will be May 16-17, 2019, in Blaine, Washington. The Board of Directors will hold its retreat February 21-22, 2019 in Palm Desert, California, in conjunction with the WSU Alumni Association's Annual Cougars of the Desert events.

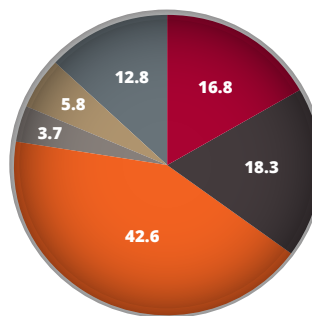
WASHINGTON STATE UNIVERSITY FOUNDATION
YEAR-TO-DATE PROGRESS REPORT
 July 1, 2018 - September 30, 2018

Fiscal Year-to-Date	9/30/2018	9/30/2017
Gift Totals	\$11,378,554	\$11,111,963
Private Grants	\$10,627,023	\$3,528,254
Sub Total, Gifts & Grants	\$22,005,577	\$14,640,218
Pledge Balance	\$777,421	\$2,226,410
Sub Total Gifts, Grants & Pledges	\$22,782,997	\$16,866,628
Revocable Gifts	\$3,998,438	\$1,393,000
Annual Fundraising Totals	\$26,781,435	\$18,259,628
Other Contributions	\$0	\$9,243,335
Annual Total	\$26,781,435	\$27,502,963

Note: These figures are unaudited



SEPTEMBER 2018



SEPTEMBER 2017

**FISCAL YEAR
CONTRIBUTIONS
BY SOURCE**
 (AS A PERCENTAGE)



Month Ending	9/30/2018	9/30/2018
Gift Totals	\$3,594,772	\$4,632,782
Private Grants	\$2,620,311	\$931,222
Sub Total, Gifts & Grants	\$6,215,083	\$5,564,004
Pledge Balance	\$196,444	\$1,025,840
Sub Total Gifts, Grants & Pledges	\$6,411,527	\$6,589,844
Revocable Gifts	\$830,000	\$40,000
Other Contributions	\$0	\$6,000
Monthly Total	\$7,241,527	\$6,635,844

Endowment Summary	Two Months Ended 8/31/2018	Two Months Ended 8/31/2017
Endowment, Beginning 6/30	\$502,262,759	\$466,147,989
Gifts and Other Additions	3,009,485	\$3,132,760
Investment Gains (Losses)	10,931,234	\$10,751,695
Distributions to WSU Programs and Endowment Advc. Assessment	-3,569	-\$4,949
Endowment, Ending	516,199,909	\$480,027,495
Investment Return FY-To-Date (July 1-June 30)	2.20%	2.20%
1-year Return	7.90%	12.50%
3-year Return	7.90%	0.07%
5-year Return	7.40%	7.90%
10-year Return	5.50%	4.50%

KEY STATISTICS	9/30/2018	9/30/2017
Alumni of Record Available for solicitation	191,441	186,232
Alumni Participation Rate	2.7%	2.8%
Total Number of FY Donors	14,481	13,736
Total FY Gifts, Grants, Pledges, Revocable Commitments	22,094	21,415

Date: November 16, 2018

To: Members of the Board of Regents
Subject: Faculty Senate Report
Submitted by: Jeannette Mageo, Chair and Greg Crouch, Chair Elect of the Faculty Senate

1. WSU Faculty Senate Executive Committee will participate in an October teleconference as well as attend the PAC-12 Academic Leadership Coalition conference in January 2019 on the campus of USC. The mission of the PAC-12 ALC is to improve the effectiveness and responsiveness of each member school's shared governance organization; and where commonalities occur, to facilitate academic and research cooperation that is jointly beneficial to participating institutions.
2. WSU faculty enjoy open communication with the president and the provost, often facilitated through the Faculty Senate. In addition, President Schulz agreed to have his office respond to all Faculty Senate constituent concerns logged through the new website portal. This fall, Faculty Senate Executive is initiating conversations with individual deans to develop a college-level shared governance model that we can refine and recommend for WSU-wide implementation.
3. Faculty Senate Steering Committee is composed of eleven Faculty Senate committee chairs/co-chairs as well as Faculty Senate Executive committee members. Committee chairs work with their committees to improve the structure of WSU faculty shared governance. Two recent examples of such improvement include:
 - a. Research and Arts Committee, co-chaired by Tammy Barry and Babu John Mariadoss, reviews proposals for new centers, institutes, and laboratories (CILs) as well as five-year reviews of existing CILs. In addition, Professors Barry and John Mariadoss, along with Andrea Lazarus, WSU's AVP for Research, co-chair the CILs Task Force. This task force was convened in November 2017 at the request of the Vice President for Research and the Faculty Senate and charged with developing a comprehensive document, *Policies and Procedures to Establish, Review, and Renew Centers and Institutes*. This document is now in draft form and contains recommendations to improve existing CIL processes, as well as facilitate entrepreneurship, innovation, and collaboration while establishing improved oversight and accountability for CILs. Upon review by the WSU executive officers, the new policy draft will be sent to the University community for feedback via forums. Once complete, the final policy document will be sent to the Faculty Senate and Board of Regents for approval by the end of the 2018-19 academic year.
 - b. Budget Committee, chaired by Professor Greg Rose, has enhanced its processes to make the evaluation of budgets for new degrees, extension of degrees, and creation of CILs consistent, transparent, and repeatable. To do this, this committee has created template evaluation, review, and response documents so that communications with stakeholders is consistent and clear. These innovations have the additional benefit of providing updated proposals to other committees and the full senate, as well as providing a history of questions asked and answered.
4. Working in partnership with the provost's office, faculty senate instituted the Course Materials Value & Effectiveness Committee charged with identifying innovative ways of reducing student course expenses while maintaining high quality. Two ongoing programs include Open Educational Resources and First Day digital access. First Day access is now in the second phase of a pilot program and early estimates for fall 2018 student savings is approximately \$300,000.

November 16, 2018

TO: ALL MEMBERS OF THE BOARD OF REGENTS

SUBJECT: ASWSU Report

SUBMITTED BY: Savannah Rogers, President

On behalf of the Associated Students of Washington State University, I would like to report the following:

- **WEBSITE UPDATE:** ASWSU went through a complete website update in May which was published in June. The new website includes updated information, photos of officers, and current projects. We are continuing to make sure the website is up to date throughout the year as this has been an issue in years past. You can see more at our website at aswsu.wsu.edu
- **GRANITE POINT CLEANUP:** Following the incident that occurred during the last week of the 2017-2018 school year at Granite Point (informally known as “the cliffs”), where over 800 pounds of garbage were left, ASWSU helped coordinate a cleanup day in early May with the University of Idaho and University Recreation. Following our cleanup day, we worked with UREC to create messaging to keep “the cliffs” clean. This messaging was publicized during the summer and will be during the warmer months of spring. ASWSU also partnered with UREC to create programming events for students as well as greek chapters on how to keep nature areas clean. We are also currently working to create a video to be published in spring to teach students how to “pack out what you pack in.”
- **DECREASING UNIVERSITY EMAILS:** Vice President Tyler Parchem and I met with the Deans of each college on the WSU Pullman Campus. One large topic of discussion surrounded increasing the efficiency and effectiveness of emails from the university. While no specific streamlined solution came to fruition, each college, as well as WSU Marketing and UCOMM agree to do their best to limit the number of emails students receive.
- **GIVING TUESDAY:** We have partnered with the WSU Foundation for this years’ *Giving Tuesday*. The WSU Foundation is allowing ASWSU to run this event in partnership with them, with the philanthropy choice this year being the Cougar Health Fund. The Cougar Health Fund was created last spring by the Frost/Kalt administration. It is a student-led endowment fund with all money going toward student initiatives within the realm of sexual violence prevention and mental health resources. Our goal is to raise \$15,000 on this one day—November 27th.
- **S&A FEE:** This year, Vice President Parchem and I asked the committee to require each organization which received S&A funding in the spring, to return to the committee this fall to report on how the 2.5% cut each group received effected them. This is the first time S&A has asked organizations back in the fall. In the past, committee members had roughly 2 days to learn about and understand each organization asking for money. We believe this information being shared in fall rather than spring will be essential in not only our budget decisions in the spring, but also allows members of the committee, a majority of which are students, to understand each organization and their unique contributions to the WSU community well before decisions are made.

- **2 WEEKS OF PULLMAN:** 2 Weeks of Pullman: ASWSU re-vamped one of our previous events, 30 Days of Pullman, into 2 Weeks of Pullman. This 14-day long campaign was one to increase engagement in the community, while raising funds for the Cougar Health Fund. Participating businesses were promoting through ASWSU, and at the end of the two weeks, these businesses donated between 3 and 7 percent of their proceeds from those two weeks to the Cougar Health Fund. In total, we raised over \$2,000.
- **STUDENT INPUT PORTAL:** Over the summer, Vice President Parchem and I expressed concern to Vice President Gonzales over the minimal ways for students to be involved in university committees and task forces. From this, the Student Input Portal was created. This portal allows students to express interest in different university committees, task forces, organizations, and topics. On the website, current opportunities for involvement are listed such as the 5 Working Groups, advisory boards and committees such as the Student Media Board, and finally general ways to get involved such as through ASWSU or GPSA. More information can be found at; <https://studentaffairs.wsu.edu/your-input-matters/>
- **ASWSU & ATHLETICS:** I am proud to share that ASWSU's relationship with athletics is better than it has been in years. Vice President Parchem and I have a direct communication line to Athletic Director Pat Chun, Senior Associate Director of Athletics, Sport Administration, Bryan Blair, Senior Associate Director of Athletics, External Relations, Chris Park, and many more. I believe this is a direct reflection on AD Chun's leadership and the trajectory of WSU Athletics. I am excited for future partnerships between ASWSU and Athletics as we continue into the school year.
- **FUTURE INITATIVES:**
 - **GRANT WRITING:** Currently, Vice President Parchem and I are looking at the option of writing a grant to support counseling services. We hope we would be able to write a grant possibly providing counselors with loan forgiveness for working at the university. We are continuing to explore ideas within this realm.
 - **RESOURCES ON COUGAR CARDS:** After attending conferences over the summer, we realized many universities have the national suicide hotline number, or a local hotline number listed on the back of their student cards. We are working with the Cougar Card Center and hoping to bring this idea to fruition on our campus with both regular Cougar Cards and Cougar Card Maxx cards.
 - **FINANCE FRIDAYS:** Our Chief of Staff and Finance, Debbie Majano, has partnered with our Director of Student Affairs, Matthew Winchell, and the ASWSU Senate's Finance Committee Chair, Hannah Martian, to create Finance Fridays—a weekly video series answering frequently asked questions about FAFSA, RSO Funding possibilities, and financial aid.

Overall, this is just a small snippet of our continual efforts to provide a transformational student experience to Cougs on the WSU Pullman Campus. We believe it is our duty to provide resources to and advocate on behalf of the students we represent. We would be more than happy to answer any questions by phone or email at (509) 335-9677 or aswsu.president@wsu.edu

November 16, 2018

TO: ALL MEMBERS OF THE BOARD OF REGENTS

SUBJECT: GPSA Board of Regents Report

SUBMITTED BY: Amir Gilmore

On behalf of GPSA, I would like to thank the Board of Regents for your continued support of graduate and professional students. It is with great pleasure that I report the following:

GPSA's Visits To Prosser: This year, GPSA is making a concerted effort to expand our support beyond the Pullman campus. During the Fall 2018 semester, GPSA has taken two trips (one in August, one in October) to the Research and Extension Site in Prosser, WA. For the second trip, students from the Wenatchee and Mount Vernon sites met us at the Prosser site. GPSA has approximately 60 graduate students from the Horticulture department that are located at the Research and Extension Centers of: Prosser, Wenatchee, Puyallup, and Mount Vernon. Though they are technically Pullman fee-paying students, they lack access and amenities that Pullman centered students are provided. Some of the concerns that were raised were: (1) the availability and unaffordability of housing, (2) health insurance coverage, (3) childcare, and (4) their student wage vs the cost of living. GPSA will be working with President Schulz, Vice President of Student Affairs Mary Jo Gonzales, and CAHNRS Dean Andre-Denis Girard Wright to see what is possible to ensure that our students can continue to produce phenomenal research and have an excellent graduate student experience.

GPSA Chat & Chew With President Schulz: In efforts to better connect graduate and professional students to GPSA and the WSU administration, GPSA is kick-starting our "Chat & Chew" series. The series is designed to be a casual and low-risk way for graduate and professional students to interact with WSU administrators, but also GPSA representatives. GPSA wants to ensure that our constituents' voices are heard and we felt that this would be a great way to do so. For our first annual attend, we are inviting President Schulz to dine and chat with us. As this event carries forward with future GPSA administrations, we hope to invite various WSU administrators to get various perspectives about campus life.

GPSA Seed Grants [Update]: In our last report, GPSA mentioned the Senator Seed Grants and we would like to provide an update on that. The seed grants are \$1,000 grants that will allow senators in a college to provide more robust services for their constituents. College of Education senators will use their funds for a "Diversity and Equity Initiative" within the college. College of Communication senators will use their funds to offer a social science statistical methods workshop, a networking event, and invite a speaker to campus. CAHNRS senators will use the funds for social events for Pullman centered and Research and Extension CAHNRS students. Voiland College senators will also use their funds for social events as well. We look forward to hearing what the senators from the remaining colleges will do.

November 16, 2018

TO: ALL MEMBERS OF THE BOARD OF REGENTS

SUBJECT: Administrative Professional Advisory Council Report

SUBMITTED BY: Stephanie Rink, Chair

The Administrative Professional Advisory Council is pleased to report the following:

1. APAC launched the WSU Employee Presidential Scholarship in fall 2018 for applications with awards being offered for spring 2019 Global Campus credits. Scholarships will be awarded to cover three (3) credits for the spring semester, allowing employees to partake in online courses to advance their career and professional development.
2. APAC continues to work on the Professional Development Initiative. Our professional development committee is working diligently on our monthly professional development seminars bringing in WSU staff and/or faculty to offer these seminars and have been reviewing our constituent's survey responses to host speakers outside of WSU. The fall 2018 speaker will be Jake French, a motivational speaker who is the living example of what is possible when the right attitude, mindset, and strategies are in place. He will present in partnership with the Carson College of Business on *Leadership without Limits* and *Anyone can be a Leader; How to Gently Lead your Leadership*.
3. APAC will be hosting a Diversity Panel set for February 14, 2019 from 9am – 1pm which will include 7 panelists from several different universities and companies. This diversity panel will be able to address some of the questions that people want to learn about but are too afraid to ask.
4. APAC will host AP Forums on each campus this year accompanied by APAC's Executive Leadership and President Schulz. The first forum was held on September 13th on the Pullman campus followed by October 10th on the Vancouver campus, and October 11th on the Everett campus. These forums are intended as a way for APAC to openly communicate with our constituents on issues related to APs and for President Schulz to communicate on Presidential initiatives. Some questions to date have addressed salary comparison between Pullman and the Seattle and Portland metropolitan areas, direct appointments on the Vancouver and Everett campuses, and travel cost burdening WSU staff. The executive leadership and President Schulz are working on addressing these questions and will follow up with our constituents in the coming weeks.
5. APAC continues monthly council meetings where all APs are encouraged to attend and VPs and upper administration are asked to present on initiatives and updates throughout the year. APAC Executive Leadership will continue to meet with President Schulz monthly.

November 16, 2018

TO: ALL MEMBERS OF THE BOARD OF REGENTS

SUBJECT: WSU Alumni Association Progress Report

SUBMITTED BY: Ashley MacMillan, WSUAA President 2018-19

Lisa Calvert, vice president for Advancement, asked the WSU Alumni Association to compare its performance against the performance of other alumni associations across the country. The statistical comparison will be a part of a larger study of the WSUAA that Vice President Calvert will implement.

The results of this comparison revealed the WSUAA's outstanding performance. Compared to the associations at WSU's peer institutions, the other Pac-12 universities, and the top-25 universities in the country, the WSUAA ranks at or above the top four in each of the categories below. All of these statistics were sourced from the most recent (2017) survey from the *Council of Alumni Association Executives*, which provides comprehensive stats on membership, finances, staffing, and other performance measures from the top 100+ alumni associations in North America. Here's where the WSU Alumni Association is ranked:

WSUAA Rankings Compared with Other Associations	WSU Peers*	Pac-12	Top 25
Alumni served per staff member	#1	#1	#3
Revenue generated per staff member	#1	#1	#3
Membership percent of alumni base	#1	#3	#4
Member-retention rate	#2	#1	#2
ROI on university support	#2	#1	#2

Vice President Calvert will share more on these statistics along with the results of her study with University leadership next year. The initial findings are very exciting.

The WSUAA – A Great University Deserves a Great Alumni Association

*WSU strategic-plan peers: Colorado State University, Iowa State University, Louisiana State University, Mississippi State University, North Carolina State University, Oregon State University, Purdue University, University of Georgia, University of Maryland, University of Missouri, University of Nebraska, University of Tennessee, and Virginia Tech University.

ACTION ITEM #1

Establish the Health Equity Research Center (Daniel J. Bernardo)

November 16, 2018

TO ALL MEMBERS OF THE BOARD OF REGENTS

SUBJECT: Establishment of the Health Equity Research Center

PROPOSED: That the Board of Regents establish the Health Equity Research Center.

SUBMITTED BY: Daniel J. Bernardo, Provost and Executive Vice President

SUPPORTING INFORMATION: The College of Arts and Sciences (CAS) proposes the creation of the Health Equity Research Center (HERC). HERC will be a research center with a significant outreach focus through the establishment of community partnerships to work toward the common goal of understanding how to eliminate health disparities.

The primary benefit of HERC is to bring together interdisciplinary teams to address major health equity issues through an interdisciplinary focus on the social determinants of health. The causes of health disparities must be addressed with the combined and integrated expertise of diverse individuals across multiple specialty fields. Interdisciplinary collaborations formed through HERC will make Washington State University more competitive for larger team-oriented grants. HERC will enable field research by facilitating researchers' access to relative health disparity populations and thereby aid these researchers in being more competitive for more grants. Given the field data collection aspect of many of these projects—facilitated by academic-community partnerships—there will be a feedback loop to community partners that can benefit their work throughout the region.

The complete proposal for the Health Equity Research Center is attached. This proposal was reviewed carefully and has support from the Provost's Office. This recommendation was passed by the Faculty Senate on April 12, 2018.

The College of Arts and Sciences proposes establishment of the Health Equity Research Center effective as soon as feasible.

ATTACHMENT: Attachment A – Proposal to the Faculty Senate to Establish the Health Equity Research Center.

PROPOSAL TO THE FACULTY SENATE
WASHINGTON STATE UNIVERSITY

To establish the

HEALTH EQUITY RESEARCH CENTER

Housed administratively in the
College of Arts and Sciences

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SECTION 1: General Information, Designation and Benefit

Name and Contact

Name of the unit; list the representative and/or author of the proposal who will serve as the point-of-contact during the review and approval process; and the preferred method of contact.

The proposed name of the unit is the **Health Equity Research Center (HERC)**. Dr. Paul Whitney will serve as the primary contact for this proposal, which is authored by Dr. Justin Denney, Dr. Pablo Monsivais, Dr. Tammy Barry, and Dr. Whitney. The preferred method of contact is to email Dr. Whitney at pwhitney@wsu.edu.

Rationale

Rationale for why the unit should be designated as a center, institute or laboratory. Indicate what type of CIL it will be: research, service, teaching or some combination of the three.

HERC initially began as the *Health Equity Research Collaborative*, which was awarded a Grand Challenge Strategic Reallocation grant in Fall 2016. As of November 2017, HERC has interim center status. Given its formation from one of WSU's reallocation grants, the interim center status was requested by both the Vice President for Research and the Provost, and was approved by the Research and Arts Committee. We are now submitting this proposal for full approval as a center.

HERC will be a **primary research center** with a significant outreach focus through the establishment of community partnerships to work toward the common goal of understanding how to eliminate health disparities.

HERC should be designated as a center, given it is an organized unit that coordinates an integrated, interdisciplinary approach to examining health disparities and involves a broad constituency within the University (cutting across many disciplines in several colleges as described below) as well as community partners throughout the state of Washington. HERC provides support to researchers and opportunities for them to connect with others toward achieving a set of common research goals.

Benefit

What benefit does the proposed CIL status confer to the unit (directly or indirectly) to the university? Is there an expected contribution to and impact on the instructional programs? If so please explain. What is the expected contribution to the university and other clients?

The primary benefit of HERC to the University (as well as the region and the research community at large) is to bring together interdisciplinary teams to address major health equity issues through an interdisciplinary focus on the social determinants of health. The causes of health disparities must be addressed with the combined and integrated expertise of diverse individuals across multiple specialty fields. Interdisciplinary collaborations formed through HERC will make the University more competitive for larger team-oriented grants. HERC will

enable field research by facilitating researchers' access to relative health disparity populations and thereby aid these researchers in being more competitive for more grants. Given the field data collection aspect of many of these projects—facilitated by academic-community partnerships—there will be a feedback loop to community partners that can benefit their work throughout the region.

At this point, there is no expectation of a direct impact on instructional programs in terms of curriculum. However, most faculty affiliated with HERC have graduate or advanced professional programs in their home academic departments. Participation in HERC will increase graduate/medical students' opportunities to work on interdisciplinary teams addressing issues surrounding health disparities, thus enhancing their graduate/medical research education. Likewise, HERC provides some funds for graduate student fellowships and research assistantships, which allow more focused work in health equity research by these students (an opportunity that is unique to HERC and not otherwise available at the University). Graduate/medical students are also invited to events, such as the Community Partnership Workshop, also described below. Thus, HERC does not plan direct course instruction or a change in curriculum for any specific program, but it does expand opportunities for graduate/medical students working with HERC affiliated faculty.

Because HERC is not creating a new program and because it draws on the expertise of faculty from *existing* academic units who are already conducting research, there is no expectation that HERC will require new Library resources.

Section 2: Infrastructure

Mission, Purpose, and Goals

Mission and Purpose

The mission and purpose of the proposed CIL

The Health Equity Research Center (HERC) will focus on research illuminating the social determinants of health disparities in order to understand and build resilience in vulnerable individuals and communities. A crucial problem at the intersection of two of the WSU grand challenges—advancing opportunity and equity and sustaining health—is the elimination of health disparities between groups differing in economic and social resources. At issue are basic principles of fairness and social justice and the need to address the impact and costs of high rates of chronic illness and mental disorders that disproportionately affect members of disadvantaged groups. Despite considerable attention to this problem in the U.S. population since the 1999 publication of Healthy People 2010, disadvantaged children and adults continue to experience persistent and serious health inequities. For example, infant mortality rates are twice as high in African American and Native American populations as in the white majority population. Communities of color, low-income communities, and tribal communities suffer from greater exposure to violence, trauma, and environmental toxins, and they experience disproportionately higher rates of obesity, cardiovascular disease, cancer, depression, anxiety, and drug and alcohol abuse. Additionally, rural populations disproportionately suffer from higher rates of obesity and, increasingly, substance abuse. They are less likely to report having a personal health care provider, and they are more likely to report an inability to seek medical care because of cost. The Washington Department of Health identifies seventy-seven percent of the state’s counties as rural, and many of those are also considered medically underserved. Residents of these rural counties represent nearly a quarter of the total population of the state. Furthermore, the demographic profiles of rural populations (including those in Washington) reveal considerable heterogeneity in the social and economic makeup of populations, contributing, to a largely unknown degree, to unique health disparities. Thus, the greater Washington region is primed for a focused research effort addressing health inequities.

Not surprisingly, an overarching goal of Healthy People 2020, the current 10-year blueprint for addressing the health of the nation, is “to achieve health equity and eliminate health disparities.” The breadth and persistence of this challenge demands a bold vision in response. Funded by a Grand Challenge Strategic Reallocation grant to an initial team from College of Arts and Sciences (CAS), Elson S. Floyd College of Medicine (ESFCoM), and College of Agricultural, Human, and Natural Resource Sciences (CAHNRS), we have been working toward the creation of a center of excellence that will conduct cutting-edge research on the determinants of health disparities across biological, behavioral, family, and community levels as well as create partnerships with communities and health systems in the design and evaluation of interventions that address health disparities in a culturally-sensitive and scalable manner. Previously operating as a collaborative of engaged researchers (and currently granted interim

center status), an important element of our center strategy will be to create an intellectual environment that supports the investigation of resilience factors that allow some individuals and communities to achieve good health despite significant adversity. Consistent with the National Institute of Medicine's roundtable reports on reducing health disparities, any such initiative must be interdisciplinary in nature.

We will not only conduct studies to identify determinants of risks to health in disadvantaged populations, but also target sources of resilience that some individuals and groups display by having better than expected health outcomes despite significantly disadvantaged circumstances. Understanding of resilience can then be used to guide the design of interventions.

The affiliated researchers of the proposed center have extensive experience in health disparities research at the global, national, and regional or local level. To accommodate broader missions of the University, the center will harness this experience to engage with large scale health disparities issues and focus some research efforts here at home in Washington state. In particular, many centers across the country focus on health equity in urban centers. Far fewer focus on rural areas. In many ways, the state of Washington presents the ideal setting in which to understand the implications of rural and urban spaces for health equity and resilience. Rural communities have worse health outcomes and less access to healthcare. As such, HERC will work with community partners to improve health equity in our region.

Goals

The unit's goals.

Within the broad mission of conducting research on health disparities, the Health Equity Research Center has several specific goals:

- (1) develop and foster an interdisciplinary research program focused on an understanding of the determinants of health disparities across biological, behavioral, family, and community levels as well as on resilience factors that allow some individuals and communities to achieve good health despite significant adversity;
- (2) build capacity for health equity research at WSU through new training opportunities that bridge traditional academic units and forge interdisciplinary approaches and methodologies;
- (3) create local and statewide partnerships with communities and health systems in the design and evaluation of interventions that promote resilience and reduce health disparities and in a generalizable and scalable manner.

Nature and Scope of Unit's Activities

The nature and scope of the unit's research, scholarly and/or creative activities. Explain how these activities correlate with the unit's goals.

The scope of research conducted by HERC will be focused on the social determinants of health at many levels, using an interdisciplinary approach. Studies will not only work to establish the

determinants of health disparities but also the nature of the relationships between these social determinants and health outcomes. That is, we want to better understand why some groups thrive and others do not, given similar risk factors. Our research is not only meant to *document* resilience but also to *understand* resilience. For example, we aim to understand the causal mechanisms between resilience factors and health outcomes. Based on these findings, intervention efforts can be guided by a strong theoretical understanding of resilience. In partnership with community health providers, HERC will help design and test interventions based on local community needs. In turn, outcomes of intervention studies will provide feedback to researchers working at a more basic or translational level regarding the efficacy of specific factors contributing to resilience, as suggested by our emerging theoretical understanding. A core tenet of HERC's philosophy is that the feedback loop from basic and translational research to intervention and back is critical to efforts to scale evidence based practice in addressing health disparities from a local level to a global level.

Goal 1: Research

Current affiliates of the collaborative have independent and established research programs aimed directly at the first overarching goal of the center, namely, understanding the multifaceted and intersectional determinants of health disparities as well as understanding resiliency. Our focus in this effort will be on the crucial roles that social and economic disadvantages, chronic stressors, and poor nutrition plays across multiple health problems—both physical and mental—in disadvantaged populations and across multiple units of analysis, including individual, family, and community. Importantly, stress and nutritional challenges have consistently been associated with poor health outcomes among historically underserved populations, especially insofar as they magnify risk factors and decrease both individual and communal resilience. Rarely, however, have these problems been addressed comprehensively across multiple dimensions. As an example of our initial work, HERC used funds from the Grand Challenge Strategic Reallocation grant to award seed grants to 10 teams initiating new interdisciplinary (and cross-college) research projects with strong potential for extramural funding. These seed grant projects included:

Table 1. HERC Seed Grant Projects

PI	Co-PIs	Title/Topic	Funding	Target for Full proposal
Barbosa-Leiker, Celestina Nursing	Shaw, Wilson, Dotson, Skaer, Blum, Layton, Gartstein	Pregnancy to Parenthood on Medication Assisted Treatment for Opioid Use	\$8,000	NIH R01
Burduli, Ekaterina ESFCoM	Dedra Buchwald; Clemma Muller; Colin Martin; Caroline Hollins Martin; Sterling McPherson	Birth Satisfaction of Minority Women in the United States	\$8,900	NIH Mentored Research Scientist Development Award (K01)

PI	Co-PIs	Title/Topic	Funding	Target for Full proposal
Elliot-Groves, Emma ESFCoM		Aquaponics Farming for Indigenous Mental Health	\$10,574	Robert Wood Johnson Foundation; NSF; NIH; USDA
Fyfe-Johnson, Amber ESFCoM	Anna Zamora- Kapoor	Health Outcomes in Outdoor Preschools: Innovations for Obesity Prevention	\$12,979	NIH Mentored Research Scientist (Development Award (K01); PAR-15- 346
Meehan, Courtney Anthropology	Michelle McGuire; Edward Hagen; Maria Gartstein	Childcare choices, microbiomes, and infant behavior - are they related?	\$20,000	Programmatic fits to both NIH and NSF
Monsivais, Pablo Nutrition & Exercise Physiology	Glen Duncan	Developing data on environmental drivers of behavioral risk and inequalities in health (support the creation of new geographic databases (GIS) for Spokane and Whitman Counties)	\$8,380	NIH; USDA; Robert Wood Johnson Foundation
Sinclair; Kai'mi ESFCoM	Anna Zamora- Kapoor; Bertha Lopez	A mixed methods approach to culturally tailoring a diabetes self-management education intervention for Hispanics in Washington	\$4,000	PA-17-021 Addressing Health disparities in NIDDK Diseases (R01)
Suchy-Dicey, Astrid ESFCoM		Resilience and substance use in American Indian elders: Data from the Strong Heart Study	\$10,000	Robert Wood Johnson Foundation
Wright, Bruce Psychology	Maureen Schmitter- Edgecombe; Diane Cook	The effects of a multimodal intervention to reduce cognitive decline in at risk rural healthy adults. Does APO E4 genotype matter?	\$5,775	NIH PAR 15-349; NIH PAR 15-350
Zamora-Kapoor, Anna Sociology/ ESFCoM	Amber Fyfe- Johnson; Dedra Buchwald; Ka'imi Sinclair	The role of birth facilities in breastfeeding initiation outcomes and its disparities: Evidence from American Indian, Alaska Native, and non-Hispanic White first- time mothers in Washington State	\$8,572	NIH Mentored Research Scientist Development Award (K01)

The faculty seed grants that have been awarded can be expected to produce 6-8 new major extramural proposals to the National Institutes of Health (NIH) and the Robert Wood Johnson Foundation (RWJF). Within this calendar year, we expect to see publications stimulated by HERC initiatives begin to be accepted for publication. Note that the timelines associated with community-based health disparities research is inevitably longer than many areas of basic

laboratory research. Over the next few years, we will be tracking the impact of HERC faculty publications (e.g., citations, quality of journals, press coverage). It should also be noted that HERC plans to continue to award seed grants in future years to further support interdisciplinary teams in novel work that should yield more competitive extramural proposals.

Goal 2: Capacity Building

With funds from the Grand Challenge Strategic Reallocation grant, we have already been successful in hiring key faculty to enhance WSU's expertise in social determinants of health, which supports our second primary goal. These faculty hires are listed in the table below.

Table 2. Faculty Hired from HERC Funds

Name	Affiliation	Rank	Area of Expertise	Start Date	How Supports Objectives
Pablo Monsivais	ESFCom (Nutrition & Exercise Physiology)	Assoc Prof	Nutritional epidemiology	2/16/17	Dr. Monsivais studies social and behavioral determinants of diet and obesity in order to inform policies to reduce health inequalities.
Justin Denney	CAS (Sociology)	Assoc Prof	Health and Mortality Disparities; Family; Community;	8/16/17	Dr. Denney, the WJW Distinguished Prof., provides a key bridging research focus between translational studies of the social determinants of health and intervention studies designed to address health disparities
Robert Danielson	C of Ed (Ed Psych)	Asst Prof	Pedagogical practices and learning technologies;	7/24/17	Dr. Danielson provides expertise on pedagogy and learning strategies to improve health education.
Mina Park	Murrow	Instructor (will be Asst Prof in January)	Health communication research	8/16/17	Dr. Park will contribute health communication expertise and experience in working with disadvantaged communities to community intervention research.
Anna Zamora-Kapoor	CAS & ESFCom	Asst Res Prof	Race, ethnicity, and social determinants of health	4/1/17	Dr. Zamora-Kapoor serves as Community Liaison for HERC and contributes community-based research with health disparity populations.

The funding awarded from the grand challenge grant will also allow for recruitment in Psychology to build expertise in the psychophysiology of stress.

As our second goal highlights, HERC will support multiple interdisciplinary investigations into health disparities and resilience. Just one example is a collaboration underway between one of our newest faculty hires, Justin Denney in Sociology, and WSU's Initiative for Research and Education to Advance Community Health (IREACH), led by Dedra Buchwald. The initiative proposes to build an Electronic Health Record (EHR) data and analysis system for WSU that will ultimately benefit the clinical training and community health research objectives of the ESFCOM as well as HERC affiliated researchers in CAS and CAHNRS. This system will be used as an effective tool to mitigate and address health inequities across the state of Washington. We will partner with the DARTNet Institute—a non-profit organization that supports practice-based networks in the use of existing and newly collected electronic health data to conduct research—to create a stable, systematic, and security compliant EHR database that positions WSU as a leader in rural and urban health equity research and practice. Multiple proposals are in development to support this system and its creation will put the center in a strong position for competitive proposals to use it from sources such as the NIH and the RWJF.

Also consistent with our capacity building goal, we have awarded one graduate student fellowship, which provides a one-year RA. The Anthropology student, Avery Lane, will use the fellowship to master molecular analysis of biological samples to complement cultural studies of disease risk in vulnerable populations. HERC plans to continue to award graduate student fellowships in future years.

Goal 3: Partnerships and Community Impact

Consistent with the third overarching goal, several of the interdisciplinary teams funded by the seed grant program are already building collaborative relationships with health districts in our state that serve health disparity populations. Examples of these projects include investigations into the unmet health needs of African Americans and Pacific Islanders in Kitsap and Whatcom Counties and identifying barriers to attaining quality health care in Eastern Washington. These pilot projects are designed to lead to major grants and publications directly related to HERC's mission and goals. Furthermore, in Spring 2017, we held the first Community Health Partnerships Workshop to bring together faculty from across the University (not only HERC affiliated faculty but any faculty member or graduate/medical student who has an interest in understanding the factors that promote health resilience and decrease health risks associated with social determinants was invited). The workshop aimed to facilitate partnership-building between the University and community-based organizations. Representatives from six relevant organizations (The Native Project; Spokane Regional Health District; Better Health Together; Yakima County Health District; Pullman Regional Hospital; Washington State Department of Health) presented ideas for research collaborations and extramurally funded projects that could significantly increase their abilities to fulfill their healthcare missions. Additional breakout sessions allowed participants to discuss specific ideas for projects. We created a faculty and community partnership seed grant program to establish collaborations with community

partners who work directly with health disparity populations including people who experience racial discrimination, the poor, and rural individuals with poor health care access. In early September we awarded funds to six teams each of which included at least one community partner and one WSU scholar. We have thus taken a critical step toward building a robust network of community partners that will greatly enhance WSU's capacity for community-based research funding. To build on our success with the first Community Health Partnerships Workshop, we will hold another workshop in the Spring 2018 semester to include reporting on progress of the community partnership seed grant funded projects and to engage new external agencies and faculty in extramural applications for community-based health equity research. We also plan to continue to offer future community partnership seed grants to build on these important relationships that are key to HERC's goals and that will position WSU for unique funding opportunities.

Review and Assessment Plan

Unit review and assessment plan for measuring and analyzing the unit's effectiveness in reaching its goals and fulfilling its functions (See Attachment A, CIL Review Guidelines).

All Grand Challenge Strategic Reallocation grant projects receive an annual review, including assessment by and meetings with an external review panel formed by the Office of Research. We have been assessed on fulfilling our hiring plans and, moving forward, on our grant and scholarly activity. HERC will also be tracking the number and depth of community partnerships we establish to promote health disparity research and interventions. As an example, our specific assessment plan/metrics include:

Goal 1: Research

- Number of total grants submitted*
- Number of external grants awarded (including federal agencies and foundations)*
- Total amount of grant funding received (in dollars)*
- Number of research projects completed*
 - Number of collaborative research projects completed**
- Number of total peer-reviewed publications*
 - Number of collaborative peer-reviewed publications**
- Number of total research conference presentations*
 - Number of collaborative research conference presentations**

* Limited to those that are directly related to the goals of HERC, have at least one author who is a HERC affiliated faculty member, and acknowledge HERC.

** Limited to those that are directly related to the goals of HERC, have at least two authors who are HERC affiliated faculty members and are from different academic departments, and acknowledge HERC. *Note in addition to measuring total projects/publications/presentations, collaborative projects will be considered as a specific subset, given HERC's primary mission of building interdisciplinary teams.*

Goal 2: Capacity Building

- Student fellowships awarded
- Faculty seed grants awarded
- Number of affiliated faculty actively involved in HERC (defined as submitting one scholarly product or grant proposal acknowledging HERC)
- Number of graduate/medical students actively involved in HERC (defined as working on HERC-related projects with at least one HERC affiliated faculty member on HERC related research)
- Staff FTEs assigned specifically to HERC (currently .5 FTE for Program Assistant and .10 for Grant and Contract Coordinator)

Goal 3: Partnerships and Community Impact

- Community partnership seed grants awarded
- Number of projects with community partners (defined as actively working with a HERC affiliated faculty member)
- Creation of HERC advisory board
- Number of individuals from community groups on the advisory board

Administration and MembershipSelection Criteria for Director

Selection criteria and method for appointing a director; specify the director's term of office and the benefit for the term's length.

Given his track record of leadership in building interdisciplinary teams, his research interests in health broadly defined, and his leadership in CAS as Senior Associate Dean for Research and Graduate Education (at the time), the CAS leadership initially tapped Dr. Paul Whitney to lead a team in writing a Grand Challenge Strategic Reallocation proposal addressing issues of health disparity. Once the funding was secured, Dr. Whitney was put into place as the Executive Director of the collaborative by the CAS leadership and Office of Research. It is expected that he would continue in this role during the transition to and first years of center status. Dr. Whitney's current role in the CAS Dean's office is Senior Associate Dean for Strategic Initiatives.

In general, the HERC Executive Director will be vetted by the CAS administration and Office of Research and will be appointed by the CAS Dean in consultation with the leadership of participating colleges. Candidates must demonstrate: (1) an interest and track record in research relevant to health equity; (2) experience working in or building interdisciplinary teams; and (3) administrative and budgetary management experience. Time reassignment as HERC Executive Director is currently negotiated with CAS as .20 time. The term for the HERC Executive Director will be 5 years and is renewable.

Organizational Chart

The proposed organizational chart. If applicable include unit support positions.

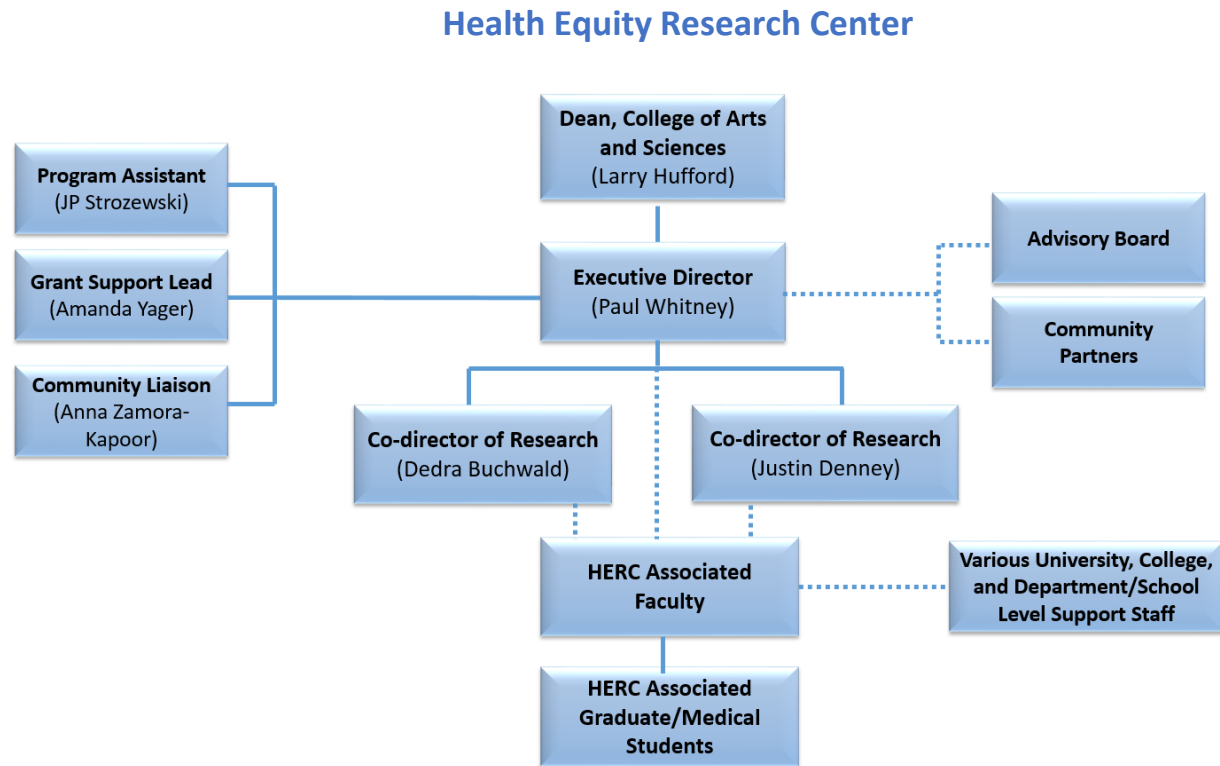


Figure 1. Health Equity Research Center Organizational Chart. Note that current individuals holding specific positions are indicated in parentheses.

As outlined above and consistent with our third overarching goal, establishment of community partnerships is key to HERC's mission; thus, they are included in our organizational chart. At the time of HERC's Year 1 report (i.e., for the Grand Challenge Strategic Reallocation grant), the external review board recommended the creation of an Advisory Board. Our team agrees with this recommendation and will be working toward this goal in the coming year. We have included the to-be-formed Advisory Board in our organizational chart accordingly and will report on progress regarding the establishment of this board in our review metrics.

Administratively Responsible College

The college/regional campus to be administratively responsible for the day-to-day fiscal and programmatic activities.

Although the center is interdisciplinary in nature and involves faculty from numerous colleges, the HERC Executive Director will answer primarily to the Dean of the College of Arts and Sciences (CAS). CAS will be responsible for the day-to-day fiscal and administrative activities specifically linked to HERC.

Key Faculty Members and Selection Criteria

List the participating key faculty members associated with the proposed CIL and include their vita. Describe the membership selection process noting any special criteria that determines membership.

Faculty members who have earned a Ph.D. in their respective field and who have a track record of conducting research in health disparities (based on publications or grants) are eligible to become HERC affiliated faculty. These faculty members must indicate a commitment to training graduate/medical students in interdisciplinary health equity research either in their home department, through HERC collaborations, or both. To become an affiliated faculty member in HERC, the interested faculty member should contact the Executive Director expressing interest and providing his or her curriculum vita. These requests will be reviewed and approved by the Executive Director and the two Co-directors of Research. A majority (at least 2 of 3 in favor) is required to approve the addition of the faculty member. Current faculty members are listed below and CVs for key faculty are included as an appendix to this application.

Table 3. Current HERC Affiliated Faculty Members

Name:	Position and Academic Unit
Barbosa-Leiker, Celestina	Associate Professor and Associate Dean For Research, Nursing, WSU – Spokane
Barry, Tammy	Associate Professor and Director of Clinical Training, Psychology
Borah, Porismita	Associate Professor, Communication
Buchwald, Dedra	Professor and Director, Community Health; Co-director of Research, HERC
Burduli, Ekaterina	Assistant Research Professor, Nursing, WSU – Spokane
Butler, Todd	Associate Professor and Chair, English
Charles, Meilana	County Director, WSU Extension, Kitsap, WSU Extension Youth and Families
Christen, Kim	Professor, English
Cleveland, Michael	Associate Professor, Human Development
Danielson, Robert	Assistant Professor, Educational Psychology, WSU – Spokane
Denney, Justin	Associate Professor, Sociology; Co-director of Research, HERC
Duncan, Glen	Professor and Chair, Nutrition and Exercise Physiology, WSU – Spokane
Dutta, Geeta	Director, Office of Research Advancement and Partnerships
Gartstein, Masha	Professor, Psychology
Graves, Janessa	Assistant Professor, College of Nursing, WSU – Spokane
Johnson, Monica	Professor and Chair, Sociology
Kraft, Brian	Assistant Vice President, Innovation and Research Engagement Office
Lile, Joy	4-H Ext Regional Specialist, WSU Extension, Kitsap, WSU Extension Youth and Families
Mandal, Bidisha	Associate Professor, School of Economic Sciences
Matthew, Susan	Associate Professor, Veterinary Clinical Sciences
McDonell, Mike	Associate Professor, Community Health, WSU – Spokane
McGuire, Michelle	Professor, School of Biological Sciences
McNeil, Brian	Professor, Educational Leadership, Sport Studies, and Educational/Counseling Psychology
Meehan, Courtney	Associate Professor, Anthropology
Monsivais, Pablo	Associate Professor, Nutrition and Exercise Physiology, WSU – Spokane
Muller, Clemma	Assistant Research Professor, Community Health, WSU – Spokane

Name:	Position and Academic Unit
Neuenschwander, Karin	Director, Foundation Relations, University Advancement
Schmitter-Edgecombe, Maureen	Professor, Psychology
Sinclair, Ka'imi	Assistant Professor, Community Health, WSU – Spokane
Suchy-Dicey Astrid	Assistant Research Professor, Community Health, WSU – Spokane
Waters, Sara	Assistant Professor, Human Development, WSU – Vancouver
Whitney, Paul	Professor, Psychology; Associate Vice President For International Programs, Senior Associate Dean, Strategic Initiatives, College of Arts and Sciences; Executive Director, HERC (20% time)
Wright, Bruce	Clinical Associate Professor, Psychology
Zamora-Kapoor, Anna	Assistant Research Professor, Community Health; HERC-specific position

Notably, due to its focus on capacity building, HERC is dedicated to graduate/medical student training. Thus, any of the graduate/medical students working with HERC affiliated faculty (i.e., in their home academic departments) are able to engage in HERC projects and to benefit from the interdisciplinary teams to the extent that doing so is consistent with the student's research and training goals. HERC already has students well integrated into the center and, thus, we have included this designation in our organization chart.

In addition to these faculty positions, we have the following staff contributing to the goals of HERC:

Table 4. Current HERC Affiliated Staff

Name:	Position
Bennett, Alexandra (Lexie)	Office Assistant 3, College Of Arts And Sciences
Bonnefin, Maureen	Proposal Manager, Office of Research Advancement and Partnerships
Miller, Julie	Assistant to Director, Community Health
Pratt, Esther	Assistant to the Director, Foundation Relations, University Advancement
Strozewski, Jean-Paul	Program Assistant, College of Arts And Sciences; 50% time HERC-specific position
Weinmann, Laurie Lee	Coordinator/Fiscal Analyst, University Advancement
Yager, Amanda	Grant and Contract Coordinator, College of Arts And Sciences; 10% time HERC-specific

A number of additional staff may routinely contribute support to HERC affiliated faculty through their support roles in the faculty members' home academic units and are, therefore, also represented in the organizational chart.

Financial Support and University Resources

Budgetary Support Requested

Amount of budgetary support requested. Address the specific levels of support.

There is no additional budgetary support requested beyond funds already allotted from the Grand Challenge Strategic Reallocation grant, which initially funded the collaborative in the amount of \$4,127,320 over five years. These funds have already been designated to HERC.

Expected Funding Needed

Expected funding needed from university, state, external awards or gift sources.

HERC is supported from the Grand Challenge Strategic Reallocation grant through 2021. At that time, it is expected that HERC will become self-sustaining for its regular activities through external grant support. The faculty and staff lines hired from HERC are funded from PBL.

The potential for HERC to obtain large, interdisciplinary grants to promote health equity is very high. This research area continues to be an important focus of NIH generally, and our specific strategies for integrating basic behavioral and social science with translational health research is the central focus of the 2017-2021 NIH OBSSR strategic plan: <https://obssr.od.nih.gov/about-us/strategic-plan/>.

Furthermore, our work is fully consonant with several sources of foundation funding, most prominently the Robert Wood Johnson Foundation Culture of Health initiative: <http://www.rwjf.org/en/how-we-work/building-a-culture-of-health.html>.

The following are a few examples of recent grant activities of HERC affiliated faculty that were identified as significantly benefitting from participation in HERC.

Title: Suicide Prevention for Urban Natives: Keeping Our Youth (SPUNKY)
 ORSO# 129111-001
 Lead PI: Dedra Buchwald
 Co-PIs: Clemma Muller, Sean Murphy
 Lead Organization: UC Denver
 Funded: Amount for WSU \$777,816

Title: Native-Controlling Hypertension and Risks through Technology (N-CHART)
 ORSO #: 127687-003
 PI: Dedra Buchwald
 Co-PIs: Amanda Boyd, Clemma Muller, Ka'imi Sinclair, Anna Zamora

Title: Native Center for Alcohol Research and Education
 ORSO #: 130996-001
 Lead PI: Dedra Buchwald
 Co-PIs: Amanda Boyd, Mike McDonell, Sterling McPherson, Clemma Muller, Lonnie Nelson

Non-Budgetary Support Needed

Needs for space, equipment, supplies and other university resources (currently available and needed in the future).

Because HERC brings together interdisciplinary teams of faculty from existing academic units, non-budgetary support is not applicable beyond resources currently available in affiliated faculty members' offices and labs. As stated earlier, there is no expectation that HERC will significantly impact Library resources.

Section 3: University Endorsement

Supporting Letter

Supporting letter(s) from individual(s) to whom the unit will report to or interact with (chairs, deans, vice provosts, and/or others). Provide evidence of approval of the unit's goals and financial support. Explain if departmental or college resources will be provided to support the activities of the unit (i.e., reduced class load, summer appointments, assistantships, start-up costs, administrative support, travel funds, equipment funds, space requirements, etc.).

Letter of support from Dr. Larry Hufford, Interim Dean, College of Arts and Sciences follows.



College of
Arts and Sciences

April 2, 2018

Dr. Paul Whitney
Associate Vice President, International Programs
Senior Associate Dean, Health Equity Initiatives, CAS
Washington State University
PO Box 645121
Pullman, WA 99163-5121

Dear Dr. Whitney,

I am pleased to provide this letter of support for your proposal to create the Health Equity Research Center (HERC). Since the awarding of the Grand Challenge Reallocation Grant to support your team's health equity research activities, new and robust collaborations among Arts and Sciences and Medicine have grown and you have partnered with several organizations across the state of Washington. The establishment of the center will increase the visibility and impact of these efforts.

The mission of the proposed center, which is to bring together basic, translational, and intervention research in a coherent framework to address the social determinants of health disparities, is well-served by being housed in the College of Arts and Sciences (CAS) with strong collaborations among other colleges including medicine. CAS strengths in the social and behavioral sciences, as well as humanities and genetics, are fundamental to all three of HERC's goals to:

- (1) understand the determinants of health disparities across biological, behavioral, family, and community levels as well as on resilience factors that allow some individuals and communities to achieve good health despite significant adversity;
- (2) build capacity for health equity research at WSU through new training opportunities that bridge traditional academic units and forge interdisciplinary approaches and methodologies; and
- (3) create local and statewide partnerships with communities and health systems in the design and evaluation of interventions that promote resilience and reduce health disparities and in a generalizable and scalable manner.

Given that your goals are closely tied to CAS mission and capabilities I strongly endorse your aims and methods as outlined in your center proposal. I believe HERC will further the University's Drive to 25 aspirations by providing a foundation for large multidisciplinary grants that impact the lives of people in our state and contribute to Washington State University's land grant mission. I look forward to seeing the impact that this center will have in individuals, families, and communities both locally and beyond.

Whitney – HERC

Page 2

Finally, from a financial perspective, I am satisfied that HERC's growing contributions will be sustained well into the future. As part of the original application for a Grand Challenge reallocation grant, CAS (and Medicine) agreed to cost shares for seed grants and the Community liaison position, and we have honored that commitment. Moving forward, I am satisfied that HERC will remain a productive center using the PBL funds that have been permanently committed from the Grand Challenge reallocation grant to CAS and participating colleges.

Sincerely,

A handwritten signature in blue ink, appearing to read 'L Hufford'.

Larry Hufford, Interim Dean
College of Arts and Sciences

ACTION ITEM #2

Discontinue the Masters of Business Administration at WSU Tri-Cities (Daniel J. Bernardo)

November 16, 2018

TO ALL MEMBERS OF THE BOARD OF REGENTS

SUBJECT: Discontinuation of the Masters of Business Administration at WSU Tri-Cities

PROPOSED: That the Board of Regents discontinue the Masters of Business Administration at WSU Tri-Cities.

SUBMITTED BY: Daniel J. Bernardo, Provost and Executive Vice President

SUPPORTING INFORMATION: The Carson College of Business proposes to discontinue the Masters of Business Administration (MBA) offered on the WSU Tri-Cities campus. MBA programs nationwide have experienced increasing challenges recruiting qualified students. The Carson College of Business has experienced significant challenges recruiting students to Tri-Cities to enroll in a face-to-face MBA program.

Competition for MBA students is fierce, especially for programs located outside of major metropolitan areas. Competition for the WSU Tri-Cities MBA comes primarily from numerous online MBA programs that offer greater flexibility and more options at a comparable cost. The Carson College of Business itself has its own online MBA (OMBA). Due to this competition WSU Tri-Cities has seen MBA enrollments shrink continually since 2010 to our current total of 12 students. As constituted the WSU Tri-Cities MBA is not able to attract sufficient students to have a viable face-to-face program.

Starting fall 2017, students enrolling in and applying to the WSU Tri-Cities MBA were informed the program would likely close by fall 2019. This notice allowed students to plan their studies accordingly. The 5 students that will not be completed by summer 2019, will be seamlessly transferred to the WSU OMBA program. Advisors for both programs (WSU Tri-Cities MBA & OMBA) have coordinated to ensure no delays in graduation of any student.

The complete proposal for discontinuation is attached. The proposal was reviewed carefully and has support from the Provost's Office. The recommendation was passed by the Faculty Senate Steering Committee on June 28, 2018.

ATTACHMENT: Attachment A – Proposal for discontinuing the Masters of Business Administration at the Tri-Cities



Office of
Provost and Executive Vice President

MEMORANDUM

TO: Faculty Senate

FROM: Daniel J. Bernardo, Executive Vice President and Provost

SUBJECT: Discontinue Masters of Business Administration, Tri-Cities

DATE: June 15, 2018

The attached proposal for discontinuing the Masters of Business Administration at the Tri-Cities campus has been reviewed by the Provost's Office. We have no concerns about the proposal. The program has established a plan to ensure that all currently-enrolled students will be able to complete their degrees on schedule. Faculty involved in the program have been accommodated, and there is unanimous support within the college and on the campus for this move. We judge it ready for the Senate review process.

Proposal to Discontinue a Degree Program

DEANS: Send this completed proposal electronically to the Office of the Provost:
provost.deg.changes@wsu.edu (revised 8.17.16)

Degree Title:	Masters of Business Administration
Academic Program:	Business
Academic Plan:	Business Administration
Number of Credits:	32
Department(s) or Program(s):	Business
College(s):	Business
Campus(es):	Tri-Cities

Contact Name:	Paul Skilton	Email Address:	Paul.Skilton@wsu.edu
Contact Phone:	372-7240	*Proposed start date:	8/15/2019

Rationale for discontinuing the degree:

Competition for MBA students is fierce, especially for programs located outside of major metropolitan areas. Competition for the WSU TC MBA comes primarily from numerous online MBA programs that offer greater flexibility and more options at a comparable cost. The Carson College of Business itself has its own online MBA (OMBA). Due to this competition WSU Tri-Cities has seen MBA enrollments shrink continually since 2010 to our current total of 12 students. As constituted the WSUTC MBA is not able to attract sufficient students to have a viable face-to-face program.

Implications for currently enrolled students (how many)? Attach teach out plan.

Starting fall 2017, students enrolling in and applying to the WSUTC MBA were informed the program would likely close by fall 2019. This notice allowed students to plan their studies accordingly. The 5 students that will not be completed by summer 2019, will be seamlessly transferred to the WSU OMBA program. Advisors for both programs (WSUTC MBA & OMBA) have coordinated to ensure no delays in graduation of any student. Please see attached teach out plan.

☒ Attach teach out plan

Impact on or responses of current faculty and staff:

To the extent necessary, MBA faculty are being reassigned to undergraduate courses within their department areas. Tri-Cities faculty discussed the MBA program and unanimously voted for discontinuation. Discussions were also held in the Carson College Masters Policy & Procedures committee. This committee contains representatives from all business departments and from the Pullman, Tri-Cities and Vancouver campuses. No objections about the discontinuance were voiced.

Impact on or responses of other degree programs, departments, colleges or campuses:

Student from other degree programs at WSU TC do not take MBA classes as electives. The Vancouver and Pullman campus MBA programs have been discontinued. The Carson College has committed considerable support to ensuring that our online offerings are highly competitive, with the result that they are ranked in the top 20 nationally and attract large numbers of students

Impact on or responses of other stake holders (e.g., advisory or alumni groups):

While business owners, advisory and alumni groups are saddened by the proposed discontinuation of the MBA program, they are aware of the fierce competition for MBA students. Redirecting the resources from the MBA to the undergraduate program is seen as a positive step in strengthening our undergraduate programs. Discontinuation of the MBA will also strengthen the continuing development of a competitive Master's program in International Wine Business Management.

The initials typed in this box certify that the person named below has reviewed this proposal:

Chair Name:	Robert Harrington	Date:	March 29, 2018
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The initials typed in this box certify that the person named below has reviewed this proposal:

Campus VCAA:	Martin Klotz, Tri-Cities	Date:	March 29, 2018
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The initials typed in this box certify that the person named below has reviewed this proposal:

Campus VCAA:	Renny Christopher, Vancouver	Date:	March 29, 2018
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The initials typed in this box certify that the person named below has reviewed this proposal:

Campus VCAA:		Date:	
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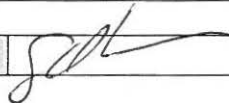
The initials typed in this box certify that the person named below has reviewed this proposal:

Dean:	Tom Tripp	Date:	March 30 th , 2018
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Comments:

Tom Tripp, Associate Dean for Academic Programs, is signing for the Carson College of Business as he is responsible for the MBA programs

Provost Office Sign:



Date:

4/4/18

Comments:

For Registrar's Office Use Only:

Current CIP Code:

New CIP Code:

Date:

Teach out Plan for WSUTC MBA Program

The MBA program consists of 7 required courses, 3 electives and a final study/examination. A full-time student can complete the program in a 12 month period.

MBA Courses required and semester offered

Required		
FIN 526	Financial Management	Spring 19 online
MKTG 506	Marketing Strategy	Spring 19
MGMT 590	Strategy Formulation & Organizational Design	Spring 19
BA 579	MBA Capstone	Fall 18, Summer 19
BA 702	Final study/Examination	Fall 18, Summer 19
Electives		
MIS 580	Management Information Systems	Summer 19-1 online
MGMT 589	Seminar in Management	Spring 19
400/500	Elective courses selected by student	Spring 19, Summer 19

The last students admitted will have started the core MBA courses in fall 2018. They will be able to complete the program by the final term of the program (Summer 19) if they attend the MBA full-time (four classes in fall, four classes in spring, two classes in summer plus BA702). Because we do not currently have qualified faculty to teach FIN 526 and MIS 580, we may require students to take these courses in an online format.

Students not completing their classes by the end of Summer 2019 will be enrolled in the online format of the MBA program (OMBA). The students have been made aware of the extra costs that are associated with the OMBA and the advisor for the OMBA is working with the designated students to ensure that they complete their program in the most expeditious manner.

Fiscal impacts of discontinuing the WSU Tri-Cities MBA program

Program Resource Requirements. Indicate all resources needed including the planned FTE enrollment, projected revenues, and estimated expenditures for the first three fiscal years of the program. Include reallocation of existing personnel and resources and anticipated or requested new resources. Second and third-year estimates should be in dollars adjusted for inflation. If the program is contract related, explain the fiscal sources and the year-to-year commitment from the contracting agency(ies) or party(ies). Provide an explanation of the fiscal impact of the proposed discontinuance to include impacts to faculty (i.e., salary savings, re-assignments).

Response:

Planned enrollment will fall from an FTE of five (fifteen credits per FTE) in the most recent semester (Spring 2018) to zero by August 2019. One FTE represents state employees who pay no tuition.

Projected tuition revenue for Fall 2018 is \$27,002 falling to zero by August 2019 as students transition to the online MBA. Instruction cost for Fall 2018 is estimated to be ~\$85,000, falling to ~\$36,000 in Spring 2019. There are no staff costs and overhead costs included in the campus allocation to the Carson College of Business program.

The program is not contract related.

Fiscal impact will be positive. One adjunct contract per semester will be eliminated. Permanent faculty (three sections per semester) will be re-assigned to undergraduate teaching, displacing three adjunct contracts per semester. We should save ~10,000 per semester on adjunct contracts. Our intention is to use re-assigned permanent faculty to enhance our undergraduate program and stimulate growth. Growing undergraduate by four FTE will make the program revenue neutral, after savings on adjuncts.

ACTION ITEM #3

Discontinue the Bachelors of Science in Athletic Training (Daniel J. Bernardo)

November 16, 2018

TO ALL MEMBERS OF THE BOARD OF REGENTS

SUBJECT: Discontinuation of the Bachelors of Science in Athletic Training

PROPOSED: That the Board of Regents discontinue the Bachelors of Science in Athletic Training.

SUBMITTED BY: Daniel J. Bernardo, Provost and Executive Vice President

SUPPORTING INFORMATION: The College of Education proposes to discontinue the Bachelors of Science (BS) in Athletic Training.

In the fall of 2017 two new degrees were approved through NWCCU to replace the current BS in Athletic Training degree. Due to accreditation requirements for Athletic Training, a master's degree is now required to take the national board exam. The last step in the transition process is to drop the current Bachelor of Science in Athletic Training degree from the WSU catalog.

Students who enrolled in the WSU Pullman campus in the fall of 2017 will be the last students eligible for the BS in Athletic Training degree. These students will be admitted to the undergraduate program and complete their degree in May of 2021.

The complete proposal for discontinuation is attached. The proposal was reviewed carefully and has support from the Provost's Office. The recommendation was passed by the Faculty Senate Steering Committee on June 28, 2018.

ATTACHMENT: Attachment A – Proposal for discontinuing the Bachelor of Science in Athletic Training

MEMORANDUM

TO: Faculty Senate

FROM: Daniel J. Bernardo, Executive Vice President and Provost

SUBJECT: Discontinue Bachelor of Science in Athletic Training

DATE: June 19, 2018

The attached proposal for discontinuing the Bachelor of Science in Athletic Training has been reviewed by the Provost's Office. We have no concerns about the proposal. The program has established a plan to ensure that all currently-enrolled students will be able to complete their degrees on schedule. The degree is being replaced by an already-approved Bachelor of Science in Sports Medicine and Master of Science in Athletic Training, so there is no impact on faculty.

We judge it ready for the Senate review process.

18-001

PROPOSAL TO DISCONTINUE A DEGREE PROGRAM

DEANS: Send this completed proposal electronically in Word to the Office of the Provost:
provost.deg.changes@wsu.edu

Degree Title:	Bachelor of Science in Athletic Training
Academic Program:	
Academic Plan:	
Number of Credits:	
Department(s) or Program(s):	ELSSCEP
College(s):	College of Education
Campus(es):	Pullman

Contact Name:	Kasee Hildenbrand	Email Address:	khildenbrand@wsu.edu
Contact Phone:	335-8834	*Proposed start date:	Fall 2018

Rationale for discontinuing the degree:
In the Fall of 2017 2 new degree's were approved through NWCCU to replace the current BS in Athletic Training degree. Due to accreditation requirements for Athletic Training, a master's degree is now required to take the national board exam. The last step in the transition process is to drop the current degree from the WSU catalog.
Implications for currently enrolled students (how many)? Attach teach out plan.
Students who enrolled in the WSU Pullman campus in the Fall of 2017 will be the last students eligible for the BS in Athletic Training degree. These students will be admitted to the undergraduate program and complete their degree in May of 2021. A phase-in/phase-out diagram is attached.

☒ **Attach teach out plan**

Impact on or responses of current faculty and staff:
Since the BS in AT degree is being replaced by the BS in Sports Medicine and Masters in Athletic Training, all current faculty and staff will continue as is. An additional faculty member will be hired to start in the Fall of 2019 to support the new program as well as the teach-out for the old program. If a new hire is not made, adjuncts will be hired to finish out the required curriculum.
Impact on or responses of other degree programs, departments, colleges or campuses:
none
Impact on or responses of other stake holders (e.g., advisory or alumni groups):
This change was mandated by accreditation and all AT programs must be at the Master's degree level.

SIGNATURES: The names typed below certify that the relevant academic and campus officials have reviewed and approved this proposal:

Chair Signature:	<i>Kinder</i>	Date:	2-27-18
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Dean Signature:	<i>Kinder</i>	Date:	2-27-18
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→ Submit to the Provost's Office at provost.deg.changes@wsu.edu

Everett Chancellor		Date:	
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Spokane Chancellor		Date:	
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Tri-Cities VCAA		Date:	
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Vancouver VCAA		Date:	
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VP Global Campus		Date:	
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Provost Office:		Date:	
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Comments:

For Registrar's Office Use Only:			
Current CIP Code:		New CIP Code:	
		Date:	

Send completed form in Word version to: provost.deg.changes@wsu.edu

Undergraduate

2016-2017

1st year (2019)

2nd year (2018)

3rd year (2017)

2017-2018

1st year (2020)

2nd year (2019)

3rd year (2018)

2018-2019

1st year (2021)

2nd year (2020)

3rd year (2019)

2019-2020

2nd year (2021)

3rd year (2020)

2020-2021

3rd year (2021)

Graduate

2017-2018

0 grad

2018-2019

0 grad

2019-2020

1st years (2022)

2020-2021

1st years (2023)

2nd years (2022)

2021 – 2022

1st year (2024)

2nd year (2023)

3rd year (2022)

Re-accreditation of
undergraduate
program

Subs-change
document

Fall 2017

Ath T 267 (2 sec) Katy
 Kines 270 Katy
 Kines 365 Katy

Kines 469 Kasee
 Kines 291 Katy
 Kines 392 Katy
 Kines 493 Katy

Fall 2018

Ath T 267 (1 sec) Katy
 Kines 270 Adjunct
 Kines 365 Katy

Kines 469 Kasee
 Kines 291 Katy
 Kines 392 Katy
 Kines 493 Katy

Fall 2019

Ath T 267 (2 sec) Katy
 Kines 365 New/Adjunct

Kines 469 Kasee
 Kines 392 Katy
 Kines 493 Katy
 Ath T 370* New/Adjunct
 Ath T 391* Katy

Fall 2020

Ath T 267 (2 sec) Katy
 Kines 469 Kasee

Kines 493 Katy
 Ath T 370 New/Adjunct
 Ath T 391* Katy
 Ath T 440* Katy
 Ath T 445* New/Adjunct
 Ath T 450* Kasee
 Ath T 592* Katy

Fall 2021

Ath T 267 (2 sec) New/Adjunct

Ath T 370* New/Adjunct
 Ath T 391* Katy
 Ath T 440* Katy
 Ath T 445* New/Adjunct
 Ath T 450* Kasee
 Ath T 592* Katy
 Ath T 575* New/Adjunct
 Ath T 585* Katy
 Ath T 590* Kasee
 Ath T 593* Katy

Spring 2018

Ath T 267 (2 sec) Katy
 Ath T 263 Kasee
 Kines 271 Adjunct
 Kines 275 Adjunct
 Kines 364 Katy
 Kines 470 Kasee
 Kines 291 Katy
 Kines 392 Katy
 Kines 493 Katy

Spring 2019

Ath T 267 (2 sec) Katy
 Ath T 263 Adjunct
 Kines 271 Kasee
 Kines 275 Adjunct
 Kines 364 Katy
 Kines 470 Adjunct
 Kines 291 Katy
 Kines 392 Katy
 Kines 493 Katy
 Ath T 290* Katy

Spring 2020

Ath T 267 (2 sec) Katy
 Ath T 263 New/Adjunct

Kines 364 Katy
 Kines 470 Adjunct

Kines 392 Katy
 Kines 493 Katy
 Ath T 290* New/Adjunct
 Ath T 371* New/Adjunct
 Ath T 391* Katy

Spring 2021

Ath T 267 (2 sec) Katy
 Ath T 263 New

Kines 493 Katy
 Ath T 290* New/Adjunct
 Ath T 371* New/Adjunct
 Ath T 391* Katy
 Ath T 441* New/Adjunct
 Ath T 464* Katy
 Ath T 560* Adjunct
 Ath T 592* Katy
 Ath T 595* Kasee

Spring 2022

Ath T 267 (2 sec) Katy
 Ath T 263 New/Adjunct

Ath T 290* New/Adjunct
 Ath T 371* New/Adjunct
 Ath T 391* Katy
 Ath T 441* New/Adjunct
 Ath T 464* Katy
 Ath T 560* Adjunct
 Ath T 592* Katy
 Ath T 595* Kasee
 Ath T 598* Kasee
 Ath T 599* Katy
 Ath T 593* Katy

ACTION ITEM #2
WSU Tri-Cities, Academic Building
Design Approval and Pre-Construction
(Stacy Pearson/Sandra Haynes)

November 16, 2018

TO ALL MEMBERS OF THE BOARD OF REGENTS

SUBJECT: WSU Tri-Cities, Academic Building Design and Pre-Construction

PROPOSED: That the Board of Regents authorize the Academic Building to proceed to design and pre-construction using the Design-Build (DB) process pursuant to RCW 39.10, and further delegate authority to the President or his designee to select a Design-Build contractor and enter into any and all contracts necessary to commence the design and pre-construction for the project, with costs not to exceed the budgeted amount of \$3,000,000.

SUBMITTED BY: Stacy Pearson, Vice President for Finance and Administration

BACKGROUND INFORMATION: The Academic Building will facilitate future growth in STEM-focused high demand bachelor's degrees in Biology, Chemistry, Engineering, Computer Science, and in Education with STEM content area endorsements, providing dedicated space for introductory and preparatory STEM coursework. The new building will allow expansion of new degree offerings in other disciplines as existing classroom space becomes available.

A major focus will be on interdisciplinary programming and enhanced collaborations between the campus and adjacent research facilities within the Tri-Cities Research District, including those at the Pacific Northwest National Laboratory (PNNL). The campus is poised to offer the hands-on educational experiences that will lead to career opportunities in these areas and others provided by STEM-focused Hanford contractors and many others. The existing laboratory space for teaching and training is not adequate, nor does it meet current standards for state-of-the-art instruction in the life and physical sciences. The potential benefit of the new academic building is great: WSU providing interns and graduates in STEM majors to the above

The Academic Building will be located across from the BSEL building, adjacent to the CIC building.

Aerial Site Map



Board of Regents
WSU Tri-Cities, Academic Building
Design Approval and Pre-Construction

Resolution #181116-589

WHEREAS, the Board of Regents of Washington State University by virtue of RCW 28B.10.528 has authority to delegate by resolution to the President of the University, or designee, powers and duties vested in or imposed upon the Board by law and to enable the President, or designee to act on behalf of the Board of Regents in matters relating to the administration and governance of the University.

RESOLVED: That the Board of Regents authorize the Academic Building to proceed to design and pre-construction using the Design-Build (DB) process pursuant to RCW 39.10, and further delegate authority to the President or his designee to select a Design-Build contractor and enter into any and all contracts necessary to commence the design and pre-construction for the project, with costs not to exceed the budgeted amount of \$3,000,000.

Dated this 16th day of November, 2018

Chair, Board of Regents

Secretary, Board of Regents

ACTION ITEM #1
Proposed Revision to WAC 504-26 Standards for
Conduct for Students
(Mary Jo Gonzales/Danielle Hess)

November 16, 2018

TO ALL MEMBERS OF THE BOARD OF REGENTS

SUBJECT: WSU All Campuses, Revision to WAC 505-26 Standards for Conduct for Students

PROPOSED: That the Board of Regents adopt revisions to WAC 504-26 Standards for Conduct of Students

SUBMITTED BY: Mary Jo Gonzales, Vice President for Student Affairs

SUPPORTING INFORMATION: In December 2016, President Schulz appointed a Student Conduct Process Task Force to carry out a comprehensive review of the University's Student Conduct Process. The Task Force issued its report on January 22, 2018 which contained 32 recommendations and two dissenting comments.

In February 2018, information sessions about the recommendations were held on all WSU campuses as well WSU Downtown Seattle, an alumni session. An internal administrative team reviewed the recommendations to ensure alignment with national best practices, federal and state regulations, practical implementation, and statutory requirements. The majority of the task force recommendations were adopted in full and some were adopted in part or modified. Regulations were drafted to codify the new process.

A copy of the proposed rules is attached.

A public hearing was held November 6, 2018. If approved, WAC 504-26 will be effective in Spring 2019.

PART I
GENERAL MATTERS

AMENDATORY SECTION (Amending WSR 17-13-049, filed 6/15/17, effective 7/16/17)

WAC 504-26-001 Preamble. Washington State (~~((University, a community dedicated to the advancement of knowledge, expects all students to behave in a manner consistent with its high standards of scholarship and conduct.))~~) University's long-standing commitment to providing students with a transformational experience continues with a focus on enhancing the quality and relevance of the learning experience, providing more personalized student services, expanding learning opportunities outside the classroom, and developing a more cohesive student community. To this end, students are expected to uphold and be accountable ((for these)) to high standards ((both on and off campus and acknowledge the university's authority to take disciplinary action. The purpose of these standards and processes is to educate students and protect the welfare of the university community.

~~Accordingly, the conduct process is nonadversarial to the extent possible, confidential except to the extent permitted by law and these))~~ of conduct that foster a safe, healthy, and inclusive campus community. The basic philosophy behind the standards of conduct and processes is one of education, centered on student learning through personal development and accountability. Therefore, the student conduct process is designed to guide and correct behaviors, challenge students to make better choices, and protect the rights and safety of all students, the university, and the community at large.

The university strives to provide a fair process for every student without bias or favor regardless of socioeconomic status, connections, race, color, creed, religion, national or ethnic origin, sex/gender, sexual orientation, gender identity/expression, age, marital status, disability, genetic information, or status as an honorably discharged veteran or member of the military. It also has responsibility to inform and educate the university community, parents, and the public at large on these standards, uphold them, and exercise the authority to take educational and/or disciplinary action accordingly.

~~Correspondingly, students have the responsibility to read and be familiar with the standards of conduct ((this chapter), and not to be considered analogous to court proceedings. Further, the conduct process is independent of any criminal or civil penalties. WSU permits students to have advisors in certain circumstances in the student conduct process, but the role of the advisor is very limited, except in full adjudications. Sanctions under these standards of conduct are intended to challenge students' moral and ethical decision making and~~

~~help them bring their behavior into accord with university community expectations. When students are unable to conform their behavior to community expectations, the student conduct process may determine that they should no longer share in the privilege of participating in the university community)), to abide by them, and to understand that violation of these standards, if the student is found responsible, will result in disciplinary and/or educational sanctions. The vice president for student affairs is the person designated by the university president to be responsible for the administration of the standards of conduct.~~

[Statutory Authority: RCW 28B.30.150. WSR 17-13-049, § 504-26-001, filed 6/15/17, effective 7/16/17; WSR 15-11-041, § 504-26-001, filed 5/14/15, effective 6/14/15; WSR 15-01-080, § 504-26-001, filed 12/15/14, effective 1/15/15; WSR 11-11-031, § 504-26-001, filed 5/11/11, effective 6/11/11; WSR 06-23-159, § 504-26-001, filed 11/22/06, effective 12/23/06.]

AMENDATORY SECTION (Amending WSR 17-13-049, filed 6/15/17, effective 7/16/17)

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

~~(2) The term "a))~~ For purposes of the standards of conduct, the following definitions apply:

(1) Academic integrity hearing board. Teaching faculty and student representatives who, collectively, are authorized by the university or college to review an instructor's determination that a student violated university academic integrity policies and whether or not the outcome proposed by the instructor is in keeping with the instructor's published policies.

(2) Appeals board(~~(" means any person or persons authorized by the vice president for student affairs))~~). The group of students, faculty, and staff, collectively, authorized in accordance with WAC 504-26-115 to consider ((an)) appeals from a university conduct board's or conduct officer's determination(~~(, or a determination after a full adjudication,))~~ as to whether a student has violated the standards of conduct ((for students)) and any sanctions imposed.

(3) ((The term "a)) Brief adjudication. The process by which a conduct officer may adjudicate student conduct matters involving possible sanctions, other than matters involving suspension for more than ten instructional days, expulsion, loss of recognition, or revocation of degree. Also referred to as a "conduct officer hearing" or "brief adjudicative proceeding."

(4) Cheating(~~("))~~). Includes, but is not limited to:

(a) Use of unauthorized materials in taking quizzes, tests, or examinations, or giving or receiving unauthorized assistance by any means, including talking, copying information from another student,

using electronic devices, or taking an examination for another student.

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

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

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

(i) Counterfeiting data, research results, information, or procedures with inadequate foundation in fact((÷)). The office of research must be consulted in matters involving alleged research misconduct as that term is defined in the university's executive policy 33.

(ii) Counterfeiting a record of internship or practicum experiences((÷)).

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

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

(f) Scientific misconduct. Falsification, fabrication, plagiarism, or other forms of dishonesty in scientific and scholarly research are prohibited. Complaints and inquiries involving cases of scientific misconduct are managed according to the university's policy for responding to allegations of scientific misconduct. A finding of scientific misconduct is subject to sanctions by the ((~~office of student conduct~~)) center for community standards. The policy for responding to allegations of scientific misconduct (executive policy 33) may be reviewed by contacting the office of research.

(g) Unauthorized collaboration on assignments.

(h) Intentionally obtaining unauthorized knowledge of examination materials.

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

(j) Unauthorized multiple submission of the same work.

(k) Sabotage of others' work.

(l) Tampering with or falsifying records.

~~((4) The term "~~(5) Complainant~~(" means any party))~~. Any person who is the alleged victim of prohibited student conduct, whether or not such person has made an actual complaint. Any individual, group, or entity, including the university, who submits a ~~((charge))~~ complaint alleging that a student or a registered or recognized student organization violated the standards of conduct ~~((for students.~~

~~(5) The term "~~

(6) Conduct board. The group of students, faculty, and staff, collectively authorized in accordance with WAC 504-26-110 to adjudicate certain student conduct matters.

(7) Conduct officer. A university official authorized by the vice president for student affairs to initiate, manage, and/or adjudicate certain student conduct matters in accordance with WAC 504-26-401 and 504-26-402.

(8) Faculty member~~(("~~)). For purposes of this chapter, ((means)) any person hired by the university to conduct classroom or teaching activities or who is otherwise considered by the university to be a member of its faculty.

~~((6) The term "~~(9) Full adjudication. The process by which a conduct board adjudicates matters involving possible suspension of greater than ten instructional days, expulsion, loss of recognition, revocation of degree, or other matters as determined by the university. Also referred to as "formal adjudication," "formal (or full) adjudicative proceeding," or "conduct board hearing."

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

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

~~(8) The term "~~(11) Member of the university community~~(("~~)). Includes any person who is a student, faculty member, university official, any person employed by the university, or any person with a relationship with the university, including guests of and visitors to the university. A person's status in a particular situation is determined by the vice president for student affairs or designee.

~~((9) The term "policy" means))~~ (12) Parties. The parties to a student conduct proceeding must include the university and the respondent. The parties in a student conduct matter implicating Title IX of the Civil Rights Act of 1964 must include the complainant(s), if the complainant(s) notifies the university in writing that they wish to participate as a party. The university may designate other complainants, individuals, or recognized or registered student organizations as parties to conduct proceedings, or allow individuals or recognized or registered student organizations to intervene in conduct proceedings.

(13) Policies. The written rules and regulations of the university as found in, but not limited to, the standards of conduct

~~((for students, residence life handbook, the university web page and computer use policy, and graduate/undergraduate catalogs.~~

~~(10) The term "~~)), university policy manuals, housing and dining policies, academic regulations, and the university's graduate, undergraduate, and professional catalogs and other publications, including electronic publications.

~~(14) Recognized or registered student organization(("~~means any number of persons who have~~)). A group of students, collectively, that has complied with the formal requirements for university recognition or registration.~~

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

~~(12) The term "student" includes all persons)) (15) Respondent. A student or recognized or registered student organization alleged to have violated these standards of conduct.~~

~~(16) Student. Any person taking courses at the university, either full-time or part-time, pursuing undergraduate, graduate, or professional studies. Persons who withdraw after allegedly violating the standards of conduct ((for students)), who are not officially enrolled for a particular term but who have a continuing relationship with the university (including suspended students) or who have been notified of their acceptance for admission are considered "students" as are persons who are living in university residence halls, ((although)) even if not enrolled ((in this institution.~~

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

~~((14) The term "university" means)) (17) University. Includes all locations, premises, programs, and operations of Washington State University.~~

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

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

~~(17) The term "~~)) (18) University official(~~"includes~~)). Any person employed by the university, performing assigned administrative or professional responsibilities.

~~((18) The term "~~)) (19) University premises(~~"includes~~)). All land, buildings, facilities, vehicles, web sites, and other property in the possession of or owned, used, or controlled by the university (including adjacent streets and sidewalks), including its study abroad

program sites, as well as university-sponsored or hosted online platforms.

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

[Statutory Authority: RCW 28B.30.150. WSR 17-13-049, § 504-26-010, filed 6/15/17, effective 7/16/17; WSR 16-08-014, § 504-26-010, filed 3/28/16, effective 4/28/16; WSR 15-01-080, § 504-26-010, filed 12/15/14, effective 1/15/15; WSR 11-11-031, § 504-26-010, filed 5/11/11, effective 6/11/11; WSR 07-11-030, § 504-26-010, filed 5/8/07, effective 6/8/07; WSR 06-23-159, § 504-26-010, filed 11/22/06, effective 12/23/06.]

NEW SECTION

WAC 504-26-015 Jurisdiction and applicability—Relationship to other proceedings. (1) General. The standards of conduct apply to conduct that occurs on university premises or in connection with university sponsored activities, including transit to or from the activity.

(2) Off-campus conduct. In addition to subsection (1) of this section, the standards of conduct may apply to conduct that occurs off university premises and not in connection with university-sponsored activities, if the conduct adversely affects the health and/or safety of the university community or the pursuit of the university's vision, mission, or values.

(a) The university has sole discretion to make this determination. In making this determination, the conduct officer considers whether the alleged conduct:

(i) Requires the university to exercise jurisdiction under law or as required by federal or state agencies;

(ii) Negatively impacted the reputation of the university or its students;

(iii) Occurred on the property of recognized or registered student organizations;

(iv) Caused physical, mental, or emotional harm to another; or

(v) Was recognized by onlookers, complainants, or witnesses as being carried out by a student or recognized or registered student organization.

(b) When the university chooses to exercise jurisdiction for off-campus conduct not in connection with a university-sponsored activity, the parties must be notified in writing of the decision and the reasons for the decision, and their right to challenge the decision to the vice president for student affairs or designee. Challenges to jurisdiction must be in writing and filed within five calendar days from the date the notice is sent. In cases implicating Washington State University's executive policy 15, which prohibits discrimination, sexual harassment, and sexual misconduct, the vice

president for student affairs or designee must consult with the university's Title IX coordinator.

(3) Online conduct - Electronic communications. These standards of conduct may be applied to behavior conducted online, via electronic mail, text message, or other electronic means.

(4) Time frame for applicability. Each student is responsible and accountable for their conduct from the time of application for admission through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment. These standards apply to a student's conduct even if the student withdraws from school, takes a leave of absence, or graduates.

(5) Group accountability. Recognized or registered student organizations that violate university policies and the standards of conduct are subject to sanctions. A recognized or registered student organization may be held accountable for the behavior of its officers, members, or guests when the university demonstrates that:

(a) The organization or its officers should have foreseen that behavior constituting a violation was likely to occur, yet failed to take reasonable precautions against such behavior;

(b) A policy or practice of the organization was responsible for a violation; or

(c) The behavior constituting a violation was committed by, condoned by, or involved a significant number of organization officers, members, or guests.

(6) International and national study programs. Students who participate in any university-sponsored or sanctioned international or national study program must observe the following rules and regulations:

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

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

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

(d) These standards of conduct.

(7) Academic and professional standards. Nothing in these standards of conduct is to be construed as limiting academic action that may be taken by a program or other academic unit against a respondent who, based on an established violation of these standards or otherwise, demonstrates a failure to meet the academic and/or professional standards of the program.

(8) Relationship between student conduct process and other legal processes. The university is not required to stay a student conduct proceeding pending any criminal or civil proceeding, nor must the disposition of any such criminal or civil proceeding control the outcome of any student conduct proceeding. Respondents may choose to remain silent during conduct proceedings, in accordance with WAC 504-26-045.

[]

NEW SECTION

WAC 504-26-020 Advisors and representatives. (1) Advisors. Any party may have an advisor of their choice present during all stages of a conduct process. Upon a party's request, a list of trained advisors from outside the office of the dean of students (and those offices reporting to the dean of students) is provided. Advisors may assist any party engaged in the conduct process and attend meetings and hearings. Advisors may not be witnesses to the alleged behavior. Students should select an advisor whose schedule allows for attendance at the scheduled date and time of the informational meeting and/or hearing, because delays are not normally allowed due to scheduling conflicts of the advisor.

(2) Communication with the center for community standards. Advisors and representatives may communicate directly with the center for community standards to receive information on dates and times of meetings, status of conduct processes, and outcomes. As a condition of participation in the conduct process, the center for community standards may require advisors and representatives to sign a statement agreeing to comply with legal requirements and university rules including, but not limited to, requirements related to confidentiality of student information.

(3) Advisors in conduct meetings and hearings. During any conduct process, breaks may be taken, within reason, to allow a party to consult with their advisor. However, advisors are not permitted to speak on behalf of parties.

(4) Representatives. A party may choose to be represented during a full adjudication, at their own expense. Only persons currently admitted to practice law, including licensed legal interns, are permitted to act as representatives. In conduct board hearings, questions regarding logistical and administrative issues are to be directed to the presiding officer, who may impose reasonable conditions upon participation of advisors and representatives.

[]

NEW SECTION

WAC 504-26-025 Confidentiality and participation in student conduct hearings. Student conduct meetings and hearings are closed to public observation. The parties and their advisors or representatives may attend the entire hearing, excluding deliberations. Admission of any other person to the hearing is at the discretion of the conduct officer or presiding officer, as applicable. For convenience, or to accommodate concerns for the personal safety, well-being, or fears of confrontation of any party or witness, the conduct officer or presiding officer may allow participation remotely, in separate rooms, or by other means.

[]

NEW SECTION

WAC 504-26-030 Consolidation. In any student conduct matter in which there are common issues or parties, the parties may request, or the conduct officer or presiding officer may decide, to consolidate the proceedings. This decision is within the sole discretion of the conduct officer or presiding officer.

[]

NEW SECTION

WAC 504-26-035 Service and notification. Service of all university notices under this chapter is sent by electronic mail addressed to the party's university-issued email address or, if the party does not have a university-issued email address, to the email address on record with the university. Service is complete when the email is sent to the email address. Service may also be accomplished by personal delivery or regular U.S. mail. Notifications via regular U.S. mail are sent to the party's last known address or the address on file with the university registrar, and service is complete on the date the notice is placed in the mail. The student is responsible for maintaining an updated mailing address on file with the registrar. Recognized or registered student organizations are responsible for updating their mailing address on file with the center for fraternity and sorority life, university recreation, or student involvement. Deadlines described in this chapter begin the date the notification is sent via email, personally delivered, or placed in regular U.S. mail.

[]

NEW SECTION

WAC 504-26-040 Presumptions and standard of proof. All students and registered or recognized student organizations are presumed "not responsible" for alleged violations. Any violation must be proven by a preponderance of the evidence, meaning that it is more likely than not that the violation occurred. As part of the university's opening statement in any conduct board hearing, the university's representative must read a statement to this effect.

[]

NEW SECTION

WAC 504-26-045 Evidence. (1) Evidence, including hearsay evidence, is admissible in student conduct proceedings if, in the judgment of the conduct officer or presiding officer, it is the kind of evidence that reasonably prudent persons are accustomed to rely on in the conduct of their affairs. The conduct officer or presiding officer determines the admissibility and relevance of all information and evidence. The sexual history of a complainant is not admissible in a student conduct proceeding except to the extent permitted by evidence rule 412 and RCW 34.05.452 (stating that presiding officers must refer to the Washington rules of evidence as guidelines for evidentiary rulings).

(2) Students may choose to remain silent during conduct proceedings, recognizing that they give up the opportunity to explain their version of events and that the decision is made based on the information presented at the hearing. No student must be compelled to give self-incriminating evidence, and no negative inference will be drawn from a student's refusal to participate in any stage of the conduct proceeding. If either party does not attend or participate in a hearing, the conduct officer or conduct board may resolve the matter based on the information available at the time of the hearing.

[]

NEW SECTION

WAC 504-26-050 Interim measures. (1) While a student conduct matter is pending, the university may take a number of interim actions in order to ensure the preservation of the educational experience and the overall university environment of the parties. These actions may include, but are not limited to:

(a) A no-contact order imposed on any party;

(b) University housing room change for one or more involved parties; and/or

(c) Changes in academic schedules or assignments for any party.

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

(3) University departments taking interim measures must coordinate with the center for community standards, which advises the parties of the interim measures and the process for challenging them. For matters involving the university's executive policy 15, which prohibits discrimination, sexual harassment, and sexual misconduct, the departments must also consult with the university's office for equal opportunity regarding interim measures. Interim measures are not sanctions and do not imply or assume responsibility for a violation of the standards of conduct.

[]

~~((ARTICLE I
AUTHORITY FOR STANDARDS OF CONDUCT FOR STUDENTS))~~ PART II
OFFICERS AND BOARDS

AMENDATORY SECTION (Amending WSR 17-13-049, filed 6/15/17, effective 7/16/17)

WAC 504-26-100 ~~((Composition of conduct and appeals boards.))~~
Presiding officers. ~~((1) The university))~~ Full adjudicative proceedings are conducted by the conduct board ((shall be composed of five individuals appointed by the vice president for student affairs and comprised of students and persons who are any category of university employee, including affiliate faculty and staff. The chairperson of the conduct board shall be named by the vice president for student affairs and shall be a university employee.
~~Any three persons constitute a quorum of a conduct board and may act, provided that at least one student and the chairperson are present.~~
~~((2) The appeals board shall be appointed by the vice president for student affairs. It shall be composed of three persons, including the chair. The chair shall be a university employee. The other members may be university employees, including affiliate faculty and staff, or students. Three persons constitute a quorum of the appeals board.))~~
and are presided over by an individual who is licensed to practice law in the state of Washington and has judicial training. The presiding officer's role is to ensure a fair and impartial process and is limited to making procedural and evidentiary rulings and handling logistical and other matters related to facilitating the proceedings to ensure compliance with legal requirements. The presiding officer must transmit a full and complete record of the proceedings to the center for community standards and the conduct board, including such comments upon demeanor of witnesses as the presiding officer deems relevant, in accordance with RCW 34.05.461. The presiding officer does not vote and is not considered for purposes of creating a quorum of the conduct board.

[Statutory Authority: RCW 28B.30.150. WSR 17-13-049, § 504-26-100, filed 6/15/17, effective 7/16/17; WSR 15-11-041, § 504-26-100, filed 5/14/15, effective 6/14/15; WSR 15-01-080, § 504-26-100, filed 12/15/14, effective 1/15/15; WSR 12-04-049, § 504-26-100, filed 1/30/12, effective 3/1/12; WSR 06-23-159, § 504-26-100, filed 11/22/06, effective 12/23/06.]

NEW SECTION

WAC 504-26-105 Recruitment, appointment, and term of conduct and appeals board members. A committee comprised of students, staff, and

faculty members and convened by the vice president for student affairs selects a pool of members of the university community to serve as conduct board members, as well as a separate pool for appeals board members. Each pool must include representatives from all WSU campuses. Pool members are approved by the university president and must be in good standing with the university. Pool members serve a maximum term of four calendar years but may apply to serve another four-year term after a break of two years. Terms of pool members are staggered. Boards are convened by the vice president for student affairs or designee. The center for community standards is not involved in the recruitment or application processes for board members.

[]

NEW SECTION

WAC 504-26-110 Composition of conduct board. A conduct board must consist of five members. A quorum of five is needed to hear a matter. The presiding officer is not a member of the conduct board and therefore is not considered for purposes of determining whether there is a quorum. A majority of conduct board members hearing a matter must be enrolled WSU students (undergraduate, graduate, or professional) and may be full-time or part-time. The remaining members may be students, or full-time or part-time faculty or staff of any rank or classification. When the complainant or respondent is enrolled at a particular campus, at least one member of the conduct board must be from that campus. No conduct board member may serve on a case if the member previously served on a board in a case involving the same complainant or respondent.

[]

NEW SECTION

WAC 504-26-115 Composition of appeals board. The appeals board must consist of three members. A quorum of three is needed to review a matter. A majority of appeals board members hearing a matter must be enrolled WSU students (undergraduate, graduate, or professional) and may be full-time or part-time. The remaining members may be students, or full-time or part-time faculty or staff of any rank or classification. No appeals board member may serve on a case if the member previously served on a board on a case involving the same complainant or respondent. The vice president for student affairs or designee is responsible for designating one of the three appeals board members as chair. The chair is responsible for ensuring a fair and impartial process and is a voting member of the appeals board.

[]

NEW SECTION

WAC 504-26-120 Training. (1) Board members and presiding officers. Conduct board members, appeals board members, and presiding officers must not participate in any student conduct matter until, at a minimum, training in the following areas has been completed:

- (a) Cultural competency and implicit bias;
 - (b) Student development and student conduct philosophies, including the educational component of the student conduct process;
 - (c) Identifying bias against individuals and against groups;
 - (d) Conflict of interest;
 - (e) Sexual assault and gender-based violence;
 - (f) Alcohol and drug prevention;
 - (g) Due process and burden of proof in student conduct matters;
- and
- (h) Sanctioning principles and guidelines.

(2) Conduct officers. Conduct officers must not participate in any student conduct matter until, at a minimum, training in the following areas has been completed:

- (a) Alternative dispute resolution;
- (b) Restorative justice; and
- (c) All training required of board members (see subsection (1) of this section).

(3) Renewal of training. Training must be renewed on an annual basis.

[]

NEW SECTION

WAC 504-26-125 Recusal. (1) Notification of names of conduct officers and board members. All parties must be notified of the names of conduct officers, conduct board members, and/or appeals board members assigned to their case no later than ten calendar days prior to the hearing or appeals board meeting date.

(2) Requesting recusal of conduct officers and board members. A party requesting recusal of a conduct officer or conduct/appeals board member must demonstrate good cause. The request must be made in writing no later than five calendar days prior to the date of the conduct hearing or appeals board meeting. For conduct board members, the presiding officer is responsible for granting or denying requests. For conduct officers and appeals board members, the vice president for student affairs or designee is responsible for granting or denying requests.

(3) Presiding officer. Requests for recusal of the presiding officer are governed by the model rules of procedure, WAC 10-08-050(2).

(4) Self-recusal in the event of conflict of interest. Conduct officers and board members must be trained in conflict of interest. For any matter in which they are participating, if they identify a potential conflict of interest, appeals board members and conduct officers must promptly notify and consult with the vice president for student affairs or designee, while conduct board members must promptly notify and consult with the presiding officer. Conduct officers and board members must recuse themselves if, after consultation, an actual conflict is determined to exist. If a potential conflict is identified but is determined by the vice president or designee or presiding officer, as applicable, to be insufficient to justify removal of the person, the parties must be notified of the potential conflict and reasons for determining that it does not pose an actual conflict. For purposes of this subsection, a conflict of interest is defined as a personal interest, financial, familial, or otherwise, that might impair, or reasonably appear to an objective, outside observer to impair, a person's independent unbiased judgment in the discharge of their official responsibilities.

[]

((~~ARTICLE II~~
~~PROSCRIBED~~)) PART III
PROHIBITED CONDUCT

AMENDATORY SECTION (Amending WSR 15-01-080, filed 12/15/14, effective 1/15/15)

WAC 504-26-201 Misconduct—Rules and regulations. Any student or recognized or registered student organization found to have committed, assisted, conspired, or attempted to commit the following misconduct (WAC 504-26-202 through 504-26-230) is subject to the disciplinary sanctions outlined in WAC 504-26-405.
[Statutory Authority: RCW 28B.30.150. WSR 15-01-080, § 504-26-201, filed 12/15/14, effective 1/15/15; WSR 08-05-001, § 504-26-201, filed 2/6/08, effective 3/8/08; WSR 07-11-030, § 504-26-201, filed 5/8/07, effective 6/8/07; WSR 06-23-159, § 504-26-201, filed 11/22/06, effective 12/23/06.]

AMENDATORY SECTION (Amending WSR 07-11-030, filed 5/8/07, effective 6/8/07)

WAC 504-26-203 Disruption or obstruction. Students have the right to freedom of speech, including the right to dissent or protest, but this expression may not interfere with the rights of others or disrupt the university's activities. Prohibited behavior includes: Disruption or obstruction of teaching, research, administration,

disciplinary proceedings, other university activities, including its public service functions on or off campus, or of other authorized nonuniversity activities when the conduct occurs on university premises or is directed toward any member of the university community (~~((members))~~) by any means including use of telephone, computer, or some other medium.

[Statutory Authority: RCW 28B.30.150. WSR 07-11-030, § 504-26-203, filed 5/8/07, effective 6/8/07; WSR 06-23-159, § 504-26-203, filed 11/22/06, effective 12/23/06.]

AMENDATORY SECTION (Amending WSR 15-01-080, filed 12/15/14, effective 1/15/15)

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

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

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

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

[Statutory Authority: RCW 28B.30.150. WSR 15-01-080, § 504-26-204, filed 12/15/14, effective 1/15/15; WSR 14-11-025, § 504-26-204, filed 5/12/14, effective 6/12/14; WSR 06-23-159, § 504-26-204, filed 11/22/06, effective 12/23/06.]

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

WAC 504-26-206 Hazing. (1) No student or recognized or registered student organization at Washington State University may conspire to engage in hazing or participate in hazing of another.

(a) Hazing includes any activity expected of someone joining a group (or maintaining full status in a group) that causes or is likely to cause a risk of mental, emotional and/or physical harm, regardless of the person's willingness to participate.

(b) Hazing activities may include, but are not limited to, the following: Abuse of alcohol during new member activities; striking another person whether by use of any object or one's body; creation of excessive fatigue; physical and/or psychological shock; morally

degrading or humiliating games or activities that create a risk of bodily, emotional, or mental harm.

(c) Hazing does not include practice, training, conditioning and eligibility requirements for customary athletic events such as intramural or club sports and NCAA athletics, or other similar contests or competitions, but gratuitous hazing activities occurring as part of such customary athletic event or contest are prohibited.

(2) Washington state law also prohibits hazing which may subject violators to criminal prosecution. As used in RCW 28B.10.901 and 28B.10.902, "hazing" includes any method of initiation into a recognized or registered 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 a public or private institution of higher education or other postsecondary education institution in this state.

(3) Washington state law (RCW 28B.10.901) also provides sanctions for hazing:

(a) Any person who violates this rule, in addition to other sanctions that may be imposed, (~~((shall))~~) forfeits any entitlement to state-funded grants, scholarships, or awards for a period of time determined by the university.

(b) Any recognized or registered student organization(~~((association, or student living group))~~) that knowingly permits hazing by its members or others subject to its direction or control (~~((shall))~~) must be deprived of any official recognition or approval granted by the university.

[Statutory Authority: RCW 28B.30.150. WSR 06-23-159, § 504-26-206, filed 11/22/06, effective 12/23/06.]

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

WAC 504-26-213 Firearms and dangerous weapons. No student may carry, possess, or use any firearm, explosive (including fireworks), dangerous chemical, or any dangerous weapon on university (~~((property))~~) premises or in university-approved housing. Airsoft guns and other items that shoot projectiles are not permitted in university-approved housing. Students wishing to maintain a firearm on campus for hunting or sporting activities must store the firearm with the Washington State University department of public safety.

[Statutory Authority: RCW 28B.30.150. WSR 08-05-001, § 504-26-213, filed 2/6/08, effective 3/8/08; WSR 06-23-159, § 504-26-213, filed 11/22/06, effective 12/23/06.]

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

WAC 504-26-214 Disruptive activity. Participating in an on-campus or off-campus riot or unlawful assembly that disrupts the normal operations of the university and/or infringes on the rights of other members of the university community; leading or inciting others to disrupt scheduled and/or normal activities within any ((~~campus building or area~~)) university premises. For peaceful demonstrations, students should consult with university police for safety guidelines. [Statutory Authority: RCW 28B.30.150. WSR 06-23-159, § 504-26-214, filed 11/22/06, effective 12/23/06.]

AMENDATORY SECTION (Amending WSR 15-01-080, filed 12/15/14, effective 1/15/15)

WAC 504-26-219 Abuse of the student conduct system. Abuse of the student conduct system including, but not limited to:

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

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

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

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

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

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

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

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

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

(10) Violation of probation or any probationary conditions.

[Statutory Authority: RCW 28B.30.150. WSR 15-01-080, § 504-26-219, filed 12/15/14, effective 1/15/15; WSR 08-05-001, § 504-26-219, filed 2/6/08, effective 3/8/08; WSR 06-23-159, § 504-26-219, filed 11/22/06, effective 12/23/06.]

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

WAC 504-26-220 Discrimination and discriminatory harassment.

Discrimination or discriminatory harassment on the basis of race; sex/gender; sexual orientation; gender identity/expression; religion; age; color; creed; national or ethnic origin; physical, mental, or sensory disability (including disability requiring the use of a trained service animal); marital status; genetic information; and/or status as an honorably discharged veteran or member of the military; and as defined in Washington State University's executive policy 15, which prohibits discrimination, sexual harassment, and sexual misconduct.

[Statutory Authority: RCW 28B.30.150. WSR 14-11-025, § 504-26-220, filed 5/12/14, effective 6/12/14; WSR 06-23-159, § 504-26-220, filed 11/22/06, effective 12/23/06.]

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

WAC 504-26-225 Trespassing. Knowingly entering or remaining unlawfully in or on university premises or any portion thereof. Any person who has been given notice by a university official of the university's decision to exclude ((~~him or her~~)) them from all or a portion of the university ((~~property~~)) premises is not licensed, invited, or otherwise privileged to enter or remain on the identified portion of university ((~~property~~)) premises, unless given prior explicit written permission by university administration.

[Statutory Authority: RCW 28B.30.150. WSR 08-05-001, § 504-26-225, filed 2/6/08, effective 3/8/08; WSR 06-23-159, § 504-26-225, filed 11/22/06, effective 12/23/06.]

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

WAC 504-26-227 Sexual harassment. Sexual harassment includes behavior defined in Washington State University's executive policy 15, which prohibits discrimination, sexual harassment, and sexual misconduct.

[Statutory Authority: RCW 28B.30.150. WSR 14-11-025, § 504-26-227, filed 5/12/14, effective 6/12/14.]

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

WAC 504-26-230 Retaliation. Retaliation includes any act that would dissuade a reasonable person from making or supporting a

complaint, or participating in an investigation, under the standards of conduct (~~((for students))~~) (this chapter). Retaliatory behavior includes action or threat of action that could negatively affect another's employment, education, reputation, or other interest. It also includes retaliation as defined in Washington State University's executive policy 15, which prohibits discrimination, sexual harassment, and sexual misconduct.
[Statutory Authority: RCW 28B.30.150. WSR 14-11-025, § 504-26-230, filed 5/12/14, effective 6/12/14.]

~~((ARTICLE III
RULES AND REGULATIONS))~~

~~((ARTICLE)) PART IV
((STANDARDS OF CONDUCT FOR STUDENTS)) PROCEDURES~~

AMENDATORY SECTION (Amending WSR 17-13-049, filed 6/15/17, effective 7/16/17)

WAC 504-26-401 (~~((Complaints and student))~~) Initiating conduct
~~((process))~~ proceedings. (1) Complaints. Any member of the university community may (~~((file))~~) submit a complaint (~~((against))~~) that a student (~~((for violations of))~~) or recognized or registered student organization violated the standards of conduct (~~((for students.~~

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

~~((3) If the conduct officer has determined that a complaint has merit and if))~~. In addition, the university may initiate conduct proceedings when it receives any direct or indirect report of conduct that may violate the standards of conduct.

(2) Decision not to refer the matter for hearing. After reviewing the initial information, if the conduct officer determines that further conduct proceedings are not warranted, the conduct officer dismisses the matter. If the conduct officer decides not to initiate a conduct proceeding when requested by a complainant, the conduct

officer must notify the complainant in writing of the decision, the reasons for the decision, and how to seek review of the decision. Conduct matters may be reopened if new relevant information becomes known.

(3) Notice of informational meeting. After reviewing initial information regarding a possible student conduct violation, if the student conduct officer decides conduct proceedings are warranted, the student conduct officer sends the respondent, or parties as appropriate, written notice of an informational meeting. The notice must, at a minimum, briefly describe the factual allegations or issues involved, the specific standard of conduct provision(s) the respondent is alleged to have violated, the range of possible sanctions for such violations, and the time, date, and place of the meeting. In addition, information regarding the student conduct process and student rights, as required by WAC 504-26-504 (Interpretation—Policies, procedures, and guidelines) must be provided. Any request to change or extend the time or date of the informational meeting should be addressed to the conduct officer.

(4) Purpose of informational meeting. The purpose of the informational meeting is to provide the respondent with information on the conduct process and their rights and responsibilities, and to determine next steps, if any, in resolving the matter. During the informational meeting, the respondent may provide names of witnesses to the conduct officer to potentially contact. In cases involving Title IX, an informational meeting is also offered to a complainant.

(5) Agreement and alternative dispute resolution. A conduct officer may resolve a matter by agreement. Agreements may be reached directly or through alternative dispute resolution. In cases where agreement is not reached directly, before referring the matter to a hearing, the conduct officer must consider, and make a written determination, whether alternative dispute resolution is appropriate to resolve the matter. Alternative dispute resolution must not be used in matters involving sexual misconduct or sexual harassment. When resolution of a matter is reached by agreement or alternative dispute resolution, the agreement must be in writing and signed by the parties and the conduct officer. In the agreement, the parties must be advised in writing that:

(a) The disposition is final and they are waiving any right to a hearing on the matter, including any right to appeal; and

(b) If any party decides not to sign the agreement, and the matter proceeds to a hearing, neither the agreement nor a party's refusal to sign will be used against either party at the hearing.

(6) Referral for adjudication. After the informational meeting, if the conduct officer determines that a conduct hearing is warranted, and the matter is not resolved through agreement or alternative dispute resolution, the matter is handled through either a conduct officer hearing (~~(or referred for a)~~) (brief adjudication) in accordance with WAC 504-26-402, or conduct board hearing (full adjudication) in accordance with ((chapter 504-04 WAC.

~~(a) If the possible or recommended sanction is suspension for greater than ten instructional days, expulsion, revocation of degree, or loss of recognition of a student organization, the matter is referred for a full adjudication in accordance with chapter 504-04 WAC.~~

~~(b) Matters other than those listed in (a) of this subsection are heard by a conduct officer, unless the conduct officer exercises his or her discretion to refer the matter for a full adjudication.~~

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

~~(5) All notifications and service under this chapter are delivered either by electronic mail or other electronic means, delivered personally, or sent via regular U.S. mail. Notifications sent via regular U.S. mail are sent to the party's last known address or the address on file with the university registrar. The student or recognized student organization is responsible for maintaining an updated mailing address on file with the registrar. Deadlines described in this chapter begin the date the notification is sent via electronic means, personally delivered, or placed in regular U.S. mail.~~

~~(6) Throughout the conduct process, the complainant and the accused student have the right to be assisted by an advisor they choose, at their own expense. Upon request, a university advisor from the office of the dean of students is available to the complainant and the accused student to assist in understanding the student conduct process. Except in full adjudications pursuant to chapter 504-04 WAC, the complainant and/or the accused student is responsible for presenting his or her own information, and therefore, during the hearing, advisors are not permitted to address the board, witnesses, conduct officers or any party or representatives invited by the parties to the hearing, nor to participate directly in any university conduct board hearing, conduct officer hearing, or other aspect of the conduct process. An advisor may communicate with the accused and recesses may be allowed for this purpose. A student should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the scheduled meeting or hearing. The scheduling conflicts of an advisor are not considered good cause for a delay and do not entitle either party to a delay.~~

~~(7) Determinations in student conduct matters are made on the basis of a "preponderance of the evidence," that is, whether it is more likely than not that the accused student violated the standards of conduct for students.~~

~~(8) Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in conduct board or conduct officer proceedings. Relevant evidence, including hearsay, is admissible if it is the type of evidence that reasonable members of the university community would rely upon in the conduct of their affairs. The chair of the university conduct board and/or the conduct officer shall have the discretion to determine admissibility of evidence))~~ WAC 504-26-403. In determining which process is appropriate, the conduct officer considers factors including, but not limited to, the nature and severity of the allegations, the respondent's past contacts with the center for community standards, and the range of possible sanctions that could be imposed. A student may request that a conduct board hear the case, but the final decision regarding whether to refer the matter to the conduct board for hearing is made by the conduct officer and is not subject to appeal.

[Statutory Authority: RCW 28B.30.150. WSR 17-13-049, § 504-26-401, filed 6/15/17, effective 7/16/17; WSR 15-11-041, § 504-26-401, filed 5/14/15, effective 6/14/15; WSR 15-01-080, § 504-26-401, filed 12/15/14, effective 1/15/15; WSR 11-11-031, § 504-26-401, filed 5/11/11, effective 6/11/11; WSR 08-05-001, § 504-26-401, filed 2/6/08, effective 3/8/08; WSR 06-23-159, § 504-26-401, filed 11/22/06, effective 12/23/06.]

AMENDATORY SECTION (Amending WSR 17-13-049, filed 6/15/17, effective 7/16/17)

WAC 504-26-402 Conduct officer ((~~actions~~)) hearings (brief adjudications). ~~((~~(1) Any student alleged by a conduct officer to have violated any provision of standards of conduct for students is notified of the basis for the charge or charges and of~~))~~ (1) The majority of student conduct matters are adjudicated through conduct officer hearings. However, conduct officer hearings are not used to adjudicate matters in which the respondent faces possible sanctions of suspension for more than ten instructional days, expulsion, or revocation of degree or when a recognized or registered student organization faces possible loss of recognition. In addition, conduct officer hearings generally are not used to adjudicate matters in which the respondent faces allegations of sexual misconduct, as that term is defined in WAC 504-26-221.

(2) Notice of hearing. The conduct officer must provide the parties with written notice no later than ten calendar days prior to the conduct officer hearing. The notice must, at a minimum, briefly describe the factual allegations or issues involved, the specific

standard of conduct provision(s) the respondent is alleged to have violated, the range of possible sanctions for such violations, and the time, date, and place of ((a conference between the student and the conduct officer through one of the procedures in WAC 504-26-401(5).)) the hearing. In addition, information regarding the student conduct process and student rights, as required by WAC 504-26-504 must be provided. The notice must also include:

(a) A jurisdiction statement if the alleged behavior occurred off campus and information regarding the right to challenge jurisdiction in accordance with WAC 504-26-015;

(b) Information regarding the right to request recusal of a conduct officer under WAC 504-26-125; and

(c) Any request to extend the time ((and/or)) or date of the conduct officer conference/hearing should be addressed to the conduct officer ((or presiding officer, as applicable.

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

(3) ((After a review of the evidence and interviewing the student(s) involved in the case,)) Hearing and possible outcomes. Conduct officer hearings are brief adjudications conducted in accordance with RCW 34.05.482 through 34.05.494. The hearing allows the conduct officer to review available information, hear the parties' view of the matter, render a decision regarding responsibility, and impose sanctions, as appropriate.

(a) Before the hearing begins, the conduct officer must inform the respondent that:

(i) All respondents are presumed "not responsible" for pending charges;

(ii) The university must prove all violations by a preponderance of the evidence, meaning that it is more likely than not that the violation occurred; and

(iii) The parties have the right to have an advisor present at the hearing.

(b) Upon conclusion of the hearing, the conduct officer may take any of the following actions:

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

~~((b))~~ (ii) Dismiss the ((investigation,)) matter with no finding regarding responsibility, in which case the matter may be reopened at a later date if relevant new information ((that was unknown to the conduct officer arises)) becomes known;

~~((c))~~ (iii) Find the respondent responsible for any violations and impose ((appropriate)) sanctions ((as provided in WAC 504-26-405. Such sanctions are subject to the student's right of appeal as provided in these standards of conduct)) within the limitations described in subsection (1) of this section; or

~~((d)) (iv) Refer the matter ((for a full adjudication in accordance with chapter 504-04 WAC.~~

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

~~(5) The student is notified in writing of the determination made by)) to the conduct board.~~

(4) Notice of decision and right to appeal. The conduct officer notifies the parties in writing of the decision within ten ~~((business))~~ calendar days of the ~~((proceeding. The notice))~~ conduct officer hearing. This is the initial order of the university and includes information regarding the ~~((student's))~~ parties' right to appeal ~~((pursuant to WAC 504-26-407))~~ under WAC 504-26-420.
[Statutory Authority: RCW 28B.30.150. WSR 17-13-049, § 504-26-402, filed 6/15/17, effective 7/16/17; WSR 16-08-014, § 504-26-402, filed 3/28/16, effective 4/28/16; WSR 15-01-080, § 504-26-402, filed 12/15/14, effective 1/15/15; WSR 12-04-049, § 504-26-402, filed 1/30/12, effective 3/1/12; WSR 11-11-031, § 504-26-402, filed 5/11/11, effective 6/11/11; WSR 08-05-001, § 504-26-402, filed 2/6/08, effective 3/8/08; WSR 06-23-159, § 504-26-402, filed 11/22/06, effective 12/23/06.]

AMENDATORY SECTION (Amending WSR 16-08-014, filed 3/28/16, effective 4/28/16)

WAC 504-26-403 Conduct board ~~((proceedings))~~ hearings (full adjudications). ~~((1) Any student charged by a conduct officer with a violation of any provision of the standards of conduct for students that is to be heard by a conduct board is provided notice as described in WAC 504-26-401(5).~~

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

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

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

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

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

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

~~(3) Time for hearings.~~

~~(a))~~ (1) Conduct board hearings are used in matters in which the respondent faces possible sanctions of suspension for more than ten instructional days, expulsion, or revocation of degree and matters in

which a recognized or registered student organization faces possible loss of recognition. In addition, conduct board hearings are generally used to adjudicate matters in which the respondent faces allegations of sexual misconduct, as that term is defined in WAC 504-26-221. Other matters may be referred to a conduct board in the discretion of the conduct officer.

(2) Adoption of model rules of procedure. Conduct board hearings are full adjudications governed by the Administrative Procedure Act, RCW 34.05.413 through 34.05.476, and chapter 10-08 WAC, Model rules of procedure, except as otherwise provided in this chapter. In the event of a conflict between the rules in this chapter and the model rules, this chapter governs.

(3) Notice of hearing. Notice to the parties of a conduct board hearing must comply with model rule WAC 10-08-040 and standards of conduct rule WAC 504-26-035. In addition, information regarding the student conduct process and student rights, as required by WAC 504-26-504 must be provided.

(4) Time for conduct board hearings. The conduct board hearing is scheduled not less than ~~((seven))~~ ten calendar days after the ~~((student has))~~ parties have been sent notice of the hearing~~((, except in the case of interim suspensions as set forth in WAC 504-26-406))~~.

~~((b))~~ In accordance with WAC 10-08-090, requests to extend the time and/or date for hearing must be addressed to the ~~((chair of the university conduct board, and must be copied to the office of student conduct))~~ presiding officer. A request for extension of time is granted only upon a showing of good cause.

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

~~(a) Procedures:~~

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

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

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

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

~~(v) The complainant, the accused student, and the student conduct officer may arrange for witnesses to present pertinent information to the university conduct board. The conduct officer tries to arrange the attendance of possible witnesses who are identified by the complainant. Complainant witnesses must provide written statements to~~

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

~~(vi) Pertinent records, exhibits, and written statements (including student impact statements) may be accepted as information for consideration by a university conduct board))~~ (5) Subpoenas. Subpoenas may be issued and enforced in accordance with model rule WAC 10-08-120. In determining whether to issue, quash, or modify a subpoena, the presiding officer must give due consideration to state and federal legal requirements including, but not limited to, Title IX, its implementing regulations, and guidance issued by the federal Office for Civil Rights. The party requesting the subpoena has the burden of showing that a subpoena is necessary for full disclosure of all the relevant facts and issues.

(6) Discovery. Depositions, interrogatories, and physical or medical examinations of parties are not permitted in adjudications of student conduct matters. Other forms of discovery may be permitted at the discretion of the ((chair and/or conduct officer.

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

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

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

~~(c) The accused student or recognized student organization is notified of the conduct board's decision within ten calendar days from the date the matter is heard. The accused student or recognized student organization shall receive written notice of the decision, the~~

~~reasons for the decision (both the factual basis therefore and the conclusions as to how those facts apply to the standards of conduct for students), the sanction, notice that the order will become final unless internal appeal is filed within twenty one days of the date the letter was personally delivered, deposited in the U.S. mail, or electronically mailed, and a statement of how to file an appeal.~~

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

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

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

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

~~(7) The university conduct board may for convenience or to accommodate concerns for the personal safety, well being, and/or fears of confrontation of the complainant, accused student, and/or other witnesses during the hearing provide separate facilities, and/or permit participation by telephone, audio tape, written statement, or other means, as determined in the sole judgment of the vice president for student affairs or designee to be appropriate)) presiding officer; however, discovery should be limited to help ensure the prompt completion of the adjudication process.~~

(7) Cross-examination. As required by RCW 34.05.449, cross-examination of witnesses is permitted to the extent necessary for full disclosure of all relevant facts and issues. The preferred method of cross-examination in all student conduct matters is through written questions submitted to, and asked by, the presiding officer. Regardless, in no circumstance may the complainant or respondent be permitted to cross-examine each other directly in person or through their representative. The presiding officer may decline to ask cross-examination questions that are irrelevant, immaterial, or unduly repetitious. All questions submitted by the parties must be retained as part of the agency record, in accordance with RCW 34.05.566.

(8) Decision requirements. Decisions regarding responsibility and sanctions are made by a majority of the conduct board hearing the matter, except that any sanction of expulsion, revocation of degree, or loss of recognition of a recognized or registered student organization requires a supermajority consisting of no more than one "no" vote.

(9) Notice of decision and right to appeal. Within ten calendar days of the completion of the hearing, the conduct board must issue a decision, which is the initial order of the university and must contain the following:

- (a) Appropriately numbered findings of fact and conclusions;
- (b) The sanction(s) to be imposed, if any, and the rationale for the sanction(s);
- (c) Information regarding the parties' right to appeal according to WAC 504-26-420, including the time frame for seeking review; and
- (d) Notice that the initial order becomes final unless an appeal is filed within twenty-one calendar days of service of the initial order.

[Statutory Authority: RCW 28B.30.150. WSR 16-08-014, § 504-26-403, filed 3/28/16, effective 4/28/16; WSR 15-11-041, § 504-26-403, filed 5/14/15, effective 6/14/15; WSR 15-01-080, § 504-26-403, filed 12/15/14, effective 1/15/15; WSR 11-11-031, § 504-26-403, filed 5/11/11, effective 6/11/11; WSR 08-05-001, § 504-26-403, filed 2/6/08, effective 3/8/08; WSR 06-23-159, § 504-26-403, filed 11/22/06, effective 12/23/06.]

NEW SECTION

WAC 504-26-409 Emergency suspension. (1) Definition. An emergency suspension is a temporary exclusion of a student from all or specified portions of university premises, programs, or activities pending an investigation or student conduct proceeding relating to alleged standards of conduct violations. An emergency suspension may be imposed at any time prior to the issuance of the university's final order in the matter.

(2) Circumstances warranting emergency suspension. Emergency suspension may be imposed only in situations when the vice president for student affairs or campus chancellor (in consultation with the center for community standards), or their designee, has cause to believe that the student:

- (a) Has violated any provision of the standards of conduct; and
- (b) Presents an immediate danger to the health, safety, or welfare of any part of the university community or the public at large. Conduct that creates an ongoing disruption of, or interference with, the operations of the university and that prevents other students, employees, or invitees from completing their duties or accessing their education or the educational environment, is conduct harmful to the welfare of members of the university community.

(3) Procedure. The vice president for student affairs or campus chancellor, or their designee, ordering an emergency suspension must send the student a written notice of emergency suspension. The notice must contain the reasons for the decision (both the factual basis and the conclusions as to why those facts constitute a violation of the standards of conduct), and the policy reasons for the emergency suspension. The emergency suspension does not replace the regular hearing process, which must proceed to a conduct officer hearing or conduct board hearing, as applicable, as quickly as feasible. Once a

final order is entered, any emergency suspension is lifted and the sanction, if any, set forth in the final order is imposed.

[]

NEW SECTION

WAC 504-26-415 Procedure for academic integrity violations. (1) Initial hearing.

(a) When a responsible instructor finds that a violation of academic integrity has occurred, the instructor must assemble the evidence and, upon reasonable notice to the student of the date, time, and nature of the allegations, meet with the student suspected of violating academic integrity policies. If the student admits violating academic integrity policies, the instructor assigns an outcome in keeping with published course policies and notifies the center for community standards in writing, including the allegations, the student's admission, and the sanctions imposed.

(b) If the instructor is unable to meet with the student or if the respondent disputes the allegation(s) and/or the outcome proposed by the instructor, the instructor must make a determination as to whether the student did or did not violate the academic integrity policies. If the instructor finds that the student was in violation, the instructor must provide the student and the center for community standards with a written determination, the evidence relied upon, and the sanctions imposed.

(c) The student has twenty-one calendar days from the date of the decision letter to request review of the instructor's determination and/or sanction(s) imposed to the academic integrity hearing board.

(2) Review.

(a) Upon timely request for review by a student who has been found by their instructor to have violated the academic integrity policies, the academic integrity hearing board must make a separate and independent determination of whether or not the student is responsible for violating the academic integrity policies and/or whether the outcome proposed by the instructor is in keeping with the instructor's published course policies.

(b) The academic integrity hearing board is empowered to provide an appropriate remedy for a student including arranging a withdrawal from the course, having the student's work evaluated, or changing a grade where it finds that:

(i) The student is not responsible for violating academic integrity policies; or

(ii) The outcome imposed by the instructor violates the instructor's published policies.

(c) Academic integrity hearing board proceedings.

(i) Any student appealing a responsible instructor's finding of an academic integrity violation is provided written notice of an

academic integrity hearing board hearing in accordance with WAC 504-26-035. The written notice must include:

(A) The specific complaint, including the university or instructor academic integrity policy or regulation allegedly violated;

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

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

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

(E) A description of all documentary and real evidence to be used at the hearing, to the extent known, including a statement that the student must have the right to inspect the documentation.

(ii) Time for hearings.

(A) Academic integrity hearing board hearings are scheduled not less than seven calendar days after the student has been sent notice of the hearing.

(B) Requests to extend the time and/or date for hearing must be addressed to the chair of the academic integrity hearing board, and must be copied to the center for community standards. A request for extension of time is granted only upon a showing of good cause.

(iii) Academic integrity hearing board hearings are conducted according to the following procedures, except as provided by (c)(iv) of this subsection:

(A) Academic integrity hearing board hearings are conducted in private.

(B) The instructor, respondent, and their advisor, if any, are allowed to attend the entire portion of the hearing at which information is received (excluding deliberations). Admission of any other person to the hearing is at the discretion of the academic integrity hearing board chair.

(C) In academic integrity hearings involving more than one respondent, the academic integrity hearing board chair may permit joint or separate hearings at the chair's discretion.

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

(E) The responsible instructor and the respondent may arrange for witnesses to present relevant information to the academic integrity hearing board. Witnesses must provide written statements to the conduct officer at least two weekdays before the hearing. The respondent is responsible for informing their witnesses of the time and place of the hearing. Witnesses provide information to and answer questions from the academic integrity hearing board, the responsible instructor, and the respondent, as appropriate. The respondent and/or responsible instructor may suggest written questions to be answered by each other or by other witnesses. Written questions are submitted to, and asked by, the academic integrity hearing board chair. This method is used to preserve the educational tone of the hearing and to avoid creation of an unduly adversarial environment, and to allow the board chair to determine the relevancy of questions. Questions concerning

whether potential information may be received are resolved at the discretion of the academic integrity hearing board chair, who has the discretion to determine admissibility of information.

(F) Pertinent records, exhibits, and written statements may be accepted as information for consideration by an academic integrity hearing board at the discretion of the chair.

(G) Questions related to the order of the proceedings are subject to the final decision of the chair of the academic integrity hearing board.

(H) After the portion of the hearing concludes in which all pertinent information is received, the academic integrity hearing board determines (by majority vote) whether or not the respondent is responsible for violating the academic integrity policy and/or whether the outcome proposed by the instructor is in keeping with the instructor's published course policies.

(I) The respondent is notified of the academic integrity hearing board's decision within twenty calendar days from the date the matter is heard. The respondent must receive written notice of the decision, the reasons for the decision (both the factual basis therefore and the conclusions as to how those facts apply to the academic integrity policies), and the sanction.

(iv) If a respondent to whom notice of the hearing has been sent (in the manner provided above) does not appear at the hearing, the information in support of the complaint is presented and considered in the respondent's absence, and the board may issue a decision based upon that information.

(v) The academic integrity hearing board may for convenience, or to accommodate concerns for the personal safety, well-being, and/or fears of confrontation of any person, provide separate facilities, and/or permit participation by telephone, audio tape, written statement, or other means, as determined in the sole judgment of the chair of the academic integrity hearing board to be appropriate.

(vi) The written decision of the academic integrity hearing board is the university's final order. There is no appeal from findings of responsibility or outcomes assigned by university or college academic integrity hearing boards.

(3) If the reported violation is the respondent's first offense, the center for community standards ordinarily requires the respondent to attend a workshop separate from, and in addition to, any academic outcomes imposed by the instructor. A hold is placed on the respondent's record preventing registration or graduation until completion of the workshop.

(4) If the reported violation is the respondent's second offense, the respondent is ordinarily referred for a full adjudicative hearing in accordance with WAC 504-26-403, with a recommendation that the respondent be dismissed from the university.

(5) If the instructor or academic integrity hearing board determines that the act of academic dishonesty for which the respondent is found responsible is particularly egregious in light of all attendant circumstances, the instructor or academic integrity

hearing board may direct that the respondent's case be referred for a full adjudicative hearing, with a recommendation for dismissal from the university even if it is the respondent's first offense.

(6) Because instructors and departments have a legitimate educational interest in the outcomes, reports of academic integrity hearing board and/or conduct board hearings must be reported to the responsible instructor and the chair or dean.

[]

NEW SECTION

WAC 504-26-420 Appeals. (1) Time for appeals. Decisions made by a conduct officer or conduct board become final twenty-one calendar days after the date the decision is sent to the parties, unless an appeal is submitted before that date.

(2) Effect of appeal - Stay. Except in extraordinary circumstances, which must be explained in writing in the conduct officer's or conduct board's initial order, the implementation of an initial order imposing sanctions must be stayed pending the time for filing an appeal and the issuance of the university's final order.

(3) Appeals of conduct officer decisions. Upon receipt of a timely appeal, the appeals board provides the other parties, if applicable, with a copy of the appeal and an opportunity to respond, and conducts a limited review as described below.

(a) Scope of review. Except as required to explain the basis of new information, appeal of a conduct officer decision is limited to a review of the record for one or more of the following purposes:

(i) To determine whether the conduct officer hearing was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures; deviations from designated procedures are not a basis for sustaining an appeal unless significant prejudice results;

(ii) To determine whether the decision reached was based on substantial information, that is, whether there were facts in the case that, if believed by the fact finder, were sufficient to establish that a violation of the standards of conduct occurred;

(iii) To determine whether the sanction(s) imposed were appropriate for the violation of the standards of conduct that the respondent was found to have committed; or

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

(b) Conversion to conduct board hearing. The appeals board makes any inquiries necessary to ascertain whether the proceeding must be converted to a conduct board hearing in accordance with WAC 504-26-403.

(4) Appeals of conduct board decisions. Upon receipt of a timely appeal, the appeals board provides the other parties, if applicable, with a copy of the appeal and an opportunity to respond.

(a) The appeals board must have and exercise all the decision-making power that the conduct board had, except that the appeals board must give due regard to the conduct board's opportunity to observe the witnesses, if applicable. The appeals board members must personally consider the whole record or such portions of it as may be cited by the parties.

(b) Scope of review. The appeals board conducts a full review in accordance with RCW 34.05.464.

(5) University's right to initiate appeal. The university president or designee, at their own initiative, may request that the appeals board review any initial order. Prior to taking action, the appeals board must notify the parties and allow them an opportunity to explain the matter.

(6) Appeals board decisions.

(a) Actions. After reviewing the record and any information provided by the parties, the appeals board may take the following actions:

(i) Affirm, reverse, or modify the conduct board's or conduct officer's decision, or any part of the decision;

(ii) Affirm, reverse, or modify the sanctions imposed by the conduct board or conduct officer, or any part of the sanctions; or

(iii) Set aside the findings or sanctions, or any part of the findings or sanctions, and remand the matter back to the conduct board or conduct officer with instructions for further proceedings.

(b) Content of decision. The decision includes the outcome, any sanction, and a brief statement of the reasons for the decision. The letter must advise the parties that judicial review may be available. For appeals of conduct board hearings, the decision includes, or incorporates by reference to the conduct board's decision, all matters as set forth in WAC 504-26-403.

(c) Service and effective date of decision. For appeals of conduct officer decisions, the appeals board's decision must be sent to the parties within twenty calendar days of receipt of the appeal. For appeals of conduct board decisions, the appeals board's decision must be sent to the parties within thirty calendar days of receipt of the appeal, unless the appeals board notifies the parties in writing that additional time (up to ninety calendar days) is needed. The appeals board's decision is the final order of the university, except in the case of remand, and is effective when sent.

(7) Reconsideration of final orders. Within ten calendar days of service of a final order, any party may submit a request for reconsideration. The request must be in writing, directed to the appeals board, and must state the reasons for the request. The request for reconsideration does not stay the effective date of the final order. However, the time for filing a petition for judicial review does not commence until the date the appeals board responds to the request for reconsideration or twenty-one calendar days after the

request has been submitted, whichever is sooner. If the appeals board does not respond to the request for reconsideration within twenty-one calendar days, the request is deemed to have been denied.

(8) Stay. A party may request that the university delay the date that the final order becomes effective by requesting a stay in writing to the appeals board within ten calendar days of the date the order was served.

[]

NEW SECTION

WAC 504-26-425 Sanctions. (1) Publication of guidelines for sanctioning. Sanctioning guidelines and other information regarding sanctioning must be published on the center for community standards web site. Guidelines must explain in plain language the types of sanctions that a respondent may face for a particular violation and the factors that are used to determine the sanction(s) imposed for a particular violation. Factors must include, but not be limited to, the following:

(a) Conduct record. Any record of past violations of the standards of conduct, and the nature and severity of such past violations;

(b) Malicious intent. If a respondent is found to have intentionally selected a victim based upon the respondent's perception of the victim's race, color, religion, national or ethnic origin, age, sex/gender, marital status, status as an honorably discharged veteran or member of the military, sexual orientation, genetic information, gender identity/expression, or mental, physical, or sensory disability (including disability requiring the use of a trained service animal), such finding is considered an aggravating factor in determining a sanction for such conduct; and

(c) Impact on victim and/or university community.

(2) Effective date of sanctions. Except as provided in WAC 504-26-420(2), sanctions are implemented when a final order becomes effective. If no appeal is filed, an initial order becomes a final order on the day after the period for requesting review has expired. (See WAC 504-26-420.)

(3) Types of sanctions. The following sanctions may be imposed upon any respondent found to have violated the standards of conduct. More than one of the sanctions listed below may be imposed for any single violation:

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

(b) Probation. Formal action placing conditions upon the respondent's continued attendance, recognition, or registration at the university. Probation is for a designated period of time and warns the student or recognized or registered student organization that suspension, expulsion, loss of recognition, or any other sanction

outlined in this section may be imposed if the student or recognized or registered student organization is found to have violated any institutional regulation(s) or fails to complete any conditions of probation during the probationary period. A student on probation is not eligible to run for or hold an office in any recognized or registered student group or organization; they are not eligible for certain jobs on campus including, but not limited to, resident advisor or orientation counselor; and they are not eligible to serve on the university conduct or appeals board.

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

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

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

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

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

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

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

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

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

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

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

(n) Loss of recognition. A recognized or registered student organization's recognition (or ability to register) may be withheld permanently or for a specific period of time. A fraternity or sorority may be prohibited from housing first year students. Loss of recognition is defined as withholding university services, privileges, or administrative approval from a recognized or registered student

organization. Services, privileges, and approval to be withdrawn include, but are not limited to, intramural sports (although individual members may participate), information technology services, university facility use and rental, student involvement office organizational activities, and center for fraternity and sorority life advising.

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

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

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

(r) Additional sanctions for hazing. In addition to other sanctions, a student who is found responsible for hazing forfeits any entitlement to state-funded grants, scholarships, or awards for a specified period of time, in accordance with RCW 28B.10.902.

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

[]

((ARTICLE)) PART V
ADMINISTRATION AND RECORDS

NEW SECTION

WAC 504-26-504 Interpretation—Policies, procedures, and guidelines. (1) The vice president for student affairs or designee has authority to interpret these rules and develops policies, procedures, and guidelines for the administration of the university's student conduct system that are consistent with the provisions in this chapter. These must be published, at a minimum, on the center for community standards web site and in the university's student handbook. A link to the student handbook or center for community standards web

site must be provided to parties prior to any informational meeting or student conduct hearing and must provide the following information:

- (a) Rights in the student conduct process;
- (b) A clear explanation of what to expect during the process;
- (c) Information regarding legal resources available in the community;
- (d) A statement that respondents are presumed "not responsible"; and
- (e) A statement regarding the right not to self-incriminate in accordance with WAC 504-26-045.

(2) Definitions from these standards are incorporated into Washington State University's executive policy 15, which prohibits discrimination, sexual harassment, and sexual misconduct.

[]

NEW SECTION

WAC 504-26-510 Good Samaritan policy. A conduct officer may elect not to initiate a conduct proceeding regarding alcohol or other drug violations against a student who, while in the course of helping another person seek medical assistance, admits to the unlawful possession or use of alcohol or drugs, provided that the possession was for personal consumption and the use did not place the health or safety of any other person at risk. In addition, a conduct officer may elect not to initiate a conduct proceeding against a complainant who admits to the possession or use of alcohol or drugs in connection with a report under this policy.

[]

NEW SECTION

WAC 504-26-515 Periodic review and assessment. At the end of each academic year, the center for community standards provides a report to the vice president for student affairs which must include, at a minimum, a numerical breakdown of the types of matters handled and the sanctions imposed. The vice president for student affairs must make the report publicly available, provided all personally identifiable or readily ascertainable student information is removed.

The standards of conduct and the student conduct system as a whole are reviewed every three years under the direction of the vice president for student affairs or designee. The student government council is asked to provide recommendations and input on proposed changes. After completion of any adjudication or other resolution of a student conduct matter, the center for community standards must send a survey to all parties requesting feedback on the process. Feedback

results must be reviewed, at a minimum, every three years in connection with the periodic review and assessment.

[]

NEW SECTION

WAC 504-26-520 Conduct hold on student record. When a student leaves the university or completes course work required for a degree after an incident occurs that could result in violations of the standards of conduct, the center for community standards may place a conduct hold on the student's record. A conduct hold may also be placed on the student's account if the student has failed to adequately complete sanctions by the proscribed timeline. A conduct hold may restrict the student from adding or dropping classes, requesting an official transcript, or receiving a degree from the university until the hold is removed. The center for community standards must advise the student of the hold and the process for challenging the hold. A conduct hold under these circumstances is not a sanction and does not imply or assume responsibility for a violation of the standards of conduct.

[]

NEW SECTION

WAC 504-26-525 Good standing. The award of a degree and/or diploma is conditioned upon the student's good standing in the university and satisfaction of all university graduation requirements. "Good standing" means the student has resolved any acts of academic or behavioral misconduct and complied with all sanctions imposed as a result of the misconduct. The university has the sole authority in determining whether to withhold the degree and/or diploma in cases where the student is not in good standing. The university must deny the award of a degree if the student is dismissed from the university based on their misconduct. Neither diplomas nor transcripts are sent until students have resolved any unpaid fees and resolved any acts of academic or behavioral misconduct and complied with all sanctions imposed as a result of misconduct. (See also academic regulation 45 in the university general catalog.)

[]

NEW SECTION

WAC 504-26-530 Recordkeeping and confidentiality. (1) Removal of conduct record. A student may request removal from their record a

single disciplinary violation relating to the possession or use of alcohol and/or marijuana, and/or other violation of the university's policies relating to alcohol and drugs. Granting such a request is discretionary, and the student must make such a request in accordance with university policies and procedures.

(2) Conduct records are maintained in accordance with the university's records retention schedule.

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

(4) A student may request a copy of their own conduct record at their own reasonable expense by making a written request to the center for community standards.

(5) Personally identifiable student information is redacted to protect other students' privacy, except as otherwise required by law.

(6) A student may authorize release of their own conduct record to a third party in compliance with FERPA by making a written request to the center for community standards.

(7) The university may inform the complainant of the outcome of any conduct proceeding involving a crime of violence as defined by FERPA.

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

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

(a) The student's parents or legal guardians may review these conduct records if the student is a dependent for tax purposes as defined by FERPA.

(b) The university may release conduct records to another educational institution, upon request, where the student seeks or intends to enroll, as allowed by FERPA.

[]

~~((ARTICLE VI
INTERPRETATION AND REVISION))~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 504-26-005	Good standing.
WAC 504-26-101	Convening boards.
WAC 504-26-102	Policies.

WAC 504-26-103	Decisions.
WAC 504-26-200	Jurisdiction of the standards of conduct for students.
WAC 504-26-301	Malicious intent.
WAC 504-26-302	Responsibility for guests.
WAC 504-26-303	International and national exchange programs.
WAC 504-26-304	Recognized student organization conduct.
WAC 504-26-305	Violation of law and university discipline.
WAC 504-26-4031	Procedure for formal (full) adjudicative proceedings.
WAC 504-26-404	Procedure for academic integrity violations.
WAC 504-26-405	Sanctions.
WAC 504-26-406	Interim suspension.
WAC 504-26-407	Review of decision in brief adjudications.
WAC 504-26-408	Interim measures.
WAC 504-26-501	Records.
WAC 504-26-601	Interpretations.
WAC 504-26-602	Periodic review.

Note to Regents: For your convenience, this "clean" copy includes ALL sections in WAC Chapter 504-26, including sections that are not being revised at this time. (If not being revised, the sections are presented "as is," without an "amendatory" or "new" statement. Sections being deleted are listed under "Repealer" at the end.)

PART I
GENERAL MATTERS

AMENDATORY SECTION (Amending WSR 17-13-049, filed 6/15/17, effective 7/16/17)

WAC 504-26-001 Preamble. Washington State University's long-standing commitment to providing students with a transformational experience continues with a focus on enhancing the quality and relevance of the learning experience, providing more personalized student services, expanding learning opportunities outside the classroom, and developing a more cohesive student community. To this end, students are expected to uphold and be accountable to high standards of conduct that foster a safe, healthy, and inclusive campus community. The basic philosophy behind the standards of conduct and processes is one of education, centered on student learning through personal development and accountability. Therefore, the student conduct process is designed to guide and correct behaviors, challenge students to make better choices, and protect the rights and safety of all students, the university, and the community at large.

The university strives to provide a fair process for every student without bias or favor regardless of socioeconomic status, connections, race, color, creed, religion, national or ethnic origin, sex/gender, sexual orientation, gender identity/expression, age, marital status, disability, genetic information, or status as an honorably discharged veteran or member of the military. It also has responsibility to inform and educate the university community, parents, and the public at large on these standards, uphold them, and exercise the authority to take educational and/or disciplinary action accordingly.

Correspondingly, students have the responsibility to read and be familiar with the standards of conduct, to abide by them, and to understand that violation of these standards, if the student is found responsible, will result in disciplinary and/or educational sanctions. The vice president for student affairs is the person designated by the university president to be responsible for the administration of the standards of conduct.

[Statutory Authority: RCW 28B.30.150. WSR 17-13-049, § 504-26-001, filed 6/15/17, effective 7/16/17; WSR 15-11-041, § 504-26-001, filed 5/14/15, effective 6/14/15; WSR 15-01-080, § 504-26-001, filed 12/15/14, effective 1/15/15; WSR 11-11-031, § 504-26-001, filed 5/11/11, effective 6/11/11; WSR 06-23-159, § 504-26-001, filed 11/22/06, effective 12/23/06.]

WAC 504-26-010 Definitions. For purposes of the standards of conduct, the following definitions apply:

(1) Academic integrity hearing board. Teaching faculty and student representatives who, collectively, are authorized by the university or college to review an instructor's determination that a student violated university academic integrity policies and whether or not the outcome proposed by the instructor is in keeping with the instructor's published policies.

(2) Appeals board. The group of students, faculty, and staff, collectively, authorized in accordance with WAC 504-26-115 to consider appeals from a university conduct board's or conduct officer's determination as to whether a student has violated the standards of conduct and any sanctions imposed.

(3) Brief adjudication. The process by which a conduct officer may adjudicate student conduct matters involving possible sanctions, other than matters involving suspension for more than ten instructional days, expulsion, loss of recognition, or revocation of degree. Also referred to as a "conduct officer hearing" or "brief adjudicative proceeding."

(4) Cheating. Includes, but is not limited to:

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

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

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

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

(i) Counterfeiting data, research results, information, or procedures with inadequate foundation in fact. The office of research must be consulted in matters involving alleged research misconduct as that term is defined in the university's executive policy 33.

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

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

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

(f) Scientific misconduct. Falsification, fabrication, plagiarism, or other forms of dishonesty in scientific and scholarly research are prohibited. Complaints and inquiries involving cases of scientific misconduct are managed according to the university's policy for responding to allegations of scientific misconduct. A finding of scientific misconduct is subject to sanctions by the center for community standards. The policy for responding to allegations of scientific misconduct (executive policy 33) may be reviewed by contacting the office of research.

(g) Unauthorized collaboration on assignments.

(h) Intentionally obtaining unauthorized knowledge of examination materials.

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

(j) Unauthorized multiple submission of the same work.

(k) Sabotage of others' work.

(l) Tampering with or falsifying records.

(5) Complainant. Any person who is the alleged victim of prohibited student conduct, whether or not such person has made an actual complaint. Any individual, group, or entity, including the university, who submits a complaint alleging that a student or a registered or recognized student organization violated the standards of conduct.

(6) Conduct board. The group of students, faculty, and staff, collectively authorized in accordance with WAC 504-26-110 to adjudicate certain student conduct matters.

(7) Conduct officer. A university official authorized by the vice president for student affairs to initiate, manage, and/or adjudicate certain student conduct matters in accordance with WAC 504-26-401 and 504-26-402.

(8) Faculty member. For purposes of this chapter, any person hired by the university to conduct classroom or teaching activities or who is otherwise considered by the university to be a member of its faculty.

(9) Full adjudication. The process by which a conduct board adjudicates matters involving possible suspension of greater than ten instructional days, expulsion, loss of recognition, revocation of degree, or other matters as determined by the university. Also referred to as "formal adjudication," "formal (or full) adjudicative proceeding," or "conduct board hearing."

(10) Gender identity. Having or being perceived as having a gender identity, self-image, appearance, behavior, or expression,

whether or not that gender identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the sex assigned to the person at birth.

(11) Member of the university community. Includes any person who is a student, faculty member, university official, any person employed by the university, or any person with a relationship with the university, including guests of and visitors to the university. A person's status in a particular situation is determined by the vice president for student affairs or designee.

(12) Parties. The parties to a student conduct proceeding must include the university and the respondent. The parties in a student conduct matter implicating Title IX of the Civil Rights Act of 1964 must include the complainant(s), if the complainant(s) notifies the university in writing that they wish to participate as a party. The university may designate other complainants, individuals, or recognized or registered student organizations as parties to conduct proceedings, or allow individuals or recognized or registered student organizations to intervene in conduct proceedings.

(13) Policies. The written rules and regulations of the university as found in, but not limited to, the standards of conduct, university policy manuals, housing and dining policies, academic regulations, and the university's graduate, undergraduate, and professional catalogs and other publications, including electronic publications.

(14) Recognized or registered student organization. A group of students, collectively, that has complied with the formal requirements for university recognition or registration.

(15) Respondent. A student or recognized or registered student organization alleged to have violated these standards of conduct.

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

(17) University. Includes all locations, premises, programs, and operations of Washington State University.

(18) University official. Any person employed by the university, performing assigned administrative or professional responsibilities.

(19) University premises. All land, buildings, facilities, vehicles, web sites, and other property in the possession of or owned, used, or controlled by the university (including adjacent streets and sidewalks), including its study abroad program sites, as well as university-sponsored or hosted online platforms.

[Statutory Authority: RCW 28B.30.150. WSR 17-13-049, § 504-26-010, filed 6/15/17, effective 7/16/17; WSR 16-08-014, § 504-26-010, filed 3/28/16, effective 4/28/16; WSR 15-01-080, § 504-26-010, filed

12/15/14, effective 1/15/15; WSR 11-11-031, § 504-26-010, filed 5/11/11, effective 6/11/11; WSR 07-11-030, § 504-26-010, filed 5/8/07, effective 6/8/07; WSR 06-23-159, § 504-26-010, filed 11/22/06, effective 12/23/06.]

NEW SECTION

WAC 504-26-015 Jurisdiction and applicability—Relationship to other proceedings. (1) General. The standards of conduct apply to conduct that occurs on university premises or in connection with university sponsored activities, including transit to or from the activity.

(2) Off-campus conduct. In addition to subsection (1) of this section, the standards of conduct may apply to conduct that occurs off university premises and not in connection with university-sponsored activities, if the conduct adversely affects the health and/or safety of the university community or the pursuit of the university's vision, mission, or values.

(a) The university has sole discretion to make this determination. In making this determination, the conduct officer considers whether the alleged conduct:

(i) Requires the university to exercise jurisdiction under law or as required by federal or state agencies;

(ii) Negatively impacted the reputation of the university or its students;

(iii) Occurred on the property of recognized or registered student organizations;

(iv) Caused physical, mental, or emotional harm to another; or

(v) Was recognized by onlookers, complainants, or witnesses as being carried out by a student or recognized or registered student organization.

(b) When the university chooses to exercise jurisdiction for off-campus conduct not in connection with a university-sponsored activity, the parties must be notified in writing of the decision and the reasons for the decision, and their right to challenge the decision to the vice president for student affairs or designee. Challenges to jurisdiction must be in writing and filed within five calendar days from the date the notice is sent. In cases implicating Washington State University's executive policy 15, which prohibits discrimination, sexual harassment, and sexual misconduct, the vice president for student affairs or designee must consult with the university's Title IX coordinator.

(3) Online conduct - Electronic communications. These standards of conduct may be applied to behavior conducted online, via electronic mail, text message, or other electronic means.

(4) Time frame for applicability. Each student is responsible and accountable for their conduct from the time of application for admission through the actual awarding of a degree, even though conduct

may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment. These standards apply to a student's conduct even if the student withdraws from school, takes a leave of absence, or graduates.

(5) Group accountability. Recognized or registered student organizations that violate university policies and the standards of conduct are subject to sanctions. A recognized or registered student organization may be held accountable for the behavior of its officers, members, or guests when the university demonstrates that:

(a) The organization or its officers should have foreseen that behavior constituting a violation was likely to occur, yet failed to take reasonable precautions against such behavior;

(b) A policy or practice of the organization was responsible for a violation; or

(c) The behavior constituting a violation was committed by, condoned by, or involved a significant number of organization officers, members, or guests.

(6) International and national study programs. Students who participate in any university-sponsored or sanctioned international or national study program must observe the following rules and regulations:

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

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

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

(d) These standards of conduct.

(7) Academic and professional standards. Nothing in these standards of conduct is to be construed as limiting academic action that may be taken by a program or other academic unit against a respondent who, based on an established violation of these standards or otherwise, demonstrates a failure to meet the academic and/or professional standards of the program.

(8) Relationship between student conduct process and other legal processes. The university is not required to stay a student conduct proceeding pending any criminal or civil proceeding, nor must the disposition of any such criminal or civil proceeding control the outcome of any student conduct proceeding. Respondents may choose to remain silent during conduct proceedings, in accordance with WAC 504-26-045.

[]

NEW SECTION

WAC 504-26-020 Advisors and representatives. (1) Advisors. Any party may have an advisor of their choice present during all stages of a conduct process. Upon a party's request, a list of trained advisors

from outside the office of the dean of students (and those offices reporting to the dean of students) is provided. Advisors may assist any party engaged in the conduct process and attend meetings and hearings. Advisors may not be witnesses to the alleged behavior. Students should select an advisor whose schedule allows for attendance at the scheduled date and time of the informational meeting and/or hearing, because delays are not normally allowed due to scheduling conflicts of the advisor.

(2) Communication with the center for community standards. Advisors and representatives may communicate directly with the center for community standards to receive information on dates and times of meetings, status of conduct processes, and outcomes. As a condition of participation in the conduct process, the center for community standards may require advisors and representatives to sign a statement agreeing to comply with legal requirements and university rules including, but not limited to, requirements related to confidentiality of student information.

(3) Advisors in conduct meetings and hearings. During any conduct process, breaks may be taken, within reason, to allow a party to consult with their advisor. However, advisors are not permitted to speak on behalf of parties.

(4) Representatives. A party may choose to be represented during a full adjudication, at their own expense. Only persons currently admitted to practice law, including licensed legal interns, are permitted to act as representatives. In conduct board hearings, questions regarding logistical and administrative issues are to be directed to the presiding officer, who may impose reasonable conditions upon participation of advisors and representatives.

[]

NEW SECTION

WAC 504-26-025 Confidentiality and participation in student conduct hearings. Student conduct meetings and hearings are closed to public observation. The parties and their advisors or representatives may attend the entire hearing, excluding deliberations. Admission of any other person to the hearing is at the discretion of the conduct officer or presiding officer, as applicable. For convenience, or to accommodate concerns for the personal safety, well-being, or fears of confrontation of any party or witness, the conduct officer or presiding officer may allow participation remotely, in separate rooms, or by other means.

[]

NEW SECTION

WAC 504-26-030 Consolidation. In any student conduct matter in which there are common issues or parties, the parties may request, or the conduct officer or presiding officer may decide, to consolidate the proceedings. This decision is within the sole discretion of the conduct officer or presiding officer.

[]

NEW SECTION

WAC 504-26-035 Service and notification. Service of all university notices under this chapter is sent by electronic mail addressed to the party's university-issued email address or, if the party does not have a university-issued email address, to the email address on record with the university. Service is complete when the email is sent to the email address. Service may also be accomplished by personal delivery or regular U.S. mail. Notifications via regular U.S. mail are sent to the party's last known address or the address on file with the university registrar, and service is complete on the date the notice is placed in the mail. The student is responsible for maintaining an updated mailing address on file with the registrar. Recognized or registered student organizations are responsible for updating their mailing address on file with the center for fraternity and sorority life, university recreation, or student involvement. Deadlines described in this chapter begin the date the notification is sent via email, personally delivered, or placed in regular U.S. mail.

[]

NEW SECTION

WAC 504-26-040 Presumptions and standard of proof. All students and registered or recognized student organizations are presumed "not responsible" for alleged violations. Any violation must be proven by a preponderance of the evidence, meaning that it is more likely than not that the violation occurred. As part of the university's opening statement in any conduct board hearing, the university's representative must read a statement to this effect.

[]

NEW SECTION

WAC 504-26-045 Evidence. (1) Evidence, including hearsay evidence, is admissible in student conduct proceedings if, in the judgment of the conduct officer or presiding officer, it is the kind of evidence that reasonably prudent persons are accustomed to rely on

in the conduct of their affairs. The conduct officer or presiding officer determines the admissibility and relevance of all information and evidence. The sexual history of a complainant is not admissible in a student conduct proceeding except to the extent permitted by evidence rule 412 and RCW 34.05.452 (stating that presiding officers must refer to the Washington rules of evidence as guidelines for evidentiary rulings).

(2) Students may choose to remain silent during conduct proceedings, recognizing that they give up the opportunity to explain their version of events and that the decision is made based on the information presented at the hearing. No student must be compelled to give self-incriminating evidence, and no negative inference will be drawn from a student's refusal to participate in any stage of the conduct proceeding. If either party does not attend or participate in a hearing, the conduct officer or conduct board may resolve the matter based on the information available at the time of the hearing.
[]

NEW SECTION

WAC 504-26-050 Interim measures. (1) While a student conduct matter is pending, the university may take a number of interim actions in order to ensure the preservation of the educational experience and the overall university environment of the parties. These actions may include, but are not limited to:

- (a) A no-contact order imposed on any party;
 - (b) University housing room change for one or more involved parties; and/or
 - (c) Changes in academic schedules or assignments for any party.
- (2) As stated in the university's housing and dining policies, the university reserves the right to assign roommates, to change room or hall assignments, and/or to consolidate vacancies by requiring residents to move from one room to another in the event such reassignments are determined to be necessary by the university.

(3) University departments taking interim measures must coordinate with the center for community standards, which advises the parties of the interim measures and the process for challenging them. For matters involving the university's executive policy 15, which prohibits discrimination, sexual harassment, and sexual misconduct, the departments must also consult with the university's office for equal opportunity regarding interim measures. Interim measures are not sanctions and do not imply or assume responsibility for a violation of the standards of conduct.
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PART II OFFICERS AND BOARDS

AMENDATORY SECTION (Amending WSR 17-13-049, filed 6/15/17, effective 7/16/17)

WAC 504-26-100 Presiding officers. Full adjudicative proceedings are conducted by the conduct board and are presided over by an individual who is licensed to practice law in the state of Washington and has judicial training. The presiding officer's role is to ensure a fair and impartial process and is limited to making procedural and evidentiary rulings and handling logistical and other matters related to facilitating the proceedings to ensure compliance with legal requirements. The presiding officer must transmit a full and complete record of the proceedings to the center for community standards and the conduct board, including such comments upon demeanor of witnesses as the presiding officer deems relevant, in accordance with RCW 34.05.461. The presiding officer does not vote and is not considered for purposes of creating a quorum of the conduct board. [Statutory Authority: RCW 28B.30.150. WSR 17-13-049, § 504-26-100, filed 6/15/17, effective 7/16/17; WSR 15-11-041, § 504-26-100, filed 5/14/15, effective 6/14/15; WSR 15-01-080, § 504-26-100, filed 12/15/14, effective 1/15/15; WSR 12-04-049, § 504-26-100, filed 1/30/12, effective 3/1/12; WSR 06-23-159, § 504-26-100, filed 11/22/06, effective 12/23/06.]

NEW SECTION

WAC 504-26-105 Recruitment, appointment, and term of conduct and appeals board members. A committee comprised of students, staff, and faculty members and convened by the vice president for student affairs selects a pool of members of the university community to serve as conduct board members, as well as a separate pool for appeals board members. Each pool must include representatives from all WSU campuses. Pool members are approved by the university president and must be in good standing with the university. Pool members serve a maximum term of four calendar years but may apply to serve another four-year term after a break of two years. Terms of pool members are staggered. Boards are convened by the vice president for student affairs or designee. The center for community standards is not involved in the recruitment or application processes for board members. []

NEW SECTION

WAC 504-26-110 Composition of conduct board. A conduct board must consist of five members. A quorum of five is needed to hear a matter. The presiding officer is not a member of the conduct board and

therefore is not considered for purposes of determining whether there is a quorum. A majority of conduct board members hearing a matter must be enrolled WSU students (undergraduate, graduate, or professional) and may be full-time or part-time. The remaining members may be students, or full-time or part-time faculty or staff of any rank or classification. When the complainant or respondent is enrolled at a particular campus, at least one member of the conduct board must be from that campus. No conduct board member may serve on a case if the member previously served on a board in a case involving the same complainant or respondent.
[]

NEW SECTION

WAC 504-26-115 Composition of appeals board. The appeals board must consist of three members. A quorum of three is needed to review a matter. A majority of appeals board members hearing a matter must be enrolled WSU students (undergraduate, graduate, or professional) and may be full-time or part-time. The remaining members may be students, or full-time or part-time faculty or staff of any rank or classification. No appeals board member may serve on a case if the member previously served on a board on a case involving the same complainant or respondent. The vice president for student affairs or designee is responsible for designating one of the three appeals board members as chair. The chair is responsible for ensuring a fair and impartial process and is a voting member of the appeals board.
[]

NEW SECTION

WAC 504-26-120 Training. (1) Board members and presiding officers. Conduct board members, appeals board members, and presiding officers must not participate in any student conduct matter until, at a minimum, training in the following areas has been completed:

- (a) Cultural competency and implicit bias;
- (b) Student development and student conduct philosophies, including the educational component of the student conduct process;
- (c) Identifying bias against individuals and against groups;
- (d) Conflict of interest;
- (e) Sexual assault and gender-based violence;
- (f) Alcohol and drug prevention;
- (g) Due process and burden of proof in student conduct matters;

and

- (h) Sanctioning principles and guidelines.

(2) Conduct officers. Conduct officers must not participate in any student conduct matter until, at a minimum, training in the following areas has been completed:

(a) Alternative dispute resolution;

(b) Restorative justice; and

(c) All training required of board members (see subsection (1) of this section).

(3) Renewal of training. Training must be renewed on an annual basis.

[]

NEW SECTION

WAC 504-26-125 Recusal. (1) Notification of names of conduct officers and board members. All parties must be notified of the names of conduct officers, conduct board members, and/or appeals board members assigned to their case no later than ten calendar days prior to the hearing or appeals board meeting date.

(2) Requesting recusal of conduct officers and board members. A party requesting recusal of a conduct officer or conduct/appeals board member must demonstrate good cause. The request must be made in writing no later than five calendar days prior to the date of the conduct hearing or appeals board meeting. For conduct board members, the presiding officer is responsible for granting or denying requests. For conduct officers and appeals board members, the vice president for student affairs or designee is responsible for granting or denying requests.

(3) Presiding officer. Requests for recusal of the presiding officer are governed by the model rules of procedure, WAC 10-08-050(2).

(4) Self-recusal in the event of conflict of interest. Conduct officers and board members must be trained in conflict of interest. For any matter in which they are participating, if they identify a potential conflict of interest, appeals board members and conduct officers must promptly notify and consult with the vice president for student affairs or designee, while conduct board members must promptly notify and consult with the presiding officer. Conduct officers and board members must recuse themselves if, after consultation, an actual conflict is determined to exist. If a potential conflict is identified but is determined by the vice president or designee or presiding officer, as applicable, to be insufficient to justify removal of the person, the parties must be notified of the potential conflict and reasons for determining that it does not pose an actual conflict. For purposes of this subsection, a conflict of interest is defined as a personal interest, financial, familial, or otherwise, that might impair, or reasonably appear to an objective, outside observer to impair, a person's independent unbiased judgment in the discharge of their official responsibilities.

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PART III
PROHIBITED CONDUCT

AMENDATORY SECTION (Amending WSR 15-01-080, filed 12/15/14, effective 1/15/15)

WAC 504-26-201 Misconduct—Rules and regulations. Any student or recognized or registered student organization found to have committed, assisted, conspired, or attempted to commit the following misconduct (WAC 504-26-202 through 504-26-230) is subject to the disciplinary sanctions outlined in WAC 504-26-405.
[Statutory Authority: RCW 28B.30.150. WSR 15-01-080, § 504-26-201, filed 12/15/14, effective 1/15/15; WSR 08-05-001, § 504-26-201, filed 2/6/08, effective 3/8/08; WSR 07-11-030, § 504-26-201, filed 5/8/07, effective 6/8/07; WSR 06-23-159, § 504-26-201, filed 11/22/06, effective 12/23/06.]

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

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

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

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

(4) Fraud or misrepresentation.
[Statutory Authority: RCW 28B.30.150. WSR 15-01-080, § 504-26-202, filed 12/15/14, effective 1/15/15; WSR 08-05-001, § 504-26-202, filed 2/6/08, effective 3/8/08; WSR 07-11-030, § 504-26-202, filed 5/8/07, effective 6/8/07; WSR 06-23-159, § 504-26-202, filed 11/22/06, effective 12/23/06.]

AMENDATORY SECTION (Amending WSR 07-11-030, filed 5/8/07, effective 6/8/07)

WAC 504-26-203 Disruption or obstruction. Students have the right to freedom of speech, including the right to dissent or protest, but this expression may not interfere with the rights of others or disrupt the university's activities. Prohibited behavior includes: Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other university activities, including its public service functions on or off campus, or of other authorized nonuniversity activities when the conduct occurs on university

premises or is directed toward any member of the university community by any means including use of telephone, computer, or some other medium.

[Statutory Authority: RCW 28B.30.150. WSR 07-11-030, § 504-26-203, filed 5/8/07, effective 6/8/07; WSR 06-23-159, § 504-26-203, filed 11/22/06, effective 12/23/06.]

AMENDATORY SECTION (Amending WSR 15-01-080, filed 12/15/14, effective 1/15/15)

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

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

(2) Conduct that disrupts the university community or prevents any member of the university community from completing their duties.

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

[Statutory Authority: RCW 28B.30.150. WSR 15-01-080, § 504-26-204, filed 12/15/14, effective 1/15/15; WSR 14-11-025, § 504-26-204, filed 5/12/14, effective 6/12/14; WSR 06-23-159, § 504-26-204, filed 11/22/06, effective 12/23/06.]

WAC 504-26-205 Theft or damage to property. Theft of and/or the intentional or reckless damage to the property of another.

[Statutory Authority: RCW 28B.30.150. WSR 06-23-159, § 504-26-205, filed 11/22/06, effective 12/23/06.]

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

WAC 504-26-206 Hazing. (1) No student or recognized or registered student organization at Washington State University may conspire to engage in hazing or participate in hazing of another.

(a) Hazing includes any activity expected of someone joining a group (or maintaining full status in a group) that causes or is likely to cause a risk of mental, emotional and/or physical harm, regardless of the person's willingness to participate.

(b) Hazing activities may include, but are not limited to, the following: Abuse of alcohol during new member activities; striking another person whether by use of any object or one's body; creation of

excessive fatigue; physical and/or psychological shock; morally degrading or humiliating games or activities that create a risk of bodily, emotional, or mental harm.

(c) Hazing does not include practice, training, conditioning and eligibility requirements for customary athletic events such as intramural or club sports and NCAA athletics, or other similar contests or competitions, but gratuitous hazing activities occurring as part of such customary athletic event or contest are prohibited.

(2) Washington state law also prohibits hazing which may subject violators to criminal prosecution. As used in RCW 28B.10.901 and 28B.10.902, "hazing" includes any method of initiation into a recognized or registered 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 a public or private institution of higher education or other postsecondary education institution in this state.

(3) Washington state law (RCW 28B.10.901) also provides sanctions for hazing:

(a) Any person who violates this rule, in addition to other sanctions that may be imposed, forfeits any entitlement to state-funded grants, scholarships, or awards for a period of time determined by the university.

(b) Any recognized or registered student organization that knowingly permits hazing by its members or others subject to its direction or control must be deprived of any official recognition or approval granted by the university.

[Statutory Authority: RCW 28B.30.150. WSR 06-23-159, § 504-26-206, filed 11/22/06, effective 12/23/06.]

WAC 504-26-207 Failure to comply with university officials or law enforcement officers. Failure to comply with lawful directions of university officials and/or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.

[Statutory Authority: RCW 28B.30.150. WSR 08-05-001, § 504-26-207, filed 2/6/08, effective 3/8/08; WSR 06-23-159, § 504-26-207, filed 11/22/06, effective 12/23/06.]

WAC 504-26-208 Unauthorized keys or unauthorized entry. Unauthorized possession, duplication, or use of keys, including cards or alphanumeric pass-codes, to any university premises or unauthorized entry to or use of university premises.

[Statutory Authority: RCW 28B.30.150. WSR 08-05-001, § 504-26-208, filed 2/6/08, effective 3/8/08; WSR 06-23-159, § 504-26-208, filed 11/22/06, effective 12/23/06.]

WAC 504-26-209 Violation of university policy, rule, or regulation. Violation of any university policy, rule, or regulation published electronically on the university web site or in hard copy including, but not limited to, Washington State University's alcohol and drug policy, executive policy 15 (policy prohibiting discrimination, sexual harassment and sexual misconduct), and housing and residence life policy.
[Statutory Authority: RCW 28B.30.150. WSR 15-01-080, § 504-26-209, filed 12/15/14, effective 1/15/15; WSR 11-11-031, § 504-26-209, filed 5/11/11, effective 6/11/11; WSR 06-23-159, § 504-26-209, filed 11/22/06, effective 12/23/06.]

WAC 504-26-210 Violation of law. Conduct which would constitute violation of any federal, state, or local law.
[Statutory Authority: RCW 28B.30.150. WSR 07-11-030, § 504-26-210, filed 5/8/07, effective 6/8/07; WSR 06-23-159, § 504-26-210, filed 11/22/06, effective 12/23/06.]

WAC 504-26-211 Drugs and drug paraphernalia. Use, possession, manufacture, or distribution of marijuana, narcotics, or other controlled substances, and drug paraphernalia except as permitted by federal, state, and local law.
[Statutory Authority: RCW 28B.30.150. WSR 06-23-159, § 504-26-211, filed 11/22/06, effective 12/23/06.]

WAC 504-26-212 Alcohol. Use, possession, manufacture, or distribution of alcoholic beverages (except as expressly permitted by university regulations, and federal, state, and local laws), or public intoxication. Alcoholic beverages may not, in any circumstance, be used by, possessed by, or distributed to any person not of legal age.
[Statutory Authority: RCW 28B.30.150. WSR 15-11-041, § 504-26-212, filed 5/14/15, effective 6/14/15; WSR 15-01-080, § 504-26-212, filed 12/15/14, effective 1/15/15; WSR 06-23-159, § 504-26-212, filed 11/22/06, effective 12/23/06.]

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

WAC 504-26-213 Firearms and dangerous weapons. No student may carry, possess, or use any firearm, explosive (including fireworks), dangerous chemical, or any dangerous weapon on university premises or in university-approved housing. Airsoft guns and other items that shoot projectiles are not permitted in university-approved housing. Students wishing to maintain a firearm on campus for hunting or

sporting activities must store the firearm with the Washington State University department of public safety.

[Statutory Authority: RCW 28B.30.150. WSR 08-05-001, § 504-26-213, filed 2/6/08, effective 3/8/08; WSR 06-23-159, § 504-26-213, filed 11/22/06, effective 12/23/06.]

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

WAC 504-26-214 Disruptive activity. Participating in an on-campus or off-campus riot or unlawful assembly that disrupts the normal operations of the university and/or infringes on the rights of other members of the university community; leading or inciting others to disrupt scheduled and/or normal activities within any university premises. For peaceful demonstrations, students should consult with university police for safety guidelines.

[Statutory Authority: RCW 28B.30.150. WSR 06-23-159, § 504-26-214, filed 11/22/06, effective 12/23/06.]

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

[Statutory Authority: RCW 28B.30.150. WSR 15-01-080, § 504-26-215, filed 12/15/14, effective 1/15/15; WSR 06-23-159, § 504-26-215, filed 11/22/06, effective 12/23/06.]

WAC 504-26-216 Disorderly conduct. Conduct that is disorderly, lewd, or indecent; disturbing the peace; or assisting or encouraging another person to disturb the peace.

[Statutory Authority: RCW 28B.30.150. WSR 15-01-080, § 504-26-216, filed 12/15/14, effective 1/15/15; WSR 06-23-159, § 504-26-216, filed 11/22/06, effective 12/23/06.]

WAC 504-26-217 Unauthorized use of electronic or other devices. Unauthorized use of electronic or other devices: Making an audio or video record of any person while on university premises without his or her prior knowledge, or without his or her effective consent when such a recording is of a private conversation or of images taken of a person(s) at a time and place where she or he would reasonably expect privacy and where such images are likely to cause injury or distress. This includes, but is not limited to, surreptitiously taking pictures of another person in a gym, locker room, or restroom, but does not include taking pictures of persons in areas which are considered by

the reasonable person to be open to public view, such as Martin Stadium or the Glenn Terrell Mall.
[Statutory Authority: RCW 28B.30.150. WSR 06-23-159, § 504-26-217, filed 11/22/06, effective 12/23/06.]

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

(1) Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.

(2) Unauthorized transfer of a file.

(3) Unauthorized use of computer hardware.

(4) Use of another individual's identification and/or password.

(5) Use of computing facilities and resources to interfere with the work of another student, faculty member, or university official.

(6) Use of computing facilities and resources to send obscene, harassing, or threatening messages.

(7) Use of computing facilities and resources to interfere with normal operation of the university computing system.

(8) Use of computing facilities and resources in violation of any law, including copyright laws.

(9) Any violation of the university computer use policy found in the university's executive policy 4 (electronic communication policy).

[Statutory Authority: RCW 28B.30.150. WSR 15-01-080, § 504-26-218, filed 12/15/14, effective 1/15/15; WSR 12-04-049, § 504-26-218, filed 1/30/12, effective 3/1/12; WSR 08-05-001, § 504-26-218, filed 2/6/08, effective 3/8/08; WSR 06-23-159, § 504-26-218, filed 11/22/06, effective 12/23/06.]

AMENDATORY SECTION (Amending WSR 15-01-080, filed 12/15/14, effective 1/15/15)

WAC 504-26-219 Abuse of the student conduct system. Abuse of the student conduct system including, but not limited to:

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

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

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

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

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

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

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

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

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

(10) Violation of probation or any probationary conditions.
[Statutory Authority: RCW 28B.30.150. WSR 15-01-080, § 504-26-219, filed 12/15/14, effective 1/15/15; WSR 08-05-001, § 504-26-219, filed 2/6/08, effective 3/8/08; WSR 06-23-159, § 504-26-219, filed 11/22/06, effective 12/23/06.]

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

WAC 504-26-220 Discrimination and discriminatory harassment.

Discrimination or discriminatory harassment on the basis of race; sex/gender; sexual orientation; gender identity/expression; religion; age; color; creed; national or ethnic origin; physical, mental, or sensory disability (including disability requiring the use of a trained service animal); marital status; genetic information; and/or status as an honorably discharged veteran or member of the military; and as defined in Washington State University's executive policy 15, which prohibits discrimination, sexual harassment, and sexual misconduct.

[Statutory Authority: RCW 28B.30.150. WSR 14-11-025, § 504-26-220, filed 5/12/14, effective 6/12/14; WSR 06-23-159, § 504-26-220, filed 11/22/06, effective 12/23/06.]

WAC 504-26-221 Sexual misconduct. (1) Sexual misconduct is an egregious form of sex discrimination/sexual harassment. A number of acts may be regarded as sexual misconduct including, but not limited to, nonconsensual sexual contact (including sexual intercourse) and sexual exploitation. Sexual misconduct includes sexual assault and other sexual violence.

(2) Consent. Consent to any sexual activity must be clear, knowing, and voluntary. Anything less is equivalent to a "no." Clear, knowing, and voluntary consent to sexual activity requires that, at the time of the act, and throughout the sexual contact, all parties actively express words or conduct that a reasonable person would conclude demonstrates clear permission regarding willingness to engage in sexual activity and the conditions of such activity. Consent is active; silence or passivity is not consent. Even if words or conduct alone seem to imply consent, sexual activity is nonconsensual when:

(a) Force or coercion is threatened or used to procure compliance with the sexual activity.

(i) Force is the use of physical violence, physical force, threat, or intimidation to overcome resistance or gain consent to sexual activity.

(ii) Coercion is unreasonable pressure for sexual activity. When an individual makes it clear through words or actions that the individual does not want to engage in sexual contact, wants to stop, or does not want to go past a certain point of sexual interaction, continued pressure beyond that point may be coercive. Other examples of coercion may include using blackmail or extortion to overcome resistance or gain consent to sexual activity.

(b) The person is asleep, unconscious, or physically unable to communicate his or her unwillingness to engage in sexual activity; or

(c) A reasonable person would or should know that the other person lacks the mental capacity at the time of the sexual activity to be able to understand the nature or consequences of the act, whether that incapacity is produced by illness, defect, the influence of alcohol or another substance, or some other cause. When alcohol or drugs are involved, a person is considered incapacitated or unable to give valid consent if the individual cannot fully understand the details of the sexual interaction (i.e., who, what, when, where, why, and how), and/or the individual lacks the capacity to reasonably understand the situation and to make rational, reasonable decisions.

(3) Nonconsensual sexual contact is any intentional sexual touching, however slight, with any object or body part, by one person against another person's intimate parts (or clothing covering any of those areas), or by causing another person to touch his or her own or another person's intimate body parts without consent and/or by force. Sexual contact also can include any intentional bodily contact in a sexual manner with another person's nonintimate body parts. It also includes nonconsensual sexual intercourse.

(4) Sexual exploitation occurs when a person takes nonconsensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses explained above. Examples of sexual exploitation may include, but are not limited to:

(a) Causing or attempting to cause the incapacitation of another person to gain sexual advantage over such other person;

(b) Invading another person's sexual privacy;

(c) Prostituting another person;

(d) Engaging in voyeurism. A person commits voyeurism if, for the purpose of arousing or gratifying the sexual desire of any person, he or she knowingly views, photographs, records, or films another person, without that person's knowledge and consent, while the person being viewed, photographed, recorded, or filmed is in a place where he or she has a reasonable expectation of privacy;

(e) Knowingly or recklessly exposing another person to a significant risk of sexually transmitted disease or infection;

- (f) Exposing one's intimate parts in nonconsensual circumstances;
- (g) Sexually based stalking and/or bullying.

(5) Use of alcohol or other drugs is not a valid defense to a violation of this policy.

[Statutory Authority: RCW 28B.30.150. WSR 17-13-049, § 504-26-221, filed 6/15/17, effective 7/16/17; WSR 14-11-025, § 504-26-221, filed 5/12/14, effective 6/12/14; WSR 06-23-159, § 504-26-221, filed 11/22/06, effective 12/23/06.]

WAC 504-26-222 Harassment (other than sexual harassment or discriminatory harassment). Harassment is conduct by any means that is severe, persistent, or pervasive, and is of such a nature that it would cause a reasonable person in the victim's position substantial emotional distress and undermine his or her ability to work, study, or participate in his or her regular life activities or participate in the activities of the university, and/or actually does cause the victim substantial emotional distress and undermines the victim's ability to work, study, or participate in the victim's regular life activities or participate in the activities of the university.
[Statutory Authority: RCW 28B.30.150. WSR 14-11-025, § 504-26-222, filed 5/12/14, effective 6/12/14; WSR 06-23-159, § 504-26-222, filed 11/22/06, effective 12/23/06.]

WAC 504-26-223 Stalking. (1) Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- (a) Fear for his or her safety or the safety of others;
- (b) Fear for harm to his or her property or the property of others; or
- (c) Suffer substantial emotional distress.

(2) Stalking includes, but is not limited to, conduct occurring in person, electronically, or through a third party.

[Statutory Authority: RCW 28B.30.150. WSR 14-11-025, § 504-26-223, filed 5/12/14, effective 6/12/14; WSR 11-11-031, § 504-26-223, filed 5/11/11, effective 6/11/11; WSR 06-23-159, § 504-26-223, filed 11/22/06, effective 12/23/06.]

WAC 504-26-224 Reckless endangerment. Engaging in conduct that creates an unreasonable risk of harm to another person or property.
[Statutory Authority: RCW 28B.30.150. WSR 06-23-159, § 504-26-224, filed 11/22/06, effective 12/23/06.]

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

WAC 504-26-225 Trespassing. Knowingly entering or remaining unlawfully in or on university premises or any portion thereof. Any person who has been given notice by a university official of the university's decision to exclude them from all or a portion of the university premises is not licensed, invited, or otherwise privileged to enter or remain on the identified portion of university premises, unless given prior explicit written permission by university administration.

[Statutory Authority: RCW 28B.30.150. WSR 08-05-001, § 504-26-225, filed 2/6/08, effective 3/8/08; WSR 06-23-159, § 504-26-225, filed 11/22/06, effective 12/23/06.]

WAC 504-26-226 Violation of a disciplinary sanction. Violation of any term or condition of any disciplinary sanction constitutes a new violation and may subject the student to additional sanctions. [Statutory Authority: RCW 28B.30.150. WSR 06-23-159, § 504-26-226, filed 11/22/06, effective 12/23/06.]

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

WAC 504-26-227 Sexual harassment. Sexual harassment includes behavior defined in Washington State University's executive policy 15, which prohibits discrimination, sexual harassment, and sexual misconduct. [Statutory Authority: RCW 28B.30.150. WSR 14-11-025, § 504-26-227, filed 5/12/14, effective 6/12/14.]

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

WAC 504-26-230 Retaliation. Retaliation includes any act that would dissuade a reasonable person from making or supporting a complaint, or participating in an investigation, under the standards of conduct (this chapter). Retaliatory behavior includes action or threat of action that could negatively affect another's employment, education, reputation, or other interest. It also includes retaliation as defined in Washington State University's executive policy 15, which prohibits discrimination, sexual harassment, and sexual misconduct. [Statutory Authority: RCW 28B.30.150. WSR 14-11-025, § 504-26-230, filed 5/12/14, effective 6/12/14.]

PART IV
PROCEDURES

WAC 504-26-401 Initiating conduct proceedings. (1) Complaints. Any member of the university community may submit a complaint that a student or recognized or registered student organization violated the standards of conduct. In addition, the university may initiate conduct proceedings when it receives any direct or indirect report of conduct that may violate the standards of conduct.

(2) Decision not to refer the matter for hearing. After reviewing the initial information, if the conduct officer determines that further conduct proceedings are not warranted, the conduct officer dismisses the matter. If the conduct officer decides not to initiate a conduct proceeding when requested by a complainant, the conduct officer must notify the complainant in writing of the decision, the reasons for the decision, and how to seek review of the decision. Conduct matters may be reopened if new relevant information becomes known.

(3) Notice of informational meeting. After reviewing initial information regarding a possible student conduct violation, if the student conduct officer decides conduct proceedings are warranted, the student conduct officer sends the respondent, or parties as appropriate, written notice of an informational meeting. The notice must, at a minimum, briefly describe the factual allegations or issues involved, the specific standard of conduct provision(s) the respondent is alleged to have violated, the range of possible sanctions for such violations, and the time, date, and place of the meeting. In addition, information regarding the student conduct process and student rights, as required by WAC 504-26-504 (Interpretation—Policies, procedures, and guidelines) must be provided. Any request to change or extend the time or date of the informational meeting should be addressed to the conduct officer.

(4) Purpose of informational meeting. The purpose of the informational meeting is to provide the respondent with information on the conduct process and their rights and responsibilities, and to determine next steps, if any, in resolving the matter. During the informational meeting, the respondent may provide names of witnesses to the conduct officer to potentially contact. In cases involving Title IX, an informational meeting is also offered to a complainant.

(5) Agreement and alternative dispute resolution. A conduct officer may resolve a matter by agreement. Agreements may be reached directly or through alternative dispute resolution. In cases where agreement is not reached directly, before referring the matter to a hearing, the conduct officer must consider, and make a written determination, whether alternative dispute resolution is appropriate to resolve the matter. Alternative dispute resolution must not be used in matters involving sexual misconduct or sexual harassment. When resolution of a matter is reached by agreement or alternative dispute resolution, the agreement must be in writing and signed by the parties

and the conduct officer. In the agreement, the parties must be advised in writing that:

(a) The disposition is final and they are waiving any right to a hearing on the matter, including any right to appeal; and

(b) If any party decides not to sign the agreement, and the matter proceeds to a hearing, neither the agreement nor a party's refusal to sign will be used against either party at the hearing.

(6) Referral for adjudication. After the informational meeting, if the conduct officer determines that a conduct hearing is warranted, and the matter is not resolved through agreement or alternative dispute resolution, the matter is handled through either a conduct officer hearing (brief adjudication) in accordance with WAC 504-26-402, or conduct board hearing (full adjudication) in accordance with WAC 504-26-403. In determining which process is appropriate, the conduct officer considers factors including, but not limited to, the nature and severity of the allegations, the respondent's past contacts with the center for community standards, and the range of possible sanctions that could be imposed. A student may request that a conduct board hear the case, but the final decision regarding whether to refer the matter to the conduct board for hearing is made by the conduct officer and is not subject to appeal.

[Statutory Authority: RCW 28B.30.150. WSR 17-13-049, § 504-26-401, filed 6/15/17, effective 7/16/17; WSR 15-11-041, § 504-26-401, filed 5/14/15, effective 6/14/15; WSR 15-01-080, § 504-26-401, filed 12/15/14, effective 1/15/15; WSR 11-11-031, § 504-26-401, filed 5/11/11, effective 6/11/11; WSR 08-05-001, § 504-26-401, filed 2/6/08, effective 3/8/08; WSR 06-23-159, § 504-26-401, filed 11/22/06, effective 12/23/06.]

AMENDATORY SECTION (Amending WSR 17-13-049, filed 6/15/17, effective 7/16/17)

WAC 504-26-402 Conduct officer hearings (brief adjudications).

(1) The majority of student conduct matters are adjudicated through conduct officer hearings. However, conduct officer hearings are not used to adjudicate matters in which the respondent faces possible sanctions of suspension for more than ten instructional days, expulsion, or revocation of degree or when a recognized or registered student organization faces possible loss of recognition. In addition, conduct officer hearings generally are not used to adjudicate matters in which the respondent faces allegations of sexual misconduct, as that term is defined in WAC 504-26-221.

(2) Notice of hearing. The conduct officer must provide the parties with written notice no later than ten calendar days prior to the conduct officer hearing. The notice must, at a minimum, briefly describe the factual allegations or issues involved, the specific standard of conduct provision(s) the respondent is alleged to have violated, the range of possible sanctions for such violations, and the

time, date, and place of the hearing. In addition, information regarding the student conduct process and student rights, as required by WAC 504-26-504 must be provided. The notice must also include:

- (a) A jurisdiction statement if the alleged behavior occurred off campus and information regarding the right to challenge jurisdiction in accordance with WAC 504-26-015;

- (b) Information regarding the right to request recusal of a conduct officer under WAC 504-26-125; and

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

(3) Hearing and possible outcomes. Conduct officer hearings are brief adjudications conducted in accordance with RCW 34.05.482 through 34.05.494. The hearing allows the conduct officer to review available information, hear the parties' view of the matter, render a decision regarding responsibility, and impose sanctions, as appropriate.

- (a) Before the hearing begins, the conduct officer must inform the respondent that:

- (i) All respondents are presumed "not responsible" for pending charges;

- (ii) The university must prove all violations by a preponderance of the evidence, meaning that it is more likely than not that the violation occurred; and

- (iii) The parties have the right to have an advisor present at the hearing.

- (b) Upon conclusion of the hearing, the conduct officer may take any of the following actions:

- (i) Terminate the proceeding and enter a finding that the respondent is not responsible for the alleged conduct violation;

- (ii) Dismiss the matter with no finding regarding responsibility, in which case the matter may be reopened at a later date if relevant new information becomes known;

- (iii) Find the respondent responsible for any violations and impose sanctions within the limitations described in subsection (1) of this section; or

- (iv) Refer the matter to the conduct board.

(4) Notice of decision and right to appeal. The conduct officer notifies the parties in writing of the decision within ten calendar days of the conduct officer hearing. This is the initial order of the university and includes information regarding the parties' right to appeal under WAC 504-26-420.

[Statutory Authority: RCW 28B.30.150. WSR 17-13-049, § 504-26-402, filed 6/15/17, effective 7/16/17; WSR 16-08-014, § 504-26-402, filed 3/28/16, effective 4/28/16; WSR 15-01-080, § 504-26-402, filed 12/15/14, effective 1/15/15; WSR 12-04-049, § 504-26-402, filed 1/30/12, effective 3/1/12; WSR 11-11-031, § 504-26-402, filed 5/11/11, effective 6/11/11; WSR 08-05-001, § 504-26-402, filed 2/6/08, effective 3/8/08; WSR 06-23-159, § 504-26-402, filed 11/22/06, effective 12/23/06.]

WAC 504-26-403 Conduct board hearings (full adjudications). (1)

Conduct board hearings are used in matters in which the respondent faces possible sanctions of suspension for more than ten instructional days, expulsion, or revocation of degree and matters in which a recognized or registered student organization faces possible loss of recognition. In addition, conduct board hearings are generally used to adjudicate matters in which the respondent faces allegations of sexual misconduct, as that term is defined in WAC 504-26-221. Other matters may be referred to a conduct board in the discretion of the conduct officer.

(2) Adoption of model rules of procedure. Conduct board hearings are full adjudications governed by the Administrative Procedure Act, RCW 34.05.413 through 34.05.476, and chapter 10-08 WAC, Model rules of procedure, except as otherwise provided in this chapter. In the event of a conflict between the rules in this chapter and the model rules, this chapter governs.

(3) Notice of hearing. Notice to the parties of a conduct board hearing must comply with model rule WAC 10-08-040 and standards of conduct rule WAC 504-26-035. In addition, information regarding the student conduct process and student rights, as required by WAC 504-26-504 must be provided.

(4) Time for conduct board hearings. The conduct board hearing is scheduled not less than ten calendar days after the parties have been sent notice of the hearing.

In accordance with WAC 10-08-090, requests to extend the time and/or date for hearing must be addressed to the presiding officer. A request for extension of time is granted only upon a showing of good cause.

(5) Subpoenas. Subpoenas may be issued and enforced in accordance with model rule WAC 10-08-120. In determining whether to issue, quash, or modify a subpoena, the presiding officer must give due consideration to state and federal legal requirements including, but not limited to, Title IX, its implementing regulations, and guidance issued by the federal Office for Civil Rights. The party requesting the subpoena has the burden of showing that a subpoena is necessary for full disclosure of all the relevant facts and issues.

(6) Discovery. Depositions, interrogatories, and physical or medical examinations of parties are not permitted in adjudications of student conduct matters. Other forms of discovery may be permitted at the discretion of the presiding officer; however, discovery should be limited to help ensure the prompt completion of the adjudication process.

(7) Cross-examination. As required by RCW 34.05.449, cross-examination of witnesses is permitted to the extent necessary for full disclosure of all relevant facts and issues. The preferred method of cross-examination in all student conduct matters is through written

questions submitted to, and asked by, the presiding officer. Regardless, in no circumstance may the complainant or respondent be permitted to cross-examine each other directly in person or through their representative. The presiding officer may decline to ask cross-examination questions that are irrelevant, immaterial, or unduly repetitious. All questions submitted by the parties must be retained as part of the agency record, in accordance with RCW 34.05.566.

(8) Decision requirements. Decisions regarding responsibility and sanctions are made by a majority of the conduct board hearing the matter, except that any sanction of expulsion, revocation of degree, or loss of recognition of a recognized or registered student organization requires a supermajority consisting of no more than one "no" vote.

(9) Notice of decision and right to appeal. Within ten calendar days of the completion of the hearing, the conduct board must issue a decision, which is the initial order of the university and must contain the following:

(a) Appropriately numbered findings of fact and conclusions;

(b) The sanction(s) to be imposed, if any, and the rationale for the sanction(s);

(c) Information regarding the parties' right to appeal according to WAC 504-26-420, including the time frame for seeking review; and

(d) Notice that the initial order becomes final unless an appeal is filed within twenty-one calendar days of service of the initial order.

[Statutory Authority: RCW 28B.30.150. WSR 16-08-014, § 504-26-403, filed 3/28/16, effective 4/28/16; WSR 15-11-041, § 504-26-403, filed 5/14/15, effective 6/14/15; WSR 15-01-080, § 504-26-403, filed 12/15/14, effective 1/15/15; WSR 11-11-031, § 504-26-403, filed 5/11/11, effective 6/11/11; WSR 08-05-001, § 504-26-403, filed 2/6/08, effective 3/8/08; WSR 06-23-159, § 504-26-403, filed 11/22/06, effective 12/23/06.]

NEW SECTION

WAC 504-26-409 Emergency suspension. (1) Definition. An emergency suspension is a temporary exclusion of a student from all or specified portions of university premises, programs, or activities pending an investigation or student conduct proceeding relating to alleged standards of conduct violations. An emergency suspension may be imposed at any time prior to the issuance of the university's final order in the matter.

(2) Circumstances warranting emergency suspension. Emergency suspension may be imposed only in situations when the vice president for student affairs or campus chancellor (in consultation with the center for community standards), or their designee, has cause to believe that the student:

(a) Has violated any provision of the standards of conduct; and

(b) Presents an immediate danger to the health, safety, or welfare of any part of the university community or the public at large. Conduct that creates an ongoing disruption of, or interference with, the operations of the university and that prevents other students, employees, or invitees from completing their duties or accessing their education or the educational environment, is conduct harmful to the welfare of members of the university community.

(3) Procedure. The vice president for student affairs or campus chancellor, or their designee, ordering an emergency suspension must send the student a written notice of emergency suspension. The notice must contain the reasons for the decision (both the factual basis and the conclusions as to why those facts constitute a violation of the standards of conduct), and the policy reasons for the emergency suspension. The emergency suspension does not replace the regular hearing process, which must proceed to a conduct officer hearing or conduct board hearing, as applicable, as quickly as feasible. Once a final order is entered, any emergency suspension is lifted and the sanction, if any, set forth in the final order is imposed.

[]

NEW SECTION

WAC 504-26-415 Procedure for academic integrity violations. (1) Initial hearing.

(a) When a responsible instructor finds that a violation of academic integrity has occurred, the instructor must assemble the evidence and, upon reasonable notice to the student of the date, time, and nature of the allegations, meet with the student suspected of violating academic integrity policies. If the student admits violating academic integrity policies, the instructor assigns an outcome in keeping with published course policies and notifies the center for community standards in writing, including the allegations, the student's admission, and the sanctions imposed.

(b) If the instructor is unable to meet with the student or if the respondent disputes the allegation(s) and/or the outcome proposed by the instructor, the instructor must make a determination as to whether the student did or did not violate the academic integrity policies. If the instructor finds that the student was in violation, the instructor must provide the student and the center for community standards with a written determination, the evidence relied upon, and the sanctions imposed.

(c) The student has twenty-one calendar days from the date of the decision letter to request review of the instructor's determination and/or sanction(s) imposed to the academic integrity hearing board.

(2) Review.

(a) Upon timely request for review by a student who has been found by their instructor to have violated the academic integrity policies, the academic integrity hearing board must make a separate

and independent determination of whether or not the student is responsible for violating the academic integrity policies and/or whether the outcome proposed by the instructor is in keeping with the instructor's published course policies.

(b) The academic integrity hearing board is empowered to provide an appropriate remedy for a student including arranging a withdrawal from the course, having the student's work evaluated, or changing a grade where it finds that:

(i) The student is not responsible for violating academic integrity policies; or

(ii) The outcome imposed by the instructor violates the instructor's published policies.

(c) Academic integrity hearing board proceedings.

(i) Any student appealing a responsible instructor's finding of an academic integrity violation is provided written notice of an academic integrity hearing board hearing in accordance with WAC 504-26-035. The written notice must include:

(A) The specific complaint, including the university or instructor academic integrity policy or regulation allegedly violated;

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

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

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

(E) A description of all documentary and real evidence to be used at the hearing, to the extent known, including a statement that the student must have the right to inspect the documentation.

(ii) Time for hearings.

(A) Academic integrity hearing board hearings are scheduled not less than seven calendar days after the student has been sent notice of the hearing.

(B) Requests to extend the time and/or date for hearing must be addressed to the chair of the academic integrity hearing board, and must be copied to the center for community standards. A request for extension of time is granted only upon a showing of good cause.

(iii) Academic integrity hearing board hearings are conducted according to the following procedures, except as provided by (c)(iv) of this subsection:

(A) Academic integrity hearing board hearings are conducted in private.

(B) The instructor, respondent, and their advisor, if any, are allowed to attend the entire portion of the hearing at which information is received (excluding deliberations). Admission of any other person to the hearing is at the discretion of the academic integrity hearing board chair.

(C) In academic integrity hearings involving more than one respondent, the academic integrity hearing board chair may permit joint or separate hearings at the chair's discretion.

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

(E) The responsible instructor and the respondent may arrange for witnesses to present relevant information to the academic integrity hearing board. Witnesses must provide written statements to the conduct officer at least two weekdays before the hearing. The respondent is responsible for informing their witnesses of the time and place of the hearing. Witnesses provide information to and answer questions from the academic integrity hearing board, the responsible instructor, and the respondent, as appropriate. The respondent and/or responsible instructor may suggest written questions to be answered by each other or by other witnesses. Written questions are submitted to, and asked by, the academic integrity hearing board chair. This method is used to preserve the educational tone of the hearing and to avoid creation of an unduly adversarial environment, and to allow the board chair to determine the relevancy of questions. Questions concerning whether potential information may be received are resolved at the discretion of the academic integrity hearing board chair, who has the discretion to determine admissibility of information.

(F) Pertinent records, exhibits, and written statements may be accepted as information for consideration by an academic integrity hearing board at the discretion of the chair.

(G) Questions related to the order of the proceedings are subject to the final decision of the chair of the academic integrity hearing board.

(H) After the portion of the hearing concludes in which all pertinent information is received, the academic integrity hearing board determines (by majority vote) whether or not the respondent is responsible for violating the academic integrity policy and/or whether the outcome proposed by the instructor is in keeping with the instructor's published course policies.

(I) The respondent is notified of the academic integrity hearing board's decision within twenty calendar days from the date the matter is heard. The respondent must receive written notice of the decision, the reasons for the decision (both the factual basis therefore and the conclusions as to how those facts apply to the academic integrity policies), and the sanction.

(iv) If a respondent to whom notice of the hearing has been sent (in the manner provided above) does not appear at the hearing, the information in support of the complaint is presented and considered in the respondent's absence, and the board may issue a decision based upon that information.

(v) The academic integrity hearing board may for convenience, or to accommodate concerns for the personal safety, well-being, and/or fears of confrontation of any person, provide separate facilities, and/or permit participation by telephone, audio tape, written statement, or other means, as determined in the sole judgment of the chair of the academic integrity hearing board to be appropriate.

(vi) The written decision of the academic integrity hearing board is the university's final order. There is no appeal from findings of responsibility or outcomes assigned by university or college academic integrity hearing boards.

(3) If the reported violation is the respondent's first offense, the center for community standards ordinarily requires the respondent to attend a workshop separate from, and in addition to, any academic outcomes imposed by the instructor. A hold is placed on the respondent's record preventing registration or graduation until completion of the workshop.

(4) If the reported violation is the respondent's second offense, the respondent is ordinarily referred for a full adjudicative hearing in accordance with WAC 504-26-403, with a recommendation that the respondent be dismissed from the university.

(5) If the instructor or academic integrity hearing board determines that the act of academic dishonesty for which the respondent is found responsible is particularly egregious in light of all attendant circumstances, the instructor or academic integrity hearing board may direct that the respondent's case be referred for a full adjudicative hearing, with a recommendation for dismissal from the university even if it is the respondent's first offense.

(6) Because instructors and departments have a legitimate educational interest in the outcomes, reports of academic integrity hearing board and/or conduct board hearings must be reported to the responsible instructor and the chair or dean.

[]

NEW SECTION

WAC 504-26-420 Appeals. (1) Time for appeals. Decisions made by a conduct officer or conduct board become final twenty-one calendar days after the date the decision is sent to the parties, unless an appeal is submitted before that date.

(2) Effect of appeal - Stay. Except in extraordinary circumstances, which must be explained in writing in the conduct officer's or conduct board's initial order, the implementation of an initial order imposing sanctions must be stayed pending the time for filing an appeal and the issuance of the university's final order.

(3) Appeals of conduct officer decisions. Upon receipt of a timely appeal, the appeals board provides the other parties, if applicable, with a copy of the appeal and an opportunity to respond, and conducts a limited review as described below.

(a) Scope of review. Except as required to explain the basis of new information, appeal of a conduct officer decision is limited to a review of the record for one or more of the following purposes:

(i) To determine whether the conduct officer hearing was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures; deviations from

designated procedures are not a basis for sustaining an appeal unless significant prejudice results;

(ii) To determine whether the decision reached was based on substantial information, that is, whether there were facts in the case that, if believed by the fact finder, were sufficient to establish that a violation of the standards of conduct occurred;

(iii) To determine whether the sanction(s) imposed were appropriate for the violation of the standards of conduct that the respondent was found to have committed; or

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

(b) Conversion to conduct board hearing. The appeals board makes any inquiries necessary to ascertain whether the proceeding must be converted to a conduct board hearing in accordance with WAC 504-26-403.

(4) Appeals of conduct board decisions. Upon receipt of a timely appeal, the appeals board provides the other parties, if applicable, with a copy of the appeal and an opportunity to respond.

(a) The appeals board must have and exercise all the decision-making power that the conduct board had, except that the appeals board must give due regard to the conduct board's opportunity to observe the witnesses, if applicable. The appeals board members must personally consider the whole record or such portions of it as may be cited by the parties.

(b) Scope of review. The appeals board conducts a full review in accordance with RCW 34.05.464.

(5) University's right to initiate appeal. The university president or designee, at their own initiative, may request that the appeals board review any initial order. Prior to taking action, the appeals board must notify the parties and allow them an opportunity to explain the matter.

(6) Appeals board decisions.

(a) Actions. After reviewing the record and any information provided by the parties, the appeals board may take the following actions:

(i) Affirm, reverse, or modify the conduct board's or conduct officer's decision, or any part of the decision;

(ii) Affirm, reverse, or modify the sanctions imposed by the conduct board or conduct officer, or any part of the sanctions; or

(iii) Set aside the findings or sanctions, or any part of the findings or sanctions, and remand the matter back to the conduct board or conduct officer with instructions for further proceedings.

(b) Content of decision. The decision includes the outcome, any sanction, and a brief statement of the reasons for the decision. The letter must advise the parties that judicial review may be available. For appeals of conduct board hearings, the decision includes, or

incorporates by reference to the conduct board's decision, all matters as set forth in WAC 504-26-403.

(c) Service and effective date of decision. For appeals of conduct officer decisions, the appeals board's decision must be sent to the parties within twenty calendar days of receipt of the appeal. For appeals of conduct board decisions, the appeals board's decision must be sent to the parties within thirty calendar days of receipt of the appeal, unless the appeals board notifies the parties in writing that additional time (up to ninety calendar days) is needed. The appeals board's decision is the final order of the university, except in the case of remand, and is effective when sent.

(7) Reconsideration of final orders. Within ten calendar days of service of a final order, any party may submit a request for reconsideration. The request must be in writing, directed to the appeals board, and must state the reasons for the request. The request for reconsideration does not stay the effective date of the final order. However, the time for filing a petition for judicial review does not commence until the date the appeals board responds to the request for reconsideration or twenty-one calendar days after the request has been submitted, whichever is sooner. If the appeals board does not respond to the request for reconsideration within twenty-one calendar days, the request is deemed to have been denied.

(8) Stay. A party may request that the university delay the date that the final order becomes effective by requesting a stay in writing to the appeals board within ten calendar days of the date the order was served.

[]

NEW SECTION

WAC 504-26-425 Sanctions. (1) Publication of guidelines for sanctioning. Sanctioning guidelines and other information regarding sanctioning must be published on the center for community standards web site. Guidelines must explain in plain language the types of sanctions that a respondent may face for a particular violation and the factors that are used to determine the sanction(s) imposed for a particular violation. Factors must include, but not be limited to, the following:

(a) Conduct record. Any record of past violations of the standards of conduct, and the nature and severity of such past violations;

(b) Malicious intent. If a respondent is found to have intentionally selected a victim based upon the respondent's perception of the victim's race, color, religion, national or ethnic origin, age, sex/gender, marital status, status as an honorably discharged veteran or member of the military, sexual orientation, genetic information, gender identity/expression, or mental, physical, or sensory disability (including disability requiring the use of a trained service animal),

such finding is considered an aggravating factor in determining a sanction for such conduct; and

(c) Impact on victim and/or university community.

(2) Effective date of sanctions. Except as provided in WAC 504-26-420(2), sanctions are implemented when a final order becomes effective. If no appeal is filed, an initial order becomes a final order on the day after the period for requesting review has expired. (See WAC 504-26-420.)

(3) Types of sanctions. The following sanctions may be imposed upon any respondent found to have violated the standards of conduct. More than one of the sanctions listed below may be imposed for any single violation:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(r) Additional sanctions for hazing. In addition to other sanctions, a student who is found responsible for hazing forfeits any entitlement to state-funded grants, scholarships, or awards for a specified period of time, in accordance with RCW 28B.10.902.

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

replacement assignments, quizzes, or tests, or assigning a grade of "F" for the course.
[]

PART V
ADMINISTRATION AND RECORDS

NEW SECTION

WAC 504-26-504 Interpretation—Policies, procedures, and guidelines. (1) The vice president for student affairs or designee has authority to interpret these rules and develops policies, procedures, and guidelines for the administration of the university's student conduct system that are consistent with the provisions in this chapter. These must be published, at a minimum, on the center for community standards web site and in the university's student handbook. A link to the student handbook or center for community standards web site must be provided to parties prior to any informational meeting or student conduct hearing and must provide the following information:

- (a) Rights in the student conduct process;
- (b) A clear explanation of what to expect during the process;
- (c) Information regarding legal resources available in the community;
- (d) A statement that respondents are presumed "not responsible"; and
- (e) A statement regarding the right not to self-incriminate in accordance with WAC 504-26-045.

(2) Definitions from these standards are incorporated into Washington State University's executive policy 15, which prohibits discrimination, sexual harassment, and sexual misconduct.
[]

NEW SECTION

WAC 504-26-510 Good Samaritan policy. A conduct officer may elect not to initiate a conduct proceeding regarding alcohol or other drug violations against a student who, while in the course of helping another person seek medical assistance, admits to the unlawful possession or use of alcohol or drugs, provided that the possession was for personal consumption and the use did not place the health or safety of any other person at risk. In addition, a conduct officer may elect not to initiate a conduct proceeding against a complainant who admits to the possession or use of alcohol or drugs in connection with a report under this policy.
[]

NEW SECTION

WAC 504-26-515 Periodic review and assessment. At the end of each academic year, the center for community standards provides a report to the vice president for student affairs which must include, at a minimum, a numerical breakdown of the types of matters handled and the sanctions imposed. The vice president for student affairs must make the report publicly available, provided all personally identifiable or readily ascertainable student information is removed.

The standards of conduct and the student conduct system as a whole are reviewed every three years under the direction of the vice president for student affairs or designee. The student government council is asked to provide recommendations and input on proposed changes. After completion of any adjudication or other resolution of a student conduct matter, the center for community standards must send a survey to all parties requesting feedback on the process. Feedback results must be reviewed, at a minimum, every three years in connection with the periodic review and assessment.

[]

NEW SECTION

WAC 504-26-520 Conduct hold on student record. When a student leaves the university or completes course work required for a degree after an incident occurs that could result in violations of the standards of conduct, the center for community standards may place a conduct hold on the student's record. A conduct hold may also be placed on the student's account if the student has failed to adequately complete sanctions by the proscribed timeline. A conduct hold may restrict the student from adding or dropping classes, requesting an official transcript, or receiving a degree from the university until the hold is removed. The center for community standards must advise the student of the hold and the process for challenging the hold. A conduct hold under these circumstances is not a sanction and does not imply or assume responsibility for a violation of the standards of conduct.

[]

NEW SECTION

WAC 504-26-525 Good standing. The award of a degree and/or diploma is conditioned upon the student's good standing in the university and satisfaction of all university graduation requirements. "Good standing" means the student has resolved any acts of academic or behavioral misconduct and complied with all sanctions imposed as a

result of the misconduct. The university has the sole authority in determining whether to withhold the degree and/or diploma in cases where the student is not in good standing. The university must deny the award of a degree if the student is dismissed from the university based on their misconduct. Neither diplomas nor transcripts are sent until students have resolved any unpaid fees and resolved any acts of academic or behavioral misconduct and complied with all sanctions imposed as a result of misconduct. (See also academic regulation 45 in the university general catalog.)

[]

NEW SECTION

WAC 504-26-530 Recordkeeping and confidentiality. (1) Removal of conduct record. A student may request removal from their record a single disciplinary violation relating to the possession or use of alcohol and/or marijuana, and/or other violation of the university's policies relating to alcohol and drugs. Granting such a request is discretionary, and the student must make such a request in accordance with university policies and procedures.

(2) Conduct records are maintained in accordance with the university's records retention schedule.

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

(4) A student may request a copy of their own conduct record at their own reasonable expense by making a written request to the center for community standards.

(5) Personally identifiable student information is redacted to protect other students' privacy, except as otherwise required by law.

(6) A student may authorize release of their own conduct record to a third party in compliance with FERPA by making a written request to the center for community standards.

(7) The university may inform the complainant of the outcome of any conduct proceeding involving a crime of violence as defined by FERPA.

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

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

(a) The student's parents or legal guardians may review these conduct records if the student is a dependent for tax purposes as defined by FERPA.

(b) The university may release conduct records to another educational institution, upon request, where the student seeks or intends to enroll, as allowed by FERPA.
[]

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 504-26-005	Good standing.
WAC 504-26-101	Convening boards.
WAC 504-26-102	Policies.
WAC 504-26-103	Decisions.
WAC 504-26-200	Jurisdiction of the standards of conduct for students.
WAC 504-26-301	Malicious intent.
WAC 504-26-302	Responsibility for guests.
WAC 504-26-303	International and national exchange programs.
WAC 504-26-304	Recognized student organization conduct.
WAC 504-26-305	Violation of law and university discipline.
WAC 504-26-4031	Procedure for formal (full) adjudicative proceedings.
WAC 504-26-404	Procedure for academic integrity violations.
WAC 504-26-405	Sanctions.
WAC 504-26-406	Interim suspension.
WAC 504-26-407	Review of decision in brief adjudications.
WAC 504-26-408	Interim measures.
WAC 504-26-501	Records.
WAC 504-26-601	Interpretations.
WAC 504-26-602	Periodic review.

ACTION ITEM #2

Proposed Revision to WAC 504-04 Practice and Procedure (Mary Jo Gonzales/Danielle Hess)

November 16, 2018

TO ALL MEMBERS OF THE BOARD OF REGENTS

SUBJECT: WSU All Campuses, Revision to WAC 504-04 Practice and Procedure

PROPOSED: That the Board of Regents adopt revisions to WAC 504-04 Practice and Procedure

SUBMITTED BY: Mary Jo Gonzales, Vice President for Student Affairs

SUPPORTING INFORMATION: In January 2017, WSU drafted and filed emergency rules modifying its student conduct process as a result of the *Arishi vs. WSU* decision, which was issued by the Washington Court of Appeals in December 2016. The rules provided for formal adjudicative hearings in certain serious student conduct matters and were codified in WAC 504-04. These were later made permanent.

With the upcoming implementation of new rules resulting from the student conduct task force process, the procedures for formal adjudications of student conduct matters will be moved out of WAC 504-04 and into WAC 504-26 (Standards of Conduct for Students). This will ensure that the student conduct process is integrated into one chapter of the WAC.

The proposed changes to 504-04 remove the procedures pertaining to student conduct adjudications and refer the reader to WAC 504-26. There also are some minor updates throughout the chapter to conform to current practices. A copy of the proposed rules is attached.

A public hearing on the proposed rules was held on November 6, 2018. The rules are now ready for approval by the Regents. If approved, the changes to WAC 504-04 will be effective in Spring 2019, at the same time as the changes to WAC 504-26.

AMENDATORY SECTION (Amending WSR 17-13-049, filed 6/15/17, effective 7/16/17)

WAC 504-04-010 Matters subject to brief adjudication. The following proceedings are matters to be treated as brief adjudications pursuant to RCW 34.05.482 through 34.05.491:

(1) Student conduct proceedings(~~((Student conduct proceedings under chapter 504-26 WAC are treated as brief adjudications, except for matters involving sanctions of suspension for greater than ten instructional days, expulsion, revocation of degree, or loss of recognition of a student organization, which shall be referred for a full (formal) adjudication in accordance with this chapter))~~), except for matters involving sanctions of suspension for greater than ten instructional days, expulsion, revocation of degree, or loss of recognition of a recognized or registered student organization. The procedural rules of chapter 504-26 WAC apply to all student conduct proceedings.

(2) Appeals of residency determinations. If a hearing is required by law or constitutional right, appeals of residency determinations under RCW 28B.15.013 are brief adjudicative proceedings conducted by the office of (~~(admissions)~~) the registrar.

(3) Appeals of parking violations. Appeals of parking violations are brief (~~(adjudicatory)~~) adjudicative proceedings conducted pursuant to applicable rules. See WAC 504-13-860, 504-14-860, 504-15-860, and 504-19-860.

(4) Hearings on student records. Hearings pursuant to the Family Educational Rights and Privacy Act, 20 U.S.C. (~~((§))~~) Sec. 1232g are to be brief adjudicative proceedings conducted pursuant to the rules of chapter 504-21 WAC.

(5) Hearings on denial of financial aid. Any hearings required by state or federal law regarding granting, modification or denial of financial aid are brief adjudicative proceedings conducted by the office of (~~(scholarships and)~~) student financial (~~(aid)~~) services.

(6) (~~((Emergency withdrawal of students. Proceedings to disenroll students for medical or psychological reasons are brief adjudicative proceedings conducted by the office of student affairs.~~

~~(7))~~ Discipline and termination of student employees. When required by law, hearings for the termination of or imposition of disciplinary measures on student employees (~~((shall be)~~) are brief adjudicative proceedings.

[Statutory Authority: RCW 28B.30.150. WSR 17-13-049, § 504-04-010, filed 6/15/17, effective 7/16/17; WSR 13-16-089, § 504-04-010, filed 8/6/13, effective 9/6/13; WSR 07-02-034, § 504-04-010, filed 12/26/06, effective 1/26/07. Statutory Authority: RCW 34.05.220, 28B.30.095, 28B.30.125, 28B.10.648, 34.05.250 and 34.05.482. WSR 89-23-117, § 504-04-010, filed 11/22/89, effective 12/23/89.]

AMENDATORY SECTION (Amending WSR 17-13-049, filed 6/15/17, effective 7/16/17)

WAC 504-04-020 Appointment of presiding officers for all adjudicative proceedings. The president of Washington State University or his or her designee (~~((shall have))~~) has the power to appoint members of the faculty, staff, and student body; administrative law judges; members in good standing of the Washington state bar association; the president or his or her designee; a person or entity with whom the university contracts; or any combination of the above to be presiding officers for formal and brief adjudicative proceedings. When more than one individual is designated to be the presiding officer, one person shall be designated by the president or (~~((president's))~~) designee to make decisions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters. The term "presiding officer" as used in this chapter (~~((shall be))~~) is read in the plural when the context demands.
[Statutory Authority: RCW 28B.30.150. WSR 17-13-049, § 504-04-020, filed 6/15/17, effective 7/16/17. Statutory Authority: RCW 34.05.220, 28B.30.095, 28B.30.125, 28B.10.648, 34.05.250 and 34.05.482. WSR 89-23-117, § 504-04-020, filed 11/22/89, effective 12/23/89.]

AMENDATORY SECTION (Amending WSR 17-13-049, filed 6/15/17, effective 7/16/17)

WAC 504-04-110 Adoption of model rules of procedure for formal (full) (~~((proceedings))~~) adjudications—Exceptions. In formal (~~((proceedings))~~) adjudications (also referred to as full adjudications) pursuant to RCW 34.05.413 through 34.05.476, Washington State University follows the Administrative Procedure Act (chapter 34.05 RCW) and hereby adopts the model rules of procedure adopted by the office of administrative hearings, chapter 10-08 WAC, with the following exceptions (~~((and modifications))~~):

(1) WAC 10-08-190 Adjudicative proceedings—Cameras—Recording devices.

See WAC 504-04-120 which determines the use of cameras and recording devices at adjudicative proceedings.

(2) (~~((WAC 10-08-040 Adjudicative proceedings—Notice of hearing. In addition to this model rule regarding notice, the provisions in WAC 504-26-401(5) and 504-26-403 (1) and (2) apply.~~

~~((3) The parties in a student conduct matter implicating Title IX of the Civil Rights Act of 1964 (Title IX) shall include the complainant(s) if the complainant(s) notifies the university that she/he wishes to participate as a party.~~

~~((4) WAC 10-08-120 Adjudicative proceedings—Subpoenas. In determining whether to issue, quash, or modify a subpoena to a complainant/witness in a student conduct matter implicating Title IX,~~

~~the presiding officer shall give due consideration to state and federal legal requirements including, but not limited to, Title IX, its implementing regulations, and guidance issued by the federal office for civil rights. In such cases, the party requesting the subpoena has the burden of showing that a subpoena is necessary for full disclosure of all the relevant facts and issues.~~

~~(5) Cross examination. As required by RCW 34.05.449, cross examination of witnesses shall be permitted to the extent necessary for full disclosure of all relevant facts and issues. However, in a student conduct matter implicating Title IX, the complainant and respondent shall not be permitted to cross examine each other directly. The preferred method of cross examination in all student conduct matters is through written questions submitted to, and asked by, the presiding officer. The presiding officer may decline to ask cross examination questions that are irrelevant, immaterial, or unduly repetitious. In accordance with evidence rule 412, a complainant's sexual history generally will not be admissible. All questions submitted by the parties will be retained as part of the agency record. At the request of either participating party in a student conduct matter implicating Title IX, the requesting party shall be permitted to participate remotely, or in a different room, in accordance with chapter 504-26 WAC.~~

~~(6) Discovery. Depositions, interrogatories, and medical examinations of parties as part of discovery are not permitted in adjudications of student conduct matters. Other forms of discovery may be permitted at the discretion of the presiding officer; however, discovery should be limited to help ensure the prompt completion of the adjudication process, in accordance with RCW 34.05.446.~~

~~(7) Standard of proof. The standard of proof in student conduct proceedings is preponderance of the evidence.~~

~~(8) Administrative review in full adjudications. Within twenty days of service of an initial order resulting from a full adjudication in a student conduct proceeding, or a different time period as specified in the initial order, a student or student organization may appeal the decision to the university president or designee, who reviews the matter in accordance with RCW 34.05.464. Complainants in student conduct matters shall be afforded the same right to appeal as respondents. The university president or designee, of his or her own initiative, may review any initial order resulting from a full adjudication. The decision of the president shall be the final order of the university. If no appeal is initiated, the initial order following a full adjudication becomes the final order of the university after twenty-one days, or the day after the appeal period specified in the initial order, whichever is sooner.))~~ Chapter 504-26 WAC sets forth exceptions and modifications to the model rules of procedure for formal hearings involving student discipline.

(3) The university's faculty manual sets forth exceptions and modifications to the model rules of procedure for formal hearings involving faculty discipline.

(4) Other procedural rules adopted in this title and this chapter are supplementary to the model rules. In the case of a conflict between the model rules and procedural rules adopted by Washington State University, the procedural rules adopted by the university (~~((shall))~~) govern.

[Statutory Authority: RCW 28B.30.150. WSR 17-13-049, § 504-04-110, filed 6/15/17, effective 7/16/17. Statutory Authority: RCW 34.05.220, 28B.30.095, 28B.30.125, 28B.10.648, 34.05.250 and 34.05.482. WSR 89-23-117, § 504-04-110, filed 11/22/89, effective 12/23/89.]

AMENDATORY SECTION (Amending WSR 17-13-049, filed 6/15/17, effective 7/16/17)

WAC 504-04-120 Confidentiality of student, faculty, and staff formal adjudicative proceedings. In formal adjudicative proceedings, the presiding officer (~~((shall have))~~) has the power to close all or part of the hearing to public observation. The presiding officer (~~((shall have))~~) has the power to impose reasonable conditions upon observation of the proceeding. The presiding officer also (~~((shall have))~~) has the power to regulate the use of photographic and recording equipment. In the case of hearings involving discipline, termination, or (~~((medical withdrawal))~~) administrative cancellation of enrollment, hearings (~~((will))~~) are normally (~~((be))~~) closed to public observation. In student conduct matters, including those implicating Title IX, hearings (~~((will be))~~) are closed to public observation in accordance with WAC 504-26-025.

[Statutory Authority: RCW 28B.30.150. WSR 17-13-049, § 504-04-120, filed 6/15/17, effective 7/16/17. Statutory Authority: RCW 34.05.220, 28B.30.095, 28B.30.125, 28B.10.648, 34.05.250 and 34.05.482. WSR 89-23-117, § 504-04-120, filed 11/22/89, effective 12/23/89.]

AMENDATORY SECTION (Amending WSR 17-13-049, filed 6/15/17, effective 7/16/17)

WAC 504-04-130 Advising and representation of parties. Any person whose rights are in issue in a formal adjudicative proceeding (~~((shall have))~~) has the right to have an (~~((adviser))~~) advisor present during any stage of the proceedings. However, only persons admitted to the practice of law in the state of Washington, including licensed legal interns (~~((pursuant to admission to practice rule 9, shall be))~~), are permitted to act as (~~((a))~~) representatives at the proceedings. The presiding officer (~~((shall have))~~) has the power to impose reasonable conditions upon participation of advisors and representatives.

[Statutory Authority: RCW 28B.30.150. WSR 17-13-049, § 504-04-130, filed 6/15/17, effective 7/16/17. Statutory Authority: RCW 34.05.220,

28B.30.095, 28B.30.125, 28B.10.648, 34.05.250 and 34.05.482. WSR 89-23-117, § 504-04-130, filed 11/22/89, effective 12/23/89.]

AMENDATORY SECTION (Amending WSR 17-13-049, filed 6/15/17, effective 7/16/17)

WAC 504-04-140 Discovery. Discovery in formal hearings may be permitted at the discretion of the presiding officer, (~~((except as provided in WAC 504-04-110(6)))~~) unless specific limitations apply. In permitting discovery, reference (~~((shall))~~) must be made to the civil rules applicable in court proceedings for guidance.

The presiding officer (~~((shall have))~~) has the power to control the frequency and nature of discovery permitted, and to order discovery conferences to discuss discovery issues.

[Statutory Authority: RCW 28B.30.150. WSR 17-13-049, § 504-04-140, filed 6/15/17, effective 7/16/17. Statutory Authority: RCW 34.05.220, 28B.30.095, 28B.30.125, 28B.10.648, 34.05.250 and 34.05.482. WSR 89-23-117, § 504-04-140, filed 11/22/89, effective 12/23/89.]

AMENDATORY SECTION (Amending WSR 17-13-049, filed 6/15/17, effective 7/16/17)

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(1) Student conduct proceedings, except for matters involving sanctions of suspension for greater than ten instructional days, expulsion, revocation of degree, or loss of recognition of a recognized or registered student organization. The procedural rules of chapter 504-26 WAC apply to all student conduct proceedings.

(2) Appeals of residency determinations. If a hearing is required by law or constitutional right, appeals of residency determinations under RCW 28B.15.013 are brief adjudicative proceedings conducted by the office of the registrar.

(3) Appeals of parking violations. Appeals of parking violations are brief adjudicative proceedings conducted pursuant to applicable rules. See WAC 504-13-860, 504-14-860, 504-15-860, and 504-19-860.

(4) Hearings on student records. Hearings pursuant to the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g are to be brief adjudicative proceedings conducted pursuant to the rules of chapter 504-21 WAC.

(5) Hearings on denial of financial aid. Any hearings required by state or federal law regarding granting, modification or denial of financial aid are brief adjudicative proceedings conducted by the office of student financial services.

(6) Discipline and termination of student employees. When required by law, hearings for the termination of or imposition of disciplinary measures on student employees are brief adjudicative proceedings.

[Statutory Authority: RCW 28B.30.150. WSR 17-13-049, § 504-04-010, filed 6/15/17, effective 7/16/17; WSR 13-16-089, § 504-04-010, filed 8/6/13, effective 9/6/13; WSR 07-02-034, § 504-04-010, filed 12/26/06, effective 1/26/07. Statutory Authority: RCW 34.05.220, 28B.30.095, 28B.30.125, 28B.10.648, 34.05.250 and 34.05.482. WSR 89-23-117, § 504-04-010, filed 11/22/89, effective 12/23/89.]

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WAC 504-04-020 Appointment of presiding officers for all adjudicative proceedings. The president of Washington State University or his or her designee has the power to appoint members of the faculty, staff, and student body; administrative law judges; members in good standing of the Washington state bar association; the

president or his or her designee; a person or entity with whom the university contracts; or any combination of the above to be presiding officers for formal and brief adjudicative proceedings. When more than one individual is designated to be the presiding officer, one person shall be designated by the president or designee to make decisions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters. The term "presiding officer" as used in this chapter is read in the plural when the context demands.
[Statutory Authority: RCW 28B.30.150. WSR 17-13-049, § 504-04-020, filed 6/15/17, effective 7/16/17. Statutory Authority: RCW 34.05.220, 28B.30.095, 28B.30.125, 28B.10.648, 34.05.250 and 34.05.482. WSR 89-23-117, § 504-04-020, filed 11/22/89, effective 12/23/89.]

AMENDATORY SECTION (Amending WSR 17-13-049, filed 6/15/17, effective 7/16/17)

WAC 504-04-110 Adoption of model rules of procedure for formal (full) adjudications—Exceptions. In formal adjudications (also referred to as full adjudications) pursuant to RCW 34.05.413 through 34.05.476, Washington State University follows the Administrative Procedure Act (chapter 34.05 RCW) and hereby adopts the model rules of procedure adopted by the office of administrative hearings, chapter 10-08 WAC, with the following exceptions:

(1) WAC 10-08-190 Adjudicative proceedings—Cameras—Recording devices.

See WAC 504-04-120 which determines the use of cameras and recording devices at adjudicative proceedings.

(2) Chapter 504-26 WAC sets forth exceptions and modifications to the model rules of procedure for formal hearings involving student discipline.

(3) The university's faculty manual sets forth exceptions and modifications to the model rules of procedure for formal hearings involving faculty discipline.

(4) Other procedural rules adopted in this title and this chapter are supplementary to the model rules. In the case of a conflict between the model rules and procedural rules adopted by Washington State University, the procedural rules adopted by the university govern.

[Statutory Authority: RCW 28B.30.150. WSR 17-13-049, § 504-04-110, filed 6/15/17, effective 7/16/17. Statutory Authority: RCW 34.05.220, 28B.30.095, 28B.30.125, 28B.10.648, 34.05.250 and 34.05.482. WSR 89-23-117, § 504-04-110, filed 11/22/89, effective 12/23/89.]

AMENDATORY SECTION (Amending WSR 17-13-049, filed 6/15/17, effective 7/16/17)

WAC 504-04-120 Confidentiality of student, faculty, and staff formal adjudicative proceedings. In formal adjudicative proceedings, the presiding officer has the power to close all or part of the hearing to public observation. The presiding officer has the power to impose reasonable conditions upon observation of the proceeding. The presiding officer also has the power to regulate the use of photographic and recording equipment. In the case of hearings involving discipline, termination, or administrative cancellation of enrollment, hearings are normally closed to public observation. In student conduct matters, including those implicating Title IX, hearings are closed to public observation in accordance with WAC 504-26-025.

[Statutory Authority: RCW 28B.30.150. WSR 17-13-049, § 504-04-120, filed 6/15/17, effective 7/16/17. Statutory Authority: RCW 34.05.220, 28B.30.095, 28B.30.125, 28B.10.648, 34.05.250 and 34.05.482. WSR 89-23-117, § 504-04-120, filed 11/22/89, effective 12/23/89.]

AMENDATORY SECTION (Amending WSR 17-13-049, filed 6/15/17, effective 7/16/17)

WAC 504-04-130 Advising and representation of parties. Any person whose rights are in issue in a formal adjudicative proceeding has the right to have an advisor present during any stage of the proceedings. However, only persons admitted to the practice of law in the state of Washington, including licensed legal interns, are permitted to act as representatives at the proceedings. The presiding officer has the power to impose reasonable conditions upon participation of advisors and representatives.

[Statutory Authority: RCW 28B.30.150. WSR 17-13-049, § 504-04-130, filed 6/15/17, effective 7/16/17. Statutory Authority: RCW 34.05.220, 28B.30.095, 28B.30.125, 28B.10.648, 34.05.250 and 34.05.482. WSR 89-23-117, § 504-04-130, filed 11/22/89, effective 12/23/89.]

AMENDATORY SECTION (Amending WSR 17-13-049, filed 6/15/17, effective 7/16/17)

WAC 504-04-140 Discovery. Discovery in formal hearings may be permitted at the discretion of the presiding officer, unless specific limitations apply. In permitting discovery, reference must be made to the civil rules applicable in court proceedings for guidance.

The presiding officer has the power to control the frequency and nature of discovery permitted, and to order discovery conferences to discuss discovery issues.

[Statutory Authority: RCW 28B.30.150. WSR 17-13-049, § 504-04-140, filed 6/15/17, effective 7/16/17. Statutory Authority: RCW 34.05.220,

28B.30.095, 28B.30.125, 28B.10.648, 34.05.250 and 34.05.482. WSR 89-23-117, § 504-04-140, filed 11/22/89, effective 12/23/89.]

ACTION ITEM #3

WSU Pullman, Amendments to WAC Chapter 504-36-030 Spectator Events - Safety Rules (Stacy Pearson/Bill Gardner)

November 16, 2018

TO ALL MEMBERS OF THE BOARD OF REGENTS

SUBJECT: WSU Pullman, Amendments to WAC Chapter 504-36-030: Spectator events - Safety rules

PROPOSED: That the Board of Regents adopt the proposed amendments to WAC Chapter 504-36-030 addressed below, relating to spectator events safety rules.

SUBMITTED BY: Stacy Pearson, Vice President for Finance and Administration

SUPPORTING INFORMATION: The Board of Regents has authority pursuant to Chapter 28B.30 RCW and Chapter 34.05 RCW to adopt, amend, and repeal rules published in the Washington Administrative Code. WAC Chapter 504-36-030 concerns rules related to spectator event safety rules at the Pullman Campus. A summary of the proposed amendments follows, and a copy of the chapter, illustrating the specific changes, is appended as Attachment A.

These changes are necessary to meet industry best practices applicable to safety and security at PAC-12 and NCAA events. Most notable is the implementation of a "clear bag" policy which increases the security stance at events and streamlines the entry process by allowing for greater visibility and inspection of items being brought into the venue. The change also provides clarity regarding allowable seat cushions.

Summary of Proposed Spectator events - Safety rules Amendments:

- 504-36-030 (2) (h) (i-iv): describes size and clear material requirement of allowable bags.
- 504-36-030 (2) (h) (v): provides for exception related to medically necessary items.
- 504-36-030 (2) (h) (vi): provides for enforcement at various venues.
- 504-36-030 (2) (i) (i-x): lists prohibited styles of baggage, i.e. large purses, brief cases, backpacks, luggage, etc.

- 504-36-030 (2) (j): clarifies that small personal items, i.e. keys, wallet, etc., may be carried in pockets.
- 504-36-030 (2) (k): clarifies that certain supplies for babies may be carried in allowable clear bags.
- 504-36-030 (2) (l): grammatical change.
- 504-36-030 (2) (m): grammatical change.
- 504-36-030 (2) (m) (ix) (A-C): adds rigid frame seat cushions as a prohibited item, and describes the soft-sided cushions that are an allowed item.
- 504-36-030 (2) (x) and (xi): renumbering.

A notice of opportunity to make public comment on this proposal, either verbally or in writing, was published on October 8, 2018 in the All WSU Pullman Faculty, Staff, and Students—University Communications e-mail; and on October 9, 2018 in the *Daily Evergreen* and WSU Insider Daily Announcements at WSU Pullman. Notice was also published on August 1, 2018 on the WSU rule-making website, which is accessible by a direct link from the WSU home page. Each notice included notification of the time and place of the public hearing where oral comments could be provided and a request for written comments to be submitted no later than the close of business on October 17, 2018.

One employee submitted written comments to the Office of Procedures, Records, and Forms during the public comment period, and one anonymous student attended the public hearing to provide comments. A copy of the written comments and a synopsis of the oral comments are appended as Attachment B.

After full consideration of the comments received, no changes are proposed.

ATTACHMENTS: Attachment A
Attachment B

AMENDATORY SECTION (Amending WSR 17-11-010, filed 5/8/17, effective 6/8/17)

WAC 504-36-030 Spectator events—Safety rules. (1) Protection of the safety and general welfare of students, faculty and staff, performers and officials, and members of the general public attending or participating in spectator events on campus is a primary concern of Washington State University.

(2) The following rules of conduct apply to all spectator events of Washington State University. "Spectator event," for the purposes of this section, means ticketed or nonticketed athletic or entertainment events held on any portion of university property, including, but not limited to, Martin Stadium and the Beasley Coliseum (hereafter the "event site").

(a) Behavior which in the judgment of designated university officials constitutes a disruption of the event or a safety hazard for other spectators or participants is prohibited.

(b) For ticketed events, an individual is entitled to occupy only the seat for which he or she has the proper ticket.

(c) Photographing or making audio or visual recordings of a spectator event for commercial purposes is not permitted without specific written permission from the WSU athletic department (for athletic events) or the performer and applicable designated university official (for entertainment events).

(d) Aisles, walkways, and stairs must be kept clear of hazards and obstacles at all times to ensure safe and easy passage for all persons.

(e) Possession and/or consumption of illegal drugs or marijuana is prohibited. Possession and/or consumption of alcoholic beverages is permitted subject to restrictions.

(i) Any illegal drugs, marijuana, or alcoholic beverages, except for such beverages provided in accordance with (e)(ii) of this subsection, found in the possession of a spectator or otherwise found on the event site may be confiscated and delivered to the custody of designated university officials for law enforcement purposes or for disposal, as appropriate.

(ii) Alcoholic beverages may be possessed, sold, served, and consumed at event sites only under a valid permit or license issued by the Washington state liquor and cannabis board. Events at which alcoholic beverages are possessed, sold, served, and consumed must

comply with the restrictions imposed by the Washington state liquor and cannabis board and restrictions and policies imposed by the university, have restricted attendance, and be limited to specified room(s) or area(s). Possession, consumption, service, dispensation, or sale of alcohol is prohibited except to persons of legal age.

(f) Smoking and other uses of tobacco and/or nicotine products are prohibited in all areas of the Pullman campus in accordance with chapter 504-38 WAC and all areas of the Vancouver campus in accordance with chapter 504-37 WAC.

(g) Each spectator is allowed to bring one empty nondisposable water bottle into the event site, provided that the capacity of the water bottle is no more than one and one-half liters. All other beverage containers and devices used for carrying beverage containers are prohibited. All such items are subject to a visual inspection by designated university officials upon entry to the event site. If designated university officials make the determination that a given container or device is prohibited, the possessor of the container or device must remove the container or device from the event site premises or may surrender the container or device to such designated university officials for disposal.

(h) Each spectator is allowed to bring ~~((one soft-sided))~~ the following sizes and styles of bags into the event site, provided ~~((such bag is no larger than fourteen inches by eight inches by fourteen inches and))~~ that, for seated events, ~~((is))~~ the bags are small enough to fit completely under the spectator's seat, where such bags must be kept. ~~((All other))~~

(i) Bags made of clear plastic, vinyl, or PVC that are no larger than fourteen inches by eight inches by fourteen inches.

(ii) Clear drawstring bags that are no larger than fourteen inches by fourteen inches.

(iii) One gallon clear plastic freezer bags (Ziploc bag or similar).

(iv) Small clutch bags, with or without a handle strap, that are no larger than four and one-half inches by six and one-half inches (the approximate size of a hand).

(v) Exceptions are made for medically necessary items after proper inspection upon entrance.

(vi) The clear bag policy is enforced at various venues at the discretion of university personnel and management. Exceptions may also be made depending on the venue.

(i) Prohibited bags and containers (~~((are prohibited.))~~) include,

but are not limited to:

(i) Purses larger than a clutch bag;

(ii) Coolers;

(iii) Briefcases;

(iv) Backpacks;

(v) Fanny packs;

(vi) Cinch bags;

(vii) Luggage of any kind;

(viii) Computer or camera bags;

(ix) Binocular cases;

(x) Any bag larger than the permissible sizes specified in

subsection (h) of this section.

(j) Spectators are allowed to bring personal items, e.g., keys, cellular telephones, wallet, makeup, in their pockets if they choose not to use a clear bag.

(k) Additional items such as diapers, wipes, and other supplies for babies and small children are allowed if placed in an approved clear bag.

(l) All (~~((such))~~) items are subject to a visual inspection by designated university officials upon entry into the event site. If

designated university officials make the determination that a given bag is prohibited, the possessor of the bag must remove the bag from the event site premises or may surrender the bag to such designated university officials for disposal.

((~~(i)~~)) (m) The following items are also prohibited in the event site:

(i) Fireworks, weapons, explosive devices, or artificial noisemaking devices (such as airhorns);

(ii) Items deemed dangerous or unacceptable by designated university officials;

(iii) Drones;

(iv) Laser pointers;

(v) Extension items used to hold cellular telephones or cameras in place (e.g., "selfie sticks");

(vi) Flag poles, or any items that act as an extension of an arm and have a flag or sign affixed;

(vii) Footballs, frisbees, sport balls, any kind of inflatable balls, or any other projectiles;

(viii) Umbrellas;

(ix) Seat cushions with rigid frames. Seatback cushions must:

(A) Be soft sided;

(B) Contain no pockets or zippers; and

(C) Be no wider than eighteen inches.

(x) Pets or animals, except as allowed by WAC 504-36-020 or as otherwise required by state or federal law;

((~~(x)~~)) (xi) Food and beverages, unless purchased from a vendor within the event site.

(3) Where there is reasonable cause to believe that a person is violating, or is attempting to violate, the requirements identified in subsection (2) of this section, such person is denied license or privilege to enter or remain in or upon the event site premises, and designated university officials may take necessary action to deny entry or to remove such persons from the event site premises.

Prohibited items found in the possession of a spectator or otherwise found on the event site are to be confiscated and delivered to the custody of designated university officials for law enforcement purposes or for disposal, as appropriate. Violation of the requirements identified in subsection (2) of this section or failure to vacate the event site premises upon request of designated university officials may result in university disciplinary action (if applicable) and/or subsequent legal proceedings under federal or state law and/or the Washington Administrative Code.

(4) For purposes of this section, designated university officials include the president of the university, the vice president for finance and administration, and the following officials:

(a) Director of athletics or designee for athletic events;

(b) Director of the Beasley Coliseum or designee for Beasley Coliseum events;

(c) Director of the Compton Union Building or designee for events in the Compton Union Building;

(d) Director of the School of Music or designee for events sponsored by that school;

(e) The WSU executive director of public safety or designee;

(f) Officers of the WSU police department when (i) acting at the request of any of the above-named officials to enforce university regulations, or (ii) enforcing state laws or local ordinances;

(g) Contracted or hired security personnel and crowd management personnel when acting at the direction of the above-named officials or designees to enforce university regulations.

[Statutory Authority: RCW 28B.30.150. WSR 17-11-010, § 504-36-030, filed 5/8/17, effective 6/8/17; WSR 12-18-021, § 504-36-030, filed 8/27/12, effective 9/27/12. Statutory Authority: RCW 28B.30.125 and [28B.30.]150(1). WSR 97-20-019, § 504-36-030, filed 9/19/97, effective

9/19/97. Statutory Authority: RCW 28B.30.125 and 28B.30.150. WSR 80-07-015 (Order 80-2, Resolution 6/80-15), § 504-36-030, filed 6/11/80; Order 77-2, § 504-36-030, filed 8/3/77.]

Oral comments received at public hearing held October 17, 2018 for proposed revision of
WAC 504-36-030 Spectator Events—Safety Rules.

Anonymous WSU Student

Student: I am looking at 504-36-030 number 2. It does say "but not limited to Martin and Beasley Coliseum." That was one of my questions, but as he [Ben Clarke] just said, it looks like it's going to be at all of them eventually. So does that need to be changed to just say Martin, then? The reason I am bringing this up is I am thinking about graduation.

Ben Clarke response: They are trying to keep that flexible in the WAC.

Student: OK, can I just get clarification on that, maybe later?

Student: Then it says an individual can occupy only one seat for which he or she is the ticket holder. I have seen this on an airplane where you can buy two seats if you are a bigger person. Is that something that can happen?

Ben Clarke response: Yes, a person can buy two seats. The way that is written means that one ticket holder can have one clear bag.

Bill Gardner clarified: (In response to the student's first question about the policy applying to graduation.) He reiterated that the policy applies to "spectator events" only, and graduation is not considered a spectator event because attendees are not charged for admission.

Student: [The WAC] talks about no weapons. I am curious if mace is considered a weapon, like if you are allowed to have mace on your keychain.

Bill Gardner response: It is not allowed.

Student expressed concern for not having mace available for walking home after the game. They said that is a safety issue in and of itself (especially for women who often carry mace). The student asked Bill if he had any recommendations. The student suggested maybe having the option of checking the mace in when entering the game.

Bill Gardner response: He thought that was a good question and that he would look into it.

Student Another thing I had a question about was the size [of the clear bags].

Ben Clarke gave some background on how they came to the decision to have 14x8x14 for the size of bags allowed. The reason is mainly because that size of bag was already part of the WAC, so they decided to stick with that size.

Student: The other thing I was wondering about is where it refers to "clutch bags." The student brought out a standard clutch wallet and asked if it would be too big.

Ben Clarke response: It would not be too big to bring into the stadium.

Student So, going back to number 2, I would suggest that you have a definition of what is a "drawstring" [bag] and what is a "cinch bag" because most people probably do not know what a cinch bag is.

Student: Asked about the reference to medically necessary items being allowed and they thought they had read somewhere about having to go through separate line for that. Is that true?

Ben Clarke response: The athletic website has an FAQ page and this is addressed in that. Right now, gate supervisors are told that if they are approached by a spectator with this issue, to do a thorough search of that person's bag and allow them to enter if no banned items are in the bag. They do not have to go through a separate line.

Student: So, I do not agree with the clear bag policy, and this is why. So, I have to take medication, I think a lot of people probably do. And it says you have to have it in a clear bag, or you have to fit it in your pockets. The student placed pill bottles in their pockets and said that they have to take about 3 bottles of medicine with them and look how awkward this is [pointing to pants pockets with medicine bottles]. It would be hard to jump around like people do at games. If you have it in a clear bag, people could steal your medication. Another thing is if you have birth control (can be switched with tic tacs or stolen), another thing is tampons or pads (tampon dispensaries are not always the best option). Another thing is if people have to have an inhaler or EpiPen. This is why I don't agree with the clear bag policy. You can't fit these things in your pockets and it seems like this is in violation of Title 9 a little bit because you are assuming the person has pockets and the pockets are functional. A lot of skirts and dresses don't have pockets in them. So I also don't support it for that reason.

I think you should just do what TSA does and just have metal detectors. And so the word safety confused me, like what is it trying to prevent? Is it trying to prevent a mass shooting? Is it trying to avoid people getting trampled? What is it trying to prevent? I would just say have metal detectors if that is the issue.

And the other issue is that you can't bring purses and bags, and a lot of times it is girls who have purses and bags, so I feel it might be a little biased with that just because women more likely have purses and bags. and guy's pockets are usually bigger and more functional

than girl's pockets. So, what I would like to see happen is just open this back up to discussion and have forums. And to address some of the issues that I brought up, such as feminine hygiene. . . and the mace. . . and the medication. I don't want people to know what medication I am on.

And the other thing is, with binocular cases. I think you should allow binocular cases, because you want to protect your binoculars.

Regarding the 18 inches for seat cushion. What if your butt is bigger than 18 inches? That is an issue with obesity.

I hope that these are some issues that we could address. Especially the pockets. So, is there a way that maybe we could pick a different lining for the bags, or install metal detectors? I think these are valid issues, and I hope you guys do too.

So could we have this addressed before this becomes policy?

Deb Bartlett response: Explained the process off how public comments related to WAC revisions are handled and the next steps taken in response to any comments.

Bill Gardner asked Ben Clarke if items such as medication, EpiPens, depends, etc. would be considered medically necessary and could go in an opaque bag.

Ben Clarke responded that definitely that would be the case. He added that they do want to be accommodating and shared a story about a call he recently received from an Oregon man who uses a wheelchair that wants to attend the game and how he explained the process of checking in with a gate supervisor.

Student: Another thing I am wondering about is because we have HIPPA and FERPA, are we going to have other students searching the bags?

Ben Clarke response: It is a third party that is hired to do that. They do hire students. We have told them to not put students at the student's gate.

Student asked what they thought about the use of metal detectors and if it had ever been considered.

Bill Gardner responded saying yes it has been considered, but metal detectors do create bottlenecks, so that is something they have to think about, too. In the future, that is the way we will probably go.

Subject: FW: Spectator safety rules concern
Date: Wednesday, October 10, 2018 at 9:14:07 AM Pacific Daylight Time
From: Procedures, Records and Forms
To: Bartlett, Deborah
Attachments: image001.jpg

From: "Soler, Dave" <dsoler@wsu.edu>
Date: Tuesday, October 9, 2018 at 3:58 PM
To: "Procedures, Records and Forms" <prf.forms@wsu.edu>
Subject: Spectator safety rules concern

Hello,

The WSU Creamery has a concern that one of the items in the Spectator Events - Safety Rules notice sent for review is not consistent with guidance that we have been provided by the athletics department and has the potential to inadvertently have a very negative impact on the Creamery as well as the alumni spectator experience.

Item xi indicates that food and beverages are not allowed unless purchased from a vendor within the event site.

The guidance that we have gotten from the athletics department is that cans of cheese will not be allowed into the football stadium (because of the safety risk that they could be thrown, causing injury) but that cheese packaged in plastic (bags of cheese curd or snack packs of cut cheese for example) posed no such risk and would be allowed in. We have relayed that message to our customers, and have many who specifically purchase our ready-to-eat products to enjoy during the game. Ferdinand's is open for the 4 hours prior to every kickoff to serve those clientele, and we regularly have a line of alumni out the door happily waiting to spending money that goes directly back into the School of Food Science and CAHNRS on our products. Enjoying quality cheese products produced by WSU students during WSU football games is part of the cumulative experience that alumni come back to Pullman for and needs consideration in this rule.

We would ask for clarification on the prohibition of food allowed into the event site to specifically note that cheese in a can is not allowed, but that cheese packaged in plastic and purchased at Ferdinand's is acceptable to bring into the game.

Thank you for your consideration.

Dave

Dave Soler
Creamery Assistant Manager
(509) 335-5733



ACTION ITEM #4

2020 Board of Regents Meeting Schedule (Kirk Schulz)

November 16, 2018

TO ALL MEMBERS OF THE BOARD OF REGENTS

SUBJECT: Establishment of the 2020 Board of Regents Meeting Schedule

SUBMITTED BY: Kirk H. Schulz, President

PROPOSED: That the Board of Regents approve the schedule for the 2020 Board of Regents Meetings; and delegate authority to the President of the University or his designee to select and designate appropriate meetings places, establish meeting times, establish the agenda and prepare agenda items, dispatch all official notices to meet the state Open Public Meetings Act or other notice requirements, publish minutes and maintain records of meetings, and take other necessary action as required for the orderly conduct of Board Meetings.

SUPPORTING
INFORMATION: Proposed meeting dates are as follows:

2020	
<u>Date</u>	<u>Location</u>
January 23-24, 2020 (Retreat)	TBD
March 12-13, 2020	Tri-Cities
May 7-8, 2020	Spokane
June 4-5, 2020 (Retreat)	TBD
September 17-18, 2020	Pullman
November 12-13, 2020	Vancouver

ACTION ITEM #5
Regents' Distinguished Alumnus/a Award
(Kirk H. Schulz/Tim Pavish)

November 16, 2018

TO ALL MEMBERS OF THE BOARD OF REGENTS

SUBJECT: Regents' Distinguished Alumnus/a Award for 2019

PROPOSED: That the Board of Regents designate the recipient of the Regents' Distinguished Alumnus/a Award for 2019.

SUBMITTED BY: Kirk H. Schulz, President

SUPPORTING
INFORMATION: The Regents' Distinguished Alumnus/a Award Committee, Chaired by George Barrington, DVM, Ph.D., Diplomate ACVIM, College of Veterinary Medicine, met to review fifteen nominations. After careful deliberation, the committee respectfully recommends Candidate A for consideration for the 2019 Regents' Distinguished Alumnus/a Award.

Request for State Attorney General's Office
To Provide Defense for University Employees
(Danielle Hess)

TO ALL MEMBERS OF THE BOARD OF REGENTS

SUBJECT: Request for State Attorney General's Office to Provide Defense for Washington State University (WSU) Employees

PROPOSED: That the Board of Regents approve the request for defense by Martin Maquivar, Clinical Assistant Professor

SUBMITTED BY: Danielle Hess, Senior Assistant Attorney General

SUPPORTING

INFORMATION: The complaint in the case of *Amber Frary v. Martin Maquivar, Washington State University, Washington State*, Whitman County Superior Court No. 18-2-00221-38, names Dr. Maquivar as a defendant, thus exposing him to a risk of personal liability.

A statutory procedure exists authorizing WSU employees to request that the Attorney General's Office represent them in such cases and that any judgment obtained be paid from state funds. This procedure requires that the Board of Regents take action by resolution finding that the University employee involved was acting within the scope of his duties and in good faith. The Board's determination must be made upon the facts available to it at the time of request for defense and indemnification.

I have reviewed the claim and conducted a preliminary investigation of the facts of this case. It is my opinion that Dr. Maquivar was acting within the scope of his duties and in good faith when taking the actions from which this lawsuit arose. I therefore recommend defense by the Attorney General's Office and indemnification by the state.

A proposed Board Resolution is attached.

BOARD OF REGENTS

Washington State University

Resolution #181116-592

WHEREAS, a legal action has been commenced in Whitman County Superior Court by Amber Frary against Martin Maquivar; and

WHEREAS, Senior Assistant Attorney General Danielle Hess, serving as legal counsel to the University, has reviewed the claim, conducted a preliminary investigation of the facts of the case, and, based upon existing information and belief, has advised the Board of Regents that this claim arose out of activities performed in good faith and within the scope of employment; and

WHEREAS, RCW 28B.10.842 authorizes the Board of Regents to request the Attorney General to defend legal actions against employees, officials, and agents of Washington State University, and to authorize payment of any obligation arising from such actions from the state tort liability account pursuant to the provisions of RCW 4.92.130 through RCW 4.92.160;

NOW, THEREFORE, BE IT RESOLVED that the Board of Regents hereby finds that Clinical Assistant Professor Martin Maquivar, who is named individually as a defendant in the legal action brought by Amber Frary in Whitman County Superior Court Cause No. 18-2-00221-38, acted within the scope of his duties and in good faith with regard to conduct alleged by the plaintiff. Further, the Board of Regents hereby specifically requests, pursuant to RCW 28B.10.842, that the Attorney General's Office defend the above-named WSU employee against the claim brought by the plaintiff in the above-referenced legal action, or any other claim or legal action commenced by the plaintiff in any state or federal court or administrative or other proceeding arising out of the facts alleged in this lawsuit, and that any obligation for payment arising from the above-referenced actions, or any other claim or legal action by the plaintiff, be paid from the state tort liability account pursuant to the provisions of RCW 4.92.130 through RCW 4.92.160.

DATED this ____ day of November, 2018.

Chair, Board of Regents

Secretary, Board of Regents

Request for State Attorney General's Office
To Provide Defense for University Employees
(Danielle Hess)

TO ALL MEMBERS OF THE BOARD OF REGENTS

SUBJECT: Request for State Attorney General's Office to Provide Defense for Washington State University (WSU) Employees

PROPOSED: That the Board of Regents approve the requests for defense by Daniel Bernardo, Provost and Executive Vice President; Ron Mittelhammer, former Dean of the College of Agricultural, Human, and Natural Resource Sciences and Regents Professor in the School of Economic Sciences; and James Moyer, former Associate Dean of Research in the College of Agricultural, Human, and Natural Resource Sciences and Professor Emeritus

SUBMITTED BY: Danielle Hess, Senior Assistant Attorney General

SUPPORTING

INFORMATION: The complaint in the case of *Norman Lewis v. Washington State University, James Moyer, Ron Mittelhammer and Daniel Bernardo*, Thurston County Superior Court No. 18-2-05236-34, names Dr. Bernardo, Dr. Mittelhammer, and Dr. Moyer as defendants, thus exposing them to a risk of personal liability.

A statutory procedure exists authorizing WSU employees to request that the Attorney General's Office represent them in such cases and that any judgment obtained be paid from state funds. This procedure requires that the Board of Regents take action by resolution finding that the University employee involved was acting within the scope of his duties and in good faith. The Board's determination must be made upon the facts available to it at the time of request for defense and indemnification.

I have reviewed the claim and conducted a preliminary investigation of the facts of this case. It is my opinion that Dr. Bernardo, Dr. Mittelhammer, and Dr. Moyer were acting within the scope of their duties and in good faith when taking the actions from which this lawsuit arose. I therefore recommend defense by the Attorney General's Office and indemnification by the state.

A proposed Board Resolution is attached.

BOARD OF REGENTS

Washington State University

Resolution #181116-593

WHEREAS, a legal action has been commenced in Thurston County Superior Court by Norman Lewis against Daniel Bernardo, Ron Mittelhammer, and James Moyer; and

WHEREAS, Senior Assistant Attorney General Danielle Hess, serving as legal counsel to the University, has reviewed the claim, conducted a preliminary investigation of the facts of the case, and, based upon existing information and belief, has advised the Board of Regents that this claim arose out of activities performed in good faith and within the scope of employment; and

WHEREAS, RCW 28B.10.842 authorizes the Board of Regents to request the Attorney General to defend legal actions against employees, officials, and agents of Washington State University, and to authorize payment of any obligation arising from such actions from the state tort liability account pursuant to the provisions of RCW 4.92.130 through RCW 4.92.160;

NOW, THEREFORE, BE IT RESOLVED that the Board of Regents hereby finds that Provost and Executive Vice President Daniel Bernardo; former Dean of the College of Agricultural, Human, and Natural Resource Sciences and Regents Professor in the School of Economic Sciences Ron Mittelhammer; and former Associate Dean of Research in the College of Agricultural, Human, and Natural Resource Sciences and Emeritus Professor James Moyer, who are named individually as defendants in the legal action brought by Norman Lewis in Thurston County Superior Court, Number 18-2-05236-34, acted within the scope of their duties and in good faith with regard to conduct alleged by the plaintiff. Further, the Board of Regents hereby specifically requests, pursuant to RCW 28B.10.842, that the Attorney General's Office defend the above-named WSU employees against the claim brought by the plaintiff in the above-referenced legal action, or any other claim or legal action commenced by the plaintiff in any state or federal court or administrative or other proceeding arising out of the facts alleged in this lawsuit, and that any obligation for payment arising from the above-referenced actions, or any other claim or legal action by the plaintiff, be paid from the state tort liability account pursuant to the provisions of RCW 4.92.130 through RCW 4.92.160.

DATED this ____ day of November, 2018.

Chair, Board of Regents

Secretary, Board of Regents