



The Residential Life Conduct Process Guide

The Residential Life Conduct Process is utilized for adjudication of alleged conduct-related violations of the *9-Month Housing Agreement*, *12-Month Apartment Agreement* or *Family Housing Agreement* (Agreement).

The purpose of the Residential Life Conduct Process is to help maintain a healthy community where shared values, expectations and behavioral standards set by the residence hall and apartment communities are upheld. The goal of the conduct process is to provide all residents with a fair and just system of adjudication. This Guide serves to inform residents of their rights and responsibilities within the Residential Life Conduct Process.

Residential Life staff members (Staff Member) who work with the conduct process have a major role in educating residents regarding what is expected of them as members of a civil and responsible residential community. Residents are expected to participate in shaping and supporting community values and expectations.

All residents should read the Agreement very carefully. Residents are expected to know and observe the rules and regulations outlined in the Agreement. Residents are also expected to observe all applicable city, state and federal laws. If anything is unclear, please contact a Residential Life Office.

For matters involving alleged violation of the Agreement, the following information outlines the Residential Life Conduct Process:

A. INVESTIGATION PROCESS

1. Information regarding alleged violation of the Agreement may be submitted by Resident Advisers, Community Assistants or other Housing & Food Services staff members, students, the University of Washington Police Department, or other constituents or agencies of the University. If it has been determined by a Staff Member that a violation may have occurred, Residential Life will commence an investigation into the matter.
 - a) For incidents involving alleged violation of the sexual misconduct provisions of the Student Conduct Code (Title 478-120 WAC), Residential Life may refer the incident directly to the Title IX Investigation Office (<https://compliance.uw.edu/investigation>) for investigation and adjudication. This decision shall be the sole discretion of the Administrator for Residential Life and the Title IX Coordinator, or their delegates.
2. As part of the investigation of an alleged violation, the Accused Student¹ may be contacted for the purpose of arranging a meeting with a Staff Member. The Accused Student is required to attend the meeting; however, they shall not be compelled to give self-incriminating information at the meeting.

¹ Unless otherwise indicated, all references to "Accused Student" in this document refer to the person suspected or accused of violating the Agreement.

3. Investigations may include collection of any physical or electronic evidence as well as conversations with the Accused Student, the Complainant² (if any), witnesses, staff members, or any others who may provide information related to the alleged violation.
4. As a result of the Staff Member's investigation and/or meeting with the Accused Student,
 - a) the staff member may dismiss the allegation as unsubstantiated based on the preponderance of the evidence³; or
 - b) if the allegation has been substantiated based on the preponderance of the evidence, the Staff Member may:
 - i. offer the Accused Student the option to resolve the matter through the Informal Resolution Process (See Section B.); or
 - ii. if the Accused Student's situation involves repeated, multiple, or serious violation of the Agreement, Residential Life may convene a Formal Hearing (See Section C) at the discretion of the Administrator for Residential Life.
 - c) if the Accused Student's situation involves a Complainant, either party may request that the Administrator for Residential Life reopen the investigation and/or grant a Formal Hearing (See Section C). This decision shall be the sole discretion of the Administrator for Residential Life and the Title IX Coordinator, or their delegates (if applicable).
5. Residential Life may, in its sole discretion, take interim action when the continuing presence of the resident may pose a risk to the health, safety, and/or welfare of the residential community.

B. INFORMAL RESOLUTION PROCESS

The Informal Resolution Process provides Accused Students with the ability to resolve conduct matters with a Staff Member outside of a Formal Hearing and when the terms of resolution are mutually agreed upon. Through the Informal Resolution Process:

1. The Staff Member may conclude that, based upon a preponderance of the evidence, the Accused Student violated the Agreement and offer them an Administrative Disposition letter or Statement of Agreed Resolution letter outlining the violation(s) and corresponding sanctions. The Accused Student may choose to accept the Informal Resolution by (1) not disputing the alleged violation(s), (2) waiving the right to a Residential Community Standards Committee or Administrative Hearing, and (3) accepting the sanction(s) outlined. Decisions reached through the Informal Resolution

² Within the Residential Life Conduct Process, the term "Complainant" means any person who, directly or indirectly, submits a report to Residential Life alleging that they have been a victim of another resident's misconduct as described in the Agreement. If the Administrator for Residential Life determines that an investigation should be initiated against a student, the individual who alleges that they were adversely affected by the Accused Student's conduct may be designated as the Complainant

³ Preponderance of Evidence: Evidence which is of greater weight or more convincing than the evidence which is offered in opposition to it; more likely than not.

Process are final and the right to appeal is waived based upon the Accused Student's acceptance of the resolution.

2. The Accused Student may choose not to accept the terms of an Informal Resolution. In such situations, the Accused Student chooses to have responsibility for the violation(s) determined and, if indicated, appropriate sanctions assigned in a Formal Hearing (see Section C). Decisions rendered through the Formal Hearing process (Residential Community Standards Committee or Administrative Hearings) are subject to appeal as outlined in Section H.

C. FORMAL HEARINGS (RESIDENTIAL COMMUNITY STANDARDS COMMITTEE AND ADMINISTRATIVE HEARINGS)

Residential Community Standards Committee (RCSC) Hearings

Residential Community Standards Committee Hearings may be convened in any of the following circumstances:

1. when an Accused Student does not accept the Informal Resolution as described in Section B;
2. when an Accused Student fails to comply with requests by University officials made within the Informal Resolution Process (e.g., failure to comply with summons letters, failure to attend conduct meetings, incomplete sanctions, etc.);
3. when an Accused Student has repeatedly violated the Agreement; or
4. when an Accused Student has allegedly committed an extremely serious Agreement violation.

The Residential Community Standards Committee (RCSC) consists of volunteer student representatives presently residing in University of Washington residence hall and/or apartment communities. A RCSC hearing will proceed once a quorum (at least four RCSC members, one of whom serves as a RCSC Chairperson) is present. RCSC Hearings are closed to the public. The Accused Student represents themselves during a hearing. A Staff Member represents Residential Life and presents information collected during their investigation of the alleged violation(s).

The purpose of a hearing is to determine, based on a preponderance of the evidence, whether a violation of the Agreement has occurred. The RCSC Chairperson shall have the discretion to regulate all aspects of the hearing. The RCSC Chairperson shall take whatever steps are necessary to ensure that hearings are conducted in a safe and orderly manner. The RCSC Chairperson may consider evidence that reasonably prudent members of the University community would rely upon in the conduct of their affairs, and may exclude irrelevant, immaterial, and unduly repetitious evidence. Evidence not directly related to the alleged violation including, but not limited to, personal character references, is not admissible. A professional staff member from Residential Life will advise the RCSC.

The RCSC Chairperson shall be responsible for rendering a decision in writing to the Accused Student within five (5) business days after the date of the hearing. The decision shall include a brief statement of the RCSC findings and, if applicable, the sanctions imposed. (Refer to Section

J. for additional information pertaining to outcome notification in cases involving Complainants.)

Administrative Hearings

Administrative Hearings may be convened in any of the following circumstances:

1. when an Accused Student does not accept the Informal Resolution as described in Section B;
2. when an Accused Student fails to comply with requests of University officials made within the Informal Resolution Process (e.g., failure to comply with summons letters, failure to attend conduct meetings, incomplete sanctions, etc.);
3. when an Accused Student has repeatedly violated the Agreement;
4. when an Accused Student has allegedly committed an extremely serious Agreement violation; or
5. when the Residential Community Standards Committee is unavailable (e.g., during the annual Board selection and training period, final exam periods, summer, etc.).

Administrative Hearings are closed to the public. One or two full time HFS Staff Members serve as hearing officers. The Accused Student represents themselves during the hearing. A Staff Member represents Residential Life and presents information collected during their investigation of the alleged violation(s).

The purpose of a hearing is to determine, based on a preponderance of the evidence, whether violation of the Agreement has occurred. Hearing officers shall have the discretion to regulate all aspects of the hearing. They shall take whatever steps are necessary to ensure that hearings are conducted in a safe and orderly manner. Hearing officers may consider evidence that reasonably prudent members of the University community would rely upon in the conduct of their affairs, and may exclude irrelevant, immaterial, and unduly repetitious evidence. Evidence not directly related to the alleged violation including, but not limited to, personal character references, is not admissible.

Hearing officers shall be responsible for rendering a decision in writing to the Accused Student within five (5) business days after the date of the hearing. The decision shall include a brief statement of the Staff Member's findings and, if applicable, the sanctions imposed. (Refer to Section J. for additional information pertaining to outcome notification in cases involving Complainants.)

D. NOTICE OF RESIDENTIAL COMMUNITY STANDARDS COMMITTEE OR ADMINISTRATIVE HEARING

A letter to the Accused Student e-mailed and/or registered at the residence hall or apartment desk as accountable mail or hand-delivered, shall constitute full and adequate notice. The letter(s) shall:

1. notify the Accused Student, if any, of the date, time and location of the hearing;

2. contain the name(s) of the administrator(s) appointed to act as hearing officer(s) in the case of an Administrative Hearing;
3. contain a copy of the incident report;
4. outline the specific regulation/policy/community standard the Accused Student is accused of violating;
5. contain the names of witnesses who may be called by Residential Life to testify against the Accused Student;
6. inform the Accused Student that failure to appear for the hearing may result in one or more of the following:
 - a. an additional allegation (for “noncompliance”);
 - b. a hold on their registration;
 - c. the hearing proceeding without the benefit of their participation.

E. ACCUSED STUDENT’S RIGHTS IN THE RESIDENTIAL LIFE CONDUCT PROCESS

Accused Students participating in the Residential Life Conduct Process have the following rights in all investigation meetings, informal resolution meetings, and Formal Hearings.

1. The right to written notification of any meeting or hearing.
2. The right to have an adviser of their choice present. The adviser may not represent (speak for) the Accused Student or directly question witnesses.
3. The right to remain silent (i.e., not to answer questions). The choice to remain silent will not be taken as an admission of responsibility. However, Staff Members, RCSC members, and hearing officers will base decisions regarding responsibility for violation(s) and sanctions, if applicable, on the information made available during the investigation and hearing, which may include information pertaining to an Accused Student’s relevant conduct history, if any.
4. The right to challenge a Staff Member, Residential Community Standards Committee member, or administrator designated to conduct the hearing (see Sections F. and G.).
5. The right to present witnesses. It is the Accused Student’s responsibility to notify and bring their witnesses, and must provide a list of any witnesses to the Administrator for Residential Life no less than one business day in advance of the hearing. Witnesses will usually be present only during the time they are providing information.
6. The right to hear and/or receive a summary of witness information and evidence that is directly related to the incident and brought against the Accused Student.
7. The right to request a Formal Hearing in lieu of accepting the informal resolution offered by a Staff Member in the informal resolution process (see Section B.).
8. The right to a written statement of the outcome of a Formal Hearing.
9. The right to appeal decisions of a formal hearing (see Section H.).

F. CHALLENGES TO A RESIDENTIAL COMMUNITY STANDARDS COMMITTEE MEMBER

The Accused Student may challenge a RCSC member's alleged lack of fairness or objectivity. Such a challenge must be presented prior to the start of the hearing (i.e., during introductions). It shall be up to the RCSC Chairperson to evaluate the challenge and determine whether the challenged member shall serve. If removal of a RCSC member results in failure to meet quorum, the hearing may be rescheduled.

G. CHALLENGES TO A STAFF MEMBER OR ADMINISTRATIVE HEARING OFFICER

The Accused Student may challenge a Staff Member or hearing officer's alleged lack of fairness or objectivity. The challenge must:

1. be in writing;
2. state the reason for the challenge; and
3. be submitted to the Administrator for Residential Life in the Residential Life Administration Office, HFS Central Office, Terry Hall, or via email at judicial@uw.edu prior to the start of any meeting or hearing.

It shall be up to the Administrator for Residential Life or their designee to evaluate the challenge and determine whether the challenged Staff Member or hearing officer shall serve or a new individual shall be appointed.

H. APPEALS

Decisions resulting from a Formal Hearing may be appealed by the Accused Student for one or more of the following purposes or grounds:

1. To determine whether the hearing was conducted fairly in light of the charges and information presented, and in reasonable conformity with the prescribed procedures outlined within this Guide. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice results.
2. To consider new information, likely to make a substantive difference in the outcome of the Formal Hearing, or other relevant facts not brought out in the original hearing, because such information and/or facts were not reasonably known to the person appealing at the time of the Formal Hearing.
3. The sanction(s) imposed is/are substantially disproportionate to the offense (including consideration of the student's prior offenses, if any).

The appeal must be typed or written and submitted to the Administrator for Residential Life (or the Administrator's designee) in the Residential Life Administration Office, HFS Central Office, Terry Hall, or sent via email to judicial@uw.edu, no later than 5 p.m. on the third business day following the date of the letter informing the Accused Student (and Complainant, if applicable under Section J.) of the outcome of the hearing. The requestor should include the specific grounds for appeal with a full explanation and any supporting documentation. It shall be up to the Administrator to determine whether the requestor has valid grounds for appeal. If valid

grounds exist, another RCSC or Administrative Hearing or a Sanction Review Meeting⁵ will be scheduled.

The requestor shall be notified within five (5) business days after the receipt of the written appeal whether a new hearing or Sanction Review Meeting has been granted. The requestor will be contacted for the purpose of arranging the hearing or meeting. The decisions resulting from the second hearing or meeting may constitute the approval, rejection, or modification of the decisions of the original hearing. The decisions of the second hearing or the Sanction Review Meeting are final.

Notice of appeal submitted according to the above guidelines suspends the imposition of sanctions until the appeal is decided; however, Residential Life may take interim action when the continuing presence of the Accused Student may pose a risk to the health, safety, or welfare of the residential community or a member of the residential community

“Residential Life Hearing Appeal” forms are available at <http://www.hfs.washington.edu/Conduct.aspx>, under “Formal Hearings.”

I. RECORDS

An Accused Student’s conduct record is retained by Residential Life as directed by the University of Washington Records Management Services. Confidentiality of records will be maintained as outlined in the Washington Administrative Code (WAC) 478–140. Residential Life periodically compiles statistical reports on various violations and sanctions; however, the reports do not reveal the identity of the individuals involved.

J. RIGHT OF NOTIFICATION

As allowed by federal law, when a student is accused of a policy violation that would constitute a “crime of violence”, the alleged victim/Complainant will be informed of the final results of the hearing regardless of whether or not the Accused Student is found responsible for the alleged violation. Such a release of information may only include the Accused Student’s name, the violation committed, and the sanctions assigned (if applicable). Any such request must be made in writing and sent or delivered to Housing & Food Services, Residential Life Administration, HFS Central Office, Terry Hall, Campus Box 355604, Seattle, WA 98195.

*Family Educational Rights and Privacy Act § 99.31(a)(14) and the Higher Education Opportunity Act § IV. 487(a)

K. REVISIONS

These procedures are subject to periodic review and revision as deemed necessary by the Department of Housing & Food Services.

L. SANCTIONS

An Accused Student found to be in violation of the Agreement is subject to sanctions commensurate with the offense. More significant and/or additional sanctions may apply based

⁵ In the event that a student is granted their appeal of a sanction or sanctions assigned through a Formal Hearing, a Sanction Review Meeting shall be convened by the originating Formal Hearing body to re-consider applicability of the sanction(s).

on an Accused Student's prior offenses and sanction history, if any. Sanctions may include one or more of the following:

Written Notification

Written Notification of violation consists of a letter or email communication to the Accused Student documenting a discussion between the Accused Student and a University official regarding inappropriate conduct. The Written Notification constitutes a finding of responsibility for violation of the Agreement and serves as a disciplinary warning that further violation may result in more serious disciplinary action. Any student receiving a Written Notification of violation may request a meeting with a Staff Member to dispute the finding. (This sanction is not combined with other sanctions and occurs without a meeting between the Accused Student and a staff member.)

Disciplinary Warning

The Accused Student is notified as part of a meeting or hearing that they have violated the Agreement and are subsequently informed that any further violation may result in more serious disciplinary action. (This sanction is not combined with other sanctions.)

Probation

The Accused Student's conduct is of serious concern. Further violation may result in Administrative Transfer or Recommendation for Termination of Agreement. The length of this sanction is variable based upon the seriousness of the violation and/or the Accused Student's conduct history. (This and subsequent sanctions may be combined with other sanctions)

Administrative Transfer

The Accused Student is required to relocate to a specified room, apartment or residence hall by a date determined by Residential Life. Administrative Transfers are generally paired with the "Loss of Privilege" sanction.

Suspended Recommendation for Termination of Agreement

The Accused Student's conduct is such that a recommendation for termination of Agreement is warranted though the sanction is being suspended due to mitigating circumstances. In such cases, the Accused Student will be allowed to remain in University Housing on a provisional basis. Specifically, any future violation of the Agreement may result in an immediate recommendation for termination of Agreement and additional sanctions may be imposed.

Recommendation for Termination of Agreement

Due to repeated, multiple, or a serious violation of the Agreement, termination of Agreement is being recommended. Following a review of the recommendation, the final decision regarding termination is made by the Assistant Director of Housing & Food Services. The Accused Student will receive written notification of the decision. This sanction may be reviewed outside of the Residential Life Conduct Process as outlined in a termination notification letter.

Recommendation for Informal Hearing with the Office of Community Standards and Student Conduct

This sanction may be used in the following situations:

1. If a resident has committed repeated violations or a serious violation.
2. If a resident moves out of University Housing before a violation is addressed.
3. If the student committing the violation is a non-resident.

Loss of Privileges

An Accused Student's privileges related to a specific violation are limited or withheld for a specified time. Loss of privilege may include restriction from entering specified facilities, hosting specified guests, and/or use of specified equipment while in University housing.

Restitution

The Accused Student is required to make payment to the University for damages to University or vendor property, intentional or accidental, for which they are responsible.

Educational Workshops and Programs

A variety of educational workshops and programs related to the violation for which the Accused Student has been found responsible may be assigned. Such workshops and programs include, but are not limited to, the following:

- The Alcohol Skills Training Workshop (ASTW)
- The Marijuana and Other Drugs Workshop (MOD)
- An Individual Assessment with an Alcohol and Drug Education Coordinator
- The Judicial Educator (online educational modules)
- The Community Living Workshop

Educational Projects and Activities

A variety of educational projects and activities related to the violation for which an Accused Student has been found responsible may be assigned. Such projects and activities include, but are not limited to, the following:

- Producing hall posters
- Meeting with University personnel
- Writing a reflective paper

N. CONTACT INFORMATION

For further information about the Residential Life Conduct Process, please call 206-543-7725.

Please note:

1. All deadlines refer to business days and exclude official University breaks and holidays.
2. Recording devices may not be used in any Residential Life conduct proceeding.