Chapter 516-21 WAC

STUDENT CONDUCT CODE

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WAC

516-21-010 Introduction.

516-21-020 Definitions.

516-21-030 Jurisdiction.

516-21-040 Student responsibility for guests.

516-21-050 Academic dishonesty.

516-21-055 Amnesty

516-21-060 Conduct that harms or threatens health or safety.

516-21-070 Disruptive behavior.

516-21-080 Failure to comply.

516-21-090 False information.

516-21-100 Fire safety and false alarms.

516-21-110 Harassment (other than sexual harassment or discriminatory harassment).

516-21-115 Discrimination and discriminatory harassment.
S16-21-120  Hazing.
S16-21-130  Alcohol.
S16-21-140  Drugs and paraphernalia.
S16-21-150  Interfering with the conduct process.
S16-21-160  Misuse of computers, electronic data or communication systems.
S16-21-170  Obstructing police and safety personnel.
S16-21-180  Sexual misconduct.

S16-21-184  Dating violence.
S16-21-186  Domestic violence.
S16-21-188  Stalking.
S16-21-190  Student violation of the law.

S16-21-195  Notification of criminal arrest.
S16-21-200  Theft or intentional damage of property.
S16-21-220  Weapons and destructive devices.
S16-21-230  Sanctions.
S16-21-240  Student conduct system.
S16-21-250  Student rights in the conduct process.
S16-21-260  Procedures for immediate interim suspension.
S16-21-270  Proceedings for violations of the code.
WAC 516-21-010 Introduction. Western Washington University students enjoy the same basic rights, privileges, and freedoms granted to all members of society. At the same time, acceptance of admission to the university carries with it an obligation to fulfill certain responsibilities and expectations as a member of the Western Washington University community.

As a member of the Western community, students must assume responsibility for their own actions and maintain an environment conducive to academic success. In addition, they are expected to be truthful, respect the rights of others, and abide by all university policies and procedures, as well as all applicable local, state, and federal laws and regulations. All students are responsible for under-
standing and complying with the responsibilities and expectations set forth in this code both on and off campus.

The student conduct process is intended to be educational while ensuring that students act in a manner consistent with high standards of scholarship and behavior, while maintaining the safety and well-being of all members of the university community.

[Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688 (Title IX Education Amendments of 1972). WSR 12-01-021, § 516-21-010, filed 12/9/11, effective 1/9/12.]

WAC 516-21-020 Definitions. As used in this chapter, the following words and phrases mean:

(1) **Business day.** Any day, Monday through Friday (excluding holidays), during which university offices are open.

(2) **Catalog.** The Western Washington University General Catalog.

(3) **Code.** The student conduct code.

(4) **Board.** The review board.

(5) **Conduct hold.** A block placed on a student's official university record at the request of the conduct officer or dean of students. A conduct hold prohibits a student from registering for classes, re-
questing an official transcript, or receiving a degree from the universi-
vity until the hold has been removed.

(6) **Conduct officer.** The conduct officer or their authorized de-
signee.

(7) **Dean of students.** The dean of students or their authorized
designee.

(8) **Guest.** Any person who is not a member of the university com-
munity, who is on university property or attending an official univer-
sity function at the invitation and/or hosting of a student.

(9) **Member of the university community.** Any person who is a stu-
dent, university official, or who is otherwise employed or contracted
by the university. A person's status in a particular situation shall
be determined by the dean of students.

(10) **Official university function.** Any activity, on or off cam-
pus, that is initiated, sponsored, or supervised by any entity of
Western Washington University.

(11) **Preponderance of evidence.** Defined as "more likely than
not," the standard of responsibility that is used when determining
whether a violation of the student conduct code has occurred.

(12) **Student.** Any person who:

(a) Has been formally admitted to the university;
(b) Is enrolled in one or more classes at the university, including non-matriculated international students attending language institutes or foreign study programs;

(c) Is participating in a certificate, degree, distance learning, or professional enrichment program, through extended education and summer programs;

(d) Is participating in a university-sponsored study abroad program;

(e) Was enrolled in a prior quarter or summer session at the university and is eligible to continue enrollment in the quarter or summer session that immediately follows; or

(f) Withdrew from the university after an alleged violation of the code, for conduct that occurred while they were enrolled in or participating in a program offered by the university.

(13) **University.** Western Washington University and all associated programs, including those offered online and/or at off-campus program sites.

(14) **University official.** Any person employed or contracted by the university, who is performing assigned teaching, administrative, or professional responsibilities. University officials may be full- or part-time, and may include student staff members.
(15) **University property.** All land, buildings, facilities, and other property that is owned, used, leased, or controlled by Western Washington University. University property also includes adjacent streets and sidewalks.

(16) **WAC.** An abbreviation for the Washington Administrative Code. [Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688 (Title IX Education Amendments of 1972). WSR 12-01-021, § 516-21-020, filed 12/9/11, effective 1/9/12.]

**WAC 516-21-030 Jurisdiction.** (1) The student conduct code applies to all conduct that occurs on university property or in connection with any official university function.

(2) Western Washington University does not act as a policing agent for students when they are off campus. However, the university reserves the right to take action if a student's conduct is determined to adversely affect a substantial university interest. Student conduct that occurs off campus may be subject to the student conduct code when it:

(a) Adversely affects the safety or well-being of any member of the university community; or
(b) Involves academic work or any records, documents, or identifications of the university.

In determining whether to exercise jurisdiction over such conduct, the student conduct officer shall consider the seriousness of the alleged offense, the risk of harm involved, and whether the alleged victim(s) are members of the university community. Any question of interpretation or application of jurisdiction shall be referred to the dean of students for final determination.

(3) Students are responsible for their conduct from the time they have confirmed their enrollment at Western through the awarding of their degree. This includes conduct that occurs before classes begin, after classes end, and during periods between actual terms of enrollment. Students who are found to be in violation of the code may be subject to sanctions under the code.

(4) A student with a pending conduct violation may not avoid the conduct process by withdrawing from the university. In these circumstances, a conduct hold will be placed on the student's official record, preventing them from registering for classes, requesting an official transcript, or receiving a degree from the university. This hold will remain in place until the student has met with the conduct officer to discuss the alleged conduct violation(s).
(5) Sanctions against student organizations are decided by procedures established by the university administrative unit governing that organization's recognition. Conduct proceedings against individual member(s) of a student organization can be initiated under this code, independent of any departmental action(s) taken against the student organization.

[Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688 (Title IX Education Amendments of 1972). WSR 12-01-021, § 516-21-030, filed 12/9/11, effective 1/9/12.]

**WAC 516-21-040 Student responsibility for guests.** (1) Guests and visitors on university property or at official university functions are expected to comply with all university policies and procedures, as well as all applicable local, state, and federal laws and regulations.

(2) Students who invite guests into their campus residence hall or apartment, or to official university functions open only to Western students, are responsible for the behavior of their guests. As a result, a student may be held responsible for any alleged violation(s) of the code committed by their guests. See also WAC 516-24-001 Conduct of campus guests and visitors.
WAC 516-21-050 Academic dishonesty. The university's policy and procedures regarding academic dishonesty are addressed in the academic honesty policy and procedure. As noted in the policy, academic dishonesty at Western Washington University is a serious infraction dealt with severely. For a list of actions that constitute academic dishonesty, refer to the academic honesty policy and procedure in the catalog.

WAC 516-21-055 Amnesty. (1) In situations involving intoxication, alcohol poisoning, or drug-related medical issues, students are encouraged to seek swift medical assistance for themselves and others without fear of penalty. Students requesting and receiving medical assistance in these situations will not typically be subject to the formal student conduct process. This policy refers to isolated incidents and does not excuse students who repeatedly or flagrantly violate the
alcohol or drug policy, nor does it preclude action arising from other
violations of the code. Western will consider the positive impact of
reporting a situation when determining any course of action.

(2) Complainants and witnesses who in good faith report sexual vi-
olence will not be subject to alcohol or drug violations of the code
occurring at or near the time of the sexual violence unless their own
conduct placed another person’s health or safety at risk. Without im-
posing sanctions, Western may initiate educational remedies regarding
alcohol or drug use.

WAC 516-21-060 Conduct that harms or threatens health or safety.

Conduct that harms, attempts to harm, or threatens the health or safer-
ty of any member of the Western Community by any means (e.g. in per-
son, through any party, online) is a violation of the code. This in-
cludes, but is not limited to:

Physical assault.(2) Any threat, stated or implied, to the
health, safety or well-being of self or others.

(3) Any contact or communication of a threatening nature that in-
timidates, harasses, and would cause a reasonable person to fear for
their safety or well-being.
(4) Intoxication or impairment through the use of alcohol or other substances to the point that a student is unable to exercise care for their own safety or well-being.


Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688 (Title IX Education Amendments of 1972). WSR 12-01-021, § 516-21-060, filed 12/9/11, effective 1/9/12.

WAC 516-21-070 Disruptive behavior. Behavior that substantially disrupts, disturbs, or interferes with the ability of students to learn or university officials to perform their assigned duties is a violation of the code. Disruptive behavior includes, but is not limited to:

(1) Demonstrations or protests that substantially disrupt, disturb, or interfere with:

(a) Classroom activities or other educational pursuits;
(b) Official university activities or functions including, but not limited to, ceremonies, meetings, office functions, performances, or athletic events;

(c) Pedestrian or vehicular traffic; or

(d) The preservation and protection of university property and/or the personal property of members of the university community.

(2) Any other behavior that substantially disrupts, disturbs, or interferes with:

(a) Classroom activities or other educational pursuits;

(b) Official university activities or functions including, but not limited to, ceremonies, meetings, office functions, performances, or athletic events;

(c) Pedestrian or vehicular traffic; or

(d) The preservation and protection of university property and/or the personal property of members of the university community.

[Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688 (Title IX Education Amendments of 1972). WSR 12-01-021, § 516-21-070, filed 12/9/11, effective 1/9/12.]

**WAC 516-21-080 Failure to comply.** Failure to comply with the instructions or directives of any university official or other public
official acting in performance of their duties, or failure to identify oneself when asked to do so by a university official or other public official acting in performance of their duties, is a violation of the code.

[Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688 (Title IX Education Amendments of 1972). WSR 12-01-021, § 516-21-080, filed 12/9/11, effective 1/9/12.]

**WAC 516-21-090 False information.** Providing or creating false information is a violation of the code. False information includes, but is not limited to:

1. Forging, altering, mutilating, or destroying any university document or record, or entering false information into such documents or records;

2. Possessing or presenting as authentic any falsified document, record, or identification;

3. Intentionally making false accusations or charges against another member of the university community; and

4. Knowingly providing false information or statements to any university official or other public official acting in performance of their duties.
WAC 516-21-100 Fire safety and false alarms. Tampering with, altering, or disabling fire safety equipment, including emergency call devices, fire alarms, fire exits, fire extinguishers, smoke/heat detectors, or sprinkler systems; intentionally activating a fire alarm; making a false report of a fire or other emergency; or refusing to leave a building when a fire alarm sounds or when directed to by a university official or by emergency personnel are violations of the code.

WAC 516-21-110 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 undermines their ability to work, study, or par-
ticipate in their 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.35.120(12) and 20 U.S.C. 1681-1688 (Title IX Education Amendments of 1972). WSR 12-01-021, § 516-21-110, filed 12/9/11, effective 1/9/12.]

**WAC 516-21-115 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 Western Washington University's Policy U1600.02, which prohibits discrimination, sexual harassment, and sexual misconduct. Anyone complaining or involved in a complaint of discrimination is protected against retaliation, see definition in University Policy U1600.02 and 04.
(1) Sexual harassment is a violation of the code. Sexual harassment is unwelcome conduct of a sexual nature including unwelcome sexual advances, requests for sexual favors, or other verbal, nonverbal, electronic, or physical conduct of a sexual nature, when

(a) It has a tangible impact on a student's education, including but not limited to academic grades, living environment, participation in a University activity; or

(b) It is sufficiently severe, pervasive, or persistent to interfere with a member of the university community's ability to work, study, or participate in their regular activities, or benefit from the university's programs or activities and creates a hostile environment.

(2) Gender-based harassment includes nonsexual acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on a person's gender or nonconformity with gender stereotypes, and is a violation of the code. Gender-based harassment violates this code when it is sufficiently severe, pervasive, or persistent such that it denies or limits another's ability to work, study, participate in, or benefit from the university's programs or activities.

(3) Sexual violence includes sexual assault, dating violence, domestic violence, and stalking; see WAC 516-21-180 Sexual misconduct, WAC 516-21-060 Conduct that harms or threatens, WAC 516-21-188 Stalk-
ing, WAC 516-21-186 Domestic violence, and WAC 516-21-184 Dating vio-

**WAC 516-21-120 Hazing.** Hazing, defined as any act that, as an ex-

plicit or implicit condition for initiation or admission into, affili-

ation with, or continued membership in a group or organization, endan-

gers the health, safety, or well-being of any member of the university 

community, is a violation of the code. Examples of hazing include, but 

are not limited to:

(1) Requiring the consumption of any food, alcohol, drug, or oth-

er substance.

(2) Requiring forced participation in physical activities, in-

cluding calisthenics, exercise, or other games or activities that en-

tail physical exertion.

(3) Requiring exposure to weather elements or to other physically 
or emotionally uncomfortable situations, including sleep deprivation, 

confinement in small spaces, physical bondage, and/or taking a student 
to an outlying area and dropping them off.

(4) Requiring conduct that can be reasonably expected to embar-

rass another, including the performance of public stunts or activities 
such as scavenger hunts.
(5) Requiring anything that would be illegal under city, state, or federal law, or in violation of any university policies or procedures, including the code.

Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688 (Title IX Education Amendments of 1972). WSR 12-01-021, § 516-21-120, filed 12/9/11, effective 1/9/12.

WAC 516-21-130 Alcohol.

Except as permitted by law (e.g. possession or use by a person of legal age) and/or university policy, the possession, use, distribution, or sale of alcohol while on university property or at an official university function is a violation of the code. See also Policy Concerning Alcohol and Other Drugs in the appendices section of the university catalog.

Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688 (Title IX Education Amendments of 1972). WSR 12-01-021, § 516-21-130, filed 12/9/11, effective 1/9/12.

WAC 516-21-140 Drugs and paraphernalia.

Except as permitted by law and university policy, the possession, use, cultivation, manufacturing, packaging, distribution, or provision of a
controlled or illegal substance and the possession of drug paraphernalia while on university property or at an official university function is a violation of the code. This code violation also includes the intentional misuse or distribution of prescription drugs. See also Policy Concerning Alcohol and Other Drugs in the appendices section of the university catalog.

[Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688 (Title IX Education Amendments of 1972). WSR 12-01-021, § 516-21-140, filed 12/9/11, effective 1/9/12.]

**WAC 516-21-150 Interfering with the conduct process.** Interfering with the conduct process is a violation of the code. This includes, but is not limited to:

1. Giving a false report or claim;
2. Attempting to influence the impartiality of witnesses or review board member(s);
3. Participating in or encouraging retaliation against complainants or witnesses;
4. Threatening, harassing, or intimidating complainants or witnesses;
(5) Disrupting or interfering with the orderly conduct of a hearing or meeting; and

(6) Failing to comply with any sanction(s) imposed as the result of a code violation.

[Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688 (Title IX Education Amendments of 1972). WSR 12-01-021, § 516-21-150, filed 12/9/11, effective 1/9/12.]

WAC 516-21-160 Misuse of computers, electronic data or communication systems. Misuse of computers, electronic data, or communication systems is a violation of the code. This includes, but is not limited to:

(1) Unauthorized entry into a file, web page, e-mail account, or online profile to use, download, read, transfer, or change the contents, or for any other purpose;

(2) Unauthorized use of another person's university-issued identification and password;

(3) The use of campus computing facilities, networks (including wireless networks), equipment, or services to interfere with the normal operation of the university computing system or the work of any member of the university community;
(4) The use of campus computing facilities, networks (including wireless networks), equipment, or services to "cyber stalk" another person or to send obscene, abusive or harassing messages;

(5) The use of campus computing facilities, networks (including wireless networks), equipment, or services to illegally copy, distribute, download, or upload information (including movies, music, or other digital content) from the internet or any electronic source;

(6) The use of campus computing facilities, networks (including wireless networks), equipment, or services to illegally copy, reproduce, or distribute licensed software;

(7) Attempting to modify system facilities or networks, including the introduction of electronic vandalism (e.g., "viruses," "worms," or other disruptive/destructive programs) into university computing resources or those connected to it by the network; and

(8) The use of campus computing facilities, networks (including wireless networks), equipment or services for personal profit or for any use other than authorized university business.

Students are also responsible for reading and complying with all provisions set forth in the Western Washington University policy for responsible computing, the user agreement for WWU network and computing resources, and the using copyrighted materials policy.
WAC 516-21-170 Obstructing police and safety personnel. Obstructing, interfering with, or delaying police or other fire, safety, or emergency personnel is a violation of the code.

WAC 516-21-180 Sexual misconduct.

Sexual misconduct is a violation of the code and includes nonconsensual sexual contact, sexual exploitation and sexual violence (sexual assault, dating violence, domestic violence and stalking). See also WAC 516-21-110 Harassment (other than sexual harassment or discriminatory harassment), WAC 516-21-115 Discrimination or discriminatory harassment, WAC 516-21-060 Conduct that harms or threatens, WAC 516-21-188 Stalking; WAC 516-21-184 Dating violence, and WAC 516-21-186 Domestic violence.
(1) 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, actual words or conduct demonstrate clear permission regarding willingness to engage in sexual activity and the conditions of such activity. Silence or passivity is not consent. Consent is ongoing and can be withdrawn at any time. 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. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to obtain consent from another. When an individual makes it clear through words or actions that they do not want to engage in sexual contact, want to stop, or do 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, extortion, or a position of power to overcome resistance or gain consent to sexual activity.

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

(c) The 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, 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 they cannot fully understand the details of the sexual interaction (i.e., who, what, when, where, why, and how), and/or they lack the capacity to reasonably understand the situation and to make rational, reasonable decisions.

(2) 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 (genitals or genital area, breast or buttock (clothed or unclothed). This includes any intentional bodily contact of one’s own intimate area with another person.

(3) Sexual exploitation occurs when a person takes nonconsensual or abusive sexual advantage of another for their own advantage or benefit, or to benefit or advantage anyone other than the one being ex-
exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses explained above.

(4) Sexual assault is attempted or actual non-consensual penetration, no matter how slight, of another’s vagina, anus or mouth by a penis; or the vagina or anus by any body part or object.

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

(6) Sexual misconduct represents a range of behavior; it can occur between strangers or acquaintances, including individuals involved in an intimate or sexual relationship. Sexual misconduct can be committed by individuals or groups of individuals directed to one or more people and can occur between people of the same or different sex. See also University Policy U1600.04 Preventing and Responding to Sex Discrimination, Including Sexual Misconduct. [Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688 (Title IX Education Amendments of 1972). WSR 12-01-021, § 516-21-180, filed 12/9/11, effective 1/9/12.]

WAC 516-21-184 Dating violence. Conduct by a student who is or has been in a romantic or intimate relationship with another that intentionally, or recklessly, causes bodily injury or places another in
reasonable fear of serious bodily injury is a violation of the code. The nature of the relationship is determined by the length, type, and frequency of interaction between them. Sexual violence includes sexual assault, dating violence, domestic violence, and stalking. See also WAC 516-21-180 Sexual misconduct, WAC 516-21-110 Harassment (other than sexual harassment or discriminatory harassment), WAC 516-21-115 Discrimination or discriminatory harassment, WAC 516-21-060 Conduct that harms or threatens, WAC 516-21-188 Stalking, and WAC 516-21-186 Domestic violence.

**WAC 516-21-186 Domestic violence.** Conduct by a current or former spouse or intimate partner (including between two people that share a child in common) that intentionally, or recklessly, causes bodily injury, or causes another to be in reasonable fear of serious bodily injury is a violation of the code. Sexual violence includes sexual assault, dating violence, domestic violence, and stalking. See also WAC 516-21-180 Sexual misconduct, WAC 516-21-110 Harassment (other than sexual harassment or discriminatory harassment), WAC 516-21-115 Discrimination or discriminatory harassment, WAC 516-21-060 Conduct that harms or threatens, WAC 516-21-188 Stalking, and WAC 516-21-184 Dating violence.
WAC 516-21-188 Stalking. Engaging in a course of unwelcomed conduct (e.g., following, monitoring, observing, surveilling, threatening, communicating or interfering with property) directed at a specific person that would cause a reasonable person to fear for their safety, or the safety of others, or suffer substantial emotional distress, is a violation of the code. Stalking includes but is not limited to conduct occurring in person, electronically, and/or through a third party.

WAC 516-21-190 Student violation of the law. Students are expected to abide by all local, state, and federal laws while on campus or at official university functions. Failure to comply with these laws is a violation of the code.

While Western does not act as a policing agent for students when they are off campus, the university reserves the right to take action if a student's conduct is determined to adversely affect a substantial university interest as set forth in WAC 516-21-030 Jurisdiction.

Proceedings under the code may be carried out prior to, simultaneously, or following civil or criminal proceedings in the courts.
Since the standard of proof under the code (preponderance of evidence) differs from that of criminal law, decisions made through the student conduct process are not subject to challenge on the grounds that criminal charges involving the same incident have been dismissed or reduced by a court of law.

[Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688 (Title IX Education Amendments of 1972). WSR 12-01-021, § 516-21-190, filed 12/9/11, effective 1/9/12.]

**WAC 516-21-195 Notification of criminal arrest.** Failure by the student to notify the dean of students of any off-campus felony arrest, or when the arrest is for an offense that is violent, weapons-related, involves kidnapping, or requires that the student register as a sex offender by any legal authority within the U.S., is a violation of the code. The university may send a letter to the student requiring that they make an appointment for an interview. During this interview, the dean of students or their designee shall discuss with the student:

1. The facts involved in the student’s arrest;

2. The student’s obligation to keep the university informed of the progress of any criminal charge(s); and

3. The student’s obligation to advise the university of the final disposition of any criminal charge(s); and
(4) Whether the behavior falls under jurisdiction of the student code.

The university will cooperate with law enforcement and other agencies administering a corrective or rehabilitative program for the student. See also POL-U5620.02 Notifying Campus Community About Sex and Kidnapping Offenders.

WAC 516-21-200 Theft or intentional damage of property. Theft or intentional damage of property is a violation of the code. Theft includes, but is not limited to, attempted or actual theft of university property or services or the property or services of any member of the university community, visitors, or guests. It is also prohibited to possess stolen property or to intentionally damage, destroy, or vandalize the property of the university or others.

[Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688 (Title IX Education Amendments of 1972). WSR 12-01-021, § 516-21-200, filed 12/9/11, effective 1/9/12.]

WAC 516-21-210 Trespassing. Trespassing is a violation of the code. Trespassing includes, but is not limited to:
(1) Unauthorized entry into, occupation, or use of any university-owned or controlled property, equipment, or facilities; 

(2) Unauthorized entry into, occupation, or use of any restricted areas of the campus, including research areas and utility tunnels; 

(3) Unauthorized possession, duplication, or use of keys, including cards or alphanumeric pass-codes, to any university-owned or controlled property, equipment, or facilities; and 

(4) Remaining in or on university-owned or controlled property after permission to remain has been revoked by any university official, including university police. 

[Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688 (Title IX Education Amendments of 1972). WSR 12-01-021, § 516-21-210, filed 12/9/11, effective 1/9/12.]

WAC 516-21-215 Violation of university policy, rule, or regulation. Violation of any published university policy, rule, or regulation is a violation of the code.

WAC 516-21-220 Weapons and destructive devices. Possession, use, unauthorized storage, or manufacture of firearms, ammunition, explosives, or other weapons or destructive devices capable of causing bod-
ily injury or damage to property, on university property or at official university functions, is a violation of the code. Weapons and destructive devices include, but are not limited to the unauthorized use or possession of:

(1) Firearms or projectile devices of any kind, including BB, pellet, paintball, and airsoft guns, bow and arrow, and sling shots;

(2) Martial arts weapons of any kind, including nunchucks, swords, or throwing stars;

(3) Fireworks of any kind;

(4) Dangerous chemicals;

(5) Any knife with a blade longer than three inches (excluding kitchen utensils); and

(6) Weapons classified as dangerous in RCW 9.41.250.

This does not include the lawful possession of any personal protection spray device authorized under RCW 9.91.160.

See also WAC 516-52-020 Firearms and dangerous weapons.

[Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688 (Title IX Education Amendments of 1972). WSR 12-01-021, § 516-21-220, filed 12/9/11, effective 1/9/12.]
WAC 516-21-230 Sanctions. Sanctions serve many purposes including, but not limited to, educating students about the seriousness of their actions; reinforcing the high standards of scholarship and behavior expected of Western students; promoting student development; and maintaining the safety and well-being of members of the university community. When a student admits responsibility or is found in violation of the code, the conduct officer or dean of students may impose one or more of the sanctions listed in this section. This list of sanctions is not meant to be exclusive. Other sanctions, designed or intended to enhance the educational value of conduct proceedings, may be applied in a given case.

(1) **Warning.** A formal written notice to the student that a violation of the code has occurred, and that further violations may result in additional sanctions under the code.

(2) **Conditional status.** A probationary status imposed for a specific period of time, during which the student must demonstrate conduct that conforms to university standards. Conditions restricting the student's privileges or eligibility for activities may be imposed. Violations of any conditions specified in the notice of conditional status or violations of any other university policies or regulations dur-
ing the period of the sanction, may result in additional sanctions under the code.

(3) **Loss of privileges.** A student may be denied specific privileges (i.e., participation in specific activities, restriction from specific areas of campus, etc.) on a temporary or permanent basis. Violations of any conditions specified in the notice of loss of privileges or violations of any other university policies or regulations during the period of the sanction, may result in additional sanctions under the code.

(4) **Restriction from contacting others ("no contact" order).** A student may be restricted from direct or indirect physical, verbal, or electronic contact with another person and/or group. Indirect or direct contact made with another person or group while a "no contact" order is in place may result in additional sanctions under the code.

(5) **Educational activities.** A student may be required to engage in educational activities related to violation(s) of the code. Such activities may include, but are not limited to, required attendance at educational programs, community service, conducting research projects, writing assignments, and/or meeting with campus officials.

(6) **Assessment, counseling, or treatment programs.** A student may be required to participate in an assessment, counseling, and/or treat-
ment program (at the student's expense), to address substance abuse, anger issues, or other issues or types of behaviors that pose a threat to their safety or well-being or the safety or well-being of others.

(7) **Restitution.** A student may be required to provide compensation for loss, damage, or injury resulting from a violation of the code. Restitution may take the form of monetary or material replacement or appropriate service to repair or otherwise compensate for the loss, damage, and/or injury caused.

(8) **Parental notification.** Parents may be notified of conduct findings when a student under the age of twenty-one is found responsible for violations involving alcohol and/or drugs. When possible, students whose parents are to be notified will be informed before such notification occurs and given an opportunity to initiate contact with their parents.

(9) **Campus residence hall or apartment relocation.** A student's on-campus living arrangements may be transferred to another residence hall or apartment.

(10) **Termination of university residences agreement.** A student may be removed from their campus residence hall or apartment and their housing agreement terminated.
(11) **Suspension from the university.** A student may be removed from the university for a designated period of time, after which the student will be eligible to return. While suspended, the student is trespassed from all university facilities and prohibited from participating in official university functions. Specific conditions for readmission to the university may be imposed (e.g., counseling, completion of substance abuse treatment, etc.).

(12) **Deferred suspension.** A student may receive a notice of deferred suspension from the university, with a provision that they are allowed to remain enrolled contingent on meeting specific conditions. Failure to meet any condition(s) specified in the notice of deferred suspension will result in immediate suspension from the university.

(13) **Expulsion from the university.** A student may be permanently separated from the university. A student who has been expelled is not eligible for readmission.

[Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688 (Title IX Education Amendments of 1972). WSR 12-01-021, § 516-21-230, filed 12/9/11, effective 1/9/12.]

**WAC 516-21-240 Student conduct system.** (1) The vice-president for enrollment and student services is responsible for administration of
the code. Supervision of the code has been delegated by the vice-

(2) A conduct officer(s) shall be appointed and supervised by the dean of students or their authorized designee. A conduct officer has the authority to consider complaints, make findings, and administer sanctions for violations of the code. In complaints alleging discrimination and/or sexual violence, including sexual harassment, misconduct, or assault, an investigation and written report of findings from Western Washington University’s equal opportunity office (or their designee) will be provided to the conduct officer in lieu of the conduct officer’s investigation.

(3) Review board members shall be appointed to consider appeals of a conduct officer’s findings and sanctions. Review board members shall include a pool of the following:

(a) Four faculty members, appointed by the faculty senate;

(b) Six student members, appointed by the associated students board of directors and/or residence hall association. Student board members must have:

(i) A cumulative grade point average above 2.0;
(ii) Not currently be under an active sanction of the conduct code or have had previous conduct violations during the current academic year; and

(iii) Be confirmed by the dean of students; and

(c) Four staff members, generally but not exclusively from the division of enrollment and student services, confirmed by the dean of students.

(4)

A review board shall be comprised of five members and any three persons constitute a quorum of a board. Generally a review board will be comprised of faculty, staff, and students, but in some instances may only be comprised of members from two of the three groups. The dean of students, or their designee, will appoint a chair from this pool for each board. Board members may not have been involved in consideration of the complaint, or involved in the complaint. All board members must be properly trained in the conduct process. The dean of students or their designee will have final authority to approve all of those serving on a board. The dean of students, or their designee, will work to ensure that any board is balanced and representative.
(5) A staff member appointed by the dean of students may advise the board on technical details of the code and its procedures.

(6) Conduct officers, the review board, and the dean of students or authorized designees have full authority to administer a decision under the code.

[Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688 (Title IX Education Amendments of 1972). WSR 12-01-021, § 516-21-240, filed 12/9/11, effective 1/9/12.]

**WAC 516-21-250 Student rights in the conduct process.** Alleged violations of the code will be resolved through the student conduct process, respecting fairness and due process for all involved parties.

(1) A student accused of violating the code, known as the respondent, has certain rights in the conduct process. These include the right to:

(a) Receive prior written notice to attend meetings with a conduct officer or hearings with a review board delivered via e-mail to the student’s official university e-mail account;
(b) Provide evidence on their own behalf, including the names or written statements of individuals who can offer information regarding the incident in question;

(c) Be accompanied through the conduct process by an advisor of their choice and at their own expense. The advisor may give advice to the student, but may not directly address the conduct officer, any member of the review board, or the dean of students. 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;

(d) Remain silent or decline to respond to any question(s) during any conduct meeting or hearing;

(e) Review information relied upon by the conduct officer or review board in making a determination;

(f) Receive written notification of the findings, decision, and basis for each, delivered via e-mail to the student's official university e-mail account, within seven business days of the date of a meeting with a conduct officer, or ten business days of the date of a hearing with a review board (or, if multiple meetings are necessary to determine responsibility or multiple individuals are involved and in-
formation presented by each is deemed necessary to determine respon-
sibility, within seven or ten business days of the date of the final
meeting for the specific incident);

(g) Request a review of a decision by a conduct officer, as de-
scribed in WAC 516-21-280 Basis for review;

(h) Request an appeal of a decision that results in suspension or
expulsion, as described in WAC 516-21-280 Basis for review; and

(i) Waive any of the rights contained in this section.

(2) An individual who has filed a complaint alleging violence or
sexual violence, including harassment, misconduct, and/or assault,
known as the complainant, has certain rights in the conduct process.
These include the right to:

(a) Receive prior written notice to attend meetings with a con-
duct officer or hearings with a review board delivered via e-mail to
the student’s official university e-mail account;

(b) Provide evidence on their own behalf, including the names or
written statements of individuals who can offer information regarding
the incident in question;

(c) Be accompanied through the conduct process by an advisor of
their choice and at their own expense. The advisor may give advice to
the student, but may not directly address the conduct officer, any
member of a review board, or the dean of students. 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;

(d) Remain silent or decline to respond to any question(s) during the conduct meeting;

(e) Review information relied upon by the conduct officer or review board in making a determination;

(f) Receive written notification of the findings, decision and basis for each, delivered via e-mail to the student’s official university e-mail account, within seven business days of the date of a meeting with a conduct officer or ten business days of the date of a hearing with a review board, or if multiple meetings are necessary to determine responsibility or multiple individuals are involved and information presented by each is deemed necessary to determine responsibility, within seven or ten business days of the date of the final meeting for the specific incident;

(g) Request a review of a decision by a conduct officer, as described in WAC 516-21-280 Basis for review;
(h) Request an appeal of a decision that may have resulted in a suspension or expulsion, as described in WAC 516-21-280 Basis for review; and

(i) Waive any of the rights contained in this section.

(3) For incidents involving violence or sexual violence, including sexual harassment, misconduct, and/or assault, complainants shall have the following additional rights:

(a) To be notified of the availability of counseling, academic support, and general assistance and support resources, both on campus and in the surrounding community;

(b) Have past behavior unrelated to the alleged behavior excluded from the hearing or review; the presiding officer or dean of students will make a final determination regarding such behavior if in question;

(c) To be free from questioning about their sexual history involving anyone other than the respondent;

(d) Submit an oral or written impact statement to the conduct officer, and/or review board, and/or dean of students (if applicable), for consideration;

(e) To request an administrative no contact order against the respondent(s) during the conduct process; and
(f) Be free of any form of retaliation. Complainants should report any retaliation that occurs for further action. See POL-U1600.02 Ensuring Equal Opportunity and Prohibiting Discrimination and Retaliation.

[Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688 (Title IX Education Amendments of 1972). WSR 12-01-021, § 516-21-250, filed 12/9/11, effective 1/9/12.]

**WAC 516-21-260 Procedures for immediate interim suspension.** In consultation with university officials, the dean of students may suspend a student from the university on an immediate interim basis, pending disciplinary or criminal proceedings or a medical evaluation.

(1) An interim suspension may only be imposed in the following circumstances:

(a) The student poses a threat to their own safety or well-being;

(b) The student poses a threat to the safety or well-being of other members of the university community;

(c) The student poses a threat to university property, is disrupting, or interfering with the normal operations of the university; or
(d) The student is alleged to have committed a serious violation of local, state, or federal law.

(2) During the interim suspension, a student may be denied access to university activities and privileges, including access to classes, university property, and/or campus residence halls and apartments.

(3) A student suspended from the university on an immediate interim basis shall be notified in writing of the terms of the interim suspension. The notice, which shall be delivered via e-mail to the student's official university account and and in person if possible, shall include the stated violation(s), the circumstances and terms of the interim suspension, and the time, date and location of a meeting to discuss the interim suspension with the dean of students.

(4) The interim suspension meeting shall occur no less than three business days and no more than seven business days from the date that the notification is sent. The student may elect to waive the three-day notice if an earlier date is mutually agreed upon. The purpose of the interim suspension meeting is for the student to have an opportunity to demonstrate to the dean of students why the terms specified in the interim suspension notice should not continue.

(5) Cases of interim suspension are given priority and will be expedited through the student conduct process. The interim suspension
will remain in effect until a final decision has been made on the pending code violation(s) or until the dean of students determines that the reasons for imposing the interim suspension no longer exist or are not supported by available evidence.

[Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688 (Title IX Education Amendments of 1972). WSR 12-01-021, § 516-21-260, filed 12/9/11, effective 1/9/12.]

**WAC 516-21-270 Proceedings for violations of the code.**

(1) Any member of the university community may file a complaint against a student for a violation of the student conduct code. A complaint should be made in writing to the office of student life. Additionally, information received from any source (police report, third party, online, etc.) may be considered as a complaint.

(2) After a consideration of the complaint, the conduct officer may take any of the following actions:

(a) Review the complaint, investigate and make a finding whether the code was violated and imposes sanction(s);

(b) Terminate the proceeding and enter a finding that there is no violation of the code and/or that the respondent is not responsible for the alleged conduct violation; or

(c) Dismiss the investigation, which may be reopened at a later
date if relevant information that was unknown to the conduct officer arises.

(3) In complaints alleging discrimination and/or sexual violence, including sexual harassment, misconduct or assault, an investigation and written report of findings from Western Washington University’s equal opportunity office (or their designee) will be provided to the conduct officer in lieu of the conduct officer’s investigation. The conduct officer will then consider this report and make a finding as to whether the code was violated and impose sanction(s).

(4) Any student charged by a conduct officer with a violation of the student code is provided at least three days written notice of the student’s meeting date, time and location. Any request to extend the time and/or date of the conduct officer meeting should be addressed to the conduct officer. The written notice shall include:

(a) A brief summary of the complaint, including the sections of the code allegedly violated;

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

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

(d) A copy of, or link to, the code.
(5) The respondent and complainant (if applicable) are notified in writing of the determination made by the conduct officer, including the basis for any findings and sanctions. The notice includes information regarding the right to request a review.

(6) All notifications under the code are delivered by electronic mail to the students’ university e-mail account. Any notifications sent via regular U.S. mail (for instance, to students not currently enrolled) may be sent to the party's last known address or the address on file with the university registrar. Students are responsible for maintaining an updated mailing address on file with the registrar. Deadlines described in the code begin the date the notification is sent via electronic means.

(7) Upon request to the dean of students office, staff will be available to the respondent and complainant (if applicable) to assist in understanding the student conduct process.

(8) The conduct officer’s determinations and findings are made on the basis of a "preponderance of the evidence," that is, whether it is more likely than not that the respondent violated the code.

(9) Relevant evidence 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 conduct officer, or review board
chair, shall have the discretion to determine admissibility of evidence.

(10) If respondent or complainant (if applicable) to whom notice of a meeting or hearing has been sent does not appear before a conduct officer or review board, the complaint is considered in their absence, and the conduct officer or review board may issue a decision based upon that information.

[Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688 (Title IX Education Amendments of 1972). WSR 12-01-021, § 516-21-270, filed 12/9/11, effective 1/9/12.]

**WAC 516-21-280 Basis for review.**

(1) A student found in violation of the code may request a review of the conduct officer’s findings and/or the sanctions imposed. For incidents involving violence and/or sexual violence, including sexual harassment, misconduct or assault, a complainant may also request a review. A review may be requested for any reason including:

(a) The proceedings were not conducted in conformity with prescribed procedures and significantly impacted the outcome of the student conduct process;
(b) The sanctions imposed are substantially disproportionate to the violation(s) committed;

(c) The decision reached did not properly consider the information presented; and/or

(d) New information becomes available that was unavailable at the time of the original meeting, and could substantially impact the original decision (a summary of this new information and its potential impact must be included).

(2) The request for review must be submitted by the respondent or complainant (if applicable) in writing to the dean of students within twenty one calendar days of the decision. The request for review must state, as clearly and concisely as possible, the basis for the request.

(3) Requests for review of a finding that resulted, or may have resulted, in suspension or expulsion are considered by a review board. All other requests for review are considered by the dean of students as a brief adjudicative proceeding.

(4) No sanction will begin while a request for review or appeal is pending, except interim sanctions such as administrative no-contact orders, trespass, etc.
WAC 516-21-290 Review procedures.

(1) Requests for review can be made by the respondent or complainant (in incidents involving violence and/or sexual violence, including sexual harassment, misconduct or assault) and must be made to the dean of students.

(2) The dean of students or their designee reviews the request.

(3) Where new information, unavailable at the time of the original meeting, that could substantially impact the original decision, is received, the dean of students or their designee may refer the complaint back to the original conduct officer for reconsideration. The dean of students or their designee may, at their discretion, refer the complaint to a different conduct officer for reconsideration.

(4) In most requests for review, except in brief adjudicative proceedings, the dean of students or their designee will review the written documentation only; any involved person (respondent, witnesses, complainant) may be called if necessary and at the discretion of the dean of students or their designee.
(5) In requests for review in which the possible or recommended sanction is expulsion or suspension as determined by the conduct officer, a board considers the request for review.

(a) The review board will provide respondent and complainant (if applicable) with five days notice of a review hearing date, time and location. The request for review by respondent or complainant will be shared with the other party (parties).

(b) The review board meets in private and reviews the complaint, the results of the subsequent investigation and its findings, and the conduct officer’s decision. The board provides an opportunity for respondent and complainant (if applicable) to share information and call witnesses. The review board then deliberates in private.

(c) After a review by a board, the respondent and complainant (if applicable) may appeal the decision to the dean of students or designee. This appeal must be made in writing within twenty-one calendar days of the review board’s written outcome. The dean of students or their designee will review the written documentation only; any involved person (respondent, witnesses, complainant) may be called if necessary and at the discretion of the dean of students or their designee.
(d) During limited times during the year, such as break periods and summer quarter, when board members are unavailable, an interim board may be appointed by the dean of students.

(6) Respondent and complainant (if applicable) will be informed of the outcome of reviews and/or appeals simultaneously and in writing in a timely manner.

(7) If there is no request for review received by the dean of students within twenty one calendar days, the decision of the conduct officer is considered final. If there is no request for appeal of a board decision within twenty-one calendar days, the decision is considered final.

[Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688 (Title IX Education Amendments of 1972). WSR 12-01-021, § 516-21-290, filed 12/9/11, effective 1/9/12.]

WAC 516-21-300 Deviations from established procedures. Deviations from the timelines set forth in this code may be granted by the dean of students, upon request, for good cause. Respondent (and complainant, if applicable) will be informed simultaneously and in writing of extensions and the reason for the extension.
WAC 516-21-310 Confidentiality of conduct proceedings and records. (1) The confidentiality of all conduct proceedings and records will be maintained in compliance with the student records policy, as well as all applicable state and federal laws. Conduct records prepared by the conduct officer, the appeals board, and/or the dean of students:

(a) Will be held in the dean of students office for six years, except in cases of suspension, interim suspension, or expulsion, which are permanent records; and

(b) Will not be shared with any member of the public, except upon the informed written consent of the student(s) involved or as stated in the student records policy.

(2) The conduct officer's findings may be shared with the victim, as required by law, in cases involving violence or sexual violence, including sexual harassment, misconduct or assault. The disciplinary findings may also be shared with university officials involved in the
completion or supervision of the sanction and/or the student. See also chapter 516-26 WAC Student records.

[Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688 (Title IX Education Amendments of 1972). WSR 12-01-021, § 516-21-310, filed 12/9/11, effective 1/9/12.]

WAC 516-21-330 Interpretation of the code. Any question of interpretation or application of the code shall be referred to the dean of students for final determination.

[Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688 (Title IX Education Amendments of 1972). WSR 12-01-021, § 516-21-330, filed 12/9/11, effective 1/9/12.]

WAC 516-21-340 Revision of the code. (1) The code shall be reviewed every five years or more often, if needed, by the committee on student rights and responsibilities. The committee on student rights and responsibilities shall include:

(a) Five students, including at least one graduate student. Three students shall be appointed by the associated students board of directors and two shall be appointed by the residence hall association;

(b) One faculty member, appointed by the faculty senate;
(c) One staff member from the division of enrollment and student services, appointed by the dean of students;

(d) One staff member from the department of public safety, appointed by the director of public safety;

(e) One staff member from university residences, appointed by the director of university residences; and

(f) The conduct officer.

(2) Recommendations of the committee on student rights and responsibilities shall be made to the vice-president for enrollment and student services for submission to and consideration by the president's cabinet. Prior to adoption of the code, all proposed modifications shall be reviewed by the office of the assistant attorney general at Western Washington University for consistency with university policies and the law. Final authority for changes to the code rests with the Western Washington University board of trustees. See also POL-U1000.00 Developing and Maintaining University Provisions of the Washington Administrative Code.

[Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688 (Title IX Education Amendments of 1972). WSR 12-01-021, § 516-21-340, filed 12/9/11, effective 1/9/12.]
WAC 516-21-350 Referenced policies and regulations in the code.

Policies or regulations referenced in the code are available, upon request, in the dean of students' office.

[Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688 (Title IX Education Amendments of 1972). WSR 12-01-021, § 516-21-350, filed 12/9/11, effective 1/9/12.]