

Chapter 132F-121 WAC

STUDENT ACTIVITIES, RIGHTS AND DISCIPLINE

(Formerly chapter 132F-120 WAC)

WAC

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WAC 132F-121-010 Definitions and general provisions. For purposes of this chapter:

(1) The terms "college" and "campus" are used interchangeably, and each refers to any of the district's three colleges, North Seattle Community College, Seattle Central Community College, and South Seattle Community College. The Seattle Vocational Institute is considered to be part of Seattle Central Community College.

(2) "Day" means calendar day, unless specified otherwise, and deadlines shall be computed in accordance with WAC 10-08-080.

(3) "District" means the sixth state college district, the district administrative offices (Siegal Center), North Seattle Community College, Seattle Central Community College, South Seattle Community College, the Seattle Vocational Institute, and/or every other District VI educational facility, each separately and all together.

(4) "District community" includes, but is not limited to, the district itself and all enrolled students, employees, officers, and invitees of the district.

(5) "District property" includes all real property, buildings, and other facilities that are owned, leased, or controlled by the district or by the state for district purposes.

(6) "Vice-president for student services" means the person whom a college president has appointed to that position or has otherwise designated to perform the functions ascribed to that position in this chapter.

(7) An action or activity that may be authorized or taken by the district chancellor, a vice chancellor, a campus presi-

dent, or a campus vice-president may also be authorized or taken by any other person whom that officer has specifically designated to perform that function on his/her behalf, but this officer retains responsibility for the function.

(8) After the adoption of these rules, if a statute or rule to which they refer is re-numbered or otherwise amended, these rules shall be interpreted to the fullest extent possible to incorporate such amendment while still giving effect to their original purposes.

(9) Service of any document, notice, or copy under this chapter shall be made (a) by personal delivery, (b) by mailing to the recipient's last known address, which service shall be regarded as complete upon deposit in the U.S. mail properly stamped and addressed, or (c) as otherwise authorized by law or rule.

[Statutory Authority: RCW 28B.50.100, [28B.50].130, and/or [28B.50].-140. 03-16-015, § 132F-121-010, filed 7/28/03, effective 8/28/03.]

WAC 132F-121-020 Student rights, freedoms, and responsibilities. (1) Preamble. As members of the academic community, students are encouraged to develop the capacity for critical judgment and to engage in an independent search for truth. Freedom to teach and freedom to learn are inseparable facets of academic freedom. The freedom to learn depends upon appropriate opportunities and conditions in the classroom, on the campus, and in the larger community. Students should exercise their freedom with responsibility. The responsibility to secure and to respect general conditions conducive to the freedom to learn is shared by all members of the district community.

(2) Classroom freedom of expression. The district recognizes the rights of students to freedom of discussion and free expression of views. However, students' rights of classroom expression do not include expressions or conduct which create a hostile educational environment or violate chapter 49.60 RCW or other applicable law. It is the responsibility of the instructor to insure and encourage the realization not only of the fact but of the spirit of free inquiry. Instructors have the responsibility to maintain order, but this authority shall not be used to inhibit the expression of views contrary to their own. Students have the right to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion, but they cannot do so in a disruptive manner that interferes with the educational process. Students are responsible for learning the content of any course of study for which they are enrolled. It also is the responsibility of the student to comply with the instructor's efforts to assure freedom of expression and to maintain order.

(3) Protection against improper evaluation. Instructors shall give their students fair and consistent evaluations of the students' course performance. Toward this end, instructors are also responsible for establishing appropriate standards of

academic performance for each course. Fair and consistent grading is a legitimate classroom experience.

(4) Protection against improper disclosure. Information about student views, beliefs, and political associations which is acquired by instructors in the course of their work as faculty or advisors, under circumstances which clearly indicate that it is intended to be confidential, shall be treated as confidential and shall not be disclosed to others, unless it relates to the apparent or intended commission of a crime or disclosure is required by law. Protection against improper disclosure of student education record information is a serious professional obligation incurred by the teaching profession and district administrators. However, evaluations of student ability and character may be provided to third parties with the student's consent or in accordance with applicable law.

(5) Nonacademic expression and inquiry. Students and student organizations are free to examine and to discuss all questions of interest to them and to express opinions publicly and privately, in accordance with law. They are free to support causes by orderly and lawful means which do not disrupt the operation of the institution and which comply with the district's policies regarding these activities.

(6) The district shall respect students' right to privacy. It will not inquire into the off-campus activities of its students without legal justification.

[Statutory Authority: RCW 28B.50.100, [28B.50].130, and/or [28B.50].-140. 03-16-015, § 132F-121-020, filed 7/28/03, effective 8/28/03.]

WAC 132F-121-030 Student organizations. (1) Student organizations may be established and recognized whether their aims are educational, cultural, recreational, social, athletic, religious, political, or economic. Affiliation with an external organization shall not in and of itself disqualify a campus-based student organization from recognition. Membership in a student organization shall be open to any student who subscribes to the stated aims of the organization. To operate as such, a student organization must be recognized by the approved student government organization. The student organization shall abide by all governing federal and state laws and district and campus rules, policies and procedures.

(2) A college may require, as a condition of access to campus funds and/or facilities, demonstration or proof of the student enrollments of a student organization's members. However, any list of members compiled for such purposes shall not be publicly disclosed except in accordance with applicable law. A college may, in its discretion, permit others, such as students' spouses, to participate in a student organization's activities under appropriate conditions.

(3) Each year, before a student organization may be recognized or function as such, or may use services and activities funds, a college employee must agree to serve as its advisor and his/her name must be provided to and approved by the vice-president for student services. No campus employee may serve as the advisor for more than two student organizations at the same time.

(4) Where funds are allocated to a student organization, financial accountability is required. Student organizations' funds shall be maintained at the college, in college accounts. The organizations shall keep detailed written records of their income and expenditures and shall assure that these can be

reconciled with the campus budget and accounting system. Student organizations' financial records must be made available upon request to the student government organization and to any administrative officer designated by the college president.

(5) A college president may withdraw a student organization's recognition and funding for good cause. Such cause shall include, but not be limited to, (a) failure to comply with this rule or other district requirements or (b) hazing.

[Statutory Authority: RCW 28B.50.100, [28B.50].130, and/or [28B.50].-140. 03-16-015, § 132F-121-030, filed 7/28/03, effective 8/28/03.]

WAC 132F-121-040 Journalistic freedom and responsibility. (1) A primary purpose of student publications is to promote free and responsible discussion of campus and community issues.

(2) Each campus president shall establish a board of publications composed of representatives of students, faculty, and staff. This board shall serve as the publisher of all student publications and shall have general authority over them.

(3) The board of publications may adopt, subject to modification by the campus president, such journalistic, editorial, and advertising guidelines as it deems appropriate to govern student publications. Unless specifically stated by the board and approved by the campus president otherwise, these guidelines shall be deemed to include all applicable federal and state laws, all district rules, policies and procedures, and relevant codes of journalistic, editorial and advertising ethics and practices as adopted by national trade and professional organizations, including but not limited to the *Statement of Principles* as adopted by the American Society of Newspaper Editors.

(4) Student newspapers shall be free of censorship. However, student newspapers and other student publications shall follow the board's guidelines as described above. Student editors shall be free to develop their own editorial policies within these guidelines.

(5) Staff members of student newspapers shall not be subject to arbitrary discipline or dismissal because of student, faculty, administrative or community disapproval of editorial policy or content.

(6) Good cause for discipline or dismissal of a student publication staff member shall include, but not be limited to, violation of the board's guidelines. Any discipline or dismissal of a student staff member shall be subject to review under the student complaint procedure.

[Statutory Authority: RCW 28B.50.100, [28B.50].130, and/or [28B.50].-140. 03-16-015, § 132F-121-040, filed 7/28/03, effective 8/28/03.]

WAC 132F-121-050 Student use of the district/college name. (1) No individual student, student group, or student organization may act or make any representation in the name of the district or of any campus without specific authorization from the vice-president for student services.

(2) No individual student, student group or student organization shall falsely indicate or represent that his, her, or its own position on any policy or issue is that of the district or of any campus.

[Statutory Authority: RCW 28B.50.100, [28B.50].130, and/or [28B.50].-140. 03-16-015, § 132F-121-050, filed 7/28/03, effective 8/28/03.]

WAC 132F-121-060 Student complaints generally.

(1) The procedures in this chapter are to be used for the processing and disposition of complaints by students (complainants) against college employees or other students, except to the extent that a complaint is against a college employee and the processing is dictated otherwise by a collective bargaining agreement or other applicable process. These procedures are available to all students and are intended to protect the rights of both the complainant and the respondent.

(2) For the purposes of this chapter, a "complaint" is a good faith claim, based on personal knowledge, that the respondent employee or student (a) has violated a specific legal or district requirement or has otherwise acted without reasonable care (b) on district property or during an event or activity that the district conducts, participates in, or sponsors, (c) in a manner that had or has a significant detrimental effect on the complainant. However, an objection to disciplinary action under the student conduct code is only appealable under that code, and cannot constitute a complaint.

(3) Each college president shall appoint a complaints officer to handle student complaints. This position shall be filled by an employee whose position is below the level of vice-president. The district chancellor shall designate a complaints officer to handle complaints against Siegal Center employees. If the president or chancellor determines, upon request, that the complaints officer has a disqualifying personal interest in a particular matter, he/she may appoint a substitute complaints officer for that matter.

(4) The complaints officer shall be responsible for taking appropriate actions to try to resolve complaints. Information on the identity and location of the complaints officer(s) and about this procedure shall be readily available within each college.

(5) A complaint may be initiated under either the informal process or the formal process, as set forth below.

(6) No respondent or district employee shall take adverse action or otherwise retaliate against a student because that student initiated a complaint or assisted another student with a complaint.

(7) If more than one type of complaint or more than one respondent is included in one complaint, the complaints officer may, upon request, provide for appropriate modification(s) of these procedures.

(8) If a respondent employee is unavailable, or otherwise fails or refuses to participate timely in a complaint proceeding, the respondent's supervisor may, upon request and in her/his discretion, act or designate another person to act in the complaint proceeding on that employee's behalf. However, no action by a substitute may subject the respondent employee to discipline.

[Statutory Authority: RCW 28B.50.100, [28B.50].130, and/or [28B.50].-140. 03-16-015, § 132F-121-060, filed 7/28/03, effective 8/28/03.]

WAC 132F-121-070 Informal processing of complaints. (1) This informal process is intended to facilitate prompt and amicable resolution of a complaint apart from the formal complaint process.

(2) A student who has a complaint is encouraged to discuss the matter directly with the respondent to attempt to resolve it.

(7/28/03)

(3) If the complainant believes that discussion with an employee respondent will not achieve or has not achieved a satisfactory result, the complainant may communicate about the matter with the respondent's supervisor, if any. If the complainant identifies the matter as a complaint under this procedure, the supervisor shall, within the earlier of five days following that communication or any deadline established in an applicable collective bargaining agreement, appropriately notify the respondent of the complaint. The supervisor also shall, within the earlier of fifteen days following that communication or any deadline established in an applicable agreement, meet or attempt to meet with the respondent and otherwise attempt to resolve the complaint.

(4) Any participant in the informal process may request the complaint officer's assistance in obtaining a resolution.

(5) This informal process shall be deemed to be terminated if the complainant files a timely formal complaint related to the same matter.

[Statutory Authority: RCW 28B.50.100, [28B.50].130, and/or [28B.50].-140. 03-16-015, § 132F-121-070, filed 7/28/03, effective 8/28/03.]

WAC 132F-121-080 Formal processing of complaints. (1) This formal process applies to student complaints that are made to the complaints officer in writing. The complaints officer may extend any deadline herein for good cause.

(2) To be considered under this formal process, a complaint must be filed with the complaints officer in writing within ninety days of when the complainant knew or reasonably should have known that he/she had cause for a complaint, except as otherwise provided in WAC 132F-121-090 for a grade complaint. The written complaint shall be designated as a complaint under these rules and shall fully specify the facts and other grounds on which it is based. The complainant should attach copies of relevant supporting documents when feasible.

(3) Upon receipt of the complaint, the complaints officer shall determine whether it qualifies as such. If the officer determines that it does not qualify as a complaint, she/he shall serve notice to that effect on the complainant within five days. The complainant may obtain review of that notice of complaint disqualification by filing a written request with the complaints officer under subsection (7) below.

(4) If the complaints officer determines that the complaint does qualify as such, that officer shall serve copies of the complaint and any supporting documentation on the respondent and the respondent's supervisor (if any) within five days. After service of such a copy of the complaint, the respondent shall serve a written response on the complaints officer, and a copy thereof on the respondent's supervisor (if any), within fifteen days.

(5) Within five days of service of that response, or, absent a response, within five days of when one was due, the complaints officer shall serve on the complainant either the response or a statement that none has been received, together with notice of the complainant's rights under the following subsection.

(6) Within five days of this service, if the complainant finds that the response or nonresponse is unsatisfactory she/he may serve written notice of such dissatisfaction on the complaints officer. Within five days of service of such notice,

the complaints officer shall schedule a conference and invite the complainant, the respondent, and the respondent's supervisor (if any). This conference shall be held within fifteen days of service of the complainant's notice, or as soon thereafter as feasible. During this conference the complaints officer shall try to facilitate resolution. The complaints officer shall produce a written statement summarizing this conference and serve copies on each of the invited attendees within ten days after the conference.

(7) Within five days after service of either a notice of complaint disqualification or a conference summary, the complainant may obtain review thereof by filing a written request for such review with the complaints officer. Within five days of receiving this request for review, the complaints officer shall forward it, together with the complaint and other relevant documents, either to the vice-president of instruction (if the officer determines that the complaint is predominantly an instructional matter) or to the vice-president for student services (if the officer determines that the complaint is predominantly noninstructional in nature). If the respondent is a Siegal Center employee, the complaints officer shall forward the matter to a vice chancellor.

(8) This reviewing administrator shall review the complaint and documentation, and may also interview knowledgeable persons as appropriate. The administrator should render a written decision within fifteen days after receiving the complaint and documents, or as soon thereafter as feasible. The administrator may accept, reject, or modify any of the previous action(s) in the matter, and/or take other action(s). This decision shall be in writing and shall be served on the complainant, respondent, and others deemed appropriate.

(9) This decision of the reviewing administrator shall be the final decision of the district on that complaint.

[Statutory Authority: RCW 28B.50.100, [28B.50].130, and/or [28B.50].-140. 03-16-015, § 132F-121-080, filed 7/28/03, effective 8/28/03.]

WAC 132F-121-090 Additional provisions for grade complaints. (1) For student complaints regarding grades received for course work, this section shall apply in addition to the above-described informal and formal procedures.

(2) A student may formally grieve only the final grade received in a course, but that complaint may include any or all of the components of that final grade. For a grade complaint, the respondent(s) shall be, or include, the instructor who issued the grade.

(3) Instead of the deadline in WAC 132F-121-080, a formal complaint regarding a grade must be filed not later than the last day of the quarter which follows the quarter for which the disputed grade was received, except that a complaint regarding a spring quarter grade may be filed through the last day of the following fall quarter.

(4) In specifying the facts and other grounds on which it is based, the formal complaint shall specify the grade that is being challenged and should attach copies of relevant documents. The response on behalf of the respondent shall include, to the extent feasible, the applicable evaluation criteria, copies of the course syllabus and relevant grading records, and the faculty member's explanation for the grade.

(5) Ordinarily the evaluation of course mastery is exclusively within the province of the instructor of a particular

course, and so a grade change may be initiated only by that instructor. However, if a formal grade complaint is ultimately reviewed by the vice-president of instruction, and she/he finds that the grade was issued for an improper reason or was arbitrary and capricious or otherwise unlawful, that vice-president may change the grade in the records of the college.

(6) Nothing in these rules shall be construed to limit the separate authority of the vice-president of instruction to change a grade when required by a judicial order or a legal settlement agreement entered into by the district, regardless of whether a complaint has been filed.

[Statutory Authority: RCW 28B.50.100, [28B.50].130, and/or [28B.50].-140. 03-16-015, § 132F-121-090, filed 7/28/03, effective 8/28/03.]

WAC 132F-121-100 Student conduct generally. (1) Pursuant to the authority granted by RCW 28B.50.140 and other applicable law, the district board of trustees hereby establishes the following rules on student conduct and student discipline as the district's student conduct code.

(2) This student conduct code applies to every person who is enrolled as a student in the district.

(3) Expectations of students. Admission to the district presumes that students will conduct themselves as responsible members of the district community. When students enroll in any of the colleges or facilities operated by the district, they assume the obligation to observe standards of conduct which are appropriate to the pursuit of their educational goals.

(4) Student responsibility. Students have the obligations to:

(a) Maintain high standards of academic and personal honesty and integrity;

(b) Respect the rights of others and cooperate with all parts of the district community to insure that such rights are guaranteed, whether or not the views of those exercising such rights are consistent with their own;

(c) Refrain from actions which would interfere with campus functions or endanger the health, safety, welfare or property of others;

(d) Comply with district rules and regulations; and

(e) Comply with duly constituted civil authority, and obey all applicable laws.

[Statutory Authority: RCW 28B.50.100, [28B.50].130, and/or [28B.50].-140. 03-16-015, § 132F-121-100, filed 7/28/03, effective 8/28/03.]

WAC 132F-121-110 Student misconduct. Misconduct for which the campuses may impose sanctions includes, but is not limited to, any of the following:

(1) Any act of course-related dishonesty, including but not limited to cheating or plagiarism.

(a) Cheating includes, but is not limited to, using, or attempting to use, any material, assistance, or source which has not been authorized by the instructor to satisfy any expectation or requirement in an instructional course, or obtaining, without authorization, test questions or answers or other academic material that belong to another.

(b) Plagiarism includes, but is not limited to, using another person's ideas, words, or other work in an instructional course without properly crediting that person.

(c) Academic dishonesty also includes, but is not limited to, submitting in an instructional course either information

that is known to be false (while concealing that falsity) or work that is substantially the same as that previously submitted in another course (without the current instructor's approval).

(2) Any other act of college-related dishonesty. Such acts include, but are not limited to:

(a) Forgery, alteration, or misuse of any district document, record, or instrument of identification;

(b) Tampering with an election conducted by or for district students; or

(c) Furnishing false information, or failing to furnish correct information, in response to the request or requirement of a district officer or employee.

(3) Obstruction or disruption of (a) any instruction, research, administration, disciplinary proceeding, or other district activity, whether occurring on or off district property, or (b) any other activity that is authorized to occur on district property, whether or not actually conducted by the district.

(4) Assault, physical abuse, verbal abuse, threat(s), intimidation, harassment, or other conduct which harms, threatens, or is reasonably perceived as threatening the health or safety of any student, any district officer or employee, or any other person who is on district property or is participating in a district activity.

(5) Attempted or actual damage to, or theft or misuse of, real or personal property or money of (a) the district or state, (b) any student or district officer, employee, or organization, or (c) any other person or organization lawfully present on district property, or possession of such property or money after it has been stolen.

(6) Failure to comply with the direction of a district officer or employee who is acting in the legitimate performance of his or her duties, or failure to properly identify oneself to such a person when requested to do so.

(7) Participation in any activity which unreasonably disrupts the operations of the district or infringes on the rights of another member of the district community, or leads or incites another person to engage in such an activity.

(8) Possession or use, without express authorization by the district chancellor or a campus president, of any explosive, incendiary device, dangerous chemical, weapon, or other device or substance which can be used to inflict bodily harm or to damage real or personal property.

(9) Hazing. Hazing includes, but is not limited to, any 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 harm, or serious mental or emotional harm, to any student.

(10) Being observably under the influence of any alcoholic beverage, or otherwise using, possessing, consuming, or selling any alcoholic beverage, except as permitted by law and authorized by the chancellor or a college president.

(11) Being observably under the influence of any narcotic drug or controlled substance as defined in chapter 69.50 RCW, or otherwise using, possessing, consuming, or selling any such drug or substance, except (a) in accordance with a lawful prescription for that student by a licensed health care professional or (b) as permitted by law and authorized by the chancellor or a college president.

(12) Obstruction of the free flow of pedestrian or vehicular movement on district property or at a district activity.

(13) Conduct which is disorderly, lewd, or obscene.

(14) Breach of the peace, or aiding, abetting, or procuring a breach of the peace.

(15) Discriminatory action which harms or adversely affects any student or district employee because of her/his race, color, national origin, mental or physical disability, gender, sexual orientation, age, creed, or religion.

(16) Sexual harassment of a student or district employee. This includes, but is not limited to, engaging in unwelcome sexual advances, requests for sexual favors, or other conduct of a sexual nature where such behavior offends or would offend a reasonable and prudent person.

(17) Other harassment of a student or district employee. This includes, but is not limited to, repeated and unwelcome following (stalking) or contacting of such a person or making a threat which places that person in reasonable fear of bodily harm.

(18) Smoking inside a campus building or in or on any other property where smoking is not authorized.

(19) Theft or other misuse of computer time or other electronic information resources of the district. Such misuse includes but is not limited to:

(a) Unauthorized use of such resources or opening of a file, message, or other item;

(b) Unauthorized duplication, transfer, or distribution of a computer program, file, message, or other item;

(c) Unauthorized use or distribution of someone else's password or other identification;

(d) Use of such time or resources to interfere with someone else's work;

(e) Use of such time or resources to send, display, or print an obscene or abusive message, text, or image;

(f) Use of such time or resources to interfere with normal operation of the district's computing system or other electronic information resources;

(g) Use of such time or resources in violation of applicable copyright or other law; or

(h) Adding to or otherwise altering the infrastructure of the district's electronic information resources without authorization.

(20) Unauthorized possession, duplication, or other use of a key, keycard, or other restricted means of access to district property, or unauthorized entry onto or into district property.

(21) Abuse or misuse of any of the procedures relating to student complaints or misconduct, including but not limited to:

(a) Failure to obey a subpoena;

(b) Falsification or misrepresentation of information;

(c) Disruption, or interference with the orderly conduct, of a proceeding;

(d) Interfering with someone else's proper participation in a proceeding;

(e) Destroying or altering potential evidence, or attempting to intimidate or otherwise improperly pressure a witness or potential witness;

(f) Attempting to influence the impartiality of, or harassing or intimidating, a student conduct committee member; or

(g) Failure to comply with any disciplinary sanction(s) imposed under this student conduct code.

(22) Operation of any motor vehicle on district property in an unsafe manner or in a manner which is reasonably perceived as threatening the health or safety of another person.

(23) Violation of any other district rule, requirement, or procedure, including but not limited to any that is posted in electronic form, the district's traffic and parking rules, or the requirements for carpool parking.

(24) Violation of any federal, state, or local law, rule, or regulation.

(25) Aiding, abetting, inciting, encouraging, or assisting another person to commit any of the foregoing acts of misconduct.

[Statutory Authority: RCW 28B.50.100, [28B.50].130, and/or [28B.50].-140. 03-16-015, § 132F-121-110, filed 7/28/03, effective 8/28/03.]

WAC 132F-121-120 Instructor sanctions for course work dishonesty or classroom misconduct. (1) An instructor need not give credit for course work that is the product of cheating, plagiarism, or other dishonesty. For any act of dishonesty that occurs during an instructional course, the instructor may adjust the student's grade accordingly for the particular examination, paper, or other work product where that dishonesty occurred. Any such grade adjustment shall not limit or preclude disciplinary sanction(s) for the same act of dishonesty.

(2) An instructor may take appropriate action to maintain order and proper conduct in the classroom and to maintain the effective cooperation of students in fulfilling the objectives of the course. If a student is so disorderly or disruptive that it is difficult or impossible to maintain classroom decorum, that action may include removing that student from that day's class session.

(3) With regard to any act of course-related dishonesty, classroom misconduct, or other academic misconduct, the faculty member involved may notify his/her dean, with supporting documentation. The dean shall then determine whether to refer the matter to the vice-president for student services for possible disciplinary action.

(4) A student who has received a grade adjustment by the instructor on the basis of dishonesty may grieve that adjustment under the student complaint procedure. However, any disciplinary sanction that is imposed instead of or in addition to an instructor's grade adjustment may be imposed and reviewed only under the student disciplinary procedure.

[Statutory Authority: RCW 28B.50.100, [28B.50].130, and/or [28B.50].-140. 03-16-015, § 132F-121-120, filed 7/28/03, effective 8/28/03.]

WAC 132F-121-130 Disciplinary jurisdiction. (1) Disciplinary action may be instituted against a student for any misconduct that is a violation of this student code, regardless of whether there is a related civil or criminal court proceeding. Proceedings under these rules may precede, accompany, or follow any such court proceeding.

(2) Except as provided in subsection (3), a student is subject to disciplinary action under these rules for any act of misconduct which (a) occurs on or damages district property or (b) occurs during any event or activity that the district conducts, participates in, or sponsors, regardless of where it occurs.

(3) The district reserves jurisdiction and authority to take disciplinary action for student misconduct beyond that

described in subsection (2) when the misconduct demonstrates such flagrant disregard for the safety or well-being of others that it endangers the district community.

[Statutory Authority: RCW 28B.50.100, [28B.50].130, and/or [28B.50].-140. 03-16-015, § 132F-121-130, filed 7/28/03, effective 8/28/03.]

WAC 132F-121-140 Initiation of discipline. (1) The vice-president for student services at each campus is responsible for investigating possible violations of this student conduct code at that campus and initiating any appropriate disciplinary actions. If that officer is a respondent in a complaint initiated by the subject student, the college president shall, upon request and when feasible, designate another person to fulfill any such disciplinary responsibilities relative to the complainant.

(2) Any member of the district community may make a complaint against a student whom she/he believes has violated this student conduct code. Such a complaint should ordinarily be filed in writing with the vice-president for student services. However, no such complaint is required in order for that vice-president to take action on any matter that comes to his/her attention.

[Statutory Authority: RCW 28B.50.100, [28B.50].130, and/or [28B.50].-140. 03-16-015, § 132F-121-140, filed 7/28/03, effective 8/28/03.]

WAC 132F-121-150 Vice-president's review and action. (1) After conducting such initial investigation of possible misconduct as she/he deems appropriate, the vice-president for student services shall meet, or make a reasonable effort to meet, with the subject student. At that meeting, or if there is no meeting in a document served on the student, the vice-president shall describe the complaint and/or information that has been received and identify the rule violations that appear to have occurred. In order that any informality not mislead the student as to the seriousness of the matter, the vice-president shall also inform the student of the sanction(s) that may be imposed for the alleged misconduct. The vice-president shall give the student an opportunity to respond to the allegations before a disciplinary decision is made.

(2) After considering the information that has been obtained through investigation and/or from the student, the vice-president may take any of the following actions:

(a) Terminate the proceeding, exonerating the student;

(b) Give any appropriate counseling or advice and then terminate the proceeding;

(c) Impose disciplinary sanction(s), subject to any right of appeal as described herein; or

(d) Refer the matter to the student conduct committee for such action as it deems appropriate. Such referral shall be in writing, to the attention of the committee chair, with a copy served on the student.

(3) A "respondent" as referred to hereinafter is a student upon whom a disciplinary sanction has been imposed or whose case has been referred to the student conduct committee.

[Statutory Authority: RCW 28B.50.100, [28B.50].130, and/or [28B.50].-140. 03-16-015, § 132F-121-150, filed 7/28/03, effective 8/28/03.]

WAC 132F-121-160 Disciplinary actions. (1) Any of the following disciplinary sanctions may be imposed for vio-

lation of one or more specified provisions of this student conduct code:

(a) Warning: Oral notice to the student of the violation(s). There shall be no appeal from a warning.

(b) Reprimand: Written notice to the student of the violation(s). A reprimand indicates, and usually states, that other or further misconduct, especially any continuation or repetition of the misconduct in question, may or will result in more serious disciplinary action. There shall be no appeal from a reprimand.

(c) Probation: Placement of one or more conditions on the student's continued attendance, as specified in the written notice to the student. The time period of the probation will ordinarily be stated in the notice; if not stated at all, or if so stated, the probation shall be for an indefinite period, concluding only with the end of the student's enrollment.

(d) Suspension from activities: Disqualification of the student, for a stated or indefinite period of time, from participation in specified (or all) privileges, services, or activities that are provided or sponsored by the district.

(e) Suspension of enrollment: Termination, for a stated or indefinite period of time, of all rights as an enrolled student in the college and/or the district, subject to the student's right to seek reinstatement as provided in WAC 132F-121-240.

(f) Expulsion: Permanent termination of a student's enrollment, and right to enroll, at any college or other educational facility in the district.

(g) Grade change: Lowering of a student's grade in a course below that awarded by the instructor.

(2) The conditions or terms of probation or suspension may include, without limitation:

(a) Restriction of future contact or communication with designated persons;

(b) Restriction of the student's access to district property; and/or

(c) Payment for personal injury, property damage, or other expenses related to the violation.

Failure to comply with a condition or term of probation or suspension shall be cause for further disciplinary sanction.

(3) A respondent's record of past misconduct may be considered in determining the appropriate disciplinary action.

(4) A summary suspension and/or an emergency suspension under WAC 132F-121-250 may be combined with or added to another suspension or an expulsion.

(5) A suspension or expulsion may include a provision stating whether all or any part of the respondent's tuition and other fees will be refunded.

(6) A disciplinary sanction, except a warning, shall be imposed through written notice served on the respondent. Each notice of disciplinary action shall state:

(a) A reasonable description of the facts on which the action is based;

(b) The provision(s) of this student conduct code found to have been violated;

(c) The sanction(s) imposed; and

(d) The respondent's right to appeal, i.e., to request an adjudicative proceeding, under these rules (except for a reprimand).

A copy of these student conduct rules should be included with the notice.

(7/28/03)

[Statutory Authority: RCW 28B.50.100, [28B.50].130, and/or [28B.50].-140. 03-16-015, § 132F-121-160, filed 7/28/03, effective 8/28/03.]

WAC 132F-121-170 Appeals and referrals generally.

(1) Except as otherwise provided herein, a respondent who has received notice of disciplinary sanction(s) imposed by the vice-president for student services may appeal such sanction(s) by filing a written notice of appeal with that officer within twenty days. The notice of appeal may include any statement that the respondent wishes to make of the grounds for her/his appeal.

(2) If the vice-president has referred the matter to the student conduct committee for action, no appeal is required, but the student may file a written response with the vice-president within twenty days of service of that referral.

(3) The vice-president shall promptly transmit any notice of appeal or response to referral, together with a copy of any notification of discipline, to the chair of the student conduct committee, described below. The vice-president should serve a copy of that transmittal on the respondent.

(4) Except through a summary suspension and/or emergency suspension under WAC 132F-121-250, a respondent's enrollment status and rights as an enrolled student shall not be altered, on the basis of a disciplinary sanction imposed by the vice-president, until (a) the appeal period has run without a proper appeal being filed or (b) if there is an appeal, either that appeal has been withdrawn or the final order has been entered.

(5) If a respondent files a timely appeal of a probation or suspension that includes restrictions on contacts, communications, or campus access, the vice-president will ordinarily modify those restrictions as necessary to facilitate the respondent's preparation for the hearing.

[Statutory Authority: RCW 28B.50.100, [28B.50].130, and/or [28B.50].-140. 03-16-015, § 132F-121-170, filed 7/28/03, effective 8/28/03.]

WAC 132F-121-180 Student conduct committee. (1)

A student conduct committee at each college will hear all disciplinary cases at that college which are referred to it by the vice-president for student services or appealed to it by a student. For purposes of WAC 132F-108-020 and any other requirements, the district trustees and chancellor and each college president designate (a) the committee provided for herein to serve as presiding officer to hear the described student disciplinary matters and (b) the committee chair both to handle and decide procedural matters (as provided herein) and to preside at the hearing.

(2) This committee shall be composed of the following three members:

(a) One administrator or exempt employee, appointed by the college president;

(b) One member of the faculty, appointed by the college president; and

(c) One student, appointed by the president of the recognized student government organization.

(3) Each appointment shall be accompanied by the appointment of two alternates. Each member and alternate shall serve for the academic year or until a replacement is appointed, whichever is longer. When a member is not available for a hearing, the committee chair shall designate an alternate to replace him/her for that hearing. If a member or

alternate ceases to serve, a successor shall be promptly appointed. A member or alternate may be reappointed in any role.

(4) The administrator or exempt employee shall be the committee chair.

(5) No employee who reports to, or is subject to the authority of, the vice-president who handles student disciplinary matters may be a committee member, as further provided in RCW 34.05.458. A committee member is subject to disqualification for bias, prejudice, interest, or as further provided in RCW 34.05.425.

[Statutory Authority: RCW 28B.50.100, [28B.50].130, and/or [28B.50].-140. 03-16-015, § 132F-121-180, filed 7/28/03, effective 8/28/03.]

WAC 132F-121-190 Student conduct committee hearings—In general. (1) A respondent student has a right to a prompt, fair, and impartial hearing before the student conduct committee on a referral for, or timely appeal of, a disciplinary sanction, except as otherwise provided in these rules.

(2) Chapter 34.05 RCW and chapter 10-08 WAC govern committee proceedings and control in the event of any conflict with these rules. The district's chapter 132F-108 WAC also governs committee proceedings.

(3) The chair of the committee shall give not less than seven days advance written notice of the hearing to all parties, as further specified in RCW 34.05.434 and WAC 10-08-040 and 10-08-045. The chair may shorten this notice period if both parties agree, and also may continue the hearing to a later time for good cause.

(4) The committee chair may provide to the committee members in advance of the hearing copies of (a) the vice-president for student service's notification of imposition of discipline (or referral to the committee) and (b) the notice of appeal (or any response to referral) by the respondent. If doing so, however, the chair should remind the members that these "pleadings" are not evidence of any facts they may allege.

(5) The committee chair is authorized to conduct prehearing conferences and/or to make prehearing decisions, except as overridden by majority vote of the committee, concerning the extent and forms of any discovery, issuance of protective orders, and similar procedural matters.

(6) Upon request made at least five days before the hearing by either the respondent or the vice-president, the two of them shall exchange, no later than the third day prior to the hearing, lists of potential witnesses and copies of potential exhibits that they reasonably expect to present in their respective cases, except impeachment or rebuttal evidence. Failure to participate in good faith in such a requested exchange may be cause for exclusion from the hearing of any witness or exhibit not disclosed, absent a showing of good cause for such failure.

(7) The respondent and the vice-president may agree before the hearing to designate specific exhibits as admissible without objection and, if they do so, whether the committee chair may provide copies of these admissible exhibits to the committee members before the hearing.

(8) The vice-president shall provide reasonable assistance to the respondent, upon request, in obtaining relevant and admissible evidence that is within the college's control.

(9) Communications between committee members and other persons regarding any issue in the proceeding, other than procedural communications that are necessary to maintain an orderly process, are generally prohibited without notice and opportunity for all parties to participate, and any improper "ex parte" communication shall be placed on the record, as further provided in RCW 34.05.455.

(10) Each party may be accompanied at the hearing by a nonattorney assistant of his/her choice. A respondent may elect to be represented by an attorney, but will be deemed to have waived that right unless, at least four days before the hearing, written notice of the attorney's identity and participation is served on both the chair and the vice-president. If the respondent is represented by an attorney, the vice-president may also be represented by an attorney. If both the respondent and vice-president have counsel, the committee will ordinarily be advised by a separate assistant attorney general.

[Statutory Authority: RCW 28B.50.100, [28B.50].130, and/or [28B.50].-140. 03-16-015, § 132F-121-190, filed 7/28/03, effective 8/28/03.]

WAC 132F-121-200 Student conduct committee hearings—Presentations of evidence. (1) Upon the failure of any party to attend or participate in a hearing, the committee may either (a) proceed with the hearing and issuance of its order or (b) serve an order of default in accordance with RCW 34.05.440.

(2) The hearing will ordinarily be open to the public, as further provided in RCW 34.05.449. However, if the respondent requests that some or all of it be closed, pursuant to WAC 132F-108-070 and 132F-108-080 or otherwise, the chair shall determine any extent to which the hearing will be closed. If any person disrupts the proceedings, the chair may exclude that person from the hearing room.

(3) The chair shall cause the hearing to be recorded by a method that he/she selects, in accordance with RCW 34.05.449. That recording, or a copy, shall be made available to the respondent upon request. The chair shall assure maintenance of the proceeding record that is required by RCW 34.05.476, which shall also be available upon request for inspection and copying by the respondent. Other recording shall also be permitted, in accordance with WAC 10-08-190.

(4) The chair shall preside at the hearing and decide procedural questions that arise during the hearing, except as overridden by majority vote of the committee.

(5) The vice-president for student services (unless represented by an attorney) shall present the case for disciplinary action. The facts justifying any such action must be established by a preponderance of the evidence.

(6) All testimony shall be given under oath or affirmation. Evidence shall be admitted or excluded in accordance with RCW 34.05.452.

[Statutory Authority: RCW 28B.50.100, [28B.50].130, and/or [28B.50].-140. 03-16-015, § 132F-121-200, filed 7/28/03, effective 8/28/03.]

WAC 132F-121-210 Student conduct committee initial order. (1) At the conclusion of the hearing, the committee shall permit the vice-president for student services and the respondent to make closing arguments in whatever form it wishes to receive them. The committee also may permit each

party to propose findings, conclusions, and/or an order for its consideration.

(2) Within thirty days following the later of the conclusion of the hearing or the committee's receipt of closing arguments, the committee shall issue an initial order in accordance with RCW 34.05.461 and WAC 10-08-210. This order shall include findings of fact on all material issues of fact and conclusions of law on all material issues of law - Including which, if any, specific provisions of the student conduct code were violated. Any findings based substantially on the credibility of evidence or the demeanor of witnesses shall be so identified.

(3) The committee's order shall also include a determination on appropriate discipline, if any. If the matter was a referral from the vice-president, the committee shall determine any disciplinary sanction. If the matter was an appeal by the respondent, the committee may affirm, reverse, or modify the discipline imposed by the vice-president and/or impose any other disciplinary sanction authorized herein.

(4) The committee chair shall cause copies of its order to be served on the respondent, the vice-president, the college president, and any legal counsel who have appeared. The committee chair shall also promptly transmit the record of the committee's proceedings to the college president.

[Statutory Authority: RCW 28B.50.100, [28B.50].130, and/or [28B.50].-140. 03-16-015, § 132F-121-210, filed 7/28/03, effective 8/28/03.]

WAC 132F-121-220 President's review and final college order. (1) The college president shall review the record and enter the final college order, in accordance with RCW 34.05.461(2) and 34.05.464.

(2) If either the respondent or the vice-president for student services wishes to file written argument with the president, she/he must file that argument and serve a copy on the other within fifteen days after service of the committee's order. Within seven days after service of any such argument, the other party may file and serve a written response. The president shall have discretion to modify these deadlines and/or to allow oral arguments. However no new evidence, not already part of the record, may be introduced in any argument, except as expressly authorized by the president upon a showing of compelling legal justification and after any appropriate fact-finding.

(3) The president shall personally consider the whole record or such portions of it as may be cited by the parties. A party's failure to present any argument shall mean that the party is citing "none" of the record.

(4) If the committee's order includes a provision for expulsion, the president must consult with and obtain the agreement of the district chancellor. If the committee's order includes a provision for suspension from any other college(s) of the district, the president must consult with and obtain the agreement of the president(s) of such college(s).

(5) Within ninety days following the later of the conclusion of the hearing or the committee's receipt of closing arguments, the president shall either remand the matter for further proceedings, with instructions to the committee, or enter a final order in the matter. The president shall have all of decision-making power that he/she would have had if presiding over the hearing, including the power to affirm, reverse, or modify any disciplinary sanction.

(7/28/03)

(6) The president's final order shall include, or incorporate by reference to the committee's initial order, all matters required by RCW 34.05.461, in accordance with RCW 34.05.464. It shall also include notice to the respondent of his/her right to seek judicial review under RCW 34.05.510 et seq.

(7) Copies of the final order shall be served on the respondent, the vice-president, any legal counsel who have appeared, and the committee chair.

(8) The decision of the president shall be the final district action in the matter.

[Statutory Authority: RCW 28B.50.100, [28B.50].130, and/or [28B.50].-140. 03-16-015, § 132F-121-220, filed 7/28/03, effective 8/28/03.]

WAC 132F-121-230 Reestablishment of academic standing after successful appeal. When a student has missed classes and/or course work due to a disciplinary suspension or expulsion, but that disciplinary sanction was appealed and not upheld, the student shall be given a reasonable opportunity to reestablish his/her academic standing and the alternative of a withdrawal and refund of tuition and fees. Depending on the circumstances, reestablishing academic standing may include opportunities to take examinations and otherwise complete course offerings that were missed due to the disciplinary sanction or to retake the class(es).

[Statutory Authority: RCW 28B.50.100, [28B.50].130, and/or [28B.50].-140. 03-16-015, § 132F-121-230, filed 7/28/03, effective 8/28/03.]

WAC 132F-121-240 Reinstatement after suspension or expulsion. (1) Any student who has been suspended as a disciplinary sanction shall be reinstated, upon the student's written request, after (a) expiration of the stated time period of the suspension and (b) satisfaction of all conditions of the suspension, if any.

(2) Before a suspension has ended, or if a student has been expelled, the student may petition for reinstatement as an enrolled student. Any such petition shall be submitted in writing to the vice-president for student services, showing facts and circumstances constituting good cause for such reinstatement. No such reinstatement shall be granted unless it is approved by both that vice-president and the college president.

[Statutory Authority: RCW 28B.50.100, [28B.50].130, and/or [28B.50].-140. 03-16-015, § 132F-121-240, filed 7/28/03, effective 8/28/03.]

WAC 132F-121-250 Summary and emergency suspensions. (1) As part of a suspension or expulsion, a summary suspension and/or an emergency suspension may be imposed in accordance with this section. All, or specified, rights as an enrolled student may be suspended.

(2) A summary suspension may be imposed when necessary to prevent or avoid immediate disruption, danger, or other harm to the educational process or to the health, safety, or welfare of any member(s) of the public, including the district community. The summary suspension may be ordered only after the respondent has been given oral or written notice of the charge(s) and, if he/she denies them, an explanation of the evidence and an opportunity to respond. The order shall be effective when served. A summary suspension may be ordered:

(a) For ten days or less, by the vice-president; and/or

(b) For any time period through the final determination of a respondent's appeal, by the student conduct committee, upon the written request of the vice-president. The vice-president shall serve a copy of this request on the respondent. Before entering its order, the committee shall hold an initial hearing, as it determines is appropriate.

(3) An emergency suspension may be ordered by the vice-president under RCW 34.05.479 when necessary to prevent or avoid immediate danger to the health, safety, or welfare of any member(s) of the public, including the district community.

(a) Before ordering an emergency suspension, the vice-president shall make reasonable effort to give the respondent oral or written notice of the charge(s) and, if the respondent denies such, an explanation of the evidence and an opportunity to respond.

(b) The vice-president may order the emergency suspension only to the extent, and only for the time period, necessary to prevent or avoid the immediate danger, and only in compliance with RCW 34.05.479. The vice-president shall serve the order on the respondent, or otherwise give him/her such notice as is practicable, and shall also serve a copy on the student conduct committee.

(c) After the emergency suspension order is served, the vice-president and the committee shall proceed as quickly as feasible to complete the appeal proceeding.

[Statutory Authority: RCW 28B.50.100, [28B.50].130, and/or [28B.50].-140. 03-16-015, § 132F-121-250, filed 7/28/03, effective 8/28/03.]

WAC 132F-121-260 Maintenance of student discipline records. Records of all completed disciplinary cases shall be maintained and disposed of by the vice-president for student services in accordance with applicable records retention requirements and student education record confidentiality requirements.

[Statutory Authority: RCW 28B.50.100, [28B.50].130, and/or [28B.50].-140. 03-16-015, § 132F-121-260, filed 7/28/03, effective 8/28/03.]