

**Chapter 132S-100 WAC
STUDENT CODE OF CONDUCT**

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WAC

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132S-100-105 Composition of the student conduct board. [Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-105, filed 5/25/16, effective 6/25/16.] Repealed by WSR 20-03-046, filed 1/9/20, effective 2/9/20. Statutory Authority: RCW 28B.50.140.
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132S-100-115 Convening boards. [Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-115, filed 5/25/16, effective 6/25/16.] Repealed by WSR 20-03-046, filed 1/9/20, effective 2/9/20. Statutory Authority: RCW 28B.50.140.

- 132S-100-120 Classroom conduct and the learning environment. [Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-120, filed 5/25/16, effective 6/25/16.] Repealed by WSR 20-03-046, filed 1/9/20, effective 2/9/20. Statutory Authority: RCW 28B.50.140.
- 132S-100-125 Decisions. [Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-125, filed 5/25/16, effective 6/25/16.] Repealed by WSR 20-03-046, filed 1/9/20, effective 2/9/20. Statutory Authority: RCW 28B.50.140.
- 132S-100-200 Jurisdiction of the student code of conduct. [Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-200, filed 5/25/16, effective 6/25/16.] Repealed by WSR 20-03-046, filed 1/9/20, effective 2/9/20. Statutory Authority: RCW 28B.50.140.
- 132S-100-203 Conduct—Rules and regulations. [Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-203, filed 5/25/16, effective 6/25/16.] Repealed by WSR 20-03-046, filed 1/9/20, effective 2/9/20. Statutory Authority: RCW 28B.50.140.
- 132S-100-225 Drugs and drug paraphernalia. [Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-225, filed 5/25/16, effective 6/25/16.] Repealed by WSR 20-03-046, filed 1/9/20, effective 2/9/20. Statutory Authority: RCW 28B.50.140.
- 132S-100-270 Trespass or unauthorized presence. [Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-270, filed 5/25/16, effective 6/25/16.] Repealed by WSR 20-03-046, filed 1/9/20, effective 2/9/20. Statutory Authority: RCW 28B.50.140.
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- 132S-100-410 Academic dishonesty process. [Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-410, filed 5/25/16, effective 6/25/16.] Repealed by WSR 20-03-046, filed 1/9/20, effective 2/9/20. Statutory Authority: RCW 28B.50.140.
- 132S-100-415 Appeal process. [Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-415, filed 5/25/16, effective 6/25/16.] Repealed by WSR 20-03-046, filed 1/9/20, effective 2/9/20. Statutory Authority: RCW 28B.50.140.
- 132S-100-420 Sexual misconduct procedures. [Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-420, filed 5/25/16, effective 6/25/16.] Repealed by WSR 20-03-046, filed 1/9/20, effective 2/9/20. Statutory Authority: RCW 28B.50.140.
- 132S-100-425 Appeal process for complainants of sexual misconduct. [Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-425, filed 5/25/16, effective 6/25/16.] Repealed by WSR 20-03-046, filed 1/9/20, effective 2/9/20. Statutory Authority: RCW 28B.50.140.
- 132S-100-430 Sanctions. [Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-430, filed 5/25/16, effective 6/25/16.] Repealed by WSR 20-03-046, filed 1/9/20, effective 2/9/20. Statutory Authority: RCW 28B.50.140.
- 132S-100-435 Interim measures. [Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-435, filed 5/25/16, effective 6/25/16.] Repealed by WSR 20-03-046, filed 1/9/20, effective 2/9/20. Statutory Authority: RCW 28B.50.140.

WAC 132S-100-010 Preamble. Columbia Basin College (herein referred to as "CBC" or "the college") is supportive of diversity among ideas, cultures, and student characteristics in the pursuit of advancing one's education. A responsibility to secure, respect, and protect such opportunities and conditions is shared by all members of the academic community.

As a member of this community, students are expected to uphold and be accountable for this student code of conduct both on and off campus, and acknowledge that the college has the authority to take disciplinary action when a student violates these policies.

As an agency of the state of Washington, CBC must respect and adhere to all laws established by local, state, and federal authorities. This student code of conduct has been developed to educate students and protect the welfare of the community.

[Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-010, filed 5/25/16, effective 6/25/16.]

WAC 132S-100-030 Definitions. Advisor - A person of the complainant's or respondent's choosing who can accompany the complainant or respondent to any conduct related meeting or proceeding. This person cannot be a college employee or witness involved in the case.

Assembly - Any overt activity engaged in by one or more persons, the object of which is to gain publicity, advocate a view, petition

for a cause or disseminate information to any person, persons or group of persons.

Board of trustees - The board of trustees of Community College District No. 19, state of Washington.

Bullying - Physical or verbal abuse, repeated over time, and involving a power imbalance between the aggressor and victim.

College - Columbia Basin College, established within Community College District No. 19, state of Washington.

College facilities - Any and all real property controlled or operated by the college, including all buildings and appurtenances affixed thereon or attached thereto.

College premises - All land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the college, including adjacent streets and sidewalks.

Complainant - A person who reports that a violation of CBC policy including this student code of conduct has occurred towards themselves, another person, a group of people, or college property. Complainant shall mean the same as claimant or other such term(s) meeting this definition as used in other college policies and procedures.

Complaint - A description of facts that allege a violation of student code of conduct or other college policy.

Consent - Knowing, voluntary and clear permission by word or action, to engage in mutually agreed upon activity, including sexual activity. A person cannot consent to sexual activity if they are not of legal age, unable to understand what is happening or is disoriented, helpless, asleep, or unconscious for any reason, including due to alcohol or other drugs. Intoxication is not a defense against allegations that an individual has engaged in nonconsensual sexual activity.

Cyberstalking, cyberbullying, and online harassment - The prohibited behavior of stalking, bullying, and/or harassment through the use of electronic communications including, but not limited to, electronic mail, instant messaging, electronic bulletin boards, and social media sites, which harms, threatens, or is reasonably perceived as threatening the health or safety of another person.

Dating violence - Violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such relationship will be gauged by its length, type, and frequency of interaction.

Disciplinary action - The sanctioning of any student pursuant to WAC 132S-100-440 for the violation of any designated rule or regulation of the college.

Discrimination - Unfavorable treatment of a person based on that person's membership or perceived membership in a protected class.

Domestic violence - Asserted violent misdemeanor and felony offenses or conduct committed by a current or former spouse, current or former cohabitant, a person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.

Force - Use of physical violence and/or threats, intimidation or coercion to overcome resistance or gain access or produce consent. Sexual activity that is forced is by definition nonconsensual. However, nonconsensual sexual activity is not by definition forced.

Harassment - Language or conduct by any means that is unwelcome, severe, persistent, or pervasive, and is of such a nature that it could reasonably be expected to create an intimidating, hostile or offensive environment, or has the purpose or effect of unreasonably causing a reasonable person substantial emotional distress or under-

mines their ability to work, study, or participate in their regular life activities or participate in the activities of the college.

Hazing - Acts likely to cause physical or psychological harm or social ostracism to any person within the college community, when related to admission, initiation, joining, or any other group-affiliation activity.

Hostile environment - Any situation in which there is harassing conduct that could be based on protected class status and is sufficiently severe or pervasive, and is so objectively offensive that it has the effect of substantially limiting the person's ability to participate in or benefit from the college's educational and/or social programs.

Hostile environment sexual harassment - Occurs when sex- or gender-based conduct is sufficiently severe and/or pervasive and so objectively offensive that it has the effect of substantially limiting the ability of the person to participate in or benefit from the college's educational and/or social programs.

Instructional day - Any regularly scheduled instructional day designated in the academic year calendar, including summer quarter, as a day when classes are held or during final examination week. Saturdays and Sundays, and any full-day campus closures due to holidays or other circumstances are not regularly scheduled instructional days.

Nonconsensual sexual contact - Any intentional sexual touching, however slight, with any object, by a person upon another person that is 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 other bodily contact in a sexual manner.

Nonconsensual sexual intercourse - Any sexual intercourse (anal, oral, or vaginal), however slight, with any object, by a person upon another person, that is without consent and/or by force. Sexual intercourse includes anal or vaginal penetration by a penis, tongue, finger, or object, or oral copulation by mouth to genital contact or genital to mouth contact.

Policy - The written regulations of the college as found in, but not limited to, the student code of conduct and any other official regulation written or in electronic form.

Preponderance of the evidence - The standard of proof used with all student disciplinary matters at CBC that are within the jurisdiction of student code of conduct, which means that the amount of evidence must be at fifty-one percent or "more likely than not" before a student is found responsible for a violation.

President - The chief executive officer appointed by the board of trustees or, in such president's absence, the acting president or other appointed designee. The president is authorized to delegate any of their responsibilities as may be reasonably necessary.

Protected class - Persons who are protected under state or federal civil rights laws, including laws that prohibit discrimination on the basis of race, color, national origin, age, perceived or actual physical or mental disability, pregnancy, or genetic information, sex, sexual orientation, gender identity, marital status, creed, religion, honorably discharged veteran or military status, or use of a trained guide dog or service animal.

Quid pro quo sexual harassment - Occurs when an individual in a position of real or perceived authority, conditions the receipt of a benefit upon granting of sexual favors.

Respondent - The student who is alleged to have violated CBC policy including this code of conduct or against whom disciplinary action

is being taken or initiated. Respondent shall mean the same as responding party or other such term(s) meeting this definition as used in other college policies and procedures.

Rules of the student conduct code - The rules contained herein as now exist or which may be hereafter amended.

Service or notification - The process by which a document is officially delivered to a party. Service or notification is deemed complete and computation of time for deadlines begins upon personal delivery of the document or upon the date the document is electronically mailed and/or deposited into the mail. Documents required to be filed with the college such as requests for appeals, are deemed filed upon actual receipt by the office as designated herein during office hours.

Sexual exploitation - Occurs when one person takes nonconsensual or abusive sexual advantage of another for their own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to: Invasion of sexual privacy, engaging in voyeurism, nonconsensual video or audio taping of sexual activity; sexually based stalking and/or bullying.

Stalking - Intentional and repeated harassment or following of another person, which places that person in reasonable fear that the perpetrator intends to injure, intimidate, or harass that person. Stalking also includes instances where the perpetrator knows or reasonably should know that the person is frightened, intimidated, or harassed, even if the perpetrator lacks such intent.

Student - Any person from the time of application, admitted to CBC, or registered for courses either full time or part time, or participating in any other educational offerings at CBC, excluding students enrolled in the High School Academy.

Student appeals board - Also referred to as the "SAB" or "appeals board." The SAB is a three member panel which uses the brief adjudicative process to review appeals of disciplinary actions that do not include sanctions of expulsion, suspension for more than ten days, withholding or revocation of a degree, or loss of recognition of a student organization.

Student conduct board - Also referred to as the "SCB" is a four person panel which presides over cases that could result in a sanction of expulsion, suspension for more than ten days, revocation of a degree, and/or loss of recognition of a student organization using the full adjudicative process pursuant to the Administrative Procedure Act, chapter 34.05 RCW.

Student conduct officer - Also referred to as "conduct officer" and/or "SCO" is the person designated by the college president to be responsible for the administration of the student code of conduct or, in such person's absence, the acting SCO or other appointed designee. The SCO is authorized to delegate any and all of their responsibilities as may be reasonably necessary.

Student conduct meeting - The conduct meeting with the student conduct officer using the brief adjudicative process to determine responsibility for violations of the student code of conduct, which do not include sanctions of expulsion, suspension for more than ten days, revocation of a degree, and/or loss of recognition of a student organization pursuant to the Administrative Procedure Act, chapter 34.05 RCW.

Student organization - 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.

[Statutory Authority: RCW 28B.50.140 and 20 U.S.C. § 1092(f) and Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. WSR 20-23-031, § 132S-100-030, filed 11/10/20, effective 12/11/20. Statutory Authority: RCW 28B.50.140. WSR 20-03-046, § 132S-100-030, filed 1/9/20, effective 2/9/20; WSR 16-12-039, § 132S-100-030, filed 5/25/16, effective 6/25/16.]

ARTICLE I
AUTHORITY FOR THE STUDENT CODE OF CONDUCT

WAC 132S-100-100 Student code authority. The CBC board of trustees, acting pursuant to RCW 28B.50.140, do by written order, delegate to the president of the college, the authority to adopt such rules and perform all other acts relating to student discipline, including suspension or expulsion of students who are in violation of those rules.

[Statutory Authority: RCW 28B.50.140. WSR 20-03-046, § 132S-100-100, filed 1/9/20, effective 2/9/20; WSR 16-12-039, § 132S-100-100, filed 5/25/16, effective 6/25/16.]

WAC 132S-100-107 Jurisdiction of the student code of conduct. The CBC student code of conduct will apply to conduct by students and student organizations that occurs on college premises, within the residence halls, at college-sponsored events and activities, foreign or domestic travel associated with any of these events or activities, and to off-campus conduct which is in violation or alleged violation of local, state, or federal law, or this student code of conduct. Allegations or violations which occur off campus can be subject to college disciplinary action if the conduct has an effect on the CBC campus. The student code of conduct applies to conduct from the time of application for admission until the award of a degree and/or certificate, even if the conduct may have occurred before classes begin, after classes end, during the academic year, or during periods between terms of actual enrollment. These standards shall apply to a student's conduct even if the student is suspended or withdraws from the college while a disciplinary matter is pending. If a student withdraws after allegedly violating the student code of conduct, but prior to the college reaching a disciplinary decision in the matter, the college can move forward with the disciplinary process, place the process on hold until the student returns, or choose to place the investigation results in the student's file for consideration should they reapply for admittance, reenroll or register for any educational offerings at the college.

[Statutory Authority: RCW 28B.50.140. WSR 20-03-046, § 132S-100-107, filed 1/9/20, effective 2/9/20.]

WAC 132S-100-112 Good standing. The award of a degree or certificate is conditioned upon the student's good standing in the college and satisfaction of all program requirements. "Good standing" means the student has resolved any unpaid fees, or acts of academic or behavioral misconduct, and has complied with all sanctions imposed as a result of any misconduct. CBC shall deny award of a degree or certificate if the student is dismissed from the college based on their misconduct.

[Statutory Authority: RCW 28B.50.140. WSR 20-03-046, § 132S-100-112, filed 1/9/20, effective 2/9/20.]

WAC 132S-100-117 Composition of the student conduct board. The college will have a SCB composed of one chairperson and three decision-making members who shall be vice presidents and deans or directors as designated by the college and trained to conduct the full adjudicative process. The SCB will serve as a standing committee until a final decision is made regarding the student conduct matter for which it was convened. Any SCB member who has a personal relationship with either party or any personal or other interest which would prevent a fair and impartial review and decision will be recused from the proceedings. The chairperson will preside at the disciplinary hearing and will provide administrative oversight throughout the hearing process but will not participate in the deliberations of the decision-making members. The three decision-making members constitute a quorum of the SCB and may act accordingly. The college may retain an advisor to the SCB, including an assistant attorney general.

[Statutory Authority: RCW 28B.50.140 and 20 U.S.C. § 1092(f) and Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. WSR 20-23-031, § 132S-100-117, filed 11/10/20, effective 12/11/20. Statutory Authority: RCW 28B.50.140. WSR 20-03-046, § 132S-100-117, filed 1/9/20, effective 2/9/20.]

WAC 132S-100-123 Composition of the student appeals board. The college will have a SAB composed of three members, appointed by the vice president for student services (VPSS) or designee, who will serve as a standing committee until a decision is made regarding the appeal of the student conduct matter for which it was convened. Any SAB member who has a personal relationship with either party or any personal or other interest which would prevent a fair and impartial review and decision will be recused from the proceedings. The three members of the SAB shall include only faculty and administrative exempt nonstudent college employees trained to conduct the brief adjudicative process. The chairperson will provide administrative oversight throughout the appeal process. The college may retain an advisor to the SAB including an assistant attorney general.

[Statutory Authority: RCW 28B.50.140. WSR 20-03-046, § 132S-100-123, filed 1/9/20, effective 2/9/20.]

WAC 132S-100-127 Convening boards. The VPSS will convene the members of the SCB or the SAB to adjudicate student code of conduct decisions. All board members will receive annual training in investi-

gating and adjudicating student conduct matters in a manner that protects the safety and due process rights of the parties.

[Statutory Authority: RCW 28B.50.140. WSR 20-03-046, § 132S-100-127, filed 1/9/20, effective 2/9/20.]

WAC 132S-100-130 Decisions. All student conduct decisions are made using the preponderance of evidence standard of proof. These decisions become final after twenty-one days from the date of notification to the student unless a written appeal is filed prior to that final date. Decisions to document a complaint without sanction are not eligible for appeal. All decision notifications by the SCO, SCB, SAB, or president will include a statement of the decision, a summary of relevant facts upon which the decision was based, and the procedures for appealing that decision if applicable. The notification will be personally delivered, sent electronically to the student's CBC email address, or by mail to the student's most recent address on file with the college within twenty instructional days of the student conduct proceeding. Students are responsible for promptly notifying the college of changes to their mailing address. Decisions of findings or sanctions by the SCO which do not include sanctions of expulsion, suspension for more than ten days, withholding or revocation of a degree, or loss of recognition of a student organization may be appealed to the SAB. Decisions of findings or sanctions from the SCB may be appealed to the college president. Decisions made by the SAB and college president on appeals are final.

[Statutory Authority: RCW 28B.50.140 and 20 U.S.C. § 1092(f) and Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. WSR 20-23-031, § 132S-100-130, filed 11/10/20, effective 12/11/20. Statutory Authority: RCW 28B.50.140. WSR 20-03-046, § 132S-100-130, filed 1/9/20, effective 2/9/20.]

ARTICLE II PROSCRIBED CONDUCT

WAC 132S-100-202 Conduct—Rules and regulations. The attendance of a student at CBC is a voluntary entrance into the academic community. By such entrance, the student assumes obligations of performance and behavior reasonably imposed by the college relevant to its lawful missions, processes, and functions. It is the college's expectation that students will:

- (1) Conduct themselves in a responsible manner;
- (2) Comply with rules and regulations of the college and its departments;
- (3) Respect the rights, privileges, and property of other members of the academic community;
- (4) Maintain a high standard of integrity and honesty; and
- (5) Not interfere with legitimate college business appropriate to the pursuit of educational goals.

Any student or student organization that, either as a principal or participator or by aiding or abetting, commits or attempts to com-

mit to violate any of the proscribed conduct, rules and regulations, or college policy will be subject to disciplinary action.

Amnesty. To support each student's contribution to a safe and effective campus community, the college will not discipline reporting parties or witnesses for code of conduct violations that occur in connection with reported alleged violation unless the college determines the violation was egregious. Egregious violations include conduct that risked someone's health or safety, or involved plagiarism, cheating, or academic dishonesty. Students may be reluctant to report proscribed conduct when alcohol, drugs, or other intoxicants were involved. To encourage reporting, this amnesty provision applies to alcohol- and drug-related student violations.

[Statutory Authority: RCW 28B.50.140 and 20 U.S.C. § 1092(f) and Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. WSR 20-23-031, § 132S-100-202, filed 11/10/20, effective 12/11/20. Statutory Authority: RCW 28B.50.140. WSR 20-03-046, § 132S-100-202, filed 1/9/20, effective 2/9/20.]

WAC 132S-100-205 Abusive conduct. Physical and/or verbal abuse, threats, intimidation, harassment, online harassment, coercion, bullying, cyberbullying, retaliation, stalking, cyberstalking, and/or other conduct which threatens or endangers the health or safety of any person or which has the purpose or effect of creating a hostile or intimidating environment.

[Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-205, filed 5/25/16, effective 6/25/16.]

WAC 132S-100-208 Abuse of the student conduct process. Abuse of the student conduct process which includes, but is not limited to:

(1) Failure to comply with any notice from a college official to appear for a meeting or hearing as part of the student conduct process.

(2) Willful falsification, distortion, or misrepresentation of information during the conduct process.

(3) Disruption or interference with the orderly conduct of a college conduct proceeding.

(4) Filing fraudulent charges or initiating a college conduct proceeding in bad faith.

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

(6) Attempting to influence the impartiality of a member of the college conduct process prior to, during, and/or after any college conduct proceeding.

(7) Harassment (written, verbal, or physical), retaliation, and/or intimidation of any person or persons involved in the conduct process prior to, during, or after any college conduct proceeding.

(8) Failure to comply with the sanction(s) imposed under the student code of conduct.

[Statutory Authority: RCW 28B.50.140. WSR 20-03-046, § 132S-100-208, filed 1/9/20, effective 2/9/20; WSR 16-12-039, § 132S-100-208, filed 5/25/16, effective 6/25/16.]

WAC 132S-100-210 Destroying or damaging property. Intentional and/or reckless damage to or misuse of college-owned or controlled property, or the property of any person where such property is located within college owned or controlled premises or at college-sponsored functions.

[Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-210, filed 5/25/16, effective 6/25/16.]

WAC 132S-100-213 Discrimination. Engaging in any unfavorable treatment of a person based on that person's membership or perceived membership in a protected class. Harassment is a form of discrimination.

[Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-213, filed 5/25/16, effective 6/25/16.]

WAC 132S-100-215 Disorderly conduct. Includes, but is not limited to, the following:

(1) Obstruction of teaching, administration, or other college activities, including its public service function on- or off-campus, or of other authorized noncollege activities when the conduct occurs on college premises or at college-sponsored functions.

(2) Material and substantial interference with the personal rights or privileges of others or of the educational process of the college.

(3) Lewd or indecent conduct, breach of peace, or aiding, abetting, or procuring another person to breach the peace on college premises or at functions sponsored, or participated in, by the college or members of the academic community.

(4) Unauthorized use of electronic or other devices to make an audio, photographic, digital or video recording of any person without their consent in a location where that person has a reasonable expectation of privacy. This includes, but is not limited to, covertly taking pictures of another person in a gym, locker room, or restroom. Storing, sharing, publishing, or otherwise distributing such recordings or images is also prohibited.

[Statutory Authority: RCW 28B.50.140. WSR 20-03-046, § 132S-100-215, filed 1/9/20, effective 2/9/20; WSR 16-12-039, § 132S-100-215, filed 5/25/16, effective 6/25/16.]

WAC 132S-100-220 Disruption. Includes, but is not limited to, the following:

(1) Participating in an on- or off-campus demonstration, riot, or any activity that disrupts the normal operations of the college and/or infringes on the rights of other members of the college community.

(2) Intentionally and/or recklessly inciting others to engage in any prohibited conduct as defined herein, when incitement may lead to such conduct.

(3) Obstruction of the free flow of pedestrian or vehicular traffic on college premises or at college-sponsored or supervised functions.

[Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-220, filed 5/25/16, effective 6/25/16.]

WAC 132S-100-227 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 20-03-046, § 132S-100-227, filed 1/9/20, effective 2/9/20.]

WAC 132S-100-230 Falsehoods and misrepresentations. Includes the following:

(1) The intentional making of false statements and/or knowingly furnishing false information to any college official, faculty member, or office.

(2) Forgery, alteration, or misuse of any college document, record, fund, or instrument of identification with the intent to defraud.

[Statutory Authority: RCW 28B.50.140. WSR 20-03-046, § 132S-100-230, filed 1/9/20, effective 2/9/20; WSR 16-12-039, § 132S-100-230, filed 5/25/16, effective 6/25/16.]

WAC 132S-100-235 Hazing. Any method of initiation into a student club or organization, or any pastime or amusement engaged in with respect to a group or organization that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm, to any student or other person attending the college as described in Washington statute, RCW 28B.10.900.

[Statutory Authority: RCW 28B.50.140. WSR 20-03-046, § 132S-100-235, filed 1/9/20, effective 2/9/20; WSR 16-12-039, § 132S-100-235, filed 5/25/16, effective 6/25/16.]

WAC 132S-100-240 Insubordination. Failure to comply with the direction of college officials, campus security officers, or law enforcement officers acting in the legitimate performance of their lawful duties and/or failure to properly identify oneself, provide evi-

dence of student enrollment and/or proper identification to these persons when requested to do so.

[Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-240, filed 5/25/16, effective 6/25/16.]

WAC 132S-100-245 Alcohol. (1) Consuming, possessing, furnishing, or selling of alcoholic beverages and/or being under the influence of any alcoholic beverage is prohibited on college premises or at college-sponsored or supervised events except as a participant of legal age in a student program, banquet, or educational program which has the special written authorization of the college president or their designee to permit the service of alcoholic beverages.

(2) Alcoholic beverages may not, in any circumstance, be used by, possessed by, or distributed to any person under the state alcohol legal drinking age.

[Statutory Authority: RCW 28B.50.140. WSR 20-03-046, § 132S-100-245, filed 1/9/20, effective 2/9/20; WSR 16-12-039, § 132S-100-245, filed 5/25/16, effective 6/25/16.]

WAC 132S-100-250 Misuse of equipment and technology. Misuse of the college's computer, telecommunications, or electronic technology, facilities, network, software, or equipment which includes, but is not limited to:

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

(2) Unauthorized transfer of a file.

(3) Use of another individual's credentials or password or allowing someone else to use your own credentials and password.

(4) Violation of law including copyright laws.

(5) Interference with the normal operations of the college or the work of another student, faculty member, or college official.

(6) Sending obscene or abusive messages.

(7) Obtaining personal profit, advertisement, or illegal purposes.

(8) Use for purposes other than those necessary to fulfill an assignment or task as part of the student's program of instruction.

(9) Engaging in any actions and behaviors prohibited by college policy.

[Statutory Authority: RCW 28B.50.140. WSR 20-03-046, § 132S-100-250, filed 1/9/20, effective 2/9/20; WSR 16-12-039, § 132S-100-250, filed 5/25/16, effective 6/25/16.]

WAC 132S-100-255 Safety misconduct. Intentionally initiating or causing to be initiated any false report, warning, or threat of fire, explosion, or other emergency on college premises or at any college-sponsored activity, or falsely setting off or otherwise tampering with any emergency safety equipment, alarm, or other device established for the safety of individuals and/or college facilities, or driving a vehicle recklessly or over the speed limit on campus property.

[Statutory Authority: RCW 28B.50.140. WSR 20-03-046, § 132S-100-255, filed 1/9/20, effective 2/9/20; WSR 16-12-039, § 132S-100-255, filed 5/25/16, effective 6/25/16.]

WAC 132S-100-260 Sexual misconduct. Engaging in nonconsensual sexual intercourse or nonconsensual sexual contact, requests for sexual favors or other conduct of a sexual nature where such behavior offends a reasonable, orderly, prudent person under the circumstances. This includes, but is not limited to:

(1) Sexual activity or contact for which clear and voluntary consent has not been given in advance.

(2) Sexual activity with someone who is incapable of giving valid consent including, but not limited to, someone who is under duress, is underage, sleeping or otherwise incapacitated due to alcohol, drugs, or any other reason.

(3) Sexual harassment, which includes unwelcome, gender-based verbal, written, electronic, and/or physical conduct. Sexual harassment also includes offensive remarks about a person's gender, gender identity, and/or sexual orientation. Sexual harassment encompasses:

(a) Hostile environment sexual harassment; and

(b) Quid pro quo sexual harassment.

(4) Sexual violence which includes, but is not limited to, sexual assault, domestic violence, intimate violence, and sexual- or gender-based stalking.

(5) Nonphysical conduct such as sexual- or gender-based cyberstalking, sexual- or gender-based online harassment, sexual- or gender-based cyberbullying, nonconsensual recording of a sexual activity, and nonconsensual distribution of a recording of a sexual activity, and other forms of sexual exploitation.

(6) Any and all conduct which violates college policy pertaining to sexual misconduct, sexual harassment or discrimination based on sex, gender identity or sexual orientation.

[Statutory Authority: RCW 28B.50.140. WSR 20-03-046, § 132S-100-260, filed 1/9/20, effective 2/9/20; WSR 16-12-039, § 132S-100-260, filed 5/25/16, effective 6/25/16.]

WAC 132S-100-265 Theft. The unauthorized taking or removing of college-owned or operated property or of another's property with the intent of depriving the owner of the property.

[Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-265, filed 5/25/16, effective 6/25/16.]

WAC 132S-100-273 Unauthorized keys, entry, or use. Unauthorized keys, entry or use includes, but is not limited to:

(1) Unauthorized possession, duplication, or use of keys (including conventional keys, key cards, or passcodes) to any college premises;

(2) Unauthorized entry upon or use of college premises or property; or

(3) Providing keys to an unauthorized person or providing access to an unauthorized person.

[Statutory Authority: RCW 28B.50.140. WSR 20-03-046, § 132S-100-273, filed 1/9/20, effective 2/9/20.]

WAC 132S-100-275 Weapons. Unauthorized possession of weapons (e.g., firearms, daggers, swords, knives, other cutting or stabbing instruments, or clubs) or substances (e.g., explosives) apparently capable of producing bodily harm and/or damage to real or personal property is prohibited on or in college-owned or operated facilities and premises and/or during college-sponsored events.

(1) Carrying of firearms on or in college-owned or operated facilities and/or during college-sponsored events is prohibited except and unless the permit is registered with the campus security department for a specified period of time.

(2) The aforementioned regulations within this section shall not apply to equipment or materials owned, used or maintained by the college; nor will they apply to law enforcement officers or campus security officers acting in the legitimate performance of their lawful duties.

[Statutory Authority: RCW 28B.50.140. WSR 20-03-046, § 132S-100-275, filed 1/9/20, effective 2/9/20; WSR 16-12-039, § 132S-100-275, filed 5/25/16, effective 6/25/16.]

WAC 132S-100-280 Academic dishonesty. Academic dishonesty minimizes the learning process and threatens the learning environment for all students. As members of the CBC learning community, students are not to engage in any form of academic dishonesty. Academic dishonesty includes, but is not limited to, cheating, plagiarism, and fabrication or falsification of information, research, or other findings for the purpose of fulfilling any assignment or task as part of the student's program of instruction. Any student who commits or aids and abets the accomplishment of an act of academic dishonesty will be subject to disciplinary action.

[Statutory Authority: RCW 28B.50.140. WSR 20-03-046, § 132S-100-280, filed 1/9/20, effective 2/9/20; WSR 16-12-039, § 132S-100-280, filed 5/25/16, effective 6/25/16.]

WAC 132S-100-285 Classroom misconduct. Being disorderly or disruptive, where such behavior makes it difficult or impossible to continue with the normal functions of the class/program. Bringing any person or object to a teaching and learning environment that may disrupt the environment or cause a safety or health hazard, without the approval of the instructor or other authorized official, is expressly prohibited.

[Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-285, filed 5/25/16, effective 6/25/16.]

WAC 132S-100-290 Violation of law. Conduct which would constitute a violation of any federal, state, or local law. When traveling abroad, international law will apply.

[Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-290, filed 5/25/16, effective 6/25/16.]

WAC 132S-100-295 Violation of college policy, rule, or regulation. Violation of any college policy, rule, or regulation published electronically on the college website or in hard copy.

[Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-295, filed 5/25/16, effective 6/25/16.]

WAC 132S-100-297 Creating a public nuisance in neighboring communities. In furtherance of the college's interest in maintaining positive relationships with the community, the college shall hold students accountable under this conduct code for misconduct within any residential or commercial communities in the area. Conduct that is in violation of a state statute or municipal ordinance and has a direct quality of life impact on community residents or businesses including, but not limited to, creating a public nuisance due to noise, residential disturbance, intentional destruction of property, urinating in public, or criminal trespass.

[Statutory Authority: RCW 28B.50.140. WSR 20-03-046, § 132S-100-297, filed 1/9/20, effective 2/9/20.]

ARTICLE III RULES AND REGULATIONS

WAC 132S-100-300 Responsibility for guests. A student or student organization is responsible for the conduct of their invited guests, advisors and representatives on or in college owned or controlled property and at activities sponsored by the college or sponsored by any recognized college organization.

[Statutory Authority: RCW 28B.50.140. WSR 20-03-046, § 132S-100-300, filed 1/9/20, effective 2/9/20; WSR 16-12-039, § 132S-100-300, filed 5/25/16, effective 6/25/16.]

WAC 132S-100-305 Student clubs and organizations. Any student club or organization shall comply with the student code of conduct. When a member or members of a student club or organization violates the student code of conduct, the members and/or individual member may be subject to appropriate sanctions authorized by this student code of conduct.

[Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-305, filed 5/25/16, effective 6/25/16.]

WAC 132S-100-310 Violation of law and college discipline. College disciplinary proceedings may be used to determine responsibility of a student for conduct that potentially violates the criminal law

and this student code (that is, if both alleged violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this student code of conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings. Determinations made or sanctions imposed under this student code of conduct will not be subject to change because criminal charges arising out of the same facts giving rise to violation of college rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

[Statutory Authority: RCW 28B.50.140. WSR 20-03-046, § 132S-100-310, filed 1/9/20, effective 2/9/20; WSR 16-12-039, § 132S-100-310, filed 5/25/16, effective 6/25/16.]

ARTICLE IV STUDENT CODE OF CONDUCT PROCEDURES

WAC 132S-100-400 Student conduct process. As an agency of the state of Washington, the college's SCO, SCB, SAB, or president may be advised or represented by an assistant attorney general in any student code of conduct proceeding.

(1) Initiation of the student conduct process. A request to initiate the student conduct process for alleged violation(s) of the student code of conduct must be made to the SCO as soon as possible following the violation. Conduct proceedings may be initiated when the SCO receives any direct or indirect report of conduct that may violate this code, which includes, but is not limited to, a police report, an incident report, a witness statement, other documentation, or a verbal or written report from a complainant, witness, or other third party. The college may initiate the student conduct process regardless of whether or not the incident in question is the subject of criminal or civil proceedings. Any member of the college's administration, faculty, staff, or any student or nonstudent may make a request for disciplinary action through the student conduct process and it must be a good faith claim. Formal rules of evidence, such as are applied in criminal or civil court, are not used in conduct proceedings. Relevant evidence, including hearsay, is admissible if it is the type of evidence that reasonable persons would rely upon in the conduct of their affairs. Unduly repetitious or irrelevant evidence may be excluded. If the complaint indicates that the matter involves sexual misconduct, the SCO will forward the complaint to the Title IX office for review in accordance with the college's Title IX grievance policy and procedure or nondiscrimination and harassment policy and grievance procedure, as applicable. Any determinations of relevant evidence or facts made under the Title IX grievance policy and procedure or the nondiscrimination and harassment policy and grievance procedure shall be relied upon in the student conduct process. The SCO or designee will conduct an initial investigation of a complaint to determine whether it alleges conduct that may be prohibited by the student code of conduct. If it is determined through the initial investigation that the report has merit, the SCO will conduct an investigation to determine responsibility. Except in cases of sexual assault or sexual violence, the parties may elect to mediate the dispute, which shall be facilitated by the SCO. If the SCO's investigation indicates that the alleged

violation is so severe that a finding of responsibility is likely to merit expulsion, suspension of more than ten days, revocation of a degree, or loss of recognition of a student organization, the SCO will forward the findings of the investigation to the SCB for review, decision and disciplinary action using the full adjudicative process. If the SCO has a conflict of interest or is the subject of a complaint by the student, the vice president for student services shall, upon request and at their discretion, designate another person to fulfill any such disciplinary responsibilities relative to the request for the student conduct process.

(2) Notification requirements.

(a) If it is determined through the initial investigation that an alleged violation of the student code of conduct might have occurred and which is not eligible for referral to the Title IX officer or the SCB, the SCO will provide the following written notification:

(i) That a report has been submitted alleging conduct which violates the student code of conduct and that a conduct investigation has been initiated to determine responsibility;

(ii) The specific sections of the student code of conduct which are alleged to have been violated;

(iii) That the student may either accept responsibility for the alleged violations or request a conduct meeting with the SCO to present evidence to refute the report;

(iv) That the student may provide evidence such as names and contact information of witnesses to aid the conduct investigation;

(v) The possible sanction outcomes and that the actual sanctions will depend on the determination of responsibility pending the results of the investigation; and

(vi) That if the student fails to participate in any stage of the conduct proceedings or to request a conduct meeting within fifteen days from the date of the notice, the college may move forward with the conduct proceeding without their participation.

(b) If the student requests a conduct meeting within fifteen days of the notice, the student will be provided a written notice to appear for a conduct meeting. The notice to appear will be personally delivered, sent electronically to the student's CBC email address, or sent by mail to the most recent address in the student's record on file with the college, not later than fifteen instructional days after the request for a conduct meeting. The notice will not be ineffective if presented later due to the student's absence. Such notice will:

(i) Set forth the specific provisions of the student code of conduct and the specific acts which are alleged to be violations, as well as the date(s) of the violations, and a description of evidence, if any, of the violation.

(ii) Notify the student of the SCO's investigation and possible sanctions, if any.

(iii) Specify the time, date, and location where the student is required to meet with the SCO. The meeting will be scheduled no earlier than three instructional days, but within thirty instructional days of the date on the notice to appear sent to the student. The SCO may modify the time, date, and location of the meeting, either at the student's or college's request, for reasonable cause.

(iv) Inform the student that failure to attend the conduct meeting will not stop the disciplinary process and may result in a transcript/registration hold being placed onto the student's account, and disciplinary actions.

(v) Inform the student that they may be accompanied at the meeting by an advisor at their expense. The advisor cannot be a college employee or witness. If the student or their advisor is found to have tampered with witnesses or evidence, or destroyed evidence, the student will be held accountable in the conduct process for their acts and those of their advisor.

(vi) Inform the student that they may present evidence to support their assertions during the meeting.

(3) Student conduct meeting - Brief adjudicative process.

(a) During the student conduct meeting, the student will be informed of the following:

(i) The specific acts and the provision(s) of college policy that the student is alleged to have violated;

(ii) The disciplinary process;

(iii) The range of sanctions which might result from the disciplinary process and that the actual sanctions will depend on the findings of responsibility;

(iv) The student's right to appeal.

(b) The student will have the opportunity to review and respond to the allegation(s) and evidence and provide the SCO with relevant information, evidence and/or witnesses to the alleged violation(s), and/or explain the circumstances surrounding the alleged violation(s).

(c) The advisor may assist the student during the conduct meeting, however the student is responsible for presenting their own information and evidence. The advisor may only communicate with the student they are advising. Any disruptions or failure to follow the conduct process and/or directions of the SCO may result in the advisor being excused from the meeting.

(4) Decision by the SCO.

(a) After interviewing the student or students involved and/or other individuals as appropriate, and considering the evidence, the SCO may take any of the following actions:

(i) Determine that the student is not responsible for a violation of the student code of conduct and thereby terminate the student conduct process;

(ii) Determine that the student is responsible for a violation of the student code of conduct and impose disciplinary sanctions as provided herein;

(iii) Determine that further inquiry is necessary and schedule another meeting for reasonable cause; or

(iv) Refer the case to the SCB for the full adjudicative hearing process if the alleged violation is discovered to be of a severe nature and may result in sanctions that include expulsion, suspension for more than ten days, revocation of a degree, or loss of recognition of a student organization.

(b) Notification of the decision by the SCO will be issued pursuant to WAC 132S-100-130 within thirty instructional days of the final student conduct meeting. Due to federal privacy law, the college may not disclose to the complainant any sanctions imposed on the responding student unless the complainant was the alleged victim of a violent crime as defined under the Federal Educational Rights and Privacy Act (FERPA) (20 U.S.C. Sec. 1232g; 34 C.F.R. Part 99), or the responding student consents to such disclosure. A copy of the decision notification will be filed with the office of the SCO.

(c) Disciplinary action taken by the SCO is final unless the student exercises the right of appeal as provided herein.

[Statutory Authority: RCW 28B.50.140 and 20 U.S.C. § 1092(f) and Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. WSR 20-23-031, § 132S-100-400, filed 11/10/20, effective 12/11/20. Statutory Authority: RCW 28B.50.140. WSR 20-03-046, § 132S-100-400, filed 1/9/20, effective 2/9/20; WSR 16-12-039, § 132S-100-400, filed 5/25/16, effective 6/25/16.]

WAC 132S-100-407 Appeal process. (1)(a) Disciplinary decisions may be appealed by filing a written request with the office of the VPSS within twenty-one days of the notice of the decision. Disciplinary decisions of the SCO may be appealed for review by the SAB using the brief adjudicative process. Disciplinary decisions of the SCB may be appealed for review by the college president using the brief adjudicative process. Disciplinary decisions by the SCO that include sexual misconduct may be applied for review by the SCB using the brief adjudicative process. Failure to file a written appeal within twenty-one days will result in the decision becoming final with no further right of appeal.

(b) The request for appeal must include a brief statement explaining the grounds for the appeal or why the party is seeking review. Disagreement with the finding and/or with the sanctions does not, by itself, represent grounds for appeals.

(2) Decisions may be appealed for one or more of the following:

(a) To determine whether there was a procedural error that substantially affected the outcome of the finding or sanctioning. Deviation from designated procedures is not a basis for sustaining an appeal unless significant prejudice results.

(b) To determine whether the sanction(s) imposed were appropriate and not excessively lenient or excessively severe for the violation of the student code of conduct for which the student was found responsible.

(c) To consider new information, sufficient to alter a decision, or other relevant facts not brought during fact finding, because such information and/or facts were not known, and the student bringing the appeal had no duty to discover or could not have reasonably discovered facts giving rise to the issues during investigation or fact-finding.

(3) Refusal to participate during the investigation or student conduct process does not constitute a right to appeal.

The VPSS or designee will forward appeals based on one or more of the required grounds for appeal to the SAB, SCB, or president as provided herein.

A party, who timely appeals a disciplinary action, has a right to a prompt, fair, and impartial appeal review as provided in these procedures.

Interim measures will remain in effect pending an appeal unless they have been removed pursuant to WAC 132S-100-445.

(4) Appeals of disciplinary action(s) will be taken in the following order:

(a) Complainants are afforded the same right to appeal as respondents in student conduct matters in which the complainant was the alleged target of violence or sexual misconduct. If both parties appeal the decision, the appeals will be reviewed in the order in which they are filed or reviewed together, if they state the same, similar, or related grounds or substance for appeal.

(b) The SAB or college president's decision to affirm, reverse or modify the decision and/or sanction will be issued pursuant to WAC 132S-100-130.

(c) The SAB's, and the college president's decisions are final.

[Statutory Authority: RCW 28B.50.140 and 20 U.S.C. § 1092(f) and Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. WSR 20-23-031, § 132S-100-407, filed 11/10/20, effective 12/11/20. Statutory Authority: RCW 28B.50.140. WSR 20-03-046, § 132S-100-407, filed 1/9/20, effective 2/9/20.]

WAC 132S-100-413 Full adjudicative process. The SCB will use the following full adjudicative process to determine responsibility for serious violations which include sanctions of suspension for more than ten days, expulsion, withholding or revocation of a degree, or loss of recognition of a student organization.

(1) The parties will be sent written notification of the SCB adjudication proceedings within ninety days from the date of the filing of the appeal. The notification will contain the following:

(a) The time, date, and location of the hearing, which shall not be less than seven days from the date of the notice of the hearing;

(b) The specific acts alleged and the provision(s) of college policy which those acts violated;

(c) The SCB procedures;

(d) The name and contact information for the SCB and their advisor, if any, representing the college. The notice will include the official title, work mailing address, and telephone number of each of these individuals;

(e) Unless otherwise ordered by the SCB chairperson, the name and mailing addresses of all parties to whom notice is being given and, if known, the names and addresses of their advisors;

(f) A statement that if a party fails to attend or participate in a hearing or other stage of this adjudicative proceeding, they may be held in default in accordance with chapter 34.05 RCW and/or the college may continue the student conduct process, including the hearing, despite the party's absence.

(2) The respondent and complainant have the right to be assisted by one advisor of their choice and at their own expense. The advisor must not be a witness or someone employed by the college. If the respondent chooses to have an attorney serve as their advisor, the student must provide notice to the SCB no less than five instructional days prior to the hearing. The SCB hearing may not be delayed due to the scheduling conflicts of an advisor and such requests will be subject to the discretion of the SCB chairperson. If the student or their advisor is found to have tampered with witnesses or evidence, or destroyed evidence, the student will be held accountable in the conduct process for their acts and those of their representative/advisor.

The respondent and/or complainant are responsible for presenting their own information, and therefore, during the hearing, advisors are not permitted to address the SCB, witnesses, the SCO, or any party or advisor invited by the parties to the hearing. An advisor may communicate with their advisee and recesses may be allowed for this purpose at the discretion of the SCB chairperson. The advisor may not disrupt or interfere with any aspect of the proceeding.

The SCB chairperson shall have the right to impose reasonable conditions upon the participation of the advisor.

(3) The SCB and the parties will be provided reasonable access to the documentation and evidence which will be reviewed by the SCB, as well as the case file that will be retained by the SCO in accordance with applicable privacy laws.

(4) Any SCB member who has a personal relationship with either party or any personal or other interest which would prevent a fair and impartial review and decision will be recused from the proceedings.

A party may make a written request to the SCB chairperson for the recusal of an SCB member no less than five instructional days prior to the hearing. The request must be for good cause, which must be shown by the party making the request. The SCB chairperson will consider the request and notify the student of their decision regarding the recusal prior to the hearing. If the SCB chairperson grants the recusal, a replacement for the recused SCB member will be made without unreasonable delay.

(5) The parties involved in the hearing will be required to submit their witness list and any evidence to be discussed at the hearing to the SCB chairperson no less than five instructional days prior to the hearing. The parties must submit a witness list which contains a written statement from each witness that includes a brief description of the relevant information the witness will provide during the hearing. Witnesses not listed will not participate in the hearing.

(6) Discovery in the form of depositions, interrogatories, and medical examinations of parties are not permitted in student conduct adjudications. Other forms of discovery which ensure the prompt and thorough completion of the adjudication process may be permitted at the discretion of the SCB chairperson.

(7) Hearings will be closed to the public except if consented to by all parties and at the discretion of the SCB chairperson. Witnesses may be allowed in the hearing room only during the time in which they provide their statements to the SCB. The complainant and respondent, depending on their preference and subject to orders of a court of law, such as protection orders, may be present for and observe the entire hearing.

At the discretion of the SCB chairperson, and where the rights of the parties will not be prejudiced, all or part of the hearing may be conducted by telephone, video conference, or other electronic means. Each party shall have the opportunity to hear and if technically and economically feasible, to see the entire hearing while it is taking place. At all times, however, all parties, their advisors, the witnesses, and the public will be excluded during the deliberations of the SCB.

(8) The SCB chairperson will exercise control over the hearing to avoid needless consumption of time and to prevent the harassment or intimidation of witnesses. Any person, including the respondent and complainant, who disrupts a hearing or who fails to follow the directions of the SCB chairperson may be excluded from the proceedings and may be subject to disciplinary action.

(9) Questions posed by any party to be answered by each other or by witnesses must be appropriate and respectful. The SCB chairperson may require any participant of the hearing to provide all questions in writing to the SCB chairperson. The SCB chairperson, if appropriate and at their sole discretion, will read the question to the individual to whom it is directed. Any question which the SCB chairperson has chosen not to read will be documented on record and kept within the case file. The SCB chairperson will decide matters related to the order of the proceedings.

(10) In order that a complete record of the proceeding can be made to include all evidence presented, hearings will be recorded or transcribed, except for the deliberations of the SCB. The record will be the property of the college.

(11) After weighing and considering the evidence, the SCB will decide by unanimous vote whether the respondent is responsible or not responsible for a violation of the student code of conduct. If there is a finding of responsibility for a violation, the SCB shall determine sanctions as provided herein.

(12) The SCB's decision is made on the basis of a "preponderance of the evidence" standard of proof, that is, whether it is more likely than not that the respondent violated the student code of conduct.

(13) The notice of decision of the SCB will be issued pursuant to WAC 132S-100-130. A copy of the SCB's decision will also be filed with the office of the SCO.

(14) Disciplinary action taken by the SCB is final unless the student exercises the right of appeal to the college president as provided herein.

[Statutory Authority: RCW 28B.50.140 and 20 U.S.C. § 1092(f) and Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. WSR 20-23-031, § 132S-100-413, filed 11/10/20, effective 12/11/20. Statutory Authority: RCW 28B.50.140. WSR 20-03-046, § 132S-100-413, filed 1/9/20, effective 2/9/20.]

WAC 132S-100-417 Brief adjudicative process. (1) The brief adjudicative process is conducted in accordance with RCW 34.05.482 through 34.05.494.

(2) The SCO will use the brief adjudicative process to make decisions of findings of responsibility as provided in this code of conduct.

(3) The SCB will use the brief adjudicative process to review appeals of disciplinary decisions which include allegations of sexual misconduct but do not include sanctions of expulsion, suspension for more than ten days, revocation of a degree, or loss of recognition of a student organization.

(4) The president will use the brief adjudicative process to review appeals of all disciplinary decisions made by the SCB.

(5) The SAB will use the brief adjudicative process to review timely appeals of disciplinary decisions which do not include sexual misconduct, sanctions of expulsion, suspension for more than ten days, revocation of a degree, or loss of recognition of a student organization.

(6) Within twenty days of filing the appeal, the SAB or president, as applicable, shall review the record of the preceding conduct decision and all relevant information provided by the parties, and based on a preponderance of the evidence by unanimous vote as applicable, shall make a determination to affirm, reverse, or modify the findings and/or sanctions. The SCB, SAB and president shall have the discretion to seek clarification from witnesses as needed.

(7) Notification of the decision will be issued pursuant to WAC 132S-100-130.

[Statutory Authority: RCW 28B.50.140 and 20 U.S.C. § 1092(f) and Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. WSR 20-23-031, § 132S-100-417, filed 11/10/20, effective 12/11/20. Statu-

tory Authority: RCW 28B.50.140. WSR 20-03-046, § 132S-100-417, filed 1/9/20, effective 2/9/20.]

WAC 132S-100-423 Academic dishonesty process. (1) The class instructor is responsible for handling each case of academic dishonesty in the classroom and for determining a penalty grade as outlined in the course syllabus.

(2) If, within the instructor's professional judgment, reasonable evidence would suggest that a student engaged in academic dishonesty, the instructor will provide notice to the student, either written or verbal, of their assertion of academic dishonesty and of the academic penalty grade within thirty instructional days of the occurrence or when the instructor is made aware of the occurrence.

(3) The instructor will submit a report to the SCO of the assertion of academic dishonesty, the explanation of the notice or actual notice given to the student and a copy of all relevant evidence. The instructor may request that the incident only be documented with the SCO, or refer the matter for disciplinary action. If the student has a previous academic dishonesty record, the SCO may choose to move forward with the disciplinary process without an instructor's request.

[Statutory Authority: RCW 28B.50.140. WSR 20-03-046, § 132S-100-423, filed 1/9/20, effective 2/9/20.]

WAC 132S-100-427 Classroom conduct. Instructors have the authority to take appropriate action to maintain order and proper conduct in the classroom and to maintain the effective cooperation of the class in fulfilling the objectives of the course. An instructor may exclude a student from any single class/program session during which the student is currently being so disorderly or disruptive that it is difficult or impossible to maintain classroom decorum. The instructor will report any such exclusion from the class/program session to the SCO. The SCO may initiate disciplinary action under the student code of conduct.

[Statutory Authority: RCW 28B.50.140. WSR 20-03-046, § 132S-100-427, filed 1/9/20, effective 2/9/20.]

WAC 132S-100-433 Sexual misconduct procedures. (1) Any reports of sexual misconduct will be forwarded to the college's Title IX coordinator or designee for review and investigation in accordance with the college's Title IX grievance policy and procedure or nondiscrimination and harassment policy and grievance procedure, as applicable.

(2) College personnel will honor requests to keep sexual misconduct complaints confidential to the extent this can be done without unreasonable risk to the health, safety, and welfare of the parties or other members of the college community, or compromising the college's duty to investigate and process sexual harassment and sexual violence complaints.

(3) Both the respondent and the complainant in cases involving allegations of sexual misconduct shall be provided the same procedural rights to participate in the disciplinary process, to simultaneously receive notifications, and to appeal the finding and/or sanction.

(4) Notification of the results of the investigation or disciplinary action, if any, will be personally delivered, sent electronically to the student's CBC email address, or sent by mail to the most recent address in the student's record on file with the college.

(5) In the event of conflict between the Title IX grievance policy and procedure or the nondiscrimination and harassment policy and grievance procedure and the student code of conduct, the Title IX grievance policy and procedure or nondiscrimination and harassment policy and grievance procedure, as applicable, shall govern.

(6) All college employees who coordinate, investigate, or adjudicate issues involving sexual misconduct shall receive annual training as required by law, including training on domestic violence, dating violence, sexual assault, stalking and investigation and adjudication processes that protect the safety and due process rights of the parties.

[Statutory Authority: RCW 28B.50.140 and 20 U.S.C. § 1092(f) and Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. WSR 20-23-031, § 132S-100-433, filed 11/10/20, effective 12/11/20. Statutory Authority: RCW 28B.50.140. WSR 20-03-046, § 132S-100-433, filed 1/9/20, effective 2/9/20.]

WAC 132S-100-437 Sexual misconduct appeal procedures. (1) A party may appeal a sexual misconduct disciplinary decision for review according to the procedures as stated in this code of conduct by filing a written request for appeal with the office of the VPSS within twenty-one days of the notification of the disciplinary decision.

(2) The college shall notify the other party of the appeal and provide that party an opportunity to respond to the appeal.

(3) Failure to file a timely notice of appeal constitutes a waiver of this right and the disciplinary decision shall become final.

[Statutory Authority: RCW 28B.50.140. WSR 20-03-046, § 132S-100-437, filed 1/9/20, effective 2/9/20.]

WAC 132S-100-440 Sanctions. Students found responsible for violations of the student code of conduct may be subject to the following sanctions:

(1) Warning. A verbal statement or notice in writing to the respondent that they are violating or have violated college rules or regulations and that continued violations may be the cause for further disciplinary action.

(2) Reprimand. Notice in writing that the respondent has violated one or more of the policies outlined in the student code of conduct and that continuation of the same or similar behavior may result in more severe disciplinary action.

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

(4) 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 may include, but are not limited to, intramural sports, information technology services, college facility use and rental, and involvement in organizational activities.

(5) Restitution. A student may be required to make restitution for damage, loss, or injury. This may take the form of appropriate service and/or monetary or material replacement. Failure to make restitution within thirty instructional days or any period set by the SCO, SCB, SAB, or president will result in an administrative hold being placed on the student's registration, which will prevent future enrollment until the restitution is complete.

(6) Discretionary sanctions. Work assignments, essays, service to the college, or other related discretionary assignments.

(7) Disciplinary probation. Formal action placing conditions upon the student's continued attendance for violations of college rules or regulations or other failure to meet the college's expectations within the student code of conduct. Written notice of disciplinary probation will specify the period of probation and any condition(s) upon which their continued enrollment is contingent. Such conditions may include, but not be limited to, adherence to terms of a behavior contract or limiting the student's participation in extra-curricular activities or access to specific areas of the college's facilities. Disciplinary probation may be for a specified term or for a period which may extend to graduation or award of a degree or certificate or other termination of the student's enrollment in the college.

(8) Restricted access to (trespass from) certain college facilities, property or activities.

(9) Suspension. 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 apply. Students who are suspended may be denied access to all or any part of the campus or other facilities for the duration of the period of suspension.

(10) Expulsion. Permanent separation of the student from the college. Students who are expelled may be permanently denied access to all or any part of the campus or other facilities.

(11) Revocation of admission and/or degree or certificate. Admission to the college or a degree or certificate awarded from the college may be revoked for fraud, misrepresentation, or other violation of college standards in obtaining admission or the degree or certificate, or for other serious violations committed by a student prior award of a degree or certificate.

(12) Withholding degree or certificate. The college may withhold awarding a degree or certificate until the completion of the process set forth in the student code of conduct, including the completion of all sanctions imposed, if any.

(13) Professional evaluation. Referral for drug, alcohol, psychological or medical evaluation by an appropriately certified or licensed professional may be required. The student may choose the professional within the scope of practice and with the professional credentials as defined by the college. Authorization for release of information will be required to allow the college access to the evaluation. The student's return to college may be conditioned upon compliance with recommendations set forth in such a professional evaluation. If the evaluation indicates that the student is not capable of functioning within the college community, the student will remain suspended until future evaluation recommends that the student is capable of reentering the college and complying with the student code of conduct.

(14) Delayed suspension. A probationary amount of time set by the SCO, SCB, SAB, or president in which the student must remain in good standing. If the student is found responsible for violating the student code of conduct while still under the delayed suspension guide-

lines, then the student will be suspended, as set forth in subsection (7) of this section.

(15) No contact order. An order that prohibits direct or indirect physical, verbal, written, and/or any other form of communication or contact with an individual or group. Direct and indirect contact includes, but is not limited to, phone calls, letters, going within sight of places of work or residence, email, social media, etc.

If the respondent is found responsible for any violation, the student's past disciplinary record may be considered in determining an appropriate sanction.

[Statutory Authority: RCW 28B.50.140. WSR 20-03-046, § 132S-100-440, filed 1/9/20, effective 2/9/20.]

WAC 132S-100-445 Interim measures. (1) Interim measures may be taken pending an investigation or adjudication if there is cause to believe that a student or student organization poses an imminent risk of harm to anyone in the college community, or to property, or if the misconduct is so severe, persistent, or pervasive as to substantially disrupt or materially interfere with the college's operations and/or activities or with an individual's education/work activities. Interim measures may include counseling, extensions of time or other course-related adjustments, modifications of class schedules, campus escort services, restrictions on contact between the parties, increased security and monitoring of certain areas of campus, restrictions on access to college owned or operated property and/or events (notice of trespass), including classes, activities and privileges, or any similar measures while the conduct process is pending.

(2) The student must adhere to the conditions of the interim restriction. If an interim restriction includes campus wide restricted access, the SCO may provide written permission for the student to enter campus for specific purposes such as meeting with the SCO or designee, faculty, staff or witnesses to prepare for an appeal, or to participate in the student conduct process.

(3) Notice of interim measure. The student will be provided written notice of the interim measure(s), stating:

(a) The time, date, place, and nature of the circumstances which created the need for interim measures.

(b) A description of any relevant evidence.

(c) The interim measure.

(d) The possible sanctions that could result from violation of the interim measure including arrest for criminal trespass if the student has been trespassed from campus.

(e) The student's right to either accept the interim measure or submit a written appeal of the interim measure within three instructional days to the office of VPSS office. An appeal is waived if not submitted within the prescribed time. If the student timely appeals, the interim measure shall remain in place during the appeal process. The VPSS will provide written notification to the student of the decision to either maintain or discontinue the interim measure within five instructional days of receipt of the appeal.

(f) If the student has been trespassed from the campus, a notice against trespass shall be included that warns the student that their privilege to enter into or remain on college premises has been withdrawn, that they shall be considered trespassing and subject to arrest for criminal trespass if they enter the college campus other than to

meet with the SCO as arranged by an appointment, or to attend a disciplinary hearing. The interim measure shall not replace the regular discipline process, which shall proceed as quickly as feasible in light of the interim restriction.

[Statutory Authority: RCW 28B.50.140. WSR 20-03-046, § 132S-100-445, filed 1/9/20, effective 2/9/20.]

ARTICLE V RECORDS

WAC 132S-100-500 Records of disciplinary action. (1) Records of all disciplinary actions will become part of the student's disciplinary record and kept by the office of the SCO. Disciplinary records are "education records" as defined by FERPA and shall be maintained and disclosed consistent with FERPA and the college's educational records retention policies. All documentation of the student conduct proceedings will be preserved for at least seven years, except in decisions where no violation(s) of the student code of conduct was found. In such cases, only a record of the finding of no violation shall be maintained in the student's file or other college repository after the date of the student's graduation or award of a degree or certificate or for one calendar year, whichever is shorter. All records of expulsion will be kept for twenty-five years from the date of the decision.

(2) The office of the SCO will keep accurate records of all disciplinary actions taken by that office. Such recordings will be placed in the student's disciplinary records. A student has a disciplinary record only after notification of a decision is made and the student is found responsible for a violation of the student code of conduct. A case that is currently under investigation or is classified as "documentation only" is not a disciplinary record.

(3) The Family Educational Rights and Privacy Act (FERPA) provides that an educational institution may notify a student's parent or legal guardian if the student is under the age of twenty-one and has violated a federal, state, or local law involving the use or possession of alcohol or a controlled substance.

[Statutory Authority: RCW 28B.50.140 and 20 U.S.C. § 1092(f) and Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. WSR 20-23-031, § 132S-100-500, filed 11/10/20, effective 12/11/20. Statutory Authority: RCW 28B.50.140. WSR 20-03-046, § 132S-100-500, filed 1/9/20, effective 2/9/20; WSR 16-12-039, § 132S-100-500, filed 5/25/16, effective 6/25/16.]