

Chapter 132C-120 WAC

STUDENT CONDUCT CODE

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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132C-120-070	Investigation of student conduct. [Statutory Authority: Chapter 28B.50 RCW. 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-070, filed 4/4/80.] Repealed by 85-13-067 (Order 24, Resolution No. 52-0585), filed 6/18/85. Statutory Authority: Chapter 28B.50 RCW.	132C-120-190	Notice of summary proceedings. [Statutory Authority: Chapter 28B.50 RCW. 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-190, filed 4/4/80.] Repealed by 85-13-067 (Order 24, Resolution No. 52-0585), filed 6/18/85. Statutory Authority: Chapter 28B.50 RCW.
132C-120-075	Status of student pending final action. [Statutory Authority: Chapter 28B.50 RCW. 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-075, filed 4/4/80.] Repealed by 85-13-067 (Order 24, Resolution No. 52-0585), filed 6/18/85. Statutory Authority: Chapter 28B.50 RCW.	132C-120-195	Procedures of summary suspension hearing. [Statutory Authority: Chapter 28B.50 RCW. 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-195, filed 4/4/80.] Repealed by 85-13-067 (Order 24, Resolution No. 52-0585), filed 6/18/85. Statutory Authority: Chapter 28B.50 RCW.
132C-120-080	Purpose of adoption of student conduct code. [Statutory Authority: Chapter 28B.50 RCW. 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-080, filed 4/4/80.] Repealed by 85-13-067 (Order 24, Resolution No. 52-0585), filed 6/18/85. Statutory Authority: Chapter 28B.50 RCW.		
132C-120-085	Definitions. [Statutory Authority: Chapter 28B.50 RCW. 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-085, filed 4/4/80.] Repealed by 85-13-067 (Order 24, Resolution No. 52-0585), filed 6/18/85. Statutory Authority: Chapter 28B.50 RCW.		
132C-120-090	Jurisdiction. [Statutory Authority: Chapter 28B.50 RCW. 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-090, filed 4/4/80.] Repealed by 85-13-067 (Order 24, Resolution No. 52-0585), filed 6/18/85. Statutory Authority: Chapter 28B.50 RCW.		
132C-120-095	Right of assembly. [Statutory Authority: Chapter 28B.50 RCW. 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-095, filed 4/4/80.] Repealed by 85-		

WAC 132C-120-010 Preamble. Olympic College, as a state supported institution of higher education, has a mission of providing excellence of instruction, responsiveness to community and individual needs, and open communication in a collegiate atmosphere to citizens of Kitsap and Mason counties. Sharing responsibility for this common mission, students and college personnel are joined in a voluntary college community.

Olympic College students are both citizens and members of the college community. As citizens, students shall enjoy the same freedoms that other citizens enjoy. As members of the college community, they are subject to those responsibilities which accrue to them by virtue of this membership.

Admission to Olympic College carries with it the expectation that students will conduct themselves as responsible

members of the college community, that they will comply with established rules and regulations of the college, maintain high standards of honesty and integrity, and respect the rights, privileges, and property of other members of the college community.

Olympic College expects that students will conform to the laws of the greater society and regulations established to assure the orderly conduct of the affairs of the college.

The student is at once a member of the community at large and the college community. As such, the student is subject to the rights, responsibilities, laws, and regulations of each community and accountable to both.

To accomplish these purposes the college is governed by rules, regulations, and procedures designed to safeguard its functions and protect the rights and freedoms of all members of the college community.

[Statutory Authority: Chapter 28B.50 RCW. 85-13-067 (Order 24, Resolution No. 52-0585), § 132C-120-010, filed 6/18/85; 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-010, filed 4/4/80.]

WAC 132C-120-015 Freedom of expression. Fundamental to the democratic process are the rights of free speech and peaceful assembly. Students and student organizations shall be free to examine and to discuss all questions of interest to them and to express opinions publicly and privately. They shall always be free to support causes by orderly means which do not disrupt the regular and essential operation of the institution. At the same time, it should be made clear to the academic and the larger community that in their public expressions, students or student organizations speak only for themselves.

Any recognized student organization may invite to the campus any speaker a group wishes to hear, providing suitable space is available and there is no interference with the regular scheduled program of the college and officially sanctioned procedure is followed. It is understood that the appearance of such speakers on the campus implies neither approval nor disapproval of them or their viewpoints by this college, its students, its employees, or the board of trustees. In the case of speakers who are candidates for political office, equal opportunities shall be available to opposing candidates if desired by them. Speakers are subject to normal considerations for law and order.

In order to insure an atmosphere of open exchange and to insure that the educational objectives of the college are not obscured, the president may prescribe reasonable time, place and manner restrictions for the conduct of the meeting, such as requiring a designated member of the faculty as chair, or requiring permission for comments and questions from the floor. Likewise, the president may encourage the appearance of one or more additional speakers at the meeting in question or at a subsequent meeting so that other points of view may be expressed.

[Statutory Authority: Chapter 28B.50 RCW. 05-10-052, § 132C-120-015, filed 4/29/05, effective 5/30/05; 85-13-067 (Order 24, Resolution No. 52-0585), § 132C-120-015, filed 6/18/85; 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-015, filed 4/4/80.]

WAC 132C-120-020 Freedom of association and organization. Students bring to the college a variety of interests previously acquired and develop new interests as mem-

bers of the college community. They are free to organize and join associations to promote any legal purpose or common interest.

Student organizations must be granted a charter by the college student government before they may be officially recognized. Prior to becoming chartered, a student organization must submit to the student government a statement of purpose, criteria for membership, a statement of operating rules or procedures, the name of a faculty member who has agreed to serve as advisor, and otherwise meet all student government requirements for charter. All student organizations must also submit to the student government a list of officers and renew a granted charter as required. In order to qualify for issuance of a charter, membership in a student organization must be open to all students. Affiliation with a noncollege organization shall not be grounds for denial of charter provided that other conditions for charter issuance have been met. The charter of a student organization may be withdrawn by the student government for nonconformity to provisions of its charter, the student conduct code, or student government requirements.

[Statutory Authority: Chapter 28B.50 RCW. 85-13-067 (Order 24, Resolution No. 52-0585), § 132C-120-020, filed 6/18/85; 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-020, filed 4/4/80.]

WAC 132C-120-025 Student participation in college governance. As members of the college community, students will be free, individually and collectively, to express their views on college policy and on matters of general interest to the student body. The constitution of the associated students of Olympic College and the college's administrative procedures provide clear channels for student participation in the formulation and application of institutional policy.

[Statutory Authority: Chapter 28B.50 RCW. 85-13-067 (Order 24, Resolution No. 52-0585), § 132C-120-025, filed 6/18/85; 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-025, filed 4/4/80.]

WAC 132C-120-035 Student publications. Student publications and the student press are a valuable aid in establishing and maintaining an atmosphere of free and responsible discussion and of intellectual exploration on the campus. They are a means of bringing student concerns to the attention of the faculty and institutional authorities and of formulating student opinion on various issues on the campus and in the world at large. Financial and legal autonomy is not possible, therefore, Olympic College, as the publisher of student publications, may have to bear the legal responsibility for the contents of the publications. In the delegation of editorial responsibility to students, the institution must provide sufficient editorial freedom and financial autonomy for student publications to maintain their integrity of purpose as vehicles for free inquiry and free expression in an academic community. At the same time, the editorial freedom of student editors and managers entails corollary responsibilities to be governed by the canons of responsibilities such as the avoidance of libel, indecency, undocumented allegations, attacks on personal integrity, and the techniques of harassment and innuendo. As safeguards for the editorial freedom of student publications, the following provisions are necessary:

(1) The student press should be free of censorship and advance approval of copy, and its editors and managers shall

be free to develop their own editorial policies and news coverage consistent with *Canons of Journalism*.

(2) Editors and managers of student publications shall be protected from arbitrary suspension and removal because of student, faculty, administration, or public disapproval of editorial policy or content. Only for proper and stated causes should editors and managers be subject to removal and then by orderly and prescribed procedures of the publishing organization.

(3) It is expected that campus student publications shall have a written editorial policy consistent with the above.

[Statutory Authority: Chapter 28B.50 RCW. 85-13-067 (Order 24, Resolution No. 52-0585), § 132C-120-035, filed 6/18/85; 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-035, filed 4/4/80.]

WAC 132C-120-040 Distribution of printed material on campus. Publications, handbills, leaflets, statements, and similar materials except those which are commercial, obscene, or unlawful in character may be distributed without review or approval by any enrolled student or recognized group of students enrolled at Olympic College. It is to be understood that such materials do not necessarily represent the views of the college or the board of trustees. Such materials may be distributed from authorized public areas in the student center and at any outdoor area on campus consistent with the maintenance of college property, with the free flow of traffic and persons, and not in a manner which in itself limits the orderly operation of college affairs.

[Statutory Authority: Chapter 28B.50 RCW. 10-20-152, § 132C-120-040, filed 10/6/10, effective 11/6/10; 05-10-052, § 132C-120-040, filed 4/29/05, effective 5/30/05; 85-13-067 (Order 24, Resolution No. 52-0585), § 132C-120-040, filed 6/18/85; 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-040, filed 4/4/80.]

WAC 132C-120-045 Commercial activities. College facilities will not be used for commercial solicitation, advertising, or promotional activities except when such activities clearly serve Olympic College educational objectives, including but not limited to, display of books of interest to the academic community or the display or demonstration of technical or research equipment, and when such commercial activities relate to educational objectives and are conducted under the sponsorship or at the request of a college division or the office of student programs and activities of the college, provided that such solicitation does not interfere with or operate to the detriment of the conduct of college affairs.

[Statutory Authority: Chapter 28B.50 RCW. 85-13-067 (Order 24, Resolution No. 52-0585), § 132C-120-045, filed 6/18/85; 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-045, filed 4/4/80.]

WAC 132C-120-050 Authority to prohibit trespass. The president or designee, acting through the vice-president of student services or such other designated person shall have authority and power to:

(1) Prohibit the entry of, or withdraw the license or privilege of a person or persons or any group of persons to enter onto or remain upon any portion of a college facility; or

(2) Give notice against trespass to any person, persons, or group of persons against whom the license or privilege has been withdrawn or who have been prohibited from entering

onto or remaining upon all or any portion of a college facility; or

(3) Order any person, persons, or group of persons to leave or vacate all or any portion of a college facility.

Such authority and power may be exercised to halt any event that is deemed to be unreasonably disruptive of order or threatens to disrupt the movement of persons from facilities owned and/or operated by the college. Any student or person who shall disobey a lawful order given by the college president or designee pursuant to the requirements of this rule shall be subject to disciplinary and/or legal action.

[Statutory Authority: Chapter 28B.50 RCW. 05-10-052, § 132C-120-050, filed 4/29/05, effective 5/30/05; 85-13-067 (Order 24, Resolution No. 52-0585), § 132C-120-050, filed 6/18/85; 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-050, filed 4/4/80.]

WAC 132C-120-055 Emergency procedures. In the event of activities or situations which interfere with the orderly operation of the college, the dean of students or college president or their designees shall determine the course of action which appears to offer the best possibility for resolution of the problem. The emergency procedures outlined below will be followed if deemed essential:

(1) Inform those involved in such activities that they are in violation of college and/or civil regulations.

(2) Inform them that they should cease and desist.

(3) If they do not respond within a reasonable time, call the civil authorities.

[Statutory Authority: Chapter 28B.50 RCW. 85-13-067 (Order 24, Resolution No. 52-0585), § 132C-120-055, filed 6/18/85; 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-055, filed 4/4/80.]

WAC 132C-120-060 Right to demand identification.

For the purpose of determining the identity of a person as a student, where identification as a student is a prerequisite to admission or the charge for admission to any college activity, or where identification as a student is required in a case of alleged violation of this code, any college employee may demand that any person on college property or at a college activity produce evidence of student enrollment at the college. Failure of the student to produce identification as required shall subject the student to disciplinary action.

[Statutory Authority: Chapter 28B.50 RCW. 05-10-052, § 132C-120-060, filed 4/29/05, effective 5/30/05; 85-13-067 (Order 24, Resolution No. 52-0585), § 132C-120-060, filed 6/18/85; 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-060, filed 4/4/80.]

WAC 132C-120-065 Violations. Any student shall be subject to immediate disciplinary action provided for in this student conduct code who, either as a principal actor or aider or abettor:

(1) Materially and substantially interferes with the personal rights or privileges of others or the educational process of the college;

(2) Violates any provision of the student conduct code;

(3) Commits any of the following acts which are hereby prohibited:

(a) Assault, reckless endangerment, intimidation, harassment, or interference upon another person.

(b) Disorderly, abusive, or bothersome conduct. Disorderly or abusive behavior that interferes with the rights of

others or obstructs or disrupts teaching, research, or administrative functions.

(c) Failure to follow instructions. Inattentiveness, inability, or failure of student to follow the instructions of a college official, thereby infringing upon the rights and privileges of others.

(d) Providing false information to the college, forgery, or alteration of records.

(e) Illegal assembly, disruption, obstruction or other act which materially and substantially interferes with vehicular or pedestrian traffic, classes, hearings, meetings, the educational and administrative functions of the college, or the private rights and privileges of others.

(f) Inciting others. Intentionally encouraging, preparing, or compelling others to engage in any prohibited conduct.

(g) Hazing. Hazing means any method of initiation into a student organization or any pastime or amusement engaged in with respect to such an organization that causes, or is likely to cause, bodily danger or physical, mental or emotional harm to any student or other person.

(h) False complaint. Knowingly or recklessly filing a formal complaint falsely accusing another student or college employee with violating a provision of this chapter.

(i) False alarms. Falsely setting off or otherwise tampering with any emergency safety equipment, alarm, or other device established for the safety of individuals and/or college facilities.

(j) Sexual harassment. Engaging in unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where such behavior offends the recipient, causes discomfort or humiliation, or interferes with job or school performance.

(k) Malicious harassment. Malicious harassment involves intimidation or bothersome behavior directed toward another person because of, or related to that person's race, color, religion, gender, sexual orientation, ancestry, national origin, or mental, physical, or sensory disability.

(l) Theft and robbery. Theft of the property of the district or of another as defined in RCW 9A.56.010 through 9A.56.050 and RCW 9A.56.100 as now law or hereafter amended. Includes theft of the property of the district or of another; actual or attempted theft of property or services belonging to the college, any member of its community or any campus visitor; or knowingly possessing stolen property.

(m) Damage to any college facility or equipment. Intentional or negligent damage to or destruction of any college facility, equipment, or other public or private real or personal property.

(n) Unauthorized use of college or associated students' equipment or supplies. Converting of college equipment, supplies, or computer systems for personal gain or use without proper authority.

(o) Illegal entry. Entering, or remaining in any administrative office or otherwise closed college facility or entering after the closing time of college facilities without permission of an employee in charge.

(p) Possession or use of firearms, explosives, dangerous chemicals, or other dangerous weapons, instruments, or substances that can be used to inflict bodily harm or to damage real or personal property, except for authorized college purposes or law enforcement officers.

(q) Refusal to provide identification (e.g., valid driver's license, student identification, passport, or state identification card) in appropriate circumstances to any college employee in the lawful discharge of the employee's duties.

(r) Smoking. Smoking in any classroom or laboratory, the library, or in any college facility, office, or any other smoking not in compliance with college policy or chapter 70.160 RCW.

(s) Controlled substances. Using, possessing, being demonstrably under the influence of, or selling any narcotic or controlled substance as defined in chapter 69.50 RCW as now law or hereafter amended, except when the use or possession of a drug is specifically prescribed as medication by an authorized medical doctor or dentist. For the purpose of this regulation, "sale" shall include the statutory meaning defined in RCW 69.50.410 as now law or hereafter amended.

(t) Alcoholic beverages. Being demonstrably under the influence of any form of alcoholic beverage. Possessing or consuming any form of alcoholic beverage on college property, with the exception of sanctioned events, approved by the president or his or her designee and in compliance with state law.

(u) Computer, telephone, or electronic technology violation. Conduct that violates the college published acceptable use rules on computer, telephone, or electronic technology use, including electronic mail and the internet.

(v) Computer trespass. Gaining or denying others access, without authorization, to a computer system or network, or electronic data owned, used by, or affiliated with Olympic College.

(w) Ethics violation. The breach of any generally recognized and published code of ethics or standards of professional practice that governs the conduct of a particular profession for which the student is taking courses or is pursuing as an educational goal or major. These ethics codes must be distributed to students as part of an educational program, course, or sequence of courses and the student must be informed that a violation of such ethics codes may subject the student to disciplinary action by the college.

(x) Criminal law violation, illegal behavior, other violations. Students may be accountable to the civil or criminal authorities and the college for acts which constitute violations of federal, state, or local law as well as college rules where the students' behavior is determined to threaten the health, safety, and/or property of the college and its members. The college may refer any such violations to civilian or criminal authorities for disposition.

[Statutory Authority: Chapter 28B.50 RCW. 05-10-052, § 132C-120-065, filed 4/29/05, effective 5/30/05; 85-13-067 (Order 24, Resolution No. 52-0585), § 132C-120-065, filed 6/18/85; 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-065, filed 4/4/80.]

WAC 132C-120-071 Academic dishonesty. Academic dishonesty includes cheating, plagiarism, fabrication, and facilitating academic dishonesty.

(1) Cheating is intentionally using or attempting to use unauthorized materials, information, or study aids in any academic activity.

(2) Plagiarism includes submitting to a faculty member any work product that the student fraudulently represents to the faculty member as the student's work product for the pur-

pose of fulfilling or partially fulfilling any assignment or task required by the faculty member as part of the student's program of instruction.

(3) Fabrication is the intentional and unauthorized falsification or invention of any information or citation in an academic activity.

(4) Facilitating academic dishonesty is intentionally or knowingly helping or attempting to help another to violate a provision of this section of the disciplinary code.

Acts of dishonesty are serious breaches of honor and shall be dealt with in the following manner:

(a) Any student who commits or aids in the accomplishment of an act of academic dishonesty shall be subject to disciplinary action.

(b) In cases of academic dishonesty, the student's final grade may be adjusted. The instructor may also refer the matter to the vice-president of student services for disciplinary action.

[Statutory Authority: Chapter 28B.50 RCW. 05-10-052, § 132C-120-071, filed 4/29/05, effective 5/30/05.]

WAC 132C-120-076 Classroom conduct. Faculty have the authority to take appropriate action to maintain order and proper conduct in the classroom and to maintain the effective cooperation of the class in fulfilling the objectives of the course.

An instructor has the authority to exclude a student from any single class session during which the student is disruptive to the learning environment. The instructor shall report any such exclusion from the class to the vice-president of student services or designee who may summarily suspend the student or initiate conduct proceedings as provided in this procedure. The vice-president of student services may impose a disciplinary probation that restricts the student from the classroom until the student has met with the vice-president of student services and the student agrees to comply with the specific conditions outlined by the vice-president of student services for conduct in the classroom. The student may appeal the disciplinary sanction according to the disciplinary appeal procedures.

[Statutory Authority: Chapter 28B.50 RCW. 05-10-052, § 132C-120-076, filed 4/29/05, effective 5/30/05.]

WAC 132C-120-100 Jurisdiction. Admission to the college carries with it the expectation that the student will obey the law, comply with rules and regulations of the college, and is accountable for his/her conduct.

All rules herein adopted shall apply to every student on any college property or engaged in any college related activity or function. Sanctions for violation of the rules of student conduct herein adopted will be administered by the college in the manner provided by said rules. When violations of the laws of the state of Washington and/or the United States are involved, the college may in addition refer such matters to civil authorities. In the case of minors such conduct may be referred to parents or guardians.

This code is applicable in all matters of discipline, and any disciplinary action imposed upon a student shall be taken in accordance with this code, unless the disciplinary action was imposed according to separate college policy which the

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student contractually accepted as a condition to participation in a particular course of study.

Disciplinary action, including dismissal from the college, may be imposed on a student for failure to abide by rules of conduct contained herein. The form of disciplinary action imposed will determine whether and under what conditions a violator may continue as a student at the college. Practices in disciplinary cases may vary in formality according to the severity of the case.

College administrative officers may deny admission to a prospective student or reregistration to a current student if, in their judgment, the student would not be competent to profit from the curricular offerings of the college, or would, by the student's presence or conduct, create a disruptive atmosphere within the college inconsistent with the purpose of the institution.

When reference in this document is made to a college official, that reference shall be read to include the specified college official or designee.

[Statutory Authority: Chapter 28B.50 RCW. 05-10-052, § 132C-120-100, filed 4/29/05, effective 5/30/05; 85-13-067 (Order 24, Resolution No. 52-0585), § 132C-120-100, filed 6/18/85; 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-100, filed 4/4/80.]

WAC 132C-120-105 Procedural standards in disciplinary proceedings. In developing responsible student conduct, disciplinary proceedings play a role substantially secondary to example, counseling, and admonition. At the same time, Olympic College has a duty and the corollary disciplinary powers to protect its educational purpose through the setting of standards of scholarship and conduct for students who attend and through regulation of the use of institutional facilities. In circumstances when preferred means fail to resolve problems of student conduct, prior procedural safeguards shall be observed to protect the student from unfair imposition of serious disciplinary penalties.

The administration of discipline shall guarantee procedural fairness to an accused student. Practices in disciplinary cases may vary in formality with the gravity of the offense and sanctions which may be applied. The jurisdictions, responsibilities, and procedures of the college disciplinary structure shall be clearly established and published.

In all situations procedural due process requires that the student be informed of the nature of charges against him/her, be given a fair opportunity to refute them, that disciplinary actions not be arbitrary, and that there be provision for appeal of disciplinary actions. Students charged with violation of the student code of conduct shall be informed of their right to due process.

[Statutory Authority: Chapter 28B.50 RCW. 85-13-067 (Order 24, Resolution No. 52-0585), § 132C-120-105, filed 6/18/85; 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-105, filed 4/4/80.]

WAC 132C-120-110 Disciplinary proceedings. Any person shall have the right to request sanctions for violations of the student conduct code.

All disciplinary proceedings will be initiated by the vice-president of student services who may also establish advisory panels to advise or act for the office in disciplinary proceedings.

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Any student accused of violating any provision of the rules of student conduct will be called for an initial conference with the vice-president of student services and will be informed of what provision or provisions of the code of student conduct he/she is charged with violating and what appears to be the range of penalties which might result from consideration of the disciplinary proceeding.

After considering the evidence in the case and interviewing the accused, the vice-president of student services may take any of the following actions:

- (1) Terminate the proceeding, exonerating the accused;
- (2) Dismiss the case after whatever counseling and advice may be appropriate;
- (3) Impose sanctions directly such as warning, reprimand, restitution, disciplinary probation, suspension, and/or expulsion;
- (4) Refer the matter to the student conduct board for a recommendation to the vice-president of student services as to appropriate action.

A student accused of violating any provision of the code of student conduct shall be given written notification of the vice-president of student services' action.

Disciplinary action recommended by the vice-president of student services is final unless the accused exercises his/her right of appeal as provided in WAC 132C-120-115.

[Statutory Authority: Chapter 28B.50 RCW. 05-10-052, § 132C-120-110, filed 4/29/05, effective 5/30/05; 85-13-067 (Order 24, Resolution No. 52-0585), § 132C-120-110, filed 6/18/85; 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-110, filed 4/4/80.]

WAC 132C-120-115 Appeals. Any disciplinary action may be appealed as provided. Action by the vice-president of student services may be appealed to the student conduct board. Action taken by the student conduct board may be appealed to the president. Action taken by the president shall be final. All appeals by a student must be made in writing and presented to the college president within five instructional days of the disciplinary action/recommendation or the right to appeal is waived and the disciplinary action/recommendation is automatically imposed. Decisions on appeals will be rendered in writing within three instructional days following conclusion of the appeal process.

Time periods referenced in the code may be altered or waived on written agreement of the accused and vice-president of student services.

An appeal of a disciplinary action stays enforcement of the action until the appeal process is exhausted or a final decision reached.

[Statutory Authority: Chapter 28B.50 RCW. 05-10-052, § 132C-120-115, filed 4/29/05, effective 5/30/05; 85-13-067 (Order 24, Resolution No. 52-0585), § 132C-120-115, filed 6/18/85; 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-115, filed 4/4/80.]

WAC 132C-120-120 Composition of the student conduct board. The student conduct board shall be composed of seven members on an ad hoc basis as needed. Members shall be selected as follows:

- (1) The college president shall appoint three members and an alternate from the faculty.
- (2) The president shall appoint one member from the college administration and an alternate.

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(3) The college president shall appoint two members from the student body. The president may consult the president of the associate students of Olympic College for a recommendation of student members.

(4) The president of the college shall designate a chair from the membership who shall preside at all meetings and hearings. The chair shall not vote except to break a tie vote.

[Statutory Authority: Chapter 28B.50 RCW. 05-10-052, § 132C-120-120, filed 4/29/05, effective 5/30/05; 85-13-067 (Order 24, Resolution No. 52-0585), § 132C-120-120, filed 6/18/85; 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-120, filed 4/4/80.]

WAC 132C-120-125 Procedures for student conduct board hearing. The student conduct board will hear and make recommendations to the president of the college on all disciplinary cases referred/appealed to it.

The accused has a right to a fair and impartial hearing before the student conduct board on any charge of violating rules of student conduct. The accused's failure to cooperate with hearing procedures shall not prevent the student conduct board from making its findings of fact, conclusions, and recommendations. Failure by the accused to cooperate may be taken into consideration by the student conduct board in recommending appropriate disciplinary action to the president.

The accused shall be given written notice of the time and place of the hearing before the student conduct board and afforded not less than five instructional days notice thereof. Said notice shall contain:

- (1) A statement of the time, place, and nature of the disciplinary hearing.
- (2) A statement of allegations and reference to relevant sections of the student conduct code involved.

The accused shall be entitled to hear and examine evidence against him/her and be informed of the identity of its source, shall be entitled to present evidence or witnesses in his/her own behalf and cross-examine adverse witnesses as to relevant factual matters.

Only those matters presented at the hearing in the presence of the accused will be considered by the student conduct board in determining whether there is sufficient evidence to cause it to believe the accused violated the student conduct code.

The student may be represented by counsel of choice at the disciplinary hearing. If the student elects to choose a duly licensed attorney admitted to practice in any state as counsel, he/she may do so provided that not less than three instructional days notice of the same is given the vice-president of student services.

In all disciplinary proceedings, the college may be represented by the vice-president of student services, designee, and/or assistant attorney general who shall present the college's case against the student accused of violating rules of the student conduct code.

The chair of the student conduct board shall preside at the disciplinary hearing and may establish organizational or operational procedures necessary to the conduct of the hearing. The chair may rule on all questions before the student conduct board and may limit repetitious testimony and exclude immaterial or irrelevant evidence. Strict rules of evidence shall not be applied.

The proceedings of the hearing shall be recorded and copies of presented materials retained. Such shall be kept in the vice-president of student services office after use by the student conduct board.

[Statutory Authority: Chapter 28B.50 RCW. 05-10-052, § 132C-120-125, filed 4/29/05, effective 5/30/05; 85-13-067 (Order 24, Resolution No. 52-0585), § 132C-120-125, filed 6/18/85; 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-125, filed 4/4/80.]

WAC 132C-120-130 Conduct of disciplinary hearings. Hearings conducted by the student conduct board will be held in closed session except when the accused requests that students and staff other than those directly involved be invited to attend. If at any time during the conduct of a hearing invited guests are disruptive of the proceedings, the chair of the student conduct board may exclude such persons from the hearing room.

Any student or staff member attending the student conduct board hearing as an invited guest who continues to disrupt said proceedings after the chair of the student conduct board has asked him/her to cease and desist therefrom shall be subject to disciplinary action.

[Statutory Authority: Chapter 28B.50 RCW. 05-10-052, § 132C-120-130, filed 4/29/05, effective 5/30/05; 85-13-067 (Order 24, Resolution No. 52-0585), § 132C-120-130, filed 6/18/85; 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-130, filed 4/4/80.]

WAC 132C-120-135 Decision by the student conduct board. Upon conclusion of the disciplinary hearing, the student conduct board shall in closed session consider the evidence therein presented. By majority the board shall reach its conclusions and recommended disciplinary action. The board shall issue in written form its conclusions and recommended disciplinary action within three instructional days of the conclusion of the hearing to the student, the vice-president of student services, and the president. The disciplinary recommendations of the board shall be limited to the following:

(1) That the student or students be exonerated and the proceedings terminated.

(2) That any disciplinary action provided in WAC 132C-120-145 be imposed on the student or students.

Disciplinary action recommended by the student conduct board shall be automatically imposed unless the accused exercises his/her right of appeal to the president as provided in WAC 132C-120-115.

[Statutory Authority: Chapter 28B.50 RCW. 05-10-052, § 132C-120-135, filed 4/29/05, effective 5/30/05; 85-13-067 (Order 24, Resolution No. 52-0585), § 132C-120-135, filed 6/18/85; 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-135, filed 4/4/80.]

WAC 132C-120-140 Final decision on disciplinary appeals. The president of the college or any representative designated except the vice-president of student services shall on appeal review the record of the proceedings, the recommended action of the student conduct board, and any written statements of appeal filed by the accused student. Following review of all submitted materials, the president or designee will, within three instructional days, issue in writing to the accused, student conduct board, and vice-president of student services approval of the recommendations of the student conduct board or shall specify what other action shall be taken.

(10/6/10)

No hearing shall be held at this stage and the decision of the president shall be final.

[Statutory Authority: Chapter 28B.50 RCW. 05-10-052, § 132C-120-140, filed 4/29/05, effective 5/30/05; 85-13-067 (Order 24, Resolution No. 52-0585), § 132C-120-140, filed 6/18/85; 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-140, filed 4/4/80.]

WAC 132C-120-145 Disciplinary actions. The following disciplinary actions are hereby established and shall be usual sanctions imposed upon violators of the code of student conduct:

Disciplinary warnings: Notice to a student either verbally or in writing that he/she has been in violation of the rules of student conduct or has otherwise failed to satisfy the college's expectations regarding conduct. Such warnings imply that continuation or repetition of the specific conduct involved or other misconduct will result in one of the more serious disciplinary actions described below.

Reprimand: Formal action censuring a student for violation of the rules of student conduct. Reprimands are always made in writing. A reprimand indicates to the student that continuation or repetition of the specific conduct involved or other misconduct will result in one of the more serious disciplinary actions described below.

Disciplinary probation: Formal action placing conditions upon the student's continued attendance for violation of the code of student conduct. The action will specify, in writing, the period of probation and any conditions such as limiting the student's participation in extracurricular activities. Disciplinary probation may be for a specified term or for an indefinite period which may extend to graduation or other termination of the student's enrollment in the college.

Dismissal: Termination of student status for violation of the code of student conduct. Dismissal may be for a stated or for an indefinite period. The notification dismissing a student will indicate, in writing, the term of the dismissal and any special conditions which must be met before readmission. There is no refund of tuition and fees for the quarter in which action is taken but tuition and fees paid in advance for a subsequent quarter are to be refunded.

Restitution: The college may demand restitution from individual students for destruction or damage of property. Failure to make arrangements for restitution promptly will result in the cancellation of the student's registration and will prevent the student from reregistration.

[Statutory Authority: Chapter 28B.50 RCW. 05-10-052, § 132C-120-145, filed 4/29/05, effective 5/30/05; 85-13-067 (Order 24, Resolution No. 52-0585), § 132C-120-145, filed 6/18/85; 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-145, filed 4/4/80.]

WAC 132C-120-150 Readmission after dismissal. Any student dismissed from the college for disciplinary reasons may be readmitted only on written petition to the vice-president of student services. Such petitions must indicate how specified conditions have been met and, if the term of the dismissal has not expired, any reasons which support a reconsideration of the matter.

[Statutory Authority: Chapter 28B.50 RCW. 05-10-052, § 132C-120-150, filed 4/29/05, effective 5/30/05; 85-13-067 (Order 24, Resolution No. 52-0585), § 132C-120-150, filed 6/18/85; 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-150, filed 4/4/80.]

WAC 132C-120-200 Summary suspension rules. The board of trustees of Olympic College recognizes the need to provide the administration with a summary system of student discipline which can swiftly and fairly respond to immediate disorder. Summary suspension rules are not to be construed to supplant provisions of the student conduct code or usual disciplinary procedures, but rather to supplement the student conduct code by providing an emergency method of suspension during the pendency of investigation and prosecution of student violations that will subsequently be heard on their merits consistent with student conduct code procedures.

[Statutory Authority: Chapter 28B.50 RCW. 85-13-067 (Order 24, Resolution No. 52-0585), § 132C-120-200, filed 6/18/85; 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-200, filed 4/4/80.]

WAC 132C-120-205 Initiation of summary suspension proceedings. The college president or designee may suspend any student for not more than ten instructional days pending investigation, action, or prosecution on charges of an alleged student conduct code violation if the president or designee has reason to believe the student's physical or emotional safety and well-being, or the safety and well-being of other college community members, or the safety and well-being of the college or its functioning renders the normal disciplinary process ineffectual and commands such suspension.

[Statutory Authority: Chapter 28B.50 RCW. 85-13-067 (Order 24, Resolution No. 52-0585), § 132C-120-205, filed 6/18/85; 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-205, filed 4/4/80.]

WAC 132C-120-210 Notice of summary suspension. If the college president or designee desires to exercise the authority to summarily suspend a student, the president or designee shall cause notice thereof to be served on that student by registered or certified mail at the student's last known address, or by personal service of such notice to the student. The notice shall be entitled *Notice of Summary Suspension* and shall state:

- (1) The charges against the student including reference to provisions of the student conduct code and/or law.
- (2) That the student charged must appear before the vice-president of student services for a summary suspension hearing at a time specified in the notice.

[Statutory Authority: Chapter 28B.50 RCW. 05-10-052, § 132C-120-210, filed 4/29/05, effective 5/30/05; 85-13-067 (Order 24, Resolution No. 52-0585), § 132C-120-210, filed 6/18/85; 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-210, filed 4/4/80.]

WAC 132C-120-215 Permission to enter or remain on campus. During the period of summary suspension, the student shall not enter any college property or attend any college function other than to meet with the vice-president of student services or attend a summary suspension hearing. However, the vice-president of student services may grant the student special permission to enter the campus for express purposes such as meeting with staff or students in preparation for a hearing.

[Statutory Authority: Chapter 28B.50 RCW. 05-10-052, § 132C-120-215, filed 4/29/05, effective 5/30/05; 85-13-067 (Order 24, Resolution No. 52-0585), § 132C-120-215, filed 6/18/85; 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-215, filed 4/4/80.]

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WAC 132C-120-220 Procedures for summary suspension hearing. At the summary suspension hearing, the student against whom the violation or violations are alleged shall have the opportunity of proving to the vice-president of student services that there is no cause to believe that the violations cited on the notice of summary suspension did occur, and that summary suspension is not necessary or justifiable pursuant to WAC 132C-120-200 through 132C-120-220.

The student may offer oral testimony, present witnesses, submit any statement or affidavit, examine any affidavit or cross-examine any witness who may appear against him/her and submit any matter in extenuation or mitigation of the offense or offenses charged.

The vice-president of student services shall at the time of the summary suspension hearing determine whether there is probable cause to believe that a violation of law or of the code of student conduct has occurred and whether there is cause to believe summary suspension continues to be necessary pursuant to WAC 132C-120-200 through 132C-120-220. In the course of making such decisions the vice-president of student services may consider only the affidavits and oral testimony of persons who alleged that the student charged has committed a violation of law or the student conduct code and the oral testimony and affidavits submitted by the student charged.

[Statutory Authority: Chapter 28B.50 RCW. 05-10-052, § 132C-120-220, filed 4/29/05, effective 5/30/05; 85-13-067 (Order 24, Resolution No. 52-0585), § 132C-120-220, filed 6/18/85; 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-220, filed 4/4/80.]

WAC 132C-120-225 Decision by vice-president of student services. On conclusion of the summary suspension hearing and review of evidence and testimony presented therein, the vice-president of student services or designee may exercise a range of actions including but not limited to the following:

- (1) Sustain the summary suspension for its duration or portion thereof, subject to disciplinary actions which may be brought under the code of student conduct rules following the suspension.
- (2) Stay the summary suspension and impose any disciplinary action(s) enumerated in WAC 132C-120-110 Disciplinary proceedings of the code of student conduct.

Following the summary suspension hearing, the student shall be provided written notification of findings, conclusions, and disciplinary actions, if any. Notification and any attendant instructions or information will be provided through personal service or sent the student by registered or certified mail at the student's last known address.

[Statutory Authority: Chapter 28B.50 RCW. 05-10-052, § 132C-120-225, filed 4/29/05, effective 5/30/05; 85-13-067 (Order 24, Resolution No. 52-0585), § 132C-120-225, filed 6/18/85; 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-225, filed 4/4/80.]

WAC 132C-120-230 Failure to appear for summary suspension hearing. If a student who has been summarily suspended fails to appear for a summary suspension hearing with the vice-president of student services as required by WAC 132C-120-210, the suspension will automatically stand for its specified duration, after which the vice-president of student services or designee may initiate further disciplinary proceedings against the student as provided in the code of student conduct.

[Statutory Authority: Chapter 28B.50 RCW. 05-10-052, § 132C-120-230, filed 4/29/05, effective 5/30/05; 85-13-067 (Order 24, Resolution No. 52-0585), § 132C-120-230, filed 6/18/85.]

WAC 132C-120-235 Summary suspension proceedings not duplicitous. As indicated, the summary suspension proceedings shall not substitute for disciplinary proceedings provided for in the code of student conduct. At the end of the suspension, the student suspended shall be reinstated to full rights and privileges as a student, subject to whatever sanctions may have been or may be in the future imposed pursuant to the code of student conduct or these rules of summary suspension.

Records and evidence presented during the course of any facet of a summary suspension proceeding brought against the student shall be available for use by the student and the college in disciplinary proceeding initiated under the code of student conduct.

[Statutory Authority: Chapter 28B.50 RCW. 85-13-067 (Order 24, Resolution No. 52-0585), § 132C-120-235, filed 6/18/85.]