

TRANSMITTAL OF RULES ADOPTED

FROM: Board of Trustees, Community College District No. 18
(Name of Agency) Big Bend Community College

TO: CODE REVISER
LEGISLATIVE BLDG (Southwest Corner, Ground Floor)
Olympia 98501

The enclosed Permanent rules , being order No. 69-4
Emergency rules

relating to (Name of rules or description of subject matter)

A code of Student Conduct and prescribing penalties for the violation thereof.

(ALTERNATIVE A. Use only for adoption of permanent rules)

pursuant to Notices No. 2400 and ^① 2456 filed with the code reviser
and November 10 2456
on Sep 15 1969 / ^② were regularly adopted as permanent rules of this
(date)
agency at Moses Lake, Wn. on 2 Dec 69 and are herewith
(place) (date)
filed in the office of the code reviser pursuant to chapter 34.04
RCW. The effective date of such rules shall be at filing ^③

(ALTERNATIVE B. Use only for adoption of emergency rules)

pursuant to its finding that the immediate adoption of
these rules is necessary for the preservation of the public
health, safety, or general welfare and that observance of the
requirements of notice and opportunity to present views on
the proposed action would be contrary to the public interest,
were regularly adopted as emergency rules of this agency at
on and are herewith filed in
(place) (date)
the office of the code reviser pursuant to chapter 34.04 RCW.

Dated this 2nd day of December 1969.

STATE OF WASHINGTON
FILED
DEC 5 1969
CODE REVISER'S OFFICE
KET # 2017 FILE # 1

BOARD OF TRUSTEES
COMMUNITY COLLEGE DISTRICT NO. 18
(AGENCY)

Walter Click
By
Walter Click, Chairman
Title

- ① NOTICE NUMBER AS APPEARS ON THE COPY OF NOTICE RETURNED TO YOU BY REVISER'S OFFICE (IF PROCEEDINGS WERE CONTINUED, USE NO. OF LAST NOTICE)
- ② STAMPED DATE AS APPEARS ON THE COPY OF NOTICE RETURNED TO YOU BY REVISER'S OFFICE (IF PROCEEDINGS WERE CONTINUED, USE DATE OF LAST NOTICE)
- ③ UNLESS A LATER DATE IS SPECIFIED IN THIS ORDER OR IS PRESCRIBED IN ANOTHER STATUTE, RULES ARE EFFECTIVE 30 DAYS AFTER FILING: RCW 34.04.040. LEAVE THIS SPACE BLANK EXCEPT IN SUCH SPECIAL CASES.

BOARD OF TRUSTEES

COMMUNITY COLLEGE DISTRICT NO. 18

RESOLUTION NO. 69 -4

BE IT RESOLVED by the Board of Trustees of Community College District

No. 18, State of Washington:

1. The annexed Regulations, to wit: the adoption of the new Rules relating to conduct of students at Big Bend Community College and providing a method of enforcement therefor, are approved and adopted as permanent Rules of Community College District No. 18, State of Washington.
2. This Resolution and annexed Regulations, to wit Chapter 132R-04 WAC, after being first recorded at Big Bend Community College, Moses Lake, Washington, shall be forwarded to the Code Reviser for filing pursuant to Chapter 34.04 RCW and WAC 1-12-050 adopted at a meeting of the Board of Trustees of Community College District No. 18, State of Washington, held at Moses Lake, Washington on December 2, 1969 with a quorum of such trustees duly present after Notice of such meeting was duly and regularly given as required by law.

BOARD OF TRUSTEES
COMMUNITY COLLEGE DISTRICT NO. 18

By: Matthew J. Black
Chairman, Board of Trustees

ATTEST:

Robert J. Wallington
Secretary, Board of Trustees

Chapter 132R-04

RULES OF CONDUCT AND PROCEDURES
OF ENFORCEMENT

NEW

WAC 132R-04-010 DEFINITION. As used in this chapter 132R-04 WAC, the following words and phrases shall mean:

- (1) "Board" shall mean the Board of Trustees of Community College District No. 18, State of Washington.
- (2) "College" shall mean Big Bend Community College, or any additional community college hereafter established within Community College District No. 18, State of Washington.
- (3) "Liquor" shall mean the definition of liquor as contained within RCW 66.04.010 (16) as now law or hereafter amended.
- (4) "Drugs" shall mean and include any narcotic drug as defined in RCW 69.33.230 (14) as now law or hereafter amended and shall include any dangerous drug as defined in RCW 69.40.060 as now law or hereinafter amended and shall include any dangerous drug as defined in RCW 69.40.060 as now law or hereinafter amended.
- (5) "College facilities" shall mean and include any or all real property controlled or operated by the college and shall include all buildings and appurtenances affixed thereon or attached thereto.
- (6) "Demonstration" shall mean 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.
- (7) "Disciplinary action" shall mean and include the expulsion, suspension or reprimand of any student by the college president pursuant to WAC 132R-04-150 for the violation of any designated rule or regulation of the rules of student conduct for which a student is subject to disciplinary action.
- (8) "Student" shall mean and include any person who is regularly enrolled at the college.
- (9) "President" shall mean the president appointed by the board or in such president's absence, the acting president.
- (10) "Rules of Student Conduct" shall mean the rules contained within chapter 132R-04 WAC as now exist or which may be hereafter amended, the violation of which subject a student to disciplinary action.
- (11) "Disciplinary Committee" shall mean the hearing committee as denominated in WAC 132R-04-120.

NEW

WAC 132R-04-020 LIQUOR. The possession, consumption or being demonstrably under the influence of any form of liquor by any student on college facilities or at college related activities shall be cause for disciplinary action.

NEW

WAC 132R-04-030 DRUGS. Any student who shall use, possess or sell any drug as defined in WAC 132R-04-010 on college facilities or at college related activities shall be subject to disciplinary action except when the use or possession of a drug is specifically prescribed as medication by an authorized medical doctor or dentist. For purposes of this regulation, "sell" shall include the statutory meaning defined in RCW 69.04.005.

NEW

WAC 132R-04-040 DEMONSTRATION RIGHTS.

- (1) Students and nonstudents may conduct or may participate in any demonstration as defined in WAC 132R-04-010 on college facilities which are generally available to the public provided such demonstrations:
 - (a) Are conducted in an orderly manner; and
 - (b) Do not unreasonably interfere with classes, scheduled meetings or ceremonies, or with the general educational processes

of the college; or

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

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

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

NEW

WAC 132R-04-050 CRIMINAL VIOLATIONS.

(1) Any student who shall commit larceny of the property of another, as defined in RCW 9.54.010 upon college premises, shall be subject to disciplinary action.

(2) Any student who shall assault another in the manner prohibited by RCW 9.11.010, RCW 9.11.020 or RCW 9.11.030 upon college premises, shall be subject to disciplinary action.

(3) Any student who engages in acts of forgery as defined by RCW 9.44.010 upon college premises, shall be subject to disciplinary action.

NEW

WAC 132R-04-060 COMMERCIAL ACTIVITIES.

(1) College facilities shall not be used for commercial solicitation, advertising or promotional activities except when such activities clearly serve educational objectives, including but not limited to, display of books of interest to the academic community or the display or demonstration of technical or research equipment, and when such commercial activities relate to educational objectives and are conducted under the sponsorship or at the request of a college department or office of the associated student body, provided that such solicitation does not interfere with or operate to the detriment of the conduct of the college affairs or the free flow of pedestrian or vehicular traffic.

(2) For the purpose of this section, the term "commercial activities" does not include handbills, leaflets, newspapers and similarly related materials as regulated in WAC 132R-04-090.

NEW

WAC 132R-04-070 OUTSIDE SPEAKERS.

(1) Any recognized ASB campus student organization may invite speakers on campus subject to the legal restraints imposed by the laws of the United States and the state of Washington.

(2) The appearance of an invited speaker on the campus does not represent an endorsement, either implicit or explicit, of his views by the college, its students, its faculty, its administration or its Board.

(3) The scheduling of facilities for hearing invited speakers shall be made through the office of the dean of instruction, by the inviting campus student organization.

(4) The dean of student personnel services will be notified at least three days prior to the appearance of an invited speaker, at which time a proper form (available in the office of the dean of student personnel services) must be completed with all particulars regarding speaker, time, place, etc., signed by the sponsoring organization advisor, and filed with the dean of student personnel services. Exceptions to the three day ruling may be made by the director of activities

with the approval of the dean of student personnel services.

NEW

WAC 132R-04-080 TRESPASS.

(1) The president of the college, or, in such president's absence, the acting president, is authorized in the instance of any event that the president deems to be unreasonably disruptive of order or which the president deems impedes the movement of persons or vehicles or which the president seems to disrupt the ingress and/or egress of persons from facilities owned and/or operated by the college, then the president, acting through the dean of student personnel services or such other person designated by the president, shall have the power and authority subject to the students' right of demonstration as guaranteed pursuant to WAC 132R-04-040 to:

(a) Prohibit the entry of, or withdraw the license or privilege of any person or persons or any group of persons to enter onto or remain upon all or any portion of a college facility which is owned and/or operated by the college; or

(b) To give notice against trespass by any manner specified in Section 1 (2), Chapter 7, Laws of 1969 State of Washington to any person, persons, or group of persons against whom the license or privilege has been withdrawn or who have been prohibited from, entering onto or remaining upon all or any portion of a college facility, which college facility is owned and/or operated by the college; or

(c) To order any person, persons or group of persons to leave or vacate all or any portion of a college facility which is owned and/or operated by the college.

(2) The President or acting president may consult and confer with a special committee in the instance of any event which constitutes a continued and prolonged violation of said Chapter 7, Laws of 1969. Said committee shall be composed of three faculty members selected by the college faculty association, one of whom shall serve as chairman, and two students selected by the student government of the college.

(3) Any student who shall disobey a lawful order given by the president or his designee pursuant to the requirements of Section 1 of this rule, shall in addition to violating criminal law also be subject to disciplinary action.

NEW

WAC 132R-04-090 DISTRIBUTION OF MATERIALS.

(1) Handbills, leaflets, newspaper and similar related matter may be sold or distributed free of charge by any student or students or by members of recognized student organizations or by college employees on or in college facilities at locations specifically designated by the director of activities; provided such distribution or sale does not interfere with the ingress and egress of persons, or interfere with the free flow of vehicle or pedestrian traffic.

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

(3) All nonstudents shall be required to register with the director of activities prior to the distribution of any handbill, leaflet, newspaper or related matter. Nonstudents shall not be allowed to sell handbills, leaflets, newspapers or related matter on or in college facilities.

NEW

WAC 132R-04-100 DELEGATION OF DISCIPLINARY AUTHORITY. The board, acting pursuant to RCW 28.85.140 (14), do by written order delegate to the president of the college authority to administer the disciplinary action prescribed in WAC 132R-04-150. All disciplinary actions in which there is a recommendation that a student be suspended or expelled, shall be acted upon by the president. The president shall have no authority to delegate this decision.

NEW

WAC 132R-04-110 DISCIPLINARY ACTION.

(1) The dean of student personnel services shall be the primary person responsible for the initiation of disciplinary action for conduct which is prohibited pursuant to the rules of student conduct and for the violation of other college rules except for those rules which are the responsibility of the divisions and instructors hereafter enumerated.

(a) The division chairman, and the faculty of each division, shall be responsible for the administration of discipline, for the infraction of any rule relating to such student's academic program; and

(b) The instructor of each course shall be responsible for the maintenance of order and proper student conduct in a classroom. Such instructor shall be authorized to take any summary steps as may be necessary to preserve order and to maintain effective cooperation of the class in fulfilling the objective of the course; and

(c) The classroom instructor may, for a serious violation of classroom decorum or order, refer such violation to the chairman of the division involved and such chairman through the dean of instruction may request the dean of student personnel services to initiate disciplinary action.

(2) Any student accused of violating any provision of the rules of student conduct will be called for an initial conference with the dean of student personnel services or his designated representative, and will be informed of what provision or provisions of the rules of student conduct he is charged with violating, and what appears to be the maximum penalties, if any, which might result from initiation of a disciplinary proceeding.

(3) After considering the evidence in the case and interviewing the student or students accused of violating the rules of student conduct, the dean of student personnel services or his designated representative may take any of the following actions:

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

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

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

(d) If major sanctions are deemed necessary, the dean of student personnel services may recommend that the president impose disciplinary action pursuant to WAC 132R-04-150 after a hearing before the disciplinary committee as denominated in 132R-04-120 unless the student waives the right to a hearing in writing, in which case the president shall interview the student and consider all evidence including the examination of any witnesses and impose disciplinary action pursuant to WAC 132R-04-150.

NEW

WAC 132R-04-120 DISCIPLINARY COMMITTEE.

(1) The disciplinary committee shall be a standing committee established at the beginning of each year, no later than the end of the second week of regularly scheduled classes. Each member

shall serve one year. The committee will be composed of four students selected by the student government of the college and four faculty members selected by the college faculty association. One faculty member shall be elected by the committee to serve as chairman, and who shall be entitled to vote in all proceedings. If disciplinary action is necessary prior to the selection of the standing committee, the executive council of both the associated student body of the college and the college faculty association shall serve as a disciplinary committee protem.

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

(3) The disciplinary committee shall conduct such hearing within 25 days after disciplinary action has been referred to such committee and shall give the student charged with violation of the rules of student conduct a minimum of 20 days notice as specified within WAC 132R-04-130.

NEW

WAC 132R-04-130 DISCIPLINARY COMMITTEE PROCEDURES.

(1) The hearing panel will hear, de novo, and make recommendations to the president of the college on all disciplinary cases referred to it by the dean of student personnel services.

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

(3) The student shall be given written notice of the time and place of the hearing before the disciplinary committee by personal service or registered mail and be afforded not less than 20 days notice thereof. Said notice shall contain:

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

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

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

(5) If the student elects to choose a duly licensed attorney admitted to practice in any state in the United States as his counsel, he must tender three days notice thereof to the dean of student personnel services.

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

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

as they shall deem appropriate against the student.

(8) An adequate summary of all the evidence and facts presented to the disciplinary committee during the course of the proceeding will be taken. A copy thereof shall be available at the office of the dean of student personnel services.

NEW

WAC 132R-04-140 DISCIPLINARY COMMITTEE DECISION.

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

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

(b) That the president impose any of the disciplinary action as provided in WAC 132R-04-150.

(2) The student will be provided with a copy of the committee's findings of fact and conclusions regarding whether the student did violate any rules of student conduct, and such student shall also be provided with a copy of the recommendations of disciplinary action.

NEW

WAC 132R-04-150 IMPOSITION OF DISCIPLINE.

(1) The college president shall review all actions for which the disciplinary committee has recommended disciplinary action and determine whether or not disciplinary action shall be imposed against the said student. The college president shall have no authority to impose any disciplinary action on a student unless disciplinary action has been recommended by the disciplinary committee against such student or unless such student has waived his right to a hearing before such disciplinary committee. The disciplinary action imposed by the president shall not be more severe than that recommended by the disciplinary committee.

(2) In determining whether or not to impose disciplinary action against a student, the president shall review the summary of the evidence and facts presented to the disciplinary committee, the findings and conclusions of the disciplinary committee, and the recommendation of the disciplinary committee and the college president shall then determine whether or not to impose disciplinary action in any form.

(3) If the college president determines to impose disciplinary action for a violation of the rules of conduct for which disciplinary action has been recommended by the disciplinary committee unless the said student waives his right to such hearing, the college president shall have authority to:

(a) Expell such student permanently from the college; or

(b) Suspend the right of such student to attend the college for a maximum of three consecutive academic quarters; or

(c) Reprimand such student in writing and forward a copy of such reprimand to the guardian or parents of such student.

NEW

WAC 132R-04-160 STUDENT APPEAL. Any student feeling aggrieved by the findings or conclusions of the disciplinary committee or the order of the college president imposing disciplinary action may appeal the same in writing by directing an appeal to the chairman of the Board within 15 days following receipt of the order of the president imposing disciplinary action. The Board may, at their discretion, suspend any disciplinary action pending determination of the merits of the findings, conclusions and dis-

ciplinary action imposed.

NEW

WAC 132R-04-170 CIVILIAN PROSECUTION. The board acting through the college president may refer any violations of the rules of student conduct which involve violations of federal or state law to civilian authorities for disposition.

NEW

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

NEW

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

WAC

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

NEW

WAC 132R-04-055 CLASSROOM CONDUCT. Any student who shall use abusive language toward a classroom instructor or who shall, by any act of misconduct, substantially disrupt a particular class, shall be subject to disciplinary action. Nothing contained within this rule shall preclude an instructor from undertaking summary disciplinary measures pursuant to WAC 132R-04-110 (1) (b).

NEW

WAC 132R-04-035 DAMAGING PROPERTY. Any student who shall wilfully attempt to damage or destroy or who in fact does wilfully damage or destroy any property owned, controlled or operated by the college, shall be subject to disciplinary action.