

MINUTES
Board of Regents
November 18, 2022

The Board of Regents of Washington State University (WSU or University) met pursuant to call in Open Meeting at 8:00 a.m. on Friday, November 18, 2022, at WSU Vancouver Firstenberg Student Commons, Rooms 101-103, Vancouver, Washington.

Present: Lisa Schauer, Acting Chair; Regents Enrique Cerna, Reanne Chilton, Judi McDonald, Lura Powell, Heather Redman, and President Kirk H. Schulz. Also present via teleconference: Regents Brett Blankenship and John Schoettler.

I. OPENING

A. Report from the Chair of the Board of Regents. Acting Chair Regent Schauer called the meeting to order and welcomed audience members. Regent Schauer acknowledged that the land on which WSU Vancouver is located is in the homelands of Chinookan and Taidnapam peoples and the Cowlitz Indian Tribe and expressed appreciation to the original caretakers of the land.

Regent Schauer recognized Judi McDonald and welcomed her to the Board of Regents. She said Judi is a professor in the Department of Mathematics and Statistics and was appointed by Governor Jay Inslee as the first-ever faculty Regent. Earlier this year, the Washington State Legislature amended state law to add an empowered faculty Regent to the governing boards of WSU and the University of Washington.

Regent Schauer reminded the audience that members of the public are invited to view the Board of Regents meeting via YouTube live stream and that a link to the live stream was available on the Board of Regents website.

Regent Schauer further reminded the audience that there would be a public comment period during the meeting to be held at the conclusion of the Board's regular business and stated that the period would last for up to 10 minutes. She noted that each speaker would be allowed two minutes, and preference would be given to speakers speaking to matters that are or will be before the Board.

B. Report from the President of the University. President Schulz welcomed the audience and provided the following updates:

Boeing Gift – President Schulz reported that WSU recently celebrated the Boeing company's gift of \$5M to the new student success center housed within the Voiland College of Engineering and Architecture at WSU Pullman. The student success center will occupy one floor of the Schweitzer Engineering Hall and provide access to mentoring, tutoring, advising, and career services for the college's 4,600 students. President Schulz said we are incredibly grateful for this latest gift from the Boeing company. Boeing has contributed nearly \$30M in investments to WSU over the years. They are the university's largest corporate supporter and one of the leading employers of Voiland graduates. Their continued investment and support of our engineering program is a massive compliment to the quality of a WSU education and reflects their belief in our programs.

Equity, Diversity, and Inclusion Officers Group – President Schulz announced the formation of WSU’s first Equity, Diversity, and Inclusion Officers Group. Dr. Lisa Guerrero, Vice Chancellor for Equity and Inclusive Excellence, will serve as Chair for the next two academic years. Leadership will rotate amongst the various campus representatives every two years. President Schulz said the system-level collaboration group would assist in creating a diversity strategic plan for the WSU system, defining expectations for using the Equity Assessment Tool, and guiding system-wide initiatives.

Family Medicine Residency Center – Pullman Regional Hospital invited WSU leadership, Pullman community members, and health care personnel to reveal the newly remodeled Family Medicine Residency Center. The new space will accommodate the new Family Medicine Residency program. The over 5,000 square feet space will feature 14 patient exam rooms, a waiting and reception area, a library, a conference room, procedure rooms, and office space for faculty and residents. President Schulz said this is a significant step forward in providing health care to rural and underserved communities. WSU hopes to implement similar residency programs across the state.

Alaska Airline Day – President Schulz reported that WSU hosted its longstanding corporate partners in a daylong series of events celebrating another year of collaboration. As part of Alaska Airlines Day, representatives and executives from Alaska Airlines spoke to classrooms of promising computer science, engineering, and marketing students. They hosted lectures on the company’s future, job opportunities, and ongoing efforts to make air travel more sustainable. President Schulz said WSU enjoyed having Alaska Airlines executives on campus and is incredibly grateful for their continued support of WSU programs and students.

Tribal Relations – President Schulz reported that WSU celebrated the 25th anniversary of the 1997 signing of the Memorandum of Understanding (MOU) with six Native American tribes. The MOU is an agreement to expand and improve upon the university’s efforts to provide educational services to Native American populations and to promote understanding of Native American issues. Between 1997 and 2016, WSU welcomed six other tribes into the agreement and added one more in the past month. The Swinomish Tribe became the 13th signatory tribe to the deal. President Schulz said that for the first time in WSU’s history, WSU had an opportunity to host all its Native American Advisory Boards and committees in one space, and he had the privilege of commemorating the landmark cooperation agreement with regional Native American Tribes. President Schulz said it was a fantastic opportunity to hear from Tribal members and celebrate some of the work WSU is doing in this space. He looks forward to expanding our current efforts and making WSU a place where Native American students, families, and communities feel valued.

External Affairs and Government Relations Update – President Schulz reported he had an opportunity to meet with other Washington public university presidents at a Council of Presidents meeting in October. He said it was an opportunity to discuss challenges facing public institutions in the State and commented that all were united on the need for compensation to be the group’s top priority in the upcoming legislative session.

C. Report from the WSU Vancouver Chancellor. Chancellor Mel Netzhammer welcomed the Board of Regents to the WSU Vancouver campus and provided updates on current campus initiatives in enrollment and retention, diversity, equity and inclusions, and community engagement.

D. Commendation for Dave Turnbull

Regent Schauer read Board of Regents resolution #221118-660 commending Faculty Representative Dave Turnbull for his service to the Board of Regents and WSU.

It was moved and seconded that the Board of Regents adopts resolution #221118-660. Carried. *(A copy may be requested from the President's Office.)*

E. Commendation for Stacy Pearson

Regent Schauer read Board of Regents resolution #221118-662, commending Vice President for Finance and Administration for her service to the Board of Regents and WSU.

It was moved and seconded that the Board of Regents adopts resolution #221118-662. Carried. *(A copy may be requested from the President's Office.)*

II. CONSENT AGENDA.

Regent Schauer reported that there is one item on the Consent Agenda.

A) Approval of Minutes – September 15, 2022, Board of Regents Meeting

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

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

IV. EXECUTIVE AND GOVERNANCE COMMITTEE REPORT. Regent Schauer reported that the Committee reviewed two Action Items and forwarded the following for the Board's consideration:

2024 Board of Regents Meeting Schedule

It was moved and seconded that the Board of Regents adopt resolution #221118-661 and approve the schedule for the 2024 Board of Regents Meetings; and delegate authority to the President of the University or his designee to select and designate appropriate meetings places, establish meeting times, establish the agenda and prepare agenda items, dispatch all official

notices to meet the state Open Public Meetings Act or other notice requirements, publish minutes and maintain records of meetings, and take other necessary action as required for the orderly conduct of Board Meetings with an amendment to designate the January 2024 Electronic Board Meeting as the Global Campus meeting. Carried. (*Exhibit B*)

Proposed Revisions to the Board of Regents Policy on Delegations of Authority (BOR #2) and Corresponding Delegations

It was moved and seconded that the Board of Regents approve the proposed revisions to the Board of Regents Policy on Delegation of Authority and adopt the following corresponding resolutions delegating authority:

1. Resolution #221118-668 (Delegation of Authority to Approve Settlements of Legal Claims)
 2. Resolution #221118-669 (Delegation of Authority to Approve Time-Critical Contracts)
 3. Resolution #221118- 670 (Delegation of Authority to Approve Operating Agreements with Affiliated Entities)
 4. Resolution #221118-671 (Delegation of Authority to Assign Names)
 5. Resolution #221118-672 (Delegation of Authority to Approve Revisions to Faculty Manual)
 6. Resolution #221118-673 (Delegation of Limited Rule-Making Authority)
- Resolution #221118-674 (Delegation of Authority to Approve Degree Name Changes and Extension of Existing Degrees)

Carried (*Exhibit C*)

V. STRATEGIC AND OPERATIONAL EXCELLENCE COMMITTEE REPORT. Regent Schoettler reported that the Strategic and Operational Excellence Committee reviewed and discussed presentations on the WSU System Administrative Professional Compensation Plan Enhancements presented by Vice President and Chief Human Resource Officer Theresa Elliot-Cheslek and Compensation Manager Melissa DinNoto and a Legislative Agenda Update presented by the Director of State Relations Chris Mulick. Regent Schoettler further reported that the Committee reviewed one Action Item and forwarded the following for the Board’s consideration:

WSU Pullman, Proposed Naming of the Ida Lou Anderson House

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

It was moved and seconded that the Board of Regents approves the proposed naming of the WSU Pullman, Ida Lou Anderson House as proposed. Carried (*Exhibit D*)

VI. ACADEMIC AND STUDENT AFFAIRS COMMITTEE REPORT. Regent Cerna reported that the Academic and Student Affairs Committee reviewed one Information Item: Items Approved Delegated Authority – Renaming of the School of Information to the Department of Digital Technology and Culture presented by Provost and WSU Pullman Chancellor Elizabeth Chilton. Regent Cerna further reported that the Committee reviewed two Action Items and forwarded the following for the Board’s consideration:

Proposed Changes to WAC 504-26 – Standards of Conduct for Students

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

Proposed Changes to WAC 504-28 – Policies and Regulations Applying to All Student Organizations

It was moved and seconded that the Board of Regents approves the proposed revisions to WAC 504-28 – Policies and Regulations Applying to All Student Organizations as proposed. Carried (*Exhibit F*)

VII. FINANCE AND COMPLIANCE COMMITTEE REPORT. Regent Schauer reported that the Finance and Compliance Committee reviewed and discussed three Information Items: Chief Compliance and Risk Officer Update presented by Associate Vice President, Chief Compliance and Risk Officer Sharyl Kammerzell, Fiscal Year 2023 Integrated Financial Forecast presented by Vice President for Finance and Administration and Chief Financial Officer Stacy Pearson, and Proposed Dining and Student Center for Southside Campus Neighborhood presented by Vice President Pearson and Vice Chancellor for Student Affairs Ellen Taylor. Regent Schauer further reported that the Committee reviewed one Future Action Item on the WSU Pullman, Champion Center – Design Phase presented by Vice President Pearson and Associate Vice President for Facilities Olivia Yang. Regent Schauer said the Committee reviewed five Action Items and forwarded the following for the Board’s consideration:

WSU Pullman, Taylor Sports Complex – Design Phase Approval

It was moved and seconded that the Board of Regents adopt resolution #221118-663 and approve the WSU Pullman, Taylor Sports Complex Design Phase and authorize the project to proceed to design only using the design-build (DB) process pursuant to RCW 39.10, and further delegate authority to the President or designee to enter into any and all contracts necessary to complete the design phase with a total cost not to exceed \$2.4M as proposed. Carried (*Exhibit G*)

WSU Vancouver, Life Sciences Building – Project Budget Increase

It was moved and seconded that the Board of Regents adopt resolution #221118-664 and approve an increase of \$4,964,000 in the project budget for the WSU Vancouver, Life Sciences Building and further delegate authority to the President or designee to enter into any and all contracts necessary to complete the project within the new budgeted amount of \$69,264,000 as proposed. Carried (*Exhibit H*)

WSU Pullman, Schweitzer Engineering Hall – Design Phase Approval

It was moved and seconded that the Board of Regents adopt resolution #221118-665 and approve the WSU Pullman Schweitzer Engineering Hall Design Phase and authorize the project to proceed to design only using the design-build (DB) process pursuant to RCW 39.10, and further delegate authority to the President or designee to enter into any and all contracts necessary to complete the design phase with a total cost not to exceed \$4.8M as proposed. Carried (*Exhibit I*)

Proposed University Ethics Policy

It was moved and seconded that the Board of Regents adopts resolution #221118-666 and approve the proposed University Ethics Policy and delegate authority to the President or designee to approve any final revisions needed prior to publication or thereafter as proposed. Carried (*Exhibit J*)

Marketing Contract for Cosmic Crisp®

Regent Brett Blankenship noted for the record his objections to the proposed Marketing Contract for Cosmic Crisp®.

After Board discussion, it was moved and seconded that the Board of Regents adopt resolution #221118-667 and authorize the University to enter into a marketing contract for Cosmic Crisp® and delegate authority to the President or designee to negotiate and execute the contract with a cost not to exceed \$5,625,000 as proposed. Carried (*Exhibit K*)

VIII. OTHER BUSINESS. Regent Schauer reported that the Regents met in Executive Session on Thursday, November 17, 2022, with legal counsel to discuss pending litigation involving the university. As a result of those discussions, Regent Schauer reported that the Board had an Action Item and moved that the Board of Regents adopt Resolution No. 221118-675 and approve the request for defense of a university employee. The motion was seconded. Carried.

IX. PUBLIC COMMENT PERIOD. WSU students Ryan Culp and Danielle Weinberger commented to the Board requesting WSU divest from fossil fuels. WSU Alumnus Eugene Sakai and Dick Coles commented to the Board on WSU college rankings as reported by US News.

X. ADJOURNMENT. The meeting adjourned at 10:36 a.m.

Approved by the Board of Regents at its meeting held on January 27, 2022.

*****SIGNED COPIES AVAILABLE IN THE SYSTEM PRESIDENT'S OFFICE*****

November 18, 2022

TO ALL MEMBERS OF THE BOARD OF REGENTS

SUBJECT: WSU Foundation Board of Regents Report

SUBMITTED BY: Mike Connell, Vice President of Advancement & CEO, WSU Foundation

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

- As of November 1, 2022, generous alumni and friends have contributed \$27,178,769 in total philanthropic activity to benefit Washington State University faculty, students, research, and outreach system-wide during Fiscal Year 2023 (July 1, 2022 – June 30, 2023). Proposal activity and collaborations with internal and external stakeholders continue at a high level, and we anticipate FY2023 to be another solid year for philanthropic success at WSU. In addition, the endowment market value was \$641,943,030 as of August 31, 2022.
- On October 27, WSU leadership was joined by representatives of The Boeing Company—Bill McSherry, Vice President of State and Local Government Operations; and Craig Bomben, Vice President of Flight Operations and Chief Test Pilot—in Pullman to announce Boeing’s \$5 million investment to establish a new student success center in the Voiland College of Engineering and Architecture on WSU’s Pullman campus. The Boeing Center for Student Success will occupy an entire floor within the college’s Schweitzer Engineering Hall, currently in design, from which it will provide unparalleled access to mentoring, tutoring, advising, and career services to benefit the college’s 4,600 students. This gift is the latest in a storied partnership that has spanned at least half a century and resulted in nearly \$30 million in total investment that has opened doors for WSU students and faculty to new opportunities to learn, innovate, and collaborate.
- Following a year-long process, WSU Advancement will soon be finalizing its “One Advancement” strategic plan this fall, with the goal to roll out the final plan in December 2022 to all WSU Advancement (defined as WSU Foundation, WSU Alumni Association, and development and alumni relations professionals based at campuses, colleges, and other units system-wide). Informed by the WSU System Strategic Plan completed in 2020, this is the first comprehensive strategic plan for WSU Advancement which outlines a ten-year roadmap for WSU Advancement. Five philanthropic, engagement, and operational excellence pillars will move WSU’s development and engagement enterprise to new levels of success and position WSU Advancement to maximize support for the WSU system’s aspirations and goals. Long-term, measurable goals and tactics will support these pillars:
 1. Philanthropic & Comprehensive Campaign Success
 2. Constituent Engagement
 3. Organizational Effectiveness
 4. Communication Excellence
 5. Professional Destination of Choice

November 18, 2022

TO: ALL MEMBERS OF THE BOARD OF REGENTS

SUBJECT: WSU Alumni Association Report

SUBMITTED BY: Mark Schuster, WSUAA President 2022-2023
Mariah Maki, WSUAA Executive Director

Building Campus Connections

With Meet and Greets completed on every campus except Tri-Cities (but we will be there December 3), we are looking for ways to leverage connections and engagement at every campus. Alumni and friends have been incredibly supportive at each location. Initial connections with Chancellors were so successful that we have committed to quarterly meetings to keep progress moving forward.

Leveraging Alumni Expertise Across All Campuses

A signature WSUAA event each year, the Women's Leadership Summit will be held on February 24, 2023. Hundreds of Cougs participate live in this interactive, engaging, and educational online event, and hundreds more continue to benefit throughout the year by watching the recording. This year system leadership is helping us recruit graduates from each campus for our panel discussion. We are also encouraging watch parties and Q&A sessions at as many campuses as possible to create online and in-person connections across the WSU system.

Festive Gatherings with a Twist

During the holiday season, Cougar Gold & Mistletoe events are a beloved tradition of many chapters. These events offer Cougs a chance to be merry together, but they offer so much more. Many include a community service component—a food drive, a pet supply drive, or toys for children. Many chapters offer a Cougar Cheese preorder and pick-up to ensure WSU can be a part of winter holidays. New this year, we are incredibly pleased Cougar Gold & Mistletoes near WSU campuses also include a campus component. The Tri-Cities event will be held on campus and feature Chancellor Haynes. The Spokane event will feature Chancellor Dewald. We are finalizing details of the Portland event to include Chancellor Netzhammer and the King County event to include Chancellor Pitre. It is a priority to further strengthen the connections between chapters and campuses.

Supporting All WSU Students

Applications for WSUAA scholarships opened on November 1. We anticipate awarding over \$330,000 this year to deserving students. Leadership is a key component of our scholarships as we believe strong student leaders will become strong alumni leaders. Students at all WSU campuses are eligible for scholarships.

November 18, 2022

TO ALL MEMBERS OF THE BOARD OF REGENTS

SUBJECT: Faculty Senate Report

SUBMITTED BY: Christine Horne, Chair, Faculty Senate

The Faculty Senate is pleased to report the following:

- Our priorities this year are: 1) improving communication, 2) strengthening our academic mission, and 3) improving the lives of faculty.
- Faculty Senate is working on meeting with faculty across the system to better understand their needs. Chair Christine Horne and Chair Elect Eric Shelden visited the Tri-Cities campus 10/20-10/21 to meet with faculty and leadership, and will visit the Spokane campus in December.
- The Faculty Senate Executive met with the president and provost on September 12 and with the provost's office on October 11. We continue to meet regularly with university leadership.
- President Schulz and Provost Chilton, Ellen Taylor (Vice Chancellor for Student Affairs), Saichi Oba (Vice Provost for Enrollment Management), Sasi Pillay (Vice President and Chief Information Officer), and Tammy Barry (Vice Provost for Graduate and Professional Education) have spoken to Faculty Senate on issues including athletics, enrollment, student mental health, and IT security.

To: All members of the Board of Regents

Subject: Associated Students of Washington State University Vancouver (ASWSUV) Report

Date: November 18th, 2022

Submitted by: Jacob Boucher, ASWSUV President

- Student engagement has rebounded substantially, seeing levels comparable to before the pandemic.
 - At time of writing, we have 48 active clubs – much improved from the 17 that started the semester
 - One of ASWSUV's flagship, yearly events, Floats for Votes, saw an estimated 75% more attendees than the previous year.
 - Student government has full engagement, with each one of our 26 active positions filled – an improvement from the prior two years, which never achieved this.
 - This is in addition to a full S&A Fee committee months before allocations need to be made.
- ASWSUV has effectively advanced action on student concerns.
 - We have explored options for new developments, including a student union building, a community garden, and student housing.
 - We've spurred action and awareness around the inadequacy our current system of public transportation to campus has, including unreliability and long commute times.
 - We are looking into entering into a partnership with a private transit company to provide a shuttle, especially during peak travel times.
 - We have brought these issues to campus and community difference-makers.
 - Our work has drawn interest from our campus newsmagazine, the VanCougar, who reported on it last month on their website.
 - We have maintained our Cougar care cart program alongside our student wellness center, which provides free personal-need items including tampons, condoms, toothbrushes, deodorant, and more.
 - We have worked to improve food availability on campus, as students frequently find the offerings from our micro-market lacking.
 - We have worked to attract interest from multiple local food trucks, many of which have expressed interest.
 - We have made clear students' interest and commitment to bringing back a more traditional cafeteria, including expressing openness to financially supporting one through S&A fees for maintenance of financial stability.
 - Working with partners at the WSA, we have started work on state legislation toward improving access to on-campus employment for undocumented students and on ensuring students have access to affordable housing.



November 18, 2022

TO: ALL MEMBERS OF THE BOARD OF REGENTS
SUBJECT: APAC Report
SUBMITTED BY: Angie Senter, Chair, APAC

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

- Monthly APAC meetings have been strongly focused on inclusivity and equity for all constituencies. We have been operating in a hybrid model with groups gathering in person and streaming locations and individuals together for real-time communications across the entire system.
- Our October meeting showed an increase in attendance. The topic focus was the upcoming open enrollment with a speaker from HRS. APAC's goal to aid in employee retention by promoting WSU employee benefits.
- The November meeting will focus on brand awareness. Phil Weiler and his team will discuss the upcoming new website launch and branding updates. APAC strives to create system-wide unity through a solid brand presence. Additionally, we are hosting a system-wide photo contest this fall to help foster unity and community building among all AP staff.
- Congratulations to the 22 AP employees that are celebrating their induction into the Quarter Century Club this month.
- Current constituency concerns that APAC is investigating resources for include: broader accessibility for the Employee Tuition Waiver Program and access to end of life planning resources.
- APAC Staff Appreciation Week is set for April 10th-14th, 2023. Week of events, professional development, and AP Appreciation Awards for all locations

ACTION ITEM #1

2024 Board of Regents Meeting Schedule (Kirk Schulz)

November 18, 2022

TO ALL MEMBERS OF THE BOARD OF REGENTS

SUBJECT: Establishment of the 2024 Board of Regents Meeting Schedule

SUBMITTED BY: Kirk H. Schulz, President

PROPOSED: That the Board of Regents approve the schedule for the 2024 Board of Regents Meetings; and delegate authority to the President of the University or his designee to select and designate appropriate meetings places, establish meeting times, establish the agenda and prepare agenda items, dispatch all official notices to meet the state Open Public Meetings Act or other notice requirements, publish minutes and maintain records of meetings, and take other necessary action as required for the orderly conduct of Board Meetings.

SUPPORTING INFORMATION: Proposed meeting dates are as follows:

2024	
<u>Date</u>	<u>Proposed Location</u>
January 25-26, 2024	Electronic
March 7-8, 2024	Tri-Cities
May 2-3, 2024	Spokane
June 6-7, 2024 (Retreat)	TBD
September 19-20, 2024	Pullman
November 14-15, 2024	Vancouver

BOARD OF REGENTS

2024 Board of Regents Meeting Schedule

Resolution #221118-661

BE IT RESOLVED that the Board of Regents of Washington State University hereby adopts the following schedule of meeting dates for 2024:

<u>Date</u>	<u>Proposed Location</u>
January 25-26, 2024	Electronic
March 7-8, 2024	Tri-Cities
May 2-3, 2024	Spokane
June 6-7, 2024 (Retreat)	TBD
September 19-20, 2024	Pullman
November 14-15, 2024	Vancouver

BE IT FURTHER RESOLVED that pursuant to RCW 28B.10.528, authority is hereby delegated to the President of the University or his designee to select and designate appropriate meeting places, establish meeting times, establish the agenda and prepare agenda items, dispatch all official notices to meet the state Open Public Meetings Act or other notice requirements, publish minutes and maintain records of meetings, and take other necessary action as required for the orderly conduct of Board meetings.

BE IT FURTHER RESOLVED that when a regular meeting is rescheduled, notice thereof will be given in conformance with the notice requirements specified by the Open Public Meetings Act for special meetings, with the understanding that special meetings may be called by the President of the Board or as otherwise provided by law.

BE IT FURTHER RESOLVED that the Board of Regents may convene Executive Sessions whenever it is deemed necessary in the interest of the University for the purpose of discussing matters or items for which Executive Sessions are authorized in RCW 42.30 as it now exists or may be amended hereafter.

DATED this 18th day of November, 2022.

Chair of the Board of Regents

Secretary of the Board of Regents

ACTION ITEM #2

Proposed Revisions to Board of Regents Policy on Delegation of Authority And Corresponding Delegations (Kirk Schulz/Danielle Hess)

November 18, 2022

TO ALL MEMBERS OF THE BOARD OF REGENTS

SUBJECT: Proposed Revisions to Board of Regents Policy on Delegation of Authority and Corresponding Delegations

PROPOSED: That the Board approve revisions to the Board of Regents Policy on Delegation of Authority and Corresponding Delegations.

SUBMITTED BY: Kirk Schulz, President

SUPPORTING INFORMATION: The Board of Regents discussed possible changes to the Board of Regents Policy on Delegation of Authority (BOR#2) at the June 2022 retreat and the September 2022 meeting, with the goal of improving efficiency while continuing to allow for appropriate Regents' oversight. The policy also needed updating to reflect current delegations.

Based on those conversations and our further review, we are recommending policy changes and updates to delegations, as set forth below.

Summary of Proposed Policy Changes

The following is a summary of proposed substantive changes to the policy:

1. Added a disclaimer in the introduction stating that the policy does not include every matter that must be brought to the Board of Regents and directing individuals to the Office of the President for assistance.
2. Under "University Personnel," added language stating that only the Regents have authority to declare a financial exigency, upon the recommendation of the President. This is consistent with the *Faculty Manual*.
3. Under "Tuition and Fees," updated the Regents' reserved authority regarding parking rates and fines, consistent with resolution #220121-650 passed in January 2022 (which increased the delegated authority).

4. Under "Academics, Planning, and University Structure," added that the President has authority to approve centers, institutes, and laboratories, consistent with resolution #190503-604 passed in May 2019.
5. Under "Budget, Business, and Finance,"
 - Updated capital, real estate, and general contractual authority consistent with resolution #190503-604 passed in March 2020, which increased delegated authority to \$5,000,000;
 - Increased legal settlement authority from \$2,500,000 to \$5,000,000 to be consistent with other contractual authority; and
 - Updated authority to issue debt, consistent with resolution #131122-465 passed in November 2013, which authorizes the President or designee to issue refunding bonds when the refunding threshold provisions in the Board of Regents Debt Management Policy (BOR 5) are met or exceeded.
 - Updated authority to sign operating agreements with affiliated entities, limiting the authority to a contract term of five years.
6. Under "Naming and Recognition," modified language to state that the President has authority to assign names to minor facilities, and names to indicate function to major facilities, academic units, and other organizational units.

Summary of Proposed Changes to Delegations

Some of the above policy changes require changes to delegations. Other changes are recommended as updates. The following is a summary of proposed changes to resolutions delegating authority to the President or designee:

1. Resolution #170127-543 (Delegation of Authority to Approve Settlement Agreements and Time-Sensitive Contracts): Increase President's legal settlement authority from \$2,500,000 to \$5,000,000, consistent with other contractual authority.
2. New Resolution (Delegation of Authority to Approve Time-Critical Contracts): Create separate delegation for this authority and add a \$15,000,000 limit (previously there was no limit). Change reporting requirement from oral to written.

3. Resolution #170127-544 (Delegation of Authority to Approve Operating Agreements with WSU-Affiliated Entities): Modify authority to limit the authorized contract term to no more than five (5) years. Change reporting requirement from oral to written.
4. Resolution #170127-545 (Delegation of Authority to Assign Temporary Names to Major Facilities): Clarify that the President or designee has authority to assign names to minor facilities. Expand authority to allow President or designee to assign permanent names to indicate function to major facilities, academic units, and other organizational units.
5. Reporting Requirements: Revise the following resolutions to clarify that the President or designee may meet the reporting requirement by providing a written summary to the Board of Regents of action taken, on or before the date of the next regular Board of Regents meeting:
 - a. Resolution #170127-539 (Delegation to Approve Revisions to Faculty Manual)
 - b. Resolution #170127-540 (Delegation of Limited Rule-Making Authority)
 - c. Resolution #170127-541 (Delegation of Authority to Approve Degree Name Changes and Extension of Existing Degrees)

For reference, current resolutions are available in the Board of Regents Policy Manual as appendices to the Board of Regents Policy on Delegations of Authority (BOR#2):

<https://policies.wsu.edu/prf/index/manuals/boroo-table-contents/>

If the Regents agree to the proposed changes, the revised resolutions will be added to the applicable appendices in BOR #2 and will supersede and replace the current resolutions on these topics.

All proposed changes have been reviewed by Nathan Deen, Senior Assistant Attorney General and Division Chief, WSU Office of the Attorney General.

ATTACHMENTS: Attachment A – Clean Copy of BOR #2 Proposed Changes (redline copy available from Office of the President upon request)

Attachment B – Resolution #221118-668 (Delegation of Authority to Approve Settlements of Legal Claims)

Attachment C – Resolution #221118-669 (Delegation of Authority to Approve Time-Critical Contracts)

Attachment D – Resolution #221118- 670 (Delegation of Authority to Approve Operating Agreements with Affiliated Entities)

Attachment E – Resolution #221118-671 (Delegation of Authority to Assign Names)

Attachment F – Resolution #221118-672 (Delegation of Authority to Approve Revisions to Faculty Manual)

Attachment G – Resolution #221118-673 (Delegation of Limited Rule-Making Authority)

Attachment H – Resolution #221118-674 (Delegation of Authority to Approve Degree Name Changes and Extension of Existing Degrees)

WASHINGTON STATE UNIVERSITY BOARD OF REGENTS POLICY ON DELEGATION OF AUTHORITY

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1.0 POLICY AND PURPOSE

It is the policy of the Washington State University (WSU, University) Board of Regents (Board) to engage in responsible governance by delegating broad authority, express and implied, to the President or designee to manage and conduct the affairs of the University, except for those matters reserved either by law or by the Board for the proper exercise of its fiduciary duties to the institution.

This policy is intended to help University administrators and others understand what must go to the Board for approval. It delineates specific authority reserved by the Board and, conversely, authority that has been delegated to the President or designee. **This policy is not intended to cover every matter that must or should be brought to the Board of Regents.** For assistance with these decisions, see Section 3.0.

Any delegated authority continues to be subject to the ultimate authority of the Board. The Board also reserves the right to intervene in any matter and to enact or amend such rules and policies as it deems necessary or proper to further the best interests of the University. In doing so, the Board acts as a whole, recognizing the Chair or designee as its spokesperson.

The Board will periodically review delegations and reserves the right to amend or rescind them at any time.

2.0 AUTHORITY RESERVED BY THE BOARD

By law, the Board is vested with full authority to manage the assets and affairs of the University. RCW 28B.30.095, RCW 28B.30.150. The Board also has authority to

ATTACHMENT A

delegate by resolution any of its powers and duties to the University President or designee. RCW 28B.10.528. Accordingly, the Board has delegated the President or designee broad authority to act in matters relating to the general business and financial affairs, academic affairs, organization, and management of the University, including express or implied authority to carry out the administration and operations of the University.

See Appendix 1: Resolution delegating general authority to President or designee

The Board has reserved authority in specific areas as set forth below. Links to resolutions delegating authority to the President or designee are provided in each subject area. In the event of a conflict between this policy and a particular resolution, the resolution takes precedence.

2.1 Board Administration

The Board has reserved the following authority in this area:

- **Board Policies and Operations**: To enact and amend Board bylaws and Board policies, establish standing and ad hoc committees, set the meeting schedule, and otherwise organize, administer, and operate the Board
- **Board Officers**: To appoint a Treasurer pursuant to RCW 28B.30.130 and to elect a chair and vice chair

2.2 Personnel

The Board has reserved the following authority in this area:

- **Presidential Employment**: To select, appoint, and evaluate the University President, including setting the compensation and other terms and conditions of employment
- **Faculty Appeals**: To hear faculty appeals of formal discipline, in accordance with the Faculty Manual
- **Financial Exigency**: To declare a financial exigency arising from a financial crisis or legislative mandate, upon the recommendation of the President
- **University Retirement Programs**. To establish or amend University retirement programs for employees
- **Legal Defense and Indemnification**: To authorize legal defense and indemnification of employees, officers, or volunteers, in accordance with RCW 28B.10.842

See Appendix 2: Resolutions delegating authority to President or designee—Personnel

2.3 Rules and Policies

The Board has reserved the following authority in this area:

- **Washington Administrative Code (WAC) Regulations:** To adopt, amend, and repeal WAC regulations/rules, except that the President or designee has authority to adopt, amend, and repeal expedited rules pursuant to RCW 34.05.353, emergency rules pursuant to RCW 34.05.350, and rules related to campus parking and traffic

See Appendix 3: Resolutions delegating authority to President or designee—Rules and policies

2.4 Tuition and Fees

The Board has reserved the following authority in this area:

- **Tuition:** To establish resident and non-resident tuition rates for undergraduate, graduate, and professional programs, in accordance with RCW 28B.15.067
- **Services and Activities Fees:** To establish services and activities (S&A) fees and technology fees and to approve allocations, in accordance with RCW 28B.15.044 - .051
- **Other Student Fees:** To approve and implement new student fees or changes in student fees, other than incidental fees such as those for goods, services, access to University facilities, application fees, transcript fees, graduation fees, identification card fees, orientation fees, late enrollment and payment fees, certification fees, and special course fees
- **Housing and Dining Rates:** To approve annual housing and dining rates

See Appendix 4: Resolutions delegating authority to President or designee—Tuition and fees

2.5 Academics, Planning, and Structure

The Board has reserved the following authority in this area:

- **Admission Requirements:** To set or modify admission requirements
- **University Structure:** To establish or abolish colleges, academic departments, schools, and other academic units, and to approve significant reorganizations of academic and non-academic units, except that the President or designee has authority to approve and abolish University centers, institutes, and laboratories

ATTACHMENT A

- **Degree Programs**: To establish or discontinue degrees, except that the President or designee has authority to approve name changes to degree programs and to approve the extension of an existing WSU degree program to another WSU campus
- **Strategic Planning**: To approve the WSU system strategic plans and campus strategic plans
- **Campus Master Plans**: To approve the master plan for each campus, including updates and amendments

See Appendix 5: Resolutions delegating authority to President or designee—
Academics, planning, and structure

2.6 Budget, Business, and Finance

The Board has reserved the following authority in this area:

- **Budget Requests**: To approve the University's capital and operating budget requests prior to submission to the state legislature
- **Debt**: To authorize University debt, in accordance with the Washington State Board of Regents Debt Management Policy, except that the President or designee has authority to issue refunding bonds when the refunding threshold provisions of the "Refinancing and Refunding Principles" in the Board of Regents Debt Management Policy (BOR 5) are met or exceeded.
- **Capital Projects**: To approve contracts for capital projects when the estimated total project cost, inclusive of all phases of the project, is five million dollars (\$5,000,000) or more
- **Real Estate**: To approve contracts relating to real property acquisition and disposal, leases, easements, and transfer of other real property interests when the value of the property to be disposed of or obligated is five million dollars (\$5,000,000) or more
- **General Business-Related Contracts**: To approve contracts relating to the general business and financial affairs of the University, including those related to purchasing and procurement, when total costs are five million (\$5,000,000) or more, except that the President or designee has authority to approve specified contracts without limitation (such as those related to grants and investments)
- **Operating Agreements with Affiliated Entities**: To approve operating agreements with WSU-affiliated entities when the contract term exceeds five years.
- **Legal Settlements**: To approve settlements of legal claims or potential legal claims when total costs of the settlement to WSU are five million dollars (\$5,000,000) or more.

ATTACHMENT A

See Appendix 6: Resolutions delegating authority to President or designee—Budget, business, and finance.

2.7 Naming and Recognition

The Board has reserved the following authority in this area:

- **Naming**: To name facilities, academic units, and other major organizational units, except that the President or designee has authority to assign names to minor facilities and names to indicate function to major facilities, academic units, and other organizational units. For further information, see Facility Naming Policy (Executive Policy #9).
- **Honorary degrees**: To confer honorary degrees in accordance with RCW 28B.30.150(15)
- **Distinguished Alumni**: To designate distinguished alumni upon the recommendation of the President

See Appendix 7: Resolutions delegating authority to President or designee—Naming and University recognition

3.0 ASSISTANCE

For questions about this policy or assistance with determining whether a specific matter must or should be brought to the Board for approval, contact the Office of the President or the WSU Division of the Office of the Attorney General.

4.0 RELATED POLICIES

Board of Regents Policy on Committee Charters (BOR #3)

Board of Regents Bylaws

BOARD OF REGENTS

Delegation of Authority to Approve Settlements of Legal Claims

Resolution #221118-668

WHEREAS, RCW 28B.30.095, RCW 28B.30.100, and RCW 28B.30.150 vest the governance and management of Washington State University (WSU) in the Board of Regents of WSU (Board); and

WHEREAS, the Board, by virtue of RCW 28B.10.528, has the authority to delegate by resolution to the President of WSU, or their designee, any of the powers and duties vested in or imposed upon the Board by law; and

WHEREAS, the Board has delegated broad authority to the President or designee to act in matters relating to the general business and financial affairs of WSU;

NOW, THEREFORE, IT IS RESOLVED that the Board delegates authority to the President or designee to enter into agreements for the purposes of settlement of legal claims or potential legal claims when the total costs of the settlement to WSU are estimated to be less than five million dollars (\$5,000,000).

This delegation shall immediately supersede prior delegations related to legal settlements, including but not limited to Resolution #170127-543.

Signed the 18th day of November, 2022.

Chair, Board of Regents

Secretary, Board of Regents

BOARD OF REGENTS

Delegation of Authority to Approve Time-Critical Contracts

Resolution #221118-669

WHEREAS, RCW 28B.30.095, RCW 28B.30.100, and RCW 28B.30.150 vest the governance and management of Washington State University (WSU) in the Board of Regents of WSU (Board); and

WHEREAS, the Board, by virtue of RCW 28B.10.528, has the authority to delegate by resolution to the President of WSU, or their designee, any of the powers and duties vested in or imposed upon the Board by law; and

WHEREAS, the Board has delegated broad authority to the President or designee to act in matters relating to the general business and financial affairs of WSU;

NOW, THEREFORE, IT IS RESOLVED that the Board delegates authority to the President or designee to approve and execute time-critical contracts requiring action between scheduled Board meetings; PROVIDED, however, that:

- The cost to WSU of any contract approved under this delegation is estimated to be less than \$15,000,000; and
- The President or designee consults with the Chair of the Board, or Vice Chair if the Chair is unavailable, prior to the execution of such contract.

The President or designee will provide a written summary of action taken pursuant to this delegation to the Board on or before the date of the next regular Board meeting.

This delegation shall immediately supersede prior delegations related to time-sensitive contracts, including but not limited to Resolution #170127-543.

Signed the 18th day of November, 2022.

Chair, Board of Regents

Secretary, Board of Regents

BOARD OF REGENTS

Delegation of Authority to Approve Operating Agreements with WSU-Affiliated Entities

Resolution #221118-670

WHEREAS, RCW 28B.30.095, RCW 28B.30.100, and RCW 28B.30.150 vest the governance and management of Washington State University (WSU) in the Board of Regents of WSU (Board); and

WHEREAS, the Board, by virtue of RCW 28B.10.528, has the authority to delegate by resolution to the President of WSU, or their designee, any of the powers and duties vested in or imposed upon the Board by law; and

WHEREAS, the Board has delegated broad authority to the President or designee to act in matters relating to the general business and financial affairs of WSU;

NOW, THEREFORE, IT IS RESOLVED that the Board delegates authority to the President or designee to approve, amend, and execute operating agreements with the WSU Foundation, the WSU Alumni Association, and any other WSU-affiliated entity, provided the agreement has a term not to exceed five (5) years.

The President or designee will provide a written summary of action taken pursuant to this delegation, except for non-substantive or editorial amendments, to the Board on or before the date of the next regular Board meeting.

This delegation shall immediately supersede prior delegations related to the approval of operating agreements, including but not limited to Resolution #170127-544.

Signed the 18th day of November 2022.

Chair, Board of Regents

Secretary, Board of Regents

BOARD OF REGENTS

Delegation of Authority to Assign Names

Resolution #221118-671

WHEREAS, RCW 28B.30.095, RCW 28B.30.100, and RCW 28B.30.150 vest the governance and management of Washington State University (WSU) in the Board of Regents of WSU (Board); and

WHEREAS, the Board, by virtue of RCW 28B.10.528, has the authority to delegate by resolution to the President of WSU, or their designee, any of the powers and duties vested in or imposed upon the Board by law; and

WHEREAS, the Board has delegated broad authority to the President or designee to act in matters relating to the general business and financial affairs of WSU;

NOW, THEREFORE, IT IS RESOLVED that the Board delegates authority to the President or designee to assign names as follows:

- All names to minor facilities, and
- Names to indicate function to major facilities, academic units, and other organizational units.

The Board further ratifies any prior facility names approved by the President or designee in accordance with WSU's Facility Naming Policy (Executive Policy #9). This delegation shall immediately supersede prior delegations related to naming, including but not limited to Resolution #170127-545.

Signed the 18th day of November, 2022.

Chair, Board of Regents

Secretary, Board of Regents

BOARD OF REGENTS

Delegation of Authority to Approve Revisions to Faculty Manual

Resolution #221118-672

WHEREAS, RCW 28B.30.095, RCW 28B.30.100, and RCW 28B.30.150 vest the governance and management of Washington State University (WSU) in the Board of Regents of WSU (Board); and

WHEREAS, the Board, by virtue of RCW 28B.10.528, has the authority to delegate by resolution to the President of WSU, or their designee, any of the powers and duties vested in or imposed upon the Board by law; and

WHEREAS, the *WSU Faculty Manual* states that the President has final authority to approve changes to the *Faculty Manual*, upon the recommendation of the Faculty Senate; and

WHEREAS, the Board has determined that it is in the best interests of WSU for the President to have such authority;

NOW, THEREFORE, IT IS RESOLVED that the Board delegates authority to the President or designee to approve revisions to the *Faculty Manual*.

The President or designee will provide a written summary of any substantive revisions to the Board on or before the date of the next regular Board meeting.

This delegation shall immediately supersede prior delegations related to approval of *Faculty Manual* revisions, including but not limited to Resolution #170127-539.

Signed the 18th day of November, 2022.

Chair, Board of Regents

Secretary, Board of Regents

BOARD OF REGENTS

Delegation of Limited Rule-Making Authority

Resolution #221118-673

WHEREAS, RCW 28B.30.095, RCW 28B.30.100, and RCW 28B.30.150 vest the governance and management of Washington State University (WSU) in the Board of Regents of WSU (Board); and

WHEREAS, the Board, by virtue of RCW 28B.10.528, has the authority to delegate by resolution to the President of WSU, or their designee, any of the powers and duties vested in or imposed upon the Board by law; and

WHEREAS, the Board has delegated broad authority to the President or designee to act in matters relating to the general business and financial affairs of WSU;

NOW, THEREFORE, IT IS RESOLVED that the Board delegates limited rule-making authority to the President or designee as follows:

- To adopt, amend, and repeal expedited rules pursuant to RCW 34.05.353,
- To adopt, amend, and repeal emergency rules pursuant to RCW 34.05.350, and
- To adopt, amend, and repeal rules related to campus parking and traffic.

The President or designee will provide a written summary of action taken pursuant to this delegation to the Board on or before the date of the next regular Board meeting.

This delegation shall immediately supersede prior delegations related to rule-making authority, including but not limited to Resolutions #061020-303 and #170127-540.

Signed the 18th day of November 2022.

Chair, Board of Regents

Secretary, Board of Regents

BOARD OF REGENTS

Delegation of Authority to Approve Degree Name Changes and Extension of Existing Degrees

Resolution #221118-674

WHEREAS, RCW 28B.30.095, RCW 28B.30.100, and RCW 28B.30.150 vest the governance and management of Washington State University (WSU) in the Board of Regents of WSU (Board); and

WHEREAS, the Board, by virtue of RCW 28B.10.528, has the authority to delegate by resolution to the President of WSU, or their designee, any of the powers and duties vested in or imposed upon the Board by law; and

WHEREAS, the Board has delegated broad authority to the President or designee to act in the management of academic matters at WSU;

NOW, THEREFORE, IT IS RESOLVED that the Board delegates authority to the President or designee as follows:

- To approve name changes to degree programs, upon the recommendation of the Faculty Senate, and
- To extend existing WSU degree programs to another WSU campus, upon the recommendation of the Faculty Senate, provided the extension is consistent with the WSU system strategic plan and the specific campus strategic plan.

The President or designee will provide a written summary of action taken pursuant to this delegation to the Board on or before the date of the next regular Board meeting.

This delegation shall immediately supersede prior delegations related to degree name changes and extension of existing degrees, including but not limited to Resolution #170127-541.

Signed the 18th day of November, 2022.

Chair, Board of Regents

Secretary, Board of Regents

ACTION ITEM #1

WSU Pullman, Proposed Naming of Ida Lou Anderson House (Elizabeth Chilton/Stacy Pearson)

November 18, 2022

TO ALL MEMBERS OF THE BOARD OF REGENTS

SUBJECT: WSU Pullman, Proposed Naming of Ida Lou Anderson House

PROPOSED: That the Board of Regents approve the proposed naming of the WSU Pullman, Ida Lou Anderson House.

SUBMITTED BY: Elizabeth Chilton, Provost and Executive Vice President and Chancellor, WSU Pullman
Stacy Pearson, Vice President of Finance and Administration and CFO

SUPPORTING INFORMATION: Completed in 1913, the President's House or President's Residence was traditionally home to the WSU President as head of the Pullman campus. In summer 2022, after the appointment of Elizabeth Chilton as the inaugural Chancellor of WSU Pullman, Dr. Chilton and her family relocated to the house, and the search began for a name more in line with the house's new designation as home of the Pullman Chancellor.

Ida Lou Anderson was not only an early alum but also one of WSU's first women faculty and a mentor to one of WSU's most notable alums, Edward R. Murrow, as well as countless others. Her academic and professional achievements had an immeasurable impact on radio broadcasting and the academic field of communication, and her accomplishments are even more impressive given that she had significant physical disabilities as a result of having polio as a child.

It is fitting that one of the most recognizable buildings on the WSU Pullman campus be named after one of its most accomplished and impactful alums. Additional information about Ida Lou Anderson's life and accomplishments is available in Attachment A.

The naming request has been recommended by the Facilities Names Committee and approved by the President, in accordance with WSU Facilities Names Policies and Procedures (Executive Policy #9).

ATTACHMENTS: Attachment A – Request for Renaming President’s Residence on the WSU Pullman Campus
Attachment B -- Approval of Naming Request by President Kirk H. Schulz



MEMORANDUM

To: WSU University Facilities Names Committee

From: Elizabeth S. Chilton, Provost and Executive Vice President, and
Chancellor, WSU Pullman 

Subject: Renaming President's Residence on the WSU Pullman Campus

Date: September 19, 2022

It is with great pleasure that I submit this request to rename the existing "President's Residence" the the "Ida Lou Anderson House." Below please find background information to support this proposal in accordance with WSU Executive Policy 9. It is exceedingly clear that Ida Lou Anderson's professional achievements and mentoring had an immeasurable impact on radio broadcasting and the academic field of communication. It is fitting that one of the most recognizable buildings on the WSU Flagship campus be named after someone who was an early alumnae and one of our first women faculty, who overcame significant physical disabilities and went on to advise one of our most notable alumni, Edward R. Murrow, and countless others.

Ida Lou Anderson (November 6, 1900 – September 16, 1941) was an American radio broadcaster and academic. A pioneer in the field of radio broadcasting, she was a professor at Washington State College (WSC) in the 1920s and 1930s. One of Anderson's earliest and most impressive students was Edward R. Murrow who went on to a legendary broadcasting career at CBS.

Ida Lou Anderson was born in the south in Morganton, Tennessee and moved to Washington state as a small child, settling with her family in Colfax, the Whitman County seat just a few miles from Pullman. She had polio as a child, resulting in serious physical disabilities. She took drama and speech lessons from her neighbor, Mrs. Roy LaFollette, a 1915 graduate of the University of California, who had majored in drama and who had performed often in campus productions.

As a college student Anderson excelled in speech and drama classes and at the WSC campus theater. In 1926, shortly after graduation from WSC, she became the college's youngest and one of its most popular professors; she was also a broadcasting coach and radio station advisor. Anderson demanded, and received, maximum effort from her students. Edward Murrow was her prize pupil, the one she called her "masterpiece." Murrow took 19 speech courses in his four years in Pullman. She helped him polish

his radio technique with private lessons, introduced him to poetry and classical literature, and encouraged his wide reading and love of music. They spent hours conversing on literature, politics, and human nature, and he escorted her to dances and dramatic performances.

Ida Lou Anderson's impact on Edward Murrow was significant. Murrow later wrote to his fiancée, Janet Brewster, about Anderson: "She taught me to love good books, good music, gave me the only sense of values I have." Additionally, the infamous phrase "This is London" that Murrow used when broadcasting on CBS during the Nazi blitzkrieg of London during the early days of World War II had been suggested as his opening phrase by Anderson. It was also at her suggestion that Murrow made that half-second pause after the first word of the phrase: "This – is London." During Murrow's broadcasts she would sit in total silence in a dark room and later would wire him suggestions on how to improve his presentation.

Anderson was forced to retire from active teaching at a young age. She died of complications from polio in her early forties, but her influence continued long past her death. "This I Believe", one of Murrow's later broadcasts showed Anderson's lasting impact.¹

President Schulz is supportive of this renaming effort. Additionally, letters of support for this request are appended from Trevor Bond, Associate Dean for Digital Initiatives and Special Collections, Libraries; and Bruce Pinkleton, Dean, Murrow College of Communication.

This renaming proposal does not include adding a second name or having an original name removed. As such, WSU will not need to inform representative of an original donor or honoree and/or their immediate family.

If you have any questions, you are welcome to contact me. I appreciate your careful consideration of the renaming and look forward to the potential of honoring Ida Lou Anderson with the "Ida Lou Anderson House" on the WSU Pullman campus.

Cc: Kirk Schulz, Presidnet
Trevor Bond, Associate Dean for Digital Initiatives and Special Collections,
Libraries
Bruce Pinkleton, Dean, Murrow College of Communication

¹ https://en.wikipedia.org/wiki/Ida_Lou_Anderson



WASHINGTON STATE UNIVERSITY
Libraries

Date: September 16, 2022

To: Elizabeth S. Chilton, Provost and Executive Vice President, and
Chancellor, WSU Pullman

From: Trevor James Bond, Associate Dean of Digital Initiatives and Special Collections, WSU Libraries.

Subject: Renaming the President's Residence the Ida Lou Anderson House.

A handwritten signature in red ink that reads "Trevor James Bond".

I write to recommend that the President's Residence on the WSU Pullman campus be renamed the Ida Lou Anderson House in honor of one of WSU's most influential alumnae and faculty members. This letter will describe Professor Anderson's contributions to Washington State University, the creation and subsequent use of the President's House, and conclude with a justification for this proposed name change.

Ida Lou Anderson grew up in Colfax and until the age of nine had an energetic childhood. In 1909 during a trip to visit family in Tennessee, she contracted polio (called at the time infantile paralysis), which led to years of painful treatments, lingering symptoms, and an early death. For five years she could not walk and had to be carried at all times. According to her sister, Ida Lou was in constant pain as her legs were drawn back toward her body. Her treatments included massages, casts, braces, and, when these did not work, sun, diet and eventually a period of fourteen months at the McClain Orthopedic Sanatorium in St. Louis. After years of failed treatments, Ida Lou returned home to Colfax and, with her parents' blessing, stopped seeing doctors and returned to school. She completed High School at Colfax at an accelerated rate. Upon graduation, she entered Washington State College in 1920.

When Ida Lou Anderson began college, WSC had one of finest drama and speech departments in the West. However, like many students, Ida Lou Anderson had a rough start. The lingering symptoms of her polio left her small (only four feet tall), frail, and with a hump on her back. She wore dark glasses because the sun bothered her eyes. That first semester, she felt so ostracized because of her appearance that she almost dropped out of school, but a new professor on campus saw her potential and changed her life.

In 1920, President Holland hired Nathaniel E. Reeid to head the drama and speech department. Reeid, full of energy and enthusiasm, viewed drama and speech as vehicles to prepare students for life after college. Reeid coached students in speaking from the diaphragm, not the upper chest. He explained the importance of cadence, pitch, and stress. Under Reeid's direction, the WSC theater program blossomed. In the spring of 1921, it put on seven different plays. In the summer of 1922, Reeid rented a theater in Spokane and staged twelve plays developed over the previous years. Two hundred students were

involved. With the profits from admissions, he purchased \$5,000 worth of theatrical equipment for the Bryan Hall stage.

Amid all of this activity, Reeid was a devoted professor. He recognized Anderson's exceptional oratorical talents and a love of poetry. Her sister recalled that Professor Reeid saw beyond Ida Lou's physical limitations and cast her in all productions, even selecting plays that would provide parts that she could perform successfully. Anderson's college notebooks, which are still in Manuscripts, Archives, and Special Collections on the Pullman campus, document her assiduous notes from Reeid's courses, particularly his anatomical explanation of voice to the interpretation of poetry.

When she graduated in 1924, Ida Lou Anderson knew she wanted to teach. She went to the University of Chicago to earn a Master's degree in speech (with additional summers spent training at the University of California and Boston College) and then returned to Washington State College as an instructor. Ida Lou Anderson, the young woman who felt like an outcast and nearly left school after one semester, quickly became one of the best-liked and most popular teachers on campus, though one of the lowest paid. According to the minutes of the WSU Regents, she earned significantly less than her male colleagues; her salary of \$1,600 for nine and a half months could be supplemented by an additional \$350 for private lessons in Speech. Male instructors of this period earned a minimum of \$1,800, while assistant professors, nearly all male, earned \$2850.

Anderson was a memorable sight on campus; her lingering symptoms made walking difficult. Her students remembered her voice was surprisingly deep and sonorous. She was immensely well-read, and she could discuss anything from world politics to baseball. At any campus event, she would enter a room full of people and within five minutes everyone would be gathered around her. One of her students recalled that her class "was without a doubt a highlight of my college experience. She seemed to want to take personal responsibility for the future of each of her students, and she thought everyone ought to be in her classes."

In Ida Lou Anderson's first year of teaching, 1926, a young man by the name of Egbert (later changed to Edward) Murrow signed up for her class. He started college as a business administration major but soon switched to speech. Murrow had arrived on a campus that had an operating radio station (kept running by the personal ingenuity of engineer-inventor-photographer Homer Dana), which many colleges did not. WSC offered what may have been the only, and was certainly one of the few, radio-broadcasting courses in the nation, the personal inspiration of Maynard Daggy. Murrow's charisma and leadership led to his election as student body president and commander of the ROTC brigade.

Murrow later recalled in regard to Ida Lou Anderson that he "pled for permission to enter her classes, and for the next four years it was only her tolerance and her desire to teach even those who were often too young or insensitive to appreciate what they were being taught, that permitted [him] to attend every class she taught." Murrow took nineteen speech courses from Ida Lou Anderson. Outside of class the two discussed literature, politics, duty, and ethics. The six-foot-two Murrow and the four-foot Anderson were a familiar sight walking across campus together, "he carrying her books," recalled one student, and "she looking up at him, both of them so engrossed in their conversation."

Anderson aided Murrow's already accomplished ability as a public speaker and prepared him for his future career in radio. To simulate the conditions of radio broadcasting, she would have Murrow sit behind a screen to read aloud. She led Murrow to new books and ideas, such as the stoic philosophy of

Marcus Aurelius, that of "expecting nothing, fearing nothing," but trusting that doing one's duty will provide happiness. Her courses were unusual in the era in that she did not have a written final, rather she assessed her students' progress over the semester.

Upon Murrow's graduation the two remained in contact. Murrow served a term as President of the National Student Federation and then as an assistant to the director of the Emergency Committee for the Aid of Displaced German Scholars, an organization formed to aid intellectuals being persecuted in Hitler's Germany. He then worked for the CBS Radio Network as a low-level organizer of radio shows. In a few years, he would be responsible for all CBS news from Europe as the continent war spread in Europe.

Murrow told his wife Janet Brewster that Ida Lou Anderson "is very much a part of my life and always will be. She taught me to love good books, good music, gave me the only sense of values I have ... I've talked every decision over in letters. She knows me better than any person in the world. The part of me that is decent, wants to do something, be something, is the part she created. She taught me to speak. She taught me one must have more than a good bluff to really live."

After Murrow's graduation, Ida Lou Anderson's classes were so popular that students had to be turned away. She was so stoic that no one knew the pain she felt or how weak she was becoming. In the late thirties, she retreated to a dark room after teaching and rested by listening to a series of college women read to her. Eventually in 1939, she had to stop teaching and moved to Corvallis, Oregon, where her sister and mother could take care of her. With this clear sign of serious health problems, letters of concern poured in. Murrow, now reporting from London, shipped to her the most powerful radio available, with a note requesting that she listen to him and tell him how he was doing. She answered with a telegram suggesting the pause in his sign on "This ... is London." This became his signature line.

President Holland wrote to Anderson in 1940: "you have been one of the valuable members of our faculty – so recognized not only by the students but also by the faculty itself. I have told the members of the Board of Regents on many occasions of your splendid influence on the students majoring in Speech and on others enrolled in this institution. Undoubtedly, you have done more than anyone else in the development of men and women filling important positions in the radio field." Holland continued: "I know that [Murrow] is most grateful to you for the enormous help you gave him when he was inexperienced and needed guidance. We accept your resignation with great reluctance, but we shall not forget the devoted and efficient service you have rendered this institution."

Some wondered if Anderson resigned because of too much work. When she responded to President Holland's letter accepting her resignation, Anderson wrote, "none of you must feel that I was the least bit overworked I loved every minute of it, from the day I first walked into a classroom." She continued, "The air lanes are so full of voices I know. Those boys have been a comfort during this long, lonely, difficult winter." By 1940 her students were working all over the Pacific Northwest, including major stations in Spokane, Tacoma, and Portland. Art Gilmore had become an announcer for Warner Brothers in Los Angeles, James Campbell was broadcasting in Chicago, and Edward R. Murrow was becoming one of the most famous voices in radio as the Battle of Britain began.

Ida Lou Anderson's health steadily declined until she could not eat and slept only fitfully. After being admitted to a hospital, she was fed intravenously. Near the end of her life, her sister Bessie Roe recalled that Ida Lou told her doctor, "I am not afraid to die, it is just that I confess it is how I go that bothers

me." On September 16, 1941, a nurse turned around to fetch something and Ida Lou Anderson closed her eyes and died. She was forty-one years old.

As news of her death spread among her devoted students and colleagues, Murrow sent \$350 to President Holland to pay for the publication of a book of memorials to her. (I drew on President Holland's copy of this volume in preparing this letter.) In his contribution to the book, Murrow wrote that Ida Lou's students knew "we had been in the presence of one who was, in the true sense of the word, greater than anyone we had met or were ever likely to meet."

The President's Residence is part of the early core of campus. Drawing on resources provided by a state mill tax, President Bryan expanded the department of Architecture to include both the study of the discipline, but also to have the faculty design buildings for the Pullman campus. Professor Rudolph Weaver designed the President's House, the first of many campus buildings, in 1912, and construction was complete in 1913. President Bryan wrote that the house was more than a residence for himself, it provided "opportunities of fulfilling ... social responsibilities to the public which go with the office and of bringing about a unity and solidarity within the faculty itself, which is always an important consideration in any university."

President Bryan's successor and WSU's longest serving president (1916-1944), E. O. Holland welcomed faculty to the residence and then would retire to his room while dances took place upstairs. Holland did not permit smoking or drinking alcohol on campus. He even threatened faculty members with termination if he found them smoking. As Holland never married, his sister Edith always stayed at the residence while hosting students. When Holland eventually and reluctantly retired in 1945, he initially refused to move out of the house or his office, suggesting that he could share the residence with the Comptons. The Regents provided Holland with a house on Columbia Street, a half salary, and an office in the library in Bryan Hall where he actively collected for the library. The Comptons later left their mark on the President's residence. Helen Compton was known for her sharp eye for landscaping. She procured thousands of tulip and daffodil bulbs for planting on the campus—at no cost. She so often entertained students, staff, and visitors that president's house became known as the "Compton's Hotel," because there always seemed to be house guests. This tradition of welcoming guests to the President's Residence continues to the present.

One exception to decades of receptions and dinners at the President's Residence occurred during the Terrell administration. On May 27, 1970, some 2,000 students, some of them carrying make-shift torches, marched from Bohler Gym to the President's House, demanding that Terrell address them over incidents of campus racism and the Vietnam War. At 9 p.m., President Terrell spoke to the students and diffused that tense encounter. "If I did not love you all and believe in you all so much, I'd be scared," he told the protesters and then proposed that representatives meet with him at his office in the morning to negotiate. The protest that evening ended calmly.

In this moment as we adjust the administration of the WSU system and recognize the need to acknowledge the factors that make the Pullman campus a unique place, I think that it is fitting to rename the President's Residence to the Ida Lou Anderson House in recognition of her lasting impact as a faculty member on this campus. In the very best way, just as Professor Reeid helped Ida Lou Anderson reach her full potential, so too did Professor Anderson teach and mentor hundreds of students. As this residence has always been associated with "social responsibilities" of the campus, we should recognize this exceptional faculty member who devoted her brief life in service to this institution and the students

that give it life and energy. As part of Ida Lou Anderson's memorial, President Holland reflected that it was great teachers, not just bricks and mortar, that made great universities. Holland noted that "in the fourteen years of her service here, this frail little woman was able to leave her deep and lasting imprint upon the lives of hundreds of students... WSC is stronger and the world is a finer place... as a result of the personal influence of this young woman upon the faculty and students of the State College of Washington."



MEMORANDUM

To: WSU University Facilities Names Committee
From: Bruce E. Pinkleton, Dean, Edward R. Murrow College of Communication
Re: Renaming the President's House the Ida Lou Anderson House
Date: August 19, 2022

I strongly support renaming the President's House the Ida Lou Anderson House in honor of the remarkable educator who served as a revered teacher and mentor to Edward R. Murrow and many other students. In Ms. Anderson, we see the determination of a young woman who overcame physical challenges and bigotry to excel as a professor. Her story reveals a chain of inspired and compassionate teaching that helps set Washington State apart from other institutions of higher education resulting in a multitude of benefits for the greater good of society.

Ms. Anderson contracted polio at 9 years of age. Despite five years of intensive medical treatment and physical therapy, including a particularly challenging 14-month stay in an orthopedic sanatorium in St. Louis, the disease left her frail and physically challenged to a degree that many of her peers considered her disfigured. Bothered by her inability to attend school on a regular basis, she eventually returned to her home in Colfax, gave up her treatments, and completed high school in three years.

Following her time in high school, Ms. Anderson attended Washington State College and received an undergraduate degree in speech in 1924. Her years as a student at Washington State were challenging in many respects. Her classmates mocked her appearance or avoided her altogether, perhaps not understanding her physical challenges. This led her to despair, and she considered leaving higher education. During these dark days, however, she met Professor N. E. Reed, the mentor who would change her life.

In my career, I've learned that it often takes only one caring teacher to make a meaningful difference in the lives of students, and for Ida Lou Anderson this person was Professor N. E. Reed. He looked beyond her physical challenges and saw the tremendous potential in Ms. Anderson. He cast her in college plays where she flourished gaining confidence and enjoying success leading to recognition at Washington State and elsewhere.

Upon her graduation, she accepted a position in the Department of Speech where she met a young Edward R. Murrow only a few years into her teaching career. Just as Professor Reed had seen in her, Ms. Anderson recognized the tremendous potential Mr. Murrow possessed and offered him private speaking lessons and other tutoring. As Mr. Murrow wrote in a memorial of his beloved teacher:

I pled for permission to enter her classes, and for the next four years it was only her tolerance and her desire to teach even those who were too young or insensitive to appreciate what they were being taught, that permitted me to attend every class that she taught.



Mr. Murrow and Ms. Anderson enjoyed a close relationship even after he graduated from Washington State College in 1930. She made it her purpose to listen to his broadcasts and to offer him advice on his oratorical techniques—advice he sought and used for as long as she was able to provide it to him. When she passed away in 1941, he wrote:

Miss Anderson was not a perfectionist in the academic sense in which the word is usually employed. She was content to cause the student to do just a little bit better than he thought himself capable of doing. The margin between mediocrity and mastery of the spoken word was measured in terms of her confidence, example, and inspiration. She demanded not excellence so much as integrity. She could recognize not only ability, but humility, and she was inclined to place more value upon the latter.

Mr. Murrow concluded his thoughts by writing, “To everyone who deals with words there comes a time when there are no words to express what is felt, what is remembered, and what is owed. Miss Anderson would understand that.”

I find it remarkable that despite his tremendous achievements, Mr. Murrow recognized the work of Ms. Anderson as a teacher throughout his career and not only credited her with his success but continued to seek her feedback and mentoring while she lived.

In this story, I see a tremendous chain of events at Washington State College. Here, the respect and insight of Professor N. E. Reed contributed to the development of an exceptional professor, Ida Lou Anderson, who subsequently poured herself into the education of a raw and unassuming Edward R. Murrow. This young man graduated and literally helped change the world as he covered wartime events including the liberation of Buchenwald, challenged the abuses of power by Sen. Joseph McCarthy and reported on the plight of migratory farm workers in “Harvest of Shame” among his other outstanding work.

In naming the President’s House the Ida Lou Anderson House, you will be recognizing the tremendous role of inspired, compassionate teaching at Washington State that has changed our world for the better. I can think of no better tribute to our faculty, staff, and students.

Please contact me if you have any questions and thank you for your consideration.

Cordially,

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

Bruce E. Pinkleton, Ph.D.
Dean



WASHINGTON STATE UNIVERSITY
Finance and Administration

MEMORANDUM

TO: Kirk Schulz, President

FROM: Stacy Pearson, Vice President, Finance & Administration/CFO
Chair, Facilities Names Committee *Stacy M Pearson*

DATE: August 28, 2022

SUBJECT: Naming the President's Residence the **Ida Lou Anderson House**

Please see the below naming request from the WSU Chancellor for naming the President's Residence on the WSU Pullman Campus the **Ida Lou Anderson House**.

The WSU Chancellor is seeking formal acknowledgment that the residence will be named the **Ida Lou Anderson House**. Ida Lou Anderson's professional achievements and mentoring had an immeasurable impact on radio broadcasting and the academic field of communication. It is fitting that one of the most recognizable buildings on the WSU Flagship campus be named after someone who was an early alumnae and one of our first women faculty, who overcame significant physical disabilities and went on to advise one of our most notable alumni, Edward R. Murrow, and countless others.

Letters of support for this request are appended from Trevor Bond, Associate Dean for Digital Initiatives and Special Collections, Libraries; and Bruce Pinkleton, Dean, Murrow College of Communication. This renaming proposal does not include adding a second name or having an original name removed. As such, WSU will not need to inform representative of an original donor or honoree and/or their immediate family.

Thank you.

Cc: Ginger Druffel

I concur with the above request

Kirk H. Schulz

Kirk H. Schulz, Ph.D.
President

10/20/2022

Date

ACTION ITEM #1

Proposed Revisions to the Washington Administrative Code (WAC)
Chapter 504-26 - Standards of Conduct for Students
(Elizabeth S. Chilton/Ellen Taylor/Karen Metzner)

November 18, 2022

TO ALL MEMBERS OF THE BOARD OF REGENTS

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

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

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

SUPPORTING INFORMATION: WAC 504-26 encompasses the University's expectations for student behavior and outlines the procedure for responding to reported concerns. The Center for Community Standards in the Division of Student Affairs is proposing changes to WAC 504-26 as part of its required periodic review. The review committee focused on maintaining the spirit of the chapter and student rights while simplifying processes and consolidating definitions for clarity.

The Center for Community Standards (CCS) remains committed to supporting students and recognized/registered student organizations and upholding their rights, while also holding them accountable for behavior that does not meet community expectations. The proposed changes allow CCS to continue serving the WSU community systemwide to meet these goals.

Substantive proposed changes include:

Efficiencies and Items Removed

1. Moved the timing for the right to a jurisdictional challenge from early in the process to the appeals process
2. Changed mandatory training for conduct board members from annually to every other year

3. Reduced required training for presiding officers with judicial experience
4. Combined initial contact letter with notice of conduct officer hearing
5. Removed requirement to make a written determination regarding alternative dispute resolution
6. Reduced required notice to seven days from ten days
7. Removed deadline for requesting recusal of a conduct officer
8. Removed the formalized self-recusal review process for conduct officers and conduct board members

Additions and Updates

1. Moved primary responsibility for the administration of the standards of student conduct from Vice President of Student Affairs to Dean of Students
2. Added supportive measure examples for registered/ recognized student organizations
3. Updated prohibited conduct definitions
4. Expanded matters that qualify for removal of a disciplinary record
5. Updated sanctioning language for second academic integrity violations

Hearing Boards

1. Combined the volunteer pool of conduct board members and appeals board members to provide greater flexibility in scheduling
2. Defined quorum for the University Academic Integrity Hearing Board, who hears appeals of instructor decision's to find students responsible for violating academic integrity policies in the classroom

The proposed changes will be presented to the Board of Regents at the November meeting for final consideration and approval.

ATTACHMENT: Attachment A –Copy of WAC 504-26 Proposed Changes (Redline copies of WAC 504-26 Proposed Changes available upon request.)

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AMENDATORY SECTION (Amending WSR 18-23-083, filed 11/19/18, effective 12/20/18)

WAC 504-26-001 Preamble. Students have the responsibility to read and be familiar with the standards of conduct, to abide by them, and to understand that violations of these standards, if the student is found responsible, will result in educational sanctions. The dean of students or designee is the person designated by the university president to be responsible for the administration of the standards of conduct.

Washington State University has a long-standing commitment to providing students with a holistic learning experience both in and out of the classroom. Students are expected to uphold and be accountable to our standards of conduct to foster a safe, healthy, and inclusive campus community. The basic philosophy behind the standards of conduct and processes is one of education, centered on student learning through personal development and accountability. Therefore, the student conduct process is designed to support students, guide and correct behaviors, challenge students to make better choices, protect the rights of all students, and support a safe environment for students, the university, and the community at large.

The university strives to provide a fair process for every student without bias or favor regardless of socioeconomic status, personal or social connections, race, sex and/or gender, sexual orientation, gender identity or expression, religion, age, color, creed, national or ethnic origin, marital status, genetic information, status as an honorably discharged veteran or member of the military, physical, mental, or sensory disability, including the use of a trained service animal, or immigration or citizenship status, except as authorized by federal or state law, regulation, or government contract. It also has responsibility to inform and educate the university community, parents, and the public at large on these standards, uphold them, and exercise the authority to take educational and/or disciplinary action accordingly.

AMENDATORY SECTION (Amending WSR 21-07-057, filed 3/15/21, effective 4/15/21)

WAC 504-26-010 Definitions. Words and phrases used in the standards of conduct regardless of their associated gender identity include all genders. Words and phrases used in the standards of conduct in the singular or plural encompass both the singular and the plural, unless the context clearly indicates otherwise. For purposes of the standards of conduct, the following definitions apply:

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

(2) Academic integrity violation. A violation of the university's academic integrity expectations, which is defined as:

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

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

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

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

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

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

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

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

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

(g) Unauthorized collaboration on assignments.

(h) Intentionally obtaining unauthorized knowledge of examination materials.

(i) Plagiarism. Presenting the information, ideas, or phrasing of another person as the student's own work without proper acknowledgment of the source. This includes submitting a commercially prepared paper or research project or submitting for academic credit any work done by someone else. The term "plagiarism" includes, but is not limited to,

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the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.

(j) Unauthorized multiple submission of the same work.

(k) Sabotage of others' work.

(l) Tampering with or falsifying records.

(m) Violating any other academic rule or standards specified in published course policies.

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

(4) Brief adjudication. The process by which a conduct officer may adjudicate student conduct matters that are not resolving allegations that would constitute Title IX sexual harassment within the university's Title IX jurisdiction, and where possible sanctions do not include suspension for more than 10 instructional days, expulsion, loss of recognition, or revocation of degree. Also referred to as a "conduct officer hearing" or "brief adjudicative proceeding."

(5) CCR. The university's office of compliance and civil rights.

(6) CCS. The university's center for community standards.

(7) Complainant. Any person who is the alleged victim of prohibited student conduct, whether or not such person has made an actual complaint.

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

(9) Conduct officer. A university official authorized by the dean of students or their designee to initiate, manage, and/or adjudicate certain student conduct matters in accordance with WAC 504-26-401 and 504-26-402.

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

(11) Full adjudication. The process by which a conduct board adjudicates matters involving possible suspension of greater than 10 instructional days, expulsion, loss of recognition, revocation of degree, or other matters as determined by the university. Also referred to as "formal adjudication," "formal (or full) adjudicative proceeding," or "conduct board hearing."

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

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

(14) Parties. The parties to a student conduct proceeding must include the university and the respondent. The parties in a student conduct matter where the allegations, if true, would constitute Title IX sexual harassment within the university's Title IX jurisdiction must also include the complainant(s). The university may designate other complainants as parties to conduct proceedings including, but not limited to, harmed parties. The dean of students or their designee determines party status for complainants.

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

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

(17) Standards of conduct. The standards of conduct for students outlined in this chapter.

(18) Student. For the purposes of this chapter, any person who:

(a) Is enrolled in at least one undergraduate, graduate, or professional studies course at the university;

(b) Has been notified of their acceptance for admission but has not yet registered for their course(s);

(c) Is eligible to reenroll in classes without reapplying.

(19) Title IX. Title IX of the Education Amendments Act of 1972, 20 U.S.C. 1681 and its implementing 34 C.F.R. Part 106.

(20) University. Washington State University.

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

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

AMENDATORY SECTION (Amending WSR 21-07-057, filed 3/15/21, effective 4/15/21)

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

(2) Off-campus conduct. In addition to subsection (1) of this section, the standards of conduct may apply to conduct that occurs off

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university premises and not in connection with university-sponsored activities, if the conduct adversely affects the health and/or safety of the university community or the pursuit of the university's vision, mission, or values.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) These standards of conduct.

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

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

AMENDATORY SECTION (Amending WSR 21-07-057, filed 3/15/21, effective 4/15/21)

WAC 504-26-020 Advisors and representatives. (1) Advisors. Any party may have an advisor of their choice, provided that person agrees to serve as an advisor, to be present during all stages of a conduct process. A list of university employees who are trained advisors is provided upon a party's request. Advisors can provide support at no cost to the party. Advisors may assist any party engaged in the conduct process and attend meetings and hearings. Advisors may not be witnesses to the alleged behavior. Advisors may not be employed in CCS.

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

(3) Advisors in conduct board hearings. As with all other conduct meetings and conduct officer hearings, advisors are not permitted to speak on behalf of parties, except that in conduct board hearings, advisors are permitted to ask relevant cross-examination questions as instructed by a party.

(4) Representatives. A party may choose to be represented during a full adjudication, at their own expense. Only persons currently admitted to practice law, including licensed legal interns, are permitted to act as representatives. Representatives are not permitted in conduct officer hearings; however, persons currently admitted to practice law may participate as advisors in conduct officer hearings.

(5) As a condition of participation in the conduct process, CCS may require advisors and representatives to sign a statement agreeing to comply with legal requirements and university rules including, but

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not limited to, requirements related to confidentiality of student information.

(6) Questions regarding logistical and administrative issues are to be directed to the presiding officer or conduct officer, who may impose reasonable conditions upon participation of advisors and representatives.

AMENDATORY SECTION (Amending WSR 18-23-083, filed 11/19/18, effective 12/20/18)

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

AMENDATORY SECTION (Amending WSR 18-23-083, filed 11/19/18, effective 12/20/18)

WAC 504-26-040 Presumptions and standard of proof. Respondents are presumed "not responsible" for alleged violations. Any violation must be proven by a preponderance of the evidence, meaning that it is more likely than not that the violation occurred.

AMENDATORY SECTION (Amending WSR 22-07-043, filed 3/14/22, effective 4/14/22)

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

(2) The sexual history of a complainant is not relevant and not admissible in a student conduct proceeding unless such evidence about the complainant's sexual predisposition or prior sexual behavior is offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

(3) Parties may choose to remain silent during conduct proceedings, recognizing that they give up the opportunity to explain their version of events and that the decision is made based on the

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information presented at the hearing. No party must be compelled to give self-incriminating evidence, and no negative inference will be drawn from a party's refusal to participate in any stage of the conduct proceeding. If either party does not attend or participate in a hearing, the conduct officer or conduct board may resolve the matter based on the information available at the time of the hearing.

AMENDATORY SECTION (Amending WSR 21-07-057, filed 3/15/21, effective 4/15/21)

WAC 504-26-050 Supportive measures. (1) While a student conduct matter is pending, the university may take a number of supportive measures on an interim basis to ensure the preservation of the educational experience and the overall university environment of the parties.

(a) These actions may include, but are not limited to:

(i) A no-contact directive assigned to any party;

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

(iii) Changes in academic schedules or assignments for one or more involved parties.

(b) These actions for registered or recognized student organizations may include, but are not limited to:

(i) Loss of recognition;

(ii) Restriction of specified operational activities.

(2) University departments implementing supportive measures must coordinate with CCS, which advises the parties of the supportive measures and the process for challenging them. For matters involving the university's executive policy 15, the departments must also consult with CCR regarding supportive measures. Supportive measures are not sanctions and do not imply or assume responsibility for a violation of the standards of conduct.

AMENDATORY SECTION (Amending WSR 18-23-083, filed 11/19/18, effective 12/20/18)

WAC 504-26-100 Presiding officers. Full adjudicative proceedings are conducted by the conduct board and are presided over by an individual who is licensed to practice law in the state of Washington and has judicial training. The presiding officer's role is to ensure a fair and impartial process and is limited to making procedural and evidentiary rulings and handling logistical and other matters related to facilitating the proceedings to ensure compliance with legal requirements. The presiding officer must transmit a full and complete record of the proceedings to CCS and the conduct board, including such comments upon demeanor of witnesses as the presiding

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officer deems relevant, in accordance with RCW 34.05.461. The presiding officer does not vote and is not considered for purposes of creating a quorum of the conduct board.

AMENDATORY SECTION (Amending WSR 18-23-083, filed 11/19/18, effective 12/20/18)

WAC 504-26-105 Recruitment, appointment, and term of conduct and appeals board members. A committee comprised of students, staff, and/or faculty members and convened by the dean of students selects a pool of members of the university community to serve as conduct board members and appeals board members. Pool members are approved by the university president and must be in good standing with the university. Pool members serve a maximum term of four calendar years but may apply to serve another four-year term after a break of two years. Terms of pool members are staggered. CCS is not involved in the recruitment or application processes for board members.

AMENDATORY SECTION (Amending WSR 20-07-075, filed 3/16/20, effective 4/16/20)

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

AMENDATORY SECTION (Amending WSR 18-23-083, filed 11/19/18, effective 12/20/18)

WAC 504-26-115 Composition of appeals board. An appeals board must consist of at least three members. A quorum of three is needed to review a matter. A minimum of one appeals board member hearing a matter must be a student. The remaining members may be students, or full-time or part-time faculty or staff of any rank or classification. No appeals board member may serve on a case if the member previously served on a board in a case involving the same complainant or

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respondent. One member of the appeals board serves as the chair of the board. The chair is responsible for ensuring a fair and impartial process and is a voting member of the appeals board.

AMENDATORY SECTION (Amending WSR 21-07-057, filed 3/15/21, effective 4/15/21)

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

- (a) Diversity, equity, inclusion, and implicit bias;
- (b) Student development and student conduct philosophies, including the educational component of the student conduct process;
- (c) Fair and equitable decision making, including:
 - (i) Due process;
 - (ii) Standards of proof;
 - (iii) Relevant and admissible evidence;
 - (iv) Conflict of interest; and
 - (v) Identifying bias;
- (d) Sexual assault and gender-based violence;
- (e) Alcohol and drug prevention;
- (f) Sanctioning principles and guidelines; and
- (g) Title IX regulatory definitions, jurisdiction, and grievance processes.

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

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

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

- (a) Diversity, equity, inclusion, and implicit bias;
- (b) Student development and student conduct philosophies, including the educational component of the student conduct process;
- (c) Title IX regulatory definitions, jurisdiction, and grievance processes.

(4) Renewal of training. Training must be renewed on a biennial basis.

AMENDATORY SECTION (Amending WSR 18-23-083, filed 11/19/18, effective 12/20/18)

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

(2) Requesting recusal of conduct officers and board members. A party requesting recusal of a conduct officer or conduct/appeals board member must demonstrate good cause. For conduct board members, the presiding officer is responsible for granting or denying requests. For conduct officers and appeals board members, the dean of students or designee is responsible for granting or denying requests.

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

AMENDATORY SECTION (Amending WSR 18-23-083, filed 11/19/18, effective 12/20/18)

WAC 504-26-201 Misconduct—Rules and regulations. Any student or recognized or registered student organization found to have committed, assisted, conspired, or attempted to commit the following misconduct (WAC 504-26-202 through 504-26-230) is subject to the disciplinary sanctions outlined in WAC 504-26-425.

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

WAC 504-26-202 Acts of dishonesty. Acts of dishonesty are defined as:

(1) Academic integrity violations.

(2) Knowingly furnishing false information, knowingly omitting relevant information, or knowingly misrepresenting information to any person, including university officials, faculty members, or administrators. It is not a violation of this section to refuse to give self-incriminating evidence to a university official, faculty member, or administrator. (See WAC 504-26-045.)

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

(4) Fraud.

AMENDATORY SECTION (Amending WSR 18-23-083, filed 11/19/18, effective 12/20/18)

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WAC 504-26-203 Disruption or obstruction. Students have the right to freedom of speech, including the right to dissent and protest, but this expression may not interfere with the rights of others or substantially disrupt or materially interfere with the university's activities. Time, place, and manner restrictions apply. (See chapter 504-33 WAC.) Behavior prohibited by this section is:

(1) Substantial disruption or material interference with the university's activities by any means including use of telephone, computer, or some other medium. University activities include, but are not limited to, teaching, research, administration, or disciplinary proceedings. University activities may also include activities of other entities that are authorized to be conducted on the university premises.

(2) Obstruction of the free flow of persons, including pedestrian or vehicular traffic on university premises or at university-sponsored or supervised functions.

(3) Conduct that substantially prevents any member of the university community from completing their duties.

AMENDATORY SECTION (Amending WSR 21-07-057, filed 3/15/21, effective 4/15/21)

WAC 504-26-204 Physical harm or direct threat.

Physical harm, direct threats, and/or other conduct that undermines the safety of the university community or any person.

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

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

AMENDATORY SECTION (Amending WSR 21-07-057, filed 3/15/21, effective 4/15/21)

WAC 504-26-206 Hazing. (1) Hazing includes any act committed as part of a person's recruitment, initiation, pledging, admission into, or affiliation with a recognized or registered student organization, athletic team, or living group, or any pastime or amusement engaged in with respect to such an organization, athletic team, or living group that causes, or is likely to cause, bodily danger or physical harm, or psychological or emotional harm, regardless of the person's willingness to participate.

(2) Hazing activities may include, but are not limited to:

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- (a) Use of alcohol during activities targeted towards new members;
 - (b) Striking another person whether by use of any object or one's body;
 - (c) Creation of excessive fatigue;
 - (d) Physical and/or psychological shock;
 - (e) Morally degrading or humiliating games or activities;
 - (f) Causing, directing, coercing, or forcing a person to consume any food, liquid, alcohol, drug, or other substance regardless of the person's willingness to participate;
 - (g) Unreasonable or unnatural physical activity.
- (3) Hazing does not include practice, training, conditioning and eligibility requirements for customary athletic events such as intramural or club sports and NCAA athletics, or other similar contests or competitions.
- (4) Hazing is prohibited both on and off campus.

AMENDATORY SECTION (Amending WSR 21-07-057, filed 3/15/21, effective 4/15/21)

WAC 504-26-209 Violation of university policy, rule, or regulation. Violation of any university policy, rule, or regulation published electronically on the university website or in hard copy including, but not limited to, the university's alcohol and drug policy, executive policy 15, and housing and residence life policy.

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

WAC 504-26-211 Drugs and drug paraphernalia. Use, possession, manufacture, or distribution of cannabis, narcotics, or other controlled substances, or drug paraphernalia except as permitted by federal, state, and local law.

AMENDATORY SECTION (Amending WSR 15-11-041, filed 5/14/15, effective 6/14/15)

WAC 504-26-212 Alcohol. Use, possession, manufacture, or distribution of alcoholic beverages to any person under 21 years old or by any person under 21 years old (except as expressly permitted by university regulations, and federal, state, and local laws), or public intoxication at any age.

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AMENDATORY SECTION (Amending WSR 20-07-075, filed 3/16/20, effective 4/16/20)

WAC 504-26-213 Firearms and dangerous weapons. No student may possess or use any firearm (including airsoft guns), explosive (including fireworks), dangerous chemicals (excluding pepper spray), or other dangerous weapons or instrumentalities (including tasers) on university premises. This prohibition does not apply to possession of such items for authorized university purposes; possession of such items by authorized law enforcement officers; or individuals who have obtained prior written approval from the university chief of police, president, or designee.

AMENDATORY SECTION (Amending WSR 21-07-057, filed 3/15/21, effective 4/15/21)

WAC 504-26-217 Unauthorized use of electronic or other devices. Making an audio, digital, or video record of any person without their prior knowledge, or without their effective consent when such a recording is of a private conversation or of images taken of a person(s) at a time and place where they would reasonably expect privacy and where such images are likely to cause injury or distress.

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

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

- (1) Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.
- (2) Unauthorized transfer of a file.
- (3) Unauthorized use of computer hardware.
- (4) Unauthorized use of another individual's identification, password, or multifactor authentication credentials.
- (5) Use of computing facilities and resources in violation of any law, including copyright laws.
- (6) Any violation of the university computer use policy found in the university's executive policy 4 (electronic communication policy).

AMENDATORY SECTION (Amending WSR 21-07-057, filed 3/15/21, effective 4/15/21)

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WAC 504-26-219 Abuse of the student conduct system. Abuse of the student conduct system is defined as:

- (1) Filing fraudulent charges or initiating a university conduct proceeding in bad faith.
- (2) Attempting to discourage an individual's proper participation in, or use of, the student conduct system.
- (3) Attempting to influence the impartiality of a member of the university conduct system prior to, and/or during the course of, any university conduct board proceeding.
- (4) Harassment (verbal, written, or physical) and/or intimidation of a member of a university conduct board, any individual involved in the conduct process, or any conduct officer before, during, and/or after any university conduct proceeding.
- (5) Failure to comply with or failure to complete any sanction(s) assigned under the standards of conduct.
- (6) Violation of probation or any probationary conditions.

AMENDATORY SECTION (Amending WSR 21-07-057, filed 3/15/21, effective 4/15/21)

WAC 504-26-220 Discriminatory harassment. (1) Unwelcome, intentional conduct on the basis of race; sex and/or gender; sexual orientation; gender identity or expression; religion; age; color; creed; national or ethnic origin; marital status; genetic information; status as an honorably discharged veteran or member of the military; physical, mental, or sensory disability (including disability requiring the use of a trained service animal); or immigration or citizenship status, except as authorized by federal or state law, regulation, or government practice, which is so severe or pervasive, and objectively offensive, that it substantially and unreasonably:

- (a) Interferes with, or has the potential to interfere with, an individual's ability to participate in university employment, education, programs, or activities;
- (b) Adversely alters the condition of an individual's university employment, education, or participation status;
- (c) Creates an objectively abusive employment, program, or educational environment; or
- (d) Results in a material or substantial disruption of the university's operations or the rights of students, staff, faculty, visitors, or program participants.

(2) In determining if conduct is harassing, the totality of the circumstances are assessed including, but not limited to, the following factors:

- (a) Severity;
- (b) Frequency of the discrimination;
- (c) Status of the reporting and responding parties and their relationship to each other;
- (d) Physicality, threats, or endangerment; and

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(e) Whether or not the conduct could be reasonably considered protected speech or serving some other lawful purpose.

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

WAC 504-26-224 Reckless endangerment. Engaging in conduct that creates an unreasonable risk of harm to another person or property. Reckless endangerment includes, but is not limited to, operating a motor vehicle while intoxicated.

AMENDATORY SECTION (Amending WSR 21-07-057, filed 3/15/21, effective 4/15/21)

WAC 504-26-227 Sexual harassment. Unwelcome, intentional conduct, on the basis of sex and/or gender, which is so severe or pervasive, and objectively offensive, that it substantially and unreasonably:

(1) Interferes with, or has the potential to interfere with, an individual's ability to participate in university employment, education, programs, or activities;

(2) Adversely alters the condition of an individual's university employment, education, or participation status;

(3) Creates an objectively abusive employment, program, or educational environment; or

(4) Results in a material or substantial disruption of the university's operations or the rights of students, staff, faculty, visitors, or program participants.

AMENDATORY SECTION (Amending WSR 21-07-057, filed 3/15/21, effective 4/15/21)

WAC 504-26-401 Initiating conduct proceedings. (1) Complaints. Any member of the university community may submit a complaint that a student or recognized or registered student organization violated the standards of conduct. In matters that would constitute a violation of executive policy 15, the complaint must be initiated through CCR. In addition, CCS may initiate conduct proceedings when it receives any direct or indirect report of conduct that may violate the standards of conduct.

(2) Decision not to initiate the community standards process. Except as provided below, after reviewing the initial information, if the conduct officer determines that additional action from CCS is not warranted, the conduct officer dismisses the matter. If the conduct

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officer decides not to initiate a conduct proceeding, the conduct officer must notify the reporting party in writing of the decision, the reasons for the decision, and how to seek review of the decision. Conduct matters may be reopened if new relevant information becomes known. A conduct officer cannot dismiss a matter received from CCR where CCR completed a formal investigation implicating Title IX sexual harassment within the university's Title IX jurisdiction, as defined by university executive policy 15, regardless of the investigation's outcome. In such cases, the conduct officer must refer the matter to a conduct board hearing, which must be held within 60 days of the date the CCR formal investigation report was received, unless good cause exists to extend the date of the hearing or the matter is resolved through agreement or alternative dispute resolution.

(3) Agreement and alternative dispute resolution. A conduct officer may resolve a matter by agreement. Agreements may be reached directly or through alternative dispute resolution including, but not limited to, shuttle diplomacy or mediation. When resolution of a matter is reached by agreement or alternative dispute resolution, the agreement must be in writing and signed by the parties and the conduct officer. In the agreement, the parties must be advised in writing that:

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

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

(4) Referral for adjudication. Except as provided in subsection (2) of this section, if CCS determines that a conduct hearing is warranted, and the matter is not resolved through agreement or alternative dispute resolution, the matter is handled through either a conduct officer hearing (brief adjudication) in accordance with WAC 504-26-402, or conduct board hearing (full adjudication) in accordance with WAC 504-26-403. In determining which process is appropriate, CCS considers factors including, but not limited to, the nature and severity of the allegations, the respondent's past contacts with CCS, and the range of possible sanctions that could be assigned. A student may request that a conduct board hear the case, but the final decision regarding whether to refer the matter to the conduct board for hearing is made by CCS and is not subject to appeal.

AMENDATORY SECTION (Amending WSR 21-07-057, filed 3/15/21, effective 4/15/21)

WAC 504-26-402 Conduct officer hearings (brief adjudications).

(1) The majority of student conduct matters are adjudicated through conduct officer hearings. However, conduct officer hearings are not used to adjudicate matters in which the respondent faces possible sanctions of suspension for more than 10 instructional days,

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expulsion, or revocation of degree or when a recognized or registered student organization faces possible loss of recognition. In addition, conduct officer hearings generally are not used to adjudicate matters in which the respondent faces allegations of sexual misconduct, as that term is defined in WAC 504-26-221.

(2) Notice of hearing. The conduct officer must provide the parties with written notice no later than seven calendar days prior to the conduct officer hearing. The notice must include:

(a) A brief description of the factual allegations or issues involved;

(b) The specific standard of conduct provision(s) the respondent is alleged to have violated;

(c) The time, date, and place of the hearing or process by which a respondent may schedule the hearing;

(d) Information regarding what to expect during the student conduct process and student rights including, but not limited to:

(i) A statement that the parties have the right to have an advisor present at the hearing;

(ii) A statement regarding the right not to self-incriminate in accordance with WAC 504-26-045;

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

(e) Available resources, including how to access an information session and legal resources in the community;

(f) A statement that any request to modify the time or date of the conduct officer hearing should be addressed to CCS;

(g) A statement that indicates that respondents are presumed "not responsible" for the pending allegations;

(h) A statement that violations are determined by a preponderance of the evidence, meaning that it is more likely than not that the violation occurred.

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

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

(i) Find the respondent responsible for any or all of the alleged violations and assign sanctions as provided in WAC 504-26-425 within the limitations described in subsection (1) of this section;

(ii) Find the respondent not responsible for any or all of the alleged violations;

(iii) Dismiss the matter with no finding regarding responsibility, in which case the matter may be reopened at a later date if relevant new information becomes known; or

(iv) Refer the matter to the conduct board.

(4) Notice of decision and right to appeal. The conduct officer notifies the parties in writing of the decision within 10 calendar

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days of the conduct officer hearing. This is the initial order of the university and must include:

- (a) Description of the allegations that initiated the community standards process;
- (b) Description of procedural steps taken from the receipt of the formal complaint up to and including the university conduct board hearing;
- (c) Appropriately numbered findings of fact and conclusions;
- (d) The sanction(s) and/or remedy(ies) to be assigned, if any, and the rationale for the sanction(s) and/or remedy(ies);
- (e) Information regarding the parties' right to appeal according to WAC 504-26-420, including the time frame for seeking review; and
- (f) Notice that the initial order becomes final unless an appeal is filed within 20 calendar days of the date the initial order is sent to the parties.

AMENDATORY SECTION (Amending WSR 21-07-057, filed 3/15/21, effective 4/15/21)

WAC 504-26-403 Conduct board hearings (full adjudications). (1)

Conduct board hearings are used in matters in which the respondent faces possible sanctions of suspension for more than 10 instructional days, expulsion, or revocation of degree and matters in which a recognized or registered student organization faces possible loss of recognition. In addition, conduct board hearings are generally used to adjudicate matters in which the respondent faces allegations of sexual misconduct, as that term is defined in WAC 504-26-221. Other matters may be referred to a conduct board at the discretion of CCS.

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

(3) Notice of hearing. Notice to the parties of a conduct board hearing must comply with model rule WAC 10-08-040 and standards of conduct rule WAC 504-26-035. In addition, information regarding the student conduct process and student rights, as required by WAC 504-26-401 must be provided.

(4) Time for conduct board hearings. The conduct board hearing is scheduled not less than seven calendar days after the parties have been sent notice of the hearing.

In accordance with WAC 10-08-090, requests to extend the time and/or date for hearing must be addressed to the presiding officer. A request for extension of time is granted only upon a showing of good cause.

(5) Subpoenas. Subpoenas may be issued and enforced in accordance with model rule WAC 10-08-120. In determining whether to issue, quash,

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or modify a subpoena, the presiding officer must give due consideration to state and federal legal requirements including, but not limited to, Title IX, its implementing regulations, and guidance issued by the federal Office for Civil Rights. The party requesting the subpoena has the burden of showing that a subpoena is necessary for full disclosure of all the relevant facts and issues.

(6) Discovery. Depositions, interrogatories, and physical or medical examinations of parties are not permitted in adjudications of student conduct matters. Other forms of discovery may be permitted at the discretion of the presiding officer; however, discovery should be limited to help ensure the prompt completion of the adjudication process.

(7) Cross-examination. As required by RCW 34.05.449, cross-examination of witnesses is permitted to the extent necessary for full disclosure of all relevant facts and issues. Cross-examination is conducted orally through the party's advisor or representative. If a party does not have an advisor or representative, an advisor is provided by the university free of charge to conduct cross-examination on that party's behalf. Advisors and representatives are required to engage in cross-examination questioning in a respectful manner. In no circumstance may the complainant or respondent be permitted to cross-examine each other directly. Before any witness or party may answer a cross-examination question, the presiding officer must first determine whether the question is relevant. The presiding officer must instruct parties or witnesses not to answer cross-examination questions that are irrelevant, immaterial, or unduly repetitious.

(8) Decision requirements. Decisions regarding responsibility and sanctions are made by a majority of the conduct board hearing the matter.

(9) Notice of decision and right to appeal. Within 10 calendar days of the completion of the hearing, the conduct board must issue a decision simultaneously to all parties, which is the initial order of the university and must contain the following:

(a) Description of the allegations that initiated the community standards process;

(b) Description of procedural steps taken from the receipt of the formal complaint up to and including the university conduct board hearing;

(c) Appropriately numbered findings of fact and conclusions;

(d) The sanction(s) and/or remedy(ies) to be assigned, if any, and the rationale for the sanction(s) and/or remedy(ies);

(e) Information regarding the parties' right to appeal according to WAC 504-26-420, including the time frame for seeking review; and

(f) Notice that the initial order becomes final unless an appeal is filed within 20 calendar days of the date the initial order is sent to the parties.

AMENDATORY SECTION (Amending WSR 21-07-057, filed 3/15/21, effective 4/15/21)

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

(2) Circumstances warranting emergency suspension.

(a) For matters which would not constitute Title IX sexual harassment within the university's Title IX jurisdiction, as defined by university executive policy 15, emergency suspension may be assigned only in situations when the dean of students or a vice chancellor for student affairs (in consultation with CCS), or their designee, has cause to believe that the student:

(i) Has violated any provision of the standards of conduct; and

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

(b) For matters which would constitute Title IX sexual harassment within the university's Title IX jurisdiction, as defined by university executive policy 15, emergency suspension may be assigned only in a situation where the dean of students or a vice chancellor for student affairs (in consultation with CCS), or their designee, has engaged in an individualized safety and risk analysis, and determines that removal is justified because the student:

(i) Has violated any provision of the standards of conduct; and

(ii) Is an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Title IX sexual harassment.

(3) Procedure. The dean of students or a vice chancellor for student affairs, or their designee, ordering an emergency suspension must send the student a written notice of emergency suspension. The notice must contain the reasons for the decision (both the factual basis and the conclusions as to why those facts constitute a violation of the standards of conduct), the policy reasons for the emergency suspension, and the process to challenge the decision. The emergency suspension does not replace the regular hearing process, which must proceed to a conduct officer hearing or conduct board hearing, as applicable, as quickly as feasible. Once a final order is entered, any emergency suspension is lifted and the sanction, if any, set forth in the final order is assigned.

(4) Challenge of the decision. The student can challenge the emergency suspension decision within 10 calendar days of the date of notice. Challenges are reviewed by the vice president for student affairs or their designee, provided the designee is not the same person who made the original emergency suspension decision. The vice

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president for student affairs or designee has 10 calendar days to respond to the review and can uphold, reverse, or modify the emergency suspension. The submission of a challenge does not stay the emergency suspension decision.

AMENDATORY SECTION (Amending WSR 21-07-057, filed 3/15/21, effective 4/15/21)

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

(a) When a responsible instructor believes that an academic integrity violation has occurred, the instructor must assemble the evidence and, upon reasonable notice to the respondent of the date, time, and nature of the allegations, make reasonable attempts to meet with the respondent suspected of committing an academic integrity violation.

(b) If the respondent admits that they committed an academic integrity violation, the instructor assigns an outcome in keeping with published course policies and notifies CCS in writing, including the allegations, the respondent's admission, and the sanctions assigned.

(c) If the instructor is unable to meet with the respondent or if the respondent disputes the allegation(s) and/or the outcome proposed by the instructor, the instructor must make a determination as to whether the respondent did or did not commit an academic integrity violation based on a preponderance of the evidence standard, meaning that it is more likely than not that the violation occurred. If the instructor finds that the respondent was in violation, the instructor must provide the respondent and CCS with a written determination, the evidence relied upon, and the sanctions assigned.

(d) The respondent has 21 calendar days from the date of the decision letter to request review of the instructor's determination and/or sanction(s) assigned to the academic integrity hearing board.

(2) Review.

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

(b) The academic integrity hearing board must consist of a minimum of three members. A quorum of three is needed to review a matter. A minimum of one academic integrity hearing board member must be an enrolled student. The remaining members may be students, or full-time or part-time faculty of any rank or classification. No academic integrity hearing board member may serve on a case if the member previously served on a board in a case involving the same student.

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

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

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

(d) Academic integrity hearing board proceedings.

(i) Any respondent appealing a responsible instructor's finding of an academic integrity violation is provided written notice of an academic integrity hearing board hearing in accordance with WAC 504-26-035. The written notice must include:

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

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

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

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

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

(ii) Time for hearings.

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

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

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

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

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

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

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

(E) The responsible instructor and the respondent may arrange for witnesses to present relevant information to the academic integrity hearing board. Witnesses must provide written statements to the

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conduct officer at least two weekdays before the hearing. The respondent is responsible for informing their witnesses of the time and place of the hearing. Witnesses provide information to and answer questions from the academic integrity hearing board, the responsible instructor, and the respondent, as appropriate. The respondent and/or responsible instructor may submit written questions to be answered by each other or by other witnesses. Written questions are submitted to, and asked by, the academic integrity hearing board chair. This method is used to preserve the educational tone of the hearing and to avoid creation of an unduly adversarial environment, and to allow the board chair to determine the relevancy of questions. Questions concerning whether potential information may be received are resolved at the discretion of the academic integrity hearing board chair, who has the discretion to determine admissibility of information.

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

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

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

(I) The respondent is notified of the academic integrity hearing board's decision within 20 calendar days from the date the matter is heard. The respondent must receive written notice of the decision, the reasons for the decision (both the factual basis therefore and the conclusions as to how those facts apply to the academic integrity policies), and the sanction.

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

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

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

(3) If the reported violation is the respondent's first offense, CCS ordinarily requires the respondent to attend a workshop separate

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from, and in addition to, any academic outcomes assigned by the instructor.

(4) If the reported violation is the respondent's second offense, the respondent is ordinarily referred for a full adjudicative hearing in accordance with WAC 504-26-403, to determine appropriate sanctions, which may include expulsion from the university.

(5) If the instructor or academic integrity hearing board determines that the act of academic dishonesty for which the respondent is found responsible is particularly egregious in light of all attendant circumstances, the instructor or academic integrity hearing board may direct that the respondent's case be referred to the conduct board with a recommendation for expulsion from the university even if it is the respondent's first offense.

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

AMENDATORY SECTION (Amending WSR 21-07-057, filed 3/15/21, effective 4/15/21)

WAC 504-26-420 Appeals. (1) Time for appeals. Decisions made by a conduct officer or conduct board become final on the 21st calendar day after the date the decision is sent to the parties, unless an appeal is submitted within 20 calendar days of the date the decision is sent to the parties.

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

(3) Appeals of conduct officer decisions. Upon receipt of a timely appeal, CCS provides the other parties, if applicable, with a copy of the appeal and an opportunity to respond within 10 calendar days. The appeals board then conducts a limited review as described below.

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

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

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

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

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

(v) To consider whether or not the university had jurisdiction per WAC 504-26-015 to address the situation through the community standards process. In cases implicating the university's executive policy 15, the appeals board must consult with the university's Title IX coordinator; or

(vi) To consider whether the Title IX coordinator, investigator(s), or decision maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

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

(4) Appeals of conduct board decisions. Upon receipt of a timely appeal, CCS provides the other parties, if applicable, with a copy of the appeal and an opportunity to respond within 10 calendar days.

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

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

(6) Appeals board decisions.

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

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

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

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

(b) Content of decision. The decision includes the outcome, any sanction, and a brief statement of the reasons for the decision. The letter must advise the parties that judicial review may be available.

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For appeals of conduct board hearings, the decision includes, or incorporates by reference to the conduct board's decision, all matters as set forth in WAC 504-26-403.

(c) Service and effective date of decision. For appeals of conduct officer decisions, the appeals board's decision must be sent simultaneously to the parties within 20 calendar days of receipt of the appeal. For appeals of conduct board decisions, the appeals board's decision must be sent simultaneously to the parties within 30 calendar days of receipt of the appeal, unless the appeals board notifies the parties in writing that additional time (up to 90 calendar days) is needed. The appeals board's decision is the final order of the university, except in the case of remand, and is effective when sent.

(7) Reconsideration of final orders. Within 10 calendar days of service of a final order, any party may submit a request for reconsideration. The request must be in writing, directed to the appeals board, and must state the reasons for the request. The request for reconsideration does not stay the effective date of the final order. However, the time for filing a petition for judicial review does not commence until the date the appeals board responds to the request for reconsideration or 21 calendar days after the request has been submitted, whichever is sooner. If the appeals board does not respond to the request for reconsideration within 21 calendar days, the request is deemed to have been denied.

(8) Stay. A party may request that the university delay the date that the final order becomes effective by requesting a stay in writing to the appeals board within 10 calendar days of the date the order was served.

AMENDATORY SECTION (Amending WSR 21-07-057, filed 3/15/21, effective 4/15/21)

WAC 504-26-425 Sanctions. (1) Publication of guidelines for sanctioning. Sanctioning guidelines and other information regarding sanctioning must be published on the university website. Guidelines must explain in plain language the types of sanctions that a respondent may face for a particular violation and the factors that are used to determine the sanction(s) assigned for a particular violation.

(2) Factors for sanctioning must include, but not be limited to, the following:

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

(b) Malicious intent. If a respondent is found to have intentionally selected a victim based upon the respondent's perception of the victim's race, color, religion, national or ethnic origin, age, sex/gender, marital status, status as an honorably discharged veteran

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or member of the military, sexual orientation, genetic information, gender identity/expression, or mental, physical, or sensory disability (including disability requiring the use of a trained service animal), such finding is considered an aggravating factor in determining a sanction for such conduct;

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

(d) Applicable local, state, or federal laws that define sanctioning.

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

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

(a) Warning. A notice in writing to the respondent that the respondent is violating or has violated the standards of conduct.

(b) Probation. Formal action placing conditions upon the respondent's continued attendance, recognition, or registration at the university. Probation is for a designated period of time and warns the respondent that suspension, expulsion, loss of recognition, or any other sanction outlined in this section may be assigned if the respondent is found to have violated the standards of conduct or any institutional regulation(s) or fails to complete any conditions of probation during the probationary period. A respondent on probation is not eligible to run for or hold an office in any recognized or registered student group or organization; they are not eligible for certain jobs on campus including, but not limited to, resident advisor or orientation counselor; and they are not eligible to serve on the university conduct or appeals board.

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

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

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

(f) Community service. Assignment of service hours (not to exceed 80 hours per respondent or per member of a recognized or registered student organization).

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

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

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(i) University suspension. Separation of the respondent from the university for a definite period of time. The respondent may be required to request readmission after completing a suspension per other university policy.

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

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

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

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

(n) Loss of recognition. A recognized or registered student organization's recognition (or ability to register) may be withheld permanently or for a specific period of time. Loss of recognition is defined as withholding university services, privileges, or administrative approval from a recognized or registered student organization. Services, privileges, and approval to be withdrawn include, but are not limited to, intramural sports (although individual members may participate), information technology services, university facility use and rental, student involvement office organizational activities, and their liaison relationship with the center for fraternity and sorority life.

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

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

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

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

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(s) Remedies. Sanctions designed to restore or preserve a complainant's equal access to the university's educational programs or activities.

AMENDATORY SECTION (Amending WSR 21-07-057, filed 3/15/21, effective 4/15/21)

WAC 504-26-504 Interpretation—Policies, procedures, and guidelines. (1) The dean of students or designee has authority to interpret these rules and develops policies, procedures, and guidelines for the administration of the university's student conduct system that are consistent with the provisions in this chapter. These must be published, at a minimum, on the university website. A link to the website must be provided to parties during their initial contact from CCS.

(2) Definitions from these standards are incorporated into the university's executive policy 15.

AMENDATORY SECTION (Amending WSR 18-23-083, filed 11/19/18, effective 12/20/18)

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

[Statutory Authority: RCW 28B.30.150. WSR 18-23-083, § 504-26-510, filed 11/19/18, effective 12/20/18.]

AMENDATORY SECTION (Amending WSR 21-07-057, filed 3/15/21, effective 4/15/21)

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

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The standards of conduct and the student conduct system as a whole are reviewed every three years under the direction of the dean of students or designee. The student government council is asked to provide recommendations and input on proposed changes. After completion of any adjudication or other resolution of a student conduct matter, CCS must send a survey to all parties requesting feedback on the process. Feedback results must be reviewed, at a minimum, every three years in connection with the periodic review and assessment.

AMENDATORY SECTION (Amending WSR 18-23-083, filed 11/19/18, effective 12/20/18)

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

AMENDATORY SECTION (Amending WSR 18-23-083, filed 11/19/18, effective 12/20/18)

WAC 504-26-530 Recordkeeping and confidentiality. (1) Removal of conduct record. A student may request removal of a single disciplinary violation from their record. Granting such a request is discretionary, and the student must make such a request in accordance with university policies and procedures.

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

(3) The conduct record is confidential and is released only as authorized under the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. Sec. 1232g; 34 C.F.R. Part 99) and chapter 504-21 WAC, University policy on student education records. Situations where CCS may release records include, but are not limited to, releases:

(a) To another educational institution, upon request, where the student seeks or intends to enroll;

(b) To a parent or legal guardian, if a student under the age of 21 is found responsible for a drug or alcohol violation;

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- (c) To comply with legally served search warrants and subpoenas;
 - (d) To other university employees, if there is an educational need for the employee to know the information;
 - (e) To inform the complainant of the outcome of any conduct proceeding involving a crime of violence as defined by FERPA;
 - (f) To inform the complainant of the outcome of any conduct proceeding alleging dating violence, domestic violence, sexual assault, or stalking as defined by the Clery Act (34 C.F.R. 668.46(k) (2) (v) (A)).
- (4) A student may request a copy of their own conduct record at their own reasonable expense by making a written request to CCS.
- (5) Personally identifiable student information is redacted to protect other students' privacy, except as otherwise required by law.
- (6) A student may authorize release of their own conduct record to a third party in compliance with FERPA by making a written request to CCS.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 504-26-214	Disruptive activity.
WAC 504-26-215	Obstruction.
WAC 504-26-216	Disorderly conduct.
WAC 504-26-226	Violation of a disciplinary sanction.

ACTION ITEM #2

Proposed Revisions to the Washington Administrative Code (WAC) Chapter 504-28 – Policies and Regulations Applying to All Student Organizations (Elizabeth S. Chilton/Ellen Taylor)

November 18, 2022

TO ALL MEMBERS OF THE BOARD OF REGENTS

SUBJECT: Proposed Revisions to WAC Chapter 504-28 - Policies and regulations applying to all student organizations (student organizations)

PROPOSED: That the Board of Regents approve the proposed revisions to WAC 504-28 - Policies and regulations applying to all student organizations (student organizations)

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

SUPPORTING INFORMATION: WAC 504-28 outlines roles, responsibilities, expectations, and processes for registered student organizations to operate on our WSU campuses. After review, which included consultation with student leaders and student organization advisers, some relatively minor changes are being recommended.

Proposed changes include:

1. Use of “recognized” or “registered” – improves consistency of terminology; more accurately references student organizations relative to their affiliation
2. Elected Officers eligibility – formalizes the need for elected student leaders of organizations to maintain good standing with the University both in and out of the classroom
3. Student Organization records – eliminates requirement for student organizations to complete regular reports. With newer technology, this information is tracked and retained in real time through systems in place to support our student organizations.

The proposed changes will be presented to the Board of Regents at the November meeting for final consideration and approval.

ATTACHMENT: Attachment A –Copy of WAC 504-28 Proposed Changes

(Redline copies of WAC 504-28 Proposed Changes available upon request.)

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AMENDATORY SECTION (Amending WSR 09-11-070, filed 5/14/09, effective 6/14/09)

WAC 504-28-010 Student organizations. (1) Registration.

(a) The university registers a wide variety of student organizations to facilitate the diverse interests of the student body. Attendant to registration, organizations are granted certain privileges and assume certain responsibilities as set forth in these rules. Registration in no way implies that the university plans, organizes, or sanctions any particular activity or policy of a student organization. The term registration as it applies to student organizations in this chapter has the same meaning as the terms recognized or registered as used with respect to student organizations in chapter 504-26 WAC.

(b) Pursuant to established policies, the university department responsible for student affairs makes student organization registration determinations.

(2) Membership in organizations.

(a) Full membership in student organizations is restricted to enrolled graduate and undergraduate students at Washington State University.

(b) Faculty and others may participate as honorary or associate members at the option of the organization, as specified in the organization's constitution.

(c) Only a full member may be eligible to vote on matters of business or hold an elective office in the organization.

(d) To serve as an elected officer of a registered student organization, a student must not be on academic or behavioral probation with the university.

(e) Washington State University does not register any student organization which directly or indirectly denies membership to any student because of race, religion, sex, color, national or ethnic origin, age, marital status, sexual orientation, gender identity/gender expression, veteran status or disability except that the permissibility of a single-sex organization is evaluated in accordance with Title IX guidelines. Registered student organizations must ensure that additional policies and procedures do not create de facto differentiation. Student organizations that select their members based on commitment to a creed or a set of beliefs (e.g., political or religious beliefs) may limit full membership and participation privileges to eligible individuals who, upon individual inquisition, affirm that they agree with the organization's beliefs and support the organization's goals; so long as no eligible individual is excluded from membership and participation on the basis of race, religion, sex, color, national or ethnic origin, age, marital status, sexual orientation, gender identity/gender expression, veteran status, or

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disability except that the permissibility of a single-sex organization is evaluated in accordance with Title IX guidelines.

(f) Students who believe they have been denied membership in violation of subsection (2) (e) of this section may appeal to the director of the university department responsible for student affairs.

(g) Washington State University does not register a student organization if registration would violate local, state, or federal law.

(3) Requirements and responsibilities of registered student organizations.

(a) Officers of each organization are responsible for seeing that their organization abides by university rules and regulations concerning scheduling, financial projects, advertising, and other policies applicable to their respective campus as established by the department responsible for student affairs.

(b) Registered student organizations must have an advisor (see WAC 504-28-020 Advisors).

(c) Registered student organization funds must be deposited into a registered student organization account with the university. The university financial services office assists registered student organizations in establishing accounts and processing transactions.

(d) Each registered student organization must keep the following records current with the university department responsible for student affairs:

(i) Constitution and bylaws.

(ii) Officer roster card.

(iii) Student event registration forms.

(4) Privileges of registered student organizations.

(a) Registered student organizations have the right to sponsor on-campus activities that comply with university rules, policies, and guidelines.

(b) The university department responsible for student affairs assists registered student organizations in understanding and complying with all relevant legal statutes and university rules and policies.

ACTION ITEM #1
WSU Pullman, Taylor Sports Complex
Design Phase Approval
(Stacy Pearson/Olivia Yang/Pat Chun)

November 18, 2022

TO ALL MEMBERS OF THE BOARD OF REGENTS

SUBJECT: WSU Pullman, Taylor Sports Complex Design Phase Approval

PROPOSED: That the Board of Regents approve the WSU Pullman, Taylor Sports Complex Design Phase and authorize the project to proceed to design only using the design-build (DB) process pursuant to RCW 39.10, and further delegate authority to the President or designee to enter into any and all contracts necessary to complete the design phase with a total cost not to exceed \$2.4M.

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

SUPPORTING INFORMATION: As part of the Athletic Department's long-range plan, WSU identified the renovation of the existing Indoor Practice Facility, which was built in 2002, as a priority. The Taylor Sports Complex would replace the existing air supported structure with a new facility. This improved facility will allow all WSU athletic programs an indoor practice location in inclement weather. This facility is considered critical to allow WSU to continue to compete at the highest level with peer programs. Over the last several years, WSU Athletics has successfully secured pledges and cash donations for this project. As of October 2022, there are \$20.1M in gross cash contributions received, with an additional \$7.3M in gross pledges outstanding over the next 6 years (both shown before fees, expenses and allowances). To date, Athletics has received 73% of the total fundraising effort in cash. Gross cash contributions are projected to reach \$21.9M by June 2023, and \$23.9M by the end of June 2024. See attachment B. The projected total project cost will range between \$24M-\$27.4M depending on timeline and financing cost.

Date	Step
September 2022	Regents Future Action for Design Phase
November 2022	Request for Regents' Approval of Design Phase

December 2022 – February 2023	Design Builder Procurement
Spring 2023	Design Begins
September 2023	Regents Future Action for Project Budget Approval
November 2023	Request for Regents' Approval of Project Budget
Winter 2024	Construction Begins

DESIGN PHASE BUDGET

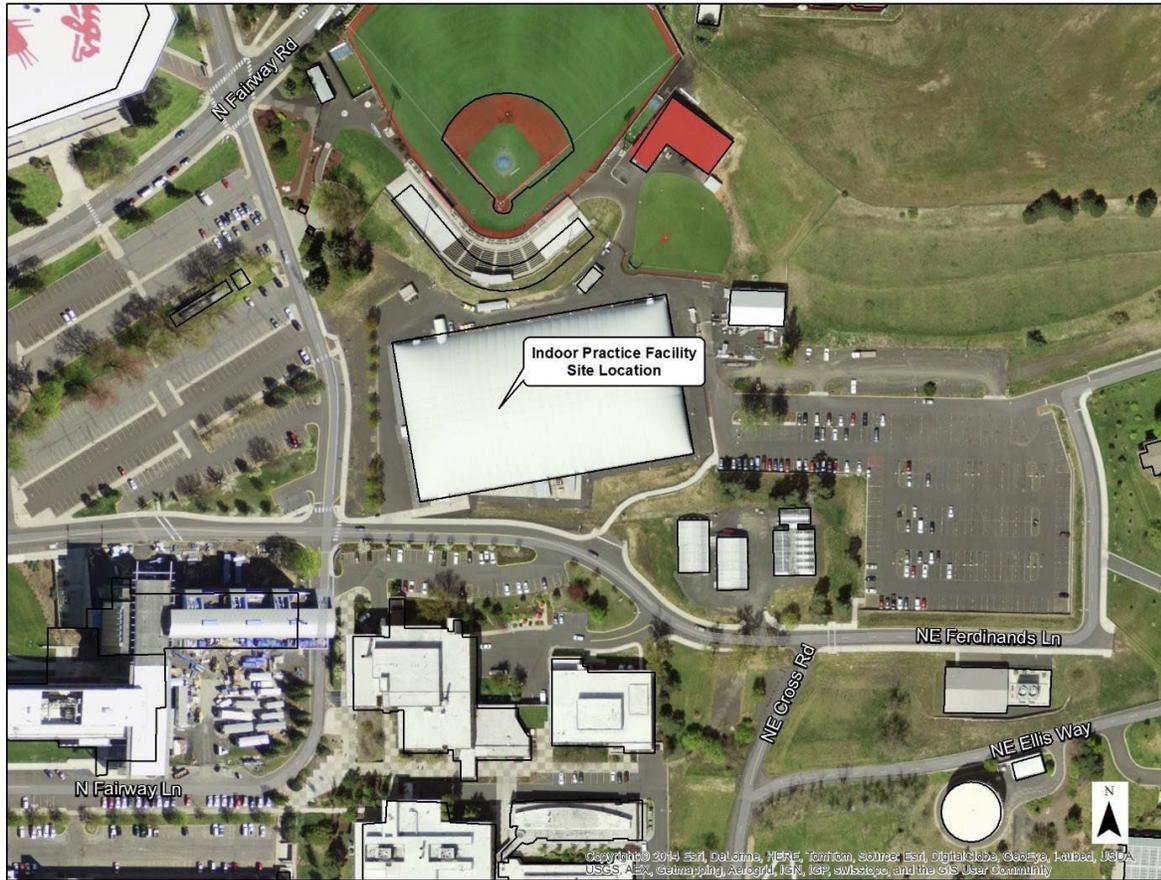
Design and Preconstruction Services	2,100,000
Project Administration	100,000
Other	100,000
Total Design Phase Budget	\$2,400,000

SOURCE OF FUNDS

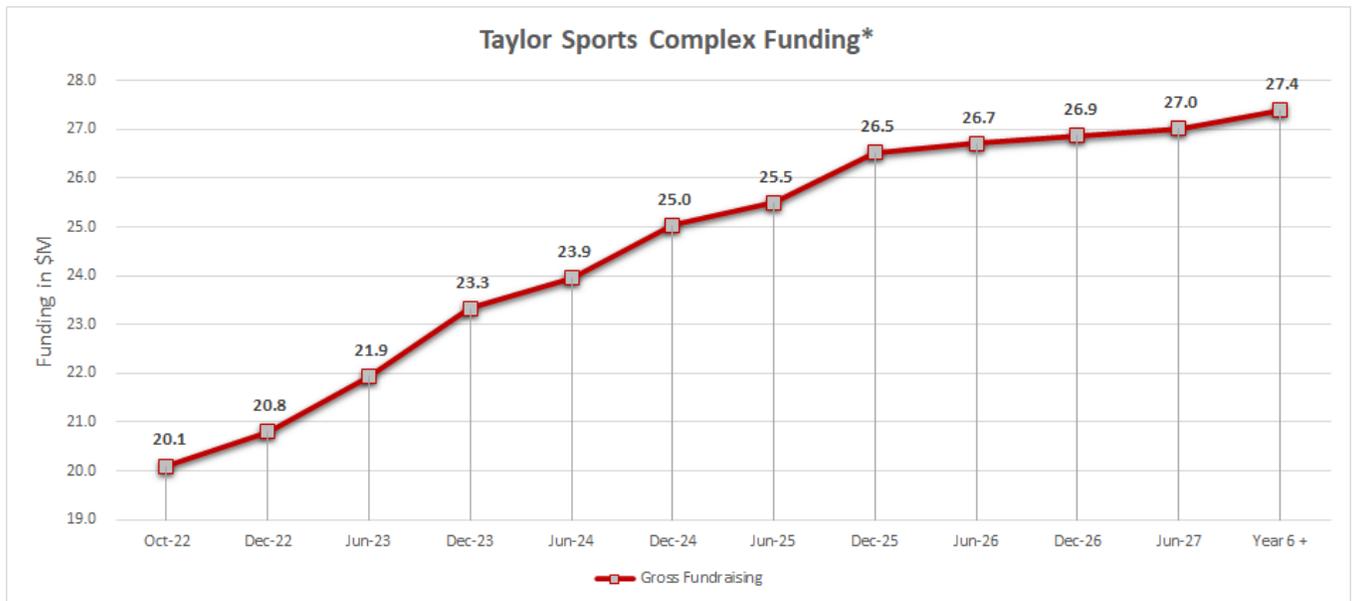
Donations	\$2,400,000
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ATTACHMENTS: Attachment A - Aerial Site
Attachment B - Taylor Sports Complex Pledge Schedule

Attachment A - Aerial Site



Attachment B – Taylor Sports Complex Pledge Schedule



* Gross cash contributions and pledges before expenses, fees, and allowances

BOARD OF REGENTS
WSU Pullman, Taylor Sports Complex
Design Phase Approval

Resolution #221118-663

WHEREAS, RCW 28B.30.095, RCW 28B.30.100, and RCW 28B.30.150 vest the governance and management of Washington State University (WSU) in the Board of Regents of WSU (Board); and

WHEREAS, the Board, by virtue of RCW 28B.10.528, has the authority to delegate by resolution to the President of WSU, or their designee, any of the powers and duties vested in or imposed upon the Board by law; and

WHEREAS, the Board has delegated broad authority to the President or designee to act in matters relating to the general business and financial affairs of WSU;

NOW, THEREFORE, IT IS RESOLVED that the Board:

- (1) Approves the WSU Pullman Taylor Sports Complex Design Phase and authorizes the project to proceed to design only, using the design-build process pursuant to RCW 39.10; and
- (2) Delegates authority to the President or designee to enter into any and all contracts necessary to complete the design phase, with a total cost not to exceed \$2,400,000.

Signed the 18th day of November, 2022.

Chair, Board of Regents

Secretary, Board of Regents

ACTION ITEM #2

**WSU Vancouver, Life Sciences Building
Project Budget Increase
(Stacy Pearson/Olivia Yang/Mel Netzhammer)**

November 18, 2022

TO ALL MEMBERS OF THE BOARD OF REGENTS

SUBJECT: WSU Vancouver, Life Sciences Building, Project Budget Increase

PROPOSED: That the WSU Board of Regents approve an increase of \$4,964,000 in the project budget for the WSU Vancouver, Life Sciences Building and further delegate authority to the President or designee to enter into any and all contracts necessary to complete the project within the new budgeted amount of \$69,264,000.

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

**SUPPORTING
INFORMATION:**

The new Life Sciences Building will bring components of Vancouver's basic translational, applied, and clinical health programs together in one location on campus, including Biology, Molecular Biology, Environmental Science, Neuroscience, Nursing, and Chemistry. This building will fill the critical need for instructional laboratories for undergraduate and graduate science courses. It will also include purpose-built vivarium space that meets regulatory requirements and supports instruction as well as research programs.

The University received \$500,000 for pre-design in the 2017-19 state capital budget, \$4,000,000 for design in the 2020 supplemental capital budget, and \$52,600,000 for construction in the 2021-23 state capital budget. The Vancouver campus allocated 4.5M of local funds to finish out areas that had been identified as unfinished and \$2.7M of local funds to support the initial phase of the greenhouse portion of the project.

The requested project budget increase of \$4,964,000 consists of two components:

- (1) Due to the extreme market escalation, the Washington State Office of Financial Management provided supplemental capital budget funds to projects that were most impacted. The Life Sciences Building project received **\$2,264,000** to help offset the market escalation. These funds will be used to finish the remaining areas that were going to be left unfinished, creating a 100% usable facility.

- (2) The initial project funding increase to support the greenhouse was approved by the Regents in January 2022 to allow the initial design, permitting, site and building infrastructure connection work to be completed while the overall building project was under construction. In order to complete the greenhouse at the same time as the main building and avoid additional costs, an additional **\$2,700,000** is needed to contract for the remaining scopes of work. This amount will come from central funds.

Source of Funds	Amount
State (\$4.5M Design + \$52.6M Building)	57,100,000
Local Funds (50% of Greenhouse)	2,700,000
Local Funds (Complete some unfinished spaces due to extreme escalation)	4,500,000
State Supplemental Escalation Funding	2,264,000
Central Funds (50% of Greenhouse)	2,700,000
Total Funds	\$69,264,000

WSU has also set a \$10 million fundraising goal as a top priority for the Life Sciences Building to add the greenhouse and to purchase specialized equipment for labs and nursing classrooms. This fundraising effort is being conducted through system-wide partnerships with WSU Vancouver, the WSU Foundation, and the Offices of the President and Provost.

The project is currently scheduled for completion in December 2023.

BOARD OF REGENTS
WSU Vancouver, Life Sciences Building
Project Budget Increase

Resolution #221118-664

WHEREAS, RCW 28B.30.095, RCW 28B.30.100, and RCW 28B.30.150 vest the governance and management of Washington State University (WSU) in the Board of Regents of WSU (Board); and

WHEREAS, the Board, by virtue of RCW 28B.10.528, has the authority to delegate by resolution to the President of WSU, or their designee, any of the powers and duties vested in or imposed upon the Board by law; and

WHEREAS, the Board has delegated broad authority to the President or designee to act in matters relating to the general business and financial affairs of WSU;

NOW, THEREFORE, IT IS RESOLVED that the Board approves an increase of \$4,964,000 in the project budget for the WSU Vancouver, Life Sciences Building and delegates authority to the President or designee to enter into any and all contracts necessary to complete the project within the new budgeted amount of \$69,264,000.

Signed the 18th day of November, 2022.

Chair, Board of Regents

Secretary, Board of Regents

ACTION ITEM #3
WSU Pullman, Schweitzer Engineering Hall
Design Phase Approval
(Stacy Pearson/Olivia Yang/Elizabeth Chilton)

November 18, 2022

TO ALL MEMBERS OF THE BOARD OF REGENTS

SUBJECT: WSU Pullman, Schweitzer Engineering Hall Design Phase Approval

PROPOSED: That the WSU Board of Regents approve the WSU Pullman Schweitzer Engineering Hall Design Phase and authorize the project to proceed to design only using the design-build (DB) process pursuant to RCW 39.10, and further delegate authority to the President or designee to enter into any and all contracts necessary to complete the design phase with a total cost not to exceed \$4.8M.

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

SUPPORTING
INFORMATION:

The Voiland College of Engineering and Architecture (VCEA) has prepared work-ready graduates in critical engineering fields for many years. Unfortunately, VCEA has also suffered from lack of capital investments in its facilities.

To address this critical need, VCEA has launched a multi-phase capital campaign to upgrade the aging engineering facilities at WSU Pullman to create facilities responsive to current pedagogy and to showcase the strength of VCEA programs.

The first building in the Engineering and Design Precinct is the proposed Schweitzer Engineering Hall to house new student success programs supporting an interdisciplinary community that drives student and faculty success. The Precinct will function as an innovation hub that reflects the vibrancy and importance of the College's impact on the world by:

- Attracting diverse and talented students to pursue their education at Washington State University;
- Drawing in industries that seek motivated, highly capable graduates to work in their emerging and high-demand career fields;
- Creating strong links between students, faculty, alumni, and

- industry;
- Positioning WSU as a premier destination for instructional and research faculty from around the world;
- Acting as a catalyst for innovative and collaborative research in emerging fields.

Design Phase Budget:

All design costs will be paid using donated funds, not to exceed the \$4.8M in cash collected to date.

Estimated Total Project Budget:

The project will be funded with a combination of state capital funds and private donations.

Budget	Amount
Construction (includes utilities)	67,239,400
Professional Services	4,464,000
Project Management	2,644,824
Moveable Equip/Furnishings	5,224,732
Other (includes Art)	427,044
Total Project Budget	\$80,000,000

Source of Funds	Amount
State (\$30M Building + \$10M utilities)	40,000,000
Donations	40,000,000
Total Funds	\$80,000,000

The request for \$40M in state capital allocation is a top priority in WSU's 2023-25 state capital budget request. The state capital allocation is forecast to be received by July 1, 2023. Receiving the state capital appropriation is the first critical financial milestone to allow continued progress on the intended timeline.

Pledges for \$35M have been secured with the first major group of matured pledges projected to materialize by August 2023. Active fundraising continues with the goal to increase overall pledge commitments. Of the pledges received, \$4.8M cash has been collected to date, while \$30.2M remains to be collected over the subsequent five-year horizon.

There are currently no plans to utilize debt financing for this project.

Project construction will be phased to align with receipt of donated funds, not to exceed total donated cash on hand plus state capital appropriations at any point in time.

Estimated Timeline:

WSU will return to the Board in March 2024 to request approval to begin construction. WSU will not contract for an amount exceeding the state appropriation and the amount of actual cash on hand at the time of Board approval. The project will need to have at least \$40M worth of pledges in place to continue along the proposed timeline. While the University has pledge agreements in place specifying the timing of gifts, the timing of actual cash receipts may differ, and project timeline and/or scope will be adjusted accordingly.

WSU anticipates returning to the Board in the third or fourth quarter of FY2025 to approve a project budget increase to account for the balance of matured pledges. The proposed project budget increase would not exceed the amount of state appropriations and the amount of cash on hand at the date of the third or fourth quarter of FY2025 BOR discussion.

The Board of Regents will be asked to consider approval of the proposed action at the November 2022 Board meeting.

ATTACHMENTS: Attachment A– Site Map and 10 Year Project
Attachment B – Conceptual Renderings
Attachment C – Proposed Project Timeline and Milestones
Attachment D – Proposed Project and Cash Flow Timeline

Carpenter and Schweitzer Halls Become the Core of the Engineering & Design Precinct



A 10-year project

4-5 New buildings built

4+ Old buildings demolished

Flexible, engaging classrooms

State-of-the-art interdisciplinary research laboratories

Buildings built with the occupant in mind



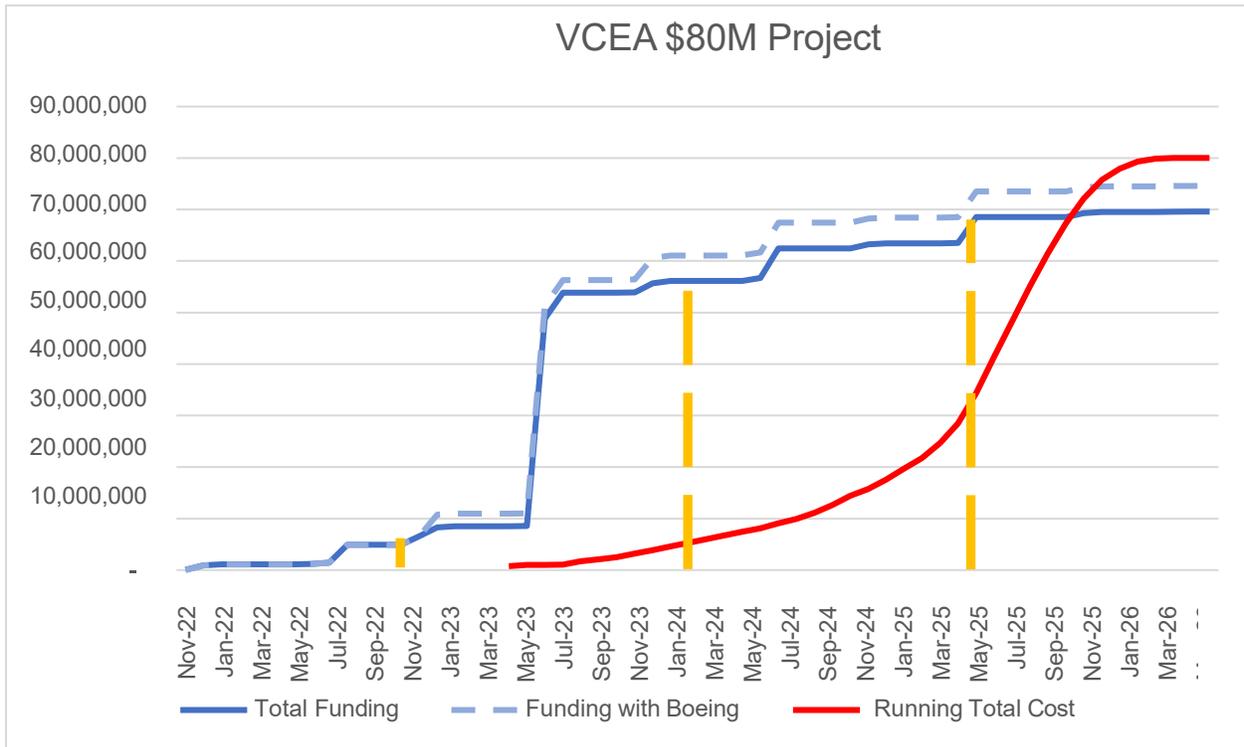
Attachment B – Conceptual Renderings



Attachment C – Proposed Project Timeline and Milestones

Date	Step	Financial Milestone
September 2022	BOR Future Action Item to approve design phase at \$4.5M	Approved with the current cash on hand of \$4.8M
November 2022	BOR Action Item to approve design phase	
April 2023	DB selected	
May 2023	Begin design	
July 2023	State Capital Budget approved	State funding must be secured to continue along project timeline as presented
January 2024	BOR Future Action Item to approve project budget	Project budget will not exceed state capital funding plus cash on hand at that date (Ex. of \$48.5M above)
March 2024	BOR Action Item to approve project budget; Construction Begins	At least \$40M in pledges in place. Confirm cash on hand to support project budget.
Q3 or Q4 of FY2025	BOR Action Item to increase project budget	Project budget to be increased based on state funding and cash as of that date

Attachment D – Proposed Project and Cash Flow Timeline



BOARD OF REGENTS

WSU Pullman, Schweitzer Engineering Hall Design Phase Approval

Resolution #221118-665

WHEREAS, RCW 28B.30.095, RCW 28B.30.100, and RCW 28B.30.150 vest the governance and management of Washington State University (WSU) in the Board of Regents of WSU (Board); and

WHEREAS, the Board, by virtue of RCW 28B.10.528, has the authority to delegate by resolution to the President of WSU, or their designee, any of the powers and duties vested in or imposed upon the Board by law; and

WHEREAS, the Board has delegated broad authority to the President or designee to act in matters relating to the general business and financial affairs of WSU;

NOW, THEREFORE, IT IS RESOLVED that the Board:

- (1) Approves the WSU Pullman Schweitzer Engineering Hall Design Phase and authorizes the project to proceed to design only, using the design-build process pursuant to RCW 39.10; and
- (2) Delegates authority to the President or designee to enter into any and all contracts necessary to complete the design phase, with a total cost not to exceed \$4,800,000.

Signed the 18th day of November, 2022.

Chair, Board of Regents

Secretary, Board of Regents

ACTION ITEM #4

Proposed University Ethics Policy (Sharyl Kammerzell/Danielle Hess)

November 18, 2022

TO ALL MEMBERS OF THE BOARD OF REGENTS

SUBJECT: Proposed University Ethics Policy

PROPOSED: That the Board of Regents approve the proposed University Ethics Policy and delegate authority to the President or designee to approve any final revisions needed prior to publication or thereafter.

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

SUPPORTING INFORMATION: A central component to an effective compliance plan is an institutional ethics and conflict of interest policy. This policy addresses this need and implements legislative changes from last session.

The proposed University Ethics Policy does the following:

- Serves as an umbrella policy that consolidates and links to various laws and WSU policies related to ethics
- Creates and codifies a mandatory ethics training requirement for all employees
- Similar to the Board of Regents Conflict of Interest Policy (BOR 1), it prohibits conflicts of interest and creates a process for disclosure as well as conflict management when possible
- Prohibits conflicts of commitment and creates a process for disclosure as well as conflict management when possible
- Implements amendments to the Washington State Ethics in Public Service Act (RCW 42.52.220, RCW 42.52.360), which went into effect on June 9, 2022. The amendments authorize universities to develop an administrative process that creates a safe harbor for faculty engaged in outside activities related to scholarship.

The legislative amendments require the Board of Regents to approve the new administrative process prior to implementation, and also requires the University to provide a copy to the state Executive Ethics Board upon approval.

A copy of the proposed policy is attached. The proposed policy was presented to the Board of Regents at the September 2022 meeting. It is anticipated that it will undergo minor revisions prior to implementation, either as recommended by the Executive Ethics Board or as we complete the internal vetting and approval process. Therefore, we are requesting that the Regents approve the draft policy but also delegate authority to the President or designee to make any needed revisions prior to publication or thereafter.

ATTACHMENT: University Ethics Policy (draft)

BOARD OF REGENTS
Approval of University Ethics Policy

Resolution #221118-666

WHEREAS, RCW 28B.30.095, RCW 28B.30.100, and RCW 28B.30.150 vest the governance and management of Washington State University (WSU) in the Board of Regents of WSU (Board); and

WHEREAS, the Board, by virtue of RCW 28B.10.528, has the authority to delegate by resolution to the President of WSU, or their designee, any of the powers and duties vested in or imposed upon the Board by law; and

WHEREAS, the Board has delegated broad authority to the President or designee to act in matters relating to the general business and financial affairs of WSU; and

WHEREAS, consistent with the expectation that WSU faculty produce, publish, and disseminate research and scholarship, RCW 42.52.220 permits WSU to create an administrative process to apply in place of certain requirements of the state Ethics in Public Service Act, upon approval of the Board;

NOW, THEREFORE, IT IS RESOLVED that the Board approves the proposed University Ethics Policy and delegates authority to the President or designee to approve any final revisions needed prior to publication or thereafter.

Signed the 18th day of November, 2022.

Chair, Board of Regents

Secretary, Board of Regents

WASHINGTON STATE UNIVERSITY
EXECUTIVE POLICY MANUAL

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University Ethics Policy

Contents:

1.0 Policy and Purpose

2.0 Applicability

3.0 State Ethics Laws and Related University Policies

3.1 Use of Resources for Private Benefit or Gain; *De Minimis* Use

3.2 Activities Incompatible with Public Duties

3.3 Financial Interests in Transactions

3.4 Gifts and Limitations on Gifts

3.5 Confidential Information

3.6 Use of Resources for Political Campaigns

3.7 Assisting in Transactions

3.8 Compensation for Outside Activities and Honoraria

3.9 Special Privileges

3.10 Employment After Public Service

3.11 Compensation for Official Duties or Nonperformance

4.0 Conflict of Interest

4.1 Procedure

4.2 Examples

5.0 Conflict of Commitment

5.1 Procedure

5.2 Examples

6.0 Preapproval Process and Safe Harbor for Compensated Faculty Scholarship Activities

6.1 Procedure

6.2 Acceptable Uses of University Resources

6.3 Examples of Compensated Scholarship Activities

6.4 Uncompensated Outside Scholarship Activities

7.0 Ethics Training Requirement

8.0 Reporting Ethics Violations

9.0 Penalties, Resources, and Assistance

9.1 WSU Ethics Compliance Officer

9.2 Executive Ethics Board

1.0 POLICY AND PURPOSE

Washington State University (WSU, University) personnel hold positions of public trust. Accordingly, they must:

- Adhere to the highest standards of ethical and professional conduct;
- Act honestly and with integrity in fulfilling their responsibilities; and
- Ensure they do not use their University positions for personal gain or private advantage.

Adhering to these standards protects individual professional integrity while also advancing the University's mission, vision, and values.

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University Ethics Policy

1.0 POLICY AND PURPOSE (cont.)

This policy sets forth requirements for ethical conduct applicable to University personnel. It serves as an umbrella policy that consolidates and links to various requirements related to ethics. There are examples pertaining to each ethics requirement. These are for illustration only and are not intended to cover all situations. The policy also establishes mandatory ethics training for all University personnel.

WSU faculty have additional ethical responsibilities as set forth in the [Faculty Manual](#), in particular the Faculty Code of Professional Ethics, Section II.C.1.

2.0 APPLICABILITY

This policy applies to all WSU personnel, including staff, faculty (all ranks, including emeritus), volunteers, officers, student employees, and contingent workers. For purposes of this policy, the terms "University employees" and "University personnel" include all of these categories and are used interchangeably.

3.0 STATE ETHICS LAW AND RELATED UNIVERSITY POLICIES

University personnel are required to comply with the Washington State Ethics Law ([RCW 42.52](#)). This section (3.0) summarizes applicable provisions of the law and provides cross references to related University policies and procedures. It does not cover every applicable statute or list every exception. For assistance or more information, see [Section 9](#) of this policy.

3.1 Use of Resources for Private Benefit or Gain; *de Minimis* Use ([RCW 42.52.160](#); [WAC 292-110-010](#))

A University employee may not employ or use any facilities, personnel, equipment, time, or other University resources under the officer's or employee's control or direction, or in their official custody, for the private benefit or gain of the employee, or another.

A University employee may make occasional but limited personal use of University resources if the use meets all of the following criteria:

- It does not support a private business, organization, or group, and does not relate to a political campaign.
- There is little or no cost to the University.
- It does not interfere with official duties or disrupt or distract from University business.
- It is brief in duration and occurs infrequently.
- It does not obligate other employees to make personal use of University resources.
- It does not compromise the security or integrity of University information or software.

Use that meets these criteria is considered *de minimis*.

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3.1 Use of Resources for Private Benefit or Gain; *de Minimis* Use (cont.)

Related policies:

- Electronic Communication Policy ([EP4](#))
- University Research Personnel Conflict of Interest, Technology Transfer, and State Ethics Requirements ([EP27](#))
- Use of Resources to Support a Charity, Charitable Organization, or Charitable Purpose ([BPPM 10.24](#))
- Use of University Property ([BPPM 20.35](#))

Examples:

- Employee briefly uses their work computer to check an online map for directions to an after-work event. This is *de minimis* and not a violation.
- A college dean's office organizes an employee retirement reception after work hours at a local restaurant. The dean's office sends emails to college employees notifying them of the event and encouraging them to go. Because the college has determined this event promotes organizational effectiveness, it is not a violation.
- Employee borrows a University digital projector for a presentation to a local charity regarding the charity's finances. This is a violation because University resources may not be used to benefit an outside organization.
- For examples of charitable uses, see [BPPM 10.24](#).
- For examples of allowable and nonallowable use of WSU IT resources, including wireless services, see [EP4](#).

3.2 Activities Incompatible with Public Duties ([RCW 42.52.020](#))

A University employee may not have an interest in or engage in an activity that is in conflict with the proper discharge of their official duties.

Related policies:

- Conflict of Interest ([Section 4.0](#))
- Conflict of Commitment ([Section 5.0](#))
- Preapproval Process and Safe Harbor for Compensated Faculty Scholarship Activities ([Section 6.0](#))
- Compensation for Outside Activities ([Faculty Manual](#) Section II.D.4)
- Electronic Communication Policy ([EP4](#))
- Policy Prohibiting Discrimination and Harassment ([EP15](#))

University Ethics Policy

3.2 Activities Incompatible with Public Duties (cont.)

Related policies (cont.):

- Policy on Faculty-Student and Supervisor-Subordinate Relationships (EP28)
- University Research Personnel Conflict of Interest, Technology Transfer, and State Ethics Requirements ([EP27](#))
- Bullying Prevention and Reporting ([BPPM 50.31](#))
- Nepotism ([BPPM 60.14](#))
- University Purchases from State Employees ([BPPM 70.15](#))
- Board of Regents Conflict of Interest Policy ([BOR1](#))

Examples: See [Section 4.0](#) and [Section 5.0](#) of this policy.

3.3 Financial Interests in Transactions ([RCW 42.52.030](#); [WAC 292-110-060](#))

A University employee may not have a beneficial interest in a contract, sale, lease, purchase, or grant that may be made through, or is under the supervision of, the employee. Except in limited circumstances, a University employee must obtain approval from the Executive Ethics Board (EEB) before entering into, or obtaining a beneficial interest in, a contract or grant with the University or another state agency or institution.

Related policies:

- University Research Personnel Conflict of Interest, Technology Transfer, and State Ethics Requirements ([EP27](#))
- University Purchases from State Employees ([BPPM 70.15](#))
- Board of Regents Conflict of Interest Policy ([BOR1](#))

Examples: See [Section 4.0](#) of this policy.

3.4 Gifts ([RCW 42.52.140](#)) and Limitations on Gifts ([RCW 42.52.150](#))

A University employee may not:

- Receive, accept, take, seek, or solicit, directly or indirectly, gifts that reasonably appear to influence the performance or nonperformance of official duties; or
- Accept gifts with an aggregate value in excess of fifty dollars from a single source in a calendar year or a single gift from multiple sources with a value in excess of fifty dollars.

A University employee may accept the following without regard to the limit:

- Unsolicited flowers and plants;
- Unsolicited promotional items of nominal value;

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3.4 Gifts and Limitations on Gifts (cont.)

Employee may accept the following without limit (cont.):

- Informational material related to the recipient's official duties;
- Food and beverages consumed at hosted receptions;
- Admission to, and food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization.

An employee having regulatory responsibilities or responsibilities for University contracts has a more stringent set of rules with respect to any party subject to regulation by or seeking to contract with the University. These are referred to as "section 4" employees, in accordance with section (4) of [RCW 42.52.150](#).

Examples:

- Employee signs vendor contracts as part of their duties. Employee has lunch with a prospective vendor, who pays for the meal. This is a violation even if the meal is less than \$50 because the employee is a "section 4" employee.
- Employee signs vendor contracts as part of their duties. Vendor sends the employee a box of holiday treats. Employee attaches a "free food" sign and puts it in the shared lunchroom. This is not a violation.

3.5 Confidential Information ([RCW 42.52.050](#))

A University employee may not disclose confidential information to unauthorized persons or use confidential information for personal benefit or the benefit of others.

Related policies:

- University Policy on Student Education Records ([WAC 504-21](#))
- Electronic Communication Policy ([EP4](#))
- WSU System Data Policies ([EP8](#))
- Protected Health Care Information Breach Response ([BPPM 88.05](#))
- Patient Access to Protected Health Information ([BPPM 88.10](#))
- Role-Based Access to Protected Health Information ([BPPM 88.12](#))
- Release of Public Records ([BPPM 90.05](#))
- Release of Student Education Records ([BPPM 90.06](#))
- Release of Personnel Records ([BPPM 90.07](#))

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3.5 Confidential Information (cont.)

Examples:

- Employee's partner owns a company that makes graduation invitations. Employee accesses student information and gives their partner a list of all seniors who are graduating that semester. This is a violation.
- Employee and some friends are having dinner and are wondering how old John Smith is, so the employee uses their system access to check John's birth date. This is a violation.
- In responding to a public records request, the employee notices an e-mail that is within the scope of the request but includes information that could embarrass a close colleague, so the employee deletes the e-mail. This is a violation.
- Employee's family member owns a company that makes graduation invitations. The family member asks for a list of all seniors who are graduating this semester. The employee responds that the information is confidential and the employee cannot provide it to any unauthorized person. This is not a violation.

3.6 Use of Resources for Political Campaigns ([RCW 42.52.180](#))

A University employee may not use or authorize the use of University facilities, personnel, equipment, time, or other University resources, directly or indirectly, for the purpose of assisting a campaign for election of a person to an office or for the promotion of or opposition to a ballot proposition.

A University employee may not support a political campaign as an official representative of the state of Washington.

A University employee who engages in political activity must do so on non-work time or take appropriate leave time to engage in the activity.

Related policies:

- Reporting State Lobbying Activity ([BPPM 10.25](#))
- Reporting Federal Lobbying Activity ([BPPM 10.26](#))
- Use of University Property ([BPPM 20.35](#))
- Political Activity of WSU Employees ([BPPM 60.90](#))

Examples:

- The local school district has a levy on the ballot. Employee has an interest in the outcome of the election, personal or as an elected official, and uses their WSU e-mail to encourage friends and colleagues to support the levy. This is a violation.
- Employee uses their work computer to communicate with a student organization they advise, which is sponsoring a neutral "get out the vote" campaign. This is not a violation.

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3.7 Assisting in Transactions ([RCW 42.52.040](#))

Except in the course of performing official duties, a University employee may not assist another person, directly or indirectly, whether or not for compensation, in a transaction involving the state if:

- The employee has at any time participated in the transaction; or
- If the transaction is or has been under the official responsibility of the employee within a period of two years preceding such assistance.

A University employee may not share in compensation received by another for assistance that the employee is prohibited from providing by law.

Related policy: University Purchases from State Employees ([BPPM 70.15](#))

Example: Employee worked in HRS and as part of their duties assisted a student worker in filing a workplace bullying complaint. Employee later goes to work for a different state agency. The student reaches out to the former employee and asks for help with their appeal related to the same complaint. Employee cannot assist without violating this provision. (*RCW 42.52.080*)

3.8 Compensation for Outside Activities ([RCW 42.52.120](#)) and Honoraria ([RCW 42.52.130](#))

A University employee may not receive:

- Anything of economic value under any contract or grant outside of their official duties, except as permitted by law and University policy; or
- An honorarium unless specifically authorized by WSU and receipt is consistent with applicable laws.

A University employee may accept payment for travel to give work-related speeches and seminars.

Related policies:

- Conflict of Interest ([Section 4.0](#))
- Conflict of Commitment ([Section 5.0](#))
- Preapproval Process and Safe Harbor for Compensated Faculty Scholarship Activities ([Section 6.0](#))
- Compensation for Outside Activities ([Faculty Manual](#) Section II.D.4)
- Policy on Compensated Outside Service by Faculty Members – Consulting ([Faculty Manual](#) Section IV.D)

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3.8 Compensation for Outside Activities (cont.)

Related policies (cont.):

- Extended Professional Activities ([Faculty Manual](#) Section IV.E)
- Honoraria ([Faculty Manual](#) Section II.D.3)
- Washington State University Ethics, Conflict of Interest, and Technology Transfer ([EP27](#))
- Faculty Compensation Outside Assigned Duties ([BPPM 60.44](#))
- University Purchases from State Employees ([BPPM 70.15](#))

Examples:

- Employee oversees the University's contracting and is an expert in organizational effectiveness. A large food service company, which is bidding for the University's dining contract, asks the employee to speak at its annual retreat. The company pays all travel expenses and provides a \$500 honorarium. This is a violation.
- Employee oversees the University's contracting and is an expert in organizational effectiveness. A large food service company, which is bidding for the University's dining contract, asks the employee to speak at its annual retreat. The company offers to pay all travel expenses and provide a \$500 honorarium. Employee declines the invitation and refers the vendor to other individuals that are not Section 4 employees, that may have the expertise or can guide the vendor to nonemployees with the expertise. This is a not violation.

3.9 Special Privileges ([RCW 42.52.070](#))

Except as required to perform duties within the scope of employment, a University employee may not use their position to secure special privileges or exemptions for themselves, or their spouse, child, parents, or other persons.

Related policy: University Purchases from State Employees ([BPPM 70.15](#))

Examples:

- Employee collects tickets at the door for a concert at a University venue. The venue is not full, so when the employee's friends show up without tickets, the employee waives them through. This is a violation.
- Employee is on the board of directors for a local homeless shelter. The University rents meeting space to the public, but the employee happens to know there is a vacant room that day, so they invite the board to meet there for free. This is a violation.

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3.10 Employment After Public Service ([RCW 42.52.080](#))

There are restrictions on the employment of University personnel after they leave state employment. Restrictions include:

- Employment related to certain contracts the employee was responsible for as a University employee,
- Employment offered as an incentive to perform or refrain from performing certain duties as a University employee, and/or
- Employment assisting in a transaction the employee participated in during University employment.

Related policy: Personal Services Contracts ([BPPM 70.50](#))

Example: Employee oversees a large vendor contract for the University. The vendor offers the employee a job, which would include handling the contract with the University. The employee is precluded from accepting the job.

3.11 Compensation for Official Duties or Nonperformance ([RCW 42.52.110](#))

A University employee may not ask for, give, receive, or agree to receive compensation, gift, reward, or gratuity for performing or deferring the performance of official state duties except as permitted by law.

Examples:

- Employee is an academic advisor for a college and helps a student apply for a prestigious award. After the student receives the award, the student's parents send the employee a thank you card with a \$200 check. The employee may not accept the check.
- Employee is awarded \$100 from the local chamber of commerce as part of a program honoring women in government. Employee may not accept the award. **Note:** Awards in recognition of academic or scientific achievement are not prohibited. ([RCW 42.52.010\(9\)\(j\)](#))

4.0 CONFLICT OF INTEREST

University employees are expected to act in the best interests of the University and avoid actual, potential, or apparent conflicts of interest. This section incorporates the requirements related to conflict of interest set forth above. (See Sections [3.2](#) and [3.3](#) of this policy.) It also provides a procedure for conflicts of interest not covered by other laws or policies.

For purposes of this section, a conflict of interest means a personal interest that is financial, familial, professional, or otherwise, that may impair or reasonably appear to an objective outside observer to impair, the independent, unbiased judgment of a University employee in the discharge of their responsibilities to the University.

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University Ethics Policy

4.1 Procedure

University employees are to be sensitive to matters that may involve a conflict of interest and ensure they are taking appropriate steps to address the conflict. In certain situations, a state law, regulation, or University policy dictates the procedure that must be followed. For example:

- For University employees seeking to contract with or provide goods or services to the University beyond their University employment, the process in [BPPM 70.15](#) applies.
- For employees involved in research who have (or whose families have) significant outside financial interests related to the employee's WSU responsibilities, the disclosure and conflict of interest management process in [EP27](#) applies.
- For situations involving possible supervisory or other authority over a spouse or romantic partner, the process in [EP28](#) applies. For other family members, the process in [BPPM 60.14](#) applies.

For conflicts that fall outside specific laws or policies, a University employee must:

- Promptly disclose the conflict or potential conflict to the following parties to determine whether the conflict can be managed in a way that eliminates any violation of law or University policy:
 - Their supervisor;
 - Other WSU offices involved in the matter; and
 - Human Resource Services

If so, the employee's supervisor must issue a written conflict management plan to the employee and any other WSU individuals or offices involved, with a copy to Human Resource Services. The Ethics Compliance Advisor is available to assist with this process. (See [Section 9.0](#).)

- If at any time it becomes apparent that the conflict cannot be managed to eliminate any violation of law or University policy, the employee must refrain from participating in the activity that creates the conflict.

A University employee may not eliminate a conflict of interest by delegating an activity to an individual who reports to them.

4.2 Examples:

- Employee is a faculty member who has a research lab. One of the employee's graduate students has applied for a University award that would provide funding for the student and would be prestigious for the lab. Employee is on the committee that chooses award recipients. This is a conflict of interest. Employee must disclose the conflict and may need to recuse themselves from the committee.

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EXECUTIVE POLICY MANUAL

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4.2 Examples (cont.):

- Employee is on a search committee. One of the top candidates is their nephew. WSU's policy on nepotism ([BPPM 60.14](#)) does not include nephews in the definition of family member. This is a potential conflict of interest. Employee must disclose the conflict and may need to recuse themselves from the committee.
- Employee is asked by a supervisor to be on a search committee. One of the applicants is a close friend of Employee. Employee discloses the potential conflict of interest and declines the invitation to be on the committee. This is not a violation.
- Employee's spouse owns a business selling office supplies. Employee is responsible for purchasing supplies for their unit and purchases them from their spouse's business. This is a conflict of interest. See also [BPPM 70.15](#).
- Employee's University lab developed a drug that employee wants to commercialize through their private company. Employee must follow the requirements in [EP27](#).

5.0 CONFLICT OF COMMITMENT

University employees are expected to avoid activities, pursuits, or occupations outside the University that interfere with their primary obligation and commitment to the University. Expectations often overlap with other ethics requirements and include:

- Making decisions and acting in the best interests of the University;
- Performing assigned University duties and working scheduled hours without interference from outside activities, pursuits, or occupations;
- Using University resources only as intended for University purposes;
- Maintaining the confidentiality of the University's confidential information;
- Responding promptly, fully, and completely to public records requests; and
- Complying with applicable University policies.

5.1 Procedure

A conflict of commitment is often related to outside employment (or consulting) or ownership or participation in the management of a business or nonprofit organization. In these situations, a specific state law, regulation, or University policy typically dictates the requirements and any procedure that must be followed. For example:

- For any University employee engaged in compensated activities outside their University employment, the requirements in [RCW 42.52.120](#) apply. When the contract or compensated activities (such as outside consulting) involve a state agency, including a unit of the University outside the employee's regular employment, the additional requirements set forth in [RCW 42.52.120\(2\)](#) and [BPPM 70.15](#) apply.

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5.1 Procedure (cont.)

- Faculty engaged in compensated outside service, consulting, and extended professional activities must comply with [Faculty Manual](#) Sections II.D.3, II.D.4, IV.D., and IV.E, and [BPPM 60.44](#). For scholarship activities involving outside compensation, see also Section 6.0 of this policy.
- For employees involved in research who have (or whose families have) significant outside financial interests related to the employee's WSU responsibilities, including compensated services performed for the employee's outside company, the disclosure and conflict of interest management process in [EP27](#) applies.

For activities that fall outside laws or policies requiring specific procedures, a University employee must:

- Obtain preapproval from their supervisor (or department chair or director) and Human Resource Services if the conflict can be managed without violating state laws or University policies.

The employee's supervisor must issue a written conflict management plan to the employee and any other WSU individuals or offices involved, with a copy to Human Resource Services. The plan is to include a description of how the employee is to meet the requirements of their University employment and comply with ethics laws and policies. The WSU Ethics Compliance Advisor is available to assist in this process (see [Section 9.0](#)).

- If at any time it becomes apparent that the conflict of commitment cannot be managed without violating state laws or University policies, the employee must refrain from participating in the activity that creates the conflict or seek permission for a leave of absence.

5.2 Examples:

- Employee, who works full time for the University, obtains a second job with another employer. Both jobs require the employee to work during weekdays, so the employee spends part of their day working for the other employer. This is a conflict of commitment and may be a misuse of University resources (time). Employee should have disclosed the potential conflict and consulted with their supervisor and HRS to see if it could be managed prior to accepting the other employment.
- A full-time University employee is elected mayor of their nearby small town. At times, the employee's duties as mayor may require their full-time attention. This is a potential conflict of commitment. The employee must disclose the potential conflict and consult with their supervisor and HRS to determine whether the conflict can be managed, for example, through the use of annual leave or reduced FTE.

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6.0 PREAPPROVAL PROCESS AND SAFE HARBOR FOR COMPENSATED FACULTY SCHOLARSHIP ACTIVITIES

University expectations for faculty often include activities outside the University, such as creative activity, dissemination of scholarship, and external service. To the extent that these activities are within the expectations of the faculty member's position, and no outside compensation is involved, they are generally allowable under the ethics laws. (See [Section 6.4.](#)) When these activities involve direct compensation to the faculty member outside of the faculty member's regular University appointment, however, specific ethics laws and University policies apply.

To encourage faculty to produce, publish, and disseminate scholarship, the ethics law allows universities to develop and implement an administrative process that:

- Creates a safe harbor from certain state ethics obligations; and
- Allows for limited use of University resources for compensated outside activities related to faculty scholarship.

([RCW 42.52.220](#); [RCW 42.52.360](#)).

This process provides for the disclosure, review, and ongoing approval of outside activities related to scholarship, while assuring faculty are fulfilling their employment obligation to the University. The process is voluntary but must be followed to take advantage of the statutory safe harbor and to use University resources as provided in [Section 6.2](#).

This section applies only to faculty, as defined in [Faculty Manual](#) Section I.B, and only to scholarship activities outside the scope of [EP27](#). It does not supersede or replace any mandatory disclosure, review, and approval processes required by the [Faculty Manual](#) or other WSU policy related to compensated outside activities. For purposes of this section, "scholarship" is broadly defined and includes activities designated as scholarship in the applicable tenure and promotion criteria and [Faculty Manual](#) Section III.C.4.

6.1 Procedure

For faculty who engage in compensated outside activities related to scholarship and wish to take advantage of the safe harbor provision of the ethics law, the University has established the following process:

- a. The faculty member must disclose the activity in advance and obtain written approval from their department chair, director, or other supervisor;
- b. The disclosure must be accompanied by a memorandum or **preapproval form** with the following information:

<Comment from PRF: PRF is developing a preapproval form which is intended to be published on the Ethics Advisor website. At publication of this policy, PRF will add an active link from the highlighted text above to the form.>

- i. A description of the outside activity, including the nature, location, requirements, and expected duration;

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6.1 Procedure (cont.)

- b. Memorandum or preapproval form information required (cont.)
 - ii. An explanation of how the compensated outside activity aligns with the faculty member's obligation to produce, publish, and disseminate scholarship; and
 - iii. A list of the University facilities or resources to be used for the activity, including the nature, extent, and expected duration of the use (see below for a list of acceptable uses).
- c. The supervisor must approve the activity in writing prior to commencement of the activity.
- d. The faculty member is responsible for complying with all *Faculty Manual* policies regarding compensated outside service, as well as all other applicable University policies.
- e. The faculty member is responsible for ensuring the activity does not create a conflict of interest ([Section 4](#)) or conflict of commitment ([Section 5](#)). For assistance, contact the Ethics Compliance Advisor (see [Section 9.0](#)).
- f. The faculty member must immediately notify their supervisor in writing of any change in the activity or use of resources.
- g. The activity and use of University resources must be reviewed by the faculty member's supervisor no less than annually and included in the annual report signed by the department chair, dean/vice chancellor for academic affairs, and Provost, as set forth in [BPPM 60.44](#).

Full compliance with this process allows the University to grant an exception to the general prohibition against using University resources facilities and resources for compensated outside service (see *Faculty Manual* II.D.2.F) and also satisfies the faculty member's obligations under the following laws with respect to the approved activity: [RCW 42.52.030](#); [RCW 42.52.040](#); [RCW 42.52.080](#); [RCW 42.52.110](#); [RCW 42.52.120](#); [RCW 42.52.130](#); [RCW 42.52.140](#); [RCW 42.52.150](#); and [RCW 42.52.160](#).

6.2 Acceptable Uses of University Resources

For purposes of this section, the following uses of University facilities and resources may be permitted for an activity approved under this section, even when the use is more than *de minimis* (defined in [Section 3.1](#)):

- Employee's assigned University office space, telephone, computer, printer, or other electronic device, email account, internet and wireless connections, and WSU libraries;
- Reasonable use of University conference rooms, studios, and other common spaces, provided such use does not interfere with other University activities;
- Reasonable use of consumables such as paper, printer ink and toner, pens, paperclips, etc.

Any other uses that are not *de minimis* are permitted only upon specific review and pre-approval of the faculty member's supervisor after consultation with the Ethics Compliance Advisor. Any use of resources also may be subject to specific college or departmental policies.

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6.3 Examples of Compensated Scholarship Activities

- Employee is researching and writing a textbook in their area of expertise for which they will receive royalties.
- Employee is preparing for a series of invited talks in their area of expertise, for which they will receive honoraria in compliance with [Faculty Manual](#) II.D.3.
- Employee, who teaches creative writing, is writing a novel and plans to submit it to a commercial publisher.

6.4 Uncompensated Outside Scholarship Activities

For purposes of the state ethics law, this policy constitutes the University's preapproval of uncompensated outside scholarship activities that are within the expectations of the faculty member's position. Faculty are permitted reasonable use of University resources for these activities, including use designated as more than *de minimis* in accordance with [Section 6.2](#) above. All University-related activities are subject to applicable laws and University policies.

7.0 ETHICS TRAINING REQUIREMENT

All University personnel are required to complete designated ethics training within six months of their appointment to WSU and must complete a designated refresher ethics training annually. Required ethics trainings shall be designated by Compliance and Risk Management.

Individual units may require personnel to complete additional ethics training. Units are encouraged to submit requests to the Ethics Compliance Advisor for specific training needs.

8.0 REPORTING ETHICS VIOLATIONS

Suspected ethics violations may be reported to:

- Employee's WSU supervisor;
- Human Resource Services;
- Internal Audit; or
- Executive Ethics Board.

Reports also may be made in accordance with [BPPM 10.20](#).

9.0 PENALTIES, RESOURCES, AND ASSISTANCE

University employees should err on the side of caution in avoiding activities that might constitute violations of the state ethics law and related policies, as violations may result in disciplinary action, up to and including termination, as well as monetary penalties and personal liability. Assistance in interpreting ethics laws and policies is available through the University as well as the state Executive Ethics Board (EEB).

Note: Even the appearance of an ethics violation may warrant investigation or review by the EEB or WSU.

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9.1 WSU Ethics Compliance Advisor (ECA)

WSU employees seeking advice or an interpretation of state ethics law or related WSU policies should consult the Ethics Compliance Advisor (ECA).

Although the ECA does not have authority to make decisions regarding ethics matters, the ECA may provide advice based upon the facts presented. The advice includes relevant criteria University personnel should consider when making decisions regarding potential violations of the state ethics law.

The ECA is also available to provide general information regarding applicable ethics requirements. Contact the ECA at ethics@wsu.edu.

9.2 Executive Ethics Board

The Washington State Executive Ethics Board (EEB) provides training, resources, advisory opinions, and enforcement related to the state ethics law. The EEB has authority to impose monetary penalties and recommend disciplinary action when it finds an employee has violated the state ethics law. For more information, see the [EEB website](#).

In addition to seeking guidance from the ECA, individual University employees may contact the EEB directly for assistance. **Note:** The ECA must review official requests on behalf of WSU for an opinion or interpretation prior to being referred to the EEB.

ACTION ITEM #5

Marketing Contract for Cosmic Crisp® (Stacy Pearson/Wendy Powers/Scot Hulbert)

November 18, 2022

TO ALL MEMBERS OF THE BOARD OF REGENTS

SUBJECT: Marketing Contract for Cosmic Crisp®

PROPOSED: That the Board of Regents authorize the University to enter into a marketing contract for Cosmic Crisp® and delegate authority to the President or designee to negotiate and execute the contract with a cost not to exceed \$5,625,000.

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

**SUPPORTING
INFORMATION:**

WSU owns intellectual property rights to the patented apple cultivar, WA 38, and trademark rights in the Cosmic Crisp® brand. WSU licensed these intellectual property rights to a third-party commercialization agent to bring the apple to the marketplace and receives a share of royalty payments from each apple tree, box of apples, and processed good sold under the Cosmic Crisp® brand name. Apples are unique among other consumer produce as they are sold by name; therefore, strong trademark branding coupled with strong patent protection is key to capturing the value created through nearly 20 years of plant breeding at WSU. This value protection is made possible through WSU's commercial licensee, Proprietary Variety Management LLC (PVM).

In January 2019, the Regents authorized, and WSU signed, a 4-year marketing campaign agreement with PVM for a total cost of \$10.4 million. To date, WSU has collected \$16.7 million in gross royalties from WA 38 license agreements. The current marketing services agreement will expire at the end of 2022.

Based on the effectiveness of the marketing campaign to date, WSU proposes to enter a new marketing services contract with PVM. The new contract is anticipated to have a 3-year term, with a cost to WSU not to

exceed \$5,625,000. The new contract will include terms to mitigate WSU's financial risk in the event that anticipated royalty revenue is not realized.

At the September 2022 meeting, the Regents asked several questions related to the cost and value of both the current marketing contract and the proposed future contract. Details regarding past and future PVM marketing activities, estimated value in relation to cost, and overall performance under the current contract will be reviewed with the Regents during the November 2022 meeting.

BOARD OF REGENTS
Marketing Contract for Cosmic Crisp®

Resolution #221118-667

WHEREAS, RCW 28B.30.095, RCW 28B.30.100, and RCW 28B.30.150 vest the governance and management of Washington State University (WSU) in the Board of Regents of WSU (Board); and

WHEREAS, the Board, by virtue of RCW 28B.10.528, has the authority to delegate by resolution to the President of WSU, or designee, any of the powers and duties vested in or imposed upon the Board by law;

NOW, THEREFORE, IT IS RESOLVED that the Board authorizes the University to enter into a marketing contract for Cosmic Crisp® and delegates authority to the President or designee to negotiate and execute the contract with a total cost not to exceed \$5,625,000.

Signed the 18th day of November, 2022.

Chair, Board of Regents

Secretary, Board of Regents