



**WESTERN WASHINGTON UNIVERSITY
BOARD OF TRUSTEES
AGENDA
AUGUST 21, 2020**

FRIDAY, AUGUST 21, 2020

Location: Zoom Meeting
Audiocast: <https://wp.wvu.edu/live/>
Time: 8:00 a.m.

- 1. CALL TO ORDER**
8:00 – 8:01
- 2. APPROVAL OF MINUTES**
8:01 – 8:05
 - Board of Trustees Regular Meeting, June 12, 2020
 - Board of Trustees Special Meeting, July 17, 2020
- 3. PUBLIC COMMENT**
8:05 – 8:10
- 4. EXECUTIVE SESSION TO DISCUSS PERSONNEL ISSUES AS AUTHORIZED IN RCW 42.30.110**
8:10 – 8:30
- 5. BOARD CHAIR REPORT**
8:30 – 8:40
 - Words from the Chair
 - Resolution No. 2020-03 Recognizing the Service of Trustee Earl Overstreet
- 6. UNIVERSITY PRESIDENT REPORT**
8:40 – 8:50
- 7. FACULTY SENATE REPORT**
8:50 – 8:55
- 8. ASSOCIATED STUDENTS REPORT**
8:55 – 9:00
- 9. BOARD FINANCE, AUDIT AND ENTERPRISE RISK MANAGEMENT COMMITTEE REPORT**
9:00 – 9:10 Presentation: Trustee Faith Pettis, Committee Chair
- 10. BOARD STUDENT SUCCESS COMMITTEE REPORT**
9:10 – 9:20 Presentation: Trustee Mo West, Committee Chair

DISCUSSION ITEMS

11. FALL PLANNING UPDATE

9:20 – 9:35 Presentation: Richard Van Den Hul, Vice President for Business and Financial Affairs, WWU Coronavirus Incident Response Manager
Melynda Huskey, Vice President for Enrollment and Student Services
Brent Carbajal, Provost and Vice President for Academic Affairs

12. FINANCE AND BUDGET OUTLOOK UPDATE

9:35 – 9:55 Presentation: Richard Van Den Hul, Vice President for Business and Financial Affairs
Faye Gallant, Executive Director, Budget and Financial Planning

13. DIVERSITY, EQUITY, AND INCLUSION UPDATE AND TIMELINE FOR FALL 2020

9:55 – 10:10 Presentation: Melynda Huskey, Vice President for Enrollment and Student Services

BREAK – 10 MINUTES

ACTION ITEMS

14. APPROVAL OF PUBLIC WORKS PROJECTS

10:20 – 10:25 Presentation: Richard Van Den Hul, Vice President for Business and Financial Affairs
Brian Ross, Assistant Director, Facilities Development and Capital Budget

- Construction Contract for Bid Packages #5 for the Interdisciplinary Science Building (PW733)
- Construction Contract for Fairhaven Academic to Replace Main Electrical Switchgear (PW735)

15. APPROVAL OF OPERATING BUDGET REQUEST FOR FY2021-2023 BIENNIUM

10:25 – 10:40 Presentation: Richard Van Den Hul, Vice President for Business and Financial Affairs
Faye Gallant, Executive Director, Budget and Financial Planning

16. APPROVAL OF FALL QUARTER 2020 MANDATORY STUDENT FEES

10:40 – 10:50 Presentation: Richard Van Den Hul, Vice President for Business and Financial Affairs
Faye Gallant, Executive Director, Budget and Financial Planning

17. APPROVAL OF RULE CHANGES IN RESPONSE TO NEW TITLE IX GUIDANCE

10:50 – 10:55 Presentation: Melynda Huskey, Vice President for Enrollment and Student Services
Interim Executive Director Civil Rights and Title IX Compliance

18. APPROVAL OF FINANCING RESOLUTION FOR HOUSING AND DINING

10:55 – 11:05 Presentation: Brian Sullivan, Associate Vice President for Business and Financial Affairs
Linda Beckman, Director of Finance and Capital Projects, Enrollment and Student Services

19. APPROVAL OF SUMMER QUARTER DEGREES

11:05 – 11:10

20. INFORMATION ITEMS

11:10 – 11:15

- a. Academic Reports
- b. Enrollment Management Summary
- c. University Advancement Report
- d. Capital Program Report
- e. University Relations and Marketing Report
- f. Information Technology Report

21. TRUSTEE REMARKS

11:15 – 11:25

22. DATE FOR NEXT REGULAR MEETING: October 8,9, 2020

23. ADJOURNMENT

1. CALL TO ORDER

**WESTERN WASHINGTON UNIVERSITY
ITEM SUBMITTED TO THE BOARD OF TRUSTEES**

TO: Members of the Board of Trustees

FROM: President Sabah Randhawa

DATE: August 21, 2020

SUBJECT: **Approval of the Minutes**

PURPOSE: Action Items

Purpose of Submittal:

Approval of the Board of Trustees Meeting Minutes.

Proposed Motion:

MOVED, that the Board of Trustees of Western Washington University, upon the recommendation of the president, approve the following minutes:

- Approval of the Minutes of the Board of Trustees Meeting, June 12, 2020
- Approval of the Minutes of the Special Board of Trustees Meeting, July 17, 2020

Supporting Information:

Minutes of June 12, 2020

Minutes of July 17, 2020

**Western Washington University
Board of Trustees
Meeting Minutes
Friday, June 12, 2020**

CALL TO ORDER

Board Chair, Trustee Earl Overstreet called the special meeting of the Board of Trustees of Western Washington University to order at 8:02 a.m., via Zoom. A quorum was established by roll call.

Board of Trustees

Earl Overstreet, Chair – *via Zoom*
Chase Franklin, Vice Chair – *via Zoom*
John Meyer, Secretary – *via Zoom*
Faith Pettis – *via Zoom*
Hunter Stuehm – *via Zoom*
Karen Lee – *via Zoom*
Mo West – *via Zoom*
Sue Sharpe – *via Zoom*

Western Washington University

Sabah Randhawa, President
Brent Carbajal, Provost/Vice President for Academic Affairs
Richard Van Den Hul, Vice President for Business and Financial Affairs
Stephanie Bowers, Vice President for Advancement
Melynda Huskey, Vice President for Enrollment and Student Services
Donna Gibbs, Vice President for University Relations and Marketing
Becca Kenna-Schenk, Executive Director, Government Relations
Jeff Young, Faculty Senate President
Noelani DeFiesta, Associated Students President
Melissa Nelson, Assistant Attorney General
Paul Dunn, Chief of Staff and Secretary to the Board of Trustees
Barbara Sandoval, Senior Executive Assistant to the President
Rayne Rambo, Assistant Secretary to the Board of Trustees

1. APPROVAL OF MINUTES

MOTION 06-01-2020

Trustee Sharpe moved that the Board of Trustees of Western Washington University, upon the recommendation of the President, approve the following minutes:

- Board of Trustees Special Meeting April 7, 2020
- Board of Trustees Regular Meeting, April 17, 2020
- Board of Trustees Special Meeting, April 28, 2020
- Board of Trustees Special Meeting, May 8, 2020

The motion was voted on by roll call.

Roll Call for the Vote:

Trustee Sue Sharpe - Yes
Trustee Karen Lee – Yes
Trustee Faith Pettis – Yes
Trustee Mo West – Yes
Trustee Hunter Stuehm - Yes
Trustee John Meyer – Yes
Trustee Chase Franklin – Yes
Trustee Earl Overstreet, Chair - Yes

The motion passed.

2. BOARD CHAIR REPORT

“As I prepared my first chair report, almost two years ago, I wondered what could I say after two months on the job? The challenge as I prepared my last chair report was to find the words that would provide a meaningful framework for our discussion about social justice and challenges related to the pandemic. I think these words apply to both.

“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.”

These familiar words are from the Declaration of Independence. On July 4, 2020 we will celebrate the 244th anniversary of the document that announced the birth of the United States of America. This vision statement for our country is a source of inspiration and guidance for me in this time of national crisis.

Our problems are both simple and complicated, but the need for better results is clear. The challenge is finding a path forward. Some problems can be solved by immediate solutions. Others are complex and systemic. Sustainable solutions to complex, systemic problems rooted in slavery will require hard work to develop and implement. We must recognize when time is needed to scrutinize solutions, but remain impatient with inaction, deflections or distractions.

Right now our emotions are high. This is expected and justified. We must channel the power of our anger, fear, disappointment, and sadness into constructive and sustained action.

Constructive actions include:

- Coalition building.
- Open, inclusive, and respectful communication.
- Education and research, leading to understanding and solutions.

Sustaining those actions requires:

- Informed citizen involvement in communications and accountability.
- Recognition that the work is never done.

I feel the pain of where we are, but our best days are ahead. The future that I dream about is within our grasp and I believe that together we will seize this moment.

The last sentence of the Declaration of Independence is a charge to the citizens of the United States of America. “And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.”

Working together, this is our moment, as united Americans and citizens of the world, to define and demand the future that delivers on the promise of our country, “Life, Liberty and the pursuit of Happiness.”

This concludes my report.”

3. CONVERSATIONS AROUND CORONAVIRUS AND THE LEGACY OF SYSTEMIC ANTI-BLACK RACISM

Trustee Overstreet opened the floor for everyone in the meeting to have a robust conversation and discussion around the coronavirus pandemic and the turmoil surrounding the brutal killing of George Floyd. President Randhawa shared his reflections on the value crisis precipitated by these events, and the need to view them in the broader context of deep social, economic, and racial inequities. He said the current unrest and violence create a renewed sense of urgency to listen to Black students and Black community members to better understand their daily experience, and make meaningful strides toward securing their physical and emotional safety.

The trustees engaged in frank and robust conversation with the regards to the impacts of the coronavirus and systemic racism. Trustee Lee noted that universities have a unique role in battling racism and systemic injustice and that Western must continue working to fulfill this mission with its students and the broader community.

RESOLUTION NO. 2020-01

A RESOLUTION OF THE BOARD OF TRUSTEES OF WESTERN WASHINGTON UNIVERSITY AFFIRMING THAT BLACK LIVES MATTER

WHEREAS, the Board of Trustees is responsible for ensuring that Western Washington University provides access to transformational higher education for the people of the State of Washington, pursues justice and equity in its policies and practices, and supports the dignity of all students, faculty, and staff; and

WHEREAS, over the past several weeks we have again been reminded that police brutality and disregard for the lives of Black people is not only tolerated, but historically and intentionally interwoven in the social fabric of the United States; and

WHEREAS, the violent deaths of George Floyd, Ahmaud Arbery, Breonna Taylor and countless others who have come before them are connected to centuries-long systemic inequities for Black people in the criminal justice system, healthcare, housing, employment, and education; and

WHEREAS, the Board of Trustees recognizes that our Black students, faculty, staff and their loved ones experience the daily realities of these inequities, and that the trauma of these recent acts of racial violence has been compounded by the disproportionate impacts of COVID-19 on the Black community; and

WHEREAS, the Board of Trustees stands in solidarity with the Black community, and wants our Black students, faculty, and staff to know that we see you, we hear you, and we care deeply about your future; and

WHEREAS, the Board of Trustees maintains that affirming “Black Lives Matter” does not in any way diminish the value of other lives, but simply proposes the long overdue elevation of Black people’s lives to equal consideration with the lives of others; and

WHEREAS, the Board of Trustees supports the University Administration in its recent messages and actions to advance equity and inclusive success for Black students; and

WHEREAS, the Board of Trustees holds the University Administration accountable for making measurable progress on its stated strategic plan goals of increasing first-year retention and graduation rates for students of color and Pell Grant eligible students, increasing the overall percentage of students of color at Western to 30-35% and of faculty of color to 18-23% by 2025, and for increasing the representation of people of color among administrative and academic leadership;

NOW, THEREFORE BE IT RESOLVED that the Board of Trustees of Western Washington University affirms that Black Lives Matter, and that identifying and addressing the root causes of racial inequities in Western Washington University’s policies, procedures, and outcomes for our Black students, faculty, and staff is inseparable from the fulfillment of the institution’s mission and strategic plan, and to living up to its stated values and ideals.

PASSED AND APPROVED in open meeting by the Board of Trustees of Western Washington University at its regular meeting on June 12, 2020.

MOTION 06-01-2020

Trustee Lee moved that the Board of Trustees approve Resolution 06-01-2020 to affirm that Black Lives Matter.

The motion was voted on by roll call.

Roll Call for the Vote:

Trustee Sue Sharpe - Yes
Trustee Karen Lee – Yes
Trustee Faith Pettis – Yes
Trustee Hunter Stuehm– Yes
Trustee Mo West- Yes
Trustee John Meyer – Yes
Trustee Chase Franklin – Yes
Trustee Earl Overstreet, Chair - Yes

The motion passed.

4. UNIVERSITY PRESIDENT’S REPORT

President Randhawa expressed his gratitude for the open dialogue and the shared stories, experiences, and reflections from those in attendance. He thanked Trustee Lee for articulating that Western is falling short of its social justice goals as reflected in many of the key metrics for inclusive success, and though Western has made progress there is still a long road ahead in advancing these goals.

President Randhawa reported that work continues to provide students the best possible learning experience for the Fall quarter. He thanked Provost Carbajal and Jeff Young, Faculty Senate President for their leadership and collaborative work during the process.

President Randhawa concluded with a congratulations to the graduating class of 2020 and noted that the commencement ceremony would be held virtually to celebrate their success in these unprecedented times.

5. FACULTY SENATE REPORT

Jeff Young, Faculty Senate President expressed his thanks to the many people who provide for Western's students and make Western an outstanding institution. He thanked the Board of Trustees and the Associated Students Board of Directors for their leadership during these challenging times and for the shared governance that allows Western to move the needle on important issues. Young thanked the Western faculty and staff for their perseverance during the transition to remote learning and instruction.

Young reported that the faculty will continue prioritizing classroom climate and ensuring that social justice is intentionally incorporated into more aspects of the Western experience.

Trustee Overstreet thanked Young for his leadership and advocacy in his work with the faculty and students of Western.

6. ASSOCIATED STUDENTS REPORT

Noelani DeFiesta, Associated Students President reported that the Associated Students (AS) finalized a statement acknowledging its current and historical actions in perpetuating anti-blackness. She noted that the statement included a list of action items that included hiring initiatives, systemic education, creation of a coalition of black student groups, and calls for greater accountability within law enforcement.

DeFiesta thanked the Board of Trustees for their shared governance and said it had been an honor to serve as the Associated Students President.

Trustee Overstreet commended DeFiesta for her outstanding leadership during difficult circumstances.

7. PUBLIC COMMENT

As per Amended RCW 28B.35.110, the Board of Trustees provided time for public comment. No one signed up for public comment.

Trustee Overstreet announced a ten-minute break at 9:27am. The board reconvened at 9:00am.

8. FINANCE, AUDIT, AND ENTERPRISE RISK MANAGEMENT COMMITTEE REPORT

Trustee Meyer reported that the FARM Committee received an update on the financial impacts of the Coronavirus pandemic on Western, with the emphasis of the conversation centered around

planning for the FY2021 budget, which will be presented for approval at the October Board of Trustees meeting.

He reported that Chuck Lanham, Vice Provost for Information Technology/Chief Information Officer and Beth Albertson, Director, Information Security presented an overview of Western's Information Security Program. He noted that the highlights of the program include recent security assessment results, information security gaps and next focus. He added that the Board would receive a presentation on Information Security at Western at a future meeting.

Meyer detailed that Brian Sullivan, Associate Vice President for Business and Financial Affairs and Nicole Goodman, University Compliance Manager/HIPAA Privacy Officer – CHCO/Internal Controls Coordinator provided an update on the Semi-Annual Compliance Internal Controls report.

Meyer noted that this was his last meeting as Chair of the FARM Committee and that Trustee Pettis would be taking on the role as Chair starting at the August meeting.

9. STUDENT SUCCESS COMMITTEE REPORT

Trustee Mo West reported that John Krieg, Director of Western's Office for Institutional Effectiveness, Sara Wilson, Senior Director of Student Success Initiatives and Steve VanderStaay, Vice Provost for Undergraduate Education provided a data-rich presentation and conversation on student success metrics and retention and support strategies. West reported that retention and graduation rates at Western over the last two decades have been stable or have gone up slightly. She noted that the Office of Institutional Engagement surveys incoming freshman to gauge retention strategies and academic preparedness of incoming Western students.

West reported that VanderStaay reported on Retention and Student Success Initiatives with a focus on three specific initiatives that were inspired by Western's involvement in the Northwest Commission on Colleges and Universities (NWCCU) Retention Academy. These include: leveraging the Office of Institutional Effectiveness to more finely identify students who would benefit from increased services; a focus in Enrollment and Student Services to identify and eradicate institutional impediments to student success at each stage of a student's journey at Western; and a faculty development initiative that provides instructors with specific information about student achievement in their classes and teaching tools to close equity gaps.

Lastly West noted that Wilson reported on Student Support Services that have been updated for Remote Living and Learning and noted that use of services had increased due to the impacts of COVID-19. It was noted that Fall quarter planning has already begun to find the best paths forward in supporting Western students.

10. 2020-2021 OPERATING BUDGET AND RELATED MATTERS

Brent Carbajal, Provost/Vice President for Academic Affairs and Richard Van Den Hul, Vice President for Business and Financial Affairs were joined by Becca Kenna-Schenk, Executive Director of Government Relations and Faye Gallant, Executive Director, Budget and Financial Planning provided an overview and engaged discussion pertaining to the 2020-2021 operating budget framework and planning process and the impacts of the COVID-19 pandemic.

MOTION 06-02-2020

Trustee West moved, that the 2020-2021 annual tuition operating fee and capital building fee rates for state-funded

resident undergraduate students, non-resident undergraduate students, resident and non-resident graduate, resident and non-resident MBA, resident and non-resident Clinical Doctorate of Audiology program, and the resident and non-resident Speech Pathology program be raised by 2.5%; and

FURTHER MOVED, that the 2020-2021 annual tuition operating fee for graduate programs in Clinical Mental Health and in School Counseling be set at \$11,216 for resident students and \$22,723 for non-residents, and the annual capital building fee rates for resident and non-resident students in this program be set at \$298 and \$711, respectively.

FURTHER MOVED, that the Board of Trustees of Western Washington University, upon the recommendation of the President and various constituent review committees, approve the 2020-2021 mandatory student fee levels and distribution for the S & A Fee as proposed in the attached documents for the following fees:

- Services & Activities Fee (*No increase*)
- Student Recreation Fee (*No increase*)
- Student Health Services Fee (*No increase*)
- Student Technology Fee (*No increase*)
- Non-Academic Building Fee (*No increase*)
- Sustainable Action Fee (*No increase*)
- Alternative Transportation Fee (*3.6% increase*)
- Legislative Action Fee (*No increase*)
- Multicultural Services Fee (*No increase*)

The motion was voted on by roll call.

Roll Call for the Vote:

Trustee Sue Sharpe - Yes
Trustee Karen Lee – Yes
Trustee Faith Pettis – Yes
Trustee Mo West – Yes
Trustee Hunter Stuehm - Yes
Trustee John Meyer – Yes
Trustee Chase Franklin – Yes
Trustee Earl Overstreet, Chair - Yes

The motion passed.

10d. iii. 2020-2021 SELF-SUSTAING ACADEMIC YEAR TUITION RATES

MOTION 06-03-2020

Trustee Franklin moved, that the 2020 – 2021 Self-Sustaining Academic Year Tuition Rates be raised to the following rates:

- Undergraduate Course/Workshop \$272 per credit,
- Graduate Course/Workshop \$346 per credit,
- Undergraduate Degree Program Courses \$315 per credit,
- Graduate Degree Program Courses \$375 per credit,
- and
- Weekend MBA \$757 per credit and

Further moved, that the Global Pathway Undergraduate Program tuition rate be approved at a flat rate of \$5,000 per quarter.

Roll Call for the Vote:

Trustee Sue Sharpe - Yes
Trustee Karen Lee – Yes
Trustee Faith Pettis – Yes
Trustee Mo West – Yes
Trustee Hunter Stuehm - Yes
Trustee John Meyer – Yes
Trustee Chase Franklin – Yes
Trustee Earl Overstreet, Chair - Yes

The motion passed.

10e. APPROVAL OF 2020-2021 ANNUAL STATE OPERATING BUDGET

MOTION 06-04-2020

Trustee Pettis moved, that the Board of Trustees of Western Washington University, upon the recommendation of the President, approve a preliminary 2020-2021 Annual State Operating Budget at the FY20 level of \$190,289,000 consisting of State Appropriations in the amount of \$90,534,000; WWU net tuition operating fee revenues of \$92,354,362; administrative services assessment revenue of \$4,995,217; and one-time funds of \$2,405,425; with the addition of \$886,000 in State Appropriations directed to lowering tuition rates for Western on the Peninsulas programs. At the October 2020 Board of Trustees meeting, the President will present the recommended operating budget for FY2020-2021.

FURTHER MOVED, that the Board of Trustees of Western Washington University, upon the recommendation of the President, approve the 2020-2021 intercollegiate athletics preliminary operating budget at the 2019-2020 level of \$6,068,657 consisting of tuition and fees in the amount of \$3,470,416 and self-sustaining and other revenues of \$2,598,241, and with the intention to fund the operating deficit

for intercollegiate athletics, as defined by Substitute Senate Bill 6493, by continued use of tuition and fee revenues as it has in the past.

The motion was voted on by roll call.

Roll Call for the Vote:

Trustee Sue Sharpe - Yes
Trustee Karen Lee – Yes
Trustee Faith Pettis – Yes
Trustee Mo West – Yes
Trustee Hunter Stuehm - Yes
Trustee John Meyer – Yes
Trustee Chase Franklin – Yes
Trustee Earl Overstreet, Chair - Yes

The motion passed.

10f. APPROVAL OF 2020-2021 HOUSING AND DINING RATES

Melynda Huskey, Vice President for Enrollment and Student Services and Leonard Jones, Director of University Residences provided an overview of the proposed increase in Housing and Dining Rates for the 2020-2021 Housing & Dining System. It was noted that considering the calamitous impact of COVID-19 on the System’s fiscal resources, the proposal responsibly responds to new financial pressures, and helps position the System for emerging needs and requirements. Huskey explained that like most years, a major influence for planning came from standards and expectations outlined in the Principles for Housing & Dining System. She noted that this budget recommendation meets those standards of necessary reserve fund balances, planned major maintenance, debt service coverage, and capital planning.

MOTION 06-05-2020

Trustee Stuehm moved, that the Board of Trustees of Western Washington University, upon recommendation of the Residence Hall Association and the University President, approve the Housing and Dining rates as proposed. The 2020-2021 proposed rates call for a 4.0 percent increase in residence hall room and board rates and Birnam Wood apartment rental rates.

The motion was voted on by roll call.

Roll Call for the Vote:

Trustee Sue Sharpe - Yes
Trustee Karen Lee – Yes
Trustee Faith Pettis – Yes
Trustee Mo West – Yes
Trustee Hunter Stuehm - Yes
Trustee John Meyer – Yes
Trustee Chase Franklin – Yes

Trustee Earl Overstreet, Chair - Yes

The motion passed.

11. 2021-2031 CAPITAL PLAN AND 2021-2023 CAPITAL BUDGET REQUEST

Richard Van Den Hul, Vice President for Business and Financial Affairs provided an overview of the 2021-2023 Capital Budget Request. He noted that the Board reviewed a draft 2021-2023 Capital Budget Request in the Capital Program Report at the April meeting. Van Den Hul confirmed that the campus community including the University Planning and Resources Council (UPRC) was able to submit input which lead to the document be presented for approval.

MOTION 06-06-2020

Trustees Meyer moved, that the Board of Trustees of Western Washington University, upon the recommendation of the President, approves the 2021-2031 Capital Plan which includes the 2021-2023 Capital Budget Request from State-appropriated funding sources of \$97,289,000.

Vote by Roll Call:

Trustee Sue Sharpe – Yes
Trustee Karen Lee – Yes
Trustee Faith - Yes
Trustee Hunter Stuehm – Yes
Trustee Mo West
Trustee John Meyer – Yes
Trustee Chase Franklin- Yes
Trustee Earl Overstreet, Chair – Yes

The motion passed.

Trustee Overstreet announced a ten-minute break @ 11:33am. The board reconvened at 11:40am.

12. APPROVAL OF PUBLIC WORKS PROJECTS

Richard Van Den Hul, Vice President for Business and Financial Affairs and Rick Benner, Director, Facilities Development and Capital Budget/University Architect provided an overview of the Public Works Projects presented for approval. Van Den Hul noted that this approval is the third in a series of four for Interdisciplinary Science Building project.

MOTION 06-07-2020

Trustee Franklin moved that the Board of Trustees of Western Washington University, upon the recommendation of the President, award a contract to BNBuilders Inc., Seattle, WA, in the amount of \$2,050,230 (plus associated sales tax) for Bid Package #3 (Roofing, Lab Casework and Equipment) for the Interdisciplinary Science Building project.

FURTHER MOVED that the Board of Trustees of Western Washington University, upon the recommendation of the President, approve a change order and an amendment to the Progressive Design-Build contract with Lydig Construction, Spokane, WA, in the amount of \$1,697,000 (excluding associated sales tax) for the Ridgeway Commons ADA Accessibility component of the New Residence Hall project, bringing the Guaranteed Maximum Price (GMP) amount to a total of \$51,697,000 (excluding associated sales tax). Also that, the total project budget be increased by \$400,000 associated with the Ridgeway Commons ADA accessibility scope. The new total project budget shall be \$67,950,000.

Vote by Roll Call:

Trustee Sue Sharpe – Yes
Trustee Karen Lee – Yes
Trustee Faith Pettis - Yes
Trustee Hunter Stuehm – Yes
Trustee Mo West - Yes
Trustee John Meyer – Yes
Trustee Chase Franklin- Yes
Trustee Earl Overstreet – Yes

The motion passed.

13. APPROVAL OF SPRING QUARTER DEGREES

Provost Brent Carbajal presented the candidates for undergraduate and graduate degrees for Spring quarter.

MOTION 06-08-2020

Trustee Stuehm moved, that the Board of Trustees of Western Washington University, on recommendation of the faculty and subject to the completion of any unmet requirements, approves awarding undergraduate and graduate degrees to the candidates listed in the files of the Registrar and Graduate Dean, for Spring Quarter 2020, effective June 13, 2020.

Vote by Roll Call:

Trustee Sue Sharpe – Yes
Trustee Karen Lee – Yes
Trustee Faith Pettis - Yes
Trustee Hunter Stuehm – Yes
Trustee Mo West - Yes
Trustee John Meyer – Yes
Trustee Chase Franklin- Yes
Trustee Earl Overstreet – Yes

The motion passed.

14. INFORMATION ITEMS

a. 2020 Affirmative Action Plan

Interim Vice Provost for Equal Opportunity and Employment Diversity, Title IX Coordinator & ADA Coordinator | Equal Opportunity Office, Drew Nishiyama provided an executive summary of Western’s 2020 Affirmative Action Plan, and the impact of the new initiatives recently implemented, including the Provost’s Diversity and Inclusion Hiring Initiative.”

b. Academic Reports

Provost Carbajal provided a written report with an update on the status of the tenure-track faculty searches undertaken during the 2019-20 academic year and followed by spreadsheets showing the status of the TT faculty searches per college and other interesting information about Western’s new faculty members

c. Annual & Quarterly Grant Report

Provost Carbajal provided a written report with information from the Office of Research and Sponsored Programs concerning the quarterly and current grant awards at Western

d. Admissions and Enrollment Report

Vice President Huskey provided a written report regarding the university’s general enrollment and admissions.

e. University Advancement Report

Vice President Bowers provided a written report on the University’s Alumni Relations and Western’s Foundation activities.

f. Capital Program Report

Vice President Van Den Hul provided a written report on the University’s capital projects.

g. University Relations and Marketing Report

Vice President Gibbs provided a written report documenting recent activities of University Relations and Marketing.

15. RECOGNITIONS

WWU Student Award Recipients

Fulbright Scholarship
Darby Finnegan (Sweden) Anchal Sharma (Mexico)
NOAA Hollings Scholarship
Zofia Danielson
Goldwater Scholarship

Melody Gao
Gilman Scholarship
<p>Summer 2019 Alexa Arminen - Gilman Scholarship - WWU Global Learning Program - China Amelita Brown - Gilman Scholarship - CIEE Czech Republic</p> <p>Fall/Academic Year 2019 Samuel Ewert - Gilman Scholarship - ISEP Exchange Finland Lauren Besthoff - Gilman Scholarship - USAC Spain McKenzie Clark - Gilman Scholarship - CIEE Jordan Madison Lundin - Gilman Scholarship - CEA Costa Rica Allison Graeser - Gilman Scholarship - ISEP France Darrin Gordon - Gilman Scholarship - ISEP France</p> <p>Winter/Spring 2020 Jacob Campabello - Gilman Scholarship - Wildlands Studies Ecuador Kylund Prior - Gilman Scholarship - Wildlands Studies Thailand Kyle Taylor - Gilman Scholarship - WWU Global Learning Program Senegal Allegra Swanson - Gilman Scholarship - USAC Ghana</p>

16. RESOLUTION 2020-02 RECOGNIZING THE SERVICE OF BOARD MEMBER HUNTER STUEHM

Trustee Overstreet presented the Resolution to honor the service of student trustee Hunter Stuehm. Overstreet highlighted Stuehm exemplary service as a trustee and explained that the COVID pandemic effectively shortened the terms of the student trustees role this year and made publicity and recruitment of new student trustees difficult. He explained that the Governor’s office allowed eligible student trustees to re-apply for the next year’s term, and that Trustee Stuehm had been unofficially re-appointed by the Governor to serve another year as a student trustee. He emphasized that the trustees agree that this is good news for Western as Trustee Stuehm has been an exceptional student trustee through difficult times. Overstreet highlighted that Trustee Stuehm has contributed to the future potential of Western through his insightful and articulate engagement in numerous policy discussions and decisions affecting the University and on behalf of the board he welcomed him into his second term as the student trustee.

Trustee Stuehm thanked the trustees for their leadership and said that he looks forward to serving another year as the student trustee.

17. ELECTION OF BOARD OF TRUSTEE OFFICERS

Trustee Overstreet proceeded with the nomination of Board officers pursuant to the WWU Board of Trustees Rules of Operation, Section 5(.01) Officers and Terms. He noted that this section in the Rules of Operation states that the Board will elect a chair, vice chair, and secretary for two-year terms.

MOTION 06-09-2020

Trustee West moved that the Board of Trustees of Western Washington University elect the new Board officers as nominated, to be effective at the close of this meeting:

- John Meyer, Chair
- Chase Franklin, Vice Chair
- Sue Sharpe, Secretary

The motion was voted on by roll call.

Roll Call for the Vote:

Trustee Sue Sharpe - Yes
Trustee Karen Lee – Yes
Trustee Faith Pettis – Yes
Trustee Hunter Stuehm– Yes
Trustee Mo West- Yes
Trustee John Meyer – Yes
Trustee Chase Franklin – Yes
Trustee Earl Overstreet, Chair - Yes

The motion passed.

18. PASSING THE GAVEL

Chair Earl Overstreet officially passed the meeting gavel over to new Chair John M. Meyer.

19. EXECUTIVE SESSION

At 12:15pm the board went into Executive Session for approximately thirty minutes to discuss a personnel matter as authorized by RCW 42.30.110. No action was taken in executive session.

Trustee Meyer called the meeting back to order at 12:53pm for the Board to take action on personnel matters as authorized in RCW 42.30.11(g).

RESOLUTION NO. 2020-03

A RESOLUTION OF THE BOARD OF TRUSTEES OF WESTERN WASHINGTON UNIVERSITY AUTHORIZING INDEMNIFICATION

WHEREAS, a legal action, *Roger Leishman v. Washington Attorney General's Office et al*, has been commenced involving this institution of higher education; and

WHEREAS, Bruce Shepherd and Cyndie Shepherd, former officers and employees of the institution designated below have requested the Board to authorize their defense under RCW 28B.10.842; and

WHEREAS, the Board has made a determination that Bruce Shepherd and Cyndie Shepherd were acting in the performance of their duties and in good faith;

NOW, THEREFORE BE IT RESOLVED that the Board of Trustees hereby specifically finds that Bruce Shepherd and Cyndie Shepherd acted within the scope of their authority and in good faith with regard to the conduct alleged by the plaintiff to be wrongful, and the Board specifically authorizes their defense and approves their indemnification by the State pursuant to RCW 28B.10.842.

PASSED AND APPROVED by the Board of Trustees of Western Washington University at its meeting on June 12, 2020.

MOTION 06-10-2020

Trustee Overstreet moved, that the Board of Trustees of Western Washington University approve resolution 2020-03, authorizing indemnification.

The motion was voted on by roll call.

Roll Call for the Vote:

Trustee Sue Sharpe - Yes
Trustee Karen Lee – Yes
Trustee Faith Pettis – Yes
Trustee Hunter Stuehm– Yes
Trustee Mo West- Yes
Trustee John Meyer – Yes
Trustee Chase Franklin – Yes
Trustee Earl Overstreet, Chair - Yes
The motion passed.

20. DATE FOR NEXT REGULAR MEETING

August 21, 2020

21. ADJOURNMENT

The meeting adjourned at 12:57 pm.

**Western Washington University
Board of Trustees
Special Meeting Minutes
Friday, July 17, 2020**

1. CALL TO ORDER

Board Chair, Trustee John M Meyer called the special meeting of the Board of Trustees of Western Washington University to order at 9:01 a.m., via Zoom. A quorum was established by roll call.

Board of Trustees

John M. Meyer, Chair – *via Zoom*
Chase Franklin, Vice Chair – *via Zoom*
Earl Overstreet – *via Zoom*
Faith Pettis – *via Zoom*
Karen Lee – *via Zoom*
Hunter Stuehm – *via Zoom*
Mo West – *via Zoom*
Sue Sharpe – *via Zoom*

Western Washington University

Sabah Randhawa, President
Brent Carbajal, Provost/Vice President for Academic Affairs
Richard Van Den Hul, Vice President for Business and Financial Affairs
Melynda Huskey, Vice President for Enrollment and Student Services
Noelani DeFiesta, Associated Students, President
Jeff Young, Faculty Senate, President
Melissa Nelson, Assistant Attorney General
Rick Benner, Director, Facilities Development and Capital Budget, University Architect
Paul Dunn, Chief of Staff and Secretary to the Board of Trustees
Barbara Sandoval, Senior Executive Assistant to the President
Rayne Rambo, Assistant Secretary to the Board of Trustees

2. CONSTRUCTION CONTRACT FOR BID PACKAGE #4 – ARCHITECTURAL FINISHES (FLOORCOVERINGS AND ACOUSTICAL SYSTEMS), SIDING, ENCLOSURES, AND BALANCE OF MECHANICAL, ELECTRICAL AND PLUMBING – FOR THE INTERDISCIPLINARY SCIENCE BUILDING (PW733)

President Randhawa thanked everyone for coming together for the special meeting for the approval of the proposed construction contract for the Interdisciplinary Sciences Building project.

Rick Benner, Director, Facilities Development and Capital Budget/University Architect provided the board with an overview of the contract that will be awarded in five separate bid packages (this being the fourth). He noted that this bid package does not include the Negotiated Support Services (NSS) and General Conditions. He explained that this will allow more time for BNBuilders and Western to negotiate that portion of the contract, which will be presented for approval at the August regular meeting of the Board of Trustees.

Benner noted that the Interdisciplinary Sciences Building has established a 10% goal for Minority Business Enterprises (MBE) and a 6% goal for Women’s Business Enterprise (WBE) by firms

that are certified with the Washington State Office of Minority and Women's Business Enterprises (MWBE). He added that the project is currently below the goals, reaching 6.4% MBE participation and 5.6% WBE participation. The General Contractor/Construction Manager (CG/CM) contractor and consultant will continue extensive outreach to firms with the intent of meeting, if not exceeding, the goals. He said that Western will better understand the overall MWBE percentage data once all the bid packages are open.

MOTION 07-01-2020 Trustee Pettis moved that the Board of Trustees of Western Washington University, upon the recommendation of the President, award a contract to BNBuilders Inc., Seattle, WA, in the amount of \$23,330,007 (plus associated sales tax excluding NSS and General Conditions) for Bid Package #4 - Architectural Finishes (Floorcoverings and Acoustical Systems), Siding, Enclosure, and Balance of Mechanical, Electrical & Plumbing - for the Interdisciplinary Science Building project.

The motion was voted on by roll call.

Roll Call for the Vote:

Trustee Sue Sharpe – Yes
Trustee Karen Lee – Yes
Trustee Earl Overstreet – Yes
Trustee Faith Pettis - Yes
Trustee Chase Franklin – Yes
Trustee Hunter Stuehm - Yes
Trustee Mo West – Yes
Trustee John M. Meyer, Chair - Yes

The motion passed.

3. ADJOURNMENT @ 9:22 a.m.

**WESTERN WASHINGTON UNIVERSITY
ITEM SUBMITTED TO THE BOARD OF TRUSTEES**

TO: Members of the Board of Trustees
FROM: Sabah Randhawa, President
DATE: August 21, 2020
SUBJECT: **Public Comment Period**
PURPOSE: Information Item

Purpose of Submittal:

RCW 28B.35.110 requires that the governing boards of regional universities provide for public comment at meetings and follow procedures for open public meetings in the Open Public Meetings Act.

The June meeting of the WWU Board of Trustees will be conducting using the virtual meeting platform, Zoom. Persons wishing to comment during public comment can email Rayne Rambo, Assistant Secretary to the Board of Trustees to receive a Zoom invitation to the meeting. rambor@wwu.edu

Any member of the public wishing to listen to the meeting can do so via the audiocast as per usual at the link provided on the Board of Trustees web site and here: <https://wp.wwu.edu/live/>

4. EXECUTIVE SESSION

Executive Session may be held to discuss personnel, real estate, and legal issues as authorized in RCW 42.30.110.

**WESTERN WASHINGTON UNIVERSITY
ITEM SUBMITTED TO THE BOARD OF TRUSTEES**

TO: Members of the Board of Trustees
FROM: John M Meyer, Chair, Board of Trustees
DATE: August 21, 2020
SUBJECT: **Board Chair Report**
PURPOSE: Information Item

Purpose of Submittal:

Board Chair John M Meyer will report to members of the Board and President Randhawa and his staff on topics related to the Board of Trustees.

- Resolution No. 2020-03 Recognizing the Service of Trustee Earl Overstreet



RESOLUTION NO. 2020-03

**A RESOLUTION OF THE BOARD OF TRUSTEES OF
WESTERN WASHINGTON UNIVERSITY**

RECOGNIZING THE SERVICE OF TRUSTEE

Earl W. Overstreet II

WHEREAS, on October 1, 2014, Governor Jay Inslee appointed **EARL OVERSTREET** of Greenbank, Washington, to serve a term on the Western Washington University Board of Trustees through September 30, 2020; and

WHEREAS, **EARL OVERSTREET** brought to his appointment over 40 years of experience in the business, information technology and services industries, including as the founding chief executive for General Microsystems Incorporated, and exceptional leadership recognized by the 2006 Distinguished Business Achievement Award from the University of Washington Foster School of Business and the 2008 William D. Bradford Minority Business of the Year Award; and

WHEREAS, **EARL OVERSTREET**'s appointment has added to an already distinguished record of community service as Chair of the Board of Directors for the Bellevue Chamber of Commerce, and as a member of the Central Washington University College of Business Advisory Board, the State of Washington Office of Minority and Women's Business Enterprise's Advisory Committee, and the Bellevue College Presidential Search Advisory Committee; and

WHEREAS, **EARL OVERSTREET** provided outstanding leadership as Chair of the Board of Trustees from June 2018 to June 2020, and as Chair of the Board Finance, Audit, and Enterprise Risk Management Committee from October 2016 to June 2018, challenging and inspiring University leaders to think boldly about the future of Western Washington University and public higher education in general; and

WHEREAS, **EARL OVERSTREET** has contributed his time, energy, and expertise to increasing the stature and aspirations of Western Washington University, including through a presidential transition and a rigorous strategic planning and implementation process; and

WHEREAS, **EARL OVERSTREET** has combined the virtues of steadfast leadership, thoughtful engagement, and generosity in word and action, with a personal commitment to advancing the best interests of each member of the Western community;

NOW, THEREFORE BE IT RESOLVED by the Board of Trustees of Western Washington University that **EARL OVERSTREET** is hereby honored for outstanding service and dedication to the University and is extended the gratitude and best wishes of the entire university community.

PASSED AND APPROVED by the Board of Trustees of Western Washington University at its regular meeting on August 21, 2020.

ATTEST:

A handwritten signature in black ink, appearing to read "John M. Meyer".

John M. Meyer, Chair

A handwritten signature in black ink, appearing to read "Susan K. Sharpe".

Susan K. Sharpe, Secretary

**WESTERN WASHINGTON UNIVERSITY
ITEM SUBMITTED TO THE BOARD OF TRUSTEES**

TO: Members of the Board of Trustees

FROM: Sabah Randhawa, President

DATE: August 21, 2020

SUBJECT: **University President's Report**

PURPOSE: Information Item

Purpose of Submittal:

President Randhawa will present brief reflection on issues of interest to the Board.

**WESTERN WASHINGTON UNIVERSITY
ITEM SUBMITTED TO THE BOARD OF TRUSTEES**

TO: Members of the Board of Trustees

FROM: President Sabah Randhawa on behalf of the Faculty Senate

DATE: August 21, 2020

SUBJECT: Faculty Senate

PURPOSE: Faculty Senate Report

Purpose of Submittal:

Jeff Young, Faculty Senate President, will brief the Board on recent activities of the Faculty Senate.

**WESTERN WASHINGTON UNIVERSITY
ITEM SUBMITTED TO THE BOARD OF TRUSTEES**

TO: Members of the Board of Trustees

FROM: President Sabah Randhawa on behalf of the Associated Students

DATE: August 21, 2020

SUBJECT: **Associated Students**

PURPOSE: Associated Students Report

Purpose of Submittal:

AS President Abdul Malik Ford will brief the Board of Trustees on recent activities of the Associated Students.

**WESTERN WASHINGTON UNIVERSITY
ITEM SUBMITTED TO THE BOARD OF TRUSTEES**

TO: Members of the Board of Trustees
FROM: Faith Pettis, Chair, Board FARM Committee
DATE: August 21, 2020
SUBJECT: **Board Finance Audit and Enterprise Risk Management Committee Report**
PURPOSE: Information Item

Purpose of Submittal:

Chair Pettis will report to members of the Board of Trustees and the university president and his staff topics related to the Board FARM Committee.

**WESTERN WASHINGTON UNIVERSITY
ITEM SUBMITTED TO THE BOARD OF TRUSTEES**

TO: Members of the Board of Trustees
FROM: Mo West, Chair, Board Student Success Committee
DATE: August 21, 2020
SUBJECT: **Board Student Success Committee Report**
PURPOSE: Information Item

Purpose of Submittal:

Chair West will report to members of the Board of Trustees and the university president and his staff topics related to the Student Success Committee.

WESTERN WASHINGTON UNIVERSITY ITEM SUBMITTED TO THE BOARD OF TRUSTEES

TO: Members of the Board of Trustees

FROM: President Sabah Randhawa

DATE: August 21, 2020

SUBJECT: **Fall Planning Update**

PURPOSE: Discussion

Purpose of Submittal:

President Sabah Randhawa and the Vice Presidents will engage the Trustees in a conversation about Western's ongoing response related to the impacts of the Coronavirus pandemic, particularly as related to planning for Fall 2020 academic program delivery, student services, and University operations. While the administrative leadership team will provide brief overviews in these areas, this is intended to be an open conversation guided by Trustee interest and concerns.

Supporting Information:

Western's detailed coronavirus response information is available at the University's website, to which Trustees' attention may be drawn in the course of the conversation:

Western's Coronavirus Information Website: <https://www.wvu.edu/coronavirus>

- Includes all related updates and communications to students, faculty, and staff from President Randhawa and the Incident Command Structure Team since February 6, 2020.
- Is extensive and continuously updates FAQs for current and prospective students and families, faculty, and staff regarding remote teaching, learning, and working; student support services and financial aid; housing and dining; conditions of employment, and more.

**WESTERN WASHINGTON UNIVERSITY
ITEM SUBMITTED TO THE BOARD OF TRUSTEES**

TO: Members of the Board of Trustees
FROM: Sabah Randhawa, President
DATE: August 21, 2020
SUBJECT **Finance and Budget Outlook Update**
PURPOSE: Discussion Item

Purpose of Submittal:

A finance and budget outlook update will be provided by:

- Richard Van Den Hul, Vice President for Business and Financial Affairs
- Faye Gallant, Executive Director for Budget and Financial Planning

**WESTERN WASHINGTON UNIVERSITY
ITEM SUBMITTED TO THE BOARD OF TRUSTEES**

TO: Members of the Board of Trustees

FROM: President Sabah Randhawa on behalf of Melynda Huskey, VP for Enrollment and Student Services

DATE: **August 21, 2020**

SUBJECT: **Diversity, Equity, and Inclusion Update and Timeline for Fall 2020**

PURPOSE: Discussion Item

Vice President Melynda Huskey will provide an update on the status of policy and work plans to advance the work of the institution to address current issues of diversity, equity and inclusion.

**WESTERN WASHINGTON UNIVERSITY
ITEM SUBMITTED TO THE BOARD OF TRUSTEES**

TO: Members of the Board of Trustees

FROM: President Sabah Randhawa

DATE: August 21, 2020

SUBJECT: Public Works Projects

PURPOSE: Action Items

Purpose of Submittal:

Approval of the university recommendations provided on Public Works Projects.

Proposed Motion(s):

MOVED that the Board of Trustees of Western Washington University, upon the recommendation of the President, award a contract to BNBuilders Inc., Seattle, WA, in the amount of \$6,106,511 (plus associated sales tax, excluding General Conditions) for Bid Package #5 - Framing/Drywall, Painting, Miscellaneous Specialties, and Doors/Frames/Hardware - for the Interdisciplinary Science Building project.

MOVED that the Board of Trustees of Western Washington University, upon the recommendation of the President, award a contract to Dutton Electric Company, Lynnwood, WA, for the amount of \$921,000 (base bid) (plus associated sales tax) for the construction contract to replace the main electrical switchgear at Fairhaven Academic Building (PW735).

Supporting Information:

- Construction Contract for Bid Packages #5 - Framing/Drywall, Painting, Miscellaneous Specialties, and Doors/Frames/Hardware - for the Interdisciplinary Science Building (PW733)
- Construction Contract for Fairhaven Academic Building to Replace Main Electrical Switchgear, PW735

WESTERN WASHINGTON UNIVERSITY

ITEM SUBMITTED TO THE BOARD OF TRUSTEES

TO: Members of the Board of Trustees

FROM: President Sabah Randhawa by:
Richard Van Den Hul, Vice President, Business and Financial Affairs

DATE: August 21, 2020

SUBJECT: **Construction Contract for Bid Packages #5 - Framing/Drywall, Painting, Miscellaneous Specialties, and Doors/Frames/Hardware - for the Interdisciplinary Science Building (PW733)**

PURPOSE: Action Item

Purpose of Submittal:

Award a construction contract for Bid Package #5 – Framing/Drywall, Painting, Miscellaneous Specialties, and Doors/Frames/Hardware - for the Interdisciplinary Science Building project.

Proposed Motions:

MOVED that the Board of Trustees of Western Washington University, upon the recommendation of the President, award a contract to BNBuilders Inc., Seattle, WA, in the amount of \$6,106,511 (plus associated sales tax, excluding General Conditions) for Bid Package #5 - Framing/Drywall, Painting, Miscellaneous Specialties, and Doors/Frames/Hardware - for the Interdisciplinary Science Building project.

Supporting Information:

The Interdisciplinary Science Building is using the alternative delivery method of General Contractor/Construction Manager (GC/CM) as allowed under RCW 39.10.340. RCW 39.10.370 allows for a Public Body to authorize the GC/CM to proceed with the bidding and award of construction bid packages before the receipt of complete project plans and specifications.

This project is using a “Mini-MACC” (Maximum Allowable Construction Cost) option that will award six separate bid packages during the winter, spring, summer, and fall of 2020 (see table below). This option allows Western to accelerate the construction timeframe to meet deadlines while maintaining cost certainty through each bid package. The cost certainty comes through development of a comprehensive construction budget with line item budget values. As Mini-MACCs are bid and awarded, the overall budget is adjusted to correlate with the true construction costs, allowing the bids to be evaluated to ensure compliance with the overall project budget. Additionally, the Mini-MACC option allows the trades that are traditionally long lead services to be bid and awarded in a timely fashion to minimize schedule impacts. The RCW allows these various packages to be publicly bid when they have reached a minimum completion of 90% Construction Documents (CD). All early bid packages were bid at 90% CD, and the final bid package will bid in September at 100% complete.

Bid packages #1-4 have been awarded. The table below summarizes the scope, dollar amount, and action associated with those bid packages.

Bid Package #5 is ready for Board approval and includes the following scope: Framing/Drywall, Painting, Miscellaneous Specialties, and Doors/Frames/Hardware. The package also includes the Negotiated Support Services portion that was excluded in Bid Package #4. Bid Package #5 excludes General Conditions to allow more time for BNBuilders and WWU to negotiate that portion of the contract. The General Conditions associated with this bid package will be included in Bid Package #6. Below is the breakdown for Bid Package #5:

Direct Construction Costs	\$	3,625,717
Negotiated Support Services	\$	2,173,414
Risk Contingency	\$	72,514
General Conditions		<i>\$ in negotiation</i>
GC/CM Fee	\$	234,866
TOTAL	\$	6,106,511

Bid Package #6 is anticipated for October 2020 Board action, and includes the following scope: Landscape/Irrigation, Architectural Casework, and Site Hardscape. This scope was initially proposed to be included in Bid Package #5, but strategically separated to accommodate the bid market. This does not result in a schedule change.

The following table outlines the value of awarded bid packages #1, #2, #3 and #4, and the value of pending bid packages #5 and #6:

Bid Package #	BOT Date	BOT Action	Bid Package Description	Mini-MACC Package (July 2020)	Mini-MACC Package (Current)	CD Level of Completeness
1	2/14/2020	Awarded	Earthwork and Utilities	\$3,149,475	\$3,149,475	100%
2A	4/17/2020	Awarded	Structures and Elevator	\$8,790,187	\$8,790,187	100%
2B	4/17/2020	Delegation of Authority	Fire Protection and Early Mechanical, Electrical, and Plumbing	\$3,029,949	\$3,029,949	100%
3	6/12/2020	Awarded	Roofing, Lab Casework and Equipment	\$2,050,230	\$2,050,230	100%
4	7/17/2020	Special Meeting – Award	Architectural Finishes (Floorcoverings and Acoustical Systems), Siding, Enclosure, and Balance of Mechanical, Electrical and Plumbing	\$23,330,007	\$23,330,007	100%
5	8/21/2020	Award	Architectural Finishes (Framing/Drywall, Painting, Door Frame Hardware), and Miscellaneous Specialties, also includes NSS associated with Bid Package #4	\$8,500,000	\$6,106,511	100%
6	10/9/2020	Award	Balance of Architectural Finishes (Architectural Casework), Landscape and Irrigation and Site Hardscape (also includes General Conditions associated with Bid Package # 4 and #5)	\$2,393,489	\$2,393,489	100%

In October 2020 we plan to submit the final packages for Board approval.

This project has established goals of 10% for MBE participation and 6% for WBE participation by firms certified with the Washington State Office of Minority and Women's Business Enterprises. After bid packages #1, #2, #3, #4, and #5, this project is currently below the goals for participation with MBE (2.6%) and WBE (2.8%) firms. However, the project has substantially gained in other business equity participation with veteran-owned businesses (5.2%), small businesses (10.9%), and socially disadvantaged businesses (2.7%). The project's total participation in business equity is 24.2%. The GC/CM contractor and consultant will continue extensive outreach to firms for the last bid packages. We will better understand the overall MWBE, and business equity percentage data once all the bid packages are opened.

The total budget for the project is \$66,500,000.

Source of Funding:

State Capital Bond Appropriations
WWU Parking Services Funds

WESTERN WASHINGTON UNIVERSITY

ITEM SUBMITTED TO THE BOARD OF TRUSTEES

TO: Members of the Board of Trustees

FROM: President Sabah Randhawa by:
Richard Van Den Hul, Vice President for Business and Financial Affairs

DATE: August 21, 2020

SUBJECT: **Construction Contract for Fairhaven Academic Building to Replace Main Electrical Switchgear, PW735**

PURPOSE: Action Item

Purpose of Submittal:

Award a construction contract to replace the main electrical switchgear at Fairhaven Academic Building (PW735). Contract award following Board action. Construction is proposed to start on September 30, 2020.

Proposed Motion:

MOVED that the Board of Trustees of Western Washington University, upon the recommendation of the President, award a contract to Dutton Electric Company, Lynnwood, WA, for the amount of \$921,000 (base bid) (plus associated sales tax) for the construction contract to replace the main electrical switchgear at Fairhaven Academic Building (PW735).

Supporting Information:

This project involves the creation of a new medium voltage bunker, relocation of the fire alarm panel, and replacement of main switchgear, medium voltage transformer, and main switchboards at Fairhaven Academic.

This project was advertised for competitive bidding on July 1, 2020 with the bid opening held at 2:00 PM on August 3, 2020. Four (4) bids were received by the University (see attached bid summary). Hargis Engineers Inc., Seattle, WA, prepared the plans and specifications for this project. The bids included an additive alternate to add integral switchboard metering at each circuit. The alternate was not selected based on budget.

Advertisement for bids included language promoting MWBE participation. However, the apparent responsible low bidder did not indicate MWBE participation on their bid. Facilities Development will continue to work with the contractor to enhance MWBE participation during the selection of sub-contractors. However, considering the scope of work is mostly electrical and the General Contractor will be self-performing much of the work, we do not anticipate a substantial number of subs, and thus MWBE participation, on this project.

Project award of the contract is also contingent on the approval of the contractor's Responsibility Criteria submittal.

The total budget for the project is \$1,300,000.

Source of Funding:

State Capital Local Appropriations

BID SUMMARY**PROJECT:** PW735 - FA Replace Main Electrical Switchgear**DATE OF OPENING:** August 3, 2020

Bidder Name:	Dutton Electric Co	D&S Electrical Contractors	Faber Construction	Tiger Construction
Base Bid:	\$ 921,000	\$ 953,183	\$ 1,530,000	\$ 1,640,000
Alt 1 (not selected)	\$ 47,000	\$ 42,000	\$ 60,000	\$ 58,200
Sub-Total:	\$ 921,000	\$ 953,183	\$ 1,530,000	\$ 1,640,000
Sales Tax (8.7%):	\$ 80,127	\$ 82,927	\$ 133,110	\$ 142,680
Total:	\$ 1,001,127	\$ 1,036,110	\$ 1,663,110	\$ 1,782,680

Selected Bidder

**WESTERN WASHINGTON UNIVERSITY
ITEM SUBMITTED TO THE BOARD OF TRUSTEES**

TO: Members of the Board of Trustees

FROM: President Sabah Randhawa by:
Richard Van Den Hul, Vice President, Business and Financial Affairs
Faye Gallant, Executive Director, Budget and Financial Planning

DATE: August 21, 2020

SUBJECT: **Operating Budget Request for Biennium 2021-2023**

PURPOSE: Action Item

Purpose of Submittal:

Board approval is required for Western's 2021-2023 Biennial Operating Budget Request for submission to the Governor's Office of Financial Management.

Proposed Motion:

MOVED, that the Board of Trustees of Western Washington University, upon the recommendation of the President, approve the attached 2021-2023 biennial operating budget request of \$165,401,914 in state funds and net tuition revenue, in support of academic, administrative and departmental operations. With concurrence of the Board Chair, the President may make adjustments to the approved budget request in response to subsequent instructions from the Office of Financial Management, to advance consistency among the submissions of Washington's six public baccalaureate institutions, or other adjustments as appropriate.

Supporting Information:

See attached August 20, 2020 memo to the Board of Trustees, "Proposed Biennial Operating Budget Request for 2021-2023" with Attachment 1.

Western Washington University
Proposed 2021-2023 Biennial Operating Budget Request
State Appropriations and Net Tuition Operating Fee Revenue

	FY 2021-22	FY 2022-23	FY 2021-23
Operating Budget Request	\$82,717,235	\$82,684,679	\$165,401,914

Attachment

MEMORANDUM

TO: Members of the Board of Trustees

FROM: Sabah Randhawa, President

DATE: August 21, 2020

SUBJECT: *Proposed Biennial Operating Budget Request for 2021-2023*

Background

The 2021-2023 Biennial Operating Budget Request is driven by Western's mission to serve the people of the state of Washington. These proposals were developed in line with the vision to prepare and inspire individuals to explore widely, think critically, communicate clearly, and connect ideas creatively to address our most challenging needs, problems, and questions. The request includes items that are critical to maintain and enhance Western's strengths, as well as operations and maintenance funding necessary to operate the University facilities and infrastructure.

In addition to the items included here, we understand there may be legislative interest in advancing allied health programming at Western, particularly in graduate programs for Nursing and Social Work. We will be prepared to respond to any legislators' requests for proposals in these areas during session.

The request was developed through a budget process designed to be open, transparent and bottom up. The detail of the processes for the budget request and strategic plan have been previously shared with the Board. The following provides information on the items included in the request.

Compensation

Higher education is a talent based industry, and the ability to provide the highest quality instruction, research and services to students and other stakeholders requires competitive compensation to attract and retain quality faculty and staff.

Recognizing the state's financial outlook for this biennium, and in alignment with the other public institutions of higher education, we do not plan to submit a specific funding request for compensation. Rather, we will stress the importance of compensation and request that any statewide decision on increases include Western employees. Any actual increases will be dependent on the level of funding received, collective bargaining agreements, and the Professional Staff Compensation Plan.

Maintenance and Operations

Funding is requested to adequately address the operations and maintenance impacts associated with Western's major and minor capital budget projects to come online in 2021-2023 (the Interdisciplinary Science Building), as well as inflationary costs for utilities, and maintenance and operations of existing facilities.

Budget Reduction

Due to the economic conditions in the state resulting from COVID-19, the state Office of Financial Management asked all state agencies to submit 2021-2023 budget proposals that identify reductions equal to 15 percent of unprotected Near-General Fund maintenance level budgets. Our proposal will describe broadly the impacts to students and the state of such a reduction, while leaving room and time for our internal budget planning process to consider and recommend the specific strategies needed to achieve any actual reduction received.

Decision Package: Advancing Equity and Inclusive Success

Higher education is a critical access point for economic opportunity. As Washingtonians grapple with the economic challenges resulting from COVID-19, it is more important than ever to address issues of equity in higher education access, engagement, and support. Budget reductions will disproportionately impact the success of underrepresented students. This proposal reverses those impacts by providing an integrative approach of a new academic curriculum in Ethnic Studies that equips our students with the practical and conceptual tools to deal with today's increasingly diverse and stratified society, coupled with the critical support services needed to ensure underrepresented students receive the same opportunities for academic success as their peers.

Board Approval Requested

For the Board's review, consideration and approval, a summary table of the proposed 2021-2023 Biennial Operating Budget Request for state appropriations is included in the following chart.

Western Washington University
Proposed 2021-23 Biennial Operating Budget Request
State Appropriations

	FY 21-22	FY 22-23	2021-23
State Appropriations Carryforward Base	\$92,770,000	\$92,804,000	\$185,574,000
State-Requested Reductions:			
Budget Reductions, 15% of unprotected Near-General Fund Maintenance Level	(\$13,382,550)	(\$13,387,650)	(\$26,770,200)
State Appropriations Carryforward Base with Requested Reductions	\$79,387,450	\$79,416,350	\$158,803,800
Maintenance Level:			
Maintenance and Operations for New Interdisciplinary Science Building	\$516,926	\$535,019	\$1,051,945
Reduced State Appropriations with Maintenance Adjustments	\$79,904,376	\$79,951,369	\$159,855,745
Maintaining and Enhancing Western's Strengths:			
Advancing Equity and Inclusive Success	\$2,812,859	\$2,733,310	\$5,546,169
Critical Needs Subtotal	\$2,812,859	\$2,733,310	\$5,546,169
Total Operating Budget Request for 2021-23 State Appropriations	\$82,717,235	\$82,684,679	\$165,401,914
% Change to Current State Appropriations Carryforward Base	-10.8%	-10.9%	-10.9%

Please be advised that changes to the final request amounts may occur after the August Board meeting, as the Biennial Operating Budget document is prepared for publication and submission to the Governor's Office of Financial Management.

Attachment:

- Attachment 1: Decision Package Budget Detail



Biennial Decision Package Proposal
Advancing Equity and Inclusive Success

USES (EXPENDITURES)

Faculty	\$585,000	\$602,550
Graduate Teaching/Research Assistants	\$44,250	\$46,995
Professional Staff	\$604,839	\$622,984
Classified	\$160,343	\$165,153
Salaries and Wages - Total	\$1,394,432	\$1,437,682
Employee Benefits	\$478,486	\$486,293
Goods, Services, and Travel	\$939,941	\$809,335
Total Expenditures	\$2,812,859	\$2,733,310

STAFFING FTE

Faculty	7.00	7.00
Graduate Teaching /Research Assistants	3.00	3.00
Exempt Professional	6.92	8.92
Classified	2.00	3.00
Total FTE	18.92	21.92

WESTERN WASHINGTON UNIVERSITY

ITEM SUBMITTED TO THE BOARD OF TRUSTEES

DATE: August 21, 2020

TO: Members of the Board of Trustees

FROM: President Sabah Randhawa by:
Richard Van Den Hul, Vice President, Business and Financial Affairs
Faye Gallant, Executive Director, Budget and Financial Planning

SUBJECT: **Reduction to Fall Quarter 2020 Mandatory Student Fees**

PURPOSE: **Action Item**

Purpose of Submittal:

As the COVID-19 pandemic has led Western to transition academic program delivery for Fall Quarter 2020 to a primarily remote teaching and learning environment, registered students' ability to take advantage of some of the services, programs, and facilities that are supported by their mandatory fee dollars has been compromised. While the ongoing support of those services and facilities is critically important in several respects, students and families are understandably concerned that the decreased level of service is not being reflected in a decrease in mandatory student fees.

It is important to note that some of services supported by mandatory student fees, such as counseling and health and wellness services, and library and cloud-based research resources continue to be offered remotely. In other instances, mandatory fee revenue supports truly "mandatory" expenditures for student-endorsed commitments, such as service on the bonds used to construct the Multicultural Center and Wade King Student Recreation Center, both approved by votes of the students. The technology fee supports access to laptops, cloud computing and critical software that is especially important in a remote learning environment. In addition, mandatory fees support some student employees who are able to continue working remotely. Fee changes are further constrained by a projected drop in student enrollment for Fall Quarter as a result of COVID-19. With fewer students paying fees, service areas are currently working creatively to continue delivering the important activities, infrastructure, and support that are essential to student success and the Western experience.

Despite these commitments, through the use of reserves and other forms of one-time cost-reductions noted in the attached documents, we believe that mandatory student fee levels can be reduced for Fall Quarter 2020 without compromising the delivery of essential services or defaulting on bond covenants, and provide for student employment supported by these fees to be maintained remotely where possible and as funding allows. **Taken together, the reductions would amount to a total decrease of \$68.71 or 11.4% on mandatory student fee rates from those previously set by the Board of Trustees for Fall Quarter 2020.**

Proposed Motion:

MOVED, that the Board of Trustees of Western Washington University, upon the recommendation of the President, approve the reduction of Fall Quarter 2020 mandatory student fee levels as proposed in the attached supporting document for the following fees:

- Services & Activities Fee (*No decrease*)
- Student Recreation Fee (*Proposed decrease \$34.46 for Fall Quarter; 31.5%*)
- Student Health Services Fee (*No decrease*)
- Student Technology Fee (*Proposed decrease \$3.75 for Fall Quarter, 10.7%*)
- Non-Academic Building Fee (*No decrease*)
- Sustainability, Equity, and Justice Fund Fee (*Proposed decrease \$2.00 for Fall Quarter; 22.2%*)
- Student Alternative Transportation Fee (*Proposed decrease \$28.50 for Fall Quarter; 100%*)
- Legislative Action Fee (*No decrease*)
- Multicultural Center Services Fee (*No decrease*)

Supporting Information:

Attachment A: Supporting Information on Reducing Fall Quarter 2020 Mandatory Student Fees

Supporting Materials on Mandatory, Course, and Departmental Fees for Fall Quarter 2020

Prepared for the Board of Trustees of Western Washington University
August 21, 2020

Mandatory Fees

Mandatory student fees represent a number of different fees, used for a range of services provided by the university. Many services supported by mandatory student fees, such as counseling and health and wellness services and library and cloud-based research resources and others, continue to be offered remotely. In other instances, mandatory fee revenue supports truly “mandatory” expenditures for student-endorsed commitments, such as service on the bonds used to construct projects like the Multicultural Center and Wade King Student Recreation Center, both approved by votes of the students. The technology fee supports access to laptops, cloud computing and critical software that is especially important in a remote learning environment. In addition, mandatory fees support some student employees (including those in the AS) who are able to continue working remotely.

Fee changes are further constrained by a projected drop in student enrollment for Fall Quarter as a result of COVID-19. With fewer students paying fees, service areas are currently working creatively to continue delivering the important activities, infrastructure, and support that are essential to student success and the Western experience. In some areas, adding fee reductions would erode our ability to meet student needs or fulfill bond commitments.

Despite these commitments, budget analysis from fee-supported areas concluded that, through the use of reserves and other forms of one-time cost-reductions, mandatory student fee levels can be reduced for Fall Quarter 2020 without compromising the remote delivery of essential services or defaulting on bond covenants, and provide for student employment supported by these fees to be maintained remotely where possible and as funding allows.

The table below summarizes proposed changes in mandatory student fees for Fall 2020.

Quarterly Fee	Current Level	Proposed Level	Reduction	% Reduction
Services & Activities	223.98	223.98	0.00	0.0%
Student Recreation	109.46	75.00	34.46	31.5%
Student Health Services	117.00	117.00	0.00	0.0%
Student Technology	35.00	31.25	3.75	10.7%
Non-Academic Building	47.00	47.00	0.00	0.0%
Sustainability, Equity, and Justice Fund	9.00	7.00	2.00	22.2%
Alternative Transportation	28.50	0.00	28.50	100%
Legislative Action	1.00	1.00	0.00	0.0%
Multicultural Center	30.00	30.00	0.00	0.0%

Services & Activities (S&A) Fee (billed with tuition): \$223.98 assessed at \$22.40 per credit, with students enrolled in 10 or more credits paying the full fee. This fee is not proposed for reduction. Areas supported by the S&A fee were able to use reserves in Spring Quarter in order to pass a reduction on to students. Those reserves are no longer available for this purpose.

The S&A Fee Committee operates under the authority of RCW 28B.15.045 and makes recommendations to the WWU Board of Trustees on the distribution of fees to constituent groups after the required 3.5% allocation to a Student Financial Aid/Loan Fund and after Housing & Dining receives the amount required by bond covenant. Allocations for 2020-2021 approved at the June 2020 Board of Trustees meeting included:

- 3.5% for a Student Financial Aid/Loan Fund as required by law
- Housing & Dining System* (bond covenant currently \$32 per full-time student and \$6.40 per part-time student) (approximately 15.4% of the total fee)
- Music Copyright Fees (0.2% of the total fee)
- Remaining funds (approximately 80.9% of the total fee) are distributed to these constituents:
 - Associated Students (44.3% or 35.9% of the total fee)
 - Athletics (32.1% or 26.0% of the total fee)
 - Campus Recreation (7.0% or 5.6% of the total fee)
 - Department Related Activities (DRAC) (16.6% or 13.4% of the total fee)

Per RCW, students have a strong voice in recommending budgets for these fees. The process requires open hearings to provide opportunity for input from the campus. A large portion of the budget funds student employment.

*Note: * Bond covenants pledge the fee to the “Housing & Dining System”, a self-supporting, bond-issuing auxiliary enterprise of WWU that includes University Residences and the Viking Union. It is an ongoing revenue pledge to the System as a whole rather than a pledge to any particular building.*

Student Recreation Fee: \$109.46 for students taking 6 or more credits. We propose that this fee be reduced by 31.5% to \$75.00. This fee is a critical revenue source for the Student Recreation Center, and a minimum level must remain in place to meet its bond covenants in 2020-21. However, the fee also funds operations, and reserves will be utilized to the degree prudent in order to reduce the fee in recognition of students’ inability to utilize the facility during at least a majority, if not all of Fall Quarter.

The Student Recreation Center is a self-supporting enterprise providing open recreation, fitness, and wellness services. The Student Recreation Fee was initiated by student vote and pledged to bonds by the Board of Trustees. The fee covers bond debt payments and other fixed facility and personnel costs as well as the long-term maintenance and operation of the facility. The Center is able to offer many student employment opportunities, and more recent fee increases have helped fund substantial increases in minimum wages. Additional revenues of approximately \$560,000 (e.g. voluntary memberships, rentals, course fees)

assist in funding operations (included below). These additional revenues are dependent on the facility being open and operational.

As with the general Services & Activities Fee, RCWs stipulate that 3.5% of the Recreation Fee be allocated to a Student Financial Aid/Loan Fund for need-based aid and outline the process for student involvement in the fee proposal and budget review process.

Note: Personnel & Operation costs shown above include many fixed costs that cannot be avoided in a temporary shut-down.

Student Health Services Fee: \$117 for students enrolled in 6 or more credits. We propose that this fee remain at its usual level, given the increased demand for health, counseling, and wellness services during Fall Quarter.

Fee revenues are used to maintain a standard of health care for Western's campus and as a contingency for emergencies. This fee provides a stable funding base for WWU's health related services by providing accessible medical, mental health, and wellness services to students. Each of the departments provides a variety of clinical and educational services to Western's students. In Fall Quarter of 2020, students will be able to access telehealth and telecounseling services.

Student Technology Fee (STF): \$35 for students taking 6 credits or above; \$17.50 for student taking 1-5 credits. We propose that this fee be reduced for Fall Quarter by 10.7% to \$31.25 for students taking 6 credits or above and to \$15.60 for students taking 1-5 credits. While there will be an increased demand for technology in Fall 2020, print quotas will be dramatically reduced.

This fee supports the acquisition of technology to enrich students' academic experience. The fee was implemented in 1995 to meet the direct needs of students in accessing technology on campus at a time when state-allocated equipment funds were inadequate to support new technology needs. Since the initial implementation, students have continually renewed the fee. In spring of 2018, the fee was renewed during the student elections, with 71% approval.

Non-Academic Building Fee: \$47 for students enrolled in 6 or more credits. We propose that this fee remain in place as a critical revenue source for the Housing & Dining System in meeting its bond covenants in 2020-21. Fee revenues are used for the improvement and development of the Viking Union on the Bellingham campus. This fee has been pledged for bond payments and the ongoing maintenance, repair and renewal operations of the Viking Union, and has made facility renovations and improvements possible, including a portion of the funding for the addition of the Multicultural Center.

Sustainability, Equity and Justice Fund Fee: \$9 assessed at 90 cents per credit with students taking 10+ credits paying the full fee. We propose that this fee be reduced by \$22.2% to \$7 assessed at 70 cents per credit after consideration of fund balances and the ability to temporarily modify the level of funds available for project allocation.

The Sustainability, Equity, & Justice Fund Grant Program promotes sustainability by providing students with the opportunity to create and implement projects that positively impact environmental, social, health, and economic practices on our campus and in our community. Started by student initiative, it began as a fund aimed solely at purchasing Renewable Energy Credits to offset 100% of campus electricity usage with green energy. As the cost to purchase green energy declined, students voted in 2010 to renew the fee and expand the program by offering grant for innovative student-driven project proposals. At the proposed rate, existing projects could be sustained.

Student Alternative Transportation Fee: \$28.50; WAIVED for Fall Quarter, usually assessed when enrolled for 6 or more credits. The fee is used to provide all students with a Whatcom Transportation Authority (WTA) bus pass and late night shuttle service. Late night shuttle service will not run for Fall Quarter. Western will work with the WTA to help students acquire bus passes on an as-requested basis. The Sustainable Transportation website provides more information and transportation-related updates.

Legislative Action Fee: No change proposed for Fall Quarter. Spring reductions were possible due to use of reserves. Fee revenues fund student representation and advocacy efforts at the campus, local, state and federal levels. The Legislative Affairs Council (LAC) administers the funds.

Multicultural Center Fee: \$30 for students enrolled in 6 or more credits. We propose that this fee remain in place as a critical revenue source for the Housing & Dining System in meeting its bond covenants in 2020-2021.

This is a student-initiated fee used to expand Ethnic Student Center and Multicultural Services space at the Viking Union/Bookstore Complex. This fee is used to fund a portion of the construction, maintenance, and facility operations of the new space and is pledged to bond payments. Programmatic funding comes from other funding sources.

**WESTERN WASHINGTON UNIVERSITY
ITEM SUBMITTED TO THE BOARD OF TRUSTEES**

TO: Members of the Board of Trustees

FROM: President Sabah Randhawa on behalf of Melynda Huskey Vice President for Enrollment and Student Services, Interim Executive Director Civil Rights and Title IX Compliance

DATE: August 21, 2020

SUBJECT: **Emergency Rule Change to Chapter 516-21 WAC, Student Conduct Code**

PURPOSE: Action Item

Purpose of Submittal:

To obtain approval from the Board of Trustees for emergency changes to the Student Conduct Code for 120 days as permitted by Washington state law.

Proposed Motion:

MOVED, that the Board of Trustees of Western Washington University, upon recommendation of the President, approve the emergency rule change to chapter 516-21 WAC, Student Conduct Code as submitted.

Supporting Information:

Summary

The approval of these emergency changes is requested in order to bring Western into compliance with new federal regulations regarding Title IX as issued by the Office of Civil Rights in May 2020. Western is required to comply with these regulations.

The Student Conduct Code exists under the Washington Administrative Code and the emergency changes noted below will bring Western into compliance. This Code sets forth the behavioral expectations for students and outlines the University's process for addressing alleged misconduct by students.

The emergency changes include the adoption of new sections detailing how the Student Conduct Code addresses alleged violations of Title IX. These new sections are adopted directly from a Model Code authored by the Washington State Attorney General's Office. Additional changes noted update how Western's Office of Civil Rights & Title IX Compliance investigations interact with the existing Student Conduct Code.

Please note that there is a working group that is addressing the additional necessary changes to Western's policies and procedures to bring Western into full compliance with these new federal Title IX regulations; this group is convened by Dr. Melynda Huskey and includes staff from Office of Civil

Rights & Title IX Compliance, Human Resources, Office of Student Life, CASAS, Risk, Compliance & Policy Services, Academic Affairs and the Assistant Attorney General.

A fuller review of the Student Conduct Code occurs regularly, and one is scheduled to occur in the 2020-21 academic year. This full review will include input and participation from students, staff and faculty and is unlikely to be completed by the end of this Emergency Rule 120-day time frame; therefore, a future request to extend these changes is likely.

Attached documents

Draft Emergency Rule - Chapter 516-21 WAC with revisions marked

Draft Emergency Rule Chapter 516-21 WAC clean copy

Chapter 516-21 WAC

STUDENT CONDUCT CODE

Last Update: 8/22/18

WAC

516-21-010 Introduction.

516-21-020 Definitions.

516-21-030 Jurisdiction.

516-21-040 Student responsibility for guests.

516-21-050 Academic dishonesty.

516-21-055 Amnesty.

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

516-21-070 Disruptive behavior.

516-21-080 Failure to comply.

516-21-090 False information.

516-21-100 Fire safety and false alarms.

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

516-21-115 Discrimination and discriminatory harassment.

516-21-120 Hazing.

516-21-130 Alcohol.

516-21-140 Drugs and paraphernalia.

516-21-150 Interfering with the conduct process.

516-21-160 Misuse of computers, electronic data or
communication systems.

516-21-170 Obstructing police and safety personnel.

516-21-180 Sexual misconduct.

516-21-184 Dating violence.

516-21-186 Domestic violence.

516-21-188 Stalking.

516-21-190 Student violation of the law.

516-21-195 Notification of criminal arrest.

516-21-200 Theft or intentional damage of property.

516-21-210 Trespassing.

516-21-215 Violation of university policy, rule, or regulation.

516-21-220 Weapons and destructive devices.

516-21-230 Sanctions.

516-21-240 Student conduct system.

516-21-250 Student rights in the conduct process.

516-21-260 Procedures for immediate interim suspension.

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

516-21-280 Basis for appeal.

516-21-290 Appeal procedures.

New sections 516-21-291 through 516-21-299

516-21-300 Deviations from established procedures.

516-21-310 Confidentiality of conduct proceedings and records.

516-21-330 Interpretation of the code.

516-21-340 Revision of the code.

516-21-350 Referenced policies and regulations in the code.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

516-21-320 Relationship of the code to university residences.

[Statutory Authority: RCW 28B.35.120(12) and 20

U.S.C. 1681-1688. WSR 12-01-021, § 516-21-320, filed

12/9/11, effective 1/9/12.] Repealed by WSR 17-05-

100, filed 2/15/17, effective 3/18/17. Statutory

Authority: RCW 28B.35.120, chapter 34.05 RCW, and 20

U.S.C. 1681-1688.

WAC 516-21-010 Introduction. Western Washington

University students enjoy the same basic rights, privileges, and freedoms granted to all members of society. At the same time, acceptance of admission to the university carries with it an obligation to fulfill certain responsibilities and expectations as a member of the Western Washington University community.

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

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

[Statutory Authority: RCW 28B.35.120, chapter 34.05 RCW, and 20 U.S.C. 1681-1688. WSR 17-05-100, § 516-21-010, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688. WSR 12-01-021, § 516-21-010, filed 12/9/11, effective 1/9/12.]

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

- (1) **Day.** Any day, Monday through Friday (excluding holidays), during which university offices are open.
- (2) **Catalog.** The *Western Washington University General Catalog*.
- (3) **Code.** The student conduct code.
- (4) **Board.** The student conduct appeals board.
- (5) **Conduct hold.** A block placed on a student's official university record at the request of a conduct officer or dean of

students. A conduct hold prohibits a student from registering for classes, requesting an official transcript, or receiving a degree from the university until the hold has been removed.

(6) **Conduct officer.** A conduct officer or their authorized designee as determined by the dean of students.

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

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

(9) **Member of the university community.** Any person who is a student, university official, registered volunteer or who is otherwise employed or contracted by the university. Any question regarding a person's status in a particular situation for purposes of this code shall be determined by the dean of students.

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

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

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

(a) Has been formally admitted to the university;

(b) Is enrolled in one or more classes at the university, including nonmatriculated international students attending language institutes or foreign study programs;

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

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

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

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

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

(14) **University official.** Any person employed or contracted by the university, who is performing assigned teaching, administrative, or professional responsibilities. University officials may be full- or part-time, and may include student staff members.

(15) **University property.** All land, buildings, facilities, electronic presences and other property that is owned, used, leased, or controlled by Western Washington University wherever located. University property also includes computer systems, and adjacent streets and sidewalks.

(16) **WAC.** An abbreviation for the Washington Administrative Code.

[Statutory Authority: RCW 28B.35.120, chapter 34.05 RCW, and 20 U.S.C. 1681-1688. WSR 17-05-100, § 516-21-020, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688. WSR 12-01-021, § 516-21-020, filed 12/9/11, effective 1/9/12.]

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

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

(a) Adversely affects the safety or well-being of any member of the university community; or

(b) Involves academic work or any records, documents, or identifications of the university.

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

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

(4) A student with a pending conduct violation may not avoid the conduct process by withdrawing from the university. In these circumstances, a conduct hold will be placed on the student's official record, preventing them from registering for classes, requesting an official transcript, or receiving a degree from the university. This hold will remain in place until the student has met with the conduct officer to discuss the alleged conduct violation(s).

(5) Sanctions against student organizations are decided by procedures established by the university administrative unit governing that organization's recognition. Conduct proceedings against individual member(s) of a student organization can be

initiated under this code, independent of any departmental action(s) taken against the student organization.

[Statutory Authority: RCW 28B.35.120, chapter 34.05 RCW, and 20 U.S.C. 1681-1688. WSR 17-05-100, § 516-21-030, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688. WSR 12-01-021, § 516-21-030, filed 12/9/11, effective 1/9/12.]

WAC 516-21-040 Student responsibility for guests. (1)

Guests and visitors on university property or at official university functions are expected to comply with all university policies and procedures, as well as all applicable local, state, and federal laws and regulations.

(2) Students who invite guests into their campus residence hall or apartment, or to official university functions open only to Western students, are responsible for the behavior of their guests. As a result, a student may be held responsible for any alleged violation(s) of the code committed by their guests. See also WAC 516-24-001 Conduct of campus guests and visitors.

[Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688. WSR 12-01-021, § 516-21-040, filed 12/9/11, effective 1/9/12.]

WAC 516-21-050 Academic dishonesty. The university's policy and procedures regarding academic dishonesty are addressed in the academic honesty policy and procedure. As noted in the policy, academic dishonesty at Western Washington University is a serious infraction dealt with severely. For a list of actions that constitute academic dishonesty, refer to the academic honesty policy and procedure in the catalog. [Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688. WSR 12-01-021, § 516-21-050, filed 12/9/11, effective 1/9/12.]

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

violations of the code. Western will consider the positive impact of reporting a situation when determining any course of action.

(2) Complainants and witnesses who in good faith report sexual violence will not be subject to alcohol or drug violations of the code occurring at or near the time of the sexual violence unless their own conduct placed another person's health or safety at risk. Without imposing sanctions, Western may initiate educational remedies regarding alcohol or drug use. [Statutory Authority: RCW 28B.35.120, chapter 34.05 RCW, and 20 U.S.C. 1681-1688. WSR 17-05-100, § 516-21-055, filed 2/15/17, effective 3/18/17.]

WAC 516-21-060 Conduct that harms or threatens health or safety. Conduct that harms, attempts to harm, or threatens the health or safety of any member of the Western community by any means (e.g., in person, through a third party, online), or others on university property or in connection with any official university function, is a violation of the code. This includes, but is not limited to:

(1) Physical assault.

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

(3) Any contact or communication of a threatening nature that intimidates, harasses, and would cause a reasonable person to fear for their safety or well-being.

(4) Intoxication or impairment through the use of alcohol or other substances to the point that a student is unable to exercise care for their own safety or well-being.

(5) Sexual violence including sexual assault, dating violence, domestic violence, and stalking or any other type of sexual misconduct or gender-based discrimination.

[Statutory Authority: RCW 28B.35.120, chapter 34.05 RCW, and 20 U.S.C. 1681-1688. WSR 17-05-100, § 516-21-060, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688. WSR 12-01-021, § 516-21-060, filed 12/9/11, effective 1/9/12.]

WAC 516-21-070 Disruptive behavior. Behavior that substantially disrupts, disturbs, or interferes with the ability of students to learn or university officials to perform their

assigned duties is a violation of the code. Disruptive behavior includes, but is not limited to:

Any behavior that substantially disrupts, disturbs, or interferes with:

(1) Classroom activities or other educational pursuits;

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

(3) Pedestrian or vehicular traffic; or

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

[Statutory Authority: RCW 28B.35.120, chapter 34.05 RCW, and 20 U.S.C. 1681-1688. WSR 17-05-100, § 516-21-070, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688. WSR 12-01-021, § 516-21-070, filed 12/9/11, effective 1/9/12.]

WAC 516-21-080 Failure to comply. Failure to comply with the instructions or directives of any university official or other public official acting in performance of their duties, or

failure to identify oneself when asked to do so by a university official or other public official acting in performance of their duties, is a violation of the code.

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

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

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

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

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

(4) Knowingly providing false information or statements to any university official or other public official acting in performance of their duties.

[Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688. WSR 12-01-021, § 516-21-090, filed 12/9/11, effective 1/9/12.]

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

[Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688. WSR 12-01-021, § 516-21-100, filed 12/9/11, effective 1/9/12.]

WAC 516-21-110 Harassment (other than sexual harassment or discriminatory harassment). Harassment is conduct by any means that is severe or pervasive. It is of such a nature that it would cause a reasonable person in the complainant's position substantial emotional distress and undermine their ability to

work, study, or participate in their regular life activities or participate in the activities of the university. Harassment causes the complainant substantial emotional distress and undermines the complainant's ability to work, study, or participate in the complainant's regular life activities or participate in the activities of the university.

[Statutory Authority: RCW 28B.35.120, chapter 34.05 RCW, and 20 U.S.C. 1681-1688. WSR 17-05-100, § 516-21-110, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688. WSR 12-01-021, § 516-21-110, filed 12/9/11, effective 1/9/12.]

WAC 516-21-115 Discrimination and discriminatory

harassment. Discrimination or discriminatory harassment is prohibited on the basis of race; sex; sexual orientation; gender identity/expression; religion; age; color; creed; national or ethnic origin; physical, mental, or sensory disability (including disability requiring the use of a trained service animal); marital status; genetic information; and/or veteran status; and as defined in Western Washington University policy POL-U1600.02 and POL-U1600.04, which prohibit discrimination,

sexual harassment, and sexual misconduct. Anyone complaining or involved in a complaint of discrimination is protected against retaliation.

(1) Sexual harassment is a violation of the code. Sexual harassment is unwelcome conduct of a sexual nature including unwelcome sexual advances, requests for sexual favors, or other verbal, nonverbal, electronic, or physical conduct of a sexual nature, when:

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

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

(2) Gender-based harassment includes nonsexual acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on a person's gender or nonconformity with

gender stereotypes, and is a violation of the code. Gender-based harassment violates this code when it is sufficiently severe and/or pervasive, such that it denies or limits another's ability to work, study, participate in, or benefit from the university's programs or activities.

(3) Sexual violence includes sexual assault, dating violence, domestic violence, and stalking or any other type of sexual misconduct or gender-based discrimination.

[Statutory Authority: RCW 28B.35.120, chapter 34.05 RCW, and 20 U.S.C. 1681-1688. WSR 17-05-100, § 516-21-115, filed 2/15/17, effective 3/18/17.]

WAC 516-21-120 Hazing. Hazing, defined as any act that, as an explicit or implicit condition for initiation or admission into, affiliation with, or continued membership in a group or organization, endangers the health, safety, or well-being of any member of the university community, is a violation of the code. Examples of hazing include, but are not limited to:

(1) Requiring the consumption of any food, alcohol, drug, or other substance.

(2) Requiring forced participation in physical activities, including calisthenics, exercise, or other games or activities that entail physical exertion.

(3) Requiring exposure to weather elements or to other physically or emotionally uncomfortable situations, including sleep deprivation, confinement in small spaces, physical bondage, and/or taking a student to an outlying area and dropping them off.

(4) Requiring conduct that can be reasonably expected to embarrass another, including the performance of public stunts or activities such as scavenger hunts.

(5) Requiring anything that would be illegal under city, state, or federal law, or in violation of any university policies or procedures, including the code.

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

WAC 516-21-130 Alcohol. Except as permitted by law (e.g., possession or use by a person of legal age) and/or university policy, the possession, use, distribution, or sale of alcohol

while on university property or at an official university function is a violation of the code. See also *Policy Concerning Alcohol and Other Drugs* in the appendices section of the university catalog.

[Statutory Authority: RCW 28B.35.120, chapter 34.05 RCW, and 20 U.S.C. 1681-1688. WSR 17-05-100, § 516-21-130, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688. WSR 12-01-021, § 516-21-130, filed 12/9/11, effective 1/9/12.]

WAC 516-21-140 Drugs and paraphernalia. Except as permitted by law and university policy, the possession, use, cultivation, manufacturing, packaging, distribution, or provision of a controlled or illegal substance or the possession of drug paraphernalia while on university property or at an official university function is a violation of the code. This code violation also includes the intentional misuse or distribution of prescription drugs. See also *Policy Concerning Alcohol and Other Drugs* in the appendices section of the university catalog.

[Statutory Authority: RCW 28B.35.120, chapter 34.05 RCW, and 20 U.S.C. 1681-1688. WSR 17-05-100, § 516-21-140, filed 2/15/17,

effective 3/18/17. Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688. WSR 12-01-021, § 516-21-140, filed 12/9/11, effective 1/9/12.]

WAC 516-21-150 Interfering with the conduct process.

Interfering with the conduct process is a violation of the code.

This includes, but is not limited to:

- (1) Giving a false report or claim;
- (2) Attempting to influence the impartiality of witnesses or appeals board member(s);
- (3) Participating in or encouraging retaliation against a complainant or witness;
- (4) Threatening, harassing, or intimidating complainants or witnesses;
- (5) Disrupting or interfering with the orderly conduct of a hearing or meeting; and
- (6) Failing to comply with any sanction(s) imposed as the result of a code violation.

[Statutory Authority: RCW 28B.35.120, chapter 34.05 RCW, and 20 U.S.C. 1681-1688. WSR 17-05-100, § 516-21-150, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 28B.35.120(12) and

20 U.S.C. 1681-1688. WSR 12-01-021, § 516-21-150, filed 12/9/11, effective 1/9/12.]

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

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

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

(3) The use of campus computing facilities, networks (including wireless networks), equipment, or services to interfere with the normal operation of the university computing system or the work of any member of the university community;

(4) The use of campus computing facilities, networks (including wireless networks), equipment, or services to "cyber stalk" another person or to send obscene, abusive, harassing, or sexually harassing messages;

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

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

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

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

Students are also responsible for reading and complying with all provisions set forth in the Western Washington University policy for responsible computing, the user agreement

for WWU network and computing resources, and the using copyrighted materials policy.

[Statutory Authority: RCW 28B.35.120, chapter 34.05 RCW, and 20 U.S.C. 1681-1688. WSR 17-05-100, § 516-21-160, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688. WSR 12-01-021, § 516-21-160, filed 12/9/11, effective 1/9/12.]

WAC 516-21-170 Obstructing police and safety personnel.

Obstructing, interfering with, or delaying police or other fire, safety, or emergency personnel is a violation of the code.

[Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688. WSR 12-01-021, § 516-21-170, filed 12/9/11, effective 1/9/12.]

WAC 516-21-180 Sexual misconduct. Sexual misconduct is a

violation of the code and includes nonconsensual sexual contact, sexual exploitation and sexual violence (sexual assault, dating violence, domestic violence, and stalking or any other type of sexual misconduct or gender-based discrimination). See also WAC 516-21-110 Harassment (other than sexual harassment or discriminatory harassment), WAC 516-21-115 Discrimination or

discriminatory harassment, WAC 516-21-060 Conduct that harms or threatens, WAC 516-21-188 Stalking, WAC 516-21-184 Dating violence, and WAC 516-21-186 Domestic violence.

(1) Consent to any sexual activity must be clear, knowing, and voluntary. Anything less is equivalent to a "no." Clear, knowing, and voluntary consent to sexual activity requires that, at the time of the act, actual words or conduct demonstrate clear permission regarding willingness to engage in sexual activity and the conditions of such activity. Silence or passivity is not consent. Consent is ongoing and can be withdrawn at any time. Even if words or conduct alone seem to imply consent, sexual activity is nonconsensual when:

(a) Force or coercion is threatened or used to procure compliance with the sexual activity;

(i) Force is the use of physical violence, physical force, threat, or intimidation to overcome resistance or gain consent to sexual activity.

(ii) Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to obtain consent from another.

When an individual makes it clear through words or actions that they do not want to engage in sexual contact, want to stop, or do not want to go past a certain point of sexual interaction, continued pressure beyond that point may be coercive. Other examples of coercion may include using blackmail, extortion, or a position of power to overcome resistance or gain consent to sexual activity.

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

(c) The person lacks the mental capacity at the time of the sexual activity to be able to understand the nature or consequences of the act, whether that incapacity is produced by illness, the influence of alcohol or another substance, or some other cause. When alcohol or drugs are involved, a person is considered incapacitated or unable to give valid consent if they cannot fully understand the details of the sexual interaction (i.e., who, what, when, where, why, and how), and/or they lack the capacity to reasonably understand the situation and to make rational, reasonable decisions.

(2) Sexual assault is attempted or actual nonconsensual penetration, no matter how slight, of the vagina or anus by any body part or object; or of another's vagina, anus, or mouth by a penis. Sexual assault is also nonconsensual sexual contact or any intentional sexual touching, however slight, with any object or body part, by one person against another person's intimate parts (genitals or genital area, breast or buttock (clothed or unclothed)). This includes any intentional bodily contact of one's own intimate area with another person.

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

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

(5) Sexual misconduct represents a range of behaviors; it can occur between strangers or acquaintances, including individuals involved in an intimate or sexual relationship.

Sexual misconduct can be committed by individuals or groups of individuals directed to one or more people and can occur between people of the same or different sex. See also *University Policy U1600.04 Preventing and Responding to Sex Discrimination, Including Sexual Misconduct*.

[Statutory Authority: RCW 28B.35.120, chapter 34.05 RCW, and 20 U.S.C. 1681-1688. WSR 17-05-100, § 516-21-180, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688. WSR 12-01-021, § 516-21-180, filed 12/9/11, effective 1/9/12.]

WAC 516-21-184 Dating violence. Conduct by a student who is or has been in a romantic or intimate relationship with another that intentionally or recklessly causes bodily injury or places another in reasonable fear of serious bodily injury is a violation of the code. The nature of the relationship is determined by the length, type, and frequency of interaction between them. Sexual violence includes sexual assault, dating violence, domestic violence, and stalking or any other type of sexual misconduct or gender-based discrimination.

[Statutory Authority: RCW 28B.35.120, chapter 34.05 RCW, and 20 U.S.C. 1681-1688. WSR 17-05-100, § 516-21-184, filed 2/15/17, effective 3/18/17.]

WAC 516-21-186 Domestic violence. Conduct by a student who is a current or former spouse or intimate partner (including between two people that share a child in common) that intentionally or recklessly causes bodily injury, or causes another to be in reasonable fear of serious bodily injury is a violation of the code. Sexual violence includes sexual assault, dating violence, domestic violence, and stalking or any other type of sexual misconduct or gender-based discrimination.

[Statutory Authority: RCW 28B.35.120, chapter 34.05 RCW, and 20 U.S.C. 1681-1688. WSR 17-05-100, § 516-21-186, filed 2/15/17, effective 3/18/17.]

WAC 516-21-188 Stalking. Engaging in a course of unwelcomed conduct (e.g., following, monitoring, observing, surveilling, threatening, communicating or interfering with property) directed at a specific person that would cause a reasonable person to fear for their safety, or the safety of

others, or suffer substantial emotional distress, is a violation of the code. Stalking includes, but is not limited to, conduct occurring in person, electronically, and/or through a third party.

[Statutory Authority: RCW 28B.35.120, chapter 34.05 RCW, and 20 U.S.C. 1681-1688. WSR 17-05-100, § 516-21-188, filed 2/15/17, effective 3/18/17.]

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

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

Proceedings under the code may be carried out prior to, simultaneously, or following civil or criminal proceedings in the courts. Since the standard of proof under the code (preponderance of evidence) differs from that of criminal law,

decisions made through the student conduct process are not subject to challenge on the grounds that criminal charges involving the same incident have been dismissed or reduced by a court of law.

[Statutory Authority: RCW 28B.35.120, chapter 34.05 RCW, and 20 U.S.C. 1681-1688. WSR 17-05-100, § 516-21-190, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688. WSR 12-01-021, § 516-21-190, filed 12/9/11, effective 1/9/12.]

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

- (1) The facts involved in the student's arrest;

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

(3) The student's obligation to advise the university of the final disposition of any criminal charge(s); and

(4) Whether the behavior falls under jurisdiction of the student code.

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

[Statutory Authority: RCW 28B.35.120, chapter 34.05 RCW, and 20 U.S.C. 1681-1688. WSR 17-05-100, § 516-21-195, filed 2/15/17, effective 3/18/17.]

WAC 516-21-200 Theft or intentional damage of property.

Theft or intentional damage of property is a violation of the code. Theft includes, but is not limited to, attempted or actual theft of university property or services or the property or services of any member of the university community, visitors, or guests. It is also prohibited to possess stolen property or to

intentionally damage, destroy, or vandalize the property of the university or others.

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

WAC 516-21-210 Trespassing. Trespassing is a violation of the code. Trespassing includes, but is not limited to:

(1) Unauthorized entry into, occupation, or use of any university-owned or controlled property, equipment, or facilities;

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

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

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

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

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

[Statutory Authority: RCW 28B.35.120, chapter 34.05 RCW, and 20 U.S.C. 1681-1688. WSR 17-05-100, § 516-21-215, filed 2/15/17, effective 3/18/17.]

WAC 516-21-220 Weapons and destructive devices.

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

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

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

(3) Fireworks of any kind;

(4) Dangerous chemicals;

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

(6) Weapons classified as dangerous in RCW 9.41.250.

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

See also WAC 516-52-020 Weapons and armaments prohibited. [Statutory Authority: RCW 28B.35.120(12). WSR 18-17-176, § 516-21-220, filed 8/22/18, effective 9/22/18. Statutory Authority: RCW 28B.35.120, chapter 34.05 RCW, and 20 U.S.C. 1681-1688. WSR 17-05-100, § 516-21-220, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688. WSR 12-01-021, § 516-21-220, filed 12/9/11, effective 1/9/12.]

WAC 516-21-230 Sanctions. Sanctions serve many purposes including, but not limited to, educating students about the seriousness of their actions; reinforcing the high standards of scholarship and behavior expected of Western students; promoting

student development; and maintaining the safety and well-being of members of the university community. When a student admits responsibility or is found in violation of the code, a conduct officer or dean of students may impose one or more of the sanctions listed in this section. This list of sanctions is not meant to be exclusive. Other sanctions, designed or intended to enhance the educational value of conduct proceedings, may be applied in a given case.

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

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

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

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

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

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

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

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

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

(10) **Termination of university residences agreement.** A student may be removed from their campus residence hall or apartment and their housing agreement terminated.

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

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

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

[Statutory Authority: RCW 28B.35.120, chapter 34.05 RCW, and 20 U.S.C. 1681-1688. WSR 17-05-100, § 516-21-230, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688. WSR 12-01-021, § 516-21-230, filed 12/9/11, effective 1/9/12.]

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

(2) A conduct officer(s) shall be appointed and supervised by the dean of students or their authorized designee. A conduct officer has the authority to consider complaints, make findings, and administer sanctions for violations of the code. In complaints alleging ~~discrimination or sexual violence, which includes sexual assault, dating violence, domestic violence, and stalking or any other type of sexual misconduct or gender-based discrimination, an investigation and written report of findings from Western Washington University's equal opportunity office (or their designee) will be provided to a conduct officer in lieu of the conduct officer's investigation.~~ a violation of any

type of sexual misconduct or gender-based discrimination including Title IX sexual harassment which encompasses quid pro quo harassment, hostile environment, domestic violence, dating violence, stalking or sexual assault which includes nonconsensual sexual intercourse, nonconsensual sexual contact, incest or statutory rape, complaints should be made to Western Washington University's Office of Civil Rights and Title IX Compliance. A final investigation report from Western Washington University's Office of Civil Rights and Title IX Compliance (or their designee) will be provided to the conduct officer in lieu of the conduct officer's investigation. The conduct officer will then consider this report and make a finding as to whether the code was violated and impose sanction(s).

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

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

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

Student board members must:

(i) Have a cumulative grade point average above 2.0;

(ii) Not currently be under an active sanction of the conduct code or have had previous conduct violations during the current academic year; and

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

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

(4) An appeals board shall be composed of five members and any three persons constitute a quorum of a board. Generally an appeals board will be comprised of faculty, staff, and students, but in some instances may only be comprised of members from two of the three groups. The dean of students, or their designee, will appoint a chair from this pool for each board. Board members may not have been involved in consideration of the complaint, or involved in the complaint. Board members must be properly trained in accordance with state and/or federal

guidance. The dean of students or their designee will have final authority to approve all of those serving on a board. The dean of students, or their designee, will work to ensure that any board is balanced and representative.

(5) A staff member appointed by the dean of students may advise the board on technical details of the code and its procedures.

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

[Statutory Authority: RCW 28B.35.120, chapter 34.05 RCW, and 20 U.S.C. 1681-1688. WSR 17-05-100, § 516-21-240, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688. WSR 12-01-021, § 516-21-240, filed 12/9/11, effective 1/9/12.]

WAC 516-21-250 Student rights in the conduct process.

Alleged violations of the code will be resolved through the student conduct process, respecting fairness and due process for all involved parties.

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

(a) Receive prior written notice to attend meetings with a conduct officer or hearings with an appeals board delivered via email to the student's official university email account;

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

(c) Be accompanied through the conduct process by an advisor of their choice and at their own expense. A respondent should select as an advisor a person who is not involved in the same complaint and whose schedule allows attendance at the scheduled date and time for the scheduled meeting or hearing. The scheduling conflicts of an advisor are not considered good cause for a delay;

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

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

(f) Receive written notification of the findings, decision, and basis for each, delivered via email to the student's official university email account, within seven business days of the date of the final meeting with a conduct officer, or ten business days of the date of a hearing with an appeals board;

(g) Request an appeal of a decision by a conduct officer, as described in WAC 516-21-280 Basis for appeal;

(h) Request a review of an appeal, as described in WAC 516-21-280 Basis for appeal; and

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

(2) An individual who has filed a complaint alleging violence or sexual violence, including sexual assault, dating violence, domestic violence, and stalking or any other type of sexual misconduct or gender-based discrimination, known as the complainant, has certain rights in the conduct process. These include the right to:

(a) Receive prior written notice to attend meetings with a conduct officer or hearings with an appeals board delivered via email to the student's official university email account;

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

(c) Be accompanied through the conduct process by an advisor of their choice and at their own expense. A complainant should select as an advisor a person who is not involved in the complaint and whose schedule allows attendance at the scheduled date and time for the scheduled meeting or hearing. The scheduling conflicts of an advisor are not considered good cause for a delay;

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

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

(f) Receive written notification of the findings, decision and basis for each, delivered via email to the complainant's official university email account, within seven business days of the date of the respondent's final meeting with a conduct officer or ten business days of the date of a hearing with an appeals board;

(g) Request an appeal of a decision by a conduct officer, as described in WAC 516-21-280 Basis for appeal;

(h) Request a review of an appeal, as described in WAC 516-21-280 Basis for appeal; and

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

(3) For incidents involving sexual violence, including sexual assault, dating violence, domestic violence, and stalking or any other type of sexual misconduct or gender-based discrimination, complainants shall have the following additional rights:

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

(b) Have past behavior unrelated to the alleged behavior excluded; the conduct officer, appeals board chair, or dean of students will make a final determination regarding such behavior if in question;

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

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

(e) To request an administrative no contact order against the respondent(s) during the conduct process;

(f) To have alternative accommodations to avoid being in the physical presence of the respondent during the conduct process; and

(g) Be free of any form of retaliation. Complainants should report any retaliation that occurs for further action. See *POL-U1600.02 Ensuring Equal Opportunity and Prohibiting Discrimination and Retaliation*.

[Statutory Authority: RCW 28B.35.120, chapter 34.05 RCW, and 20 U.S.C. 1681-1688. WSR 17-05-100, § 516-21-250, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688. WSR 12-01-021, § 516-21-250, filed 12/9/11, effective 1/9/12.]

WAC 516-21-260 Procedures for immediate interim

suspension. In consultation with university officials, the dean of students may suspend a student from the university on an

immediate interim basis, pending criminal proceedings, or a medical evaluation, and/or action through the student conduct process.

(1) An interim suspension may only be imposed when the dean of students has cause to believe that the student:

(a) Has violated the student conduct code; and

(b) Poses an immediate danger to the safety or security of the university community; and/or

(c) Poses an ongoing threat of serious disruption or interference with the normal operations of the university.

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

(3) A student suspended from the university on an interim basis shall be notified in writing of the terms of the interim suspension. The notice, which shall be delivered via email to the student's official university account and in person if possible, shall include the alleged violation(s), the circumstances, reasons, and terms of the interim suspension, and

the time, date and location of a meeting to discuss the interim suspension.

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

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

[Statutory Authority: RCW 28B.35.120, chapter 34.05 RCW, and 20 U.S.C. 1681-1688. WSR 17-05-100, § 516-21-260, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688. WSR 12-01-021, § 516-21-260, filed 12/9/11, effective 1/9/12.]

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

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

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

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

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

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

(3) In complaints alleging ~~discrimination and/or sexual violence, including sexual assault, dating violence, domestic~~

~~violence, and stalking or any other type of sexual misconduct or gender-based discrimination, complaints should be made to Western Washington University's equal opportunity office. An investigation and written report of findings from Western Washington University's equal opportunity office (or their designee) will be provided to the conduct officer in lieu of the conduct officer's investigation. The conduct officer will then consider this report and make a finding as to whether the code was violated and impose sanction(s).~~ a violation of any type of sexual misconduct or gender-based discrimination including Title IX sexual harassment which encompasses quid pro quo harassment, hostile environment, domestic violence, dating violence, stalking or sexual assault which includes nonconsensual sexual intercourse, nonconsensual sexual contact, incest or statutory rape, complaints should be made to Western Washington University's Office of Civil Rights and Title IX Compliance. A final investigation report from Western Washington University's Office of Civil Rights and Title IX Compliance (or their designee) will be provided to the conduct officer in lieu of the conduct officer's investigation. The conduct officer will then

consider this report and make a finding as to whether the code was violated and impose sanction(s).

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

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

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

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

(d) A copy of, or link to, the code.

(5) The respondent and complainant (if applicable) are notified in writing of the determination made by the conduct officer, including the basis for any findings and sanctions. The notice includes information regarding the right to request an appeal.

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

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

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

(9) Evidence is relevant if it tends to make existence of a fact more or less probable. A conduct officer, appeal board

chair, or dean of students shall have the discretion to determine admissibility of evidence.

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

[Statutory Authority: RCW 28B.35.120, chapter 34.05 RCW, and 20 U.S.C. 1681-1688. WSR 17-05-100, § 516-21-270, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688. WSR 12-01-021, § 516-21-270, filed 12/9/11, effective 1/9/12.]

WAC 516-21-280 Basis for appeal. (1) A student found in violation of the code may appeal the conduct officer's findings and/or the sanctions imposed. For incidents involving violence and/or sexual violence, including sexual assault, dating violence, domestic violence, and stalking or any other type of sexual misconduct or gender-based discrimination, a complainant may also request an appeal. An appeal may be requested for any reason including:

(a) The proceedings were not conducted in conformity with prescribed procedures and significantly impacted the outcome of the student conduct process;

(b) The sanctions imposed are substantially disproportionate to the violation(s) committed;

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

(d) New information becomes available that was unavailable at the time of the original meeting, and could substantially impact the original decision. A summary of this new information and its potential impact must be included. The dean of students or designee may then refer the complaint to the conduct officer for further action as appropriate.

(2) The appeal must be submitted by the respondent or complainant (if applicable) in writing to the dean of students within ten days of the decision. The appeal must state, as clearly and concisely as possible, the reason for the appeal.

(3) Appeals of a finding that resulted, or may have resulted, in suspension or expulsion are considered by an

appeals board. All other appeals are considered by the dean of students.

(4) No sanction will begin while an appeal or request for review is pending, except interim sanctions such as administrative no-contact orders, trespass, etc.

[Statutory Authority: RCW 28B.35.120, chapter 34.05 RCW, and 20 U.S.C. 1681-1688. WSR 17-05-100, § 516-21-280, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688. WSR 12-01-021, § 516-21-280, filed 12/9/11, effective 1/9/12.]

WAC 516-21-290 Appeal procedures. (1) Appeals can be made by the respondent (or complainant in incidents involving violence and/or sexual violence, including sexual assault, dating violence, domestic violence, and stalking or any other type of sexual misconduct or gender-based discrimination) and must be made to the dean of students.

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

(3) Where new information, unavailable at the time of the original meeting, that could substantially impact the original

decision, is received, the dean of students or designee may then refer the complaint to the conduct officer for further action as appropriate. The dean of students or their designee may, at their discretion, refer the complaint to a different conduct officer for reconsideration.

(4) In appeals in which the possible or recommended sanction is not expulsion or suspension as determined by the conduct officer, a designee of the dean of students will consider the appeal and hold an informal meeting, giving each party an opportunity to be informed of the conduct officer's view of the matter and to explain their view of the matter.

(5) In appeals in which the possible or recommended sanction is expulsion or suspension as determined by the conduct officer, an appeals board considers the appeal.

(a) The appeals board will provide respondent and complainant (if applicable) with five days' notice of an appeals hearing date, time and location. An appeal by respondent or complainant will be shared with the other party (parties).

(b) The appeals board meets in private and reviews the complaint, the results of the subsequent investigation and its

findings, and the conduct officer's decision. The board provides an opportunity for respondent and complainant (if applicable) to share information and the board may call witnesses. The appeals board then deliberates in private.

(c) After any appeal, the respondent and complainant (if applicable) may request that a decision be reviewed by the dean of students. This request for review must be made in writing within ten days of the written outcome of an appeal. The dean of students will review the written documentation only; any involved person (respondent, witnesses, complainant) may be called to meet if necessary and at the discretion of the dean of students.

(d) During limited times during the year, such as break periods and summer quarter, when board members are unavailable, an interim board may be appointed by the dean of students.

(6) Respondent and complainant (if applicable) will be informed of the outcome of reviews and/or appeals simultaneously and in writing within ten days.

(7) If there is no request for appeal received by the dean of students within ten days, the decision of the conduct officer

is considered final. If there is no request for review within five days (or ten days of an appeals board decision), the decision is considered final.

[Statutory Authority: RCW 28B.35.120, chapter 34.05 RCW, and 20 U.S.C. 1681-1688. WSR 17-05-100, § 516-21-290, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688. WSR 12-01-021, § 516-21-290, filed 12/9/11, effective 1/9/12.]

New section

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WAC 516-21-291 Order of precedence under Title IX. This supplemental procedure applies to allegations of sexual harassment subject to Title IX jurisdiction pursuant to regulations promulgated by the United States Department of Education. See 34 C.F.R. § 106. To the extent these supplemental hearing procedures conflict with Western Washington University's standard disciplinary procedures, WAC 516-21-240 and WAC 516-21-270, these supplemental procedures shall take precedence.

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New section

WAC 516-21-292 Jurisdiction under Title IX (1) This

supplemental procedure applies only if the alleged misconduct:

(a) Occurred in the United States;

(b) Occurred during a Western Washington University
educational program or activity; and

(c) Meets the definition of sexual harassment as that term
is defined in this supplemental procedure.

(2) For purposes of this supplemental procedure, an
"educational program or activity" is defined as locations,
events, or circumstances over which the Western Washington
University exercised substantial control over both the
respondent and the context in which the alleged sexual
harassment occurred. This definition includes any building owned
or controlled by a student organization that is officially
recognized by Western Washington University.

(3) Proceedings under this supplemental procedure must be
dismissed if the decision maker determines that one or all of
the requirements of subsection (1) (a), (b), and(c) of this
section have not been met. Dismissal under this supplemental
procedure does not prohibit Western Washington University from

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pursuing other disciplinary action based on allegations that the respondent violated other provisions of Western Washington University's student conduct code, WAC 516-21.

(4) If the Title IX coordinator determines the facts in the investigation report are not sufficient to support Title IX jurisdiction and/or pursuit of a Title IX violation, the Title IX coordinator will issue a notice of dismissal in whole or part to both parties explaining why some or all of the Title IX claims have been dismissed.

New section

WAC 516-21-293 Prohibited conduct under Title IX. Pursuant to RCW 28B.50.140(13) and Title IX of the Education Act Amendments of 1972, 20 U.S.C. §1681, Western Washington University may impose disciplinary sanctions against a student who commits, attempts to commit, or aids, abets, incites, encourages, or assists another person to commit, an act(s) of "sexual harassment."

For purposes of this supplemental procedure, "sexual harassment" encompasses the following conduct:

(1) Quid pro quo harassment. A Western Washington University employee conditioning the provision of an aid, benefit, or service of Western Washington University on an individual's participation in unwelcome sexual conduct.

(2) Hostile environment. Unwelcome conduct that a reasonable person would find to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Western Washington University's educational programs or activities, or employment.

(3) Sexual assault. Sexual assault includes the following conduct:

(a) Nonconsensual sexual intercourse. Any actual or attempted sexual intercourse (anal, oral, or vaginal), however slight, with any object or body part, by a person upon another person, that is without consent and/or by force. Sexual intercourse includes anal or vaginal penetration by a penis, tongue, finger, or object, or oral copulation by mouth to genital contact or genital to mouth contact.

(b) Nonconsensual sexual contact. Any actual or attempted sexual touching, however slight, with any body part or object,

by a person upon another person that is without consent and/or by force. Sexual touching includes any bodily contact with the breasts, groin, mouth, or other bodily orifice of another individual, or any other bodily contact in a sexual manner.

(c) Incest. Sexual intercourse or sexual contact with a person known to be related to them, either legitimately or illegitimately, as an ancestor, descendant, brother, or sister of either wholly or half related. Descendant includes stepchildren and adopted children under the age of eighteen (18).

(d) Statutory rape. Consensual sexual intercourse between someone who is eighteen years of age or older and someone who is under the age of sixteen.

(4) Domestic violence. Physical violence, bodily injury, assault, the infliction of fear of imminent physical harm, sexual assault, or stalking committed by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of State of Washington, or by any other

person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the State of Washington, RCW 26.50.010.

(5) Dating violence. Physical violence, bodily injury, assault, the infliction of fear of imminent physical harm, sexual assault, or stalking committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:

(a) The length of the relationship;

(b) The type of relationship; and

(c) The frequency of interaction between the persons involved in the relationship.

(6) Stalking. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

New section

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WAC 516-21-294 Initiation of discipline under Title IX.

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(1) Upon receiving the Title IX final investigation report

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from the Title IX coordinator, the student conduct Officer will independently review the report to determine whether there are sufficient grounds to pursue a disciplinary action against the respondent for engaging in prohibited conduct under Title IX.

(2) If the student conduct officer determines that there are sufficient grounds to proceed under these supplemental procedures, the student conduct officer will initiate a Title IX disciplinary proceeding by filing a written disciplinary notice with the chair of the student conduct committee and serving the notice on the respondent and the complainant, and their respective advisors. The notice must:

(a) Set forth the basis for Title IX jurisdiction;

(b) Identify the alleged Title IX violation(s);

(c) Set forth the facts underlying the allegation(s);

(d) Identify the range of possible sanctions that may be imposed if the respondent is found responsible for the alleged violation(s);

(e) Explain that the parties are entitled to be accompanied by their chosen advisors during the hearing and that:

(i) The advisors will be responsible for questioning all witnesses on the party's behalf;

(ii) An advisor may be an attorney; and

(iii) Western Washington University will appoint the party an advisor of Western Washington University's choosing at no cost to the party, if the party fails to do so; and

(3) Explain that if a party fails to appear at the hearing, a decision of responsibility may be made in their absence.

New section

WAC 516-21-295 Pre-hearing procedure under Title IX.

(1) Upon receiving the disciplinary notice, the chair of the student conduct committee will send a hearing notice to all parties, in compliance with WAC 516-21-250. In no event will the hearing date be set less than ten days after the Title IX coordinator provided the final investigation report to the student conduct officer.

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(2) A party may choose to have an attorney serve as their advisor at the party's own expense. This right will be waived unless, at least five days before the hearing, the attorney files a notice of appearance with the committee chair with copies to all parties and the student conduct officer.

(3) In preparation for the hearing, the parties will have equal access to all evidence gathered by the investigator during the investigation, regardless of whether the Western Washington University intends to offer the evidence at the hearing.

New section

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WAc 515-21-296 Rights of parties under Title IX.

(1) Western Washington University's Student conduct procedures, WAC 516-21-250, WAC 516-21-270 and this supplemental procedure shall apply equally to all parties.

(2) Western Washington University bears the burden of offering and presenting sufficient testimony and evidence to establish that the respondent is responsible for a Title IX violation by a preponderance of the evidence.

(3) The respondent will be presumed not responsible until such time as the disciplinary process has been finally resolved.

(4) During the hearing, each party shall be represented by an advisor who will conduct all questioning on the party's behalf. The parties are entitled to an advisor of their own choosing and the advisor may be an attorney. If a party does not choose an advisor, then the Title IX Coordinator will appoint an advisor of Western Washington University's choosing on the party's behalf at no expense to the party.

New section

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WAC 516-21-297 Evidence under Title IX. The introduction and consideration of evidence during the hearing is subject to the following procedures and restrictions:

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(1) Relevance: The committee chair shall review all questions for relevance and shall explain on the record their reasons for excluding any question based on lack of relevance.

(2) Relevance means that information elicited by the question makes facts in dispute more or less likely to be true.

(3) Questions or evidence about a complainant's sexual predisposition or prior sexual behavior are not relevant and must be excluded, unless such question or evidence:

(a) Is asked or offered to prove someone other than the respondent committed the alleged misconduct; or

(b) Concerns specific incidents of prior sexual behavior between the complainant and the respondent, which are asked or offered on the issue of consent.

(4) Cross-examination required: If a party or witness does not submit to cross-examination during the live hearing, the committee must not rely on any statement by that party or witness in reaching a determination of responsibility.

(5) No negative inference: The committee may not make an inference regarding responsibility solely on a witness's or party's absence from the hearing or refusal to answer questions.

(6) Privileged evidence: The committee shall not consider legally privileged information unless the holder has effectively waived the privilege. Privileged information includes, but is not limited to, information protected by the following:

(a) Spousal/domestic partner privilege;

(b) Attorney-Client and attorney work product privileges;

(c) Privileges applicable to members of the clergy and priests;

(d) Privileges applicable to medical providers, mental health therapists, and counsellors;

(e) Privileges applicable to sexual assault and domestic violence advocates; and

(f) Other legal privileges identified in RCW 5.60.060.

New section

WAC 516-21-298 Initial conduct order under Title IX. In

addition to complying with WAC 516-21-250 and WAC 516-21-270, the student conduct committee will be responsible for conferring and drafting an initial conduct order that:

(1) Identifies the allegations of sexual harassment;

(2) Describes the grievance and disciplinary procedures, starting with filing of the formal complaint through the determination of responsibility, including notices to parties, interviews with witnesses and parties, site visits, methods used to gather evidence, and hearings held;

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(3) Makes findings of fact supporting the determination of responsibility;

(4) Reaches conclusions as to whether the facts establish whether the respondent is responsible for engaging in sexual harassment in violation of Title IX;

(5) Contains a statement of, and rationale for, the committee's determination of responsibility for each allegation;

(6) Describes any disciplinary sanction or conditions imposed against the respondent, if any;

(7) Describes to what extent, if any, complainant is entitled to remedies designed to restore or preserve complainant's equal access to Western Washington University's education programs or activities; and

(8) Describes the process for appealing the initial conduct order.

(9) The committee chair will serve the initial conduct order on the parties simultaneously.

New section

WAC 516-21-299 Appeals under Title IX. (1) The parties shall have the right to request a review from the initial

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conduct order's determination of responsibility and/or dismissal of an allegation(s) of sexual harassment in a formal complaint. The right to request a review will be subject to the same procedures and timeframes set forth in WAC 516-21-290 (5)(c). Appeals of initial conduct orders under Title IX move directly to the review stage of the student conduct code's proceedings.

(2) The Vice president of enrollment & student services or their delegate will determine whether the grounds for a request for review have merit, provide the rationale for this conclusion, and state whether the disciplinary sanction and condition(s) imposed in the initial conduct order are affirmed, vacated, or amended, and, if amended, set forth any new disciplinary sanction and/or condition(s).

(3) The Vice president of enrollment & student services or their delegate shall serve the final decision on the parties simultaneously.

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WAC 516-21-300 Deviations from established procedures.

Deviations from the timelines set forth in this code may be granted by the dean of students, upon request, for good cause.

Respondent (and complainant, if applicable) will be informed simultaneously and in writing of extensions and the reason for the extension.

[Statutory Authority: RCW 28B.35.120, chapter 34.05 RCW, and 20 U.S.C. 1681-1688. WSR 17-05-100, § 516-21-300, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688. WSR 12-01-021, § 516-21-300, filed 12/9/11, effective 1/9/12.]

WAC 516-21-310 Confidentiality of conduct proceedings and records. (1) The confidentiality of all conduct proceedings and records will be maintained in compliance with the student records policy, as well as all applicable state and federal laws. Conduct records prepared by a conduct officer, the appeals board, and/or the dean of students:

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

(b) Will not be shared with any member of the public, except upon the informed written consent of the student(s)

involved or as stated in the student records policy, or as required by law or court order.

(2) The conduct officer's findings may be shared with the complainant, as required by law, in cases involving violence or sexual violence, including sexual assault, dating violence, domestic violence, and stalking or any other type of sexual misconduct or gender-based discrimination. The findings may also be shared with university officials involved in the completion or supervision of the sanction and/or the student. See also chapter 516-26 WAC, Student records.

[Statutory Authority: RCW 28B.35.120, chapter 34.05 RCW, and 20 U.S.C. 1681-1688. WSR 17-05-100, § 516-21-310, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688. WSR 12-01-021, § 516-21-310, filed 12/9/11, effective 1/9/12.]

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

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

WAC 516-21-340 Revision of the code. The code shall be reviewed every five years or more often, if needed, by the committee on the student conduct code. The committee on student rights and responsibilities shall include students, faculty, and staff. Once recommendations are complete, they will be forwarded to the vice president for enrollment and student services. See also POL-U1000.11 *Developing and Maintaining University Provisions of the Washington Administrative Code.*

[Statutory Authority: RCW 28B.35.120, chapter 34.05 RCW, and 20 U.S.C. 1681-1688. WSR 17-05-100, § 516-21-340, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688. WSR 12-01-021, § 516-21-340, filed 12/9/11, effective 1/9/12.]

WAC 516-21-350 Referenced policies and regulations in the code. Policies or regulations referenced in the code are available, upon request, in the dean of students' office. [Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688. WSR 12-01-021, § 516-21-350, filed 12/9/11, effective 1/9/12.]

Chapter 516-21 WAC

STUDENT CONDUCT CODE

Last Update: 8/22/18

WAC

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- 516-21-070 Disruptive behavior.
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516-21-220 Weapons and destructive devices.
516-21-230 Sanctions.
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516-21-260 Procedures for immediate interim suspension.
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516-21-300 Deviations from established procedures.
516-21-310 Confidentiality of conduct proceedings and records.
516-21-330 Interpretation of the code.
516-21-340 Revision of the code.
516-21-350 Referenced policies and regulations in the code.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

516-21-320 Relationship of the code to university residences.

[Statutory Authority: RCW 28B.35.120(12) and 20

U.S.C. 1681-1688. WSR 12-01-021, § 516-21-320, filed 12/9/11, effective 1/9/12.] Repealed by WSR 17-05-100, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 28B.35.120, chapter 34.05 RCW, and 20 U.S.C. 1681-1688.

WAC 516-21-010 Introduction. Western Washington

University students enjoy the same basic rights, privileges, and freedoms granted to all members of society. At the same time, acceptance of admission to the university carries with it an obligation to fulfill certain responsibilities and expectations as a member of the Western Washington University community.

As members of the Western community, students must assume responsibility for their own actions and maintain an environment conducive to academic success. In addition, they are expected to be truthful, respect the rights of others, and abide by all university policies and procedures, as well as all applicable local, state, and federal laws and regulations. All students are responsible for understanding and complying with the

responsibilities and expectations set forth in this code both on and off campus.

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

[Statutory Authority: RCW 28B.35.120, chapter 34.05 RCW, and 20 U.S.C. 1681-1688. WSR 17-05-100, § 516-21-010, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688. WSR 12-01-021, § 516-21-010, filed 12/9/11, effective 1/9/12.]

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

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

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

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

(4) **Board.** The student conduct appeals board.

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

(6) **Conduct officer.** A conduct officer or their authorized designee as determined by the dean of students.

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

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

(9) **Member of the university community.** Any person who is a student, university official, registered volunteer or who is otherwise employed or contracted by the university. Any question regarding a person's status in a particular situation for purposes of this code shall be determined by the dean of students.

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

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

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

(a) Has been formally admitted to the university;

(b) Is enrolled in one or more classes at the university, including nonmatriculated international students attending language institutes or foreign study programs;

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

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

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

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

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

(14) **University official.** Any person employed or contracted by the university, who is performing assigned teaching, administrative, or professional responsibilities. University officials may be full- or part-time, and may include student staff members.

(15) **University property.** All land, buildings, facilities, electronic presences and other property that is owned, used, leased, or controlled by Western Washington University wherever located. University property also includes computer systems, and adjacent streets and sidewalks.

(16) **WAC.** An abbreviation for the Washington Administrative Code.

[Statutory Authority: RCW 28B.35.120, chapter 34.05 RCW, and 20 U.S.C. 1681-1688. WSR 17-05-100, § 516-21-020, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 28B.35.120(12) and

20 U.S.C. 1681-1688. WSR 12-01-021, § 516-21-020, filed 12/9/11, effective 1/9/12.]

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

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

(a) Adversely affects the safety or well-being of any member of the university community; or

(b) Involves academic work or any records, documents, or identifications of the university.

In determining whether to exercise jurisdiction over such conduct, a conduct officer shall consider the seriousness of the alleged offense, the risk of harm involved, and whether the alleged complainant(s) are members of the university community.

Any question of interpretation or application of jurisdiction shall be referred to the dean of students for final determination.

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

(4) A student with a pending conduct violation may not avoid the conduct process by withdrawing from the university. In these circumstances, a conduct hold will be placed on the student's official record, preventing them from registering for classes, requesting an official transcript, or receiving a degree from the university. This hold will remain in place until the student has met with the conduct officer to discuss the alleged conduct violation(s).

(5) Sanctions against student organizations are decided by procedures established by the university administrative unit

governing that organization's recognition. Conduct proceedings against individual member(s) of a student organization can be initiated under this code, independent of any departmental action(s) taken against the student organization.

[Statutory Authority: RCW 28B.35.120, chapter 34.05 RCW, and 20 U.S.C. 1681-1688. WSR 17-05-100, § 516-21-030, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688. WSR 12-01-021, § 516-21-030, filed 12/9/11, effective 1/9/12.]

WAC 516-21-040 Student responsibility for guests. (1)

Guests and visitors on university property or at official university functions are expected to comply with all university policies and procedures, as well as all applicable local, state, and federal laws and regulations.

(2) Students who invite guests into their campus residence hall or apartment, or to official university functions open only to Western students, are responsible for the behavior of their guests. As a result, a student may be held responsible for any alleged violation(s) of the code committed by their guests. See also WAC 516-24-001 Conduct of campus guests and visitors.

[Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688. WSR 12-01-021, § 516-21-040, filed 12/9/11, effective 1/9/12.]

WAC 516-21-050 Academic dishonesty. The university's policy and procedures regarding academic dishonesty are addressed in the academic honesty policy and procedure. As noted in the policy, academic dishonesty at Western Washington University is a serious infraction dealt with severely. For a list of actions that constitute academic dishonesty, refer to the academic honesty policy and procedure in the catalog.

[Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688. WSR 12-01-021, § 516-21-050, filed 12/9/11, effective 1/9/12.]

WAC 516-21-055 Amnesty. (1) In situations involving intoxication, alcohol poisoning, or drug-related medical issues, students are encouraged to seek swift medical assistance for themselves and others without fear of penalty. Students requesting and receiving medical assistance in these situations will not typically be subject to the student conduct process.

This policy refers to isolated incidents and does not excuse students who repeatedly or flagrantly violate the alcohol or drug policy, nor does it preclude action arising from other violations of the code. Western will consider the positive impact of reporting a situation when determining any course of action.

(2) Complainants and witnesses who in good faith report sexual violence will not be subject to alcohol or drug violations of the code occurring at or near the time of the sexual violence unless their own conduct placed another person's health or safety at risk. Without imposing sanctions, Western may initiate educational remedies regarding alcohol or drug use. [Statutory Authority: RCW 28B.35.120, chapter 34.05 RCW, and 20 U.S.C. 1681-1688. WSR 17-05-100, § 516-21-055, filed 2/15/17, effective 3/18/17.]

WAC 516-21-060 Conduct that harms or threatens health or safety. Conduct that harms, attempts to harm, or threatens the health or safety of any member of the Western community by any means (e.g., in person, through a third party, online), or others on university property or in connection with any official

university function, is a violation of the code. This includes, but is not limited to:

(1) Physical assault.

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

(3) Any contact or communication of a threatening nature that intimidates, harasses, and would cause a reasonable person to fear for their safety or well-being.

(4) Intoxication or impairment through the use of alcohol or other substances to the point that a student is unable to exercise care for their own safety or well-being.

(5) Sexual violence including sexual assault, dating violence, domestic violence, and stalking or any other type of sexual misconduct or gender-based discrimination.

[Statutory Authority: RCW 28B.35.120, chapter 34.05 RCW, and 20 U.S.C. 1681-1688. WSR 17-05-100, § 516-21-060, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688. WSR 12-01-021, § 516-21-060, filed 12/9/11, effective 1/9/12.]

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

Any behavior that substantially disrupts, disturbs, or interferes with:

- (1) Classroom activities or other educational pursuits;
- (2) Official university activities or functions including, but not limited to, ceremonies, meetings, office functions, performances, or athletic events;
- (3) Pedestrian or vehicular traffic; or
- (4) The preservation and protection of university property and/or the personal property of members of the university community.

[Statutory Authority: RCW 28B.35.120, chapter 34.05 RCW, and 20 U.S.C. 1681-1688. WSR 17-05-100, § 516-21-070, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688. WSR 12-01-021, § 516-21-070, filed 12/9/11, effective 1/9/12.]

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

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

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

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

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

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

(4) Knowingly providing false information or statements to any university official or other public official acting in performance of their duties.

[Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688. WSR 12-01-021, § 516-21-090, filed 12/9/11, effective 1/9/12.]

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

[Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688. WSR 12-01-021, § 516-21-100, filed 12/9/11, effective 1/9/12.]

WAC 516-21-110 Harassment (other than sexual harassment or discriminatory harassment). Harassment is conduct by any means

that is severe or pervasive. It is of such a nature that it would cause a reasonable person in the complainant's position substantial emotional distress and undermine their ability to work, study, or participate in their regular life activities or participate in the activities of the university. Harassment causes the complainant substantial emotional distress and undermines the complainant's ability to work, study, or participate in the complainant's regular life activities or participate in the activities of the university.

[Statutory Authority: RCW 28B.35.120, chapter 34.05 RCW, and 20 U.S.C. 1681-1688. WSR 17-05-100, § 516-21-110, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688. WSR 12-01-021, § 516-21-110, filed 12/9/11, effective 1/9/12.]

WAC 516-21-115 Discrimination and discriminatory

harassment. Discrimination or discriminatory harassment is prohibited on the basis of race; sex; sexual orientation; gender identity/expression; religion; age; color; creed; national or ethnic origin; physical, mental, or sensory disability (including disability requiring the use of a trained service

animal); marital status; genetic information; and/or veteran status; and as defined in Western Washington University policy POL-U1600.02 and POL-U1600.04, which prohibit discrimination, sexual harassment, and sexual misconduct. Anyone complaining or involved in a complaint of discrimination is protected against retaliation.

(1) Sexual harassment is a violation of the code. Sexual harassment is unwelcome conduct of a sexual nature including unwelcome sexual advances, requests for sexual favors, or other verbal, nonverbal, electronic, or physical conduct of a sexual nature, when:

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

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

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

(3) Sexual violence includes sexual assault, dating violence, domestic violence, and stalking or any other type of sexual misconduct or gender-based discrimination.

[Statutory Authority: RCW 28B.35.120, chapter 34.05 RCW, and 20 U.S.C. 1681-1688. WSR 17-05-100, § 516-21-115, filed 2/15/17, effective 3/18/17.]

WAC 516-21-120 Hazing. Hazing, defined as any act that, as an explicit or implicit condition for initiation or admission into, affiliation with, or continued membership in a group or organization, endangers the health, safety, or well-being of any member of the university community, is a violation of the code. Examples of hazing include, but are not limited to:

(1) Requiring the consumption of any food, alcohol, drug, or other substance.

(2) Requiring forced participation in physical activities, including calisthenics, exercise, or other games or activities that entail physical exertion.

(3) Requiring exposure to weather elements or to other physically or emotionally uncomfortable situations, including sleep deprivation, confinement in small spaces, physical bondage, and/or taking a student to an outlying area and dropping them off.

(4) Requiring conduct that can be reasonably expected to embarrass another, including the performance of public stunts or activities such as scavenger hunts.

(5) Requiring anything that would be illegal under city, state, or federal law, or in violation of any university policies or procedures, including the code.

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

WAC 516-21-130 Alcohol. Except as permitted by law (e.g., possession or use by a person of legal age) and/or university policy, the possession, use, distribution, or sale of alcohol while on university property or at an official university function is a violation of the code. See also *Policy Concerning Alcohol and Other Drugs* in the appendices section of the university catalog.

[Statutory Authority: RCW 28B.35.120, chapter 34.05 RCW, and 20 U.S.C. 1681-1688. WSR 17-05-100, § 516-21-130, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688. WSR 12-01-021, § 516-21-130, filed 12/9/11, effective 1/9/12.]

WAC 516-21-140 Drugs and paraphernalia. Except as permitted by law and university policy, the possession, use, cultivation, manufacturing, packaging, distribution, or provision of a controlled or illegal substance or the possession of drug paraphernalia while on university property or at an official university function is a violation of the code. This code violation also includes the intentional misuse or distribution of prescription drugs. See also *Policy Concerning*

Alcohol and Other Drugs in the appendices section of the university catalog.

[Statutory Authority: RCW 28B.35.120, chapter 34.05 RCW, and 20 U.S.C. 1681-1688. WSR 17-05-100, § 516-21-140, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688. WSR 12-01-021, § 516-21-140, filed 12/9/11, effective 1/9/12.]

WAC 516-21-150 Interfering with the conduct process.

Interfering with the conduct process is a violation of the code.

This includes, but is not limited to:

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

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

[Statutory Authority: RCW 28B.35.120, chapter 34.05 RCW, and 20 U.S.C. 1681-1688. WSR 17-05-100, § 516-21-150, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688. WSR 12-01-021, § 516-21-150, filed 12/9/11, effective 1/9/12.]

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

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

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

(3) The use of campus computing facilities, networks (including wireless networks), equipment, or services to interfere with the normal operation of the university computing system or the work of any member of the university community;

(4) The use of campus computing facilities, networks (including wireless networks), equipment, or services to "cyber stalk" another person or to send obscene, abusive, harassing, or sexually harassing messages;

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

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

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

(8) The use of campus computing facilities, networks (including wireless networks), equipment or services for

personal profit or for any use other than authorized university business.

Students are also responsible for reading and complying with all provisions set forth in the Western Washington University policy for responsible computing, the user agreement for WWU network and computing resources, and the using copyrighted materials policy.

[Statutory Authority: RCW 28B.35.120, chapter 34.05 RCW, and 20 U.S.C. 1681-1688. WSR 17-05-100, § 516-21-160, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688. WSR 12-01-021, § 516-21-160, filed 12/9/11, effective 1/9/12.]

WAC 516-21-170 Obstructing police and safety personnel.

Obstructing, interfering with, or delaying police or other fire, safety, or emergency personnel is a violation of the code.

[Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688. WSR 12-01-021, § 516-21-170, filed 12/9/11, effective 1/9/12.]

WAC 516-21-180 Sexual misconduct. Sexual misconduct is a violation of the code and includes nonconsensual sexual contact,

sexual exploitation and sexual violence (sexual assault, dating violence, domestic violence, and stalking or any other type of sexual misconduct or gender-based discrimination). See also WAC 516-21-110 Harassment (other than sexual harassment or discriminatory harassment), WAC 516-21-115 Discrimination or discriminatory harassment, WAC 516-21-060 Conduct that harms or threatens, WAC 516-21-188 Stalking, WAC 516-21-184 Dating violence, and WAC 516-21-186 Domestic violence.

(1) Consent to any sexual activity must be clear, knowing, and voluntary. Anything less is equivalent to a "no." Clear, knowing, and voluntary consent to sexual activity requires that, at the time of the act, actual words or conduct demonstrate clear permission regarding willingness to engage in sexual activity and the conditions of such activity. Silence or passivity is not consent. Consent is ongoing and can be withdrawn at any time. Even if words or conduct alone seem to imply consent, sexual activity is nonconsensual when:

(a) Force or coercion is threatened or used to procure compliance with the sexual activity;

(i) Force is the use of physical violence, physical force, threat, or intimidation to overcome resistance or gain consent to sexual activity.

(ii) Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to obtain consent from another. When an individual makes it clear through words or actions that they do not want to engage in sexual contact, want to stop, or do not want to go past a certain point of sexual interaction, continued pressure beyond that point may be coercive. Other examples of coercion may include using blackmail, extortion, or a position of power to overcome resistance or gain consent to sexual activity.

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

(c) The person lacks the mental capacity at the time of the sexual activity to be able to understand the nature or consequences of the act, whether that incapacity is produced by illness, the influence of alcohol or another substance, or some

other cause. When alcohol or drugs are involved, a person is considered incapacitated or unable to give valid consent if they cannot fully understand the details of the sexual interaction (i.e., who, what, when, where, why, and how), and/or they lack the capacity to reasonably understand the situation and to make rational, reasonable decisions.

(2) Sexual assault is attempted or actual nonconsensual penetration, no matter how slight, of the vagina or anus by any body part or object; or of another's vagina, anus, or mouth by a penis. Sexual assault is also nonconsensual sexual contact or any intentional sexual touching, however slight, with any object or body part, by one person against another person's intimate parts (genitals or genital area, breast or buttock (clothed or unclothed)). This includes any intentional bodily contact of one's own intimate area with another person.

(3) Sexual exploitation occurs when a person takes nonconsensual or abusive sexual advantage of another for their own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not

otherwise constitute one of the other sexual misconduct offenses explained above.

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

(5) Sexual misconduct represents a range of behaviors; it can occur between strangers or acquaintances, including individuals involved in an intimate or sexual relationship. Sexual misconduct can be committed by individuals or groups of individuals directed to one or more people and can occur between people of the same or different sex. See also *University Policy U1600.04 Preventing and Responding to Sex Discrimination, Including Sexual Misconduct*.

[Statutory Authority: RCW 28B.35.120, chapter 34.05 RCW, and 20 U.S.C. 1681-1688. WSR 17-05-100, § 516-21-180, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688. WSR 12-01-021, § 516-21-180, filed 12/9/11, effective 1/9/12.]

WAC 516-21-184 Dating violence. Conduct by a student who is or has been in a romantic or intimate relationship with another that intentionally or recklessly causes bodily injury or

places another in reasonable fear of serious bodily injury is a violation of the code. The nature of the relationship is determined by the length, type, and frequency of interaction between them. Sexual violence includes sexual assault, dating violence, domestic violence, and stalking or any other type of sexual misconduct or gender-based discrimination.

[Statutory Authority: RCW 28B.35.120, chapter 34.05 RCW, and 20 U.S.C. 1681-1688. WSR 17-05-100, § 516-21-184, filed 2/15/17, effective 3/18/17.]

WAC 516-21-186 Domestic violence. Conduct by a student who is a current or former spouse or intimate partner (including between two people that share a child in common) that intentionally or recklessly causes bodily injury, or causes another to be in reasonable fear of serious bodily injury is a violation of the code. Sexual violence includes sexual assault, dating violence, domestic violence, and stalking or any other type of sexual misconduct or gender-based discrimination.

[Statutory Authority: RCW 28B.35.120, chapter 34.05 RCW, and 20 U.S.C. 1681-1688. WSR 17-05-100, § 516-21-186, filed 2/15/17, effective 3/18/17.]

WAC 516-21-188 Stalking. Engaging in a course of unwelcomed conduct (e.g., following, monitoring, observing, surveilling, threatening, communicating or interfering with property) directed at a specific person that would cause a reasonable person to fear for their safety, or the safety of others, or suffer substantial emotional distress, is a violation of the code. Stalking includes, but is not limited to, conduct occurring in person, electronically, and/or through a third party.

[Statutory Authority: RCW 28B.35.120, chapter 34.05 RCW, and 20 U.S.C. 1681-1688. WSR 17-05-100, § 516-21-188, filed 2/15/17, effective 3/18/17.]

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

While Western does not act as a policing agent for students when they are off campus, the university reserves the right to take action if a student's conduct is determined to adversely

affect a substantial university interest as set forth in WAC 516-21-030 Jurisdiction.

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

[Statutory Authority: RCW 28B.35.120, chapter 34.05 RCW, and 20 U.S.C. 1681-1688. WSR 17-05-100, § 516-21-190, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688. WSR 12-01-021, § 516-21-190, filed 12/9/11, effective 1/9/12.]

WAC 516-21-195 Notification of criminal arrest. Failure by the student to notify the dean of students of any off-campus felony arrest, or when the arrest is for an offense that is violent, weapons-related, involves kidnapping, or requires that the student register as a sex offender by any legal authority

within the U.S., is a violation of the code. The university may send a letter to the student requiring that they make an appointment for an interview. During this interview, the dean of students or their designee shall discuss with the student:

(1) The facts involved in the student's arrest;

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

(3) The student's obligation to advise the university of the final disposition of any criminal charge(s); and

(4) Whether the behavior falls under jurisdiction of the student code.

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

[Statutory Authority: RCW 28B.35.120, chapter 34.05 RCW, and 20 U.S.C. 1681-1688. WSR 17-05-100, § 516-21-195, filed 2/15/17, effective 3/18/17.]

WAC 516-21-200 Theft or intentional damage of property.

Theft or intentional damage of property is a violation of the

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

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

WAC 516-21-210 Trespassing. Trespassing is a violation of the code. Trespassing includes, but is not limited to:

(1) Unauthorized entry into, occupation, or use of any university-owned or controlled property, equipment, or facilities;

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

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

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

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

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

[Statutory Authority: RCW 28B.35.120, chapter 34.05 RCW, and 20 U.S.C. 1681-1688. WSR 17-05-100, § 516-21-215, filed 2/15/17, effective 3/18/17.]

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

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

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

(3) Fireworks of any kind;

(4) Dangerous chemicals;

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

(6) Weapons classified as dangerous in RCW 9.41.250.

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

See also WAC 516-52-020 Weapons and armaments prohibited. [Statutory Authority: RCW 28B.35.120(12). WSR 18-17-176, § 516-21-220, filed 8/22/18, effective 9/22/18. Statutory Authority: RCW 28B.35.120, chapter 34.05 RCW, and 20 U.S.C. 1681-1688. WSR 17-05-100, § 516-21-220, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688. WSR 12-01-021, § 516-21-220, filed 12/9/11, effective 1/9/12.]

WAC 516-21-230 Sanctions. Sanctions serve many purposes including, but not limited to, educating students about the seriousness of their actions; reinforcing the high standards of scholarship and behavior expected of Western students; promoting student development; and maintaining the safety and well-being of members of the university community. When a student admits responsibility or is found in violation of the code, a conduct officer or dean of students may impose one or more of the sanctions listed in this section. This list of sanctions is not meant to be exclusive. Other sanctions, designed or intended to enhance the educational value of conduct proceedings, may be applied in a given case.

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

(2) **Conditional status.** A probationary status imposed for a specific period of time, during which the student must demonstrate conduct that conforms to university standards. Conditions restricting the student's privileges or eligibility for activities may be imposed. Violations of any conditions

specified in the notice of conditional status or violations of any other university policies or regulations during the period of the sanction, may result in additional sanctions under the code.

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

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

(5) **Educational activities.** A student may be required to engage in educational activities related to violation(s) of the code. Such activities may include, but are not limited to,

required attendance at educational programs, community service, conducting research projects, writing assignments, and/or meeting with campus officials.

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

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

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

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

(10) **Termination of university residences agreement.** A student may be removed from their campus residence hall or apartment and their housing agreement terminated.

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

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

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

[Statutory Authority: RCW 28B.35.120, chapter 34.05 RCW, and 20 U.S.C. 1681-1688. WSR 17-05-100, § 516-21-230, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688. WSR 12-01-021, § 516-21-230, filed 12/9/11, effective 1/9/12.]

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

(2) A conduct officer(s) shall be appointed and supervised by the dean of students or their authorized designee. A conduct officer has the authority to consider complaints, make findings, and administer sanctions for violations of the code. In complaints alleging a violation of any type of sexual misconduct or gender-based discrimination including Title IX sexual harassment which encompasses quid pro quo harassment, hostile environment, domestic violence, dating violence,

stalking or sexual assault which includes nonconsensual sexual intercourse, nonconsensual sexual contact, incest or statutory rape, complaints should be made to Western Washington University's Office of Civil Rights and Title IX Compliance. A final investigation report from Western Washington University's Office of Civil Rights and Title IX Compliance (or their designee) will be provided to the conduct officer in lieu of the conduct officer's investigation. The conduct officer will then consider this report and make a finding as to whether the code was violated and impose sanction(s).

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

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

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

Student board members must:

(i) Have a cumulative grade point average above 2.0;

(ii) Not currently be under an active sanction of the conduct code or have had previous conduct violations during the current academic year; and

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

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

(4) An appeals board shall be composed of five members and any three persons constitute a quorum of a board. Generally an appeals board will be comprised of faculty, staff, and students, but in some instances may only be comprised of members from two of the three groups. The dean of students, or their designee, will appoint a chair from this pool for each board. Board members may not have been involved in consideration of the complaint, or involved in the complaint. Board members must be properly trained in accordance with state and/or federal guidance. The dean of students or their designee will have final authority to approve all of those serving on a board. The dean of students, or their designee, will work to ensure that any board is balanced and representative.

(5) A staff member appointed by the dean of students may advise the board on technical details of the code and its procedures.

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

[Statutory Authority: RCW 28B.35.120, chapter 34.05 RCW, and 20 U.S.C. 1681-1688. WSR 17-05-100, § 516-21-240, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688. WSR 12-01-021, § 516-21-240, filed 12/9/11, effective 1/9/12.]

WAC 516-21-250 Student rights in the conduct process.

Alleged violations of the code will be resolved through the student conduct process, respecting fairness and due process for all involved parties.

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

(a) Receive prior written notice to attend meetings with a conduct officer or hearings with an appeals board delivered via email to the student's official university email account;

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

(c) Be accompanied through the conduct process by an advisor of their choice and at their own expense. A respondent should select as an advisor a person who is not involved in the same complaint and whose schedule allows attendance at the scheduled date and time for the scheduled meeting or hearing. The scheduling conflicts of an advisor are not considered good cause for a delay;

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

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

(f) Receive written notification of the findings, decision, and basis for each, delivered via email to the student's official university email account, within seven business days of

the date of the final meeting with a conduct officer, or ten business days of the date of a hearing with an appeals board;

(g) Request an appeal of a decision by a conduct officer, as described in WAC 516-21-280 Basis for appeal;

(h) Request a review of an appeal, as described in WAC 516-21-280 Basis for appeal; and

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

(2) An individual who has filed a complaint alleging violence or sexual violence, including sexual assault, dating violence, domestic violence, and stalking or any other type of sexual misconduct or gender-based discrimination, known as the complainant, has certain rights in the conduct process. These include the right to:

(a) Receive prior written notice to attend meetings with a conduct officer or hearings with an appeals board delivered via email to the student's official university email account;

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

(c) Be accompanied through the conduct process by an advisor of their choice and at their own expense. A complainant should select as an advisor a person who is not involved in the complaint and whose schedule allows attendance at the scheduled date and time for the scheduled meeting or hearing. The scheduling conflicts of an advisor are not considered good cause for a delay;

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

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

(f) Receive written notification of the findings, decision and basis for each, delivered via email to the complainant's official university email account, within seven business days of the date of the respondent's final meeting with a conduct officer or ten business days of the date of a hearing with an appeals board;

(g) Request an appeal of a decision by a conduct officer, as described in WAC 516-21-280 Basis for appeal;

(h) Request a review of an appeal, as described in WAC 516-21-280 Basis for appeal; and

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

(3) For incidents involving sexual violence, including sexual assault, dating violence, domestic violence, and stalking or any other type of sexual misconduct or gender-based discrimination, complainants shall have the following additional rights:

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

(b) Have past behavior unrelated to the alleged behavior excluded; the conduct officer, appeals board chair, or dean of students will make a final determination regarding such behavior if in question;

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

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

(e) To request an administrative no contact order against the respondent(s) during the conduct process;

(f) To have alternative accommodations to avoid being in the physical presence of the respondent during the conduct process; and

(g) Be free of any form of retaliation. Complainants should report any retaliation that occurs for further action. See *POL-U1600.02 Ensuring Equal Opportunity and Prohibiting Discrimination and Retaliation*.

[Statutory Authority: RCW 28B.35.120, chapter 34.05 RCW, and 20 U.S.C. 1681-1688. WSR 17-05-100, § 516-21-250, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688. WSR 12-01-021, § 516-21-250, filed 12/9/11, effective 1/9/12.]

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

(1) An interim suspension may only be imposed when the dean of students has cause to believe that the student:

(a) Has violated the student conduct code; and

(b) Poses an immediate danger to the safety or security of the university community; and/or

(c) Poses an ongoing threat of serious disruption or interference with the normal operations of the university.

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

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

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

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

[Statutory Authority: RCW 28B.35.120, chapter 34.05 RCW, and 20 U.S.C. 1681-1688. WSR 17-05-100, § 516-21-260, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688. WSR 12-01-021, § 516-21-260, filed 12/9/11, effective 1/9/12.]

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

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

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

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

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

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

(3) In complaints alleging a violation of any type of sexual misconduct or gender-based discrimination including Title IX sexual harassment which encompasses quid pro quo harassment,

hostile environment, domestic violence, dating violence, stalking or sexual assault which includes nonconsensual sexual intercourse, nonconsensual sexual contact, incest or statutory rape, complaints should be made to Western Washington University's Office of Civil Rights and Title IX Compliance. A final investigation report from Western Washington University's Office of Civil Rights and Title IX Compliance (or their designee) will be provided to the conduct officer in lieu of the conduct officer's investigation. The conduct officer will then consider this report and make a finding as to whether the code was violated and impose sanction(s). (4) Any student charged by a conduct officer with a violation of the student code is provided at least three days written notice of the student's meeting date, time and location. Any request to extend the time and/or date of the conduct officer meeting should be addressed to the conduct officer. The written notice shall include:

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

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

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

(d) A copy of, or link to, the code.

(5) The respondent and complainant (if applicable) are notified in writing of the determination made by the conduct officer, including the basis for any findings and sanctions. The notice includes information regarding the right to request an appeal.

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

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

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

(9) Evidence is relevant if it tends to make existence of a fact more or less probable. A conduct officer, appeal board chair, or dean of students shall have the discretion to determine admissibility of evidence.

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

[Statutory Authority: RCW 28B.35.120, chapter 34.05 RCW, and 20 U.S.C. 1681-1688. WSR 17-05-100, § 516-21-270, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688. WSR 12-01-021, § 516-21-270, filed 12/9/11, effective 1/9/12.]

WAC 516-21-280 Basis for appeal. (1) A student found in violation of the code may appeal the conduct officer's findings

and/or the sanctions imposed. For incidents involving violence and/or sexual violence, including sexual assault, dating violence, domestic violence, and stalking or any other type of sexual misconduct or gender-based discrimination, a complainant may also request an appeal. An appeal may be requested for any reason including:

(a) The proceedings were not conducted in conformity with prescribed procedures and significantly impacted the outcome of the student conduct process;

(b) The sanctions imposed are substantially disproportionate to the violation(s) committed;

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

(d) New information becomes available that was unavailable at the time of the original meeting, and could substantially impact the original decision. A summary of this new information and its potential impact must be included. The dean of students or designee may then refer the complaint to the conduct officer for further action as appropriate.

(2) The appeal must be submitted by the respondent or complainant (if applicable) in writing to the dean of students within ten days of the decision. The appeal must state, as clearly and concisely as possible, the reason for the appeal.

(3) Appeals of a finding that resulted, or may have resulted, in suspension or expulsion are considered by an appeals board. All other appeals are considered by the dean of students.

(4) No sanction will begin while an appeal or request for review is pending, except interim sanctions such as administrative no-contact orders, trespass, etc.

[Statutory Authority: RCW 28B.35.120, chapter 34.05 RCW, and 20 U.S.C. 1681-1688. WSR 17-05-100, § 516-21-280, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688. WSR 12-01-021, § 516-21-280, filed 12/9/11, effective 1/9/12.]

WAC 516-21-290 Appeal procedures. (1) Appeals can be made by the respondent (or complainant in incidents involving violence and/or sexual violence, including sexual assault, dating violence, domestic violence, and stalking or any other

type of sexual misconduct or gender-based discrimination) and must be made to the dean of students.

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

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

(4) In appeals in which the possible or recommended sanction is not expulsion or suspension as determined by the conduct officer, a designee of the dean of students will consider the appeal and hold an informal meeting, giving each party an opportunity to be informed of the conduct officer's view of the matter and to explain their view of the matter.

(5) In appeals in which the possible or recommended sanction is expulsion or suspension as determined by the conduct officer, an appeals board considers the appeal.

(a) The appeals board will provide respondent and complainant (if applicable) with five days' notice of an appeals hearing date, time and location. An appeal by respondent or complainant will be shared with the other party (parties).

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

(c) After any appeal, the respondent and complainant (if applicable) may request that a decision be reviewed by the dean of students. This request for review must be made in writing within ten days of the written outcome of an appeal. The dean of students will review the written documentation only; any involved person (respondent, witnesses, complainant) may be called to meet if necessary and at the discretion of the dean of students.

(d) During limited times during the year, such as break periods and summer quarter, when board members are unavailable, an interim board may be appointed by the dean of students.

(6) Respondent and complainant (if applicable) will be informed of the outcome of reviews and/or appeals simultaneously and in writing within ten days.

(7) If there is no request for appeal received by the dean of students within ten days, the decision of the conduct officer is considered final. If there is no request for review within five days (or ten days of an appeals board decision), the decision is considered final.

[Statutory Authority: RCW 28B.35.120, chapter 34.05 RCW, and 20 U.S.C. 1681-1688. WSR 17-05-100, § 516-21-290, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688. WSR 12-01-021, § 516-21-290, filed 12/9/11, effective 1/9/12.]

New section

WAC 516-21-291 Order of precedence under Title IX. This supplemental procedure applies to allegations of sexual

harassment subject to Title IX jurisdiction pursuant to regulations promulgated by the United States Department of Education. See 34 C.F.R§ 106. To the extent these supplemental hearing procedures conflict with Western Washington University's standard disciplinary procedures, WAC 516-21-240 and WAC 516-21-270, these supplemental procedures shall take precedence.

New section

WAC 516-21-292 Jurisdiction under Title IX (1) This supplemental procedure applies only if the alleged misconduct:

- (a) Occurred in the United States;
- (b) Occurred during a Western Washington University educational program or activity; and
- (c) Meets the definition of sexual harassment as that term is defined in this supplemental procedure.

(2) For purposes of this supplemental procedure, an "educational program or activity" is defined as locations, events, or circumstances over which the Western Washington University exercised substantial control over both the respondent and the context in which the alleged sexual

harassment occurred. This definition includes any building owned or controlled by a student organization that is officially recognized by Western Washington University.

(3) Proceedings under this supplemental procedure must be dismissed if the decision maker determines that one or all of the requirements of subsection (1) (a), (b), and(c) of this section have not been met. Dismissal under this supplemental procedure does not prohibit Western Washington University from pursuing other disciplinary action based on allegations that the respondent violated other provisions of Western Washington University's student conduct code, WAC 516-21.

(4) If the Title IX coordinator determines the facts in the investigation report are not sufficient to support Title IX jurisdiction and/or pursuit of a Title IX violation, the Title IX coordinator will issue a notice of dismissal in whole or part to both parties explaining why some or all of the Title IX claims have been dismissed.

New section

WAC 516-21-293 Prohibited conduct under Title IX. Pursuant to RCW 28B.50.140(13) and Title IX of the Education Act

Amendments of 1972, 20 U.S.C. §1681, Western Washington University may impose disciplinary sanctions against a student who commits, attempts to commit, or aids, abets, incites, encourages, or assists another person to commit, an act(s) of "sexual harassment."

For purposes of this supplemental procedure, "sexual harassment" encompasses the following conduct:

(1) Quid pro quo harassment. A Western Washington University employee conditioning the provision of an aid, benefit, or service of Western Washington University on an individual's participation in unwelcome sexual conduct.

(2) Hostile environment. Unwelcome conduct that a reasonable person would find to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Western Washington University's educational programs or activities, or employment.

(3) Sexual assault. Sexual assault includes the following conduct:

(a) Nonconsensual sexual intercourse. Any actual or attempted sexual intercourse (anal, oral, or vaginal), however

slight, with any object or body part, by a person upon another person, that is without consent and/or by force. Sexual intercourse includes anal or vaginal penetration by a penis, tongue, finger, or object, or oral copulation by mouth to genital contact or genital to mouth contact.

(b) Nonconsensual sexual contact. Any actual or attempted sexual touching, however slight, with any body part or object, by a person upon another person that is without consent and/or by force. Sexual touching includes any bodily contact with the breasts, groin, mouth, or other bodily orifice of another individual, or any other bodily contact in a sexual manner.

(c) Incest. Sexual intercourse or sexual contact with a person known to be related to them, either legitimately or illegitimately, as an ancestor, descendant, brother, or sister of either wholly or half related. Descendant includes stepchildren and adopted children under the age of eighteen (18).

(d) Statutory rape. Consensual sexual intercourse between someone who is eighteen years of age or older and someone who is under the age of sixteen.

(4) Domestic violence. Physical violence, bodily injury, assault, the infliction of fear of imminent physical harm, sexual assault, or stalking committed by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of State of Washington, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the State of Washington, RCW 26.50.010.

(5) Dating violence. Physical violence, bodily injury, assault, the infliction of fear of imminent physical harm, sexual assault, or stalking committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:

(a) The length of the relationship;

(b) The type of relationship; and

(c) The frequency of interaction between the persons involved in the relationship.

(6) Stalking. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

New section

WAC 516-21-294 Initiation of discipline under Title IX.

(1) Upon receiving the Title IX final investigation report from the Title IX coordinator, the student conduct Officer will independently review the report to determine whether there are sufficient grounds to pursue a disciplinary action against the respondent for engaging in prohibited conduct under Title IX.

(2) If the student conduct officer determines that there are sufficient grounds to proceed under these supplemental procedures, the student conduct officer will initiate a Title IX disciplinary proceeding by filing a written disciplinary notice with the chair of the student conduct committee and serving the

notice on the respondent and the complainant, and their respective advisors. The notice must:

- (a) Set forth the basis for Title IX jurisdiction;
- (b) Identify the alleged Title IX violation(s);
- (c) Set forth the facts underlying the allegation(s);
- (d) Identify the range of possible sanctions that may be imposed if the respondent is found responsible for the alleged violation(s);

(e) Explain that the parties are entitled to be accompanied by their chosen advisors during the hearing and that:

(i) The advisors will be responsible for questioning all witnesses on the party's behalf;

(ii) An advisor may be an attorney; and

(iii) Western Washington University will appoint the party an advisor of Western Washington University's choosing at no cost to the party, if the party fails to do so; and

(3) Explain that if a party fails to appear at the hearing, a decision of responsibility may be made in their absence.

New section

WAC 516-21-295 Pre-hearing procedure under Title IX.

(1) Upon receiving the disciplinary notice, the chair of the student conduct committee will send a hearing notice to all parties, in compliance with WAC 516-21-250. In no event will the hearing date be set less than ten days after the Title IX coordinator provided the final investigation report to the student conduct officer.

(2) A party may choose to have an attorney serve as their advisor at the party's own expense. This right will be waived unless, at least five days before the hearing, the attorney files a notice of appearance with the committee chair with copies to all parties and the student conduct officer.

(3) In preparation for the hearing, the parties will have equal access to all evidence gathered by the investigator during the investigation, regardless of whether the Western Washington University intends to offer the evidence at the hearing.

New section

WAc 515-21-296 Rights of parties under Title IX.

(1) Western Washington University's Student conduct procedures, WAC 516-21-250, WAC 516-21-270 and this supplemental procedure shall apply equally to all parties.

(2) Western Washington University bears the burden of offering and presenting sufficient testimony and evidence to establish that the respondent is responsible for a Title IX violation by a preponderance of the evidence.

(3) The respondent will be presumed not responsible until such time as the disciplinary process has been finally resolved.

(4) During the hearing, each party shall be represented by an advisor who will conduct all questioning on the party's behalf. The parties are entitled to an advisor of their own choosing and the advisor may be an attorney. If a party does not choose an advisor, then the Title IX Coordinator will appoint an advisor of Western Washington University's choosing on the party's behalf at no expense to the party.

New section

WAC 516-21-297 Evidence under Title IX. The introduction and consideration of evidence during the hearing is subject to the following procedures and restrictions:

(1) **Relevance:** The committee chair shall review all questions for relevance and shall explain on the record their reasons for excluding any question based on lack of relevance.

(2) Relevance means that information elicited by the question makes facts in dispute more or less likely to be true.

(3) Questions or evidence about a complainant's sexual predisposition or prior sexual behavior are not relevant and must be excluded, unless such question or evidence:

(a) Is asked or offered to prove someone other than the respondent committed the alleged misconduct; or

(b) Concerns specific incidents of prior sexual behavior between the complainant and the respondent, which are asked or offered on the issue of consent.

(4) **Cross-examination required:** If a party or witness does not submit to cross-examination during the live hearing, the committee must not rely on any statement by that party or witness in reaching a determination of responsibility.

(5) No negative inference: The committee may not make an inference regarding responsibility solely on a witness's or party's absence from the hearing or refusal to answer questions.

(6) Privileged evidence: The committee shall not consider legally privileged information unless the holder has effectively waived the privilege. Privileged information includes, but is not limited to, information protected by the following:

- (a) Spousal/domestic partner privilege;
- (b) Attorney-Client and attorney work product privileges;
- (c) Privileges applicable to members of the clergy and priests;
- (d) Privileges applicable to medical providers, mental health therapists, and counsellors;
- (e) Privileges applicable to sexual assault and domestic violence advocates; and
- (f) Other legal privileges identified in RCW 5.60.060.

New section

WAC 516-21-298 Initial conduct order under Title IX. In addition to complying with WAC 516-21-250 and WAC 516-21-270,

the student conduct committee will be responsible for conferring and drafting an initial conduct order that:

- (1) Identifies the allegations of sexual harassment;
- (2) Describes the grievance and disciplinary procedures, starting with filing of the formal complaint through the determination of responsibility, including notices to parties, interviews with witnesses and parties, site visits, methods used to gather evidence, and hearings held;
- (3) Makes findings of fact supporting the determination of responsibility;
- (4) Reaches conclusions as to whether the facts establish whether the respondent is responsible for engaging in sexual harassment in violation of Title IX;
- (5) Contains a statement of, and rationale for, the committee's determination of responsibility for each allegation;
- (6) Describes any disciplinary sanction or conditions imposed against the respondent, if any;
- (7) Describes to what extent, if any, complainant is entitled to remedies designed to restore or preserve

complainant's equal access to Western Washington University's education programs or activities; and

(8) Describes the process for appealing the initial conduct order.

(9) The committee chair will serve the initial conduct order on the parties simultaneously.

New section

WAC 516-21-299 Appeals under Title IX. (1) The parties shall have the right to request a review from the initial conduct order's determination of responsibility and/or dismissal of an allegation(s) of sexual harassment in a formal complaint. The right to request a review will be subject to the same procedures and timeframes set forth in WAC 516-21-290 (5)(c). Appeals of initial conduct orders under Title IX move directly to the review stage of the student conduct code's proceedings.

(2) The Vice president of enrollment & student services or their delegate will determine whether the grounds for a request for review have merit, provide the rationale for this conclusion, and state whether the disciplinary sanction and condition(s) imposed in the initial conduct order are affirmed,

vacated, or amended, and, if amended, set forth any new disciplinary sanction and/or condition(s).

(3) The Vice president of enrollment & student services or their delegate shall serve the final decision on the parties simultaneously.

WAC 516-21-300 Deviations from established procedures.

Deviations from the timelines set forth in this code may be granted by the dean of students, upon request, for good cause. Respondent (and complainant, if applicable) will be informed simultaneously and in writing of extensions and the reason for the extension.

[Statutory Authority: RCW 28B.35.120, chapter 34.05 RCW, and 20 U.S.C. 1681-1688. WSR 17-05-100, § 516-21-300, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 28B.35.120(12) and 20 U.S.C. 1681-1688. WSR 12-01-021, § 516-21-300, filed 12/9/11, effective 1/9/12.]

WAC 516-21-310 Confidentiality of conduct proceedings and records. (1) The confidentiality of all conduct proceedings and records will be maintained in compliance with the student

records policy, as well as all applicable state and federal laws. Conduct records prepared by a conduct officer, the appeals board, and/or the dean of students:

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

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

(2) The conduct officer's findings may be shared with the complainant, as required by law, in cases involving violence or sexual violence, including sexual assault, dating violence, domestic violence, and stalking or any other type of sexual misconduct or gender-based discrimination. The findings may also be shared with university officials involved in the completion or supervision of the sanction and/or the student. See also chapter 516-26 WAC, Student records.

[Statutory Authority: RCW 28B.35.120, chapter 34.05 RCW, and 20 U.S.C. 1681-1688. WSR 17-05-100, § 516-21-310, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 28B.35.120(12) and

20 U.S.C. 1681-1688. WSR 12-01-021, § 516-21-310, filed 12/9/11, effective 1/9/12.]

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

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

WAC 516-21-340 Revision of the code. The code shall be reviewed every five years or more often, if needed, by the committee on the student conduct code. The committee on student rights and responsibilities shall include students, faculty, and staff. Once recommendations are complete, they will be forwarded to the vice president for enrollment and student services. See also POL-U1000.11 *Developing and Maintaining University Provisions of the Washington Administrative Code.*

[Statutory Authority: RCW 28B.35.120, chapter 34.05 RCW, and 20 U.S.C. 1681-1688. WSR 17-05-100, § 516-21-340, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 28B.35.120(12) and

20 U.S.C. 1681-1688. WSR 12-01-021, § 516-21-340, filed 12/9/11,
effective 1/9/12.]

WAC 516-21-350 Referenced policies and regulations in the

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

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

WESTERN WASHINGTON UNIVERSITY ITEM SUBMITTED TO THE BOARD OF TRUSTEES

TO: Members of the Board of Trustees

FROM: President Sabah Randhawa by:
Vice President Richard Van Den Hul, Business and Financial Affairs
Vice President Melynda Huskey, Enrollment and Student Services

DATE: August 21, 2020

SUBJECT: **Financing overview and delegation of authority incorporated within Resolution No. 2020-04 relating to the issuance of bonds to refund and restructure certain outstanding Housing and Dining System Revenue Bonds of the University**

PURPOSE: Action Item

Purpose of Submittal:

Authorize the sale of Housing and Dining System Revenue Refunding Bonds, Series 2020 to refund and restructure all or a portion of the debt service (principal and interest) that will be due and payable with respect to outstanding Housing and Dining System Revenue Bonds during the period from October 1, 2020 through and including June 30, 2023.

Approve Resolution No. 2020-04, that delegates authority to the President or Vice President for Business and Financial Affairs to determine the federal tax status, and method, timing, and details of the bond sale. The authority to issue the Bonds under the Bond Resolution expires December 31, 2020.

Supporting Information:

The outbreak of the 2019 novel coronavirus ("COVID-19") is a significant event that has had and is expected to have material effects on the finances, operations, and economy of the State of Washington and the University. The full extent of these impacts is not yet known. They include but are not limited to enrollment, legislative and economic impacts on the State budget and the State Legislature's response as it affects the funding of higher education. Enrollment is anticipated to be negatively impacted by approximately 10% in Fall Quarter fiscal year (FY) 2020, given the shift to remote learning and limitations of on-campus operations.

In planning for FY 21 operational levels, the Housing and Dining System (H&D) is adhering to applicable external guidelines and recommendations for its operations with regard to health and safety and will adjust operations throughout the year as needed. Its specific occupancy limits of 40% capacity and its health and safety operational plans have been developed in partnership with the University's Incident Management leadership, resulting in a University-supported approach that provides housing and dining to students who need those services. Occupancy limits will be lessened as the situation warrants, and the University is continually monitoring and proactively managing its expenses under various scenarios. As a result, the H&D System has run several financial scenarios suggesting that, despite significant assumed reductions in operating costs, net revenues would be insufficient to pay for debt service in FY 2021 even while drawing down on large amounts of reserves. The proposed debt restructuring plan will

assist in preserving H&D reserves and thus strategically add flexibility to navigate through these challenging and uncertain times.

Lastly, with the current Federal Reserve policy of near zero interest rates, and the strong investor demand for municipal debt, the University can expect a favorable, low cost of capital for this transaction. If the System's operating situation improves sooner, it will be able to build up more reserves and accelerate capital and renovation projects and stay in alignment with the University's Strategic plan.

Proposed Motion:

MOVED that the Board of Trustees of Western Washington University, upon the recommendation of the President, adopt Resolution No. 2020-04 (attached) authorizing the issuance of Housing and Dining Revenue Refunding Bonds, which may be issued in one or more series, including delegation of authority as outlined in the Bond Resolution.

Bond Resolution:

The proposed Bond Resolution No. 2020-04 delegates authority to the President or Vice President for Business and Financial Affairs to determine the details of the bonds and to conduct the sale of bonds. Delegated actions include the following:

- Establish the manner of sale (negotiated, competitive, direct bank replacement):
 - Negotiated Sale: Western Washington University (WWU) will select an underwriting firm by soliciting proposals for underwriting. Upon the selection, WWU will work with the underwriter to structure the bonds and prepare the market offering document. The underwriter will market WWU bonds directly to investors and WWU will negotiate the final terms with the underwriter.
 - Competitive Sale: WWU will receive interest rate bids via an online auction, and will approve the bid offering to purchase the Series 2020 Bonds at the lowest true interest cost to the University.
 - Direct Bank Placement: WWU shall select the purchasing entity or bank to purchase the Series 2020 Bonds through a process of soliciting proposals for purchase. Upon the selection of a Purchaser, shall negotiate the terms of sale for the Series 2020 Bonds in a Bond Purchase Contract and/or Continuing Covenant Agreement. Under the terms of a Continuing Covenant Agreement, the University and the Purchaser may negotiate terms, and the Purchaser at its option may modify or waive certain provisions of the Master Resolution or this Series Resolution provided that such modification or waiver does not adversely affect the security available to owners of Parity Bonds.
- Selection of Underwriter;
- Determine whether a debt service reserve fund is required and in what amount;
- Determine the federal tax status of the bonds;
- Solicit proposals for the issuance of a bond insurance policy;
- Approve final interest rates;
- Approve maturity dates and principal maturing each year;
- Approve aggregate principal amounts of bonds; and,
- Approve redemption rights.

The authority for the delegated actions is subject to a maximum average interest rate of 4.00%, not to exceed the aggregate principal amount of \$25 million and a maximum term not to exceed 20 years. Delegated authority for the Refunding Bonds will expire December 31, 2020.

Establish the manner of sale (negotiated, competitive, or direct bank placement):

- At this time, the preferred and best option is a negotiated sale. If the type of sale changes, the finance group will consult with the Chair of the Board of Trustees' Finance, Audit and Enterprise Risk Management Committee.

Attachments:

- Summary of Financing Terms and Schedule
- Series Resolution to authorize Housing and Dining System Revenue Bonds (Action Requested)
- Overview of Master and Series Bond Resolutions



Western Washington University

Debt Restructuring Considerations

August 12, 2020

PFM Financial
Advisors LLC

600 First Avenue
Suite 600B
Seattle, WA 98103

Thomas Toepfer
(206) 858-5360



Introduction

Why consider debt service relief

- WWU's 2020 fiscal year financials were significantly impacted by COVID-19 and the resulting move of classes online.
- For FY 2021, Western is again facing financial challenges as enrollment is expected to be down by 10% in fall and state appropriations may be reduced by up to 15%.
- The Housing and Dining System ("H&D") depends on students being on campus. The number of beds available to rent will depend largely on the guidance from state and local authorities on how much distancing is allowable. Currently, the H&D system is planning to make up to 1,600 beds available for approximately 40% of total system beds.
 - 1,600 available beds assumes two students per apartment-style bedroom and one student per room in all residence halls. In addition, rooms are also being held for potential isolation/quarantine needs.
- WWU and the H&D System have made significant budget adjustments to address this situation. But despite these adjustments, the System's R&R reserve level and debt service coverage is estimated to be insufficient to meet the bond covenants.

Financial Covenants

- Rate covenant: Maintain rates and charges at sufficient levels to generate 1.25x debt service coverage from net housing and dining system revenues.
 - If the covenant is not met: WWU has to retain a Consultant to review the operations and make recommendations to have the H&D System meet its coverage. If coverage is not met in two consecutive fiscal years it triggers a default under the bond resolution.
- Renewal and Replacement Fund: WWU covenants to maintain a R&R Fund balance that is not less than five percent of the principal balance of Parity Bonds outstanding – the requirement is currently \$6,306,000.



Debt Service Relief – Bond Restructuring

- Moody's rates WWU A1 with a stable outlook (August 2019). Moody's shifted its outlook on higher education credits to negative in March 2020 due to the increased downside risks related to the coronavirus outbreak.
- Debt restructuring is typically considered a weak debt and fiscal management tool and viewed negatively by rating agencies
- Moody's will evaluate the H&D System's and the University's comprehensive strategy to address operational challenges. As WWU is deploying cost reduction strategies (hiring freeze, travel freeze, deferred capital expenditures etc.), a debt restructuring is another tool available to bridge the cash flow challenges
- A restructuring will provide near term cash flow relief at the cost of leveraging future cash flows. It will likely result in delayed housing and dining renovations and additions of any new beds. The construction of the New Residence Hall remains on schedule for Fall 2021 occupancy, adding 401 beds to current capacity (264 net with Highland Hall removal).
- Recently, University of Colorado (Aa1/AA+) completed a \$140.8 million taxable borrowing at TIC of 2.58% for a "scoop and toss"/restructuring. Restructured 2021 and 2022 principal and interest, generating budget relief of \$57 million in 2021 and \$31 million in 2022, and amortized this debt through 2048 (28 years). State University of New York completed a similar transaction in July for its dormitory facilities.

Bond Restructuring

Pros

- | | |
|---|---|
| <ul style="list-style-type: none"> ✓ Preserve liquidity and reserves maintaining financial flexibility to manage through an uncertain time | <ul style="list-style-type: none"> ✓ Ability to avoid violating bond covenants ✓ Lock-in relatively low interest cost |
|---|---|

Cons

- | | |
|--|--|
| <ul style="list-style-type: none"> ✗ Possible negative credit impact: WWU credit rating is already stressed due to COVID-19 related impacts: lower enrollment, lower housing occupancy, reduced state appropriations and likely reduced gift revenues | <ul style="list-style-type: none"> ✗ Any restructuring will result in additional interest expense as debt is repaid over a longer time period |
|--|--|



Revenue Bonds



Outstanding Bonds

- There are no near-term refunding opportunities for savings for the H&D System. The Student Recreation Fee Revenue Bonds could be refunded for savings at this time, but higher savings would likely be achieved by waiting until closer to the May 2022 call date assuming interest rates don't increase substantially.

Housing and Dining System

Series	Purpose	Amount Issued	Delivery Date	Final Maturity	Call Date	Outstanding Coupons	Outstanding Par
1998A	Refund 1991 bonds, and 1992 Housing and Dining Bonds	\$17,225,000	2/18/1998	10/1/2022	None	5.50%	\$3,200,000
2012	Refund a portion of the 2003 H&D system Revenue bonds (issued to renovate Highland Hall and Birnam Wood apartments)	9,205,000	7/19/2012	10/1/2023	None	3.00-5.00%	3,520,000
2015	Current Refunding of 2005 & 2006 Housing and Dining System Revenue bonds (issued for renovation of Higginson Hall, and refunding the 1999 Viking Union Bonds)	13,435,000	3/4/2015	4/1/2026	None	3.00-5.00%	8,110,000
2018A	Refunding the callable portions of the 2009B Bonds (issued for construction of Buchanan Towers Addition)	10,695,000	12/21/2017	4/1/2034	10/1/2027	3.00-5.00%	10,345,000
2018B	Finance housing renovations & Viking Union expansion to provide for a Multicultural Center	33,680,000	3/8/2018	4/1/2043	4/1/2028	3.00-4.00%	32,370,000
2019	To finance the New Residence Hall project, in addition to renovation projects	68,575,000	9/25/2019	4/1/2049	4/1/2029	3.00-5.00%	68,575,000

Student Recreation Fee

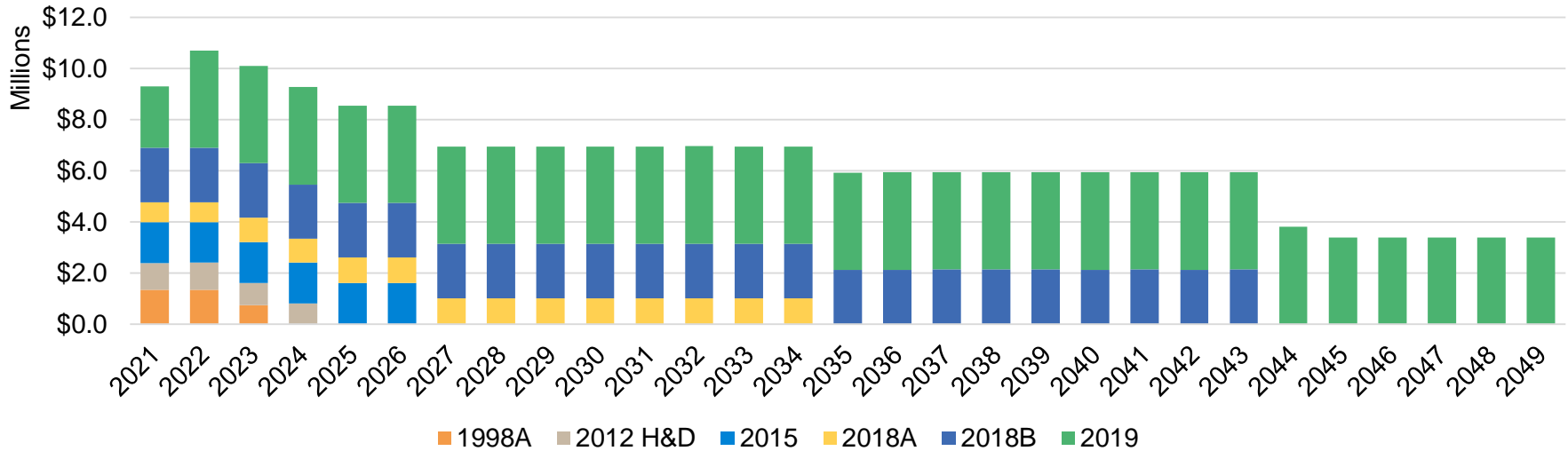
Series	Purpose	Amount Issued	Delivery Date	Final Maturity	Call Date	Outstanding Coupons	Outstanding Par
2012	Refund 2002 student rec fee bonds (issued to build a rec center), and fund the playfields for the student rec center	24,385,000	4/30/2012	5/1/2037	5/1/2022	3.00-4.00%	\$19,830,000

Total **\$126,120,000**

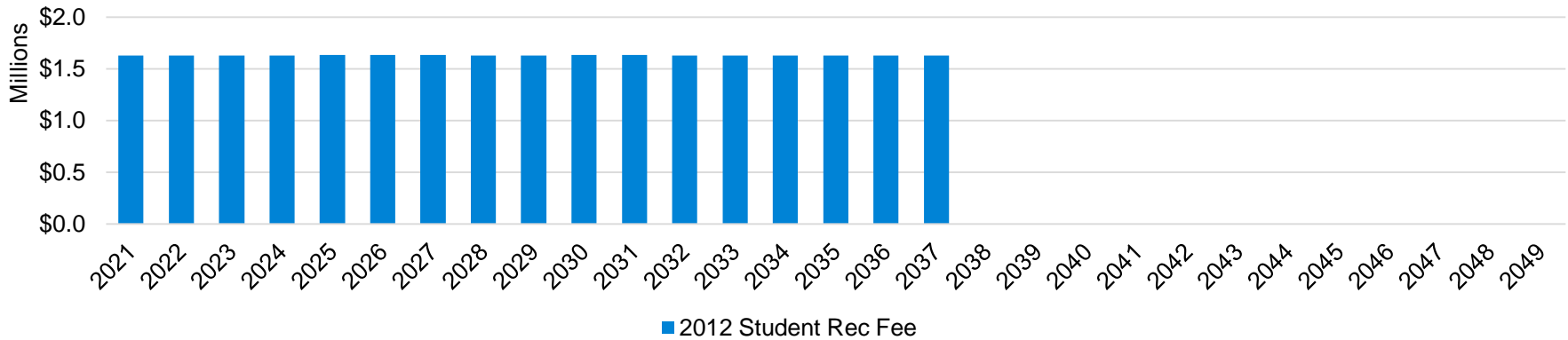


Outstanding Debt Service

H&D System Debt Service



Student Rec Fee Debt Service





Moody's Credit Overview

MOODY'S

- In August 2019 Moody's affirmed Western Washington University's A1 rating (stable outlook) on its long term bonds.
- **Strengths**
 - Growing state appropriations and favorable capital support from the Aa1-rated State of Washington
 - Healthy demand evidenced by enrollment growth of approximately 7% since fall 2014 to over 15,000 FTE students in fall 2018
 - Sound 1.0x spendable cash and investments coverage of total pro forma debt
- **Weaknesses**
 - Weak operating performance, with escalating operating deficits, resulting in deteriorating pro forma debt affordability
 - State-imposed tuition pricing constraints for in-state undergraduate students limits pricing flexibility and suppresses revenue growth
 - Subdued growth in overall wealth in recent years, lagging that of peers, with declining liquidity as the university has spent reserves for investment in growth

What could make the rating go up?

- Significant growth of liquidity and overall university wealth
- Consistent trend of significantly stronger operating performance and debt service coverage from pledged revenues
- Increased scale of operations with greater revenue diversity through philanthropy, research, or geographic diversity of the student population

What could make the rating go down?

- Inability to improve operating performance beginning with fiscal 2020
- Sustained reduction in debt service coverage from pledged revenues
- Continued decline in unrestricted liquidity



Debt Restructuring Plan



Debt Service Relief Options

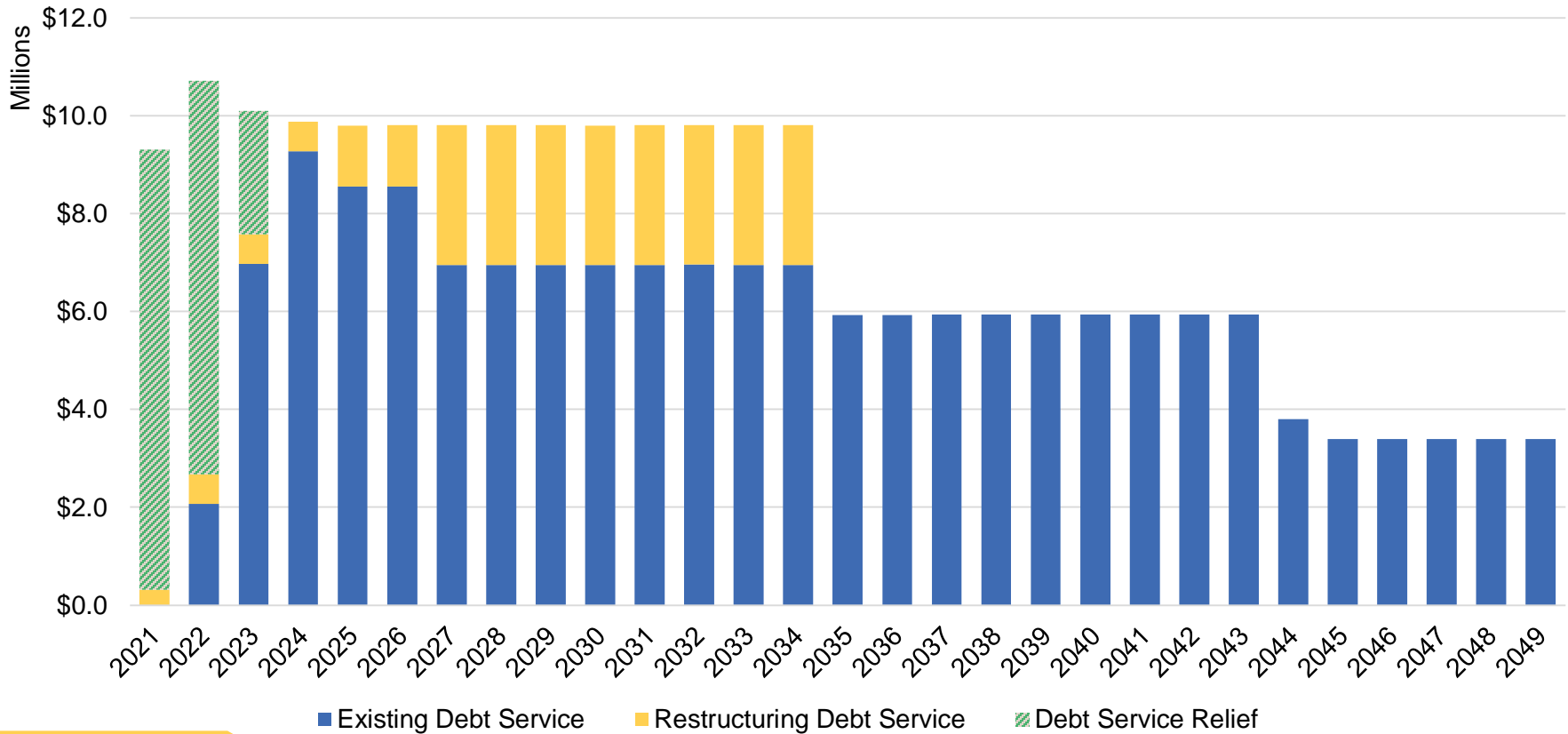
- WWU's financials have been significantly impacted by COVID-19 and revenues in FY 2021 are expected to be again challenged
- The University could consider using internal reserves, or borrow externally to provide a loan to housing and dining to provide near term debt service relief
- This presentation reviews 2 restructuring options using external debt:
 - **Option 1:** Refund and restructure all principal and interest due in FY 2021, 75% of debt service due in FY 2022 and 25% of debt service payments due in FY 2023 (refunding bonds mature in FY 2034)
 - **Option 2:** Refund and restructure all principal and interest due in FY 2021 and FY 2022 (refunding bonds mature in FY 2034)

Note: all options assume taxable debt is issued to refund existing debt; it may be possible to refund current interest payments with tax-exempt debt, PFM will evaluate and recommend alternatives to make the refinancing transaction more efficient as the plan of finance is finalized



Option 1

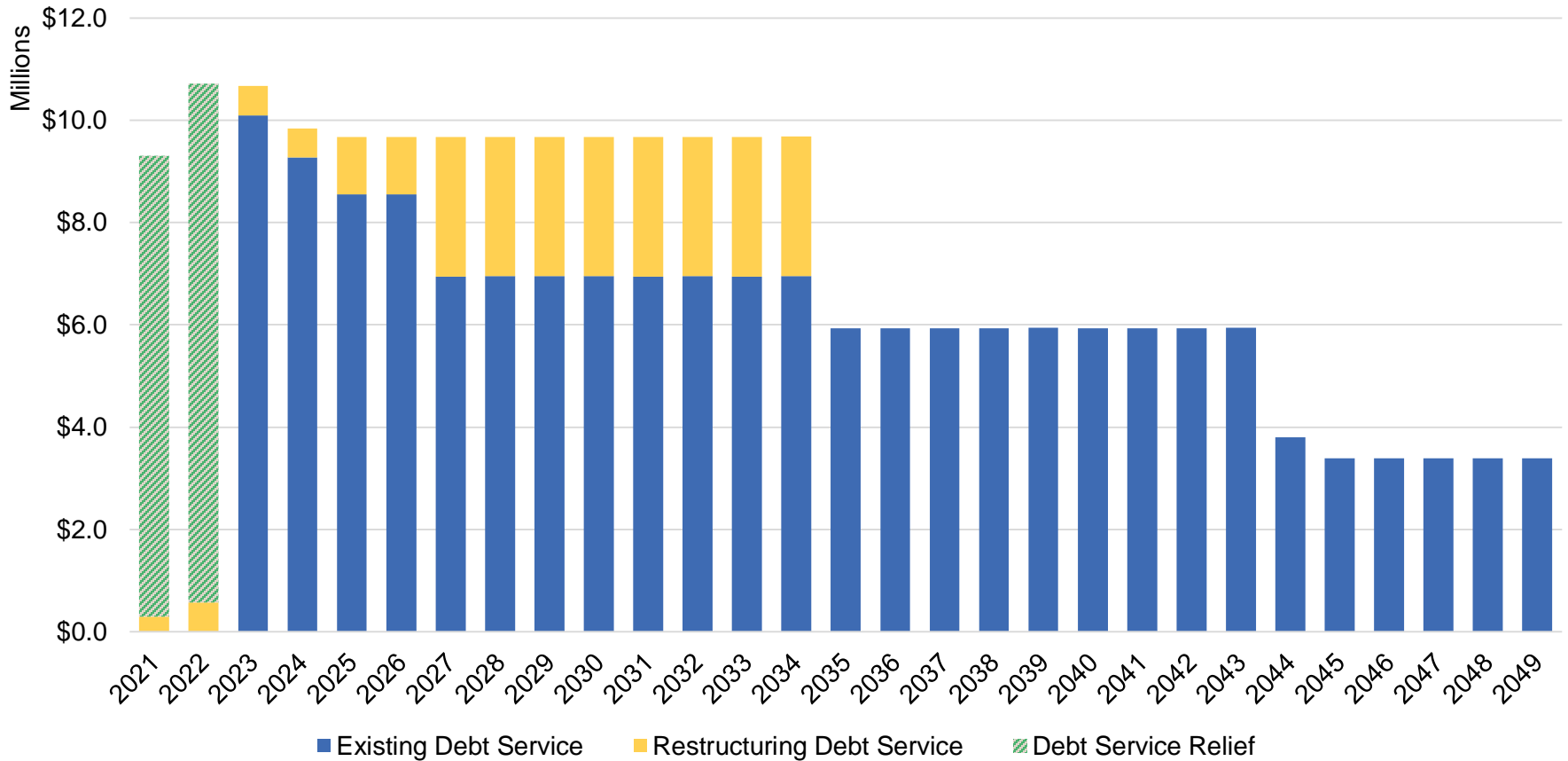
- Refund and restructure all principal and interest due in FY 2021, and 75% of debt service due in FY 2022 and 25% of debt service payments due in FY 2023 (refunding bonds mature in FY 2034)
- This leads to a reduction of approximately \$9.0 million, \$8.0 million, and \$2.5 million of Housing and Dining debt service in FY 2021, 2022, and 2023, respectively





Option 2

- Refund and restructure all principal and interest due in FY 2021 and FY 2022 (refunding bonds mature in FY 2034)
- This leads to a reduction of approximately \$9.0 million, and \$10.1 million of Housing and Dining debt service in FY 2021 and 2022, respectively





Summary of Options

Fiscal Year	Existing Debt Service	Option 1		Option 2	
		Aggr. Debt Service	Difference	Aggr. Debt Service	Difference
2021	\$9,305,181	\$313,928	(\$8,991,254)	\$297,867	(\$9,007,314)
2022	10,709,306	2,677,753	(8,031,554)	573,434	(10,135,873)
2023	10,093,556	7,574,384	(2,519,173)	10,666,990	573,434
2024	9,268,681	9,873,034	604,353	9,842,115	573,434
2025	8,552,081	9,801,434	1,249,353	9,670,515	1,118,434
2026	8,551,481	9,802,418	1,250,937	9,668,579	1,117,098
2027	6,944,781	9,805,472	2,860,691	9,674,058	2,729,277
2028	6,951,781	9,802,403	2,850,622	9,668,520	2,716,739
2029	6,953,281	9,802,857	2,849,576	9,671,856	2,718,575
2030	6,946,831	9,801,399	2,854,568	9,673,390	2,726,559
2031	6,945,381	9,805,577	2,860,196	9,675,670	2,730,289
2032	6,956,881	9,803,055	2,846,174	9,671,506	2,714,625
2033	6,945,813	9,803,618	2,857,805	9,670,693	2,724,880
2034	6,950,975	9,805,008	2,854,033	9,675,983	2,725,008
2035	5,929,700	5,929,700		5,929,700	
2036	5,932,450	5,932,450		5,932,450	
2037	5,936,050	5,936,050		5,936,050	
2038	5,937,200	5,937,200		5,937,200	
2039	5,938,350	5,938,350		5,938,350	
2040	5,934,300	5,934,300		5,934,300	
2041	5,935,100	5,935,100		5,935,100	
2042	5,935,350	5,935,350		5,935,350	
2043	5,939,900	5,939,900		5,939,900	
2044	3,803,400	3,803,400		3,803,400	
2045	3,391,200	3,391,200		3,391,200	
2046	3,393,450	3,393,450		3,393,450	
2047	3,393,000	3,393,000		3,393,000	
2048	3,394,850	3,394,850		3,394,850	
2049	3,393,850	3,393,850		3,393,850	
Total	\$186,264,163	\$192,660,489	\$6,396,326	\$192,289,325	\$6,025,163



Timing



Timing – Public Sale

- WWU has bond payments due on October 1, 2020 and if a refunding/restructuring is not completed by then, that amount cannot be included in the restructuring

Date	Milestones
August	▪ Develop Bond Resolution, POS and rating materials
August 21	▪ Board Meeting to adopt Bond Resolution
End of August	▪ Rating agency call
September 8	▪ Receive Bond Rating and Publish POS
September 15	▪ Bond Sale
September 24	▪ Bond Closing

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WESTERN WASHINGTON UNIVERSITY
Board of Trustees
August 21, 2020

Summary of Financing Terms and Schedule

for

HOUSING AND DINING SYSTEM REVENUE REFUNDING BONDS, SERIES 2020
RESOLUTION – No. 2020-04

It is proposed that University Housing and Dining System Revenue Refunding Bonds (the “Refunding Bonds”) be issued in one or more series for the purpose of refunding certain outstanding Housing and Dining System Revenue Bonds of the University to provide near-term debt service relief.

Restructuring

The University is seeking approval to issue the Refunding Bonds to refinance and restructure all or a portion of the debt service (principal and interest) that will be due and payable with respect to outstanding Housing and Dining System Revenue Bonds during the period from October 1, 2020 through and including June 30, 2023 (the “Refunding Candidates”). Currently, the University intends to issue the Refunding Bonds to refund and restructure all principal and interest of the University’s outstanding Housing and Dining System Revenue Bonds due in FY 2021, and 75% of debt service due in FY 2022. Due to the rapidly changing environment, the Bond Resolution provides flexibility for the University to also refund and restructure a portion of principal and interest due in FY 2023 (or refund a greater portion of FY 2022 payments). However, the maximum of the restructuring will be limited to \$25 million.

Following the Remote Learning Announcement from President Randhawa on July 30, 2020, Housing has updated its occupancy standards under the direction of University, local and state health officials. Consequently, the Housing and Dining System (the System) can only offer a limited number of beds to students, and it is uncertain if students will decide to live on campus while instruction is primarily online. This results in a significant reduction of operating revenues. The System has evaluated several financial scenarios suggesting that despite significant assumed reductions in operating expenses, net revenues would be insufficient to pay for debt service in FY 2021. The System has approximately \$10.5 million in reserves, compared to FY 2021 debt service of \$9.3 million. Even if the System is able to generate some net revenue over operating expenses, it expects a large draw on reserves, and a high likelihood of not meeting its debt service coverage covenant and reserve covenants of its outstanding debt. The proposed debt restructuring plan will preserve System reserves and thus provide strategic flexibility to navigate through these challenging and uncertain times. At the same time, with the current Federal Reserve policy of near zero interest rates, and the strong investor demand for municipal debt, the University can expect favorable, low cost of capital for this transaction. If the System’s operating situation improves sooner, it will be able to build up more reserves and accelerate renovation projects. With or without this transaction, WWU’s credit rating will be under pressure for a potential downgrade or negative rating outlook, due to the challenges not only of the System, but possible reductions in state appropriations and lower enrollment university wide. The entire higher education sector is under similar pressures and all rating agencies have assigned a negative outlook on the sector.

The table below summarizes the scheduled principal and interest payments on outstanding System debt. The University plans to fund a portion of these payments with the new bond issue to achieve near-term debt service relief.

Refunding Candidates

<i>FY End</i>	<i>Principal</i>	<i>Interest</i>	<i>Total</i>
6/30/2021	\$4,600,000	\$4,705,181	\$9,305,181
6/30/2022	6,220,000	4,489,306	10,709,306
6/30/2023	5,880,000	4,213,556	10,093,556
Total	\$16,700,000	\$13,408,044	\$30,108,044

Bond Resolution

The proposed Bond Resolution delegates authority to the President or Vice President for Business and Financial Affairs to determine the details of the bonds and to conduct the sale of bonds. Delegated actions include the following:

- Establish the manner of sale (negotiated, competitive, direct bank placement);
- Selection of Underwriter;
- Determine whether a debt service reserve fund is required and in what amount;
- Determine the federal tax status of the bonds;
- Solicit proposals for the issuance of a bond insurance policy;
- Approve final interest rates;
- Approve maturity dates and principal maturing each year;
- Approve aggregate principal amount of bonds; and
- Approve redemption rights

The authority for the delegated actions is subject to a maximum average interest rate of 4.00%, not to exceed aggregate principal amount of \$25 million and a maximum term not to exceed 20 years. Delegated authority for the Refunding Bonds will expire December 31, 2020.

The following terms are reflected in the Bond Resolution and apply to the Bonds.

Security for Bonds: A lien on the revenue of the Housing and Dining System, and related revenue on Parity with outstanding Housing and Dining System Bonds.

Size of Bond Issue: The Series Resolution will include a maximum bond size of \$25,000,000. Items that will affect the issue size to be contained in the Bond Resolution are: (1) final amount of the Refunding Candidates to be restructured, (2) cost of issuance and (3) actual underwriting discount included in the winning interest rate bid at the time of bond sale.

The maximum size of \$25,000,000 in the Bond Resolution was derived based on the following estimates:

Potential H&D Bond principal to be refunded	\$13,500,000
Potential H&D Bond interest to be refunded	\$8,750,000
Potential Debt Service Reserve Refund	\$2,250,000
Estimated Cost of Issuance ⁽¹⁾	250,000
Underwriting Fee	<u>250,000</u>
Total of Maximum Bond Issue Size	\$25,000,000

⁽¹⁾ Cost of Issuance includes legal fees, municipal advisor fees, rating agency fees and other costs incurred in connection with the issuance of the Bonds.

Term of Bonds: The final maturity of the Refunding Bonds will not exceed 20 years from the date of issuance (i.e. not later than September 2040).

Interest Rates: The average interest rate on the proposed bonds is limited to 4.00%, although in the current market it is estimated to be approximately 2.50%.

Proposed Sale Date: The Bonds are expected to be sold in mid-September 2020. Timing will be determined based upon market conditions.

Financial Advisor: PFM Financial Advisors LLC (Thomas Toepfer and Steven Amano)

Bond Counsel: K&L Gates (Cynthia Weed)

Schedule for Project Financing

Timing	Key Steps
August/early September	Develop Preliminary Official Statement (POS) in preparation for bond sale
Mid-Late August	Prepare presentation for rating agency. Housing & Dining System rating received at the beginning of September
August 21 st	Board Meeting to adopt Bond Resolution
Mid-September	Planned bond sale date for Restructuring Bonds
Late September	Bond Closing – Refunding Escrow Funded

SERIES RESOLUTION

WESTERN WASHINGTON UNIVERSITY

RESOLUTION NO. 2020-04

A RESOLUTION OF THE BOARD OF TRUSTEES OF WESTERN WASHINGTON UNIVERSITY; AUTHORIZING THE ISSUANCE AND SALE OF HOUSING AND DINING SYSTEM REVENUE REFUNDING BONDS OF THE UNIVERSITY IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$25,000,000 IN ONE OR MORE SERIES FOR THE PURPOSE OF REFUNDING CERTAIN OUTSTANDING HOUSING AND DINING SYSTEM REVENUE BONDS OF THE UNIVERSITY; PROVIDING FOR THE REDEMPTION OF THE OUTSTANDING BONDS TO BE REFUNDED; AUTHORIZING THE SALE OF THE BONDS AND THE PREPARATION OF A PRELIMINARY OFFICIAL STATEMENT; AND AUTHORIZING THE DESIGNATED UNIVERSITY REPRESENTATIVE TO MAKE CERTAIN DETERMINATIONS AND APPOINTMENTS WITH RESPECT TO THE BONDS UNDER THE TERMS AND CONDITIONS SET FORTH HEREIN.

ADOPTED: AUGUST 21, 2020

Prepared by:

K&L GATES LLP
Seattle, Washington

WESTERN WASHINGTON UNIVERSITY

RESOLUTION NO. 2020-04

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* This Table of Contents and the Cover Page are for convenience of reference and are not intended to be a part of this Series Resolution.

SERIES RESOLUTION

WESTERN WASHINGTON UNIVERSITY

RESOLUTION NO. 2020-04

A RESOLUTION OF THE BOARD OF TRUSTEES OF WESTERN WASHINGTON UNIVERSITY; AUTHORIZING THE ISSUANCE AND SALE OF HOUSING AND DINING SYSTEM REVENUE REFUNDING BONDS OF THE UNIVERSITY IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$25,000,000 IN ONE OR MORE SERIES FOR THE PURPOSE OF REFUNDING CERTAIN OUTSTANDING HOUSING AND DINING SYSTEM REVENUE BONDS OF THE UNIVERSITY; PROVIDING FOR THE REDEMPTION OF THE OUTSTANDING BONDS TO BE REFUNDED; AUTHORIZING THE SALE OF THE BONDS AND THE PREPARATION OF A PRELIMINARY OFFICIAL STATEMENT; AND AUTHORIZING THE DESIGNATED UNIVERSITY REPRESENTATIVE TO MAKE CERTAIN DETERMINATIONS AND APPOINTMENTS WITH RESPECT TO THE BONDS UNDER THE TERMS AND CONDITIONS SET FORTH HEREIN.

WHEREAS, Western Washington University, a regional university of the State of Washington (the “University”), maintains a housing and dining system (defined in the hereinafter referred to Master Resolution as the “System”); and

WHEREAS, the University has authorized the issuance of housing and dining system revenue bonds in one or more series pursuant to Resolution No. 97-09, adopted on December 5, 1997 (the “Master Resolution”); and

WHEREAS, the bonds authorized under the Master Resolution are payable from Net Revenues (as such term is defined in the Master Resolution); and

WHEREAS, the University has issued and has outstanding bonds secured by a parity lien on the revenues of the University (the “Outstanding Parity Bonds”), as follows:

<u>Resolution Number</u>	<u>Date of Issue</u>	<u>Designation</u>	<u>Original Principal Amount</u>	<u>Currently Outstanding</u>	<u>Final Maturity</u>
97-09 and 98-01	2/01/98	Housing and Dining System Junior Lien Revenue Refunding Bonds, 1998 Series A	\$17,225,000	\$ 3,200,000	10/1/22
97-09 and 2012-03	7/19/12	Housing and Dining System Revenue Refunding Bonds, Series 2012	\$ 9,205,000	\$ 3,520,000	10/1/23
97-09 and 2014-09	3/03/15	Housing and Dining System Revenue Refunding Bonds, Series 2015	\$13,435,000	\$ 8,110,000	4/1/26
97-09 and 2017-10	12/21/17	Housing and Dining System Revenue Refunding Bonds, Series 2018A	\$10,695,000	\$10,345,000	4/1/34
97-09 and 2017-10	3/08/18	Housing and Dining System Revenue Bonds, Series 2018B	\$33,680,000	\$32,370,000	4/1/43
97-09 and 2019-04	9/25/19	Housing and Dining System Revenue Bonds, Series 2019	\$68,575,000	\$68,575,000	4/1/49

; and

WHEREAS, under the terms of the Master Resolution, the University is authorized to issue additional bonds having a parity of lien on Net Revenues with the Outstanding Parity Bonds; and

WHEREAS, it appears to the Board of Trustees (the “Board”) that it is in the best interest of the University to issue additional bonds under the Master Resolution in one or more series in the aggregate principal amount of not to exceed \$25,000,000 in order to refund, refinance and restructure all or a portion of the debt service (principal and interest) that will be due and payable with respect to Outstanding Parity Bonds during the period from October 1, 2020 through and including June 30, 2023 (“Refunding Candidates”); and

WHEREAS, the Refunding Candidates to be designated by the Designated University Representative shall be refunded by the issuance of one or more series of revenue refunding bonds of the University in the aggregate principal amount of not to exceed \$25,000,000 (collectively, the “Series 2020 Bonds”); and

WHEREAS, the Board wishes to delegate authority to the Designated University Representative to determine the manner of sale of and the federal tax status of the interest on the Series 2020 Bonds and to determine for each series the approval of the final principal amount, interest rates, principal maturities and redemption provisions under such terms and conditions as are approved by this Series Resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF WESTERN WASHINGTON UNIVERSITY, as follows:

Section 1. Definitions. Unless otherwise defined herein, the terms used in this Series Resolution, including the preamble hereto, which are defined in the Master Resolution shall have the meanings set forth in the Master Resolution. In addition, the following terms shall have the following meanings in this Series Resolution:

Acquired Obligations means the Government Obligations acquired by the University under the terms of this Series Resolution and the Escrow Agreement to effect the defeasance and refunding of the Refunded Debt Service.

Approved Bid means the winning bid submitted for a series of the Series 2020 Bonds if the Series 2020 Bonds are sold by Competitive Sale.

Beneficial Owner means any person that has or shares the power, directly or indirectly, to make investment decisions concerning ownership of any Series 2020 Bonds (including persons holding Series 2020 Bonds through nominees, depositories or other intermediaries).

Bond Insurance Policy means the municipal bond insurance policy issued by the Insurer insuring the payment when due of the principal of and interest on a series of the Series 2020 Bonds as provided therein.

Bond Purchase Contract means, if a series of the Series 2020 Bonds shall be sold by Negotiated Sale or Direct Bank Placement, the purchase contract or approved term sheet relating to such series of the Series 2020 Bonds between the University and the Underwriter or Purchaser.

Bond Register means the registration records for the Bonds maintained by the Registrar.

Code means the Internal Revenue Code of 1986, as amended, and shall include all applicable regulations and rulings relating thereto.

Competitive Sale means the process by which a series of the Series 2020 Bonds are sold through the public solicitation of bids from underwriting firms.

Continuing Covenant Agreement means, if a series of the Series 2020 Bonds are held by a Purchaser, any agreement between the University and the applicable Purchaser which may or may not be designated as the Continuing Covenant Agreement.

Costs of Issuance Agreement means the agreement of that name, if any, to be entered into by the University and the Escrow Agent, providing for the payment of certain costs of issuance with respect to the issuance of a series of the Series 2020 Bonds.

Designated University Representative, in addition to the President of the University or his or her designee or such other person as may be directed from time to time by resolution of the Board, as provided in the Master Resolution, shall also, for purposes of this Series Resolution, include the Vice President for Business and Financial Affairs of the University or any successor to the functions of such office, and also shall include any designee of the Designated University Representative for the performance of specific functions under this Series Resolution.

Direct Bank Placement means the process by which a series of the Series 2020 Bonds are sold by direct bank placement to a Purchaser selected by a Designated University Representative.

Disclosure Agreement means the commitment of the University, if any is required, to comply with the ongoing disclosure requirements of the Rule.

DTC means The Depository Trust Company, New York, New York, a limited purpose trust company organized under the laws of the State of New York, if appointed as depository for one or more series of the Series 2020 Bonds pursuant to Section 6 hereof.

Escrow Agent means the escrow agent selected by the Designated University Representative in accordance with Section 9 of this Series Resolution.

Escrow Agreement means the Escrow Deposit Agreement to be dated as of the date of closing and delivery of a series of the Series 2020 Bonds.

Future Parity Bonds means those revenue bonds or other revenue obligations which may be issued by the University in the future as Parity Bonds.

Government Obligations means obligations defined as such in Chapter 39.53 RCW as now or hereafter amended.

Insurer means such bond insurance company, if any, from which a Bond Insurance Policy may be acquired for the Series 2020 Bonds, in accordance with this Series Resolution.

Letter of Representations means a blanket issuer letter of representations from the University to DTC.

MSRB means the Municipal Securities Rulemaking Board or any successor to its functions. Until otherwise designated by the MSRB or the SEC, any information, reports or notices submitted to the MSRB in compliance with the Rule are to be submitted through the MSRB's Electronic Municipal Market Access system ("EMMA"), currently located at www.emma.msrb.org.

Negotiated Sale means the process by which a series of the Series 2020 Bonds is sold by negotiation to one or more underwriting firms selected by the Designated University Representative.

Net Proceeds when used with reference to a series of the Series 2020 Bonds, means the face amount of the Series 2020 Bonds, plus accrued interest and original issue premium, if any, and less original issue discount and proceeds deposited into the Series 2020 Reserve Account, if any.

Official Notice of Sale means, if a series of the Series 2020 Bonds shall be sold by Competitive Sale, the notice of bond sale authorized to be given in Section 15 of this Series Resolution.

Outstanding Parity Bonds means the outstanding parity bonds identified in the recitals of this Series Resolution.

Parity Bonds means any revenue obligations issued by the University pursuant to the Master Resolution, which Parity Bonds have a lien upon the Net Revenues for the payment of the principal thereof and interest thereon equal to the lien created upon Net Revenues for the payment of the principal of and interest on the Series 2020 Bonds, and the term “Parity Bonds” shall mean and include the Outstanding Parity Bonds, the Series 2020 Bonds and any Future Parity Bonds.

Private Person means any natural person engaged in a trade or business or any trust, estate, partnership, association, company or corporation.

Private Person Use means the use of property in a trade or business by a private person if such use is other than as a member of the general public. Private Person Use includes ownership of the property by the private person as well as other arrangements that transfer to the private person the actual or beneficial use of the property (such as a lease, management or incentive

payment contract or other special arrangement) in such a manner as to set the private person apart from the general public. Use of property as a member of the general public includes attendance by the private person at municipal meetings or business rental of property to the private person on a day-to-day basis if the rental paid by such private person is the same as the rental paid by any private person who desires to rent the property. Use of property by nonprofit community groups or community recreational groups is not treated as Private Person Use if such use is incidental to the governmental uses of property, the property is made available for such use by all such community groups on an equal basis and such community groups are charged only a *de minimis* fee to cover custodial and utility expenses.

Purchaser means the initial purchasing entity or bank purchaser of a series of the Series 2020 Bonds if such series are sold by Direct Bank Placement.

Qualified Insurance means any non-cancellable municipal bond insurance policy or surety bond issued by any insurance company licensed to conduct an insurance business in any state of the United States (or by a service corporation acting on behalf of one or more such insurance companies) (A) which insurance company or companies, as of the time of issuance of such policy or surety bond, are rated in one of the two highest Rating Categories by Moody's Investors Service, Inc., S&P Global Ratings, or Fitch Ratings, Inc. or their respective legal successors for unsecured debt or insurance underwriting or claims paying ability or (B) by issuing its policies causes obligations insured thereby to be rated in one of the two highest Rating Categories.

Qualified Letter of Credit means any irrevocable letter of credit issued by a financial institution, which institution maintains an office, agency or branch in the United States and as of the time of issuance of such letter of credit, is rated in one of the three highest Rating Categories

by Moody's Investors Service, Inc., S&P Global Ratings, or Fitch Ratings, Inc. or their legal successors, if any.

Rating Agency means Moody's Investors Service, Inc., S&P Global Ratings, or Fitch Ratings, Inc.

Rating Category means the generic rating categories of the Rating Agency, without regard to any refinement or gradation of such rating category by a numerical modifier or otherwise.

Record Date means, unless the Series 2020 Bonds have been sold through a Direct Bank Placement, the close of business on the 15th day prior to each day on which a payment of interest on a series of the Series 2020 Bonds is due and payable.

Refunded Debt Service means those Refunding Candidates designated by a Designated University Representative or his/her designee pursuant to authority delegated by Section 15 of this resolution.

Refunding Candidates means the debt service (principal and interest) that will be due and payable with respect to Outstanding Parity Bonds during the period from October 1, 2020 through and including June 30, 2023.

Registered Owner means the person named as the registered owner of a Series 2020 Bond in the Bond Register. The Registered Owner shall be deemed to be the owner of all the Series 2020 Bonds, except for the purposes of Section 16 of this Series Resolution.

Registrar means the fiscal agent of the State of Washington and each successor thereto or any other designee of a Designated University Representative for the purposes of (a) registering and authenticating the Series 2020 Bonds of a series, (b) maintaining the Bond Register, (c) paying interest on and principal of a series of the Series 2020 Bonds, and (d) drawing any amounts under

Qualified Letter of Credit or Qualified Insurance and under the Credit Facility for the purpose of paying the interest on and principal of any Bonds.

Rule means Rule 15c2-12(b)(5) adopted by the SEC under the Securities Exchange Act of 1934, as the same may be amended from time to time.

SEC means the United States Securities and Exchange Commission.

Series 2020 Bond Fund means the Western Washington University Housing and Dining System Revenue Bond Fund, Series 2020 created in the office of the Designated University Representative by Section 8 of this Series Resolution.

Series 2020 Bonds means the Western Washington University, Housing and Dining System Revenue Refunding Bonds, Series 2020[___][Taxable/Tax-Exempt] issued in one or more series, authorized to be issued by Section 4 of this Series Resolution.

Series 2020 Debt Service Account means the account of that name created in the Series 2020 Bond Fund by Section 8 of this Series Resolution.

Series 2020 Reserve Account means the account of that name, if any, created in the Series 2020 Bond Fund by Section 8 of this Series Resolution.

Series 2020 Reserve Account Requirement means the amount, if any, specified in the Bond Purchase Contract if the Series 2020 Bonds are sold by Negotiated Sale or Direct Bank Placement and/or by the University in the Official Notice of Sale if the Series 2020 Bonds are sold by Competitive Sale.

Surety Bond means the surety bond, if any, issued by the Insurer on the date of issuance and delivery of a series of the Series 2020 Bonds for the purpose of satisfying the Series 2020 Reserve Account Requirement.

Surety Bond Agreement means the agreement pursuant to which the Surety Bond is issued.

System has the meaning given such term in the Master Resolution and in addition, the term “System” shall include all Residence Halls, Birnam Wood Apartments, Dining Commons, Viking Union, Lakewood Recreational Facility, and the Commissary.

Term Bonds means any Series 2020 Bonds designated as “Term Bonds” in the Bond Purchase Contract or Approved Bid for such Series 2020 Bonds.

Underwriter means, the underwriter(s) of a series of the Series 2020 Bonds if such series of bonds are sold by Negotiated Sale or the successful bidder submitting the Approved Bid if such series of bonds are sold by Competitive Sale.

Rules of Interpretation. In this Series Resolution, unless the context otherwise requires:

(a) The terms “hereby,” “hereof,” “hereto,” “herein,” “hereunder” and any similar terms, as used in this Series Resolution, refer to this Series Resolution as a whole and not to any particular article, section, subdivision or clause hereof, and the term “hereafter” shall mean after, and the term “heretofore” shall mean before, the date of this Series Resolution;

(b) Words of the masculine gender shall mean and include correlative words of the feminine and neuter genders and words importing the singular number shall mean and include the plural number and vice versa;

(c) Words importing persons shall include firms, associations, partnerships (including limited partnerships), trusts, corporations and other legal entities, including public bodies, as well as natural persons;

(d) Any headings preceding the text of the several articles and Sections of this Series Resolution, and any table of contents or marginal notes appended to copies hereof, shall be solely for convenience of reference and shall not constitute a part of this Series Resolution, nor shall they affect its meaning, construction or effect;

(e) All references herein to “articles,” “sections” and other subdivisions or clauses are to the corresponding articles, sections, subdivisions or clauses hereof.

(f) Words importing the singular number include the plural number and vice versa.

In this Series Resolution, the Designated University Representative is authorized to create a number of “funds” and/or “accounts.” In each case, the Designated University Representative may designate each such fund or account in his or her discretion as a fund or as an account, regardless of its designation in this Series Resolution.

Section 2. Compliance with Parity Conditions. The University has reserved the right pursuant to the Master Resolution to issue Future Parity Bonds upon compliance with certain conditions set forth therein. The University hereby finds and determines, as required by Sections 5 and 6 of the Master Resolution as follows:

First, the University has not been in default of its covenant under Section 7(a) of the Master Resolution for the immediately preceding year (year ending June 30, 2020); and

Second, the Series 2020 Bonds will be issued for the purpose of refunding (including by purchase) Refunded Debt Service and paying the expenses of issuing the Series 2020 Bonds;

Third, the Maximum Annual Debt Service on all Outstanding Parity Bonds to be Outstanding after the issuance of each series of the refunding Series 2020 Bonds shall not be greater than the Maximum Annual Debt Service were such refunding not to occur.

The limitations contained and the conditions provided in the Master Resolution having been complied with or assured, the payments required herein to be made out of the Net Revenues to pay and secure the principal of and interest on the Series 2020 Bonds shall constitute a lien and

charge upon such Net Revenues equal in rank to the lien and charge thereon of the Outstanding Parity Bonds.

Section 3. Authorization of Restructuring. The outbreak of the 2019 novel coronavirus (“COVID-19”) is a significant event that has had and is expected to have material effects on the finances, operations, and economy of the State of Washington and the University. The impacts to the operations of the University, including but not limited to enrollment, legislative and the economic impacts on the State budget and the State Legislature’s responses as they impact the funding of higher education are not yet known. Enrollment is anticipated to be impacted by approximately 10% in Fall Quarter 2020 given the shift to remote learning and limitations of on-campus operations. In planning for Fiscal Year 2021 operational levels, the System is adhering to applicable external guidelines and recommendations for its operations with regard to health and safety, and will adjust operations throughout the year as needed. The System’s specific occupancy limits of 40% capacity and its health and safety operational plans have been developed in partnership with the University’s Incident Management leadership, resulting in a University-supported approach that provides housing and dining to students who need those services. Occupancy limits will be lessened as the situation warrants, and the University is continually monitoring and proactively managing its expenses under various scenarios.

As a result, the Board has determined to take proactive action, not only with its operations, but also with respect to its debt obligations. Accordingly, the University shall refund, refinance and restructure a portion of its overall debt service with respect to its Outstanding Parity Bonds in order to accommodate a short term deferral of debt service.

Section 4. Authorization of Series 2020 Bonds; Bond Details.

(a) *Authorization of the Series 2020 Bonds.* For the purpose of refunding, refinancing and restructuring Refunded Debt Service, paying the cost of funding the Series 2020 Reserve Account Requirement, if any, capitalizing interest and paying the costs of issuance of the Series 2020 Bonds, the University shall issue and sell its housing and dining system revenue refunding bonds, in one or more series, in the combined aggregate amount of not to exceed \$25,000,000 (the “Series 2020 Bonds”).

(b) *Bond Details.* The Series 2020 Bonds shall be designated as “Western Washington University Housing and Dining System Revenue Refunding Bonds, Series 2020[___][Taxable/Tax-Exempt]”, with additional designations as requested, shall be registered as to both principal and interest, shall be in the denomination of \$1,000 each, or any integral multiple thereof, provided that no Series 2020 Bond shall represent more than one series and maturity; shall be numbered separately in the manner and with any additional designation as the Registrar deems necessary for purposes of identification, shall be dated and bear interest at the per annum rates, payable on the dates and maturing in principal amounts set forth in the Approved Bid or Bond Purchase Contract for each series, pursuant to Section 15 of this Series Resolution. The Series 2020 Bonds of any of the series or maturities may be combined and issued as term bonds (“Term Bonds”), subject to mandatory redemption as provided in the Approved Bid or Bond Purchase Contract.

Section 5. Right of Prior Redemption and Purchase.

(a) *Optional Redemption.* The Series 2020 Bonds of a series may include provision for optional redemption on the dates, at the prices and under the terms set forth in the Bond Purchase Contract or Approved Bid approved by a Designated University Representative pursuant to Section 15.

(b) *Mandatory Redemption.* The Series 2020 Bonds of a series shall be subject to mandatory redemption to the extent, if any, set forth in the Bond Purchase Contract or Approved Bid and as approved by a Designated University Representative pursuant to Section 15.

(c) *Purchase of Series 2020 Bonds.* The Series 2020 Bonds may be purchased at any time, to the extent that such Series 2020 Bonds are offered to the University at any price deemed reasonable by a Designated University Representative but only to the extent of Gross Revenue available after providing for the payments required by paragraphs first through sixth of Section 2(a) of the Master Resolution.

(d) *Selection of Series 2020 Bonds for Redemption.* If the Series 2020 Bonds of a series are sold by Competitive Sale or Negotiated Sale, and for as long as the Series 2020 Bonds of a series are held in book-entry only form, the maturities to be redeemed, if any, shall be selected by the University and, within a maturity, the selection of Series 2020 Bonds of such series to be redeemed shall be made in accordance with the operational arrangements in effect at DTC. Unless the applicable series of Series 2020 Bonds have been sold by Direct Bank Placement, if the Series 2020 Bonds are no longer held in uncertificated form, the selection of such Series 2020 Bonds to be redeemed shall be made as provided in this subsection (d). If the University redeems at any one time fewer than all of the Series 2020 Bonds within the same series and maturity date, the particular Series 2020 Bonds or portions of Series 2020 Bonds of such series and maturity to be redeemed shall be selected by lot (or in such other manner determined by the Registrar) in increments of \$1,000. In the case of a Series 2020 Bond of a denomination greater than \$1,000, the University and Registrar shall treat each Series 2020 Bond as representing such number of separate Series 2020 Bonds each of the denomination of \$1,000 as is obtained by dividing the actual principal amount of such Series 2020 Bond by \$1,000. In the event that only a portion of

the principal sum of a Series 2020 Bond is redeemed, upon surrender of the such Series 2020 Bond at the principal office of the Registrar there shall be issued to the Registered Owner, without charge therefor, for the then unredeemed balance of the principal sum thereof, at the option of the Registered Owner, a Series 2020 Bond or Series 2020 Bonds of like series, maturity and interest rate in any of the denominations herein authorized. The terms of selection of Series 2020 Bonds of a series that have been sold by Direct Bank Placement shall be as set forth in the Purchase Contract or Continuing Covenant Agreement.

(e) *Notice of Redemption.* This subsection applies only to the Series 2020 Bonds of a series sold by Competitive Sale or Negotiated Sale.

(1) Official Notice. Unless waived by any owner of Series 2020 Bonds of a series to be redeemed, official notice of any such redemption (which notice at the option of the University may be rescinded and, in the case of a conditional redemption, shall state that redemption is conditioned by the Registrar on the receipt of sufficient funds for redemption) shall be given by the Registrar on behalf of the University by mailing a copy of an official redemption notice by first class mail at least 20 days and not more than 60 days prior to the date fixed for redemption to the Registered Owner of the Series 2020 Bond or Series 2020 Bonds to be redeemed at the address shown on the Register or at such other address as is furnished in writing by such Registered Owner to the Registrar.

All official notices of redemption shall be dated and shall state:

- (A) the redemption date,
- (B) the redemption price,

(C) if fewer than all Outstanding Series 2020 Bonds are to be redeemed, the identification by series and maturity (and, in the case of partial redemption, the respective principal amounts) of the Series 2020 Bonds to be redeemed,

(D) if the notice is conditional, the conditions to the redemption of Series 2020 Bonds;

(E) that on the redemption date, provided that in the case of optional redemption, unless the notice of optional redemption has been rescinded or in the case of a conditional redemption, all conditions to such conditional redemption shall have been satisfied, the full amount of the redemption price is on deposit therefor, the redemption price will become due and payable upon each such Series 2020 Bond or portion thereof called for redemption, and that interest thereon shall cease to accrue from and after said date,

(F) if the Series 2020 Bonds are no longer held in fully immobilized form, the place where such Series 2020 Bonds are to be surrendered for payment of the redemption price, and

(G) that the notice of redemption may be rescinded for any reason or withdrawn and the proposed redemption of Series 2020 Bonds cancelled if for any reason funds will not be available on the date fixed for redemption.

Unless the University has revoked the notice of redemption or the conditions for redemption shall not have been in the case of a conditional redemption, on or prior to any redemption date, the Designated University Representative shall deposit with the Registrar an amount of money sufficient to pay the redemption price of all the Series 2020 Bonds or portions of Series 2020 Bonds which are to be redeemed on that date.

Failure to give notice as to redemption of any Series 2020 Bond or any defect in such notice shall not invalidate redemption of any other Series 2020 Bond.

Notwithstanding the foregoing, if the Series 2020 Bonds are then held in book-entry only form, notice of redemption to any Registered Owner or beneficial owner of Series 2020 Bonds shall be given only in accordance with the operational arrangements then in effect at DTC but not less than twenty (20) days prior to the date of redemption.

(2) Effect of Notice; Series 2020 Bonds Due. Official notice of redemption having been given as aforesaid, the Series 2020 Bonds or portions of Series 2020 Bonds so to be redeemed shall, on the redemption date (unless in the case of conditional redemption the conditions have not been fulfilled, or the notice or redemption has been rescinded or withdrawn), become due and payable at the redemption price therein specified, and from and after such date such Series 2020 Bonds or portions of Series 2020 Bonds shall cease to bear interest. Installments of interest due on or prior to a mandatory redemption date shall be payable as herein provided for payment of interest. Upon surrender for any partial redemption of any Series 2020 Bond, there shall be prepared for the Registered Owner a new Series 2020 Bond or Series 2020 Bonds of the same series and maturity in the aggregate amount of the unpaid principal. All Series 2020 Bonds which have been redeemed shall be canceled and destroyed by the Registrar and shall not be reissued.

(3) Additional Notice. In addition to the foregoing notice, further notice may be given by the University as set out below, but no defect in said further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if notice thereof is given as above prescribed. Each further notice of redemption given hereunder shall contain the information required above for an official notice of redemption plus (A) the CUSIP numbers of all Series 2020 Bonds being redeemed; (B) the date of issue of the

Series 2020 Bonds as originally issued; (C) the rate of interest borne by each Series 2020 Bond being redeemed; (D) the maturity date of each Series 2020 Bond being redeemed; and (E) any other descriptive information needed to identify accurately the Series 2020 Bonds being redeemed. Each further notice of redemption may be sent at least twenty (20) days before the redemption date to the Insurer, if any, and to each party entitled to receive notice pursuant to Section 16 of this Series Resolution, and to the original purchaser of the Series 2020 Bonds or to its business successors, if any, and to such persons (including the MSRB who customarily at the time receive notices of redemption in accordance with rules promulgated by the SEC) and with such additional information as the Registrar deem appropriate, but such mailings shall not be a condition precedent to the redemption of such Series 2020 Bonds.

(4) Use of CUSIP Numbers. Upon the payment of the redemption price of Series 2020 Bonds being redeemed, each check or other transfer of funds issued for such purpose shall bear the CUSIP number identifying, by issue and maturity, the Series 2020 Bonds being redeemed with the proceeds of such check or other transfer, or in the case of a payment to DTC shall be accompanied by an informational communication evidencing the CUSIP and related informational details with respect to each security being paid by wire transfer.

(5) Amendment of Notice Provisions. The foregoing notice provisions of this Section 5, including but not limited to the information to be included in redemption notices and the persons designated to receive notices, may be amended by additions, deletions and changes in order to maintain compliance with duly promulgated regulations and recommendations regarding notices of redemption of municipal securities.

Section 6. Place and Medium of Payment. The principal of, premium, if any, and interest on the Series 2020 Bonds shall be payable in lawful money of the United States of

America. If Series 2020 Bonds have been sold by Competitive Sale or Negotiated Sale, interest on the Series 2020 Bonds shall be calculated on the basis of a 360-day year consisting of twelve 30-day months. For so long as Series 2020 Bonds are in fully immobilized form, payments of principal and interest shall be made as provided to the parties entitled to receive payment as of each Record Date in accordance with the operational arrangements of DTC referred to in the Letter of Representations.

In the event that a series of the Series 2020 Bonds are not in fully immobilized form, interest on such Series 2020 Bonds shall be paid by check, ACH or draft mailed (or by wire transfer to a Registered Owner of such Series 2020 Bonds in aggregate principal amount of \$1,000,000 or more who so requests) to the Registered Owners of that series of the Series 2020 Bonds at the addresses for such Registered Owners appearing on the Bond Register as of the Record Date, and principal of that series of the Series 2020 Bonds shall be payable upon presentation and surrender of such Series 2020 Bonds by the Registered Owners at the principal office of the Registrar; provided, however, that if so requested in writing by the Registered Owner of at least \$100,000 principal amount of that series of the Series 2020 Bonds, interest will be paid by wire transfer on the date due to an account with a bank located within the United States; provided, further however, that interest on and principal of Series 2020 Bonds that have been sold by Direct Bank Placement shall be payable in accordance with the applicable Purchase Contract or Continuing Covenant Agreement.

If any Series 2020 Bond shall be duly presented for payment and funds have not been duly provided by the University on such applicable date, then interest shall continue to accrue thereafter on the unpaid principal thereof at the rate stated on such Series 2020 Bond until such Series 2020 Bond is paid.

Section 7. Registration.

(a) *Registrar/Bond Register.* If a series of the Series 2020 Bonds are sold by Competitive Sale or Negotiated Sale, the University shall specify and adopt the system of registration for the Series 2020 Bonds of that series as approved by the State Finance Committee of the State of Washington from time to time. If a series of the Series 2020 Bonds are sold by Direct Bank Placement, the University may determine to act as its own Registrar. The University shall cause a Bond Register to be maintained by the Registrar. So long as any Series 2020 Bonds remain Outstanding, the Registrar shall make all necessary provisions to permit the exchange and registration of transfer of Series 2020 Bonds at its principal corporate trust office; provided, however, that Series 2020 Bonds sold by private sale may be subject to limited transfers as set forth in the Purchase Contract or a Continuing Covenant Agreement. The Registrar may be removed at any time at the option of the Designated University Representative upon prior notice to the Registrar, the Insurer, if any, and a successor Registrar appointed by the Designated University Representative. No resignation or removal of the Registrar shall be effective until a successor shall have been appointed and until the successor Registrar shall have accepted the duties of the Registrar hereunder. The Registrar is authorized, on behalf of the University, to authenticate and deliver Series 2020 Bonds transferred or exchanged in accordance with the provisions of such Series 2020 Bonds and this Series Resolution and to carry out all of the Registrar's powers and duties under this Series Resolution. The Registrar shall be responsible for its representations contained in the Certificate of Authentication on the Series 2020 Bonds.

(b) *Registered Ownership.* The University and the Registrar, each in its discretion, may deem and treat the Registered Owner of each Series 2020 Bond as the absolute owner thereof for all purposes (except as provided in Section 16 of this Series Resolution), and neither the

University nor the Registrar shall be affected by any notice to the contrary. Payment of any such Series 2020 Bond shall be made only as described in Section 6 hereof, but such Series 2020 Bond may be transferred as herein provided. All such payments made as described in Section 6 shall be valid and shall satisfy and discharge the liability of the University upon such Series 2020 Bond to the extent of the amount or amounts so paid.

(c) *DTC Acceptance/Letter of Representations.* If the Series 2020 Bonds of a series are sold by Competitive Sale or Negotiated Sale, the Series 2020 Bonds of such series initially shall be held in fully immobilized form by DTC acting as depository. To induce DTC to accept the Series 2020 Bonds as eligible for deposit at DTC, the University has executed and delivered a Letter of Representations to DTC.

Neither the University nor the Registrar will have any responsibility or obligation to DTC participants or the persons for whom they act as nominees (or any successor depository) with respect to the Series 2020 Bonds in respect of the accuracy of any records maintained by DTC (or any successor depository) or any DTC participant, the payment by DTC (or any successor depository) or any DTC participant of any amount in respect of the principal of or interest on Series 2020 Bonds, any notice which is permitted or required to be given to Registered Owners under this Series Resolution (except such notices as shall be required to be given by the University to the Registrar or to DTC (or any successor depository)), or any consent given or other action taken by DTC (or any successor depository) as the Registered Owner. For so long as any Series 2020 Bonds are held in fully immobilized form hereunder, DTC or its successor depository shall be deemed to be the Registered Owner for all purposes hereunder, and all references herein to the Registered Owners shall mean DTC (or any successor depository) or its nominee and shall not mean the owners of any beneficial interest in such Series 2020 Bonds.

(d) *Use of Depository.* If the Series 2020 Bonds of a series are sold by Direct Bank Placement, and the University is acting as Registrar, the Series 2020 Bonds of such series shall be subject to transfer, if at all, then only in whole, and as provided for in the Bond Purchase Contract or Continuing Covenant Agreement.

(1) If the Series 2020 Bonds of a series are sold by Competitive Sale or Negotiated Sale, the Series 2020 Bonds shall be registered initially in the name of “CEDE & CO.”, as nominee of DTC, with one Series 2020 Bond maturing within a series on each of the maturity dates for the Series 2020 Bonds in a denomination corresponding to the total principal therein designated to mature on such date. Registered ownership of such immobilized Series 2020 Bonds, or any portions thereof, may not thereafter be transferred except (A) to any successor of DTC or its nominee, provided that any such successor shall be qualified under any applicable laws to provide the service proposed to be provided by it; (B) to any substitute depository appointed by a Designated University Representative pursuant to subsection (ii) below or such substitute depository’s successor; or (C) to any person as provided in subsection (iv) below.

(2) Upon the resignation of DTC or its successor (or any substitute depository or its successor) from its functions as depository or a determination by a Designated University Representative to discontinue the system of book entry transfers through DTC or its successor (or any substitute depository or its successor), a Designated University Representative may hereafter appoint a substitute depository. Any such substitute depository shall be qualified under any applicable laws to provide the services proposed to be provided by it.

(3) In the case of any transfer pursuant to clause (A) or (B) of subsection (1) above, the Registrar shall, upon receipt of all Outstanding Series 2020 Bonds of a series, together with a written request on behalf of the Board, issue a single new Series 2020 Bond of that series

for each maturity of the Series 2020 Bonds then Outstanding, registered in the name of such successor or such substitute depository, or their nominees, as the case may be, all as specified in such written request of the Board.

(4) In the event that (A) DTC or its successor (or substitute depository or its successor) resigns from its functions as depository, and no substitute depository can be obtained, or (B) the Board determines that it is in the best interest of the beneficial owners of a series of the Series 2020 Bonds that such owners be able to obtain such bonds in the form of Series 2020 Bond certificates, the ownership of such Series 2020 Bonds may then be transferred to any person or entity as herein provided, and shall no longer be held in fully immobilized form. A Designated University Representative shall deliver a written request to the Registrar, together with a supply of definitive Series 2020 Bonds, to issue Series 2020 Bonds as herein provided in any authorized denomination. Upon receipt by the Registrar of all then Outstanding Series 2020 Bonds together with a written request on behalf of the Board to the Registrar, new Series 2020 Bonds shall be issued in the appropriate denominations and registered in the names of such persons as are requested in such written request.

(e) *Registration of Transfer of Ownership or Exchange; Change in Denominations.* If the Series 2020 Bonds are no longer held in book-entry only form, the transfer of any Series 2020 Bond may be registered and Series 2020 Bonds may be exchanged, but no transfer of any such Series 2020 Bond shall be valid unless such Series 2020 Bond is surrendered to the Registrar with the assignment form appearing on such Series 2020 Bond duly executed by the Registered Owner or such Registered Owner's duly authorized agent in a manner satisfactory to the Registrar. Upon such surrender, the Registrar shall cancel the surrendered Series 2020 Bond and shall authenticate and deliver, without charge to the Registered Owner or transferee therefor, a new Series 2020

Bond (or Series 2020 Bonds at the option of the new Registered Owner) of the same series, date, maturity and interest rate and for the same aggregate principal amount in any authorized denomination, naming as Registered Owner the person or persons listed as the assignee on the assignment form appearing on the surrendered Series 2020 Bond, in exchange for such surrendered and canceled Series 2020 Bond. If any Series 2020 Bonds are no longer held in book-entry only form, any Series 2020 Bond may be surrendered to the Registrar and exchanged, without charge, for an equal aggregate principal amount of Series 2020 Bonds of the same series, date, maturity and interest rate, in any authorized denomination or denominations. The Registrar shall not be obligated to register the transfer or to exchange any Series 2020 Bond during the 15 days preceding the date any such Series 2020 Bond is to be redeemed.

(f) *Registrar's Ownership of Series 2020 Bonds.* The Registrar may become the Registered Owner of any Series 2020 Bond with the same rights it would have if it were not the Registrar, and to the extent permitted by law, may act as depository for and permit any of its officers or directors to act as member of, or in any other capacity with respect to, any committee formed to protect the right of the Registered Owners of Series 2020 Bonds.

(g) *Registration Covenant.* The University covenants that, until all Series 2020 Bonds issued on a federally tax-exempt basis have been surrendered and canceled, it will maintain a system for recording the ownership of each such Series 2020 Bond that complies with the provisions of Section 149 of the Code.

(h) *Series 2020 Bonds Payable from Series 2020 Bond Fund.* The Series 2020 Bonds shall be obligations only of the Series 2020 Bond Fund and shall be payable and secured as provided herein and in the Master Resolution. The Series 2020 Bonds are not general obligations of the University or of the State of Washington. The Series 2020 Bonds do not constitute an

indebtedness of the University within the meaning of the constitutional provisions and limitations of the State of Washington.

Section 8. Series 2020 Bond Fund. A special fund of the University designated the “Western Washington University Housing and Dining System Revenue Bond Fund, Series 2020” (the “Series 2020 Bond Fund”) is hereby authorized to be created in the office of a Designated University Representative for the purpose of paying and securing the payment of the Series 2020 Bonds. The Series 2020 Bond Fund shall be held separate and apart from all other funds and accounts of the University and shall be a trust fund for the owners, from time to time, of the Series 2020 Bonds.

(a) *Series 2020 Debt Service Account.* If the Bond Purchase Contract or the University specifies an amount to be held as the Series 2020 Reserve Account Requirement in the Series 2020 Reserve Account, a separate account within the Series 2020 Bond Fund, to be designated as the Series 2020 Debt Service Account is hereby authorized to be created in the Series 2020 Bond Fund for the purpose of paying the principal of, premium, if any, and interest on the Series 2020 Bonds.

The University hereby irrevocably obligates and binds itself for as long as any Series 2020 Bonds remain Outstanding to set aside and pay into the Series 2020 Debt Service Account from Net Revenues or moneys in the Revenue Fund, on or prior to the respective dates the same become due:

(1) Such amounts as are required to pay the interest scheduled to become due on Outstanding Series 2020 Bonds; and

(2) Such amounts with respect to Outstanding Series 2020 Bonds as are required (A) to pay maturing principal, (B) to make required sinking fund payments, and (C) to redeem Outstanding Series 2020 Bonds in accordance with any mandatory redemption provisions.

(b) *Series 2020 Reserve Account.* If the Bond Purchase Contract or University specifies an amount to be maintained as the Series 2020 Reserve Account Requirement, a Series 2020 Bond Reserve Account (the “Series 2020 Reserve Account”) shall be created in the Series 2020 Bond Fund for the purpose of securing the payment of the principal of and interest on Series 2020 Bonds.

The University hereby covenants and agrees that on the date of issuance of the Series 2020 Bonds, it will provide for the funding of the Series 2020 Reserve Account in an amount sufficient to satisfy the Series 2020 Reserve Account Requirement, if any. Such deposit will be made in the form of a surety bond, as Qualified Insurance, or in the form of cash or other securities, as necessary. The Designated University Representative is hereby authorized and directed to determine the method of funding of the Series 2020 Reserve Account Requirement.

The University further covenants and agrees that it will maintain the Series 2020 Reserve Account Requirement throughout the term of the Series 2020 Bonds, except for permitted withdrawals therefrom. The Series 2020 Reserve Account Requirement may be maintained by deposits of cash, a Qualified Letter of Credit or Qualified Insurance, or a combination of the foregoing. In computing the amount on hand in the Series 2020 Reserve Account, Qualified Insurance and/or a Qualified Letter of Credit shall be valued at the face amount thereof, and all other obligations purchased as an investment of moneys therein shall be valued at its market value, and shall be revalued at least once each year. At the time of revaluation of obligations held in the Series 2020 Reserve Account, if it is determined that the balance on hand in the Series 2020 Reserve Account is less than the Series 2020 Reserve Account Requirement, then the University shall transfer sufficient funds to make up this deficiency within one year of the date of such determination.

Whenever there is a sufficient amount in the Series 2020 Bond Fund, including the Series 2020 Reserve Account and the Series 2020 Debt Service Account to pay the principal of, premium, if any, and interest on all outstanding Series 2020 Bonds, the money in the Series 2020 Reserve Account may be used to pay such principal, premium, if any, and interest. Money in the Series 2020 Reserve Account may be withdrawn to redeem and retire, and to pay the interest due to such date of redemption and premium, if any, on any Outstanding Series 2020 Bonds, so long as the moneys left remaining on deposit in the Series 2020 Reserve Account are equal to the Series 2020 Reserve Account Requirement. The University may also transfer out of the Series 2020 Reserve Account any moneys required in order to prevent any Series 2020 Bonds issued on a federally tax-exempt basis from becoming “arbitrage bonds” under the Code.

If a deficiency in the Series 2020 Debt Service Account shall occur, such deficiency shall be made up from the Series 2020 Reserve Account by the withdrawal of cash therefrom for that purpose and by the sale or redemption of obligations held in the Series 2020 Reserve Account, if necessary, in such amounts as will provide cash in the Series 2020 Reserve Account sufficient to make up any such deficiency, and if a deficiency still exists immediately prior to an interest payment date and after the withdrawal of cash, the University shall then draw from any Qualified Letter of Credit, Qualified Insurance, or other equivalent credit facility for the Series 2020 Bonds in sufficient amount to make up the deficiency. Such draw shall be made at such times and under such conditions as the agreement for such Qualified Letter of Credit or such Qualified Insurance shall provide. Reimbursement shall be made to the issuer of the Surety Bond in accordance with the terms of the Surety Bond Agreement, and after making necessary provision for the payments required to be made in paragraph First through Third of Section 2(a) of the Master Resolution. Any deficiency created in the Series 2020 Reserve Account by reason of any such withdrawal shall

be made up within one year from Qualified Insurance or a Qualified Letter of Credit or out of Net Revenues (or out of any other moneys on hand legally available for such purpose) (in 12 approximately equal installments) after making necessary provision for the payments required to be made into the Series 2020 Debt Service Account within such year.

In making the payments and credits to the Series 2020 Reserve Account required by this Section 8(b), to the extent that the University has obtained Qualified Insurance or a Qualified Letter of Credit for specific amounts required pursuant to this section to be paid out of the Series 2020 Reserve Account, such amounts so covered by Qualified Insurance or a Qualified Letter of Credit shall be credited against the amounts required to be maintained in the Series 2020 Reserve Account by this Section 8(b) to the extent that such payments and credits to be made are insured by an insurance company, or guaranteed by a letter of credit from a financial institution. Such Qualified Letter of Credit or Qualified Insurance shall not be cancellable on less than one year's notice. In the event of any cancellation of the Qualified Insurance, or Qualified Letter of Credit, for reasons other than insolvency of the issuer of the Qualified Insurance or the Qualified Letter of Credit, the Series 2020 Reserve Account Requirement shall be satisfied within one year of the date of cancellation with Qualified Insurance or another Qualified Letter of Credit, or if the issuer of the Qualified Insurance or the Qualified Letter of Credit shall be insolvent the Series 2020 Reserve Account Requirement shall be satisfied within five years (in 60 approximately equal installments) of the insolvency or cancellation out of Net Revenues (or out of moneys on hand legally available for such purpose) after making necessary provisions for the payments required to be made into the Series 2020 Debt Service Account.

(c) *Pledged Amount.* In Section 7(h) of the Master Resolution, the Board has covenanted and agreed to establish, maintain and collect Services and Activities Fees at least equal

to the Pledged Amount. Further, the Master Resolution retains the authority of the Board to increase the “Pledged Amount” to include additional fees specifically pledged to one or more series of Bonds. The Board hereby covenants and agrees that it will allocate such additional portion of the aggregate Services and Activities Fees (imposed by the Board from time to time in the future) and shall utilize voluntary student fees to the extent legally available and as are necessary to meet the required payments into the Series 2020 Debt Service Account to pay the principal of and interest on the Series 2020 Bonds as the same becomes due and payable.

(d) *Lien of Deposits into Series 2020 Bond Fund.* Said amounts so pledged to be paid into the Series 2020 Debt Service Account and Series 2020 Reserve Account with respect to the Series 2020 Bonds are hereby declared to be an equal and prior lien and charge upon the Gross Revenue superior to all other charges of any kind or nature whatsoever, except for Operating Expenses and except that the amounts so pledged are of equal lien to the lien and charge of the Outstanding Parity Bonds and to any lien which may hereafter be made to pay and secure the payment of the principal of and interest on any Future Parity Bonds.

(e) *Use of Excess Money.* Money in the Series 2020 Bond Fund not needed to pay the interest or principal and interest next coming due on any Outstanding Series 2020 Bonds or to maintain required reserves therefor may be used to purchase or redeem and retire Series 2020 Bonds. Money in the Revenue Fund, the Series 2020 Debt Service Account and the Series 2020 Reserve Account may be commingled for investment purposes and may be invested in any investments legal for the University; subject to the limitations set forth in Section 11 hereof.

Section 9. Designation of the Refunded Debt Service; Application of Proceeds of Series 2020 Bonds; and Call for Redemption of the Refunded Debt Service.

(a) *Designation of Refunded Debt Service.* As outlined in the recitals to this resolution, all or a portion of the debt service (principal and interest) that will be due and payable with respect to Outstanding Parity Bonds during the period from October 1, 2020 through and including June 30, 2023 (“Refunding Candidates”) may be refunded, refinanced and restructured. As provided in Section 15, a Designated University Representative may select some or all of the Refunding Candidates and designate those Refunding Candidates as the “Refunded Debt Service” in the Notice of Sale or the Bond Purchase Contract.

(b) *Application of Series 2020 Bond Proceeds.* A portion of the proceeds of sale of the Series 2020 Bonds may be delivered to the Escrow Agent for the purpose of paying the principal of and interest on the Refunded Debt Service on and prior to the date due, capitalizing interest on the Series 2020 Bonds and paying related costs of issuance.

The Escrow Agent will purchase certain Government Obligations (which obligations so purchased, are herein called “Acquired Obligations”), bearing such interest and maturing as to principal and interest in such amounts and at such times which, together with any necessary beginning cash balance, will provide for the payment of the interest on and principal of the Refunded Debt Service as the same comes due.

The Designated University Representative is hereby authorized to appoint a qualified banking association to act as the escrow agent (the “Escrow Agent”) and to designate at the option of a Designated University Representative an accounting firm to act as escrow verification agent. To the extent not used immediately to pay debt service coming due, a beginning cash balance, if any, and Acquired Obligations shall be deposited irrevocably with the Escrow Agent in an amount sufficient to implement the purposes of this Series Resolution. The proceeds of the Series 2020 Bonds not immediately used to pay debt service on Series 2020 Bonds that are delivered to the

Escrow Agent remaining after acquisition of the Acquired Obligations and provision for the necessary beginning cash balance shall be utilized to pay expenses of the acquisition and safekeeping of the Acquired Obligations and expenses of the issuance of the Series 2020 Bonds and/or returned to the University for the payment of such expenses.

(c) *Designation of Refunded Debt Service.* To the extent not used immediately to pay debt service coming due, the University hereby directs that sufficient funds be irrevocably set aside for the purchase of Acquired Obligations from proceeds of the Series 2020 Bonds to make the payments described in Section 9(b) of this Series Resolution.

As required, the Escrow Agent is hereby authorized and directed to provide for the giving of notice of defeasance and the redemption of the Refunded Debt Service in accordance with the applicable provisions of the resolutions pursuant to which the Refunded Debt Service was issued and incurred. Each Designated University Representative is authorized and requested to provide whatever assistance is necessary to accomplish such notices therefor. The costs of publication of such notices shall be an expense of the System.

The Escrow Agent is hereby authorized and directed to pay to a Designated University Representative, or, at the direction of a Designated University Representative, to the fiscal agent of the State of Washington, sums sufficient to pay, when due, the payments specified in Section 9(b) of this Series Resolution. All such sums shall be paid from the moneys and Acquired Obligations deposited with said Escrow Agent pursuant to the previous section of this Series Resolution, and the income therefrom and proceeds thereof.

The University will take such actions as are found necessary to see that all necessary and proper fees, compensation and expenses of the Escrow Agent shall be paid when due.

In order to carry out the purposes of the preceding section, each Designated University Representative is authorized and directed to execute and deliver to the Escrow Agent, an Escrow Agreement and a Costs of Issuance Agreement, if any.

Section 10. Defeasance. In the event that money and/or noncallable Government Obligations that are direct obligations of the United States or obligations unconditionally guaranteed by the United States maturing at such time or times and bearing interest to be earned thereon in amounts (together with such money, if necessary) sufficient to redeem and retire part or all of the Series 2020 Bonds authorized hereunder in accordance with their terms, are set aside in a special account of the University to effect such redemption and retirement, and such moneys and the principal of and interest on such obligations are irrevocably set aside and pledged for such purpose, then no further payments need be made into the Series 2020 Bond Fund of the University for the payment of the principal of and interest on the Series 2020 Bonds so provided for, and such Series 2020 Bonds shall cease to be entitled to any lien, benefit or security of the Master Resolution and this Series Resolution, except the right to receive the moneys so set aside and pledged, such Series 2020 Bonds shall be deemed not to be outstanding hereunder.

Section 11. Tax Covenants. This section does not apply to any series of Series 2020 Bonds issued as federally taxable securities.

(a) *Arbitrage Covenant.* Without limiting the generality of the foregoing, the University covenants that it will not take any action or fail to take any action with respect to the proceeds of sale of the Series 2020 Bonds or any other funds of the University which may be deemed to be proceeds of the Series 2020 Bonds pursuant to Section 148 of the Code and the regulations promulgated thereunder which, if such use had been reasonably expected on the date of delivery of the Series 2020 Bonds to the initial purchasers thereof, would have caused the Series

2020 Bonds as “arbitrage bonds” within the meaning of such term as used in Section 148 of the Code.

The University represents that it has not been notified of any listing or proposed listing by the Internal Revenue Service to the effect that it is an issuer whose arbitrage certifications may not be relied upon. The University will comply with the requirements of Section 148 of the Code and the applicable regulations thereunder throughout the term of the Series 2020 Bonds.

(b) *Private Person Use Limitation for Series 2020 Bonds.* The University covenants that for as long as the Series 2020 Bonds are Outstanding, it will not permit:

(1) More than 10% of the Net Proceeds of the Series 2020 Bonds to be used for any Private Person Use; and

(2) More than 10% of the principal or interest payments on the Series 2020 Bonds in a Bond Year to be directly or indirectly: (A) secured by any interest in property used or to be used for any Private Person Use or secured by payments in respect of property used or to be used for any Private Person Use, or (B) derived from payments (whether or not made to the University) in respect of property, or borrowed money, used or to be used for any Private Person Use.

The University further covenants that, if:

(3) More than five percent of the Net Proceeds of the Series 2020 Bonds are to be used for any Private Person Use; and

(4) More than five percent of the principal or interest payments on the Series 2020 Bonds in a Bond Year are (under the terms of this Series Resolution or any underlying arrangement) directly or indirectly: (A) secured by any interest in property used or to be used for any Private Person Use or secured by payments in respect of property used or to be used for any

Private Person Use, or (B) derived from payments (whether or not made to the University) in respect of property, or borrowed money, used or to be used for any Private Person Use, then, (i) any Private Person Use of the projects described in subsection (3) hereof or Private Person Use payments described in subsection (4) hereof that is in excess of the five percent limitations described in such subsections (3) or (4) will be for a Private Person Use that is related to the state or local governmental use of the projects, and (ii) any Private Person Use will not exceed the amount of Net Proceeds of the Series 2020 Bonds used for the state or local governmental use portion of the project to which the Private Person Use of such portion of the projects relates. The University further covenants that it will comply with any limitations on the use of the projects by other than state and local governmental users that are necessary, in the opinion of its bond counsel, to preserve the tax exemption of the interest on the Series 2020 Bonds. The covenants of this section are specified solely to assure the continued exemption from regular income taxation of the interest on the Series 2020 Bonds.

Section 12. Form of Series 2020 Bonds and Registration Certificate. The Series 2020

Bonds of each series shall be in substantially the following form:

[STATEMENT OF INSURANCE, if any]
[to come from insurer]

NO. _____ UNITED STATES OF AMERICA \$ _____
STATE OF WASHINGTON
WESTERN WASHINGTON UNIVERSITY
HOUSING AND DINING SYSTEM
REVENUE REFUNDING BOND, SERIES 2020[] [TAXABLE/TAX-EXEMPT]

Maturity Date:

CUSIP No.

Interest Rate:

Registered Owner: Cede & Co.

Principal Amount:

WESTERN WASHINGTON UNIVERSITY, a regional university organized and existing under and by virtue of the laws of the State of Washington (the "University"), promises to pay to the Registered Owner identified above, or registered assigns, on the Maturity Date identified above, solely from the special fund of the University known as the "Western Washington University Housing and Dining System Revenue Bond Fund, 2020" (the "Series 2020 Bond Fund") created by Resolution No. 2020-04 of the Board of Trustees (together with Resolution No. 97-09, hereinafter collectively referred to as the "Bond Resolution") the Principal Amount indicated above and to pay interest thereon from the Bond Fund from _____, 20__, or the most recent date to which interest has been paid or duly provided for or until payment of this bond at the Interest Rate set forth above, payable on _____ 1, 20__, and semiannually thereafter on the first days of each _____ and _____. Both principal of and interest on this bond are payable in lawful money of the United States of America. [Interest shall be paid as provided in the Blanket Issuer Letter of Representations (the "Letter of Representations") by the University to The Depository Trust Company ("DTC"). Principal shall be paid as provided in the Letter of Representations to the Registered Owner or assigns upon presentation and surrender of this bond at the principal office of the fiscal agent of the State of Washington (the "Registrar").] Capitalized terms used in this bond which are not specifically defined have the meanings given such terms in the Bond Resolution.

This bond is one of an issue of bonds of the University of like date, tenor and effect, except as number, amount, rate of interest and date of maturity and is issued pursuant to the Bond Resolution to refund certain outstanding housing and dining system revenue bonds of the University.

The bonds of this issue are subject to redemption as stated in the Bond Purchase Contract or Approved Bid.

[The bonds of this issue are not private activity bonds. The bonds of this issue have not been designated by the University as eligible investments for financial institutions under Section 265 of the Internal Revenue Code of 1986, as amended.][The interest on this bond is not excludable from federal income taxation.]

The University hereby covenants and agrees with the owner and holder of this bond that it will keep and perform all the covenants of this bond and the Bond Resolution.

The University does hereby pledge and bind itself to set aside from such Gross Revenue of the System, and to pay into said Series 2020 Bond Fund [and the Series 2020 Reserve Account created therein] the various amounts required by the Bond Resolution to be paid into and maintained in said Fund [and Account], all within the times provided by said Bond Resolution.

Said amounts so pledged to be paid out of Gross Revenue into said Series 2020 Bond Fund [and Series 2020 Bond Reserve Account] are hereby declared to be a first and prior lien and charge upon the Gross Revenue, subject to the Operating Expenses of the System and equal in rank to the lien and charge upon such Gross Revenue of the amounts required to pay and secure the payment of the University's Housing and Dining System Junior Lien Revenue Refunding Bonds, 1998 Series A, Housing and Dining System Revenue Refunding Bonds, Series 2012, Housing and Dining System Revenue Refunding Bonds, Series 2015, Housing and Dining System Revenue Refunding Bonds, Series 2018A, Housing and Dining System Revenue Bonds, Series 2018B, Housing and Dining System Revenue Bonds, Series 2019 and any revenue bonds of the University hereafter issued on a parity with such bonds and the bonds of this issue.

The University has further bound itself to maintain all of its properties and facilities which contribute in some measure to such Gross Revenue in good repair, working order and condition, to operate the same in an efficient manner and at a reasonable cost, and to establish, maintain and collect rentals, rates and charges in the operation of the System for as long as any bonds of this issue are outstanding that will make available, for the payment of the principal thereof and interest thereon as the same shall become due, Net Revenues (as the same is defined in the Bond Resolution) in an amount equal to or greater than the Rate Covenant.

This bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Bond Resolution until the Certificate of Authentication hereon shall have been manually signed by or on behalf of the Registrar.

It is hereby certified and declared that this bond and the bonds of this issue are issued pursuant to and in strict compliance with the Constitution and laws of the State of Washington and resolutions of the University and that all acts, conditions and things required to be done precedent to and in the issuance of this bond have happened, been done and performed.

IN WITNESS WHEREOF, Western Washington University has caused this bond to be executed by the manual or facsimile signatures of the Chair and Secretary of the Board of Trustees, and a facsimile corporate seal of the University to be imprinted hereon as of the ___ day of _____, 20__.

WESTERN WASHINGTON UNIVERSITY

By /s/ _____
Chair, Board of Trustees

ATTEST:

/s/ _____
Secretary, Board of Trustees

CERTIFICATE OF AUTHENTICATION

Date of Authentication: _____

This bond is one of the bonds described in the within mentioned Bond Resolution and is [the][one of the] Housing and Dining System Revenue Refunding Bonds, Series 2020[___][Taxable/Tax-Exempt] of Western Washington University, dated _____, 2020.

[WASHINGTON STATE FISCAL
AGENT][*Other Registrar*], Registrar

By _____
Authorized Signer

Section 13. Execution. The Series 2020 Bonds shall be executed on behalf of the University with the manual or facsimile signature of the Chair of its Board, shall be attested by the manual or facsimile signature of the Secretary of the Board and shall have the seal of the University impressed or a facsimile thereof imprinted thereon.

Only such Series 2020 Bonds as shall bear thereon a Certificate of Authentication in the form hereinbefore recited, manually executed by the Registrar, shall be valid or obligatory for any purpose or entitled to the benefits of this Series Resolution. Such Certificate of Authentication

shall be conclusive evidence that the Series 2020 Bonds so authenticated have been duly executed, authenticated and delivered hereunder and are entitled to the benefits of this Series Resolution.

In case either of the officers of the University who shall have executed the Series 2020 Bonds shall cease to be such officer or officers of the University before the Series 2020 Bonds so signed shall have been authenticated or delivered by the Registrar, or issued by the University, such Series 2020 Bonds may nevertheless be authenticated, delivered and issued and upon such authentication, delivery and issuance, shall be as binding upon the University as though those who signed the same had continued to be such officers of the University. Any Series 2020 Bond may also be signed and attested on behalf of the University by such persons as at the actual date of execution of such Series 2020 Bond shall be the proper officers of the University although at the original date of such Series 2020 Bond any such person shall not have been such officer.

Section 14. Defaults and Remedies. The University hereby finds and determines that the failure or refusal of the University or any of its officers to perform the covenants and obligations of this Series Resolution will endanger the operation of the System and the application of Gross Revenue and such other moneys, funds and securities to the purposes herein set forth. Any one or more of the following shall constitute a Default under this Series Resolution:

(a) The University shall fail to make payment of the principal of any series of the Series 2020 Bonds when the same shall become due and payable whether by maturity or scheduled redemption prior to maturity;

(b) The University shall fail to make payments of any installment of interest on any series of the Series 2020 Bonds when the same shall become due and payable; or

(c) The University shall default in the observance or performance of any other covenants, conditions, or agreements on the part of the University contained in this Series Resolution, and such default shall have continued for a period of 90 days.

Upon the occurrence and continuation of any Default with respect to a series of the Series 2020 Bonds, the Registered Owners of the respective series of the Series 2020 Bonds shall be entitled to exercise the remedies specified in Section 20 of the Master Resolution.

The failure to observe any term of an ongoing disclosure agreement under the Rule shall not constitute a Default hereunder or under the Master Resolution.

Section 15. Sale of Series 2020 Bonds.

(a) *Refunded Debt Service.* A Designated University Representative may select some or all of the Refunding Candidates and designate those Refunding Candidates as the “Refunded Debt Service”.

(b) *Bond Sale.* The Board has determined that it would be in the best interest of the University to delegate to each Designated University Representative the authority to approve the manner of sale of a series of the Series 2020 Bonds, to determine the manner of sale of and the federal tax status of the interest on the Series 2020 Bonds and to determine for each series the approval of the final principal amount, interest rates, principal maturities and redemption provisions and other terms and conditions of the Series 2020 Bonds. A Designated University Representative is hereby authorized to the authority to approve the manner of sale of a series of the Series 2020 Bonds, to determine the manner of sale of and the federal tax status of the interest on the Series 2020 Bonds and to determine for each series the approval of the final principal amount, interest rates, principal maturities and redemption provisions and other terms and conditions of the Series 2020 Bonds in the manner provided hereafter so long as (i) the aggregate

principal amount of the Series 2020 Bonds does not exceed \$25,000,000; (ii) the true interest cost for a series of the Series 2020 Bonds (in the aggregate) does not exceed 4.00%; and (iii) the final maturity of each series of the Series 2020 Bonds does not exceed 20 years from the date of issuance.

In determining the manner of sale of and the federal tax status of the interest on the Series 2020 Bonds and to determine for each series the approval of the final principal amount, interest rates, principal maturities and redemption provisions and other terms and conditions of the Series 2020 Bonds, a Designated University Representative, in consultation with University staff and the University's financial advisor, shall take into account those factors that, in his/her judgment, will result in the lowest true interest cost of such series of the Series 2020 Bonds to their maturity, including, but not limited to current financial market conditions and current interest rates for obligations comparable in tenor and quality to the Series 2020 Bonds. Further, in making the decisions and determinations delegated in this Section, the Designated University Representative also shall consult with the Chair of the FARM Committee.

Initially, a Designated University Representative is hereby authorized to determine whether a series of the Series 2020 Bonds shall be sold by Negotiated Sale, Direct Bank Placement or by a Competitive Sale. If a series of the Series 2020 Bonds are sold by Negotiated Sale, a Designated University Representative shall select one or more underwriting firms to underwrite the Series 2020 Bonds through a process of soliciting proposals for underwriting. Upon the selection of one or more underwriters, a Designated University Representative shall negotiate the terms of sale for the Series 2020 Bonds, including the terms described in this section, in a contract of sale (the "Bond Purchase Contract"). If a series of the Series 2020 Bonds are sold by Direct Bank Placement, the Designated University Representative shall select the purchasing entity or

bank to purchase the Series 2020 Bonds through a process of soliciting proposals for purchase. Upon the selection of a Purchaser, a Designated University Representative shall negotiate the terms of sale for the Series 2020 Bonds, including the terms described in this section, in a Bond Purchase Contract and/or Continuing Covenant Agreement. Under the terms of a Continuing Covenant Agreement, the University and the Purchaser may negotiate terms, and the Purchaser at its option may modify or waive certain provisions of the Master Resolution or this Series Resolution provided that such modification or waiver does not adversely affect the security available to owners of Parity Bonds. If a series of the Series 2020 Bonds are sold by Competitive Sale, sealed bids will be received by a Designated University Representative or the Competitive Sale will be undertaken by electronic means, in the manner and on such date and time as a Designated University Representative hereafter shall determine. A Designated University Representative will approve the bid offering to purchase the Series 2020 Bonds at the lowest true interest cost to the University at such price as shall be determined at the time of sale by a Designated University Representative, plus accrued interest to the date of delivery, on all the terms and conditions set out in the applicable Official Notice of Sale.

All bids submitted for the purchase of the Series 2020 Bonds shall be as set forth in the applicable Official Notice of Sale or otherwise as established by a Designated University Representative which will be furnished upon request made to a Designated University Representative. Such bids shall require a good faith deposit to be received by the University promptly and with secured delivery (e.g., cash, surety bond, certified check), in an amount determined by the University's financial advisor. The good faith deposit of the successful bidder shall be security for the performance of its bid and shall be held as liquidated damages in case the successful bidder fails to take up and pay for the Series 2020 Bonds within 45 days if tendered for

delivery. All bids submitted shall be opened (but not read publicly) by the University. The University reserves the right to reject any and all bids and to waive any irregularity or informality in any bid.

Subject to the terms and conditions set forth in this Section 15, a Designated University Representative is hereby authorized to accept an Approved Bid in a Competitive Sale and/or execute the final form of a Bond Purchase Contract in a Negotiated Sale or Direct Bank Placement, upon his/her approval of the final interest rates, maturity dates, aggregate principal amounts, principal maturities and redemption rights set forth therein. Following the sale of a series of the Series 2020 Bonds, a Designated University Representative or his/her designee shall provide a report to the Board, describing the final terms of such series of the Series 2020 Bonds approved pursuant to the authority delegated in this section.

The authority granted to each Designated University Representative by this Section shall remain in effect until December 31, 2020. If the sale for the Series 2020 Bonds has not been completed by December 31, 2020, the authorization for the issuance of such series of the Series 2020 Bonds shall be rescinded, and such series of the Series 2020 Bonds shall not be issued nor their sale approved unless such Series 2020 Bonds shall have been re-authorized by resolution of the Board. The resolution re-authorizing the issuance and sale of such Series 2020 Bonds may be in the form of a new resolution repealing this Series Resolution in whole or in part or may be in the form of an amendment to this Series Resolution establishing terms and conditions for the authority delegated under this Section.

If a series of Series 2020 Bonds are sold by Competitive Sale or Negotiated Sale, each Designated University Representative or his/her designee are hereby authorized to review and approve on behalf of the University the preliminary and final Official Statements relative to each

series of the Series 2020 Bonds with such additions and changes as may be deemed necessary or advisable to them. Each Designated University Representative is hereby further authorized to deem final on behalf of the University one or more Preliminary Official Statement for the Series 2020 Bonds for purposes of compliance with the Rule.

Upon the adoption of this Series Resolution, the proper officials of the University including any Designated University Representative, are authorized and directed to undertake all other actions necessary for the prompt sale, execution and delivery of the Series 2020 Bonds and further to execute all closing certificates and documents required to effect the closing and delivery of the Series 2020 Bonds in accordance with the terms of the Official Notice of Sale, Approved Bid and/or Bond Purchase Contract. In furtherance of the foregoing, a Designated University Representative is authorized to approve and enter into agreements for the payment of costs of issuance, including Underwriter's discount, the fees and expenses specified in the Bond Purchase Contract, including fees and expenses of each Underwriter and other retained services, including Bond Counsel, rating agencies, fiscal agent, verification agent and other expenses customarily incurred in connection with issuance and sale of bonds.

Section 16. Undertaking to Provide Ongoing Disclosure. If a series of Series 2020 Bonds are sold by Competitive Sale or Negotiated Sale, each Designated University Representative is authorized to, in his/her discretion, execute and deliver a certificate regarding continuing disclosure in order to assist the Underwriter in complying with Section (b)(5) of the Rule.

Section 17. Bond Insurance; Surety Bond.

(a) *Bond Insurance.* The payments of the principal of and interest on a series of the Series 2020 Bonds may be insured by the issuance of the Bond Insurance Policy. A Designated

University Representative, with the assistance of the University's financial advisor, is hereby further authorized to solicit proposals from municipal bond insurance companies for the issuance of a Bond Insurance Policy. In the event that a Designated University Representative receives multiple proposals, the Designated University Representative may select the proposal having the lowest cost and resulting in an overall lower interest cost with respect to the Series 2020 Bonds. A Designated University Representative may execute a commitment received from the Insurer selected by the Designated University Representative. The Board further authorizes and directs all proper officers, agents, attorneys and employees of the University to cooperate with the Insurer in preparing such additional agreements, certificates, and other documentation on behalf of the University as shall be necessary or advisable in providing for the Bond Insurance Policy. To the extent that a series of the Series 2020 Bonds are insured by a Bond Insurance Policy, the Insurer of each maturity of the Series 2020 Bonds so insured shall be deemed to be the Registered Owner of such Series 2020 Bonds for all purposes, including consent, under this Series Resolution and the Master Resolution.

(b) *Surety Bond.* The guaranteeing of certain payments into the Series 2020 Reserve Account, if any, may be secured by a surety bond (the "Surety Bond"). A Designated University Representative, with the assistance of the University's financial advisor, is hereby further authorized to solicit proposals from municipal bond insurance companies for the issuance of a Surety Bond (the "Surety Bond Provider"). In the event that a Designated University Representative receives multiple proposals, the Designated University Representative may select the proposal having the lowest cost and resulting in an overall lower interest cost with respect to the Series 2020 Bonds. A Designated University Representative may execute a commitment received from the Surety Bond Provider selected by the Designated University Representative.

The Board further authorizes and directs all proper officers, agents, attorneys and employees of the University to cooperate with the Surety Bond Provider in preparing such additional agreements, certificates, and other documentation on behalf of the University as shall be necessary or advisable in providing for the Surety Bond.

Section 18. Severability. If any one or more of the covenants or agreements provided in this Series Resolution to be performed on the part of the University shall be declared by any court of competent jurisdiction to be contrary to law, then such covenant or covenants, agreement or agreements, shall be null and void and shall be deemed separable from the remaining covenants and agreements in this Series Resolution and shall in no way affect the validity of the other provisions of this Series Resolution or of any Series 2020 Bonds.

Section 19. Effective Date. This Series Resolution shall be effective immediately upon its adoption.

ADOPTED AND APPROVED by the Board of Trustees of Western Washington University, at a regular meeting held this 21st day of August, 2020.

WESTERN WASHINGTON UNIVERSITY

Chair, Board of Trustees

ATTEST:

Secretary of the Board

Western Washington University
Proposed Issuance of up to \$25,000,000 of
Housing and Dining System Revenue Refunding Bonds, Series 2020

Overview of Master and Series Bond Resolutions

The University's Housing and Dining System incurs debt through issuance of revenue bonds, using a structure that includes a **Master Bond Resolution**, in which general terms, covenants and features for borrowing are set forth, including the ability to periodically issue "parity bonds" through a specific **Series Resolution**. So long as "parity conditions" contained in the Master Resolution are met, then additional bonds may be issued through a Series Resolution, which is supplemental to the Master Resolution

In 1997, the University adopted a Master Resolution (No. 97-9), which contains terms and covenants that apply to all bonds subsequently issued on behalf of the housing and dining system. All outstanding bonds of the housing and dining system have been issued under the terms of the 1997 Master Resolution.

As of August 1, 2019, the University has outstanding \$126,120,000 of Housing and Dining System Revenue and Refunding Bonds as shown below:

Series 1998 - \$ 3,200,000 Outstanding Principal
Series 2012 - \$ 3,520,000 Outstanding Principal
Series 2015 - \$ 8,110,000 Outstanding Principal
Series 2018A - \$10,345,000 Outstanding Principal
Series 2018B - \$32,370,000 Outstanding Principal
Series 2019 - \$68,575,000 Outstanding Principal

The proposed Series 2020 Bonds will be subject to the terms of the 1997 Master Resolution and the proposed Series Resolution to be presented to the Board for consideration at its regular meeting on August 21, 2020. The terms contained in the Master Resolution were previously established by the Board of Trustees and are currently in place. A copy of the Master Resolution is available upon request.

In addition to the Bond Covenants, the Housing and Dining System has internal Fiscal Guiding Principles which are more restrictive. The pro forma projections for the System ensure that fiscal plans are in place to meet these Principles. However, the System expects significantly lower revenues in FY 2021 due to the reduced number of beds made available to student to maintain social distancing. This proposed restructuring of debt service will reduce near-term debt service obligation and result in higher debt service in later years.

Master Resolution

The following terms are included in the University's Master Resolution for Housing and Dining System bonds:

Additional Bonds Test: In order to issue the Series 2020 Bonds on an equal lien with the outstanding Bonds, the President of the University or his designee must prepare a certificate that demonstrates that Net Revenues at least equal to 1.25 times Average Annual Debt Service will be fulfilled.

Coverage Requirement/Rate Covenant: Net Revenues of the housing and dining system must be equal to or greater than 125% of Aggregate Annual Debt Service. Rates and charges must be set so that Net Revenues in each fiscal year must equal the greater of (i) 125% of the amounts required in such fiscal year to be paid as debt service on the Bonds and outstanding bonds, or (ii) amounts required to be deposited during the fiscal year from Net Revenues into bond funds and reserve funds for the bonds and into the Renewal and Replacement Fund.

Renewal and Replacement Fund: The University will make deposits into a Renewal and Replacement Fund sufficient to maintain a balance therein not less than five percent of the principal balance of the Bonds and outstanding bonds.

Priority of Use of Gross Revenues: (1) Payment of expenses of maintenance and operation of the System, (2) payments to debt service accounts, (3) payments to reserve accounts, (4) payments into junior lien debt service or reserve accounts, (5) payments into the Renewal and Replacement Fund, and (6) retirement of outstanding obligations, improvements to the System, or other lawful purposes.

Authorization of Series of Bonds: The University reserved authority to issue additional bonds secured by Net Revenue of the System, subject to compliance with specific conditions.

Other Specific Covenants:

- (a) to duly and punctually pay debt service and comply with covenants and provisions of each bond resolution;
- (b) to maintain the System in good repair, working order and condition;
- (c) if any portion of the System that contributes to revenue is sold or condemned, the net proceeds of such sale or condemnation will be applied to the System;
- (d) to maintain property insurance deemed necessary to protect the University and bondholders,
- (e) to maintain liability insurance deemed necessary to protect the University and bondholders;
- (f) to keep and maintain proper books and records of the System; and
- (g) maintain and collect Services and Activities Fees at least equal to \$32.00 per academic quarter for each full-time student and at least \$6.40 for each part time student.

Series Resolution

The following terms will be included in the Series Resolution for the Housing and Dining System Bonds, Series 2020:

The Restructuring: The Resolution will describe the purpose of the Series 2020 bonds, which will be issued to will refinance and restructure all or a portion of the debt service (principal and interest) that will be due and payable with respect to outstanding Housing and Dining System Revenue Bonds during the period from October 1, 2020 through and including June 30, 2023.

Delegation Provisions: The Series Resolution will provide for delegation of the following items to the President or Vice President for Business and Financial Affairs.

Issue Size: The Series Resolution will include a maximum bond size of \$25,000,000. Items that will affect the issue size to be contained in the Bond Resolution are: (1) final amount of the Refunding Candidates to be restructured, (2) cost of issuance and (3) actual underwriting discount included in the winning interest rate bid at the time of bond sale.

The Series Resolution will provide that the issue size will be established by the Vice President for Business and Financial Affairs or any successor to the function or designee, up to a maximum amount to be set forth in the Series Resolution.

Maturity Schedule: When the issue size is determined, a maturity schedule will be developed to restructure all (or a portion of) principal and interest payments due on the University's outstanding Housing and Dining System Revenue Bonds during the period from October 1, 2020 through and including June 30, 2023. The final maturity of the Refunding Bonds will not exceed 20 years from the date of issuance

Interest Rates: The Series Resolution will include a maximum interest cost (rate) of 4.00% for the Bonds. At this time, interest rates are estimated at 2.50%, although they are subject to market conditions between now and the date of sale. The maximum interest rate in the Series Resolution of 4.00% can be supported by the housing and dining system, based on the maximum bond size.

Redemption Provisions: At the time of bond sale both optional and mandatory redemption provisions will be developed. Generally, bonds are not subject to prepayment during the first ten years they are outstanding, then will be subject to prepayment at the option of the University on any date thereafter. Bonds may be subject to mandatory redemption if any bonds are designated as Term Bonds.

Federal Tax Status: The Series Resolution allows for all or a portion of the Series 2020 Bonds to be designated as taxable and/or tax-exempt.

Method of Sale: The Series Resolution allows for the Series 2020 Bonds to be sold via a competitive sale, negotiated sale, or bank placement.

Bond Fund: The Series Resolution will establish a Series 2020 Bond Fund for payment of debt service on the Bonds.

Reserve Account: The Series Resolution delegates whether a series specific debt service reserve account will be funded. At this time, the University does not plan to fund a debt service reserve account for the Series 2020 Bonds, as no market benefit would be provided.

Continuing Disclosure Undertaking: The Series Resolution will set forth the University's commitment to provide annual information for the purposes of secondary market disclosure.

Bond-Related Disclosure and Documentation: The Series Resolution will delegate the authority to the Vice President for Business and Financial Affairs of the University or any successor to the function or designee to prepare and approve an official statement, and "deem final" the preliminary official statement, and provide additional certificates and other documentation customary for the issuance of bonds.

**WESTERN WASHINGTON UNIVERSITY
ITEM SUBMITTED TO THE BOARD OF TRUSTEES**

TO: Members of the Board of Trustees
FROM: President Sabah Randhawa by Provost Brent Carbajal
DATE: August 21, 2020
SUBJECT: **Approval of Summer Quarter Degrees**
PURPOSE: Action Item

Purpose of Submittal:

Board of Trustees responsibility to approve awarding of degrees

Proposed Motion:

MOVED, that the Board of Trustees of Western Washington University, on recommendation of the faculty and subject to the completion of any unmet requirements, approves awarding undergraduate and graduate degrees to the candidates listed in the files of the Registrar and Graduate Dean, for Summer Quarter 2020, effective August 22, 2020.

Supporting Information:

Lists on file with the Registrar and Graduate Dean.

<i>Students</i>	<i>August 2020</i>	<i>Comparison: August 2019</i>
<i>Undergraduates</i>	394	412
<i>Masters</i>	65	37

**WESTERN WASHINGTON UNIVERSITY
ITEM SUBMITTED TO THE BOARD OF TRUSTEES**

TO: Members of the Board of Trustees
FROM: Provost Brent Carbajal
DATE: August 21, 2020
SUBJECT: **Academic Report: New Tenure Track Faculty**
PURPOSE: Information Item

Purpose of Submittal:

During the past academic year, Western Washington University successfully recruited a number of well-qualified new tenure-track faculty. This report provides the Board of Trustees with information about the tenure-track faculty members who were hired last year and who will begin teaching at Western during the 2020-21 academic year.

New TT Hires AY2020-21 - Terminal Degrees

Prepared by Academic Budget and Administration

August 3, 2020

SEQ	Name	Coll.	Department	Specialization	Terminal Degree	University	Year
1	James Miller	AA	Canadian-American Studies	Comparative Indigenous Studies	PhD, Architecture	University of Oregon	2018
2	Mary Baker	AA	Canadian-American Studies	Comparative Indigenous Studies	PhD, Political Science	University of Hawaii	2018
3	Deborah Glosser	AA	Institute for Energy Studies	Energy Policy and Planning	PhD, Civil Engineering	Oregon State University	2020
4	Austin Shaw	CFPA	Design	Design	MFA, Interactive Design & Game Development	Savannah College of Art and Design	2016
5	Tracy Zhang	CHSS	Communication Studies	Interpersonal Communication	PhD, Communication Studies	University of Texas - Austin	2019
6	Hiroki Araki-Kawaguchi	CHSS	English	Creative Writing	MFA, Writing	University of California - San Diego	2014
7	Jenny Forsythe	CHSS	English	Early Modern Literature & Culture	PhD, Comparative Literature	University of California - Los Angeles	2019
8	Daniel Picus	CHSS	Liberal Studies	Religious/Biblical Studies, Ancient World	PhD, Religious Studies	Brown University	2018
9	Jordan Sandoval	CHSS	Linguistics	Phonology	PhD, Linguistics	University of Arizona	2008
10	Virginia Dawson	CHSS	Linguistics	Semantics	PhD, Linguistics	University of California - Berkeley	2020
11	Ernest Hartwell	CHSS	Modern & Classical Languages	Spanish (19th-century Latin America)	PhD, Romance Languages & Literatures	Harvard University	2017

New TT Hire AY 2019-20 - Educational Attainment Spreadsheet

Prepared by – Academic Budget and Administration

Date – August 8, 2019

SEQ	Name	Coll.	Department	Specialization	Terminal Degree	University	Year
12	W. James Cooper	CSE	Biology	Marine Molecular Biology	PhD, Biology	University of Chicago	2006
13	Karin Lemkau	CSE	Chemistry	Marine and Environmental Chemistry	PhD, Chemical Oceanography & Environmental Chemistry	Massachusetts Institute of Technology	2012
14	Norda Stephenson	CSE	Chemistry	Chemistry Education/SMATE	PhD, Chemical Education	University of the West Indies	2015
15	Kameron Harris	CSE	Computer Science	Computer Science	PhD, Applied Mathematics	University of Washington	2017
16	Shrirang Mare	CSE	Computer Science	Computer Science	PhD, Computer Science	Dartmouth College	2016
17	Yasmine El-Glaly	CSE	Computer Science	Computer Science	PhD, Computer Science	Virginia Polytechnic Institute	2013
18	Junaid Khan	CSE	Engineering & Design	PACCAR Professor of Electrical and Computer Engineering	PhD, Computer Science	University Paris - Est Marne-La-Vallee	2016
19	Qi Cheng	CSE	Engineering & Design	Electrical and Computer Engineering	PhD, Electrical Engineering	Syracuse University	2006
20	Emily Roland	CSE	Geology	Marine Geology	PhD, Marine Geophysics	Massachusetts Institute of Technology	2011
21	Kristina Walowski	CSE	Geology	Igneous Petrology	PhD, Geological Sciences	University of Oregon	2015
22	Hans Parshall	CSE	Mathematics	Applied Probability	PhD, Mathematics	University of Georgia	2017

New TT Hire AY 2019-20 - Educational Attainment Spreadsheet

Prepared by – Academic Budget and Administration

Date – August 8, 2019

SEQ	Name	Coll.	Department	Specialization	Terminal Degree	University	Year
23	Kathryn Rupe	CSE	Mathematics	Elementary Mathematics Education	PhD, Mathematics Education	Illinois Institute of Technology	2019
24	Svenja Fleischer	CSE	Physics & Astronomy	Experimental Physics	PhD, Physics	University of Heidelberg	2005
25	Adrian Villicana	FAIR	Social Psychology	Social Psychology	PhD, Social Psychology	University of Kansas	2017

**WESTERN WASHINGTON UNIVERSITY
ITEM SUBMITTED TO THE BOARD OF TRUSTEES**

TO: Members of the Board of Trustees

FROM: President Sabah Randhawa on behalf of Melynda Huskey

DATE: August 21, 2020

SUBJECT: **Enrollment Management Summary**

PURPOSE: Information Item

I. Enrollment

Enrollment continues to be a critical focus as the pandemic brings more and more challenges to higher education. Fall quarter enrollment will be depressed, but we continue to make every effort to minimize the impact of the changed campus experience on enrollment.

Summer 2020 Enrollment

As we near the end of the summer term, student count (as of Tuesday, August 11th) is up from Summer 2019 by 11.6%, at a total of 4,404. FTE's are up by 16.7% from one year ago. Because census day in the summer is not until the end of the term in late August, ongoing changes to enrollment will still impact final reporting.

Fall 2020 Enrollment Outlook

We anticipate that enrollment of continuing students will be down from last fall by less than 5%. However, overall enrollment will be more severely impacted by more dramatic drops in new student enrollment. We are continuing to monitor new student confirmations and enrollments, as there is still much volatility in our confirmations. We are encouraged by enrollments in graduate programs and at the other locations. There are positive signs in the enrollment of students of color, and nonresident numbers do not appear to have been so negatively impacted as we originally expected—primarily because of the dedicated campaign to recruit nonresidents that we launched last year. It is important to note, though, that a significantly smaller cohort entering in Fall 2020 will have long-term impacts as that class works its way through to graduation.

Continuing students had their first registration opportunity between June 17th and July 21st, and more than 10,000 students registered. As of August 5th, we had a total of 11,495 students registered for fall quarter. That number included those continuing students who registered earlier in the summer, new transfer students who registered during the Transitions program the last week of July, and the early A&O sessions where new first-year students who registered on August 3rd and 4th. Because the timing of our programs and registration periods are so different this year than they were in prior years, we have lost much of our ability to make comparisons across years, as the same circumstances simply do not hold true for the same time last year. That said, I will offer that total enrollment as of August 5th represents a 3.9% drop from the same time last year. It is important to

remember that those numbers do not yet include the segment of our student population that is going to be most severely impacted by the changes related to the pandemic—our new students.

The following charts represent application status as of August 5th, compared to the same time last year.

New Fall first-year students—Bellingham

	Applied (% change 2019 to 2020)	Admitted (% change 2019 to 2020)	Confirmed (% change 2019 to 2020)
2020	10,206 (-2.8%)	9,538 (.5%)	2,845 (-13.4%)
2019	10,501	9,492	3,285
2018	11,112	9,738	3,300

New Fall transfer students—Bellingham

	Applied (% change 2019 to 2020)	Admitted (% change 2019 to 2020)	Confirmed (% change 2019 to 2020)
2020	2,030 (-1.9%)	1,659 (-2.4%)	1,038 (-8.7%)
2019	2,069	1,699	1,137
2018	2,209	1,727	1,198

New Fall transfer students—other locations

	Applied (% change 2019 to 2020)	Admitted (% change 2019 to 2020)	Confirmed (% change 2019 to 2020)
2020	250 (14.2%)	157 (-2.5%)	151 (-3.2%)
2019	219	161	156
2018	222	163	147

We are keenly aware that our confirmations from first-year students this year are much less reliable than in years past. While we held confirmations from 2,845 first-year students as of August 5th, only 2,465 of those students had made a reservation for an A&O session. Note that reservations for seats in A&O will continue to be made through the month of August. As of this week, we have processed almost 150 deferral requests, whereas in recent years we have typically had 80-100 deferrals at the completion of the process (the start of fall term). Industry experts still anticipate enrollment will be down anywhere between 10 and 20 percent compared to last year. The key to the decision for many new college students is in whether or not they can get the on-campus experience that they want in Fall 2020.

In partnership with the Office of Institutional Effectiveness, we surveyed our nearly 3,000 confirmed students and their parents on a number of topics associated with “top-of-mind” concerns and sentiments: housing plans, affordability/finances, access to technology, and enrollment commitment. Almost 400 students reported that they had experienced a significant change in their financial situations, with more than 150 reporting that either they or a parent has lost a job with the current economic disruption. Between 300-400 students report that they are very concerned or somewhat concerned about their access to

equipment, internet, or the technology that would allow them to complete coursework remotely. Our financial aid team is working to try to address some of those concerns. More difficult for us to address is the fact that many students (almost 200 of the respondents) reported that they would likely not enroll with us if the majority of our classes were offered remotely, and several hundred more said that they were unsure of their plans if the college experience offered by Western was not going to meet their expectations.

Fall 2020 New Student Recruitment and the Admissions Cycle

Instead of the reactive nature of the March-June period, we are now shifting to more proactive engagement with students and families focusing on what is next—a message that should resonate with new students entering this fall, as well as rising high school seniors who are increasingly engaging with our staff and in a number of virtual and electronic spaces and experiences.

Of particular note are melt-prevention strategies that have been and are being deployed. These usually blend communications that drive action, nurture engagement, and provide a bit of “behind the scenes” information that helps in the building of trust, and in affirming that students have made the right decision by choosing WWU.

- Hand-written postcards to “check in” with out-of-state residents, as well as in-state first-generation, students of color, and those who indicated interest in LGBTQ+ information
- Text message campaigns with specific calls-to-action (e.g. orientation program; math assessment)
- Outreach to students and parents unsure of fall enrollment plans
- Themed virtual information sessions with students and staff (e.g. athletics; clubs and organizations)
- One-on-one chats with current Western students
- Panels with current students featuring specific topics (e.g. academics at Western; living in Bellingham)
- Video series, titled *Tiny Talks*, featuring Western faculty (e.g. Engineering, Psychology, Theatre)
- “Selfie” tours by Admissions tour guides
- Contests for giveaways on social media posts (Instagram)
- Music playlists on Spotify and Soundcloud
- Fun videos on Tik Tok
- Game night on virtual platform (Quiplash)

While the recruitment process for Fall 2020 is still very much live, the Admissions team is also looking ahead to the recruitment of the fall class of 2021. Typically, this time of year, juniors would be visiting campus, and programming for in-person events geared toward 2021 would be ramping up. We are re-envisioning those processes now. Of particular importance is to engage students and families through virtual visit experiences and events. Our teams are collaborating with faculty in select academic departments, and representatives from units across campus to feature pre-recorded as well as live chat sessions that will convey aspects of our academic excellence, engaging campus life, and sense of community inclusivity. Additionally, we are further integrating test-optional policies into our Admissions practices. These policies will be key in navigating the uncertainties of the upcoming recruitment cycle, while school districts, students, and families may be less focused on test prep or college advising, but instead focused on addressing immediate concerns of mitigating the effects of the pandemic in their respective communities.

II. Registrar

The Registrar's Office remains focused on student service, creating and implementing new systems and processes, as we continue to work remotely due to the global pandemic.

- **Western's First Virtual Commencement Ceremonies** – On Saturday, June 13, 2020, the Registrar's Office, in collaboration with the Office of University Communications, delivered Western's first-ever virtual commencement ceremonies for [Winter](#) and [Spring](#) 2020 graduates. Western conferred 665 winter degrees and 1,965 spring degrees. A virtual commencement ceremony will be held in December for summer and fall graduates.
- **Summer Calculated Drop Implementation** – Due to the varying length of summer courses, calculating tuition and tuition refunds based on drop date and course length is complex. The Registrar's Office implemented an automated process to ensure accuracy in those calculations and to add greater efficiency in that work.
- **Official School Withdrawal Form** – The Registrar's Office has continued to address the need to move traditional paper-based and in-person processes to online forms and automated processes. Coordinating with the Student Business Office and the Financial Aid Office to create a web-based process for students seeking to withdraw is an important step forward in our current remote work environment.
- **Fall Course Scheduling** – The fall course schedule has now been redrawn a second time. In late May and early June, Western adopted a hybrid structure for fall and reduced the number of face-to-face course offerings to approximately 20%. The Registrar's Office rebuilt the schedule in collaboration with academic departments and other stakeholders. With President Randhawa's recent message announcing that we would further scale back face-to-face course offerings for the health and safety of our campus community, the Registrar's Office is once again working in collaboration with academic departments and the Provost's Office to revise fall courses, moving the majority to remote instruction. This move reduces face-to-face offerings to approximately 6% of all fall classes. To ensure all remaining face-to-face courses are scheduled in classrooms with sufficient capacity for appropriate social distancing and to ensure that we utilize spaces with the most effective HVAC systems for those face-to-face offerings, a comprehensive review is currently underway.
- **Classfinder** – Significant upgrades to Classfinder have been implemented to ensure that students can search more effectively and find the details of each course. With our new remote teaching and learning environment, the variety of ways in which courses are structured has multiplied and requires much more nuanced labeling and identification of course modality. The newly adopted instructional methods have been defined and placed on each course to identify how courses will be offered (Face-to-Face, Hybrid, Remote Synchronous, Remote Asynchronous, Remote Blended), and additional search features and definitions further aid students in their use of Classfinder.
- **Fall Registration** – Fall registration was delayed by the restructuring of the fall schedule to create a hybrid model. Phase I Fall Registration opened a month later than usual on June 17th and closed on July 21st. The Registrar's Office is managing a new process for registration appointments as a part of the new student advising and registration programs hosted by New Student Services/Family Outreach and Academic Advising. A newly developed, automated process to reserve and release course seats was implemented to ensure that new students have sufficient access to courses. Having a new program to calculate distribution of those classes across registration sessions will allow much greater efficiency for our work in future years. With the latest change in the fall schedule, it was important to give students who had already registered for fall a chance to make adjustments to their schedules. To that end, a Special 3-day Registration Session was opened in

between two weeks of new student registration. We also messaged students who have not yet registered, encouraging them to take advantage of this registration opportunity.

- **Temporary Grading Policy Implementation** – As we continue to adjust to remote instruction, Western still recognizes a need to accommodate students in these unusual circumstances. To that end, temporary grading policies for undergraduate and for graduate have been adopted for fall. These differ from the temporary grading policies in place for spring and summer. To effectuate these new temporary policies, additional systems work within the Registrar's Office will be required.
- **Academic Dismissals** – As in spring and in keeping with the intent of the extension of the temporary grading policies from spring quarter, the policy on low scholarship mandating academic dismissal has been temporarily suspended for Summer 2020. No student will be dismissed for low scholarship this term.

III. Student Aid

The Financial Aid department is on track with 2020-21 awarding and is successfully supporting three high-traffic student lobbies remotely: Financial Aid Services Center, Scholarship Center and Student Employment Center. In addition, financial aid outreach that would normally be performed in person has been moved online, as has financial aid programming for Orientation in collaboration with New Student Services/Family Outreach.

Recalculating Aid Offers Based on Administrative Requirements

Many students who planned to live on their own within University Residences or off campus are deciding to live with their parents, instead, due to the remote learning environment. Financial Aid is required by the U.S. Department of Education and Washington Student Achievement Council to award students differently based on student living arrangements, based on the rationale that room and board costs for students who live on their own tend to be much higher than those associated with living with parents.

The majority of Western students have already been awarded financial aid based on the living arrangement data reported on their aid applications. For this fall, the U.S. Department of Education has not waived the requirement that aid be adjusted for changes in living arrangements when caused by campus disruption due to COVID-19. As a result, Financial Aid anticipates the need to take steps to collect student housing information and recalculate hundreds, perhaps thousands, of student aid offers. When warranted, Financial Aid will increase living allowances associated with living with parents on an individual basis to reflect additional costs. Such adjustments will need to be performed on an individual basis and include case-by-case documentation. Although Financial Aid will strive to avoid billing students for overawards for housing status changes as well as fees reductions, there is a likelihood that some students will be billed. Enrollment Management will work with Financial Aid and the Student Business Office to develop an approach that will minimize the impact.

Increased Washington College Grant Monitoring and Recalculation Requirements

Effective 2020-21, the Washington Student Achievement Council is requiring schools to identify students who "fail to commence attendance" in all classes on which their Washington College Grant is based and recalculate their eligibilities to reflect their enrollment levels only for those classes they attended. This will require increased monitoring and coordination between Financial Aid and the rest of the campus to confirm whether students began attending all of their classes before they withdrew, reduced their

enrollment, or received a failing or unsatisfactory grade. Western does not have a policy requiring the taking of attendance, and with asynchronous course offerings, the question of attendance takes a different form.

Accreditation to Provide Instruction Predominantly Via Distance Education

The U.S. Department of Education extended broad approval for the use of distance education to schools participating in Federal student aid programs until December 31, 2020. Coordination is being conducted between the EM unit and the Provost's Office to determine whether Western will seek accreditation as an institution that provides 50% or more of program offerings via distance education. If Western continues to provide 50% or more of program offerings remotely beyond December 31, 2020, either another extension from the U.S. Department of Education will be needed, or distance education accreditation will be required to allow Western to provide financial aid to students beyond December 31, 2020. This would be a significant event in higher education, impacting schools across the country.

Recertification of Western's Federal Program Participation Agreement

Comprehensive recertification updates were recently filed with the U.S. Department of Education to seek continued authorization to provide Federal student aid to Western students beyond September 30, 2020. Recertification occurs once every six years. Updates pertain specifically to the Federal Program Participation Agreement between the U.S. Department of Education and Western, for purposes of continued participation in Federal student aid programs.

Federal CARES Grant Emergency Funds

As of early August, \$4,668,049 in Federal CARES grant funds have been disbursed to 3,273 Western students to assist with expenses related to disruption of campus operations from coronavirus. We have disbursed 80.2% of the total \$5,820,847 allocation that was received in late April 2020, leaving \$1,152,798 to award for fall and winter quarters of the upcoming academic year.

Methods used by Financial Aid to identify CARES grant-eligible recipients include a formal web-based application process, paired with collaborations between Financial Aid and other areas on campus to identify students who incurred expenses due to disruption of campus operations from coronavirus. The other areas include but are not limited to University Residences, Academic Departments, the Office of Institutional Effectiveness, Office of Student Life, Student Disability Access Center, Graduate School, Veterans Services, Academic Technology and User Services, LGBTQ Resources, Western Success Scholarship and Western's Associated Students Child Development Center.

In addition, the Western Foundation received a gift of three new MacBook Air computers from Symetra Corporation to provide to needy Western students. The Scholarship Center is in the process of selecting student recipients and gifting them with the much-needed laptops.

Western Foundation Student Emergency Funds and Western Grant Awards

So far, the Financial Aid Scholarship Center has awarded 121 Western students a total of \$72,623 in Foundation emergency funds. Student requests for emergency funding have far outstripped available Foundation funds. Whenever practicable, Financial Aid awards funds from other sources to students in financial crisis to stretch Foundation emergency funds

further. As of early August, Financial Aid has redirected \$34,847 in institutional grant aid to 42 students, primarily for COVID-related financial emergencies in situations where students did not qualify for CARES funding. There is approximately \$40,000 remaining in Foundation emergency accounts to award to students this summer and fall.

Washington College Grant Deobligated by Other Schools

Financial Aid accepted and awarded \$158,361 in Washington College Grant funding in mid-July 2020, to an estimated 88 financially needy Western students enrolled this summer. The source of the additional funding was from colleges in Washington that deobligated Washington College Grant funds, typically because they did not have enough students who qualified or could not award the funds within required state deadlines. Accepting last-minute deobligations helps needy Western students as well as the Washington Student Achievement Council to effectively manage Washington College Grant funds.

Student Employees and Recharacterization of State Work Study to State Grants

The Financial Aid Student Employment Center worked with supervisors of student employees to support continued employment of students in a remote environment. Survey results from the Office of Institutional Effectiveness showed that approximately 80% of our work study students were able to continue working some or all of their scheduled hours.

The Washington Student Achievement Council gave schools authorization to recharacterize unspent State Work Study from 2019-20 and award it as state grants, instead, to students who were prevented from working their scheduled hours due to campus disruption from COVID-19. Financial Aid funded 49 financially needy Western students with \$82,502 in state grants to help them pay balances remaining on their student accounts and reduce their educational indebtedness.

Forgiving and Documenting Aid Repayments Associated with COVID-19 Hardship

Financial Aid is coordinating with the Office of Student Life to identify students who withdrew from school due to hardship brought about by COVID-19 and forgive repayments of aid (federal, state, and institutional) the students would otherwise be required to make. The U.S. Department of Education will require schools to report forgiveness of repayments, so each case is being carefully documented for potential Federal review.

Coordination with Admissions to Award Fall 2020 Tuition Set-Aside

Financial Aid is coordinating with Admissions to award an estimated \$250,000 in tuition set aside from fall tuition proceeds to reduce college costs for needy students.

Helping Students and Families through Financial Hardship

Financial Aid Counselors are recalculating aid offers based on reductions to student and family incomes. It is anticipated that Financial Aid will perform thousands of such individualized recalculations over the next academic year to provide needed support to students and keep them in school.

IV. New Student Services/Family Outreach

Launching Virtual Orientation, Advising, and Registration Programs

The New Student Services/Family Outreach team is in the midst of peak activity with the launch of orientation, academic advising, and course registration activities for incoming new Fall Quarter students. The Transitions program for new transfer and post-baccalaureate students was completed in late July. Students attended one of four sessions to complete their academic advising and course registration process. They participated in a small group advising experience led by faculty, staff, and student advisors in the morning of their session, and then registered for classes in the afternoon during an individual appointment with an advisor. All advising sessions were delivered virtually via the Zoom platform, and 840 students completed the program.

On the heels of a successful Transitions program, the next round of programs is already in motion. The Fall Advising & Orientation (Fall A&O) program for new first-year/Running Start students kicked off on August 3rd, and will run Mondays - Thursdays until September 3rd, offering 20 sessions. Similar to previous years, the first four sessions are designated specifically for students with a high number of college credits (45+) and include opportunities for additional advising by academic departments. The Fall A&O program follows the same schedule structure as Transitions, with small group advising in the morning followed by individual advising appointments for registration in the afternoon. So far, 2,465 new first year students have reserved a seat in a Fall A&O program.

New Student and Family Orientation Website

Schools across the country have had to move orientation programs and events to virtual delivery, and similarly, NSSFO has dedicated significant efforts to re-imagining new student orientation. In partnership with University Communications, a newly created Orientation website was designed and launched that will serve as a perennial "dashboard" of orientation resources throughout the year. Campus partners responded splendidly to NSSFO's call for live webinars, live chats, and recorded presentations. A wide variety of academic departments, campus services, and student organizations submitted offerings, and the website features around 50 live events, over 40 informational videos, handy weblinks to help students prepare academically, socially, and personally, including opportunities to connect with current students. Having an established website will allow students and families more time to review campus resources and information at their own pace. The virtual delivery of orientation has allowed Western to offer programming that would not have been possible with the space and time constraints of our previous in-person events, and the opportunity to blend asynchronous programming with scheduled live events gives students and families many more choices and the flexibility to take in pieces of orientation on demand. It has been a steep learning curve for many on campus to translate what would have been offered in-person to virtual delivery. We are very pleased with the enthusiastic response of campus partners to create resources and events that spark creativity, inspire connection, and demonstrate a continued commitment to student success. To see more details about our programming, please visit the [Orientation website](#).

Slate Platform Enhances Reservation Process

NSSFO is utilizing a newly created online reservation system via the Slate platform, in partnership with the Office of Admissions. The customization and utilization of the Slate platform to process student and family reservations for our orientation, advising, and registration programs has had a very positive impact. Using Slate for reservations now gives us the option for year-round reservations for all programs and events, increased accuracy in data management and data sharing between systems (e.g. Slate and Banner), and

significant increases in staff efficiencies. Slate offers a higher degree of automation related to email communications, the opening and closing of reservations, and data uploads. These automated elements, along with a user's ability to go back into their reservation to make changes, has already greatly reduced staff time (and overtime) spent on manual records and communications management. Additionally, Slate has created a more user-friendly experience with, and access to, our programs. Users can cancel/change a reservation, receive communications in a more timely manner, and can see their reservation information more clearly in the new portal. The format for the portal and for communications has a contemporary look, is well-branded and "Western-identified", and has an overall cleaner look. Our ability to more easily replicate events within the system, rather than always "building from scratch", will continue to support additional efficiencies in future operations. Considering the move to virtual delivery for programs and events, the Slate platform has performed exceedingly well under the new demands.

Fall Family Weekend 2020

Looking to the future, NSSFO is moving the 2020 Fall Family Weekend (FFW) event to a virtual delivery in light of the current circumstances of COVID-19. Fall Family Weekend will be held October 16-18, 2020. As the Office of Admissions will be hosting their virtual Fall Admitted Student Day over the same weekend, our offices are collaborating on how we may overlap some of our offerings and invite prospective students and families to join select FFW events. Planning for the event is in the early stages, and schedule development will continue throughout August and September.

V. Veteran Service

Veteran Services has been engaging in recruitment and retention efforts. They have been reaching out to both those new students who have confirmed intent to enroll at Western and to continuing/returning students who are eligible to register for fall and have yet to do so. Many students have questions about Western's response to COVID-19 and the impact it will have on their benefits.

VSO Constituent Student Population

2019-20	Fall	Winter	Spring	Summer
Veterans	202	182	168	75
Dependents of Veterans	260	248	232	42

Number of unique students served:

2018-2019: **586**

2019-2020: **612**

New School Certifying Official

The administration of educational benefits for veterans and dependents of veterans requires a strong and collaborative relationship between educational institutions, their School Certifying Officials (SCOs), State Approving Agencies (SAAs), and Veteran Affairs (VA) to ensure that benefits are delivered to students according to regulations and in a timely manner. Western is adding an additional School Certifying Official to its staff, in order to address a shortcoming in that area. The VA recommends one full-time SCO for every 200

GI Bill students at an institution; this hire will bring Western more in line with those standards.

UNIVERSITY ADVANCEMENT REPORT

AUGUST 2020

The mission of University Advancement is to build relationships through meaningful engagements that foster pride, encourage advocacy, and promote private support for Western Washington University.



UNIVERSITY ADVANCEMENT

FY 2019-2020 HIGHLIGHTS GIFTS OF NOTE

The first installment of
\$250,000
towards a
\$1 MILLION
pledge by the PACCAR
Foundation for the
PACCAR Professorship

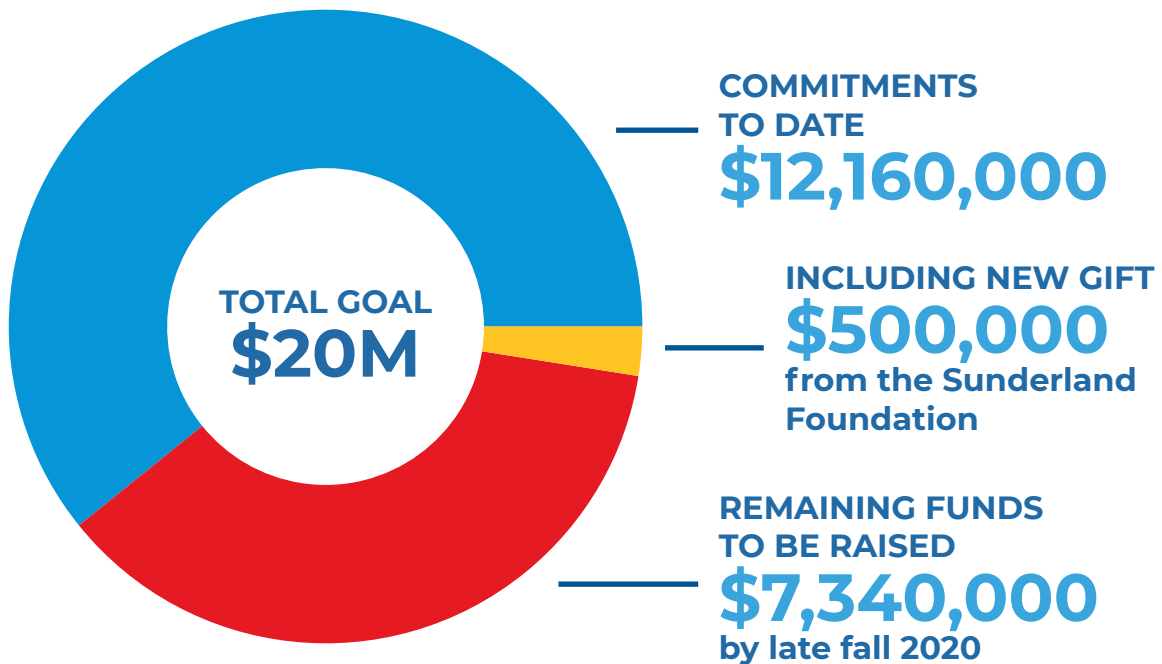
\$550,000
from two realized estate
gifts for scholarships

\$115,000
from Karen Sloss towards
the Jewish Professorship

More than
\$200,000
from Bagley and Virginia
Wright Foundation plus
\$100K
from Luce Foundation for
sculpture collection

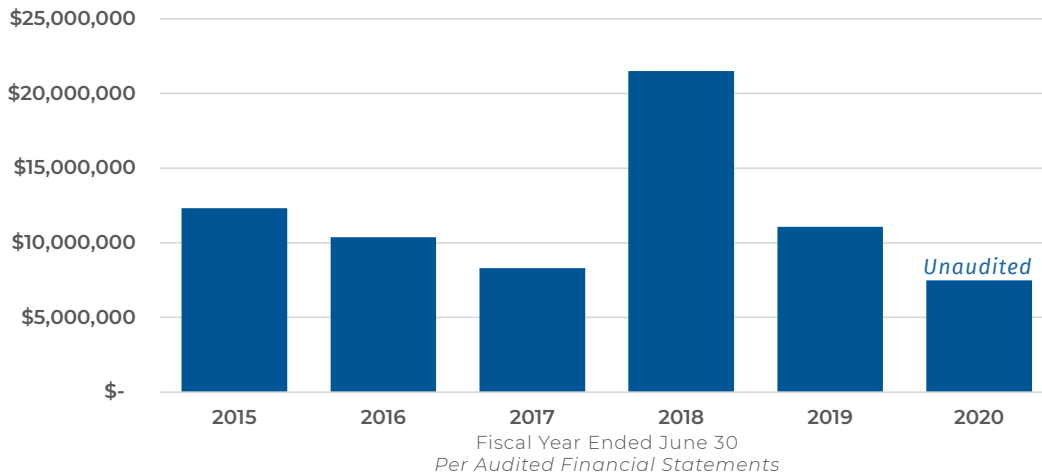
First installment of **\$100,000** towards a **\$300,000**
commitment by the East Seattle Foundation to support an initiative for
former foster youth who are students at Western. This foundation is
funded by former WWU Foundation Board member Alan Frazier.

CAPITAL CAMPAIGN COMPUTER SCIENCE AND ELECTRICAL ENGINEERING FACILITY

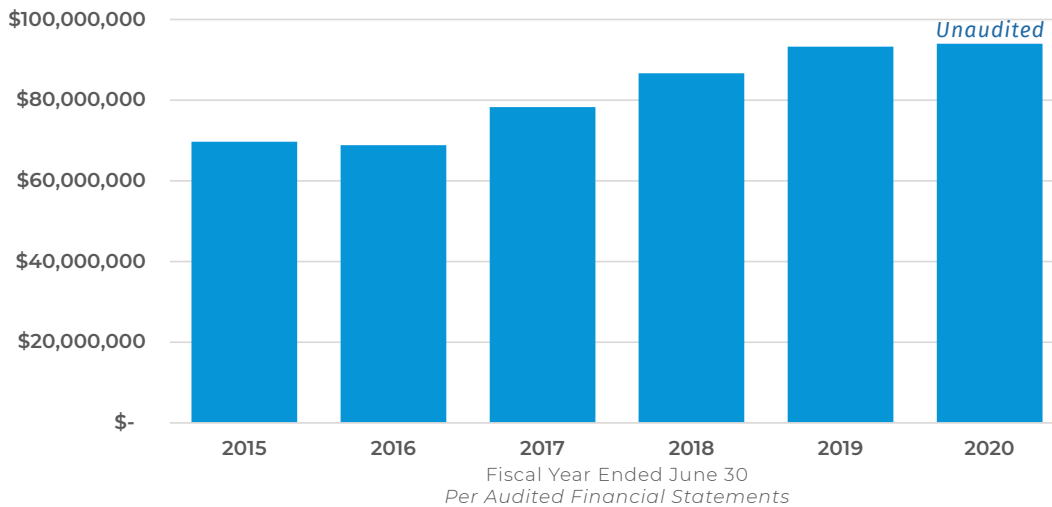


UNIVERSITY ADVANCEMENT

ALL CONTRIBUTIONS AND GIFTS IN KIND BY YEAR

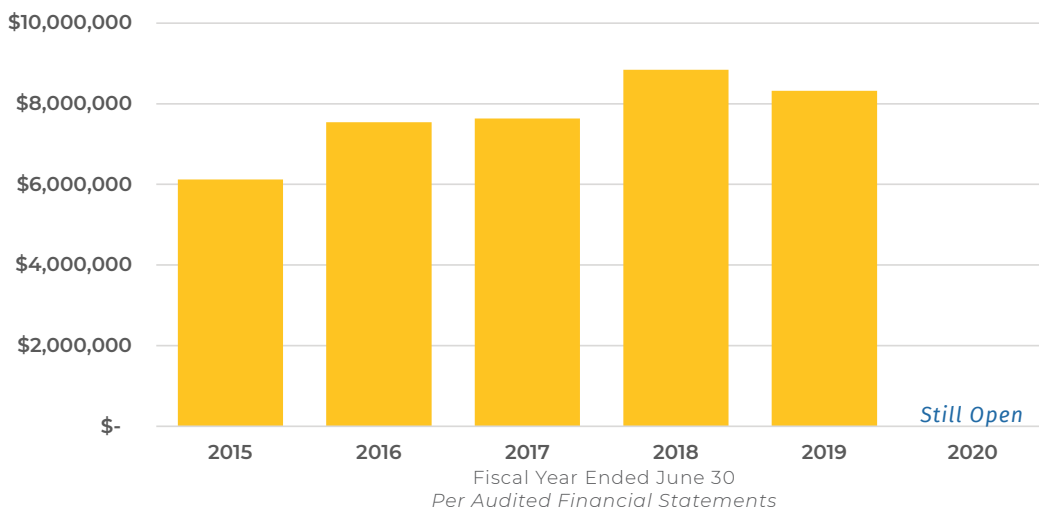


VALUE OF TOTAL ENDOWMENT ASSETS UNDER MANAGEMENT



Total Endowment Assets Under Management includes assets owned directly by the Foundation as well as endowed assets managed by the Foundation on behalf of the university.

SUPPORT TO THE UNIVERSITY



Over the past 10 years, the amount of support provided by the Foundation to the university has grown from just over \$4.0 million annually to well in excess of \$8.0 million today.

UNIVERSITY ADVANCEMENT

WWU GIVE DAY 2020

Western's fifth annual Give Day, held on May 28, was an unprecedented success thanks to our caring community.

A record number of donors and dollars

2,400 DONORS
gave a
total of **\$780,000**
(including matching funds)

Student Emergency Fund

730 GIFTS totaling **\$125,000**

To date, **163 students** have received more than **\$100,000** in Student Emergency grants



"This act of philanthropy inspires me to work harder and achieve my goals so that one day I may be the one donating to students in need."

Spencer Logan ('21), aka "Victor Viking," Political Science



"I couldn't afford college without this. The little extra help really goes a long way."

Li Hill ('21) East Asian Studies

Western Stands for Racial Equity Fund

116 GIFTS totaling **\$15,000**

UNIVERSITY ADVANCEMENT



WWU Donors Journey to Mars

On July 20, members of the President's, 1893, and Old Main societies, and friends of the College of Science and Engineering embarked on the mission of a lifetime to the red planet during a webinar featuring Associate Professor of Planetary Science Dr. Melissa Rice. Following an introduction by President Randhawa, Rice and her team, including Darian Dixon ('18), Kathleen Hoza ('19), Amanda Rudolph ('18), Christina Seeger (graduate student), and Katherine Winchell ('17), discussed the mission, their research on the Perseverance rover, and how Western can continue to support humanity's exploration into the final frontier. Rice, who leads the Western Mars Lab, helped design the rover's Mastcam-Z color camera system. Launched into space on July 30, Perseverance will explore the planet for signs of ancient life and collect rock and soil samples.

View the webinar: alumni.wvu.edu/event/journey-mars-wwu

For upcoming virtual events, please visit: alumni.wvu.edu/all-events

To view recordings of online webinars and events, please visit: alumni.wvu.edu/past-events

Learn more about the Western Mars Lab here: ow.ly/JIGD50AFHja

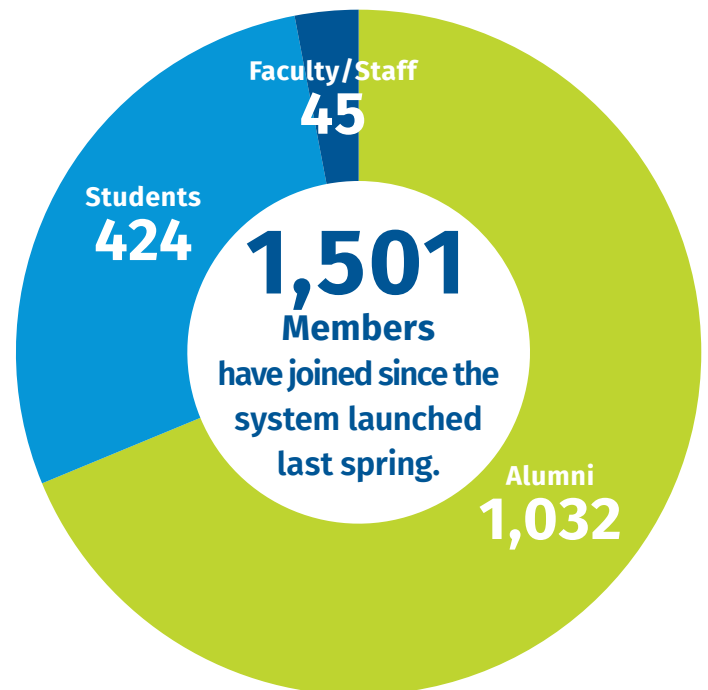


Our online community for professional connections, career growth opportunities, shared interests & mentoring opportunities.

Members have sent nearly **900 messages** and made more than **200 connections**.

Join today & start connecting:

weconnect.wvu.edu





UNIVERSITY ADVANCEMENT

WWU ALUMNI ASSOCIATION

PAIN B'HAM BLUE *for* WWU

YOU'RE INVITED!

WHEN

September 23 at 7 p.m.

WHERE

Livestream. See website for details.

WHAT

Enjoy a captivating presentation featuring notable alumni, iconic Bellingham locations, a special performance and some surprises.

Alumni are invited to welcome our incoming students & show their support by sharing words of advice, tips, or encouragement here:

alumni.wwu.edu/paintbhamblue

We'll present each message on the Paint website for all to see.

IMPACT STORY



Brendan Pape ('11)

We Got This America! Meet the CEO and Western Alumnus Who's Changing the World One T-Shirt at a Time

By Yara Clark ('22)

Brist Manufacturing designs and manufactures apparel for companies and brands around the world. What makes this local, Bellingham-based company unique is that Brist is dedicated to using sustainable systems to create apparel in order to change the textile industry.

CEO Brendan Pape ('11) is a Western Washington University graduate, donor, and member of

the WWU Alumni Association. He credits Western as not only the root of his education, but as the foundation for his company.

At Western, Pape and his colleagues, who are also Viking alumni, didn't just learn about running a business, with the help of their faculty and fellow students, they started one.

As a student, Pape worked as an intern at the IDEA lab in downtown Bellingham. "They helped me learn about bylaws, starting a business, and their framework. Being surrounded by professionals to lean on and

bounce ideas off of was really a turning point for me," Pape said.

When he was a sophomore at Western, he launched a small clothing business called Disidual. Disidual aimed to create textile products in a sustainable way to limit waste. Pape and his peers learned from the IDEA lab and by the experience of selling products to peers and to the university.

"We wanted to help other businesses create brands with the sustainable system we had created," Pape explained, referring to the need for a sustainable system to create textiles and minimize waste. "The textile industry as a whole is the second biggest polluter next to the oil industry. Over-production is a problem because large brands are required to overbuy which feeds over consumerism."

Pape and his colleagues got to work in order to solve this issue together. They designed a system where they develop fewer products with a quicker turnaround time. This allows them to replenish their stocks at a faster rate when needed.

"Throughout my journey at Western, the school was so supportive. One of our biggest successes was when the school agreed to sell our products in the bookstore. The store manager helped us learn how to nail things down so that we could go out to other businesses and clients and really know what we were doing," Pape said.

IMPACT STORY



The faculty at Western also gave Disidual the platform it needed to grow into something bigger, but it was not just faculty members who gave Pape and his peers a boost. The student body provided opportunities for Disidual to sell and test their products, designs, and marketing strategies.

“The students really helped this take off with their support and resources, and through their articles written in the Western Front,” according to Pape.

Brist Manufacturing was founded in 2010 with its headquarters located in Bellingham. The company is dedicated to creating sustainable products with a quick turnaround time for other businesses. Pape and his colleagues also assist clients on the creative side, offering product design.

About one-third of Brist’s employees are Western Washington University graduates.

“I think just coming out of college, you come with this level of being very unbiased, and I think that has been extremely important to Brist. Experience is important, but inexperience is just as important. It makes you think more openly about how things work and how to solve a problem,” said Pape.

Pape created long-term bonds at Western that he will never forget. He continues to stay in touch with some of his favorite teachers, including marketing professor Dan Purdy, and engineering professor John Musassey.

“I came out of Western not just with an awesome business, but with a huge community of lifelong friends. It’s cool to see what they are able to accomplish,” Pape said.

In the wake of the COVID-19 pandemic, Brist has been giving back to local businesses. The company started a campaign called “We Got This America.” When businesses sign up, they sell shirts emblazoned with this theme, and then receive 50% of the revenue.

“The goal was to encourage and remind people that we still have the ability to support local businesses and to remind them that they can be super impactful in their local communities,” said Pape.

So far, over 150 businesses have signed up for this campaign including Pure Bliss, Red Horn Brewery (located in Austin, TX), and San Juan Seltzer.

Pape planted his roots at Western and found the support he needed to create a successful company. Now, he gives back to the community in times of need and remains a role model for students today.

He offered this advice to Western students and alumni as they work through this time: “Think creatively, and move fast. There is always a time to plan, and during times like this, you can’t be overly ‘planful,’ you have to be flexible with all of this uncertainty. Think outside of the box and be agile.”

Brist is currently partnering with the WWU Alumni Association to manufacture a Paint B’ham Blue welcome kit for new students that will include a neck gaiter, stickers, a coupon book, Viking crowns, and more.



Western Washington University does not discriminate on the basis of race, color, creed, religion, national origin, sex (including pregnancy and parenting status), disability, age, veteran status, sexual orientation, gender identity or expression, marital status or genetic information in its programs or activities. Inquiries may be directed to the Vice Provost for Equal Opportunity & Employment Diversity, Title IX and ADA Coordinator, Equal Opportunity Office, WWU, Old Main 345, MS 9021, 516 High Street, Bellingham, WA 98225; 360.650.3307 (voice) or 711 (Washington Relay); eoo@wwu.edu.

To request this document in an alternate format, please contact Frances Badgett, Assistant Director of Advancement Marketing & Communications; 360.650.2190 (voice); frances.badgett@wwu.edu.



Capital Program Report

Board of Trustees

August 21, 2020

MAJOR / INTERMEDIATE CAPITAL PROJECTS

Interdisciplinary Science Building (formerly known as Sciences Building Addition - STEM I)

WWU is working with Perkins+Will (design consultant) and BNBuilders (General Contractor/ Construction Manager). The project is scheduled to be complete in Winter Quarter 2022. Live video feed is available at: <https://fdcb.wvu.edu/interdisciplinary-science-building-webcams>. See below screen captures from July 31st.



Electrical Engineering and Computer Science

Pre-design is complete and was approved by the State in July 2020. The project has commenced design with Perkins+Will, the selected design consultant. Pending approval of State funding the 2021-2023 capital budget, construction is scheduled to commence in Spring 2022 with scheduled completion in Summer 2023.

Elevator Preservation and ADA Upgrades

Construction on Morse Hall and Environmental Studies elevators are substantially complete and are now operable. Morse Hall and Environmental studies were suspended from March to May due to COVID-19. Work on elevators in Bond Hall, Arntzen Hall, and Biology Building will be complete by December 2020.

Multiple Building Access Control

DECO/Dutton Electric and their subcontractor Convergent Technologies have successfully completed access control system conversion of the majority of the work involved. The project suspended construction due to the Governor's orders under Proclamation 20-25 in March; the project was re-started per Safe Start Phase 1 in May and is expected to be complete by late Fall 2020.

University Residences Access Control

Dawson and their subcontractor VECA Electric with Convergent Technologies began work to install new access control systems on University Residences buildings. Construction was suspended due to COVID-19 impacts. The project was substantially de-scoped due to funding impacts from COVID-19 and the minor work left in-scope should be complete by Fall Quarter 2020. Only Birnam Wood access control was updated with this project.

New Residence Hall

The progressive design team consists of Lydig Construction from Spokane and Mahlum Architects from Seattle. COVID-19 protocols are in place and are being monitored by PBS Environmental (third party consultant), WWU's Environmental Health and Safety, WWU on-site representatives, and the Lydig management team. Occupancy is still scheduled for Fall 2021 occupancy. The team is also working in Ridgeway Commons to improve ADA accessibility from the south entrance of the new residence hall to the second floor dining facility. Ridgeway Commons is the closest eatery to the new residence hall. The Ridgeway Commons scope includes adding an elevator and two gender neutral/accessible restrooms, as well as upgrading the fire alarm system. It was assumed that Ridgeway Commons fire alarm work would require Board of Trustees action. Due to the change order proposal cost change amount and the amount of Owner's contingency left on the project, Board action is not required.

The following webpage shows live video feed from webcams installed for the New Residence Hall portion of the project: <https://fdcb.wwu.edu/new-residence-hall-webcams> . Below are screen captures from July 31st.





Multiple Building Replacement of Switchgear, Panels and Motor Controls

DECO/Dutton Electric has completed construction.

Environmental Studies Classrooms and Labs

Diverse Contractors & Associates has made substantial completion with final competition scheduled by the end of the summer. The project suspended construction due to the Governor's orders under Proclamation 20-25 in March, and re-started per Safe Start Phase 1 in May.

Parks Hall and Science Lecture Electronic Safety and Security Upgrade

The project was awarded to DECO/Dutton Electric. The project suspended construction due to the Governor's orders under Proclamation 20-25 in March, and re-started per Safe Start Phase 1 in May. The project is currently approximately 75% complete and on track to obtain substantial completion by Fall Quarter 2020.

Birnam Wood Replace Siding

This project was terminated due to funding impacts from COVID-19. The project is in close out negotiations.

Fairhaven Academic Replace Main Electrical Switch Gear

This project is awaiting approval from the Board at the August meeting. Construction is anticipated to begin soon and complete September 2021.

OTHER PROJECTS OF NOTE

Classroom and Lab Upgrade Program

The Classroom and Lab Upgrade program consists of several public works and in-house projects funded with State appropriations in the 2017-2019 and 2019-2021 capital budgets. The projects are campus-wide and include modernizing existing classrooms and labs as well as converting existing offices into modern and active classrooms. Currently, over 50% of all projects are complete. The remaining projects are either nearing completion, in construction, or finishing design. All projects are scheduled to be complete by June 2021.

Gender Neutral Restrooms

Gender neutral restrooms have been completed in Communications Facility, Miller Hall, and Academic West. Gender Neutral Restrooms in Fairhaven, Performing Arts, and the 1st and 5th floors of Environmental Studies are slated for completion in mid-September 2020.

2021-2031 Capital Plan

The Board reviewed and approved the 2021-2031 Capital Plan (Plan) and 2021-2023 Capital Request (Request) at the June 2020 meeting. Individual project proposals associated with the Request were submitted to the Office of Financial Management. The final versions of the Plan and Request will be submitted in September 2020.

For more information about the major projects, the Capital Program, and the Capital Planning Process, please visit the Office of Facilities Development and Capital Budget website: <https://fdcb.wvu.edu/>.

**WESTERN WASHINGTON UNIVERSITY
ITEM SUBMITTED TO THE BOARD OF TRUSTEES**

TO: Members of the Board of Trustees

FROM: President Sabah Randhawa by Donna Gibbs, V.P. for University Relations and Marketing

DATE: August 21, 2020

SUBJECT: **University Relations and Marketing Report**

PURPOSE: Information Item

Purpose of Submittal:

A written report is provided on the recent activities of University Relations and Marketing.

Supporting Information:

Report Attached

**WESTERN WASHINGTON UNIVERSITY
OFFICE OF THE VICE PRESIDENT FOR UNIVERSITY RELATIONS
AND MARKETING**

Office of University Communications

Our skilled professionals worked on a wide range of online, media relations, social media, video, and graphic design projects, which included:

Coronavirus Communications

As the University shifted to online instruction for spring quarter, our office coordinated closely with Western's Incident Command Structure (ICS), Admissions, University Residences, Advancement, and other campus offices for messaging, response to inquiries, media response and other communications requests. These included:

- Assisted with campus-wide messaging from President Randhawa and other campus leaders on a range of topics related to the Coronavirus and the shift of Western's main Bellingham campus to remote instruction and work from home.
- Worked with WWU ICS Command to send out daily communications via the Western Alert emergency notification system on a wide range of topics. We repurposed this information from those daily messages into updates on the Coronavirus website as well as in Western Today, social media and to respond to media, student, parent, and community inquiries.
- In video and photography, our focus has continued to be on COVID-19 communications, including creating a first-ever online Commencement video composed of 19 separate videos. Some of those videos included editing over 700 video submissions from faculty, staff, and alumni to create a cohesive whole and an interesting lineup of videos for promotion on social channels. We also provided COVID-19 related videos for Admissions, the President's Office, and other campus offices.
- In publications, we're preparing to print our summer edition of Window Magazine, which will include stories from our online-only edition of Window released earlier this spring. We've also vastly increased our communication with families during the COVID-19 response, sending families around a dozen Family Connection Newsletters special editions with breaking news. Families have appreciated the extra communication - these special editions have been generating open rates of as much as 60 percent.
- We also continue to work with colleagues in WebTech to maintain and update the COVID-19 site as well as the Spring and Summer Guide sites. Also, we are partnering with colleagues in Admissions to rewrite and revamp the hundreds of individual majors' pages that remain among the most-visited pages by interested high schoolers and transfer students.
- Our office also responded to numerous media inquiries related to Western and the pandemic, ranging from student media such as the Western Front to local, regional and national media. A few examples included:
 - The Seattle Times and other media ran stories following a message from President Randhawa to campus on university plans to teach classes in hybrid format this fall:
<https://www.seattletimes.com/seattle-news/education/western-washington-university-expects-to-teach-classes-in-hybrid-format-this-fall-some-online-learning-some-in-person-lectures-but-no->

[big-parties/](#)

- Our office responded to media requests for experts among faculty on facets of the pandemic, such as Woodring faculty Bruce Larson, secondary education professor, and Stephanie Strachan, assistant professor of early childhood education on homeschooling children during stay-at-home orders.
<https://www.bellinghamherald.com/news/coronavirus/article242638101.html>.
- University Communications graphic designers also provided a range of support, including virtual Commencement materials; Viking Advisor class schedules; Academic Advising PowerPoint files, Zoom meetings preflight with design students for the Bellingham Review; website work for Career Services; WWU Family Calendar; New Student Handbook; New Family Handbook; and LGBTQ+ Western – Virtual Gatherings/Workshops promotion.

WESTERN TODAY

TOTAL SESSIONS

58,102

TOP STORIES

- Coronavirus Update for May 12: Plans for Fall Quarter
- Coronavirus Update for May 1: Distributing CARES Act grants to students
- What does Phase 2 mean for social distancing and safe habits?



SOCIAL MEDIA



TWITTER



FACEBOOK



INSTAGRAM

STATISTICS AT A GLANCE

22,493
Total followers
-230
New followers
-1%
% gained
541
Engagements

50,450
Total followers
442
New followers
0.9%
% gained
26,979
Engagements

22,532
Total followers
471
New followers
2.1%
% gained
34,573
Engagements

FAMILY CONNECTION NEWSLETTER

<u>Edition and Date</u>	<u>Number Sent</u>	<u>Percent Opened</u>	<u>Top Clicks</u>
May edition	11,745	41 percent	CARES grant, commencement, dates and deadlines
News on fall quarter	11,741	43 percent	Video message from Sabah
News on fall quarter Q and A	11,715	39 percent	Coronavirus information
June edition	11,734	27 percent	Commencement info, Sabah's video statement of solidarity and action

We also sent two special editions with commencement news to families of graduating students, each with open rates of about 49 percent.

MEDIA STORIES

1,086
Total Stories

TOP STORIES

- The next victim of the coronavirus? American exceptionalism (The Washington Post)
- Increased Hawaii Seismic Activity Not Considered a Danger (US News)
- Trump takes step that could expand his trade war, targeting the way other countries treat U.S. tech firms (The Washington Post)



CREATIVE SERVICES

GRAPHIC DESIGN



82 Total Projects

FEATURING

- NSSFO - WWU Family Calendar
- Academic Advising Center - Viking Advisor
- Registrar's Office - Virtual Commencement materials
- Department of English - Bellingham Review

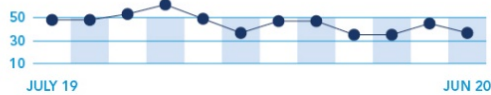


PHOTO & VIDEO



FEATURING

- This has been a very busy summer for us as we prepare to take many of the in-person events normally held during the summer online. Our key projects have been New Student and Family Orientation, revamping our virtual visual tours of campus, producing a video to help with the capital campaign, and pre-production for the upcoming Fall marketing campaign.
- Continued photo coverage of spot news events and area shots for social media in Instagram and Facebook, orcas in Bellingham Bay, cougar in Whatcom Falls Park
- Video coverage for sights and sounds project at Bellingham local sites, Clark's Point, Whatcom Falls Park,
- Mabel file organization and upload batch testing

Community Relations

Notable projects and connections that enhance WWU visibility, improve community access, and increase community-to-university partnerships.

Campus Support during COVID-19

During this unprecedented time, Community Relations has pivoted to serve the university where needed while remaining engaged with the community.

- Worked as a Zoom Coordinator for Transitions which is Western's registration and orientation program for transfer students. Transitions served more than 800 transfer students all in a virtual format.
- Served as commencement speaker via Zoom for Viking Union student employees.
- Assisting the A.S. Virtual Info Fair committee by partnering with local businesses struggling during this pandemic.
- Secured a reduced membership rate with the Bellingham Regional Chamber of Commerce reducing university expenses.
- Assisting with the University Residences Move-in committee by partnering with local businesses and tourism during student move-in.
- Worked with the Spirit Scholarship Committee to select a scholarship recipient among a pool of applicants.

Community Connections and Engagement

- Established four new internships with Ben Kinney Companies, all of which can be performed remotely. (Marketing, Data Management, Hiring, General/Entrepreneurship)
- Established a new internship with the U.S. Census Bureau (Communications)
- Established a new internship with First Federal Bank (Finance)
- Assisting Bellingham's League of Women voters with new creative efforts to encourage voter registration during the pandemic.
- Continue to provide regular WWU updates to the community through local organizations including Team Whatcom, Mayors Neighborhood Advisory Commission, Tourism Commission, Domestic Violence Commission, Chamber of Commerce, Technology Alliance Group, among others.

Small Business Development Center (SBDC)

SBDC PANDEMIC SUPPORT

The SBDC has taken the lead on technical assistance in Whatcom County, including but not limited to identifying financial tools, understanding new tools and resources made available by local, state, and federal authorities, and coordinating with local lenders to relay the needs of clients.

Observations

Early efforts by the Federal Government to provide pandemic relief through the C.A.R.E.S.

- Economic Injury Disaster Loan (EIDL) application process opened in March, failed twice and then was re-established just in time for the program to close, loan turnaround stretched into 12 weeks
- The Paycheck Protection Program loans were not widely available early in the program and the forgiveness guidelines were unclear, discouraging eligible businesses from applying
- SBDC staff were frequently complimented as the only readily available source of reliable assistance

Beneficial programs continue to be available to small business and are being promoted

- EIDL and PPP reopened, and eligibility expanded to Ag and Fishers
- IRS Employee Retention Credits let employers reduce Federal payroll taxes on retained employees
- Employment Security is offering Benefits Charges credits on 2020 payroll to help employers mitigate employer tax rates for 2021
- Employment Security, Labor and Industries and Department of Revenue are offering payment flexibility of up to 90 days to help businesses conserve cash

Washington Campus Contact

Washington Campus Compact has launched the **Student Civic Leaders Fellowship program in Washington** this summer. Students leaders from across the will be working on critical issues on their campus and in communities. Issues will include housing and food insecurity, mental health, breaking the prison pipeline, opioid addiction, and civic education. Funds will be used for student internships, stipends, or wages. Students will have the opportunity to participate in statewide learning communities and received training on civil discourse and civic education.

Washington Campus Compact has launched the two grant programs: College Access Corps and VISTA to support student success, food insecurity, poverty alleviation, and to provide wrap-around services for underrepresented students in Washington. The grant programs began in August 2020.

Web Communication Technologies (WebTech)

Summary

June through July has been a whirlwind for WebTech. The continued voluntary reductions in force have moved work that was done by individuals in departments to WebTech. WebTech continues to try to support departments. COVID web content demands consistent attention as the operating landscape shifts often. COVID has also placed an emphasis on delivering services effectively via the web.

WebTech has built out and maintains the [Safe Start](#) website for employees, the entirely reimagined [orientation experience](#), and the ability to receive your Western ID card remotely at the new [Western Card office](#) website. Additionally, as Summer Commencement was postponed WebTech worked with the Registrar to facilitate a process where graduates can still be celebrated virtually.

Beyond that work, WebTech continues to bring departments and offices into the updated brand by migrating or assisting with the migration into the newer version of Drupal. Over the past two months the websites for the following have been migrated:

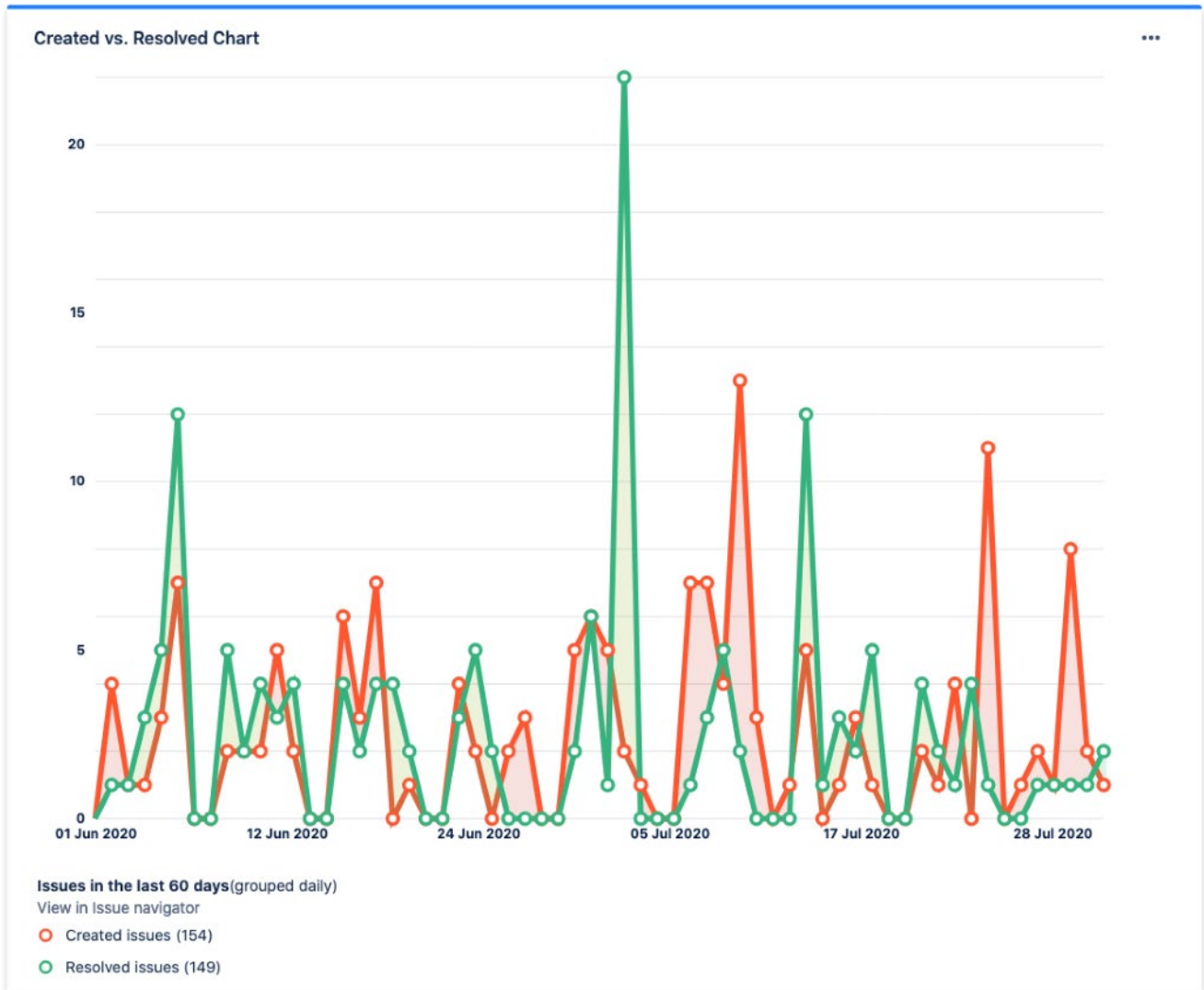
- [Provost](#)
- [Teachling](#)
- [Employee Arts and Crafts Show](#)
- [Human Resources](#)
- [Alumni](#)
- [Institute for Global Engagement](#)
- [College of Science and Engineering](#) and their departments
- [Viking Union](#)
- [Transportation](#) – Parking and Sustainable Transportation merged

While that work occurred, WebTech revamped the header style of the websites to provide more focus on the imagery and create an enhanced user navigation experience. This coincided with updates to the [design system](#), the [email signature generator](#), and the [logo](#).

Additionally, the focus on remote learning has caused a huge influx in demand for additional tools in Canvas, the university learning management system. One part of the process for adding tools is a review of their accessibility for all users. There have been eight (8) requests over the past two months. Typically, there are two or three per year. The work requires clear communication, a large amount of time collaborating between staff, and many discussions.

WebTech continues to rise to the demands of unfailing kindness. I am doing all that I can to keep morale high, balance the enormous demands, and ensure the work we are doing serves students and employees equitably.

WebTech Workload



The workload remains consistent with the prior period though the percentage of tickets being resolved has decreased. This is due to many requests coming over the Microsoft Teams platform where individuals can now directly chat with WebTech to resolve minor issues or to query us for answers to questions. All staff report getting many more individual messages than in the prior period. In addition to direct messages, some projects such as orientation have taken place entirely in Teams.

Web Help, our email support method saw 150 support requests between June 1st and July 31st.

Information Security @ WWU

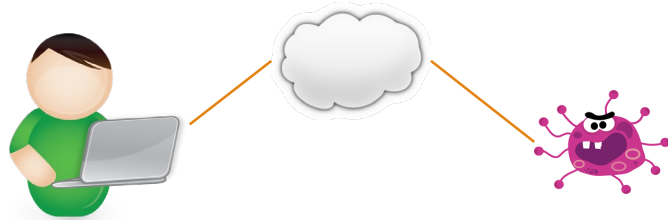
BOARD OF TRUSTEES AUGUST 21, 2020

Progress

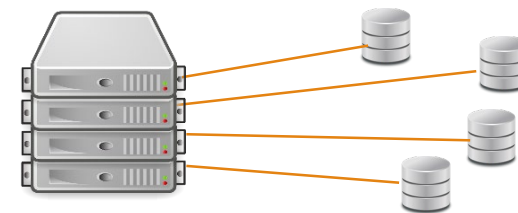
We are making strides in our Information Security Program



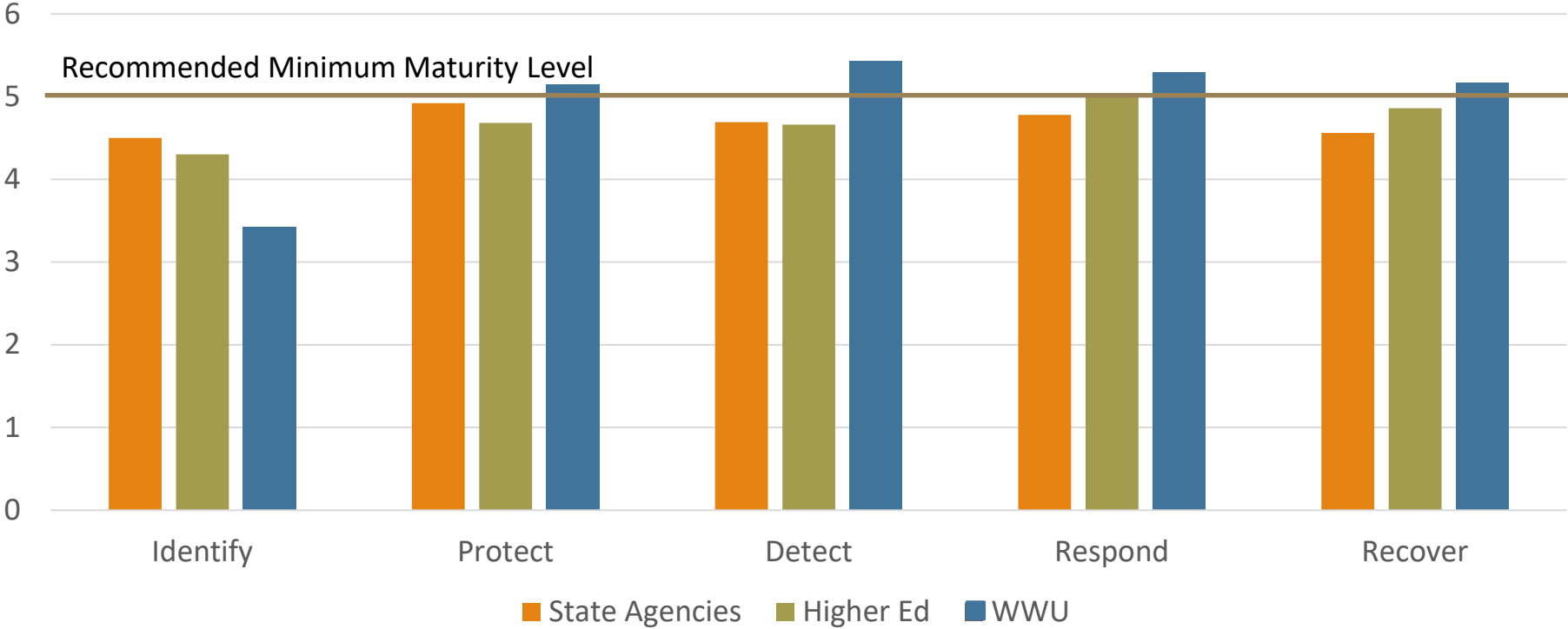
- Awareness Program
- Assessment
- Threat Hunting/
Incident Response
- Policy and
Guidelines
- Asset Management



POL-U3000.07
Security Information
Systems



Western Evaluation - NIST Cybersecurity Framework



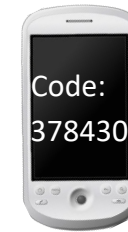
Gaps

Where should we focus?

Account Types and Passwords

OCIO 141.10: 6.1.2, 6.2

All Western Washington University (WWU) employees have a unique non-privileged account that serves as their primary identity.

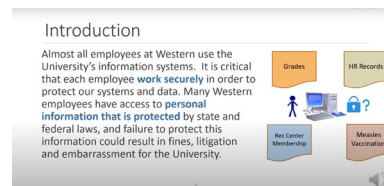


Post standards/guidelines



Implement data governance

Implement asset management



Robust security awareness

Multi-factor authentication



Update security documentation

**WESTERN WASHINGTON UNIVERSITY
ITEM SUBMITTED TO THE BOARD OF TRUSTEES**

TO: Members of the Board of Trustees
FROM: John M. Meyer, Chair, Board Committee on Trustees
DATE: August 21, 2020
SUBJECT: **Board Trustees Remarks**
PURPOSE: Information Item

Purpose of Submittal:

Chair Meyer will provide time to members of the Board of Trustees and the University President for any final remarks, questions, or observations.

22. DATE FOR NEXT REGULAR MEETING

- **October 8 & 9, 2020**

23. ADJOURNMENT