

ACTION ITEM #2

Revise the Washington Administrative Code (WAC) 504-26
Standards for Conduct for Students
(Elizabeth S. Chilton/Romando Nash)

TO ALL MEMBERS OF THE BOARD OF REGENTS

SUBJECT: Revise Washington Administrative Code (WAC) 504-26 Standards for Conduct for Students

PROPOSED: That the Board of Regents adopts revisions to the Washington Administrative Code (WAC) 504-26 Standards for Conduct for Students

SUBMITTED BY: Elizabeth S. Chilton, Provost and Executive Vice President

SUPPORTING INFORMATION:

In an effort to more effectively and in a timelier way serve the needs of students, the proposed changes to the WAC 504-26 are needed. WAC 504-26-401 states that, "A conduct officer cannot dismiss a matter received from Compliance and Civil Rights (CCR) where CCR completed a formal investigation implicating Title IX sexual harassment within the university's Title IX jurisdiction, as defined by university executive policy 15, regardless of the investigation's outcome. In such cases, the conduct officer must refer the matter to a conduct board hearing, which must be held within 60 days of the date the CCR formal investigation report was received, unless good cause exists to extend the date of the hearing or the matter is resolved through agreement or alternative dispute resolution." Additionally, Title IX (34 CFR 106.45(b)(1)(v)) requires the grievance process to "include reasonably prompt time frames for conclusion of the grievance process." Failure to resolve Title IX matters in a timely fashion may harm participants and expose the institution to risk of agency action or litigation.

Due to a limited number of conduct board members and scheduling limitations, the current timeline for conduct board resolution is consistently exceeding the 60-day timeline. The proposed changes reduce the quorum requirement for University Conduct Board hearings to allow more flexibility in scheduling and more timely resolution. The University filed an emergency rule-making order on February 7, 2024, in order to ensure compliance with the WAC-required adjudication timeline.

The proposed changes adjust the quorum for Academic Integrity Hearing Boards to allow more flexibility in scheduling and more timely resolution, which ultimately supports student success.

The proposed changes also remove the current prohibition on Center for Community Standards (CCS) staff members assisting with the recruitment of new hearing board members. As the leadership staff work most closely with the hearing boards, allowing CCS to assist with recruitment will allow for the recruitment of a larger pool of board members. CCS will still be prohibited from the selection of board members to support a fair and equitable community standards process.

A redlined copy of the proposed changes is available upon request.

A public hearing for this rule change was held on March 19, 2024; no public input was received.