Chapter 132Q-10 WAC
STANDARDS OF CONDUCT FOR STUDENTS

WAC

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WAC 132Q-10-101 Standards of conduct for students—Preamble. (1) Community Colleges of Spokane (CCS), a multicollege district, provides its community and students with education and services of the highest quality. We do this in a manner which exhibits concern and sensitivity to students, faculty, staff and others who utilize our services and facilities. It is essential that members of CCS exhibit appropriate and conscientious behavior in dealing with others.

(2) CCS expects all students to conduct themselves in a manner consistent with its high standards of scholarship and conduct. Student conduct, which distracts from or interferes with accomplishment of these purposes, is not acceptable. Students are expected to comply with these standards of conduct for students both on and off campus and acknowledge the college's authority to take disciplinary action.

(3) Admission to a college within CCS carries with it the presumption that students will conduct themselves as responsible members of the academic community. This includes an expectation that students will obey the law, comply with policies, procedures and rules of the district, the colleges and their departments, maintain a high standard of integrity and honesty and respect the rights, privileges and property of other members of CCS.

(4) Students are responsible for their conduct. These standards of conduct for students promote CCS's educational purposes and provide students a full understanding of their rights and responsibilities. Sanctions for violations of the standards of conduct for students will be administered under this chapter. When violations of laws of the state of Washington and/or the United States are also involved, the college may refer such matters to proper authorities and in the case of minors, this conduct may be referred to parents or legal guardians consistent with the provisions of FERPA.

(5) This chapter, chapter 132Q-10 WAC, constitutes the Community Colleges of Spokane standards of conduct for students. This chapter may also be referred to as the CCS student code of conduct.

[Statutory Authority: RCW 28B.50.140. WSR 15-15-161, § 132Q-10-101, filed 7/21/15, effective 8/21/15.]

WAC 132Q-10-105 Definitions. For the purposes of this chapter, the following terms shall mean:

(1) "Accused student" means any student accused of violating the standards of conduct for students.

(2) "Appeals board" is a district-wide board composed of one administrator from each college appointed by the chief executive of that college. The appeals board considers appeals from a student conduct board's determination or from the sanctions imposed by the student conduct officer. The appeals board is convened by the student conduct officer.

(3) The "chief student services officer" is the vice-president of student services of Spokane Community College or of Spokane Falls Community College, or a person designated by the college president to be responsible for the administration of the standards of conduct for students. The chief student services officer also serves as the Title IX coordinator for matters regarding conduct of Community Colleges of Spokane (CCS) students.

(4) "College" means Spokane Community College, Spokane Falls Community College, and all locations of CCS.

(5) "College official" includes any person employed by the college performing assigned duties with the exception of work study students.

(6) "College premises" includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the Community Colleges of Spokane (including adjacent streets and sidewalks).

(7) "College president" includes the president of Spokane Falls Community College and the president of Spokane Community College. Each president is authorized to designate a chief student service officer on behalf of his or her respective institutions.

(8) "Complainant" means any member of CCS, including employee(s), contractor(s), visitor(s), or guest(s) who submits a report alleging that a student violated the standards of conduct for students. When students believe they have been victimized by another student's misconduct, they have the same rights under these standards as are provided to the complainant, even if another member of CCS submitted the charge itself. For the purposes of complaints involving sexual misconduct, the "complainant" is the alleged victim of sexual misconduct even if the complaint is filed by a third party including, but not limited to, complaints filed by CCS, SFCC, or SCC.

(9) "Disciplinary action" is the process by which discipline is imposed against a student, members of a student organization, or a student organization for a violation of the standards of conduct for students by a student conduct officer, the student conduct board, the student conduct administrative panel, the appeals board, or a faculty member.

(10) "Disciplinary appeal" is the process by which an aggrieved student can appeal the discipline imposed by the chief student services officer, the student conduct officer, the student conduct board, or the student conduct administrative panel. Appeals of all appealable disciplinary action shall be determined by the appeals board.

(11) "Disciplinary hearing" is the process during which an accused student has the opportunity to respond to a complaint alleging a violation(s) of the standards of conduct for students. The accused student has the opportunity to explain what he or she did and to provide evidence that is relevant to the complaint. Alleged misconduct that would not result in suspension in excess of ten instructional days or an expulsion shall be reviewed through a brief adjudicative proceeding held by the student conduct officer or the student conduct board.

(12) "Faculty member" means a teacher, counselor, or librarian or person who is otherwise considered by the college to be a member of its faculty.

(13) "Filing" is the process by which a document is officially delivered to a school official responsible for facilitating a disciplinary review. Unless expressly specified otherwise, filing shall be accomplished by:

(a) Hand delivery of the document to the school official or school official's assistant; or

(b) By sending the document by e-mail and first class mail to the recipient's college e-mail and office address. Papers required to be filed with the college shall be deemed filed upon actual receipt during office hours at the office of the specified official.

(14) "Instructional day" means Monday through Friday, except for federal or state holidays, when students are in attendance for instructional purposes.

(15) "Member of CCS" includes any person who is a student, faculty member, college official, guest, contractor, or visitor of CCS. A person's status in a particular situation is determined by the chief student services officer.

(16) "Notice" or "service" is the process by which a document is officially delivered to a party. Unless expressly specified otherwise, service upon a party shall be accomplished by:

(a) Hand delivery of the document to the party; or

(b) By sending the document by e-mail and by certified mail or first class mail to the party's last known address. Service is deemed complete upon hand delivery of document or upon the date the document is e-mailed and deposited into mail.

(17) "Respondent" is the student against whom disciplinary action is initiated.

(18) "Sexually violent conduct" is a sexual or gender-based violation of the standards of conduct for students including, but not limited to:

(a) Nonconsensual sexual activity including sexual activity for which clear and voluntary consent has not been given in advance; and sexual activity with someone who is incapable of giving valid consent because, for example, she or he is underage, sleeping, incapacitated due to alcohol or drugs, has an intellectual or other disability that prevents the individual from having the capacity to give consent, or is subject to duress, threat, coercion or force.

(b) Sexual assault, domestic violence, dating violence, and sexual or gender-based stalking;

(c) Nonphysical conduct such as indecent liberties, sexual exploitation, indecent exposure, sexual exhibitionism, sex or gender-based digital media stalking, sexual or gender-based online harassment, sexual or gender-based cyberbullying, nonconsensual posting or recording of a sexual activity, and nonconsensual distribution of a recording of a sexual activity.

(19) "Student" includes a person taking courses at or through the college, either full time or part time. For the purposes of the standards of conduct for students, the term applies from the time of application for admission through the actual receipt of a degree or certificate, even though conduct may occur before classes begin or after classes end. The term also applies during the academic year, during periods between terms of actual enrollment and includes individuals who are not officially enrolled for a particular quarter but have a continuing relationship with the college (including suspended students), and students participating in study abroad programs. "Student" also includes "student organization" and persons who withdraw after allegedly violating the standards of conduct for students.

(20) "Student organization" means any number of persons who have complied with the formal requirements for college recognition, such as clubs and associations, and are recognized by the college as such.

(21) "Student conduct administrative panel" is a panel appointed by the president of the college to hear initial com-

plaints referred by the student conduct officer involving allegations of sexual misconduct or other misconduct which may result in a suspension of more than ten instructional days or dismissal/expulsion from the college. The panel shall consist of three faculty members appointed by the president and two members of the administration, but not the vice-president of student services, appointed by the president at the beginning of the academic year. One of the members of the administration shall serve as the chair of the committee. If that individual is not available for a hearing or has a conflict of interest, the other member of the administration shall chair the individual hearing. The chairs shall receive annual training on protecting victims and promoting accountability in cases involving allegations of sexual misconduct. The student conduct officer convenes the board and appoints the chair for each hearing. Hearings may be held by a quorum of three members of the committee so long as one faculty member and one administrator are included on the hearing panel. Committee action may be taken upon a majority vote of all committee members attending the hearing.

(22) "Student conduct board" is a board appointed by the president of the college to hear initial complaints referred by the student conduct officer to determine whether a student has violated the general standards of conduct for students, and to impose sanctions when a violation has been committed for misconduct that would result in discipline involving an academic suspension of ten instructional days or less or a discipline not involving dismissal or expulsion from the college. The board shall have at least one member from the respective groups: Faculty, students, and administration. The student conduct officer convenes the board and appoints the chair. Hearings may be held by a quorum of three members of the committee so long as one faculty member and one student are included on the hearing panel. Committee action may be taken upon a majority vote of the committee members attending the hearing.

(23) "Student conduct officer" means the individual or individuals designated by the college president to facilitate and coordinate student conduct matters pursuant to these standards of conduct for students.

(24) "Title IX coordinator" means the vice-president of student services for the college or his/her designee who is responsible for coordinating Title IX matters regarding students of CCS who is also known as the chief student services officer.

[Statutory Authority: RCW 28B.50.140. WSR 15-15-161, § 132Q-10-105, filed 7/21/15, effective 8/21/15.]

WAC 132Q-10-110 Interpretations. Any question of interpretation or application of the standards of conduct for students shall be determined by the chief student services officer.

[Statutory Authority: RCW 28B.50.140. WSR 15-15-161, § 132Q-10-110, filed 7/21/15, effective 8/21/15.]

WAC 132Q-10-112 Records. (1) Disciplinary records are maintained in accordance with the records retention schedule.

(2) The disciplinary record is generally considered confidential pursuant to the Family Educational Rights and Privacy Act (FERPA).

(3) Students may request a copy of their own disciplinary record at their own reasonable expense by making a written request to the chief student services officer.

(4) Personally identifiable student information is redacted to protect another student's privacy consistent with FERPA.

(5) Students may authorize release of their own disciplinary record to a third party in compliance with the FERPA by making a written request to the chief student services officer.

(6) Pursuant to FERPA, the college may inform the complainant of the outcome of any disciplinary proceeding involving a crime of violence or nonforcible sex offense as defined by FERPA including: Arson; assault offenses (aggravated assault, simple assault, intimidation, and stalking); burglary, criminal homicide (manslaughter by negligence, murder, and nonnegligent manslaughter); destruction/damage/vandalism of property; kidnapping/abduction; robbery; forcible sex offenses (rape, sodomy, assault with an object, fondling, indecent liberties, and child molestation); and nonforcible sex offenses (incest and statutory rape).

(7) The college may not communicate a student's disciplinary record to any person or agency outside the college without the prior written consent of the student, except as required or permitted by law. Exceptions include, but are not limited to:

(a) The student's parents or legal guardians may review these records if the student is a minor or a dependent for tax purposes as permitted by FERPA.

(b) To another educational institution, upon request, where the student seeks or intends to enroll.

(c) In response to a lawfully issued subpoena.

(d) In response to a court order.

[Statutory Authority: RCW 28B.50.140. WSR 15-15-161, § 132Q-10-112, filed 7/21/15, effective 8/21/15.]

WAC 132Q-10-115 Decisions and appeals. Decisions made by a student conduct board, the student conduct officer, or chief student services officer shall remain in effect during the appeal processes provided in this chapter unless an order of stay is granted by the chief student services officer. Students must identify if they are seeking a stay of a decision by the student conduct board, the student conduct officer or chief student services officer in their appeal. Appeals will comply with this chapter.

[Statutory Authority: RCW 28B.50.140. WSR 15-15-161, § 132Q-10-115, filed 7/21/15, effective 8/21/15.]

WAC 132Q-10-120 Jurisdiction of the standards of conduct for students. The standards of conduct for students apply to conduct that occurs on college premises, at college-sponsored activities, and to off-campus conduct that adversely affects CCS's educational environment and/or the pursuit of its objectives as set forth in its mission. Jurisdiction extends to locations in which students are engaged in official college activities including, but not limited to, athletic events, activities funded by associated students, training internships, cooperative and distance education, online education, study abroad programs, practicums, supervised work experiences, any other college-sanctioned social or club activities, and/or foreign or domestic travel associated with any of these events

or activities. Students are responsible for their conduct from the time of application for admission through the actual receipt of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment. These standards shall apply to a student's conduct even if the student withdraws from college while a disciplinary matter is pending. The college has sole discretion to determine what conduct occurring off campus adversely impacts the college and/or the pursuit of its objectives.

[Statutory Authority: RCW 28B.50.140. WSR 15-15-161, § 132Q-10-120, filed 7/21/15, effective 8/21/15.]

WAC 132Q-10-125 Violation of law and standards of student conduct. (1) College disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and the standards of conduct for students without regard to pending criminal litigation in court or criminal arrest and prosecution. Proceedings under these standards of conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings at the discretion of the chief student services officer. Determinations made or sanctions imposed under these standards of conduct are not subject to change because criminal charges were dismissed, reduced or resolved in favor of or against the criminal law defendant. Students in this circumstance who remain silent should recognize that they give up their opportunity to explain their side of the story and that a decision will be made based on the information presented.

(2) When a student is charged by federal, state or local authorities with a violation of law, the college does not request or agree to special consideration for that student because he or she is a student. If the alleged offense also is being processed under the standards of conduct for students, the college may advise off-campus authorities of the existence of the standards and of how such matters are typically handled within CCS. The college cooperates with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators provided that the conditions do not conflict with college rules or sanctions. Members of CCS, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

[Statutory Authority: RCW 28B.50.140. WSR 15-15-161, § 132Q-10-125, filed 7/21/15, effective 8/21/15.]

WAC 132Q-10-130 Responsibility for guests. A student or student organization is responsible for the conduct of guests on or in college premises and at functions sponsored by the college or sponsored by a recognized student organization. Bringing any person including children to a teaching environment without the express approval of the faculty member or other authorized official is prohibited.

[Statutory Authority: RCW 28B.50.140. WSR 15-15-161, § 132Q-10-130, filed 7/21/15, effective 8/21/15.]

WAC 132Q-10-135 Students studying abroad. Students who participate in any college-sponsored or sanctioned international study program shall observe the following:

(1) The laws of the host country;

(2) The academic and disciplinary regulations of the educational institution or residential housing program where the student is studying;

(3) The policies, procedures, rules, and regulations of CCS, its colleges and departments and any behavioral contracts between CCS, SFCC, or SCC with a student;

(4) Any other agreements related to the student's study program in another country; and

(5) The CCS standards of conduct for students.

[Statutory Authority: RCW 28B.50.140. WSR 15-15-161, § 132Q-10-135, filed 7/21/15, effective 8/21/15.]

WAC 132Q-10-140 Group conduct. Student organizations, including student clubs and athletics, are expected to comply with the standards of conduct for students and with CCS policies and procedures when engaging in conduct that occurs on college premises and at college-sponsored activities. When a member or members of a student organization violates the standards of conduct for students or CCS policies or procedures, including engaging in off-campus conduct that adversely affects CCS's educational environment and/or the pursuit of its objectives as set forth in its mission, the student organization and/or individual members may be subject to appropriate sanctions.

[Statutory Authority: RCW 28B.50.140. WSR 15-15-161, § 132Q-10-140, filed 7/21/15, effective 8/21/15.]

WAC 132Q-10-200 Misconduct—Violations of the standards of conduct for students. (1) General misconduct - Any student or student organization alleged to have committed or to have attempted to commit misconduct specified in this chapter is subject to the disciplinary proceedings as described in WAC 132Q-10-310 and to the disciplinary sanctions in WAC 132Q-10-320 and 132Q-10-400, except sexually violent conduct as defined in WAC 132Q-10-105(18) and further detailed in WAC 132Q-10-244.

(2) Sexually violent conduct - Any student or student organization alleged to have committed or to have attempted to commit sexually violent conduct as defined in WAC 132Q-10-105(18) and further detailed in WAC 132Q-10-244 is subject to the disciplinary process provided in WAC 132Q-10-332 is subject to the disciplinary sanctions in WAC 132Q-10-320 and 132Q-10-400.

[Statutory Authority: RCW 28B.50.140. WSR 15-15-161, § 132Q-10-200, filed 7/21/15, effective 8/21/15.]

WAC 132Q-10-210 Academic dishonesty and ethical violations. (1) Acts of academic dishonesty will be reported to the student conduct officer and include the following:

(a) Cheating which includes:

(i) Use of unauthorized assistance in taking quizzes, tests, or examinations.

(ii) Acquisition, without permission, of tests or other academic material belonging to a member of the college faculty or staff.

(iii) Fabrication, which is the intentional invention or counterfeiting of information in the course of an academic activity. Fabrication includes:

• Counterfeiting data, research results, information, or procedures with inadequate foundation in fact;

• Counterfeiting a record of internship or practicum experiences;

• Submitting a false excuse for absence or tardiness;

• Unauthorized multiple submission of the same work; sabotage of others' work.

(iv) Engaging in any behavior specifically prohibited by a faculty member in the course syllabus or class discussion.

(v) Plagiarism which includes the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.

(vi) Facilitation of dishonesty, including not challenging academic dishonesty.

(b) Knowingly furnishing false information to any college official, faculty member, or office including submission of fraudulent transcripts from other institutions.

(c) Forgery, alteration or misuse of any college document, record or instrument of identification.

(d) Tampering with an election conducted by or for CCS college students.

(2) Acts of ethical violations will be reported to the student conduct officer and include the following: 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.

[Statutory Authority: RCW 28B.50.140. WSR 15-15-161, § 132Q-10-210, filed 7/21/15, effective 8/21/15.]

WAC 132Q-10-211 Competence to profit from curriculum offerings. Students must demonstrate a competence to profit from the curriculum offerings of the college to retain the ability to attend college pursuant to RCW 28B.50.090.

[Statutory Authority: RCW 28B.50.140. WSR 15-15-161, § 132Q-10-211, filed 7/21/15, effective 8/21/15.]

WAC 132Q-10-212 Disruption or obstruction. Students have the right to freedom of speech, including the right to dissent or protest, but this expression may not interfere with the rights of other members of CCS or disrupt college activities. Student behavior that creates a disruptive atmosphere not consistent with the purposes of the college including teaching, administration, research, disciplinary proceedings, other college activities, or any college authorized activities, whether conducted or sponsored by the college is prohibited pursuant to RCW 28B.50.090. Obstructing the free flow of pedestrian or vehicular traffic on college premises or at college-sponsored events is prohibited.

[Statutory Authority: RCW 28B.50.140. WSR 15-15-161, § 132Q-10-212, filed 7/21/15, effective 8/21/15.]

WAC 132Q-10-214 Abuse of self. Physical abuse, threats, intimidation and/or other conduct, which threatens or endangers the health or safety of one's self.

[Statutory Authority: RCW 28B.50.140. WSR 15-15-161, § 132Q-10-214, filed 7/21/15, effective 8/21/15.]

WAC 132Q-10-215 Assault, intimidation, bullying, verbal threats. Assault, physical abuse, verbal abuse, threat(s), intimidation, bullying, or other conduct which harms, threatens, or is reasonably perceived as threatening the health or safety of another person or another person's property. For purposes of this paragraph:

(1) Assault involves one person causing or attempting to cause bodily harm to another person: With a firearm; with a deadly weapon; with a weapon or other instrument or thing likely to produce bodily harm; with force that is likely to produce bodily harm or death; through the administration, exposure or transmission of poison, a destructive or noxious substance, or the human immunodeficiency virus; by strangulation or suffocation. It also includes actions which are intended to prevent or resist the execution of any lawful process, apprehension or detention of a person by a security officer or law enforcement.

(2) Bullying and intimidation - Any intentional written, verbal, or physical act including, but not limited to, one shown to be motivated by the victim's race, color, religion, ancestry, national origin, gender, sexual orientation, or mental, physical or sensory disability, or other distinguishing characteristics, when the intentional electronic, written, verbal, or physical act is so severe, persistent or pervasive that it creates an intimidating or threatening educational environment and:

(a) Physically harms a student or damages the student's property;

(b) Has the effect of substantially interfering with a student's education; or

(c) Has the effect of substantially disrupting the orderly operation of the school.

Nothing in this section requires the affected student to actually possess a characteristic that is a basis for the bullying or intimidation.

(3) Cyberbullying - Is bullying conducted using electronic communications including, but not limited to, electronic mail, instant messaging, electronic bulletin boards, and social media sites.

(4) Verbal threats - Include threats against a specific person or group of persons and places that person, or members of the specific group of persons, in reasonable fear of harm to person or property. The fear must be a fear that a reasonable person would have under all circumstances. If the threats are because of a person's perception of a victim's race, color, religion, ancestry, national origin, gender, sexual orientation, or mental, physical or sensory disability, the fear must be fear that a reasonable person who is a member of the victim's race, color, religion, ancestry, national origin, gender, or sexual orientation, or who has the same mental, physical, or sensory disability as the victim would have. Words alone do not constitute malicious harassment unless the context or circumstances surrounding the words indicate the words are a threat.

[Statutory Authority: RCW 28B.50.140. WSR 15-15-161, § 132Q-10-215, filed 7/21/15, effective 8/21/15.]

WAC 132Q-10-216 Theft or damage to property. Theft of, possession after it has been stolen, or misuse of, and/or actual or attempted damage to, real or personal property or money on or off campus of:

(1) The college or state;

(2) Any student, college officer, employee or organization; or

(3) Any other person or organization.

[Statutory Authority: RCW 28B.50.140. WSR 15-15-161, § 132Q-10-216, filed 7/21/15, effective 8/21/15.]

WAC 132Q-10-218 Hazing. (1) Conspiring to engage in hazing or participating in hazing of another.

(a) Hazing means any activity expected of someone joining a group (or maintaining full status in a group) that causes or is likely to cause a risk of mental, emotional and/or physical harm, regardless of the person's willingness to participate.

(b) Hazing activities may include the following: Abuse of alcohol during new member activities; striking another person whether by use of any object or one's body; creation of excessive fatigue; physical and/or psychological shock; and morally degrading or humiliating games or activities that create a risk of bodily, emotional, or mental harm.

(c) Hazing does not include practice, training, conditioning and eligibility requirements for customary athletic events such as intramural or club sports and intercollegiate athletics, or other similar contests or competitions, but gratuitous hazing activities occurring as part of such customary athletic event or contest are prohibited.

(2) Washington state law prohibits hazing which may subject violators to criminal prosecution under RCW 28B.10.901.

(3) Washington state law (RCW 28B.10.901) provides sanctions for hazing.

[Statutory Authority: RCW 28B.50.140. WSR 15-15-161, § 132Q-10-218, filed 7/21/15, effective 8/21/15.]

WAC 132Q-10-220 Failure to comply with college officials. Failure to comply with directions of college officials acting in performance of their duties, including failure to identify oneself to these persons when requested to do so.

[Statutory Authority: RCW 28B.50.140. WSR 15-15-161, § 132Q-10-220, filed 7/21/15, effective 8/21/15.]

WAC 132Q-10-222 Unauthorized keys or unauthorized entry. Unauthorized possession, duplication, or use of a key, keycard or other restricted means of access to any college premises, or unauthorized entry to or use of college premises.

[Statutory Authority: RCW 28B.50.140. WSR 15-15-161, § 132Q-10-222, filed 7/21/15, effective 8/21/15.]

WAC 132Q-10-224 Violation of CCS policy, procedure, rule, regulation, or behavioral contract. Violation of policies, procedures, rules, or regulations of CCS, its colleges and departments and/or violation of a behavioral contract entered into with CCS, its colleges or departments.

[Statutory Authority: RCW 28B.50.140. WSR 15-15-161, § 132Q-10-224, filed 7/21/15, effective 8/21/15.]

WAC 132Q-10-226 Violation of law. Violation of any federal, state, or local law.

[Statutory Authority: RCW 28B.50.140. WSR 15-15-161, § 132Q-10-226, filed 7/21/15, effective 8/21/15.]

WAC 132Q-10-228 Drugs, controlled substances, and marijuana. (1) Legend drugs, narcotic drugs, controlled substances: Being observably under the influence of any legend drug, narcotic drug or controlled substance as defined in chapters 69.41 and 69.50 RCW, or otherwise using, possessing, delivering, manufacturing, or seeking any such drug or substance, except in accordance with a lawful prescription for that student by a licensed health care professional or as otherwise expressly permitted by federal, state, or local law, is prohibited. Use, possession and distribution of drug paraphernalia for the drugs and substances identified in this section is prohibited.

(2) Marijuana: While state law permits the recreational use of marijuana, federal law prohibits such use on college premises or in connection with college activities. Being observably under the influence of marijuana or the psychoactive compounds found in marijuana, or otherwise using, possessing, selling or delivering any product containing marijuana or the psychoactive compounds found in marijuana and intended for human consumption, regardless of form, is prohibited.

[Statutory Authority: RCW 28B.50.140. WSR 15-15-161, § 132Q-10-228, filed 7/21/15, effective 8/21/15.]

WAC 132Q-10-230 Alcohol. Being under the influence of any alcoholic beverage or otherwise using, possessing, manufacturing, selling, distributing any alcoholic beverages, or public intoxication (except as expressly permitted by law and college rules) are prohibited. Alcoholic beverages may not, in any circumstance, be used by, possessed by, sold, or distributed to any person under twenty-one years of age.

[Statutory Authority: RCW 28B.50.140. WSR 15-15-161, § 132Q-10-230, filed 7/21/15, effective 8/21/15.]

WAC 132Q-10-231 Use of tobacco, electronic cigarettes and related products. Use of tobacco, electronic cigarettes and related products are prohibited in all Community Colleges of Spokane facilities and motor pool vehicles with no exception.

(1) Smoking and tobacco use are also prohibited:

(a) Within twenty-five feet of entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking and tobacco use are prohibited; and

(b) Where designated on college premises.

(2) "Smoking" means:

(a) Inhaling, exhaling, burning, carrying or possessing any lighted tobacco product, including cigarettes, cigars, bidi, clove cigarettes, pipe tobacco, and any other lit tobacco products; or

(b) Use of electronic nicotine delivery devices and related products including, but not limited to, electronic cigarettes, vapor cigarettes, hookahs, waterpipes or similar products.

(3) "Tobacco use" means the personal use of:

(a) Any tobacco product, which shall include smoking, as defined in subsection (2) of this section, as well as use of

an electronic cigarette or any other device intended to simulate smoking;

(b) Smokeless tobacco, including snuff, chewing tobacco, smokeless pouches, or any other form of loose-leaf, smokeless tobacco.

(4) "Facilities" means a district owned or controlled property, building, or component of that property/building.

(5) "Motor pool vehicles" means vehicles assigned to specific college departments or programs; vehicles used for instructional purposes; vehicles dispatched to staff and students on a reserved, single-use basis; and vehicles assigned to specific faculty and staff.

[Statutory Authority: RCW 28B.50.140. WSR 15-15-161, § 132Q-10-231, filed 7/21/15, effective 8/21/15.]

WAC 132Q-10-232 Firearms and dangerous weapons. No student may carry, possess, or use any firearm, explosive (including fireworks), dangerous chemical, or any dangerous weapon on college premises. Paintball guns, air guns, and any other items that shoot projectiles are not permitted on college premises.

[Statutory Authority: RCW 28B.50.140. WSR 15-15-161, § 132Q-10-232, filed 7/21/15, effective 8/21/15.]

WAC 132Q-10-234 Disorderly conduct. Participation in any activity which unreasonably disrupts the operations of the college or infringes on the rights of another member of the college community, or leads or incites another person to engage in such an activity. This includes, but is not limited to, conduct that is disorderly, lewd, or indecent, disturbs the peace, or assists or encourages another person to disturb the peace.

[Statutory Authority: RCW 28B.50.140. WSR 15-15-161, § 132Q-10-234, filed 7/21/15, effective 8/21/15.]

WAC 132Q-10-236 Unauthorized use of electronic or other devices. Making an audio or video record of any person while on college premises without his/her prior knowledge or without his/her effective consent, when such a recording is likely to cause injury or distress. This includes surreptitiously taking pictures of another person in a gym, locker room, or restroom.

[Statutory Authority: RCW 28B.50.140. WSR 15-15-161, § 132Q-10-236, filed 7/21/15, effective 8/21/15.]

WAC 132Q-10-238 Abuse or theft of CCS information technology. Theft or misuse of computer facilities, equipment and information technology resources including:

(1) Unauthorized entry into a file, message, or other item to use, read, or change the contents, or for any other purpose.

(2) Unauthorized duplication, transfer, or distribution of a file, message, or other item.

(3) Unauthorized use of another individual's identification and/or password.

(4) Unauthorized monitoring of another's e-mail communications directly or through spyware.

(5) Sending false messages to third parties using another's e-mail identity.

(6) Use of computing facilities and resources to interfere with the work of another student, faculty member, college official, or others outside of CCS.

(7) Use of computing facilities and resources to send, display, or print an obscene, harassing, or threatening message, text or image.

(8) Use of computing facilities and resources to interfere with normal operation of the college computing system, including disrupting electronic communications with spam or by sending a computer virus.

(9) Use of computing facilities and resources in violation of copyright laws.

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

(11) Any violation of the CCS acceptable use of information technology resources policy.

[Statutory Authority: RCW 28B.50.140. WSR 15-15-161, § 132Q-10-238, filed 7/21/15, effective 8/21/15.]

WAC 132Q-10-240 Abuse of the student conduct system. Abuse of the student conduct system, including:

(1) Failure to obey the notice from a student conduct officer, student conduct board, student conduct administrative panel or college official to appear for a meeting or hearing as part of the student conduct system.

(2) Falsification, distortion, or misrepresentation of information before a chief student services officer, student conduct officer, student conduct board, student conduct administrative panel or college official during an interview, meeting or hearing.

(3) Disruption or interference with the orderly conduct of a proceeding before a chief student services officer, student conduct officer, student conduct board, or student conduct administrative panel proceeding.

(4) Filing a fraudulent complaint or initiating a student conduct proceeding in bad faith.

(5) Attempting to discourage or interfere with an individual's proper participation in, or use of, the student conduct system.

(6) Attempting to destroy or alter potential evidence.

(7) Attempting to intimidate or improperly influence or pressure a witness or a potential witness.

(8) Attempting to influence the impartiality of any hearing officer, including the chief student services officer, the student conduct officer, any member of a student conduct board, any member of a student conduct administrative panel, any appeals board member, and/or any faculty or staff prior to or during the course of the student conduct board proceeding.

(9) Harassment (verbal or physical) or intimidation of any hearing officer, including the chief student services officer, the student conduct officer, any member of a student conduct board, any member of a student conduct administrative panel, any appeals board member, and/or any faculty member or staff prior to, during, or after a student conduct code proceeding.

(10) Failure to comply with the sanction(s) imposed under the standards of conduct for students.

(11) Influencing or attempting to influence another person to commit an abuse of the student conduct code system.

[Statutory Authority: RCW 28B.50.140. WSR 15-15-161, § 132Q-10-240, filed 7/21/15, effective 8/21/15.]

WAC 132Q-10-242 Discrimination. Discrimination on the basis of race, creed, color, religion, national or ethnic origin, age, sex, marital status, pregnancy, parental status or families with children, status as a mother breastfeeding her child, AIDS/HIV or hepatitis C, honorably discharged veteran status, sexual orientation, gender identity or expression, disability, use of guide dog or service animal by a person with a disability, genetic information, or other legally protected classifications is prohibited in conformity with federal and state laws. Discrimination includes physical, verbal, written conduct (including conduct via social and electronic media), or other conduct that is sufficiently severe, persistent or pervasive, and objectively offensive as to substantially interfere with a reasonable person's ability to study, participate in or benefit from CCS's educational programs, educational opportunities, and/or employment benefits and opportunities such that the person or group is effectively denied equal access/opportunities based on protected status.

[Statutory Authority: RCW 28B.50.140. WSR 15-15-161, § 132Q-10-242, filed 7/21/15, effective 8/21/15.]

WAC 132Q-10-243 Sexual harassment. Sexual harassment is conduct which includes, but is not limited to, engaging in unwelcome gender-based conduct. It may be between members of the opposite sex or between members of the same sex and does not necessarily have to be of a sexual nature if it is based on gender. Harassing conduct may include, but is not limited to, physical conduct, verbal, written, social media, and electronic communications. It includes sexual advances, requests for sexual favors, or other conduct of a sexual nature where:

(1) Submission to such conduct is made, either expressly or implicitly a term or condition of an individual's education or employment; or

(2) Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting any individual; or

(3) Such conduct is sufficiently severe, persistent or pervasive, and objectively offensive as to substantially interfere with, disrupt, limit, undermine or deprive a person the ability to participate in or to receive the benefits, services or opportunities of Community Colleges of Spokane's educational programs and activities and/or employment benefits and opportunities.

In determining whether sexual harassment exists, it is immaterial whether the victim resists and suffers the threatened harm or submits and thus avoids the threatened harm.

[Statutory Authority: RCW 28B.50.140. WSR 15-15-161, § 132Q-10-243, filed 7/21/15, effective 8/21/15.]

WAC 132Q-10-244 Sexually violent conduct. Sexually violent conduct includes the following: Domestic violence, dating violence, stalking, nonconsensual sexual intercourse, and nonconsensual sexual contact. This conduct also includes, but is not limited to, indecent liberties, sexual exploitation, indecent exposure, sexual exhibitionism, sex-based cyberharassment, prostitution or the solicitation of a prostitute, peeping or other voyeurism, or exceeding the boundaries of consent including allowing others to view consensual sex, the nonconsensual posting or recording of sexual activity, domestic violence, dating violence, and stalking.

(1) **Domestic violence**: (a) Physical harm, bodily injury, assault, or the infliction of fear of imminent body harm, bodily injury or assault, between family or household members; (b) sexual assault of one family or household member by another; or (c) stalking of one family or household member by another family or household member. Pursuant to chapter 10.99 RCW, it also includes, but is not limited to, the following crimes when committed by one family or household member against another: Assault; drive-by shooting; reckless endangerment; coercion; burglary; criminal trespass, malicious mischief; kidnapping; unlawful imprisonment; and violation of a restraining order, no-contact order or protection order.

(2) **Dating violence** (aka relationship violence) is a type of domestic violence, except the acts are committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

(3) **Stalking** is intentional and repeated harassment or repeated following of another person, which places that person in reasonable fear that the stalker intends to injure the person, another person, or the property of the person or another person, and the stalker either intends to frighten, intimidate, or harass the person, or knows or reasonably should know that the person is frightened, intimidated or harassed, even if the stalker lacks such an intent.

(4) **Cyberstalking** is when a person, with the intent to harass, intimidate, torment or embarrass any other person makes an electronic communication including, but not limited to, electronic mail, internet-based communications (social media sites and electronic bill boards), pager service, or instant messaging using (a) any lewd, lascivious, indecent, or obscene words, images or language, or suggesting the commission of any lewd or lascivious act; (b) anonymously or repeatedly whether or not conversation occurs; or (c) threatening to inflict injury on the person or property of the person called or any member of his or her family or household.

(5) **Nonconsensual sexual intercourse** means any penetration; of the vagina or anus however slight, by an object, when committed on one person by another, whether such persons are of the same or opposite sex, except when such penetration is accomplished for medically recognized treatment or diagnostic purposes; and any act of sexual contact between persons involving the sex organs of one person and the mouth or anus of another whether such persons are of the same or opposite sex without consent and/or by force.

(6) **Nonconsensual sexual contact** means any intentional touching of the sexual or other intimate parts of a person done for the purpose of gratifying sexual desire of either party or a third party, however slight, without consent and/or by force. Sexual touching includes any bodily contact with the breasts, groin, mouth, or other bodily orifice of another individual, or any bodily contact in a sexual manner.

(7) **Indecent liberties** means knowingly causing sexual contact with a person by forcible compulsion or when the person is incapable of consent by reason of mental defect, mental incapacitation, or physical helplessness. Sexual contact is defined as any nonconsensual touching of the sexual or

other intimate parts of a person done for the purpose of gratifying the sexual desire of either party.

(8) **Consent** means the affirmative, unambiguous, and voluntary agreement to engage in a specific sexual activity during a sexual encounter. Any individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated, has engaged in nonconsensual conduct. Consent cannot be given by an individual who is: (a) Asleep or mentally or physically incapacitated, either through the effect of drugs, alcohol, or for any other reason; or (b) under the lawful age to provide legal consent; or (c) has an intellectual or other disability which prevents him or her from having the capacity to consent; or (d) under duress, threat, coercion or force. Intoxication is not a defense against allegations that an individual has engaged in nonconsensual conduct.

(9) **Voyeurism** is arousing or gratifying sexual desire by viewing, photographing, or filming another person without that person's knowledge and consent and/or while the person being viewed, photographed, or filmed is in a place where he or she has a reasonable expectation of privacy. It also includes the distribution of a recording of sexual activity.

[Statutory Authority: RCW 28B.50.140. WSR 15-15-161, § 132Q-10-244, filed 7/21/15, effective 8/21/15.]

WAC 132Q-10-246 Harassment. Conduct by any means that is unwelcome, sufficiently severe, pervasive or persistent, and objectively offensive as to substantially interfere, undermine or deprive a reasonable person the ability to work, study, or participate in the activities of the college. Harassing conduct may include physical conduct, verbal, nonverbal, written, social media, and electronic communications.

[Statutory Authority: RCW 28B.50.140. WSR 15-15-161, § 132Q-10-246, filed 7/21/15, effective 8/21/15.]

WAC 132Q-10-250 Reckless endangerment. Engaging in conduct that creates an unreasonable risk of harm to another person or property including operation of any motor vehicle on college property in an unsafe manner or in a manner which is reasonably perceived as threatening the health or safety of another person or property.

[Statutory Authority: RCW 28B.50.140. WSR 15-15-161, § 132Q-10-250, filed 7/21/15, effective 8/21/15.]

WAC 132Q-10-252 Trespassing. Any person who has been given written notice, served by a college official, excluding him or her from college property is not licensed, invited, or otherwise privileged to enter or remain on college property, unless given explicit written permission by a college official.

[Statutory Authority: RCW 28B.50.140. WSR 15-15-161, § 132Q-10-252, filed 7/21/15, effective 8/21/15.]

WAC 132Q-10-254 Violation of a disciplinary sanction. Violation of any term or condition of any disciplinary sanction constitutes a new violation and may subject the student to additional sanctions.

[Statutory Authority: RCW 28B.50.140. WSR 15-15-161, § 132Q-10-254, filed 7/21/15, effective 8/21/15.]

WAC 132Q-10-255 Aiding others. Aiding, abetting, inciting, encouraging, or assisting another person to commit any of the foregoing acts of misconduct.

[Statutory Authority: RCW 28B.50.140. WSR 15-15-161, § 132Q-10-255, filed 7/21/15, effective 8/21/15.]

WAC 132Q-10-305 Process to file complaints. (1) General complaints - Individuals may file with the student conduct officer a written complaint, a student conduct incident report (SCIR), against a student or student organization for alleged violation(s) of the standards of conduct for students specified in WAC 132Q-10-130 through 132Q-10-240, 132Q-10-246 and 132Q-10-250 through 132Q-10-255. Complaints are to be submitted as soon as possible after the event takes place, preferably within thirty calendar days after the event. A copy of an SCIR can be obtained from the office of student conduct, the office of the Title IX coordinator, or the office of campus safety, on both the SCC and SFCC campuses. The SCIR is also available online at http://www.ccs.spokane.edu/Forms/SCC-Forms/Student-Svcs/ccs-5761.aspx. SCIRs must be submitted to:

Student Conduct Officer SCC
Spokane Community College
1810 N. Greene St., MS 2061
Room 125
Bldg. 6, Lair Student Center
Phone: 509-533-8657

Student Conduct Officer SFCC
Spokane Falls Community College
3410 W. Fort George Wright Dr., MS 3010
Room 140
Bldg. 17, Student Union Building
Phone: 509-533-3570

Title IX Coordinator SCC
Spokane Community College
1810 N. Greene St., MS 2061
Room 218
Lair, Building 6
Fax: 509-533-8444
Phone: 509-533-7015

Title IX Coordinator SFCC
Spokane Falls Community College
3410 W. Fort George Wright Dr., MS 3010
Administration Offices Room 225
Falls Gateway Building, Building 30
Fax: 509-533-3225
Phone: 509-533-3514

Office of Campus Safety SCC
1810 N. Greene St., MS 2010
Room 149A
Main Building, Building 1
Phone: 509-533-7287

Office of Campus Safety SFCC
3410 W. Fort George Wright Dr., MS 3174
Room 127
Student Union Building, Building 17
Phone: 509-533-3407

(2) Sexually violent conduct, discrimination, and sexual harassment complaints. Individuals may file complaints of sexually violent conduct as defined in WAC 132Q-10-105 (18) and further detailed in WAC 132Q-10-244; complaints of discrimination as set forth in WAC 132Q-10-242; and sexual harassment as set forth in WAC 132Q-10-243 to the Title IX coordinator at the appropriate address listed below. Complaints are to be submitted as soon as possible after the event takes place, preferably within thirty calendar days after the event. Complaints may be submitted by using a Student Conduct Incident Report (SCIR) form. If the complaint is against the Title IX coordinator, the complainant should report the matter to the Spokane Community College president's office or Spokane Falls Community College president's office for referral to an alternate designee. A copy of the SCIR can be obtained from the office of student conduct, the office of the Title IX coordinator, or the office of campus safety, on both the SCC and SFCC campuses. A copy of the SCIR form is also available online at http://www.ccs.spokane.edu/Forms/SCC-Forms/Student-Svcs/ccs-5761.aspx.

Student Conduct Officer SCC
Spokane Community College
1810 N. Greene St., MS 2061
Room 125
Bldg. 6, Lair Student Center
Phone: 509-533-8657

Student Conduct Officer SFCC
Spokane Falls Community College
3410 W. Fort George Wright Dr., MS 3010
Room 140
Bldg. 17, Student Union Building
Phone: 509-533-3570

Title IX Coordinator SCC
Spokane Community College
1810 N. Greene St., MS 2061
Room 218
Lair, Building 6
Fax: 509-533-8444
Phone: 509-533-7015

Title IX Coordinator SFCC
Spokane Falls Community College
3410 W. Fort George Wright Dr., MS 3010
Administration Offices Room 225
Falls Gateway Building, Building 30
Fax: 509-533-3225
Phone: 509-533-3514

Office of Campus Safety SCC
1810 N. Greene St., MS 2010
Room 149A
Main Building, Building 1
Phone: 509-533-7287

Office of Campus Safety SFCC
3410 W. Fort George Wright Dr., MS 3174
Room 127
Student Union Building, Building 17
Phone: 509-533-3407

President
Spokane Community College
1810 N. Greene St., MS 2150
Spokane, WA 99217-5399
Fax: 509-533-7321

President
Spokane Falls Community College
3410 W. Fort George Wright Dr., MS 3010
Spokane, WA 99224-5288
Fax: 509-533-3225

[Statutory Authority: RCW 28B.50.140. WSR 15-15-161, § 132Q-10-305, filed 7/21/15, effective 8/21/15.]

WAC 132Q-10-306 Initial review of complaints. (1) General conduct complaints. The student conduct officer or his/her designee will conduct an initial assessment of a complaint to determine whether it alleges conduct that may be prohibited by the standards of conduct for students. If the initial assessment indicates that the matter involves sexual misconduct, the student conduct officer will forward the complaint to a chief student services officer/Title IX coordinator for review or if the student conduct officer believes he/she has a conflict of interest or is the subject of the complaint, the student conduct officer will forward the complaint to the chief student services officer who will conduct the initial assessment or designate another person to serve as the student conduct officer relative to that complaint. The student conduct officer reviews general conduct complaints and determines whether the complaint, if as alleged were true would constitute a violation of any of the standards of conduct for students. If the student conduct officer determines the alleged conduct would constitute a violation, it is deemed to have merit warranting further review. If the complaint does not have merit the student conduct officer will dismiss the complaint. If the complaint is deemed to have merit, the student conduct officer then would conduct a further assessment pursuant to WAC 132Q-10-320 to determine if an interim suspension is warranted.

(2) Sexually violent conduct, discrimination and sexual harassment complaints. The chief student services officer/Title IX coordinator will conduct an initial assessment of the complaint to determine whether it alleges conduct that may be prohibited in WAC 132Q-10-242 through 132Q-10-244 of the standards of conduct for students, CCS policies, and/or CCS procedures. If the chief student services officer/Title IX coordinator has a conflict of interest or is the subject of the complaint, the college president, shall upon request and when feasible designate another person to serve as the chief student services officer/Title IX coordinator relative to that complaint. If the alleged conduct would constitute a violation, it is deemed to have merit warranting further review. If the complaint does not have merit the chief student services officer/Title IX coordinator will dismiss the complaint. If the complaint is deemed to have merit, the chief student services officer/Title IX coordinator will conduct a further assessment pursuant to WAC 132Q-10-320 to determine if an interim suspension or other interim measures are warranted. Interim measures may include, but are not limited to, notice to complainant of his or her options to avoid contact with the accused student, to receive options for and available

assistance in changing academic and extracurricular activities, and/or modification of complainant's transportation, working, and dining situation, as appropriate.

[Statutory Authority: RCW 28B.50.140. WSR 15-15-161, § 132Q-10-306, filed 7/21/15, effective 8/21/15.]

WAC 132Q-10-310 Disposition of misconduct complaints by the student conduct officer. If a student conduct officer determines a complaint of general misconduct may have merit, the student conduct officer will schedule an initial meeting with the student to discuss the content of the complaint, the range of potential sanctions, and the applicable CCS code of conduct hearing procedures.

(1) If the student fails to appear for the meeting and the range of sanctions for the alleged general misconduct do not include a suspension in excess of ten instructional days or a dismissal, the matter will be heard as a brief adjudicative proceeding and the student conduct officer may:

(a) Retain the matter for a brief adjudicative proceeding, determination of findings, conclusions, and sanctions; or

(b) Send the matter to the student conduct board for a brief adjudicative proceeding and determination of findings, conclusions, and sanctions.

(2) If an agreed upon resolution cannot be reached or if the student fails to appear for the meeting and the range of sanctions for the alleged general misconduct include a suspension in excess of ten instructional days or a dismissal, the student conduct officer will send the matter to the student conduct administrative panel for a full adjudicative proceeding including a hearing, determination of findings, conclusions, and sanctions.

[Statutory Authority: RCW 28B.50.140. WSR 15-15-161, § 132Q-10-310, filed 7/21/15, effective 8/21/15.]

WAC 132Q-10-315 Notice to the accused student of complaint. (1) All general misconduct and sexual misconduct complaints deemed by the chief student service officer/Title IX coordinator or student conduct officer to have merit are presented by the student conduct officer to the accused student in written form, in person, by regular mail or electronic mail. Notice by mail is sent to the student's last known local address. If the student no longer is enrolled at the time notice is sent, the notice is sent to the student's permanent address. The student is responsible for providing and keeping the college updated of his/her current address.

(2) The written notice shall include:

(a) The factual details of the complaint, the policy, procedure, rule or standard of conduct allegedly violated.

(b) The approximate time and place of the alleged act.

(c) The range of possible sanctions for the alleged act.

(d) The date, time, and place of the proceeding. A time for the disciplinary proceeding is set seven to ten instructional days after the student has been notified unless waived by all parties. If the chair of the student conduct board, the chair of the student administrative panel or the accused student wish to alter the notice requirements, he/she must submit a written request to the student conduct officer. Time limits for notice may be shortened by the student conduct officer if the parties to the proceeding agree and also may be continued to a later time for good cause.

(e) Notification as to whether the student conduct officer, the student conduct board or the student administrative panel was assigned the case.

[Statutory Authority: RCW 28B.50.140. WSR 15-15-161, § 132Q-10-315, filed 7/21/15, effective 8/21/15.]

WAC 132Q-10-318 Student conduct officer disciplinary proceedings. Brief adjudicative disciplinary proceedings with the student conduct officer are conducted as follows:

(1) Meetings will not be conducted in public.

(2) Admission of any other person to the hearing is at the discretion of the student conduct officer.

(3) Respondents have the right to be assisted by an advisor they choose, at their own expense. The respondents are responsible for presenting their own information. Advisors are not permitted to address the student conduct officer or participate directly in the meeting. An advisor may communicate only with the person they are advising. The student conduct officer may call recesses to facilitate this communication. A respondent should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the hearing. Delays are not normally allowed due to the scheduling conflicts of an advisor.

(4) The respondent may provide sworn written statements from witnesses and other documents or information that he/she believes is relevant to the case. Forms for the written statements are available from the student conduct officer or online.

(5) The student conduct officer determines which records, exhibits and written statements may be accepted as information for consideration.

(6) There is a single verbatim record, such as a recording or transcript, of the information gathering portion of hearings. The record is the property of the college.

(7) If the student does not appear for the hearing after proper notice has been provided, the student conduct officer will consider the complaint, absent the student, and enter a decision regarding the complaint including appropriate disciplinary sanctions.

(8) The student conduct officer will notify the student in writing, in person, by mail or electronic mail of his or her decision. Notice of the decision is sent within ten instructional days from the hearing date. If the college is not in session, this period may be reasonably extended.

(9) The written notice of the decision will include the reasons for the decision, the sanctions, and information about the appeal process. The student conduct officer may notify the student prior to receipt of the formal written notice. The notice is sent to the student's last known mailing address or e-mail address.

(10) The burden of proof that guides the student conduct officer's decision is a preponderance of evidence, which is whether it is more likely than not the accused student violated the standards of conduct for students. The student conduct officer includes in his/her written notice of the decision the findings and conclusions of all material issues of law, including which, if any, provision of the standards of conduct for students were violated. Findings based substantially on the credibility of evidence shall be so identified.

(11) The student conduct officer may take any of the following actions:

(a) Terminate the proceeding, exonerating the student;

(b) Dismiss the case after providing appropriate counseling and admonishment to the student. Such action is final and is not subject to review on appeal;

(c) Issue a verbal warning to the student directly. Such action is final and is not subject to review on appeal;

(d) Impose sanctions provided for in WAC 132Q-10-400 such as probation, loss of privileges, restitution or compensation, fines, college suspension of ten instructional days or less, and revocation of admission. Such actions are subject to review on appeal as provided in this chapter;

(e) Refer the matter directly to the student conduct board or the student conduct administrative panel for such action as the panel deems appropriate. Such referral shall be in writing, to the attention of the chair of the student conduct board or the chair of the student conduct administrative panel, with a copy served on the accused student.

(12) A referral to the student conduct board may be used in instances where the alleged misconduct is novel or controversial and the student conduct officer believes input from the larger campus community would be beneficial. A referral to the student administrative panel should be used in instances where new evidence comes forth suggesting that discipline of more than ten instructional days or dismissal/expulsion is appropriate or new evidence comes forth suggesting evidence of sexual misconduct. It may also be warranted when the immediate alleged misconduct, by itself, is not severe enough to warrant an expulsion or suspension in excess of ten instructional days, but may trigger a deferred suspension or expulsion that was imposed during an earlier disciplinary proceeding.

(13) The written decision is the college's initial order. Appeals are governed by WAC 132Q-10-335. A referral of a matter directly to the student conduct board or to the administrative panel does not constitute a written decision.

(14) If the respondent does not appeal the student conduct officer's decision within twenty calendar days from the date of the decision, it becomes the college's final order after twenty-one calendar days.

[Statutory Authority: RCW 28B.50.140. WSR 15-15-161, § 132Q-10-318, filed 7/21/15, effective 8/21/15.]

WAC 132Q-10-320 Interim suspension and other sanctions. (1) In certain circumstances, the chief student services officer/Title IX coordinator, or his/her designee may impose an interim suspension from college or other sanctions prior to the proceeding with the student conduct officer being conducted pursuant to WAC 132Q-10-310. Interim suspension or other sanctions may be imposed only if there is reasonable cause to believe that the accused student:

(a) Has violated a provision of the standards of conduct for students;

(b) In situations involving an immediate danger to the health, safety, or welfare of members of CCS or the public at large;

(c) To ensure the student's own physical safety and well-being; or

(d) If the student poses an ongoing threat of disruption to, or interference with, the operations of the college.

(2) During the interim period, a student may be denied access to classes, activities and privileges, as the student conduct officer determines while an investigation and/or formal disciplinary procedures are pending.

(3) Notice. Any student who has been suspended on an interim basis shall be served with written notice or oral notice of the summary suspension by the chief student services officer/Title IX coordinator, or his/her designee. If oral notice is given, a written notification shall be provided to the student within two business days of the oral notice in person, by regular mail or electronic mail. Notice by mail is sent to the student's last known address. If the student no longer is enrolled at the time notice is sent, the notice is sent to the student's permanent address. The student is responsible for providing the college the current address. The notice shall be entitled "Notice of Summary Suspension" and shall include the reasons for imposing the interim suspension, including reference to the provisions of the standards of conduct for students that have been allegedly violated, the date, time and location where student must appear for a hearing on the interim suspension; and the conditions, if any, under which the student may physically access the campus or communicate with members of the campus community. The student conduct officer shall conduct a hearing on the summary suspension as soon as practicable after imposition of the summary suspension. If the student has been trespassed from the campus, a notice against trespass shall be included that warns the student that his or her privilege to enter into or remain on college premises has been withdrawn, that the accused student shall be considered trespassing and subject to arrest for criminal trespass if the accused student enters the college campus other than to meet with the student conduct officer, or to attend a disciplinary hearing.

(4) The issue before the student conduct officer during the interim suspension hearing is whether there is probable cause to believe that interim suspension is necessary and/or whether other less restrictive interim disciplinary action is appropriate. For the purpose of this section, probable cause means sufficient facts to lead a reasonable person to believe that the elements necessary for imposing a summary suspension have been satisfied. The student shall be given an opportunity to explain why summary suspension is not necessary either through oral testimony or written statement.

(5) If the notice of summary suspension proceedings has been served upon the accused student in accordance with these rules and the student fails to appear at the designated hearing time, the student conduct officer may order that the summary suspension remain in place pending imposition of final disciplinary action.

(6) The student conduct officer shall issue a written order within two instructional days of the hearing, which shall include a brief statement of findings of fact and conclusions of law, the policy reasons justifying imposition of the summary suspension, and setting forth the student conduct officer's decision in the matter. If the summary suspension is upheld and/or other discipline imposed, the order shall inform the student of the duration of the summary suspension or the nature of the disciplinary action(s), conditions under which the summary suspension may be terminated or modified, and procedures by which the order may be appealed.

(7) To the extent permissible under law, the student conduct officer shall provide a copy of the order to all persons or offices that may be bound or protected by it.

(8) The interim suspension shall not replace the regular discipline process, which shall proceed as quickly as feasible in light of the interim suspension. If a full hearing before the student conduct officer, the student conduct board or the student conduct administrative panel can be convened in a timely manner, the hearing on the interim suspension can be consolidated with the hearing on the merits.

[Statutory Authority: RCW 28B.50.140. WSR 15-15-161, § 132Q-10-320, filed 7/21/15, effective 8/21/15.]

WAC 132Q-10-325 Student conduct board proceedings. In cases in which the student conduct officer determines to refer a matter directly to the student conduct board for a hearing, the following procedures apply:

(1) The student conduct officer shall serve all parties, and student conduct board members with written notice of the hearing seven to ten days prior to the hearing date, time and location, as further specified in RCW 34.05.434 and WAC 10-08-040 and 10-08-045. The student conduct officer may shorten this notice period if all parties agree, and also may continue the hearing to a later time for good cause.

(2) The student conduct officer is authorized to conduct prehearing conferences and/or to make prehearing decisions concerning the extent and forms of any discovery, issuance of protective orders, and similar procedural matters.

(3) The student conduct officer shall provide assistance to parties, upon request, in obtaining relevant and admissible evidence that is within the college's control.

(4) The student conduct officer may provide to the board members in advance of the hearing copies of: (a) The student conduct officer's notice of complaint and referral; and (b) any documents provided by the accused student. If doing so, however, the student conduct officer should remind the committee members that these documents are not evidence of any facts they may allege.

(5) Communications between committee members and other hearing participants regarding any issue in the proceeding, other than procedural communications that are necessary to maintain an orderly process, are generally prohibited, and any improper "ex parte" communication shall be placed on the record, as further provided in RCW 34.05.455.

(6) Hearings are ordinarily closed to the public. However, if all parties agree on the record that some or all of the proceedings be open, the chair shall determine any extent to which the hearing will be open. If any person disrupts the proceedings, the chair may exclude that person from the hearing room.

(7) The complainant, the accused student, and their respective advisors may attend the portion of the hearing at which information is received, but may not attend the board's deliberations. Admission of any other person to the hearing is at the discretion of the student conduct board chair.

(8) In circumstances involving more than one accused student, the student conduct officer may permit joint or separate hearings.

(9) The accused student has the right to be assisted by an advisor they choose, at their own expense. The accused student is responsible for presenting his/her own information. Advisors are not permitted to address the board or participate directly in the hearing. An advisor may communicate only with the person they are advising. The board chair may call recesses to facilitate this communication. A student should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the hearing. Delays are not normally allowed due to the scheduling conflicts of an advisor.

(10) The accused student, the student conduct officer, and the board chair may arrange for witnesses to present pertinent information to the student conduct board. Witnesses may provide written statements in lieu of their attendance at the hearing. The accused student is responsible for informing his/her witnesses of the time and place of the hearing. Witnesses provide information to, and answer questions from, the student conduct board. To preserve the educational tone of the hearing and to avoid an adversarial environment, questions are directed to the chair, rather than to the witness directly. Questions concerning whether potential information may be received are resolved by the chair. All testimony and written statements shall be given under oath or affirmation.

(11) The board chair determines which records, exhibits and written statements may be accepted as information for consideration by the board, except as overridden by majority vote of the board.

(12) Formal rules of process, procedure and technical rules of evidence, such as are applied in criminal or civil court, are not used in board proceedings.

(13) Questions related to the order of the proceedings are determined by the board chair.

(14) If an accused student, with notice, does not appear before a student conduct board hearing, the information in support of the complaint is presented and considered in the absence of the accused student.

(15) The board chair shall cause the hearing to be recorded by a method that he/she selects in accordance with RCW 34.05.449. Board deliberations are not recorded. The record or transcript is the property of the college. That recording, transcript or a copy, shall be made available to the parties upon request. The board chair shall ensure maintenance of the record of the proceeding that is required by RCW 34.05.476, which shall also be available upon request for inspection and copying by the respondent. Other recording shall also be permitted in accordance with WAC 10-08-190.

(16) The board chair may accommodate concerns for the personal safety, well-being or fears of confrontation during the hearing by providing separate facilities, or by permitting participation by telephone, audio tape, written statement, or other means.

(17) The student conduct officer (unless represented by an assistant attorney general) shall present the case for disciplinary action. The facts justifying any such action must be established by a preponderance of the evidence.

(18) At the conclusion of the hearing, the board shall permit the parties to make closing arguments in whatever form it wishes to receive them. The board may also permit each party to propose findings, conclusions, and/or an order for its consideration.

[Statutory Authority: RCW 28B.50.140. WSR 15-15-161, § 132Q-10-325, filed 7/21/15, effective 8/21/15.]

WAC 132Q-10-330 Student conduct board decision and notification. Procedures for student conduct board proceedings:

(1) At the conclusion of the hearings on conduct matters, including closing arguments and deliberations, the student conduct board determines by majority vote whether the accused student has violated the standards of conduct for students. If so, the board determines and imposes the appropriate sanctions from WAC 132Q-10-400.

(2) The burden of proof that guides the board's decision is the preponderance of evidence, whether it is more likely than not that the accused student violated the standards of conduct for students.

(3) The student conduct officer notifies the parties, in writing, in person, by mail or electronic mail of the board's decision. Written notice is sent within ten instructional days from the hearing date. If the college is not in session, this period may be reasonably extended. The student conduct board includes in the written notice of the decision the findings and conclusions on all material issues of law, including which, if any, provisions of the student conduct code were violated. Any findings based substantially on the credibility of evidence or the demeanor of witnesses shall be so identified, the disciplinary sanctions, and information about the appeal process. The board's initial order shall also include a determination on appropriate discipline, if any. The student conduct officer may notify the student prior to receipt of the formal written notice. The notice, if sent by mail, is sent to the student's last known address.

(4) The written decision is the college's initial order. Appeals are governed by WAC 132Q-10-335.

(5) If the student does not appeal the board's decision within twenty calendar days from the date of the decision, it becomes the college's final order after twenty-one calendar days.

(6) The committee chair shall promptly transmit a copy of the order and the record of the board's proceedings to the appeals board.

[Statutory Authority: RCW 28B.50.140. WSR 15-15-161, § 132Q-10-330, filed 7/21/15, effective 8/21/15.]

WAC 132Q-10-332 Student conduct administrative panel proceedings. In cases in which the student conduct officer refers a matter to the student conduct administrative panel for a hearing, the following procedures apply:

(1) The student conduct officer shall serve all parties, and student conduct administrative panel members with written notice of the hearing not less than seven calendar days or more than ten calendar days prior to the hearing date, time and location, as further specified in RCW 34.05.434 and WAC 10-08-040 and 10-08-045. The student conduct officer may shorten this notice period if all parties agree, and also may continue the hearing to a later time for good cause.

(2) The student conduct officer may provide to the panel members in advance of the hearing copies of: (a) The student conduct officers' notice of complaint and referral; and (b) documents provided by the accused student. If doing so, however, the chair should remind the panel members that these documents are not evidence of any facts they may allege.

(3) Communications between panel members and other hearing participants regarding any issue in the proceeding, other than procedural communications that are necessary to maintain an orderly process, are generally prohibited, and any improper "ex parte" communication shall be placed on the record, as further provided in RCW 34.05.455.

(4) An accused student may elect to be represented by an attorney at his or her own cost, but will be deemed to have waived that right unless, at least four business days before the hearing, written notice of the attorney's identity and participation is filed with both the panel chair with a copy to the student conduct officer. The panel may be advised by an assistant attorney general. If the respondent is represented by an attorney, the student conduct officer may also be represented by a second, appropriately screened assistant attorney general.

(5) The hearing will ordinarily be closed to the public. However, if all parties agree on the record that some or all of the proceedings be open, the panel chair shall determine any extent to which the hearing will be open. If any person disrupts the proceedings, the panel chair may exclude that person from the hearing room.

(6) In circumstances involving more than one accused student, the student conduct officer may permit joint or separate hearings.

(7) The accused student and the student conduct officer may arrange for witnesses to present pertinent information to the student conduct administrative panel. The accused student is responsible for informing his/her witnesses of the time and place of the hearing. Questions concerning whether potential information may be received are resolved by the panel chair. All testimony and written statements shall be given under oath or affirmation.

(8) The panel chair determines which records, exhibits and written statements may be accepted as information for consideration by the panel consistent with RCW 34.05.452.

(9) Questions related to the order of the proceedings are determined by the panel chair.

(10) If an accused student, with notice, does not appear before a student conduct administrative panel hearing, the information in support of the complaint is presented and considered in the absence of the accused student.

(11) The panel chair may accommodate concerns for the personal safety, well-being or fears of confrontation during the hearing by providing separate facilities, or by permitting participation by telephone, audio tape, written statement, or other means. In making such accommodations, the rights of the other parties must not be prejudiced and must have the opportunity to participate effectively in, to hear, and, if technically economically feasible, to see the entire proceeding while it is taking place.

(12) The panel chair shall cause the hearing to be recorded by a method that he/she selects in accordance with RCW 34.05.449. Panel deliberations are not recorded. The record or transcript is the property of the college. That recording, transcript or a copy, shall be made available to the parties upon request. The panel chair shall ensure maintenance of the record of the proceeding that is required by RCW 34.05.476, which shall also be available upon request for inspection and copying by the respondent. Other record-

ing shall also be permitted in accordance with WAC 10-08-190.

(13) The student conduct officer (unless represented by an assistant attorney general) shall present the case for disciplinary action. The facts justifying any such action must be established by a preponderance of the evidence.

(14) At the conclusion of the hearing, the panel shall permit the parties to make closing arguments in whatever form it wishes to receive them. The panel may also permit each party to propose findings, conclusions, and/or an order for its consideration.

(15) Conduct matters that involve allegations of sexually violent conduct as defined in WAC 132Q-10-105(18) and further detailed in WAC 132Q-10-244 shall also utilize the supplemental hearing procedures of WAC 132Q-10-501 through 132Q-10-503. The terms of the supplemental procedures will prevail in the event of any discrepancy between this provision and the provisions of the supplemental procedures.

[Statutory Authority: RCW 28B.50.140. WSR 15-15-161, § 132Q-10-332, filed 7/21/15, effective 8/21/15.]

WAC 132Q-10-333 Student conduct administrative panel decision and notification. (1) At the conclusion of the hearings on conduct matters, including closing arguments, and deliberations, the student conduct administrative panel determines by majority vote whether the accused student has violated the standards of conduct for students. If so, the board determines and imposes the appropriate sanctions from WAC 132Q-10-400.

(2) The burden of proof that guides the panel's decision is the preponderance of evidence, whether it is more likely than not that the accused student violated the standards of conduct for students.

(3) The student conduct officer notifies the parties, and advisors who have appeared, in writing, in person, by mail or electronic mail of the panel's decision. Written notice is sent within ten calendar days from the hearing date. If the college is not in session, this period may be reasonably extended. The board includes in the written notice of the decision the findings and conclusions on all material issues of law, including which, if any, provision of the student conduct code were violated. Any findings based substantially on the credibility of evidence or the demeanor of witnesses shall be so identified, the disciplinary sanctions, and information about the appeal process. The board's initial order shall also include a determination on appropriate discipline, if any. The student conduct officer may notify the student prior to receipt of the formal written notice. The notice, if sent by mail, is sent to the student's last known address.

(4) The written decision is the college's initial order. Appeals are governed by WAC 132Q-10-335.

(5) If the student does not appeal the board's decision within twenty calendar days from the date of the decision, it becomes the college's final order after twenty-one calendar days.

(6) The committee chair shall promptly transmit a copy of the order and the record of the panel's proceedings to the appeals board.

[Statutory Authority: RCW 28B.50.140. WSR 15-15-161, § 132Q-10-333, filed 7/21/15, effective 8/21/15.]

WAC 132Q-10-335 Appeals of misconduct—Review of decision. (1) An initial decision reached by the student conduct board, the student conduct officer, or the student conduct administrative panel may be appealed by the accused student to the appeals board. The written appeal shall be filed with the chief student services officer within twenty calendar days of the date of the decision. Failure to timely file a notice of appeal constitutes a waiver of the right to appeal and the initial decision of student conduct officer, the student conduct board, or the student conduct administrative panel shall be deemed final. The student's written appeal must include a brief statement explaining why he/she is seeking review. The statement should identify whether any of the specific findings of fact and/or conclusions of law in the initial order are wrong and must contain argument regarding why the appeal should be granted.

(2) The parties to an appeal shall be the respondent and either the student conduct officer, the student conduct board, or the student conduct administrative panel.

(3) An accused student, who timely appeals a disciplinary action, has a right to a prompt, fair, and impartial hearing as provided in these procedures.

(4) Appeals of disciplinary matters involving allegations of sexually violent conduct as defined in WAC 132Q-10-105(18) and further detailed in WAC 132Q-10-244 shall also include the supplemental appeal procedures set forth in WAC 132Q-10-501 through 132Q-10-503.

(5) Appeals are reviewed by the appeals board. Except as required to explain the basis of new information, an appeal is limited to a review of the student's written appeal which includes his/her written argument, a verbatim record of the hearing record with the student conduct officer, the student conduct board, or the student conduct administrative panel and supporting documents for one or more of the following purposes:

(a) Determine whether the initial disciplinary hearing was conducted fairly in light of the charges, and whether information was presented in conformity with prescribed procedures giving the accused student a reasonable opportunity to prepare and to present a response to those allegations. Deviations from designated procedures are not a basis for sustaining an appeal unless significant prejudice is evident.

(b) Determine whether the decision is supported by the evidence.

(c) Determine whether the sanctions imposed are appropriate for the violation which the student was found to have committed.

(d) Consider new information, sufficient to alter a decision, or other relevant facts not disclosed in the original hearing, because such information and/or facts were not known to the student appealing at the time of hearing with the student conduct officer, the student conduct board, or the student conduct administrative panel.

(6) The appeal board shall not engage in "ex parte" communication with any of the parties regarding an appeal.

(7) The appeal board shall review the record and make one of the following determinations:

(a) Affirm the decision and uphold sanctions; or

(b) Reverse the decision and dismiss; or

(c) Affirm the decision and modify the sanctions imposed; or

(d) Remand for a full hearing before the student conduct administrative panel.

(8) The student is notified of the appeal board's decision within twenty calendar days from the date of the appeal letter. If the college is not in session, this period may be reasonably extended. The appeal board's decision, unless it is a decision to remand for a full hearing before the student conduct administrative panel, is the college's final order.

[Statutory Authority: RCW 28B.50.140. WSR 15-15-161, § 132Q-10-335, filed 7/21/15, effective 8/21/15.]

WAC 132Q-10-400 Disciplinary sanctions. (1) The following sanctions may be imposed by the chief student services officer, student conduct officer, the student conduct board, the student conduct administrative panel, or the appeals board on a student found to have violated the standards of conduct for students.

(a) Warning. An oral statement to a student that there is a violation and that continued violation may be cause for further discipline. Warnings are not subject to appeal.

(b) Reprimand. A notice in writing to the student that the student has violated one or more provisions of the standards of conduct for students, a disciplinary record has been created, and that continuation of the same or similar behavior may result in more severe disciplinary action.

(c) Probation. Formal action placing specific conditions and restrictions upon the student's continued attendance depending upon the seriousness of the violation and which may include a deferred disciplinary sanction. If the student subject to a deferred disciplinary sanction is found in violation of any college rule during the time of disciplinary probation, the deferred disciplinary sanction, which may include, but is not limited to, a suspension or a dismissal from the college, shall take effect immediately without further review. Any such sanction shall be in addition to any sanction or conditions arising from the new violation. Probation may be for a limited period of time or may be for the duration of the student's attendance at the college. A student who is on disciplinary probation may be deemed "not in good standing" with the college. If so, the student shall be 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.

(d) Loss of privileges. Denial of specified privileges for a designated period of time.

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

(f) Education. The college may require the student to complete an educational project or attend sessions, at the student's expense, which address the student's behavior such as anger management or counseling.

(g) Fines may be imposed by the college.

(h) College suspension for a period not to exceed ten instructional days. Separation of the student from the college for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified. There will be no refund of tuition or fees for the quarter in which the action is taken.

(i) Revocation of admission or degree. Admission to or a degree awarded from the college may be revoked for fraud, misrepresentation, or other violation of standards of conduct for students in obtaining the degree, or for other serious violations committed by a student prior to graduation.

(j) Withholding degree. The college may withhold awarding a degree otherwise earned until the completion of the process set forth in this chapter, including the completion of all sanctions imposed.

(k) No trespass order. A student may be restricted from college property based on his/her misconduct.

(l) Assessment. The student may be required to have an assessment, such as alcohol/drug or anger management, by a certified professional, and complete the recommended treatment.

(m) Loss of recognition. A student organization's recognition may be withheld permanently or for a specific period of time. Loss of recognition is defined as withholding college services or administrative approval from a student organization. Services and approval to be withdrawn include intramural sports, information technology services, college facility use and rental, and involvement in organizational activities.

(n) Hold on transcript or registration. This is a temporary measure restricting release of a student's transcript or access to registration. Upon satisfactory completion of the conditions of the sanction, the hold is released.

(o) No contact order. A prohibition of direct or indirect physical, verbal, and/or written contact with another individual or group.

(2) The following additional sanctions may be issued by the chief student services officer, student conduct officer, the student conduct administrative panel, or the appeals board on a student found to have violated the standards of conduct for students:

(a) College suspension for a period that exceeds ten academic days. Separation of the student from the college for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified. There will be no refund of tuition or fees for the quarter in which the action is taken.

(b) College expulsion. Permanent separation of the student from the college. The revocation of all rights and privileges of membership in the college community and exclusion from the campus, CCS-owned or controlled facilities without any possibility of return. There will be no refund of tuition or fees for the quarter in which action is taken.

(3) A sanction may be made effective for the entire district or the student's college. If only to the student's college, the chief student services officer at the other colleges may enforce the disciplinary action at their respective college.

(4) More than one of the sanctions listed in subsection (1) of this section may be imposed for any single violation.

(5) Other than college expulsion or revocation or withholding of a degree, disciplinary sanctions are not made part of the student's academic record, but are part of the student's disciplinary record.

(6) If a student's behavior is found to have been motivated by another's race, creed, color, religion, national or eth-

nic origin, age, sex, gender identity or expression, or disability, use of a guide dog or service animal by a person with a disability, veteran's status, or genetic information, such finding is considered an aggravating factor in determining a sanction for such conduct.

[Statutory Authority: RCW 28B.50.140. WSR 15-15-161, § 132Q-10-400, filed 7/21/15, effective 8/21/15.]

WAC 132Q-10-500 Classroom misconduct and authority to suspend for up to three days. (1) Faculty members have the authority to take appropriate action to maintain order and proper conduct in the classroom and to maintain the effective cooperation of students in fulfilling the objectives of the course.

(2) Bringing any person, thing or object to a teaching and learning environment that may disrupt the environment or cause a safety or health hazard, without the express approval of the faculty member is expressly prohibited.

(3) Faculty members or college administrators have the right to suspend any student from any single class or program, up to three instructional days, if the student's misconduct creates disruption to the point that it is difficult or impossible to maintain the decorum of the class, program or the learning and teaching environment. The faculty member or college administrator shall report this suspension to the student conduct officer who may set conditions for the student upon return to the class or program.

(4) The student may appeal the classroom suspension to the chief student services officer who may authorize an earlier return by the student only after consultation with the faculty member or appropriate administrator. The chief student services officer's decision is final.

[Statutory Authority: RCW 28B.50.140. WSR 15-15-161, § 132Q-10-500, filed 7/21/15, effective 8/21/15.]

WAC 132Q-10-501 Additional procedural requirements for sexually violent conduct matters. In the event the alleged misconduct involves claims of sexually violent conduct, additional procedures are required by federal law. Both the accused student and the complainant in cases involving allegations of sexual misconduct shall be provided the same procedural rights to participate in student discipline matters, including the right to participate in the disciplinary proceeding process and to appeal the chief student services officer's or student conduct administrative panel's disciplinary order.

Application of the supplemental procedures for allegations of sexually violent conduct is limited to student conduct code proceedings involving allegations of sexually violent conduct. In such cases, these procedures shall supplement the student disciplinary procedures in WAC 132Q-10-305 through 132Q-10-335. In the event of conflict between the supplemental sexually violent conduct procedures and the student disciplinary procedures, the sexually violent conduct procedures shall prevail.

[Statutory Authority: RCW 28B.50.140. WSR 15-15-161, § 132Q-10-501, filed 7/21/15, effective 8/21/15.]

WAC 132Q-10-502 Supplemental procedures for allegations of sexually violent conduct. (1) Complaints of alleged sexually violent conduct by a student submitted pursuant to WAC 132Q-10-305(2) shall be referred to the Title IX coordinator for an initial assessment. If an investigation is deemed warranted it shall be completed in a timely manner as defined by administrative procedure 3.30.01. If after a review, the Title IX coordinator determines that the facts as alleged would not constitute a violation of Title IX, the Title IX coordinator may close the file. If after an initial review, the Title IX coordinator determines that the facts as alleged may constitute a violation of Title IX, the coordinator or his or her designee will conduct an investigation. If after an initial review, the Title IX coordinator determines that the facts as alleged would not constitute a violation of Title IX, but may constitute a violation of other provisions of the student conduct code, the coordinator may refer the matter to the student conduct officer to review and process. If the Title IX coordinator determines an investigation is not warranted on a sexually violent conduct report, the student conduct officer will make reasonable efforts to meet with the complainant and accused student individually to discuss the outcome. If an investigation is conducted based on a sexually violent conduct complaint, the Title IX coordinator will make a reasonable effort to meet with the complainant and accused student separately to discuss the results of the investigation and possible protective sanctions or conditions that may be imposed on the accused student.

(2) If the Title IX coordinator or his/her designee determines that the investigative report contains facts that demonstrate a violation of the standards of conduct for students, but not a violation of the sexually violent conduct provisions, then he/she will refer the matter to the appropriate student conduct officer for disciplinary proceedings under these regulations.

(3) Informal dispute resolution shall not be used to resolve sexual misconduct complaints without written permission from both the complainant and the accused student. If the parties elect to mediate a dispute, either party shall be free to discontinue mediation at any time. In no event shall mediation be used to resolve complaints involving allegations of sexual violence.

(4) College personnel will honor requests to keep sexual misconduct complaints confidential to the extent this can be done without unreasonably risking the health, safety and welfare of the complainant or other members of the college community or its legal duty to investigate and process sexual harassment and sexual violence complaints.

(5) Accused student and complainant shall have the right to be accompanied by a nonattorney assistant of their choosing during the appeal process. Complainant may choose to be represented at the hearing by an attorney at his or her own expense, but will be deemed to have waived that right unless, at least four business days before the hearing, he or she files a written notice of the attorney's identity and participation with the committee chair and copy the chief student services officer. The chief student services officer will provide a copy of the notice to the accused student.

(6) During the proceedings, complainant and accused student shall not directly question or cross examine one another. All questions shall be directed to the chair, who will act as an intermediary and pose questions on the parties' behalf.

(7) Hearings involving sexual misconduct allegations shall be closed to the public, unless accused student and complainant both waive this requirement in writing and request that the hearing be open to the public. Complainant, accused student and their respective attorney representatives may attend portions of the hearing where argument, testimony and/or evidence are presented to the student conduct administrative panel.

(8) The chair of the student conduct administrative panel will coordinate with the chief student services officer/Title IX coordinator to serve complainant a written notice indicating that the complaint has been resolved on the same date that the discipline order is served upon the accused student. This notice shall inform the complainant whether the sexual misconduct allegation was found to have merit and describe any sanctions and/or conditions imposed upon the accused student for the complainant's protection, including suspension or dismissal of the accused student. The notice shall also provide directions on how the complainant can appeal the decision.

[Statutory Authority: RCW 28B.50.140. WSR 15-15-161, § 132Q-10-502, filed 7/21/15, effective 8/21/15.]

WAC 132Q-10-503 Supplemental appeal rights for alleged sexually violent conduct. (1) The following actions by the chief student services officer/Title IX coordinator and the student conduct administrative panel may be appealed by the complainant:

(a) The dismissal of a sexually violent misconduct complaint; or

(b) The disciplinary sanction(s) and conditions imposed against an accused student for a sexually violent misconduct violation.

(2) Appeals:

(a) A discipline order which includes findings of sexually violent misconduct may be appealed by filing a written notice of appeal with the chief student services officer within twenty calendar days of receiving notice of the discipline order. The notice of appeal may include a written statement setting forth the grounds of appeal.

(b) The dismissal of a sexually violent misconduct complaint by the Title IX coordinator may be appealed by filing a notice of appeal with the college president within twenty calendar days of receiving notice of the complaint dismissal. The notice of appeal must include a brief written statement explaining why the complainant is seeking review of the dismissal and why the appeal should be granted.

(3) Notice of appeal:

(a) If an order imposing discipline for a sexual misconduct violation is appealed, the college shall notify the nonappealing complainant/respondent of the appeal. The nonappealing complainant/respondent will be provided the option to be named as a party to the appeal.

(b) If the dismissal of a sexually violent misconduct complaint by the Title IX coordinator is appealed, the college shall notify the nonappealing complainant/respondent of the appeal. The nonappealing complainant/respondent will be provided the option to be named as a party to the appeal.

(4) A complainant/respondent who chooses to appeal a discipline order or who chooses to appear as a party to the appeal of a discipline order or the dismissal of a complaint shall be afforded the same procedural rights as are afforded to the other party.

(5) Review of appeals:

(a) Appeals of orders imposing discipline for a sexual misconduct violation shall be reviewed by the appeals board consistent with WAC 132Q-10-335 (5) through (6).

(b) Appeals of dismissal of complaints of sexual misconduct violation shall be reviewed by a college president. If the college president's decision is to affirm the dismissal of the original complaint that serves as the college's final order regarding the original complaint dismissal. If the college president determines that the dismissal should be reversed, the matter shall be investigated pursuant to WAC 132Q-10-502. If the matter involves sexually violent misconduct, it will be investigated pursuant to WAC 132Q-10-502 and processed consistent with this chapter applicable to sexually violent misconduct. If the matter involves misconduct that does not include sexually violent misconduct, it will be processed consistent with the provisions of this chapter applicable to general misconduct.

(6) The chief student services officer/Title IX coordinator will serve complainant a written notice indicating that the appeal has been resolved on the same date that the final order is served upon the accused student. This notice shall inform the complainant whether the sexual misconduct allegation was found to have merit and describe any sanctions and/or conditions imposed upon the accused student for the complainant's protection, including suspension or dismissal of the accused student.

[Statutory Authority: RCW 28B.50.140. WSR 15-15-161, § 132Q-10-503, filed 7/21/15, effective 8/21/15.]