

**Chapter 132W-112 WAC
STUDENTS RIGHTS AND FREEDOMS**

Last Update: 2/17/21

WAC

132W-112-001	Policy.
132W-112-002	Expressive activities.
132W-112-010	Classroom rights.
132W-112-020	Protection of freedom of expression.
132W-112-030	Protection against improper disclosure.
132W-112-040	Confidentiality of student records.
132W-112-050	Freedom of association.
132W-112-060	Freedom from sexual misconduct.
132W-112-070	Right to distribution of materials.
132W-112-080	Commercial activities policy.
132W-112-090	Freedom of publications and press.
132W-112-103	Statement of purpose.
132W-112-105	Definitions.
132W-112-110	Right to invite off-campus speakers.
132W-112-115	Use of facilities.
132W-112-120	Right to be interviewed.
132W-112-125	Additional requirements for noncollege groups.
132W-112-127	Distribution of materials.
132W-112-130	Right to due process.
132W-112-135	Trespass.
132W-112-140	Freedom from unreasonable search.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

132W-112-100	Freedom of speech and assembly. [Statutory Authority: Chapter 28B.50 RCW. WSR 01-12-015, § 132W-112-100, filed 5/25/01, effective 6/25/01.] Repealed by WSR 19-22-020, filed 10/28/19, effective 11/28/19. Statutory Authority: RCW 28B.50.140(13).
--------------	---

WAC 132W-112-001 Policy. Wenatchee Valley College shall admit all individuals who qualify according to current admission requirements. The college, in compliance with Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, The Americans with Disabilities Act, and other applicable laws and regulations, does not discriminate on the basis of race, creed, religion, color, national origin, sexual orientation, mental or physical handicaps, age, or gender in any of its policies, practices, or procedures. This includes, but is not limited to, admissions, employment, financial aid, and educational services, programs, and activities.

Admissions under the running start program are subject to the rules and regulations of the office of the superintendent of public instruction, the state board for community and technical colleges, and the higher education coordinating board. Curriculum offerings shall be provided to meet the educational and training needs of the community. All students, regardless of their courses of study, shall be considered, known, and recognized equally as members of the student body.

[Statutory Authority: Chapter 28B.50 RCW. WSR 01-12-015, § 132W-112-001, filed 5/25/01, effective 6/25/01.]

WAC 132W-112-002 Expressive activities. This chapter shall be known as facility use for expressive activities.

[Statutory Authority: RCW 28B.50.140(13). WSR 19-22-020, § 132W-112-002, filed 10/28/19, effective 11/28/19.]

WAC 132W-112-010 Classroom rights. These protections apply to students attending any class at WVC

(1) Student performance shall be evaluated solely on an academic basis (which may include attendance), not on the opinions or conduct in matters unrelated to academic standards.

(2) Students are expected to attend classes for which they are registered. When absence occurs because of illness or other urgent reasons, including hazardous weather conditions, it is the obligation of the student to COMPLETE makeup work deemed necessary by the instructor

(3) Students shall have the right to appeal their academic evaluation. At the same time, they are responsible for maintaining standards of academic performance established for each course in which they are enrolled.

[Statutory Authority: Chapter 28B.50 RCW. WSR 01-12-015, § 132W-112-010, filed 5/25/01, effective 6/25/01.]

WAC 132W-112-020 Protection of freedom of expression. Students shall be free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion, but they are responsible for learning the content of any course of study for which they are enrolled.

[Statutory Authority: Chapter 28B.50 RCW. WSR 01-12-015, § 132W-112-020, filed 5/25/01, effective 6/25/01.]

WAC 132W-112-030 Protection against improper disclosure. Individual student views, beliefs, and political associations which faculty members acquire in the course of their work as instructors, advisors, and counselors, are to be considered confidential.

[Statutory Authority: Chapter 28B.50 RCW. WSR 01-12-015, § 132W-112-030, filed 5/25/01, effective 6/25/01.]

WAC 132W-112-040 Confidentiality of student records. Student records are managed in accordance with the Family Educational Rights and Privacy Act (FERPA). To minimize the risk of improper disclosure, academic and disciplinary records shall be separate. Transcripts of academic records shall contain only information about academic status, except when a student is dismissed for misconduct. Record of dismissal for misconduct shall be entered on a student transcript. Academic records, or information from disciplinary or counseling files, shall not be available to unauthorized persons on campus, or to individuals off campus, without the written consent of the student involved, except under legal compulsion or in cases where the safety of persons or property is involved. No records shall be kept which reflect the political activities or beliefs of students. Provision shall be made for the destruction of noncurrent disciplinary records after a period of three years. Administrative staff and faculty members shall respect confidential student information acquired in the course of their work.

[Statutory Authority: RCW 28B.50.140(13). WSR 14-08-013, § 132W-112-040, filed 3/20/14, effective 4/20/14. Statutory Authority: Chapter 28B.50 RCW. WSR 01-12-015, § 132W-112-040, filed 5/25/01, effective 6/25/01.]

WAC 132W-112-050 Freedom of association. Students are free to organize and to participate in voluntary associations of their own choosing. To be officially recognized, the associated students of Wenatchee Valley College must grant student organizations an official charter. Procedures for obtaining an official charter can be found in the ASWVC bylaws. To receive or maintain official recognition, a student organization must be open to all students without regard to race, color, gender, creed, national origin, mental or physical handicaps, age, or sexual orientation.

[Statutory Authority: RCW 28B.50.140(13). WSR 14-08-013, § 132W-112-050, filed 3/20/14, effective 4/20/14. Statutory Authority: Chapter 28B.50 RCW. WSR 01-12-015, § 132W-112-050, filed 5/25/01, effective 6/25/01.]

WAC 132W-112-060 Freedom from sexual misconduct. It is the responsibility of Wenatchee Valley College to maintain an academic work environment free of sexual harassment, which includes sexual harassment, sexual intimidation and sexual violence. Sexual harassment of faculty, staff or students is against the law and will not be tolerated. Sexual harassment violates the dignity of individuals and impedes the realization of the college's educational mission. The college is committed to preventing and addressing sexual harassment of faculty, staff and students through education and by encouraging faculty, staff and students to report any concerns or complaints about sexual harassment. Prompt corrective measures will be taken to stop sexual harassment whenever and wherever it occurs.

[Statutory Authority: Chapter 34.05 RCW and RCW 28B.50.140(13); 20 U.S.C. § 1092(f); Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. WSR 21-06-005, § 132W-112-060, filed 2/17/21, effective 3/20/21. Statutory Authority: RCW 28B.50.140(13). WSR 14-08-013, § 132W-112-060, filed 3/20/14, effective 4/20/14. Statutory Authority: Chapter 28B.50 RCW. WSR 01-12-015, § 132W-112-060, filed 5/25/01, effective 6/25/01.]

WAC 132W-112-070 Right to distribution of materials. Handbills, leaflets and similar materials, whether sold or distributed free of charge, may be distributed by regularly enrolled students and members of recognized student organizations in all areas of the campus, except classrooms, so long as such distribution does not interfere with the educational process, the free flow of traffic, or the rights of others. Such materials shall bear identification as to the distributing organization or individual.

(1) Nonstudents may distribute legal and noncommercial materials on campus in open areas and outside entrances to building so long as such distribution does not interfere with college affairs, scheduled programs and activities, or the free flow of traffic. Material may not be placed on or in automobiles. Inside distribution of materials by nonstudents must have prior approval of the president or a designee.

(2) The college reserves the right at all times to judge each event or activity separately and to regulate the distribution of materials in terms of time, place and manner by furnishing reasonable notice to interested parties.

[Statutory Authority: Chapter 28B.50 RCW. WSR 01-12-015, § 132W-112-070, filed 5/25/01, effective 6/25/01.]

WAC 132W-112-080 Commercial activities policy. College facilities may not be used for commercial solicitation, advertising or promotional activities except when such activities clearly serve educational objectives. These activities must be sanctioned by the president or designee and shall not interfere with college affairs or the free flow of traffic. The college reserves the right to charge commercial vendors for the use of college facilities or space. Students have the right to engage in incidental sales of personal property in a private transaction provided college facilities are not explicitly used for this purpose

[Statutory Authority: Chapter 28B.50 RCW. WSR 01-12-015, § 132W-112-080, filed 5/25/01, effective 6/25/01.]

WAC 132W-112-090 Freedom of publications and press. Student publications and the student press are valuable aids in establishing and maintaining an atmosphere of free and responsible discussion and of intellectual exploration on the campus. The college has developed a publications code that is used to administer all student publications.

[Statutory Authority: Chapter 28B.50 RCW. WSR 01-12-015, § 132W-112-090, filed 5/25/01, effective 6/25/01.]

WAC 132W-112-103 Statement of purpose. Wenatchee Valley College District is an educational institution provided and maintained by the people of the state of Washington. College facilities are reserved primarily for educational use including, but not limited to, instruction, research, public assembly of college groups, student activities and other activities directly related to the educational mission of the college. The public character of the college does not grant to individuals an unlimited license to engage in activity which limits, interferes with, or otherwise disrupts the normal activities to which the college's facilities and grounds are dedicated. Accordingly, the college designates the common areas of the college as a limited public forum dedicated to the use of college groups, subject to the time, place, and manner limitations and restrictions set forth in this policy. Groups or individuals who are invited or permitted to engage in first amendment activities at the college do not represent an endorsement by Wenatchee Valley College or the board of trustees.

The purpose of the time, place, and manner regulations set forth in this policy is to establish procedures and reasonable controls for the use of college facilities. It is intended to balance the college's responsibility to fulfill its mission as a state educational institution of Washington with the interests of college groups seeking to assemble in common areas of the campus for expressive activity. The college recognizes that college groups should be accorded the opportunity to utilize the facilities and grounds of the college to the fullest extent possible. The college has designated certain sites as public use areas open to noncollege groups as set forth herein.

[Statutory Authority: RCW 28B.50.140(13). WSR 19-22-020, § 132W-112-103, filed 10/28/19, effective 11/28/19.]

WAC 132W-112-105 Definitions. (1) "College facilities" includes all buildings, structures, grounds, office space and parking lots.

(2) "College groups" means individuals or groups who are currently enrolled students or current employees of the college, or guests of the college who are sponsored by a recognized student organization, employee organization, or the administration of the college.

(3) "Expressive activity" includes, but is not necessarily limited to, informational picketing, petition circulation, the distribution of informational leaflets or pamphlets, speech-making, demonstrations, rallies, appearances of speakers in outdoor areas, protests, meetings to display group feelings or sentiments and/or other types of assemblies to share information, perspective or viewpoints.

(4) "Noncollege groups" means individuals, or combinations of individuals, who are not currently enrolled students or current employees of the college and who are not officially affiliated or associated with, or invited guests of a recognized student organization, recognized employee group, or the administration of the college.

(5) "Public use areas" means those areas of each campus that the college has chosen to open as places where noncollege groups may assemble for expressive activity protected by the first amendment, subject to reasonable time, place, or manner restrictions.

[Statutory Authority: RCW 28B.50.140(13). WSR 19-22-020, § 132W-112-105, filed 10/28/19, effective 11/28/19.]

WAC 132W-112-110 Right to invite off-campus speakers. Any recognized ASWVC student organization with the written sanction of its adviser, may invite speakers on campus subject to the normal restraints imposed by consideration of the laws of the United States and the state of Washington.

(1) Faculty members may invite speakers to make presentations to classes on topics related to materials being studied.

(2) Faculty organizations may schedule speakers for appearances before faculty groups subject to the normal constraints imposed by consideration of the laws of the United States and the state of Washington.

(3) The appearance of an invited speaker on the campus does not involve an endorsement, either implicit or explicit, of his views by this college, its students, its faculty, its administration or its board of trustees.

(4) The college may require and arrange to have views other than those of the invited speaker represented at the meeting, or at a subsequent meeting. The president may, at his discretion, assign a representative to preside over any meeting where a speaker has been invited.

[Statutory Authority: Chapter 28B.50 RCW. WSR 01-12-015, § 132W-112-110, filed 5/25/01, effective 6/25/01.]

WAC 132W-112-115 Use of facilities. (1) Subject to the regulations and requirements of this policy, groups may use the campus limited forums for expressive activities between the hours of 8:00 a.m. and 10:00 p.m.

(2) College buildings, rooms, and athletic fields may be rented by noncollege groups in accordance with the college's facilities use policy. When renting college buildings or athletic fields, an individual or organization may be required to post a bond and/or obtain insurance to protect the college against cost or other liability in accordance with the college's facility use policy. When the college grants permission to use its facilities it is with the express understanding and condition that the individual or organization assumes full responsibility for any loss or damage.

(3) Any sound amplification device may only be used at a volume which does not disrupt or disturb the normal use of classrooms, offices or laboratories or any previously scheduled college event or activity.

(4) Groups are encouraged to notify the campus public safety department no later than twenty-four hours in advance of an event. However, unscheduled events are permitted so long as the event does not materially disrupt any other function occurring at the facility.

(5) All sites used for expressive activity should be cleaned up and left in their original condition and may be subject to inspection by a representative of the college after the event. Reasonable charges may be assessed against the sponsoring organization for the costs of extraordinary cleanup or for the repair of damaged property.

(6) All fire, safety, sanitation or special regulations specified for the event are to be obeyed. The college cannot and will not provide utility connections or hook-ups for purposes of expressive activity conducted pursuant to this policy.

(7) The event must not be conducted in such a manner to obstruct vehicular, bicycle, pedestrian or other traffic or otherwise interfere with ingress or egress to the college, or to college buildings or facilities, or to college activities or events. The event must not create safety hazards or pose unreasonable safety risks to college students, employees or invitees to the college.

(8) The event must not interfere with educational activities inside or outside any college building or otherwise prevent the college from fulfilling its mission and achieving its primary purpose of providing an education to its students. The event must not materially infringe on the rights and privileges of college students, employees, or invitees to the college.

(9) There shall be no overnight camping on college facilities or grounds. Camping is defined to include sleeping, carrying on cooking activities, or storing personal belongings for personal habitation, or the erection of tents or other shelters or structures used for purposes of personal habitation.

(10) College facilities may not be used for commercial sales, solicitations, advertising or promotional activities, unless:

(a) Such activities serve educational purposes of the college; and

(b) Such activities are under the sponsorship of a college department or office or officially chartered student club.

(11) The event must also be conducted in accordance with any other applicable college policies and regulations, local ordinances and state or federal laws.

[Statutory Authority: RCW 28B.50.140(13). WSR 19-22-020, § 132W-112-115, filed 10/28/19, effective 11/28/19.]

WAC 132W-112-120 Right to be interviewed. Every student has the right to be interviewed on campus by any legal organization desiring to recruit at the college.

[Statutory Authority: Chapter 28B.50 RCW. WSR 01-12-015, § 132W-112-120, filed 5/25/01, effective 6/25/01.]

WAC 132W-112-125 Additional requirements for noncollege groups.

(1) College buildings, rooms, and athletic fields may be rented by noncollege groups in accordance with the college's facilities use policy. When renting college buildings or athletic fields, an individual or organization may be required to post a bond and/or obtain insurance to protect the college against cost or other liability in accordance with the college's facility use policy. When the college grants permission to use its facilities it is with the express understanding and condition that the individual or organization assumes full responsibility for any loss or damage.

(2) Noncollege groups may otherwise use college facilities for expressive activity as identified in this policy.

(3) The college designates the following area(s) as the sole limited public forum area(s) for use by noncollege groups for expressive activity on campus:

(a) The public use area may be scheduled. Scheduled groups have priority of use over unscheduled groups:

(i) On the college's Wenatchee campus, the limited public forum is located on the west side of the campus fountain in front of the Van Tassell building.

(ii) On the Omak campus, the limited public forum is located on the north side of campus located adjacent to the garden behind the North Classroom building.

(b) Please contact the vice president of administrative services for more information.

(4) Noncollege groups that seek to engage in expressive activity on the designated public use area(s) are encouraged to provide notice to the campus public safety office no later than twenty-four hours prior to the event along with the following information solely to ensure:

(a) The area is not otherwise scheduled; and

(b) To give the college an opportunity to assess any security needs:

(i) The name, address, and telephone number of a contact person for the individual, group, entity, or organization sponsoring the event;

(ii) The date, time and requested location of the event;

(iii) The nature and purpose of the event; and

(iv) The estimated number of people expected to participate in the event.

[Statutory Authority: RCW 28B.50.140(13). WSR 19-22-020, § 132W-112-125, filed 10/28/19, effective 11/28/19.]

WAC 132W-112-127 Distribution of materials. College groups may post information on bulletin boards, kiosks and other display areas designated for that purpose, and may distribute materials throughout the open areas of campus, in compliance with WVC policy 200.180, distribution of materials. Noncollege groups may distribute materials only at the site designated for noncollege groups. The sponsoring organization is encouraged, but not required, to include its name and address on the distributed information.

[Statutory Authority: RCW 28B.50.140(13). WSR 19-22-020, § 132W-112-127, filed 10/28/19, effective 11/28/19.]

WAC 132W-112-130 Right to due process. Students subject to disciplinary action by the college are entitled to a hearing, the procedures for which guarantee that the student will receive fair treatment, and which allow the college to take appropriate action. Pending action on college or civil charges, the status of a student will not be altered, or his or her right to be present on the campus and to attend classes suspended, except for reasons relating to his physical or emotional safety and well-being, or for reasons relating to the safety and well-being of students, staff or college property.

[Statutory Authority: Chapter 28B.50 RCW. WSR 01-12-015, § 132W-112-130, filed 5/25/01, effective 6/25/01.]

WAC 132W-112-135 Trespass. (1) Noncollege groups who violate these rules, or whose conduct jeopardizes the health or safety of others, will be advised of the specific nature of the violation, and if they persist in the violation, will be requested by the campus president or designee to leave the college property. Such a request will be deemed to withdraw the license or privilege to enter onto or remain upon any portion of the college facilities of the person or group of persons requested to leave, and subject such individuals to arrest under the criminal trespass provisions of chapter 9A.52 RCW or municipal ordinance.

(2) Members of the college community (students, faculty, and staff) who do not comply with these regulations will be reported to the appropriate college office or agency for action in accordance with established college policies.

(3) When the college revokes the license or privilege of any person to be on college property, temporarily or for a stated period of time, that person may file a request for review of the decision with the vice president of administration or designee within ten days of receipt of the trespass notice. The request must contain the reasons why the individual disagrees with the trespass notice. The trespass notice will remain in effect during the pendency of any review period. The decision of the vice president of administrative services or designee will be the final decision of the college and should be issued within five work days.

[Statutory Authority: RCW 28B.50.140(13). WSR 19-22-020, § 132W-112-135, filed 10/28/19, effective 11/28/19.]

WAC 132W-112-140 Freedom from unreasonable search. Students have the right to be secure in their persons, quarters, papers, and effects against unreasonable searches and seizures.

[Statutory Authority: Chapter 28B.50 RCW. WSR 01-12-015, § 132W-112-140, filed 5/25/01, effective 6/25/01.]