

“Be That Cougar”: Transforming the WSU Community Standards Process

Proposed changes to Washington Administrative Code
regarding the Standards of Conduct for Students



Division of
Student Affairs
WASHINGTON STATE UNIVERSITY

Student Conduct Process Review

- The Student Conduct Process Task Force Report was submitted in January 2018 with 32 recommendations for revising the student conduct process, including two dissenting comments.
- Information sessions were held on all WSU campuses during February 2018 to gather input from students, faculty, and staff. An alumni session was held in Seattle.
- An Administrative Team of Student Affairs, Dean of Students Office, Office of Student Conduct, and Attorney General's Office reviewed all 32 recommendations and dissenting comments to ensure alignment with national best practices, federal, and state regulations.
- Proposed WAC is reflective of the task force's recommendations with most being either accepted or expanded as a result of the review, a few were modified and a few were declined for practical reasons or statutory requirements.



Student Rights and Responsibilities

- Students will know, understand, and be reminded of their rights and responsibilities in clear and accessible language.
- Students will be presumed “not responsible” when a community standards violation is alleged and this will be communicated throughout the process.
- The student’s right to not to self-incriminate is embedded throughout the process.
- Before a hearing takes place or information is gathered about an incident, every student will be required to attend an information-only session focused on explaining the student’s rights and responsibilities.
- Students will have access to an advisor throughout the conduct process.
- The university will make the conduct process more transparent, in part by providing more information to students through enhanced print and digital communications, including a student handbook and guidelines for sanctioning.
- The university’s good Samaritan policy was codified in WAC to ensure that students receive prompt and appropriate attention for alcohol and/or drug intoxication.



Conduct Board

- Members of the conduct board will be chosen through an application process managed by the Office of the Vice President of Student Affairs and formally appointed by the President.
- Both the conduct board and the appeals boards will be comprised of a majority of students.
- Term limits for board members have been added.
- The training and education of conduct board members and university conduct officers is expanded and codified to address topics such as cultural competency, implicit bias, conflict of interest, bias against groups, bias against individuals, sexual assault/gender-based bias, and due process.
- Students involved in hearings will have the right to request removal of a hearing officer, conduct board or appeals board member for cause.



Periodic Review of Community Standards

- A Community Standards Advisory Board comprised of faculty, staff, and students will be convened by the Vice President of Student Affairs to analyze trends and provide feedback.
- Formal review of the Community Standards process and Standards of Conduct for students every three years with review by the WSU Student Government Council (ASWSU and GPSA representatives from all WSU campuses).
- Annually, a report on Community Standards will publically available to the university community.



Areas of divergence between Task Force recommendations and proposed WAC

- **Size of the Conduct and Appeals Board**
 - Coordinating large size boards impedes timely hearing of cases, and large board are impractical to manage organizationally. The size of the boards were reduced to 5 for Conduct Board and 3 for Appeals Board. Quorums recommendations were not changed, 5 and 3, respectively.
- **Sexual History Standard**
 - The Task Force recommended specific language regarding the admissibility of evidence regarding sexual history. This specific language, however, does not comport with requirements in the Administrative Procedures Act.
- **Peremptory Challenge**
 - The proposed WAC eliminates bias and partiality throughout its processes. A peremptory challenge (removal without cause) re-introduces the potential for bias and partiality.
- **Group Accountability**
 - Codified most parts of the current Group Accountability Guidelines.
 - Recognized and registered student organizations are subject to sanctions when they violate university policy or standards of conduct.
 - The university is responsible for demonstrating specific rationale when student organizations are subject to sanctions due to violations of university policies and standards of conduct by their members or guests.



Next steps...

- WSU formally requested to withdraw the current Proposed Rule Making due to the need to make four substantive corrections. For example, prior WAC language was not deleted and conflicts with proposed WAC language.
- WSU will re-submit Proposed Rule Making on September 21, 2018. A Public Hearing on the proposed WAC changes will be scheduled for early November. Student Affairs will respond to public comments, and comments will be shared with the Regents.
- Pending approval by the Regents in November 2018, the revised WAC rules will be in effect at the beginning of spring semester 2019.
- Student Affairs has developed a Communication Plan to share new rules and process with our students, faculty, staff, and community stakeholders.



Questions?



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