

Chapter 495D-121 WAC

STUDENT CONDUCT CODE

WAC

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WAC 495D-121-010 Student conduct code—Statement of purpose. (1) Lake Washington Institute of Technology is operated by the state of Washington to provide 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 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) Violations of college rules or conduct that interfere 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. Provisions of this code are subject to change. Misconduct of students under the age of eighteen who attend the Lake Washington Technical Academy will be reported to the student's parents. The college and the academy may report misconduct to any parent who claims the student as a dependant or as otherwise

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provided by the Family Educational Rights and Privacy Act of 1972, as amended.

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WAC 495D-121-020 Student conduct code—Definitions. The definitions set forth in this section apply throughout this chapter.

(1) "Board" means the board of trustees of College District 26.

(2) "College" means Lake Washington Institute of Technology.

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

(4) "Drugs" 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.

(5) "College facilities" means the real property controlled or operated by the college and includes all buildings and appurtenances affixed thereon or attached thereto, including various distance learning environments not limited to online courses, telecourses, Washington Online, and interactive video.

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

(7) "Disciplinary official" means the instructor or administrator who takes disciplinary action as authorized in this chapter.

(8) "Student" means a person who is enrolled at the college, including enrollment in distance learning courses.

(9) "Disciplinary action" means one or more of the sanctions described in WAC 495D-121-170.

(10) "Good standing" means that the student is currently enrolled in the college, has no restrictions on the use of college facilities and/or services, is eligible to participate in college activities, and is not under any current disciplinary or academic sanctions.

[Statutory Authority: RCW 28B.50.140(13). WSR 11-19-083, § 495D-121-020, filed 9/20/11, effective 10/21/11. Statutory Authority: RCW 28B.50.140. WSR 04-16-003, § 495D-121-020, filed 7/22/04, effective 8/22/04.]

WAC 495D-121-030 Student conduct code—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. A nonstudent who violates any provisions of this conduct code may be referred to civilian authorities for criminal prosecution and/or may be barred from the campus and be subject to prosecution for trespass.

The vice-president of student services or designee is responsible for the administration of the conduct code. The vice-president's responsibilities include the authority to adjudicate and administer sanctions pursuant to the initiation of discipline (WAC 495D-121-040).

(1) Off-campus conduct. When a student violates the student conduct code by an offense committed off campus that is not associated with a college-connected activity, the disciplinary authority of the college will not be used merely to duplicate the penalty involved for such an act under applicable ordinances and laws.

(2) The college will take disciplinary action against a student for such an off-campus offense only when the nature of the offense is such that, in the judgment of the vice-president of student services, the student's conduct is likely to interfere with the educational process, the orderly operation of the college, or the student presents an imminent danger to college property or to himself or herself or other persons on or off campus.

[Statutory Authority: RCW 28B.50.140, WSR 04-16-003, § 495D-121-030, filed 7/22/04, effective 8/22/04.]

WAC 495D-121-040 Student conduct code—Initiation of discipline. (1) Any college faculty, or administrator, or managing authority of a distance learning course except the president and the vice-president who would hear any appeal, may initiate proceedings and recommend to take any of the disciplinary actions defined in WAC 495D-121-170, except that only the president, a vice-president, or designee may expel, dismiss, or suspend a student from the college. Before taking the action, the disciplining official will notify his/her supervisor and meet or attempt to meet with the student to explain the seriousness of the matter and hear any explanation by the student.

(2) Disciplinary proceedings.

Any person shall have the right to request disciplinary proceedings for violations of the student conduct code.

All requested or referred 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.

Any student accused of violating any provision of the rules of student conduct will be called for a meeting with the vice-president of student services or designee 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 or designee may take the following actions:

- (a) Terminate the proceeding, exonerating the accused;
- (b) Dismiss the case after whatever counseling and advice may be appropriate;
- (c) Impose minor sanctions directly such as warning, reprimand, restitution, and/or disciplinary probation;
- (d) Impose major sanctions such as deferred suspension, suspension, dismissal or expulsion;
- (e) Refer the matter to the student conduct board for a recommendation to a college vice-president 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 or designee's action.

Disciplinary action recommended by the vice-president of student services is final unless the accused exercises his/her right of appeal within ten working days as provided in WAC 495D-121-200.

The student should be given written notice of any disciplinary action except a verbal warning. Such written notice shall be either delivered personally or mailed by first-class mail to the student's last known address. The notice or warning should advise the student of his/her right to appeal under these rules.

[Statutory Authority: RCW 28B.50.140, WSR 04-16-003, § 495D-121-040, filed 7/22/04, effective 8/22/04.]

WAC 495D-121-050 Student conduct code—Free movement on campus. The president or designee is authorized in the instance of any event that he or she deems impedes the movement of persons or vehicles or which he or she deems to disrupt the ingress or egress of persons from the college facilities, to prohibit the entry of, or withdraw the license of, or privileges of a person or persons or any group of persons to enter onto or remain upon any portion of the college facility. The president may act through the vice-president of administrative services or any other person he or she may designate.

[Statutory Authority: RCW 28B.50.140, WSR 04-16-003, § 495D-121-050, filed 7/22/04, effective 8/22/04.]

WAC 495D-121-060 Student conduct code—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 or other authorized personnel may demand that any person on college facilities produce identification and/or evidence of student enrollment at the college by tender of that person's student identification card, registration schedule, and/or receipt for payment of fees for a current course.

[Statutory Authority: RCW 28B.50.140, WSR 04-16-003, § 495D-121-060, filed 7/22/04, effective 8/22/04.]

WAC 495D-121-070 Student conduct code—Civil disturbances. In accordance with provisions contained in RCW 28B.10.571 and 28B.10.572:

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

(3) The crimes described in RCW 28B.10.571 and 28B.10.572 shall not apply to any administrator, faculty, or staff 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 referred to the authorities for prosecution.

[Statutory Authority: RCW 28B.50.140. WSR 04-16-003, § 495D-121-070, filed 7/22/04, effective 8/22/04.]

WAC 495D-121-080 Student conduct code—Authority to prohibit trespass. In the instance of any event that is deemed to impede the movement of persons or vehicles or which is deemed to disrupt or threatens to immediately disrupt the ingress and/or egress of persons from college facilities or for violations of this chapter by nonstudents, 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.

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: RCW 28B.50.140. WSR 04-16-003, § 495D-121-080, filed 7/22/04, effective 8/22/04.]

WAC 495D-121-090 Student conduct code—Notice of summary suspension. If the college president or designee determines that it is necessary to exercise the authority to summarily suspend a student for more than ten instructional days, the president or designee shall cause notice and an order thereof to be served on that student by registered and/or certified mail at the student's last known address, or by personal service of such notice and order to the student. The notice shall be entitled notice and order of summary suspension together with a statement of charges and shall state:

(1) The statement of charges against the student including reference to provisions of the student conduct code and/or law.

(2) The order of summary suspension shall contain a brief statement of the findings of fact, conclusions of law, and policy reasons for the decision to justify the determination of an immediate danger and the college's decision to take the specific action.

(3) The notice of summary suspension shall inform the student that the student charged must appear before the vice-president of student services or designee for a summary suspension hearing at a date and time specified in the notice.

[Statutory Authority: RCW 28B.50.140. WSR 04-16-003, § 495D-121-090, filed 7/22/04, effective 8/22/04.]

WAC 495D-121-100 Student conduct code—Initiation of summary suspension proceedings. The college president or designee may suspend any student for not more

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than ten instructional days pending investigation, action, or prosecution on charges of an alleged violation of the student conduct code 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. Any summary suspension for more than ten instructional days requires a formal notice and order of summary suspension.

[Statutory Authority: RCW 28B.50.140. WSR 04-16-003, § 495D-121-100, filed 7/22/04, effective 8/22/04.]

WAC 495D-121-110 Student conduct code—Summary suspension hearing procedures. At the summary suspension hearing, the student against whom the violation or violations are alleged shall have the opportunity to prove to the vice-president of student services that the findings and conclusions in the order of summary suspension are not supported by probable cause to believe that the violations cited on the notice of summary suspension did occur, and do not justify summary action and that summary suspension is not necessary or justifiable pursuant to WAC 495D-121-170.

The student may offer oral testimony, present witnesses, submit any statement, declaration or affidavit, examine any document offered into evidence, 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 the law occurred or believe summary suspension continues to be necessary pursuant to RCW 34.05.479 and WAC 495D-121-170, 495D-121-040, and 495D-121-200. In the course of making such decisions, the vice-president may consider only the sworn affidavits or declarations, and oral testimony, or other competent evidence presented at the hearing 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: RCW 28B.50.140. WSR 04-16-003, § 495D-121-110, filed 7/22/04, effective 8/22/04.]

WAC 495D-121-120 Student conduct code—Summary suspension proceedings not duplicitous. As indicated, the summary suspension proceedings shall not substitute for disciplinary proceedings provided for in the student conduct code. 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 student conduct code 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 student conduct code and shall be deemed admissible.

[Statutory Authority: RCW 28B.50.140. WSR 04-16-003, § 495D-121-120, filed 7/22/04, effective 8/22/04.]

WAC 495D-121-130 Student conduct code—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 student conduct code rules following the suspension.

(2) Stay the summary suspension and impose any disciplinary action(s) enumerated in WAC 495D-121-170.

(3) Take such other action as is necessary to alleviate the need for summary action pending a hearing on the merits.

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 to the student by registered and/or certified mail at the student's last known address.

[Statutory Authority: RCW 28B.50.140. WSR 04-16-003, § 495D-121-130, filed 7/22/04, effective 8/22/04.]

WAC 495D-121-140 Student conduct code—Academic dishonesty/and classroom/lab/clinic conduct. (1) 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 dealt with in the following manner:

(a) It is the responsibility of the college administration and teaching faculty to provide reasonable and prudent security measures designed to minimize opportunities for acts of academic dishonesty, which occur at the college.

(b) 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 fraudulently 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.

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

(d) An instructor may adjust the student's grade on a particular project, paper, test, or class for academic dishonesty. This section shall not be construed as preventing an instructor from taking immediate disciplinary action when the instructor is required to act upon such breach of academic dishonesty in order to preserve order and prevent disruptive conduct in the classroom.

(2) Instructors have the authority to take whatever summary actions may be necessary 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.

(a) Any student who, by any act of misconduct, substantially disrupts any college class by engaging in conduct that renders it difficult or impossible to maintain the decorum of the faculty member's class shall be subject to disciplinary action.

(b) The instructor of each course offered by the college, or the managing authority of distance learning courses, is authorized to take such steps as may be necessary to preserve order and to maintain the effective cooperation of the class in fulfilling the objectives of the course provided that, a student shall have the right to appeal such disciplinary action to the supervisor of the person imposing disciplinary action.

[Statutory Authority: RCW 28B.50.140. WSR 04-16-003, § 495D-121-140, filed 7/22/04, effective 8/22/04.]

WAC 495D-121-150 Student conduct code—Hazing prohibited. (1) Hazing is prohibited.

(2) Hazing means any method of initiation into a student organization or living group or any pastime or amusement engaged in with respect to such an organization or living group that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm, to any student or other person attending any institution of higher education or postsecondary institution.

(3) Penalties.

(a) Any student organization, association or club that knowingly permits hazing shall:

(i) Be liable for harm caused to persons or property resulting from hazing; and

(ii) Be denied recognition by Lake Washington Institute of Technology as an official organization, association, or club on this campus. If the organization, association, or club is a corporation, whether for profit or nonprofit, the individual directors of the corporation may be held individually liable for damages.

(b) A person who participates in the hazing of another shall forfeit any entitlement to state-funded grants, scholarships, or awards for a period of one year.

(c) Forfeiture of state-funded grants, scholarships, or awards may include permanent forfeiture, based upon the seriousness of the violations.

(d) The student conduct code may be applicable to hazing violations.

(e) Hazing violations are also misdemeanors punishable under state criminal law according to RCW 9A.20.021.

(4) Sanctions for impermissible conduct not amounting to hazing.

(a) Impermissible conduct associated with initiation into a student organization or club or any pastime or amusement engaged in, with respect to the organization or club, will not be tolerated.

(b) Impermissible conduct, which does not amount to hazing, may include conduct that causes embarrassment, sleep deprivation or personal humiliation, or may include ridicule or unprotected speech amounting to verbal abuse.

(c) Impermissible conduct not amounting to hazing is subject to any sanctions available under the student conduct code, depending upon the seriousness of the violation.

[Statutory Authority: RCW 28B.50.140(13). WSR 11-19-083, § 495D-121-150, filed 9/20/11, effective 10/21/11. Statutory Authority: RCW 28B.50.140. WSR 04-16-003, § 495D-121-150, filed 7/22/04, effective 8/22/04.]

WAC 495D-121-160 Student conduct code—Student misconduct. Disciplinary action may be taken for a violation of any provision of this student code, for a violation of other

college rules, which may from time to time be properly adopted, or for any of the following types of misconduct:

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

(2) Attempting, aiding, abetting, conspiring, hiring or being an accessory to any act prohibited by this code shall be considered to be the same extent as completed violations.

(3) Breaching campus safety or security, to include, but not be limited to:

(a) Unauthorized access to college facilities; intentionally damaging door locks; unauthorized possession of college keys or access cards; duplicating college keys or access cards; or propping open of exterior doors;

(b) Tampering with fire safety equipment such as fire extinguishers, smoke detectors, alarm pull stations or emergency exits;

(c) Placement of equipment or vehicles (including bicycles) so as to obstruct the means of access to/from college buildings;

(d) Illegal entry. Entering or remaining in any closed college facility or entering after the closing time of the college facility without permission of a college official;

(4) Disorderly conduct. Conduct that is disorderly, lewd, indecent or a breach of peace on college premises or at college-sponsored activities;

(5) Disruptive activity. Participation in promoting disruptive activity that would interfere with teaching, research, disciplinary proceedings or other college activities. Such activity may include, but is not limited to:

Classroom behavior that seriously interferes with either:

(a) The instructor's ability to conduct the class; or

(b) The ability of other students to profit from the instructional program;

(6) Failure to appear for a college disciplinary proceeding to respond to allegations or to testify as a witness when reasonably notified to do so;

(7) Failure to comply with college attendance policy as published in the current edition of the *Student Handbook* or course syllabi;

(8) Failure to comply with a college rule or policy, as set forth in the *Lake Washington Institute of Technology Policies and Procedures Manual* (a copy of which may be found in the Lake Washington Technical College library);

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

(10) False statements. The intentional making of false statements or filing of false charges against the college, its employees, and members of the college community;

(11) Forgery, alteration, or misuse of college documents, records, funds, or instruments of identification with the intent to defraud;

(12) Harassment, including conduct (physical, verbal, graphic, written, or electronic) that is sufficiently severe, pervasive or persistent so as to threaten an individual or limit the ability of an individual to work, study or participate in the activities of the college;

(13) Illegal use of alcoholic beverages. The possession, use, sale, or distribution of any alcoholic beverage or illegal drugs on the college campus except as specifically provided for by board policy. The use of illegal drugs by any student

attending a college-sponsored event is also prohibited, even though the event does not take place at the college. The use of alcohol by any student attending such events on noncollege property shall conform to state law;

(14) Illegal use or possession of weapons. The unauthorized use, possession, display, or storage of any weapons, fireworks or explosives on college premises or at any college-sponsored activity. The term weapon means any object or substance designed to inflict a wound, cause injury, or incapacitate. Weapons may include, but are not limited to, all firearms (whether lawfully or unlawfully possessed), pellet guns, slingshots, martial arts devices, switchblade knives and clubs. Legal defense sprays possessed or used for the purpose of self-defense are exempt from this section;

(15) Imminent danger. Where the student presents an imminent danger to college property or to himself or herself or other students or persons in college facilities on or off campus, or to the education processes of the college;

(16) Interference with the discipline code. Action or conduct that hinders, obstructs or otherwise interferes with the implementation of this discipline code;

(17) Interruption of instructional programs (see policy (6. P.39));

(18) Misuses of information technology. Failure to comply with laws, license agreements, and contracts governing network, software and hardware use. Abuse of communal resources. Use of computing resources for unauthorized commercial purposes or personal gain. Failure to protect passwords or use of computer accounts. Breach of computer security, unauthorized access to computer system networks, college or agent's web sites, codes and data, or computer back-end systems. Harmful access or invasion of privacy; use of another's password or identity, or use of anonymous or fictitious e-mail addresses, internet domains or name servers.

(19) Physical abuse, including attempting or causing injury to an individual. Causing or threatening physical contact with another when the person knows or should reasonably believe that the other will regard the contact or threat as offensive or provocative;

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

(21) Ethical 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 a course or is pursuing as an educational goal or major.

(22) Sexual assault/rape, including the oral, anal, or vaginal penetration by a sexual organ of another or anal/vaginal penetration by any means against the victim's will or without his/her consent. An individual who is mentally incapacitated, unconscious, or unaware that the sexual assault is occurring is considered unable to give consent. The type of force employed may involve physical forces, coercion, and intentional impairment of an individual's ability to appraise the situation through the administering of any substance or threat of harm to the victim;

Sexual abuse, including attempting or making sexual contact including, but not limited to, inappropriate touching or fondling against the person's will, or in circumstances where the person is physically, mentally or legally unable to give consent;

(23) Smoking. Smoking in all enclosed college facilities and other areas so posted by college officials;

(24) Stalking, including any repeated conduct directed specifically at another person that causes that person (or a member of that person's family or household) to fear for his/her safety. Such conduct includes following another person and acts that threaten or intimidate another person through fear of bodily injury or death of self or members of that person's family or household or an offense being committed against that person's property;

(25) Theft and damage. Theft from or damage to college premises or property, or theft of or damage to property of a member of the college community or college premises;

(26) Unacceptable use of college facilities and equipment;

(27) Violation of laws. Violation of any law of the United States, laws of the state of Washington, or applicable municipal or county ordinance;

(28) Witness retaliation. Retaliation upon witnesses or accusers under this chapter.

[Statutory Authority: RCW 28B.50.140(13). WSR 11-19-083, § 495D-121-160, filed 9/20/11, effective 10/21/11. Statutory Authority: RCW 28B.50.140. WSR 04-16-003, § 495D-121-160, filed 7/22/04, effective 8/22/04.]

WAC 495D-121-170 Student conduct code—Student conduct sanctions. Student conduct sanctions are categorized as primary and secondary. More than one primary sanction or any combination of primary sanctions and secondary sanctions may be imposed for any single violation. Once a student has been finally assessed a disciplinary sanction, however, no more severe primary sanctions may be assessed against him or her by any higher college authority.

(1) Primary sanctions (in order of severity):

(a) *Expulsion*: Separation of the student from the college whereby the student is not eligible for reenrollment or readmission to the college.

(b) *Dismissal*: Separation of the student from the college for an indefinite period of time. Readmission to the college may be possible in the future, but no specific time for a decision is established.

(c) *Suspension*: Separation of the student from the college for a period of time with a review of the disciplinary action prior to readmission. The student is not guaranteed readmission at the end of such period of time, but is guaranteed a review of the case and a decision regarding eligibility for readmission.

(d) *Deferred suspension*: The sanction of suspension may be placed in deferred status. If the student is found in violation of any college rule during the time of deferred suspension, the suspension takes effect immediately without further review. Additional student conduct sanctions appropriate to the new violation also may be taken. A student who has been issued a deferred suspension sanction is deemed "not in good standing" with the college. A student who is not in good standing is subject to the following restrictions:

(i) Ineligible to hold an office in any student organization recognized by the college or to hold any elected or appointed office of the college.

(ii) Ineligible to represent the college to anyone outside the college community in any way, including representing the

college at any official function, or any forms of intercollegiate competition or representation.

(iii) May have additional restrictions or conditions also may be imposed, depending on the nature and seriousness of the misconduct.

(e) *Conduct probation*: An official warning that the student's conduct is in violation of Lake Washington Institute of Technology student conduct code, but is not sufficiently serious to warrant expulsion, dismissal or suspension. A student on conduct probation is deemed "not in good standing" with the college.

(f) *Letter of enrollment block*: A letter stating that the student may not reenter Lake Washington Institute of Technology without prior approval by the office of the vice-president for student services if enrollment has been blocked for a previous student conduct problem or for medical reasons.

(g) *Letter of reprimand*: A letter that makes a matter of record any incident that reflects unfavorably on the student or the college.

(h) *Warning*: Admonition of a student for actions unbecoming to the college community.

(2) Secondary sanctions (no order of severity is established for secondary sanctions):

(a) *Community/college service*: A student may be offered an opportunity to complete a specified number of hours of community/college service in lieu of other sanctions. The type of community/college service must be approved by the hearing officer.

(b) *Educational requirements*: A provision to complete a specific educational requirement directly related to the violation committed. The provision will be clearly defined. Such educational requirements may include, but are not limited to, completion of an alcohol education workshop, a diversity awareness workshop, an anger management class, essays, or reports.

(c) *Restrictions*: The withdrawal of specified privileges for a definite period of time, but without the additional stipulations contained in the imposition of conduct probation. The restrictions involved will be clearly defined.

(d) *Restitution*: A payment for financial injury to an innocent party in cases involving theft, destruction of property or deception. The assessed costs to be paid may be in addition to receipt of any of the above sanctions.

(e) *Loss of parking privileges on campus*: Revocation of parking privileges.

[Statutory Authority: RCW 28B.50.140(13). WSR 11-19-083, § 495D-121-170, filed 9/20/11, effective 10/21/11. Statutory Authority: RCW 28B.50.140. WSR 04-16-003, § 495D-121-170, filed 7/22/04, effective 8/22/04.]

WAC 495D-121-180 Student conduct code—Loss of eligibility—Student activity participation. Any student found to have violated chapter 69.50 RCW, the Uniform Controlled Substances Act, or chapter 69.41 RCW, legend drugs, by virtue of a criminal conviction or by final decision of the college president or designee shall, in lieu of or in addition to any other disciplinary action which may be imposed, be disqualified from participation in any school-sponsored student events or activities.

[Statutory Authority: RCW 28B.50.140. WSR 04-16-003, § 495D-121-180, filed 7/22/04, effective 8/22/04.]

WAC 495D-121-190 Student conduct code—Appeal of academic action or disciplinary action and student grievances. (1) Definitions:

(a) Academic action: Action taken by the college regarding instructional decisions regarding student progress, student attendance, and/or academic status.

(b) Disciplinary action: Action taken by the college for student violations of college rules, policies and procedures, the student conduct code, or applicable federal, state, county, or municipal laws.

(c) Grievance: A student appeal of a decision of the college, excluding academic actions or disciplinary actions, including those made by faculty, staff, and administration or the actions of another student.

(d) Major disciplinary actions: Conduct discipline actions including deferred suspension, suspension, dismissal and expulsion.

(e) Minor disciplinary action: Conduct discipline actions including letter of enrollment block, conduct probation, letter of reprimand, warning and all secondary sanctions.

(2) Filing of appeals or grievances:

(a) Grievance. Students may appeal an action of the college or grieve the actions of the college, its staff, or another student except for grade appeals and disciplinary actions, by filing a grievance with the appropriate vice-president within ten working days, from the moment when the student had knowledge of the college action or grievable action. The grievance shall be filed with the vice-president of instructional services regarding academic actions, with the vice-president of administrative services for administrative and business service issues, and with the vice-president of student services for other student matters. A student is deemed to have notice three working days after any notice is mailed to the student's last address on record with the college.

Students may have an advocate present during the grievance procedure with prior notice given the presiding officer. 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.

Resolution of the grievance is attempted between the principals. The vice-president or their designees involved with the grievance are responsible for conducting a hearing. This hearing will be completed within ten working days of the student filing of the grievance; the unit supervisor will consider the issues in the dispute and render a written decision on the issues within ten working days of hearing the grievance. The decision of the vice-president or designee presiding officer is final.

(b) Disciplinary appeal:

(i) Appeal of minor disciplinary actions should be filed with the vice-president of student services or designee within ten days of the disciplinary action. The vice-president will convene a brief adjudicative procedure pursuant to WAC 495D-108-050 and RCW 34.05.485 within ten days of receipt of the appeal. The vice-president will hear evidence and arguments in the matter and render a written decision within ten working days. The decision of the presiding officer is final.

(ii) Appeals of major disciplinary actions should be filed with the vice-president of student services within ten working days of the issuance of the action. The vice-president will convene a judicial board that will conduct a fully adjudicated hearing, pursuant to RCW 34.05.410 through 34.05.494, to hear the appeal within ten days of receipt of the appeal. All parties to the appeal will have the opportunity to present information to the judicial board. A record of the judicial board's proceedings will be kept, which will entail at a minimum that the proceeding be tape-recorded. All testimony of witnesses and interpreters will be given under oath. The judicial board will conduct its hearing within ten working days of receipt of the appeal. Students may have an advocate present during the grievance procedure with prior notice given the presiding officer. 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.

The judicial board, after hearing the appeal, shall recommend disposition of the case to the appropriate vice-president. The recommendation will be included in the board's findings of fact and a recommended course of action.

The vice-president shall consider the recommendations of the judicial board; respond with a written decision within ten working days of receipt of the judicial board's recommendations. The vice-president's decision in the matter is final.

Where violations of federal, state, or local statutes are alleged to have occurred, students may also be subject to additional actions in the courts.

[Statutory Authority: RCW 28B.50.140. WSR 04-16-003, § 495D-121-190, filed 7/22/04, effective 8/22/04.]

WAC 495D-121-200 Student conduct code—Refunds and access. (1) Refund of fees for the quarter in which disciplinary action is taken shall be in accordance with the college's refund policy.

(2) A student suspended on the basis of conduct, which disrupted the orderly operation of the campus or any facility of the district, may be denied access to all or any part of the campus or other facility.

[Statutory Authority: RCW 28B.50.140. WSR 04-16-003, § 495D-121-200, filed 7/22/04, effective 8/22/04.]

WAC 495D-121-210 Student conduct code—Readmission after dismissal or suspension. Any student dismissed or suspended from the college for academic or disciplinary reasons will normally be readmitted on a space available basis in the student's program of study upon expiration of the time period for which the dismissal or suspension was issued.

If a student who has been dismissed or suspended believes that circumstances warrant reconsideration of the dismissal or suspension prior to its expiration; or, if the student was dismissed or suspended with conditions imposed for readmission, the student may be readmitted following approval of a written petition submitted to the vice-president who imposed such suspension or such other designated administrator. Such petition must state reasons that support a reconsideration of the matter. Before readmission may be granted in any case, a petition must be submitted, reviewed in

a conference with a counselor and an administrator, and approved by the appropriate vice-president.

[Statutory Authority: RCW 28B.50.140. WSR 04-16-003, § 495D-121-210, filed 7/22/04, effective 8/22/04.]

WAC 495D-121-220 Student conduct code—Reestablishment of academic standing. Students who have been expelled, dismissed, or suspended pursuant to disciplinary procedures set forth in WAC 495D-121-170 and 495D-121-040 and whose expulsion, dismissal, or suspension 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. WSR 04-16-003, § 495D-121-220, filed 7/22/04, effective 8/22/04.]

WAC 495D-121-230 Student conduct code—Reporting, recording and maintaining records. Records of all disciplinary and grievance cases shall be kept by the vice-president for student services. All documentary or other physical evidence produced or considered in disciplinary proceedings and all recorded testimony shall be preserved, insofar as possible, for not less than six years.

[Statutory Authority: RCW 28B.50.140. WSR 04-16-003, § 495D-121-230, filed 7/22/04, effective 8/22/04.]

WAC 495D-121-240 Student conduct code—Campus speakers. (1) Student organizations officially recognized by the college may invite speakers to the campus to address their own membership and other interested students and faculty if suitable space is available and there is no interference with the regularly scheduled program of the college. Although properly allowed by the college, the appearance of such speakers on the campus implies neither approval nor disapproval of them or their viewpoints. In 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 the normal considerations for law.

(2) In order to insure an atmosphere of open exchange and to insure that the educational objectives of the college are not obscured, the president or designee, in a case attended by strong emotional feeling, may prescribe conditions for the conduct of the meeting, such as requiring a designated member of the college community as chair, or requiring permission for comments and questions from the floor. Likewise, the president or designee may encourage the appearance of one or more additional speakers at any meeting or at a subsequent meeting so that other points of view may be expressed. The president may designate representatives to recommend conditions such as time, manner, and place for the conduct of particular meetings.

[Statutory Authority: RCW 28B.50.140. WSR 04-16-003, § 495D-121-240, filed 7/22/04, effective 8/22/04.]

WAC 495D-121-250 Student conduct code—Distribution of information. (1) Handbills, leaflets, newspapers, and similar materials may be sold or distributed free of

charge by any student or students, or by members of recognized student organizations, or by college employees on or in college facilities at locations specifically designated by the appropriate administrator, provided 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.

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

(3) All nonstudents shall make contact with and receive directions from the director of campus services or designee on the time, place, and manner of distribution prior to the distribution of any handbill, leaflet, newspaper, or related matter to ensure that such distribution or sale does not interfere with the free flow of vehicular or pedestrian traffic.

(4) Any person or persons who violate provisions of subsections (1) and (2) of this section will be subject to disciplinary action. Any person who violates provisions of subsection (2) of this section shall be subject to removal from the college campus.

[Statutory Authority: RCW 28B.50.140. WSR 04-16-003, § 495D-121-250, filed 7/22/04, effective 8/22/04.]

WAC 495D-121-260 Student conduct code—Commercial activities. (1) College facilities will not be used for a 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 or official organizations of the college if such solicitation does not interfere with or operate to the detriment of the conduct of college affairs or the free flow of vehicular or pedestrian traffic.

(2) College facilities, equipment, and supplies may not be used by students for personal commercial gain.

(3) For the purpose of this regulation, the term "commercial activities" does not include handbills, leaflets, newspapers, and similarly related materials as regulated in WAC 495D-121-260.

[Statutory Authority: RCW 28B.50.140. WSR 04-16-003, § 495D-121-260, filed 7/22/04, effective 8/22/04.]