

Chapter 495E-120 WAC

STUDENT CONDUCT CODE

WAC

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WAC 495E-120-010 Definitions. The definitions set forth in this section apply throughout this chapter.

(1) "Board" means the board of trustees for college district No. 27 and Renton Technical College.

(2) "College" means Renton Technical College.

(3) "College facilities" means the real property controlled or operated by the college and includes all buildings and appurtenances affixed thereon or attached thereto.

(4) "Disciplinary action" means action authorized under WAC 495E-120-110 for the violation of a rule in this chapter.

(5) "Disciplining official" means the vice-president for student services or designee who takes a disciplinary action.

(6) "Drug" means a narcotic drug as defined in RCW 69.50.101, a controlled substance as defined in RCW 69.50.-201 through 69.50.212, or a legend drug as defined in RCW 69.41.010.

(7) "Liquor" means the definition of liquor as contained within RCW 66.04.010.

(8) "President" means the chief executive officer of the college appointed by the board of trustees.

(9) "Student" means a person who is regularly enrolled at the college.

[Statutory Authority: RCW 28B.50.140, 34.05.220 and [34.05].482. 93-13-107, § 495E-120-010, filed 6/21/93, effective 7/22/93.]

WAC 495E-120-020 Statement of purpose. (1) Renton Technical College is maintained by the state of Washington for the provision of programs of instruction in higher education and related community services. Like any other institution having its own special purposes, the college must maintain conditions conducive to the effective performance of its functions. Consequently, it has special expectations regarding the conduct of the various participants in the college community.

(2) Admission to the college carries with it the prescription that the student will conduct himself or herself as a responsible member of the college community. This includes

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an expectation that the student will obey appropriate laws, will comply with the rules of the college and its departments, and will maintain a high standard of integrity and honesty.

(3) Sanctions for violations of college rules or conduct that interferes with the operation of college affairs will be dealt with by the college, and the college may impose sanctions independently of any action taken by civil or criminal authorities. In the case of minors, misconduct may be referred to parents or legal guardians.

[Statutory Authority: RCW 28B.50.140, 34.05.220 and [34.05].482. 93-13-107, § 495E-120-020, filed 6/21/93, effective 7/22/93.]

WAC 495E-120-030 Jurisdiction. All rules in this chapter concerning student conduct and discipline apply to every student enrolled at the college whenever the student is engaged in or present at a college-related activity whether occurring on or off college facilities.

[Statutory Authority: RCW 28B.50.140, 34.05.220 and [34.05].482. 93-13-107, § 495E-120-030, filed 6/21/93, effective 7/22/93.]

WAC 495E-120-040 Student misconduct. Disciplinary action may be taken for a violation of any provision of this conduct code, for violation of other college rules which may from time to time be properly adopted, or for any of the following types of misconduct:

(1) Smoking in any college facility or other areas posted against smoking by college officials;

(2) The possession, use, sale, or distribution of any alcoholic beverage (except as specifically permitted by the board or president), or any illegal drug, on the college campus. The illegal use of drugs or alcohol by any student attending a college-sponsored or supervised event is also prohibited, even though the event does not take place at the college;

(3) Engaging in lewd, indecent, or obscene behavior on college facilities or at college sponsored or supervised functions;

(4) Causing an imminent danger to college facilities or to himself or herself or other persons in college facilities or to the education process of the college;

(5) Academic dishonesty, including cheating, plagiarism, or knowingly furnishing false information to the college;

(6) The intentional making of false statements or filing of false charges against the college or members of the college community;

(7) Forgery, alteration, or misuse of college documents, records, funds, or instruments of identification with an unlawful intent;

(8) Theft from or damage to college facilities or theft of or damage to property of a member of the college community;

(9) Failure to comply with the direction of college officials acting in the legitimate performance of their duties;

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(10) Possession of firearms or weapons even if licensed to do so;

(11) Falsely setting off or otherwise tampering with any emergency equipment, alarms, or other devices;

(12) Intentionally and without authorization gaining access to a computer system or electronic data owned or used by the college, including the unauthorized copying of copyrighted software;

(13) Engaging in sexual harassment, unwelcome sexual advances, unwelcome requests for sexual favors, or other unwanted verbal or physical contact of a sexual nature toward a college student or employee;

(14) Entering any locked or otherwise closed college facility in any manner without permission;

(15) Participating in an assembly which materially and substantially interferes with the education or administrative functions of the college, or the private rights and privileges of others;

(16) Failure to comply with college attendance or other rules;

(17) Retaliation against witnesses or accusers under this chapter.

[Statutory Authority: RCW 28B.50.140, 34.05.220 and [34.05].482. 93-13-107, § 495E-120-040, filed 6/21/93, effective 7/22/93.]

WAC 495E-120-045 Loss of eligibility—Student activity participation. Any student found to have violated chapter 69.41 RCW, Legend drugs—Prescription drugs, by virtue of a criminal conviction or otherwise, shall, in lieu of or in addition to any other disciplinary action which may be imposed, be disqualified from participation in any college-sponsored events or activities.

[Statutory Authority: RCW 28B.50.140, 34.05.220 and [34.05].482. 93-13-107, § 495E-120-045, filed 6/21/93, effective 7/22/93.]

WAC 495E-120-050 Civil disturbances. In accordance with RCW 28B.10.570 through 28B.10.573:

(1) It shall be unlawful for any person, singly or in concert with others, to interfere by force or violence with any administrator, faculty member, or student of the college who is in the discharge or conduct of his or her duties or studies.

(2) It shall be unlawful for any person, singly or in concert with others, to intimidate by threat of force or violence any administrator, faculty member, or student of the college who is in the discharge of his or her duties or studies.

(3) The crimes described in RCW 28B.10.570 through 28B.10.573 shall not apply to any administrator or faculty member who is engaged in the reasonable exercise of their disciplinary authority.

(4) Any person or persons who violate the provisions of subsections (1) and (2) of this section will be subject to disciplinary action and/or prosecution.

[Statutory Authority: RCW 28B.50.140, 34.05.220 and [34.05].482. 93-13-107, § 495E-120-050, filed 6/21/93, effective 7/22/93.]

WAC 495E-120-060 Free movement on campus. The president is authorized in the instance of any event that he or she deems to impede the movement of persons or vehicles or to disrupt the ingress or egress of persons to or from the college facilities, to prohibit the entry of or withdraw the license

or privileges of a person or persons to enter onto or remain upon any portion of the college facilities. The president may act through the vice-president for student services or any other designee.

[Statutory Authority: RCW 28B.50.140, 34.05.220 and [34.05].482. 93-13-107, § 495E-120-060, filed 6/21/93, effective 7/22/93.]

WAC 495E-120-070 Right to demand identification.

For the purpose of determining whether probable cause exists for the application of any section of this code to any behavior by any person on a college facility, any college personnel may demand that any person on college facilities produce evidence of student enrollment at the college.

[Statutory Authority: RCW 28B.50.140, 34.05.220 and [34.05].482. 93-13-107, § 495E-120-070, filed 6/21/93, effective 7/22/93.]

WAC 495E-120-080 Academic dishonesty/classroom conduct/attendance. (1) Academic dishonesty: Honest assessment of student performance is of crucial importance to all members of the academic community. Acts of dishonesty are serious breaches of honor and shall be subject to discipline as follows:

(a) Any student who, for the purpose of fulfilling any assignment or task required by a faculty member as part of the student's program of instruction, shall knowingly tender any work product that the student falsely represents to the faculty member as the student's work product, shall be deemed to have committed an act of academic dishonesty. Acts of academic dishonesty shall be cause for disciplinary action under this chapter.

(b) Any student who aids or abets the accomplishment of an act of academic dishonesty, as described in (a) of this subsection, shall be subject to disciplinary action under this chapter.

(2) Classroom conduct: Any student who substantially disrupts any college class by engaging in misconduct that renders it difficult or impossible to maintain the decorum of the class shall be subject to disciplinary action.

(3) Attendance: Consistent attendance is essential to the educational process and the instructor is authorized to establish reasonable standards to encourage attendance enforceable by disciplinary action.

(4) For disciplinary action under this section, an instructor may take action authorized under WAC 495E-120-110 (1), (2), and (3), except suspension, expulsion, or monetary fine or the instructor may refer the matter to the designee of the vice-president for student services. In addition, an instructor may take immediate or summary action as he/she deems appropriate in order to preserve order or prevent disruption in the classroom. For academic dishonesty, an instructor also may adjust any grade of the student.

[Statutory Authority: RCW 28B.50.140, 34.05.220 and [34.05].482. 93-13-107, § 495E-120-080, filed 6/21/93, effective 7/22/93.]

WAC 495E-120-090 Distribution of information. (1)

Handbills, leaflets, newspapers, and similar materials may be sold or distributed free of charge by any student or college employee on or in college facilities at locations specifically designated by the vice-president for student services, provided that such distribution or sale does not interfere with the

ingress or egress of persons or interfere with the free flow of vehicular or pedestrian traffic and further provided that a copy of the material has been made available to the vice-president for student services prior to distribution.

(2) Such handbills, leaflets, newspapers, and related matter must identify the publishing agency and distributing organization or individual.

(3) Nonstudents making such sales or distributions shall register beforehand with the vice-president for student services and shall meet the same requirements.

(4) Any student who violates subsection (1) or (2) of this section will be subject to disciplinary action.

[Statutory Authority: RCW 28B.50.140, 34.05.220 and [34.05].482. 93-13-107, § 495E-120-090, filed 6/21/93, effective 7/22/93.]

WAC 495E-120-100 Commercial activities. (1) College facilities will not be used for commercial solicitation, advertising or promotional activities except when such activities:

(a) Clearly serve 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

(b) Are conducted under the sponsorship or at the request of the college.

(2) For the purpose of this section, the term "commercial activities" does not include handbills, leaflets, newspapers, and similar materials as regulated in WAC 495E-120-090.

[Statutory Authority: RCW 28B.50.140, 34.05.220 and [34.05].482. 93-13-107, § 495E-120-100, filed 6/21/93, effective 7/22/93.]

WAC 495E-120-110 Disciplinary terms. The following disciplinary actions against a student are authorized, and the definitions set forth in this section apply throughout this chapter:

(1) Verbal warning means oral notice of violation of college rules.

(2) Reprimand means formal action censuring a student for violation of college rules for failure to satisfy the college's expectations regarding conduct. Reprimands are made in writing to the student. A reprimand indicates to the student that continuation or repetition of the specific conduct involved or other misconduct will result in one or more serious disciplinary actions described below.

(3) Disciplinary probation means formal action placing conditions upon the student's continued attendance because of violation of college rules or failure to satisfy the college's expectations regarding conduct. The disciplinary official placing the student on probation will specify, in writing, the period of probation and its conditions. Disciplinary probation warns the student that any further misconduct will automatically raise the question of expulsion from the college. 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.

(4) Summary suspension means temporary dismissal from the college and temporary termination of a student's status for a period of time not to exceed ten days due to a necessity to take immediate disciplinary action where a student presents an imminent danger to college property, or to him-

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self or herself or other students or persons in college facilities or off campus, or to the educational process of the college.

(5) Suspension means temporary dismissal from the college and temporary termination of student status, other than summary suspension, for a specified period of time.

(6) Expulsion means dismissal from the college and termination of student status for an indefinite period of time or permanently.

(7) Monetary fine or restitution means a written order, alone or combined with another disciplinary action, requiring the student to pay, within a stated time limit, appropriate restitution for a financial loss caused by the student's misconduct and/or monetary fine not exceeding one quarter's tuition. Failure to pay shall be cause for further disciplinary action and/or cancelling and barring the student's registration.

[Statutory Authority: RCW 28B.50.140, 34.05.220 and [34.05].482. 93-13-107, § 495E-120-110, filed 6/21/93, effective 7/22/93.]

WAC 495E-120-120 Initiation of discipline. (1) The vice-president for student services shall designate the person(s), in addition to instructors under WAC 495E-120-080, who may take any disciplinary action under this chapter. Such disciplining official ordinarily should meet or attempt to meet with the student to explain the seriousness of the matter and hear any explanation by the student before taking a disciplinary action.

(2) The student shall be given written notice of any disciplinary action except a verbal warning. Such written notice shall be delivered personally or mailed by first-class mail to the student's last known address. The notice shall state the factual basis for the action and shall advise the student of his/her right to appeal under these rules. The notice may be amended by notice reasonably in advance of a hearing.

[Statutory Authority: RCW 28B.50.140, 34.05.220 and [34.05].482. 93-13-107, § 495E-120-120, filed 6/21/93, effective 7/22/93.]

WAC 495E-120-130 Appeal of disciplinary action.

(1) A student may appeal a disciplinary action, other than a verbal warning, of an instructor or disciplining official by filing, within twenty days after the earlier of personal delivery or mailing of notice of the disciplinary action, a written application for a brief or formal adjudicative proceeding. This application may, but need not, explain the student's position and/or be on a form provided under WAC 495E-108-040. The application shall be filed with the vice-president for student services or the person (other than the disciplining official) designated by that vice-president to receive such an appeal.

(2) The vice-president or designee receiving the appeal may, in his/her discretion, stay the effect of the discipline pending the appeal.

(3) The vice-president or designee receiving the appeal may meet or attempt to meet with the student, the disciplining official, and anyone else deemed to have information, for the purpose of attempting to resolve the matter by agreement.

(4) Unless the discipline is rescinded, the student confirms in writing his/her withdrawal of the application for an adjudication, or the matter is otherwise resolved by agreement, the vice-president shall conduct an adjudicative proceeding. This shall be a brief adjudicative proceeding unless:

(a) The vice-president decides to convert the case to a formal adjudicative hearing; or

(b) The discipline includes some form of dismissal from the college and the student in his/her request for an adjudication specified a formal adjudicative hearing.

(5) Disqualification of a presiding officer shall be as provided in RCW 34.05.425.

(6) The matter shall be heard by the presiding officer de novo.

(7) Failure to participate or cooperate in the proceeding may be taken into consideration by the presiding officer and shall not preclude the presiding officer from making a decision. This shall not limit the possibility of a default under RCW 34.05.440.

(8) The student may be accompanied by an advisor. However, no attorney representative of any party may participate in a meeting or hearing unless he/she has filed with the presiding officer and served on all other parties, at least five days previously, a notice of appearance. In the event of such notice, any other party may also have counsel.

(9) The presiding officer may exclude from a meeting or hearing any person whose conduct is disruptive.

(10) The presiding officer may consider evidence of any previous disciplinary action taken against the student.

(11) The presiding officer and, subsequently, a reviewing officer, may affirm, modify, or reverse the disciplinary action.

[Statutory Authority: RCW 28B.50.140, 34.05.220 and [34.05].482. 93-13-107, § 495E-120-130, filed 6/21/93, effective 7/22/93.]

WAC 495E-120-140 Discipline review—Brief adjudicative proceedings. In a brief adjudicative proceeding:

(1) RCW 34.05.485 through 34.05.494 and WAC 10-08-080 shall govern, unless otherwise provided in these rules.

(2) The presiding officer shall be the vice-president for student services or, if he/she cannot so serve for any reason, another person designated by the president.

(3) The presiding officer shall serve on the parties and provide to the president an initial order, a brief written statement of the reasons for the decision, within ten days in accordance with RCW 34.05.485. That statement shall describe the available administrative review procedures specified in subsection (4) of this section.

(4) The initial order shall become the final order, without further action, unless within twenty-one days of service of the initial order:

(a) The president or president's designee, upon his/her own motion, determines that the initial order should be reviewed; or

(b) A party to the proceedings files with the president a written petition for administrative review of the initial order. The president or president's designee shall be the reviewing officer and RCW 34.05.491 shall apply to any such determination or petition.

[Statutory Authority: RCW 28B.50.140, 34.05.220 and [34.05].482. 93-13-107, § 495E-120-140, filed 6/21/93, effective 7/22/93.]

WAC 495E-120-150 Discipline review—Formal adjudicative proceedings. In a formal adjudicative proceeding:

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(1) RCW 34.05.413 through 34.05.479 and chapters 10-08 and 495E-108 WAC shall govern, unless otherwise provided in these rules.

(2) The presiding officer shall be a discipline appeals committee consisting of three individuals: The vice-president for student services (who shall serve as chair and make procedural rulings on such issues as discovery, closure, and means of recording), an associate or assistant dean designated by the president, and a third individual designated by the president.

(3) The presiding officer may designate a recordkeeping clerk and/or other staff as appropriate. Hearings shall be recorded, in accordance with WAC 10-08-170. If any part of a hearing is closed in accordance with WAC 495E-108-070, the recording of that closed part shall be kept separate and confidential.

(4) The presiding officer may conduct prehearing conference(s) in accordance with RCW 34.05.431 and WAC 10-08-130.

(5) The presiding officer may permit or conduct discovery as provided in RCW 34.05.446, WAC 10-08-120, and 495E-108-060.

(6) The presiding officer shall give not less than seven days advance written notice of a hearing to all parties and all intervenors, except where such notice is waived, in accordance with RCW 34.05.434, WAC 10-08-040, or other applicable law.

(7) The burden of proof shall be on the party seeking to uphold the discipline to establish good cause by a preponderance of the evidence.

(8) Within the ninety days specified in RCW 34.05.461, and preferably within twenty days, the presiding officer shall serve on the parties and provide to the president an initial order, together with any relevant comments on the demeanor of witnesses. At the same time, a full and complete record of the proceedings shall also be transmitted to the president. The initial order shall include a statement of findings and conclusions and otherwise comply with RCW 34.05.461 and WAC 10-08-210. The initial order also shall describe the available administrative review procedures specified in subsection (9) of this section.

(9) The initial order shall become the final order, without further action, unless within twenty-one days of service of the initial order:

(a) The president or president's designee upon his/her own motion, determines that the initial order should be reviewed; or

(b) A party to the proceedings files with the president a written petition for administrative review of the initial order. The president or president's designee shall be the reviewing officer and RCW 34.05.464 and WAC 10-08-211 shall apply to any such determination or petition.

[Statutory Authority: RCW 28B.50.140, 34.05.220 and [34.05].482. 93-13-107, § 495E-120-150, filed 6/21/93, effective 7/22/93.]

WAC 495E-120-160 Refunds and access. (1) Refund of fees for the term in which disciplinary action is taken shall be in accordance with the college's refund policy.

(2) A student suspended or expelled on the basis of conduct which disrupted the orderly operation of the campus or

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any college facility may be denied access to all or any part of the campus or other facility.

[Statutory Authority: RCW 28B.50.140, 34.05.220 and [34.05].482. 93-13-107, § 495E-120-160, filed 6/21/93, effective 7/22/93.]

WAC 495E-120-170 Readmission after suspension or expulsion. Any student suspended from the college for disciplinary reasons will normally be readmitted upon expiration of the time period for which the suspension was issued. If the student has been expelled or feels that circumstances warrant reconsideration of a suspension prior to its expiration, or if the student was suspended with conditions imposed for readmission, the student may be readmitted following approval of a written petition submitted to the vice-president for student services. Such petition must state reasons which support a reconsideration of the matter. The vice-president for student services or his/her designee shall decide the petition through a brief adjudicative proceeding. The president or designee shall be the reviewing officer.

[Statutory Authority: RCW 28B.50.140, 34.05.220 and [34.05].482. 93-13-107, § 495E-120-170, filed 6/21/93, effective 7/22/93.]

WAC 495E-120-180 Reestablishment of academic standing. Students who have been suspended or expelled pursuant to this chapter and whose suspension or expulsion upon appeal is found to have been unwarranted shall be provided the opportunity to reestablish their academic and student standing to the extent possible within the abilities of the college, including an opportunity to retake examinations or otherwise complete course offerings missed by reason of such action.

[Statutory Authority: RCW 28B.50.140, 34.05.220 and [34.05].482. 93-13-107, § 495E-120-180, filed 6/21/93, effective 7/22/93.]

WAC 495E-120-190 Reporting, recording, and maintaining records. Records of all disciplinary cases shall be kept by the vice-president for student services. Except in proceedings where the student is exonerated, all documentary or other physical evidence considered in disciplinary proceedings and all recorded testimony shall be preserved, insofar as possible, for not less than six years. No records of proceedings wherein the student is exonerated, other than the fact of exoneration, shall be maintained in the student's file or other college repository.

[Statutory Authority: RCW 28B.50.140, 34.05.220 and [34.05].482. 93-13-107, § 495E-120-190, filed 6/21/93, effective 7/22/93.]