

Chapter 132R-04 WAC

STUDENT CONDUCT CODE

WAC

132R-04-010	Student rights and responsibilities.
132R-04-015	Definitions.
132R-04-017	Jurisdiction.
132R-04-019	Right to demand identification.
132R-04-040	Freedom of expression.
132R-04-042	Freedom of access to higher education.
132R-04-047	Freedom of association and organization.
132R-04-056	Standards.
132R-04-057	Student code of conduct violations.
132R-04-063	Disciplinary sanctions.
132R-04-064	Interim discipline.
132R-04-067	Readmission after major discipline.
132R-04-100	Delegation of disciplinary authority.
132R-04-112	Discipline statement.
132R-04-115	Disciplinary action.
132R-04-117	Disciplinary committee.
132R-04-130	Disciplinary committee procedures.
132R-04-140	Disciplinary committee decision.
132R-04-150	Imposition of discipline.
132R-04-160	Student appeal.
132R-04-165	Maintenance of disciplinary records.
132R-04-170	Criminal prosecution.
132R-04-180	Effective date.
132R-04-190	Prior rules.
132R-04-200	Severability.

7/14/03, effective 8/14/03. Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW.

WAC 132R-04-010 Student rights and responsibilities. Admission to the college carries with it the expectation that students will conduct themselves as responsible members of the college community, that they will comply with the rules and regulations of the college, maintain high standards of integrity and honesty, respect the rights, privileges, and property of other members of the college community, and will not interfere with legitimate college affairs.

The rights and responsibilities of students are further defined and listed in the "student rights and responsibilities" policy adopted by the board of trustees of Big Bend Community College. Policies and procedures are fully explained in the student handbook which is on file in the office of the vice-president of student services.

[Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW. WSR 03-15-063, § 132R-04-010, filed 7/14/03, effective 8/14/03. Statutory Authority: RCW 28B.50.140. WSR 90-02-019, § 132R-04-010, filed 12/26/89, effective 1/26/90; Order 69-4, § 132R-04-010, filed 12/5/69.]

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

132R-04-020	Liquor. [Order 69-4, § 132R-04-020, filed 12/5/69.] Repealed by WSR 03-15-063, filed 7/14/03, effective 8/14/03. Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW.
132R-04-030	Drugs. [Order 69-4, § 132R-04-030, filed 12/5/69.] Repealed by WSR 03-15-063, filed 7/14/03, effective 8/14/03. Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW.
132R-04-035	Damaging property. [Order 69-4, § 132R-04-035, filed 12/5/69.] Repealed by WSR 03-15-063, filed 7/14/03, effective 8/14/03. Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW.
132R-04-050	Criminal violations. [Order 69-4, § 132R-04-050, filed 12/5/69.] Repealed by WSR 03-15-063, filed 7/14/03, effective 8/14/03. Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW.
132R-04-055	Classroom conduct. [Order 69-4, § 132R-04-055, filed 12/5/69.] Repealed by WSR 03-15-063, filed 7/14/03, effective 8/14/03. Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW.
132R-04-060	Commercial activities. [Order 69-4, § 132R-04-060, filed 12/5/69.] Repealed by WSR 03-15-063, filed 7/14/03, effective 8/14/03. Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW.
132R-04-070	Outside speakers. [Order 69-4, § 132R-04-070, filed 12/5/69.] Repealed by WSR 03-15-063, filed 7/14/03, effective 8/14/03. Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW.
132R-04-080	Trespass. [Order 69-4, § 132R-04-080, filed 12/5/69.] Repealed by WSR 03-15-063, filed 7/14/03, effective 8/14/03. Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW.
132R-04-090	Distribution of materials. [Order 69-4, § 132R-04-090, filed 12/5/69.] Repealed by WSR 03-15-063, filed 7/14/03, effective 8/14/03. Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW.
132R-04-110	Disciplinary action. [Order 69-4, § 132R-04-110, filed 12/5/69.] Repealed by WSR 03-15-063, filed 7/14/03, effective 8/14/03. Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW.
132R-04-120	Disciplinary committee. [Order 69-4, § 132R-04-120, filed 12/5/69.] Repealed by WSR 03-15-063, filed 7/14/03, effective 8/14/03. Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW.

WAC 132R-04-015 Definitions. (1) "ASB" means the representative governing body for students at Big Bend Community College recognized by the board of trustees.

(2) "Assembly" means any overt activity engaged in by two or more persons, the object of which is to gain publicity, advocate a view, petition for a cause or disseminate information to any person, persons or group of persons.

(3) "Board" means the board of trustees of Community College District 18, state of Washington.

(4) "College president" or "president" means the duly appointed chief executive officer of Big Bend Community College, Community College District 18, state of Washington, or in his/her absence, the acting chief executive officer.

(5) "College" means Big Bend Community College located within Community College District 18, state of Washington.

(6) "College facilities" means and includes any or all real and personal property owned or operated by the college and shall include all buildings and appurtenances affixed thereon or attached thereto.

(7) "College personnel" refers to any person employed by Community College District 18 on a full-time or part-time basis, except those who are faculty members.

(8) "Disciplinary action" means and includes suspension or any lesser sanction of any student by the vice-president of student services, student disciplinary council, college president, or the board of trustees for the violation of any of the provisions of the code of student conduct or any of the provisions of the code of student rights and responsibilities for which such sanctions may be imposed.

(9) "District" means Community College 18, state of Washington.

(10) "Faculty member(s)" means any employee of Big Bend Community College who is employed on a full-time or part-time basis as a teacher, counselor, librarian or other position for which the training, experience and responsibility are comparable as determined by the appointing authority, except administrative appointments.

(11) "Hazing" means any method of initiation into a student organization, association, or living group 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 or other person attending any institution of higher education or post-secondary institution.

(12) "Recognized student organization" means and includes any group or organization composed of students, which is affirmed by the student government of the college.

(13) "A sponsored event or activity" means any activity that is scheduled by the college and is supervised and controlled by college faculty members or personnel. Such sponsorship shall continue only as long as the event is supervised and controlled by the college faculty member or personnel. When the sponsored event or activity is of a prolonged nature, and free time periods are permitted to the students participating in the event, any activity taking place during such a free time period outside of the supervision and control of the college faculty member(s) or personnel, shall be deemed to be a nonsponsored activity.

(14) "Student" means a person who is enrolled for courses at the college.

(15) "Working days" means Monday through Friday, excluding holidays.

[Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW. WSR 03-15-063, § 132R-04-015, filed 7/14/03, effective 8/14/03.]

WAC 132R-04-017 Jurisdiction. All rules herein adopted shall apply to every student whenever said student is present upon or in any college facility and whenever said student is present at or engaged in any college sponsored activity or function whether occurring on or off college facilities/premises.

[Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW. WSR 03-15-063, § 132R-04-017, filed 7/14/03, effective 8/14/03.]

WAC 132R-04-019 Right to demand identification. For the purpose of determining identity of a person as a student any faculty member or other college personnel authorized by the college president may demand that any person on college facilities produce evidence of student enrollment at the college. Tender of the student identification card will satisfy this requirement.

Refusal by a student to produce identification as required shall subject the student to disciplinary action.

[Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW. WSR 03-15-063, § 132R-04-019, filed 7/14/03, effective 8/14/03.]

WAC 132R-04-040 Freedom of expression. (1) Fundamental to the democratic process are the rights of free speech and peaceful assembly. Students, other members of the college community, and nonstudents shall always be free to express their views or support causes by orderly means

[Ch. 132R-04 WAC p. 2]

which do not disrupt the regular and essential operations of the college.

(2) Concomitantly, while supporting the rights of students and others, the college recognizes the responsibility to maintain an atmosphere conducive to a sound educational endeavor.

(3) To insure the reconciliation of such rights and responsibilities, while respecting the private rights of all individuals, campus demonstrations may be conducted only in areas which are generally available to the public provided such demonstrations:

(a) Are conducted in an orderly manner; and

(b) Do not unreasonably interfere with classes, scheduled meetings or ceremonies, or with the general educational processes of the college; or

(c) Do not unreasonably interfere with vehicular or pedestrian traffic; or

(d) Do not unreasonably interfere with regular college functions.

(4) A student who conducts or participates in a demonstration which violates any provision of this rule shall be subject to disciplinary action. A nonstudent who violates any provision of the rule will be referred to civilian authorities for criminal prosecution.

[Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW. WSR 03-15-063, § 132R-04-040, filed 7/14/03, effective 8/14/03; Order 69-4, § 132R-04-040, filed 12/5/69.]

WAC 132R-04-042 Freedom of access to higher education. Each student is free to pursue his or her educational goals; and to that end, appropriate opportunities for learning in the classroom shall be provided by the district. The college shall maintain an open door policy, to the end that no student will be denied admission because of the location of the student's residence, or because of the student's educational background or ability; that, insofar as is practical in the judgment of the board, curriculum offerings shall be provided to meet the educational and training needs of the community generally and the students thereof; and that all students, regardless of their differing courses of study, will be considered, known and recognized equally as members of the student body; provided, that the administrative officers of the college may deny admission to a prospective student or attendance to an enrolled student if, in their judgment, the student would not be competent to profit from the curriculum offerings of the community college, or would, by the student's presence or conduct, create a disrupting atmosphere within the community college inconsistent with the purposes of the institution.

[Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW. WSR 03-15-063, § 132R-04-042, filed 7/14/03, effective 8/14/03.]

WAC 132R-04-047 Freedom of association and organization. Students bring to the campus a variety of previously acquired interests and develop many new interests as members of the college community. They are free to organize and join associations to promote any legal purpose, whether it be religious, political, educational, recreational or social.

Student organizations must be granted a charter by the college student government before they may be officially recognized. Prior to becoming chartered, a student organization must submit to the student government a statement of pur-

(7/14/03)

pose, criteria for membership, a statement of operating rules or procedures, and the name of a faculty member who has agreed to serve as an advisor. All student organizations must also submit to the student government a list of officers and keep that list updated when changes occur.

In order to qualify for issuance of a charter, a student organization must be open to all students without respect to race, sex, creed, national origin, or religion. Membership in all student organizations shall be open to any member of the college community who is willing to subscribe to the stated aims of the student organization. Affiliation with a noncampus organization shall not be grounds for denial of charter, provided that other conditions for charter issuance have been met.

[Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW. WSR 03-15-063, § 132R-04-047, filed 7/14/03, effective 8/14/03.]

WAC 132R-04-056 Standards. Attendance at Big Bend Community College presupposes that a student will observe the laws and deport themselves according to accepted standards of personal and group conduct. It further presupposes that each student will comply with the rules, regulations and procedures as are, or may be, established by Big Bend Community College. Failure to observe such laws, standards, rules, regulations and procedures shall render a student subject to penalties, which may include dismissal from the college.

The provisions of this section on student conduct and discipline do not apply to probation or suspension arising solely from low scholarship.

[Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW. WSR 03-15-063, § 132R-04-056, filed 7/14/03, effective 8/14/03.]

WAC 132R-04-057 Student code of conduct violations. Any student shall be subject to immediate disciplinary action provided for in code procedures and summary suspension rules who, either as a principal actor or aider or abettor:

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

(2) Violates any provisions of the code of student rights and responsibilities.

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

(a) All forms of academic misconduct and dishonesty including cheating, plagiarism, knowingly furnishing false information to the college, and forgery, alteration or use of college documents or instruments of identification with intent to defraud.

(b) Failure to comply with lawful directions of faculty, administrators and other regularly employed personnel acting in performance of their lawful duties.

(c) Conduct which intentionally and substantially obstructs or disrupts freedom of movement, teaching, disciplinary proceedings or other lawful activities on the college campus. Said conduct may be defined as:

(i) Behavior that involves an expressed or an implied threat to interfere with an individual's personal safety, academic efforts, employment, or participation in college activities and causes the person to have a reasonable apprehension that such interference is about to occur;

(ii) Threat to cause bodily harm at present or in the future to any person, or to cause physical damage to another's property, or to maliciously do any act which is intended to substantially harm another person's physical or mental health or safety;

(iii) Intentional and repeated following or contacting another person in a manner that intimidates, harasses or places another in fear for his or her personal safety or the safety of his or her property.

(d) Physical abuse of any person or conduct which is intended unlawfully to threaten imminent bodily harm or to endanger the physical or mental health and safety of any person on college-owned or controlled property or at college-sponsored or supervised functions.

(e) All forms of sexual misconduct which includes sexual harassment, sexual intimidation, sexual coercion, sexual assault, and rape.

(f) All forms of hazing which endangers, or is likely to endanger, the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of admission into, affiliation with, or as a condition for continued membership in a group or college organization.

(g) Malicious damage to or malicious misuse of college property, or the property of any person where such property is located on the college campus.

(h) Refusal to comply with any lawful order to leave the college campus or any portion thereof.

(i) Possession or use of firearms, explosives, dangerous chemicals or other dangerous weapons or instrumentalities on the college campus, except for authorized college purposes; unless prior written approval has been obtained from the vice-president of student services, or any other person designated by the college president.

(j) Intentionally inciting others to engage immediately in any of the conduct prohibited herein, which incitement leads directly to such conduct. (Inciting is that advocacy which prepares the group addressed for imminent action and steers it to the conduct prohibited herein.)

(k) Possessing, consuming, being demonstrably under the influence of, or furnishing any form of alcoholic beverages on college-owned or controlled property or at college-sponsored or supervised functions where prohibited by the college's current alcohol policy.

(l) Disorderly conduct, including disorderly conduct resulting from drunkenness.

(m) Engaging in lewd, indecent or obscene behavior on college-owned or controlled property or at college-sponsored or supervised functions.

(n) Using, possessing, furnishing or selling any narcotic or dangerous drug as defined in Washington statutes, except when the use or possession of a drug is specifically prescribed as medication by an authorized medical doctor or dentist.

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

(p) Theft or conversion of college property or private property.

(q) Entering any administrative office or any locked or otherwise closed college facility in any manner, at any time,

without permission of the college employee or agent in charge thereof.

(r) Possession, making or causing to be made, any key to operate locks or locking mechanisms on campus without proper authorization or using or giving to another, a key for which there has been no proper authorization.

(s) Interfering with college computing or communication functions or with the work of another student, faculty member, or college official; gaining unauthorized access, altering data, misusing computing facilities to send harassing messages, or misuse of the campus network and/or computing facilities as defined by the current college technology use policy and procedures.

(t) Disruptive classroom conduct including abusive language toward a classroom instructor and/or student and other acts of misconduct.

(4) Single or repeated violation of the above code is relevant in determining an applicant's or a student's membership in the college.

[Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW. WSR 03-15-063, § 132R-04-057, filed 7/14/03, effective 8/14/03.]

WAC 132R-04-063 Disciplinary sanctions. If any student is found to have violated any of the offenses enumerated at WAC 132-04-057, one or more of the following sanctions may be imposed against the student or student organization. Failure to comply with any imposed sanctions may result in additional sanctions.

(1) Minor disciplinary sanction:

(a) "Disciplinary warning." Formal action censoring a student for unacceptable conduct or violation of college rules or regulations. The student is notified in writing of this action. Warnings imply that further unacceptable conduct or violation of rules will result in one of the more serious actions described below.

(b) "Disciplinary probation." Formal action placing condition on the student's continued attendance for violation of specified regulations. The disciplinary probation shall specify, in writing, the period of probation and the conditions which may include conditions such as limiting the student's participation in college-related privileges or extracurricular activities or enforcing a "no contact" order which would prohibit direct or indirect physical and/or verbal contact with specific individuals or groups. Disciplinary probation further shall give the student notice that any further misconduct will automatically raise the question of suspension from the college. Disciplinary probation shall be for a specified period of time.

(c) "Educational activities." Activities designed to foster student development may include, but are not limited to, community service, attendance at educational programs, or written assignments.

(d) "Restitution." Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.

(e) "Assessment." Referral for drugs/alcohol or psychological assessment may be required. Results of the assessment may lead to the determination that conditions of treatment and further assessment apply to either continued attendance or return after a period of suspension.

(2) Major disciplinary sanction:

(a) "Disciplinary suspension." Formal action taken by authorized personnel (the president or anyone authorized to act in the absence of the president) dismissing a student temporarily from the college for unacceptable conduct or violation of college rules or regulations. Suspension may be for a stated or for an indefinite period, but the implication of the action is that the student may eventually return if evidence or other assurance is presented that the unacceptable conduct will not be repeated. The notification suspending the student must state the conditions to be met and whether the action is to be noted permanently on the student's record. The student and vice-president of student services are notified in writing of the action taken, the terms of the suspension and any conditions involved, and the dean of enrollment services is requested to enter the action on the student's academic record. No fees will be refunded for the quarter in which the action is taken.

(b) "Disciplinary expulsion." Discretionary action by authorized personnel dismissing a student permanently for flagrantly unacceptable conduct or violation of college rules or regulations. Unlike suspension, no term is involved, the action always becomes effective on notice. Expulsion must have the prior approval of the president. The student is notified in writing of the action taken, and the dean of enrollment services is requested to enter the action permanently on the student's academic record.

(c) "Hold" (administrative). Attachment of a student's record to assure compliance with college rules, procedures, or obligations. The "hold" may be placed on the student's record by the authorized college office responsible for enforcement of the rule, procedure, or obligation involved. The authorized office must request the dean of enrollment services in writing to place a "hold" on the student's record. The student will not be permitted to register for any subsequent quarter nor to obtain a transcript of his/her record except on the written release of the office which placed the "hold."

(d) "Registration canceled" (administrative). Privileges of attendance withdrawn, effective immediately on notice.

(i) By order of the business office for financial delinquencies. (Handled as a withdrawal for recording purposes.)

(ii) By order of the vice-president of student services for failure to comply with rules, regulations or instructions.

The order canceling a registration must be addressed to the student involved in writing. The registration office automatically will place a "hold" on the student's record to prevent registration for future quarters and the issuance of transcripts.

[Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW. WSR 03-15-063, § 132R-04-063, filed 7/14/03, effective 8/14/03.]

WAC 132R-04-064 Interim discipline. (1) Disciplinary actions of the college will be implemented by the president, except as such implementation may be delegated by the president or the board of trustees. Ordinarily, the disciplinary authority of the college will be invoked only after completion of the procedures established for the review of disciplinary cases and after the student, if he/she so wishes, has availed himself/herself of the appeal procedures. However, in situations where there is cause to believe that the stu-

dent or the student organization poses an immediate threat to himself or herself, to others or to property, or is incapable of continuing as a student for medical or psychological reasons, or where it is believed that the student's continued attendance or presence may cause disorder or substantially interfere with or impede the lawful activities of others or imperil the physical or mental health and safety of members of the college community, interim actions may be taken immediately without prior notice or hearing. These actions, taken by the president or the president's designee, may include:

(a) Interim restrictions, including, but not limited to, assignment to alternate college housing or removal from college housing, limitation of access to college facilities, or restriction of communication with specific individuals or groups;

(b) Interim suspension, including temporary total removal from the college or restriction of access to campus;

(c) Mandatory medical/psychological assessment, including referral to outside, medical professionals and/or to the mental health advisory board for assessment of the student's capability to remain in the college.

(2) Each instructor is authorized to implement interim suspension when necessary to preserve order and to maintain effective cooperation of the class in fulfilling the objective of the course. An instructor imposing an interim suspension shall report such action, in writing, to the division chair, vice-president of student services, and vice-president of instruction.

(3) In all cases of interim discipline, the student or student organization is entitled to personally appeal before the vice-president of student services or designee as soon as is reasonably possible. The student disciplinary review request must be submitted in writing no later than ten working days from the date of said disciplinary action.

(4) The vice-president of student services shall conduct a meeting with the student within five working days after receipt of the disciplinary review request. As a result of the meeting between the vice-president of student services and the student, the vice-president may recommend to the president or the president's designee either continuation or termination of the interim discipline and/or initiate disciplinary procedures in accordance with WAC 132R-04-112 through 132R-04-160.

[Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW. WSR 03-15-063, § 132R-04-064, filed 7/14/03, effective 8/14/03.]

WAC 132R-04-067 Readmission after major discipline. Any petition for readmission by a student suspended or expelled for disciplinary reasons other than poor scholarship must be addressed to the office of the vice-president of student services. Such a petition must be in writing and must state in detail the reasons why the penalty should be reconsidered. Since the president of the college or his/her designee participates in disciplinary decisions suspending/expelling students from the college, decisions on such petitions for readmission must be reviewed and approved by the president before being announced to the petitioner.

[Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW. WSR 03-15-063, § 132R-04-067, filed 7/14/03, effective 8/14/03.]

(7/14/03)

WAC 132R-04-100 Delegation of disciplinary authority. The board, acting pursuant to RCW 28B.50.140 (14), do by written order delegate to the president of the college authority to administer the disciplinary action prescribed in WAC 132R-04-150. All disciplinary actions in which there is a recommendation that a student be suspended or expelled, shall be acted upon by the president or his/her designee as listed in the Big Bend Community College board of trustees policy book, section BP 1004.5.

[Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW. WSR 03-15-063, § 132R-04-100, filed 7/14/03, effective 8/14/03; Order 69-4, § 132R-04-100, filed 12/5/69.]

WAC 132R-04-112 Discipline statement. (1) The vice-president of student services is the primary agent for the administration of discipline for unacceptable conduct or infraction of college rules except those which are the responsibility of divisions and instructors as hereafter described.

(a) The division chair and faculty of each division are responsible for the administration of discipline for infraction of rules and regulations of the college or for unacceptable conduct by students in matters relating to their academic progress.

(b) The instructor is responsible for the maintenance of order and proper conduct in the classroom. He/she is authorized to impose interim suspension as may be necessary to preserve order and to maintain the effective cooperation of the class in fulfilling the objectives of the course.

(2) The instructor of each course shall be responsible for the maintenance of order and proper student conduct in a classroom. Each instructor is authorized to impose interim suspension in order to preserve order and to maintain effective cooperation of the class in fulfilling the objective of the course. In the event of disruptive classroom conduct, academic misconduct, and/or dishonesty, the instructor may take any and all reasonable action against any student. A course of action might include, but not be limited to:

(a) Issuing a failing grade on a particular test, paper, assignment, or course.

(b) Dismissing the student(s) from class pending a hearing with the vice-president of student services.

(c) Dropping the student from the course.

(d) Referring the case to local authorities for civil action.

(3) An instructor taking action against any student for an act of disruptive classroom conduct, academic misconduct, and/or dishonesty, shall report such action in writing to the division chair, appropriate dean, vice-president of student services, and vice-president of instructional services as soon as possible. Any student subject to action of an instructor for a code of conduct violation may seek review of that action by the vice-president of student services. The student disciplinary review request must be submitted in writing to the vice-president of student services within ten working days from the date of said disciplinary action.

[Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW. WSR 03-15-063, § 132R-04-112, filed 7/14/03, effective 8/14/03.]

WAC 132R-04-115 Disciplinary action. (1) A student charged with unacceptable conduct is entitled to a fair hearing. The procedures set forth below shall be interpreted and administered in such a way as to accomplish this objective.

[Ch. 132R-04 WAC p. 5]

Disciplinary proceedings are not to be construed as judicial trials; care will be taken to comply as fully as possible with the spirit and intent of procedural safeguards relative to the rights of the individual concerned.

(a) When disciplinary action is initiated by a faculty member for disruptive classroom conduct, academic misconduct, and/or dishonesty, a written report of the occurrence shall be filed with the division chair, appropriate dean, vice-president of student services, and vice-president of instruction.

(b) All other instances of misconduct shall be reported to the vice-president of student services.

(c) Any student accused of violating any provisions of the rules of student conduct **shall** be called for an initial conference with the vice-president of student services or his/her designated representative, and **shall** be informed of what provision of the rules of student conduct have been violated, and the maximum penalties, if any, which might result from initiation of a disciplinary proceeding.

(2) After considering the evidence in the case and interviewing the student or students accused of violating the rules of student conduct, the vice-president of student services or his/her designated representative may take any of the following actions:

(a) Terminate the proceedings, exonerating the student or students;

(b) Dismiss the case after whatever counseling and advice may be appropriate;

(c) Impose minor sanctions directly (warning or reprimand);

(d) Refer the case to the disciplinary committee.

(3) Should a disciplinary committee hearing be necessary, the student shall be notified **in writing** as to the date, time, place of the hearing, and charge(s), including reference to the particular sections of the rules of student conduct involved. He/she shall be permitted to examine the evidence against him/her and where pertinent shall be given the names of those who will be witnesses against him/her. In the hearing he/she may present evidence, testimonial or documentary, in his/her behalf.

(4) The president or vice-president of student services shall notify the student in writing of the final determination on any charge of unacceptable conduct. In the case of a student under eighteen years of age who is expelled, suspended or placed on disciplinary probation, the parents or guardian of the student shall also be notified in writing. (This does not apply to emancipated minors.)

[Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW. WSR 03-15-063, § 132R-04-115, filed 7/14/03, effective 8/14/03.]

WAC 132R-04-117 Disciplinary committee. (1) The committee shall be a standing committee composed of one administrator appointed by the president, two faculty members selected by the college faculty association and two students selected by the student government.

(2) If any member of the committee is unable to consider a particular disciplinary proceeding for any reason including a conflict of interest, such member shall be temporarily replaced by a student or faculty member as appropriate pursuant to the procedure established in this section.

(3) The disciplinary committee shall conduct such hearing within twenty working days after disciplinary action has been referred to such committee and shall give the student charged with violation of the rules of student conduct a minimum notice of five working days of said hearing as specified within the following section. With the mutual agreement of the parties, the hearing date may be continued beyond the twenty working day limit.

[Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW. WSR 03-15-063, § 132R-04-117, filed 7/14/03, effective 8/14/03.]

WAC 132R-04-130 Disciplinary committee procedures. (1) The hearing panel will hear, de novo, and make recommendations to the president of the college on all disciplinary cases referred to it by the vice-president of student services.

(2) The student has a right to a fair and impartial hearing before the disciplinary committee on any charge of violating the rules of student conduct. The student's failure to cooperate with the hearing procedures hereinafter outlined, however, shall not preclude the disciplinary committee from making its findings of fact, conclusions and recommendations as provided herein.

(3) The student shall be given written notice of the time and place of the hearing before the disciplinary committee by personal service or registered mail and be afforded not less than five working days notice thereof. Said notice shall contain:

(a) A statement of the time, place and nature of the disciplinary proceeding.

(b) A statement of the charges against him/her including reference to the particular sections of the rules of student conduct involved.

(4) The student shall be entitled to hear and examine the evidence against him/her and be informed of the identity of its source; he/she shall be entitled to present evidence in his/her own behalf and cross examine witnesses testifying against him as to factual matters.

(5) The student has the right to be assisted by any (one) advisor he/she may choose, at his/her own expense. The advisor may be an attorney. The student is responsible for presenting his/her own case and, therefore, advisors are not permitted to speak or to participate directly in a hearing. The accused student can, however, speak with his/her advisor during the hearing. If the student utilizes an attorney as an advisor, the student shall give the vice-president of student services three days' notice of intent to do so.

(6) In all disciplinary proceedings, the college may be represented by a designee appointed by the vice-president of student services; said designee may then present the college's case against the student accused of violating the rules of student conduct, provided that in those cases in which the student elects to have a licensed attorney act as his/her advisor, the vice-president of student services may elect to have the college represented by an assistant attorney general.

(7) If, at the conclusion of the hearing, the committee finds that the student has committed one or more violations, and that such violations are in fact violations of a rule or rules of student conduct, the committee shall make such a finding and recommend such disciplinary action as they shall deem appropriate against the student. Prior acts of misconduct may

be considered in making the recommendation for disciplinary action.

(8) During the course of the proceeding an adequate summary of all the evidence and facts will be taken. A copy shall be available at the office of the vice-president of student services.

[Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW. WSR 03-15-063, § 132R-04-130, filed 7/14/03, effective 8/14/03; Order 69-4, § 132R-04-130, filed 12/5/69.]

WAC 132R-04-140 Disciplinary committee decision.

Upon conclusion of the disciplinary hearing, the disciplinary committee shall consider all the evidence therein presented and decide by majority vote as to the specific findings and conclusions required pursuant to WAC 132R-04-130, and whether to recommend to the president any of the following actions:

(1) That the college terminate the proceedings and exonerate the student or students;

(2) That the president or his/her designee impose any of the disciplinary action as provided in WAC 132R-04-150.

[Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW. WSR 03-15-063, § 132R-04-140, filed 7/14/03, effective 8/14/03; Order 69-4, § 132R-04-140, filed 12/5/69.]

WAC 132R-04-150 Imposition of discipline. (1) The college president or his/her designee shall review all hearings for which the disciplinary committee has recommended disciplinary action and determine whether or not disciplinary action shall be imposed against the said student. With the exception of interim discipline as authorized by WAC 132R-04-064, the college president or his/her designee shall have no authority to impose any disciplinary action on a student unless disciplinary action has been recommended by the disciplinary committee against such student or unless such student has waived his/her right to a hearing before such disciplinary committee.

(2) In determining whether or not to impose disciplinary action against a student, the president shall review the summary of the evidence and facts presented to the disciplinary committee and the recommendation of the disciplinary committee, the college president shall then determine whether or not to impose disciplinary action in any form. Prior acts of misconduct may be considered in making a decision.

(3) Discipline may be imposed by the college president or his/her designee for violations of the rules of conduct, not only in those instances where the disciplinary committee has made recommendations after a hearing, but also in cases where the student has waived his/her right to such a hearing. Sanctions available to the president are described in WAC 132R-04-056 and 132R-04-063.

[Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW. WSR 03-15-063, § 132R-04-150, filed 7/14/03, effective 8/14/03; Order 69-4, § 132R-04-150, filed 12/5/69.]

WAC 132R-04-160 Student appeal. Any student feeling aggrieved by the recommendations of the disciplinary committee or the order of the college president or his/her designee imposing disciplinary action may appeal the same in writing by directing an appeal to the college president or his/her designee within fifteen days following receipt of the

(7/14/03)

order of the president or his/her designee imposing disciplinary action. The college president or his/her designee may, at his/her discretion, suspend any disciplinary action pending determination of the merits of the findings, conclusions and disciplinary action imposed.

[Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW. WSR 03-15-063, § 132R-04-160, filed 7/14/03, effective 8/14/03; Order 69-4, § 132R-04-160, filed 12/5/69.]

WAC 132R-04-165 Maintenance of disciplinary records. (1) The vice-president of student services shall keep records of all disciplinary cases. The division chair shall report to the vice-president of student services and appropriate dean, in writing, all cases in which disciplinary action is taken.

(2) The vice-president of student services shall notify the chair and the dean of the division in which the student is enrolled and the dean of enrollment services of any disciplinary action taken, which is to be recorded on the student's official record, and shall keep accurate records of all disciplinary cases handled by, or reported to, his/her office.

(3) The vice-president of student services shall receive and maintain certain records of all disciplinary action taken by any college employee. These records should be consulted by disciplinary authorities for records of previous misconduct before taking disciplinary action in any case.

[Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW. WSR 03-15-063, § 132R-04-165, filed 7/14/03, effective 8/14/03.]

WAC 132R-04-170 Criminal prosecution. College personnel or students may refer any student code of conduct violations which are also violations of federal or state law to the proper authorities for disposition.

[Statutory Authority: RCW 28B.50.140 and chapter 34.05 RCW. WSR 03-15-063, § 132R-04-170, filed 7/14/03, effective 8/14/03; Order 69-4, § 132R-04-170, filed 12/5/69.]

WAC 132R-04-180 Effective date. The rules contained within chapter 132R-04 WAC shall become effective upon the date the same are filed with the code reviser.

[Order 69-4, § 132R-04-180, filed 12/5/69.]

WAC 132R-04-190 Prior rules. The rules contained within chapter 132R-04 WAC supersede all former rules for which a student was subject to disciplinary action as defined by WAC 132R-04-010.

[Order 69-4, § 132R-04-190, filed 12/5/69.]

WAC 132R-04-200 Severability. If any provision of chapter 132R-04 WAC is adjudged by a court to be unconstitutional, the remaining provisions of chapter 132R-04 WAC shall continue in effect.

[Order 69-4, § 132R-04-200, filed 12/5/69.]