

TRANSMITTAL OF RULES ADOPTED BY INSTITUTION OF HIGHER EDUCATION

FROM: Central Washington State College  
(Name of Institution)

TO: CODE REVISER  
LEGISLATIVE BLDG. (Southwest Corner, Ground Floor)  
OLYMPIA 98504

The enclosed rules  Permanent rules  Emergency rules, being Order No. 22  
relating to (Name of rules or description of subject matter)

Amendments to Student Rights and Responsibilities  
Policy, addition of new sections, and repeal of  
WAC 106-120-012, 106-120-052 and 106-120-919

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

pursuant to Notice No. 5323 (1) filed with the code reviser  
on July 3, 1975 (2) were regularly adopted as permanent rules of  
(date) Samuelson Union  
this institution at Bldg., Room 206 on 7-28-75 and are herewith  
(place) (date)  
filed in the office of the code reviser pursuant to chapter 28B.19  
RCW. The effective date of such rules shall be \_\_\_\_\_ (3)

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

pursuant to its finding in the attached administrative order,  
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  
institution at \_\_\_\_\_ on \_\_\_\_\_ and  
(place) (date)  
are herewith filed in the office of the code reviser pursuant to  
chapter 28B.19 RCW.

The undersigned hereby certifies that the requirements of chapter  
28B.19 RCW and of the Open Public Meetings Act of 1971, chapter  
42.30 RCW have been fulfilled.

Dated this 28th day of July 1975.

STATE OF WASHINGTON  
**FILED**  
JUL 29 1975  
CODE REVISER'S OFFICE  
DOCKET 6599 FILE # 2

Central Washington State College  
(INSTITUTION)

Robert S. Miller  
By  
Dean of Student Development  
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 28B.19.050(2). Leave this space blank except in such special cases.

STATE OF WASHINGTON  
CENTRAL WASHINGTON STATE COLLEGE

ADMINISTRATIVE ORDER NO. 22

(1) I, Robert S. Miller, Dean of Student Development of Central Washington State College, by virtue of the authority vested in me under chapters 34.04, 28B.19 and 28B.40.120 RCW, Central Washington State College Board of Trustees Resolution No. 71-16, and a letter of designation from the President, do promulgate and adopt the annexed amendments and new sections to the Student Rights and Responsibilities Policy, WAC 106-120 as permanent rules of this institution and do hereby repeal certain sections of that policy.

(2) This order after being first recorded in the order register of this institution shall be forwarded to the Code Reviser for filing pursuant to chapter 28B.19 RCW and chapter 1-13 WAC.

APPROVED AND ADOPTED July 28, 1975

By Robert S. Miller

Dean of Student Development

AMD

WAC 106-120-010 RIGHTS AND RESPONSIBILITIES OF STUDENTS.

(1) Students at the College neither lose the rights nor escape the obligations of citizenship. Students retain and enjoy all rights secured to citizens by the Constitution and laws of the United States, and the Constitution and laws of the State of Washington, and ordinances and laws of the County of Kittitas and City of Ellensburg. Students are obliged to obey these laws.

(2) The College distinguishes its responsibility for student conduct from the controls imposed by the larger community outside the College, and of which the College is a part. When students are charged with violations of laws of the nation, state, county, or city, the College will neither request nor agree to special consideration for students because of their status as students, but the College will cooperate with law enforcement agencies, courts, and any other agencies in programs for rehabilitation of students.

(3) The College reserves the right to impose further sanctions after law enforcement agencies, courts, and other agencies have imposed penalties or otherwise disposed of a case.

(4) The College does not have the responsibilities of a parent for the conduct of students, and is not responsible for law enforcement off campus.

AMD

WAC 106-120-011 INTERNAL SOLUTION OF PROBLEMS. It shall

be a policy of the College to solve problems internally when possible. Students and College officials should attempt counseling and mediation procedures, using internal College resources as far as possible in the resolution of problems and grievances.

AMD

WAC 106-120-013 DEFINITIONS. When used in WAC 106-120-010 through WAC 106-120-999:

(1) "College" shall mean Central Washington State College.

(2) "President" shall mean the President of the College.

(3) "Dean" shall mean the Dean of Student Development of the College, his delegates, or his representative.

(4) "Student" shall mean a person enrolled at the College either full or part time, pursuing undergraduate, graduate, or extension studies, or a person accepted for admission or readmission to the College.

(5) "Instructor" shall mean any person employed by the College to conduct classes as set forth in the Faculty Code of Personnel Policy and Procedure. In certain circumstances a person may be both a "student" and an "instructor." Determination of whether such a person's status as student is involved in particular situations shall be determined by the Campus Judicial Council based upon the circumstances.

(6) "Legal Compulsion" shall mean a judicial or legislative order which requires some action by the person to whom it is directed.

(7) "ASC" shall mean the Associated Students of Central.

(8) "Violation of Law" shall mean a violation of any state or political subdivision thereof having jurisdiction over the place in which the violation occurs.

WAC 106-120-020 PROSCRIBED CONDUCT. A student shall be subject to disciplinary action or sanction upon violation of any of the following conduct proscriptions:

(1) Academic dishonesty in all its forms including, but without being limited to cheating on tests, plagiarism, collusion, and submission of another's work product as the student's own.

(2) Cheating on tests.

(3) Copying from another student's test paper.

(4) Using materials during a test not authorized by the person giving the test.

(5) Collaboration with any other person during a test without authority.

(6) Knowingly obtaining, using, buying, selling, transporting, or soliciting in whole or in part the contents of an unadministered test.

(7) Bribing any other person to obtain an unadministered test or information about an unadministered test.

(8) Substitution for another student or permitting any other person to substitute for oneself to take a test.

(9) "Plagiarism" which shall mean the appropriation of any other person's work and the unacknowledged incorporation of that work in one's own work offered for credit.

(10) "Collusion" which shall mean the unauthorized collaboration with any other person in preparing work offered for credit.

(11) Filing a formal complaint with the Dean of Student Development or his designee falsely accusing another with having violated a provision of this code.

(12) Furnishing false information to the Campus Judicial Council with the intent to deceive, the intimidation of witnesses, the destruction of evidence with the intent to deny its presentation to the Campus Judicial Council or the willful failure to appear before the Campus Judicial Council when properly notified to appear.

(13) Intentionally setting off a fire alarm or reporting a fire or other emergency or tampering with fire or other emergency equipment except when done with the reasonable belief in the existence of a need therefor.

(14) Forgery, alteration, or misuse of College documents, records, or identification cards.

(15) Physically abusing or intentionally inflicting severe emotional distress upon another member of the College community whether occurring on or off campus; or physically abusing or intentionally inflicting severe emotional distress upon a non-member of the College community on the campus.

(16) Theft or malicious destruction, damage or misuse of College property or private property of another member of the College community whether occurring on or off campus; or theft or malicious destruction, damage or misuse on campus of property of a non-member of the College community.

(17) Unauthorized seizure or occupation or unauthorized presence in any College building or facility.

(18) Intentional disruption or obstruction of teaching, research, administration, disciplinary proceedings, or other College activities or programs whether occurring on or off campus or of activities or programs authorized or permitted by the College to be conducted on campus.

(19) Intentional participation in a demonstration which is in violation of rules and regulations governing demonstrations promulgated by the College pursuant to the

provisions of WAC 106-120-700 through WAC 106-120-799.

(20) Unauthorized entry upon the property of the College or into a College facility or any portion thereof which has been reserved, restricted in use, or placed off limits; unauthorized presence in any College facility after closing hours; or unauthorized possession or use of a key to any College facility.

(21) Possession or use on campus of any firearm or other dangerous weapon or incendiary device or explosive unless such possession or use has been authorized by the College.

(22) Possession, use, or distribution on campus of any narcotic or dangerous or unlawful drug as defined by the laws of the United States or the State of Washington except as expressly permitted by law.

(23) Violation of CWSC Board of Trustees policy on alcoholic beverage which states:

(a) Persons twenty-one years of age or older may possess and/or consume alcoholic beverages within the privacy of their residence hall rooms, apartments, or college owned married-student housing subject to the following regulations:

(i) Consumption of alcoholic beverages may take place only at private gatherings with a reasonable number of persons.

(ii) Quantities of alcoholic beverages must not exceed reasonable amounts: Kegs and keg quantities are not reasonable.

(iii) Alcoholic beverages in any form may not be sold in College owned housing; money may not change hands nor may hidden charges provide for alcoholic beverages.

(b) The College does not condone the consumption of alcoholic beverages at functions sponsored by Central Washington State College organizations. Organizations are held responsible for the conduct of their members at functions sponsored by the organization and for failure to comply with Washington State Law.

(c) The Campus Judicial Council may place on probation any organization or specific social function when the consumption of alcoholic beverages has become a problem of concern to the College.

(d) Washington State Law provides severe penalties for the possession or consumption of alcoholic beverages by persons under twenty-one years of age and for persons who furnish alcoholic beverages to minors. All College students should be aware of these laws and the possible consequences of violations.

(24) Violation of clearly stated proscriptions in any published rule or regulation promulgated by any official campus committee or commission or council acting within the scope of its authority.

(25) Violation on campus of any state or federal law or violation of any state or federal law off campus while participating in any College-sponsored activity.

AMD

WAC 106-120-030 DISCIPLINARY SANCTIONS. The following definitions of disciplinary terms have been established and may be the sanctions imposed upon violators of Chapter WAC 106-120 by the Dean of Student Development or his designee, the Campus Judicial Council, the President, and/or the Board of Trustees:

(1) Warning. Notice to a student in writing that he has been in violation of College rules or regulations or has otherwise failed to meet the College's standard of conduct. Such warnings will contain the statement that continuation or repetition of the specific conduct involved or other misconduct will normally result in one of the more serious disciplinary actions described below.

(2) Disciplinary Probation. Formal action specifying the conditions under which a student may continue to be a student at the College. The conditions specified may be in effect for a period of time or for the duration of the student's attendance at the College.

(3) Restitution. An individual student may be required to make restitution for damage or loss to College or other property and for injury to persons. Failure to make restitution within thirty (30) days will result in suspension for an indefinite period of time as set forth in Subsection (4) below provided that a student may be reinstated upon payment.

(4) Suspension. Temporary dismissal from the College and from status as a student, for violation of College rules or regulations or for failure to meet College standards of conduct. The notice suspending the student will state in writing the term of the suspension and any condition(s) that must be met before readmission is granted. The student so suspended must demonstrate in writing that the conditions for readmission have been met. In the case of an unemancipated minor who is suspended, a copy of the notification of suspension will be sent to the parents or the guardians of the student. There is to be no refund of fees for the quarter in which the action is taken, but fees paid in advance for a subsequent quarter are to be refunded.

(5) The time limits that may be imposed in (2), (3), and/or (4) may be modified because of conditions of provable duress on the affected student, including but not limited to illness and injury.

AMD

WAC 106-120-031 READMISSION AFTER SUSPENSION. Any student suspended from the College for disciplinary reasons may be readmitted upon expiration of the time period specified in the document of original suspension. If the affected student feels that circumstances warrant reconsideration of his suspension prior to its time of expiration, he may be readmitted following approval of a written petition submitted to the Dean of Student Development or his designee. Such petitions must state reasons which either provide new evidence concerning the situation which resulted in the suspension, or demonstrate that earlier readmission is in the best interest of the student and the College. Approval for such readmission must be given by the person or agency who issued the original suspension, and by any person or agency who reviewed the suspension.

AMD

WAC 106-120-040 COMPLAINTS - DISPOSITION. (1) A complaint alleging misconduct against any student at the College may be filed by anyone at the Office of the Dean of Student

Development. Students, faculty members, administrators and other employees of the college shall have concurrent authority to request the commencement of the disciplinary proceedings provided for in this chapter. Persons filing complaints shall be complainant of record.

(2) The Dean shall make preliminary investigation to determine whether the charges are significant or whether they may be disposed of informally by the Dean without the initiation of disciplinary proceedings.

(3) After investigation, the Dean may:

(a) drop the charges, when they appear to be invalid or without substance or capricious;

(b) discuss the situation informally with the student charged, and negotiate a suitable penalty with any student who wishes to plead guilty and/or accept such sanction as the Dean may propose;

(c) refer the case to the Campus Judicial Council, in those situations when further examination of evidence is required, or when the Dean and the student cannot agree on guilt or suitable penalty.

(4) When cases are referred to the Campus Judicial Council, the information to the Council shall include the nature of the alleged misconduct, name and address of the complainant, name and address of the student(s) charged, and all relevant facts and witness statements.

(5) The individuals involved shall be given a copy of the Student Rights and Responsibilities Policy. This includes but is not limited to: the subject in question (defendant), the person making the complaint, and the subject's counsel, if known.

AMD

WAC 106-120-042 NOTICE REQUIREMENTS. Any student charged in a report filed pursuant to WAC 106-120-040, with a violation of WAC 106-120-020, shall be notified by the Dean of Student Development or his designated representative within three (3) work days after the filing of such a report, if possible. The notice shall be effective if presented later due to the student's absence. Such notice shall:

(1) Inform the student that a report has been filed alleging that the student violated specific provisions and the date of the violation; and

(2) Set forth those provisions allegedly violated; and

(3) Specify the exact time and date the student is required to meet with the Dean of Student Development or his designee; and

(4) Specify the exact time, date and location of the informal hearing, if one is required; and

(5) Inform the student that he may question witnesses, that he may have anyone appear in his behalf to defend him, that he may have a maximum of three (3) character witnesses appear in his behalf; and

(6) Inform the student that failure to appear at either of the appointed times at the Dean of Student Development's Office or at the hearing may subject him to suspension from the institution for a stated or indefinite period of time.

AMD

WAC 106-120-043 MEETING WITH THE DEAN OF STUDENT DEVELOPMENT. (1) At the meeting with the Dean of Student Development or his designee, the student shall be informed of provisions of the Code of Student Rights and Responsibilities that are involved, that he may appeal any sanction imposed by the Dean of Student Development or his designee and that if a hearing is required, he may have that hearing open to the public. If the student requests a formal hearing, the Dean of Student Development or his designee shall take no action nor make any determination in the matter other than to inform the student again of the time, date, and location of the formal hearing.

(2) A student accused of violating any provisions of the Code of Student Rights and Responsibilities shall be given immediate notification of any disciplinary action taken by the Dean of Student Development or his designated representative. In case of an unemancipated minor, notification of the disciplinary action taken by the Dean of Student Development or his designated representative shall also be sent to the parents or guardians of the student.

(3) No disciplinary action taken by or at the recommendation of the Dean of Student Development or his designated representative is final unless the student fails to exercise his right of appeal as provided for in these rules. The president or his designated representative after reviewing the case, including any statement the student may file with the president, shall either give written approval of the action taken by or at the recommendation of the Dean of Student Development or his designee, or given written direction as to what lesser disciplinary action, if any, is to be taken.

AMD

WAC 106-120-050 CAMPUS JUDICIAL COUNCIL. (1) The Campus Judicial Council shall be the principal campus wide judicial body with jurisdiction and authority to hear all charges of misconduct against individuals, whether graduate or undergraduate, except as hereinafter provided, and except for those offenses and situations jurisdiction over which may be delegated to other hearing agencies: when jurisdiction over certain cases is delegated to other hearing agencies, the Campus Judicial Council shall have appellate jurisdiction. The Campus Judicial Council has authority to impose sanctions for those acts of misconduct specified in WAC 106-120-020, with sanctions as described in WAC 106-120-030. Sanctions imposed are not final unless the student elects to waive the rights of appeal as provided in these rules. The President or a person designated by the President shall review the case, together with all materials forwarded by the Campus Judicial Council and by the defendant student, and shall give written approval or disapproval of the Council's actions. If disapproval, then the President or designee shall give written instructions regarding any changes.

(2) For the purposes of these rules, any person enrolled for classes and considered a student by the definition in WAC 106-120-013 (4) is subject to these rules, independent of any other status the individual may have with the College. Any action taken against a student under these rules shall be



independent of other actions taken by virtue of another relationship with the College in addition to that of student.

(3) The Campus Judicial Council has jurisdiction over all students and student organizations. Other divisions of the College may elect to establish subsidiary judicial agencies, over which the Campus Judicial Council will have appellate jurisdiction. Appeals from these subsidiary councils or agencies must be made within five working days from the time of publication of findings by said subsidiary judicial agency. Failure to file such an appeal will constitute and be construed as full acceptance by all parties of the findings.

Subsidiary judicial agencies may be established by carrying out the prescribed process for adopting rules, regulations, and policies, as authorized by RCW 34.04, the Administrative Procedures Act, and will be made a part of these rules, the Policy on Student Rights and Responsibilities, WAC 106-120.

Appeals from decisions made by the Campus Judicial Council will be made to the President. Such appeals must be filed in writing within five (5) working days from the time of publication of findings by the Campus Judicial Council. Failure to file an appeal within the specified time shall constitute and be construed as acceptance by all parties of the findings as published.

The President will respond to appeals made from decisions made by the Campus Judicial Council, or by the Dean. Appeals from decisions rendered by the President in such cases may also be appealed, with this appeal being directed to the Board of Trustees of the College. Such appeals must be submitted in writing to the Office of the President within five (5) working days from the time the President has published findings. Failure to file such an appeal within the specified time shall constitute and be construed as acceptance of the findings by all concerned.

(4) Persons and agencies to whom appeals are directed will produce findings and render a decision within five (5) working days of receipt of the appeal, except for the Board of Trustees. The Board of Trustees will produce findings and render a decision within ten (10) working days after its next regular meeting.

(5) Persons or agencies levying sanctions should devise sanctions which are in proportion to both the nature and extent of the misconduct, and which compensate as far as possible for injury, expense, and/or inconvenience. The sanction should redress injury, damage, or grievance as far as possible.

(6) Due process of law is recognized as essential to the proper enforcement of College rules. No charges may be heard or sanctions levied in the name of the College except in accordance with these rules.

AMD

WAC 106-120-051 MEMBERSHIP IN CAMPUS JUDICIAL COUNCIL.

(1) The Council shall consist of three (3) faculty members holding the rank of assistant professor or above, and six (6) students, at least one of whom should be a graduate student if a graduate student files for election to the Council. At least three (3) of the student members are to be undergraduate students.

(2) The faculty members of the Council shall be designated by the Faculty Senate. The student members of the Council shall be elected according to procedures indicated by the Constitution of the Associated Students of Central. The faculty members will be designated at the beginning of each academic year. Student members shall be elected three in the Fall Quarter and three in the Winter Quarter, each student being elected for a term of one calendar year, in accordance with the ASC Constitution, Article VII. Terms of office for students begin with the first day of instruction of the Quarter following election to office.

(3) A Chairperson of the Campus Judicial Council shall be elected at the first meeting of the Fall Quarter, and shall continue in office until the person's term expires, the person resigns, or is recalled according to provisions of the ASC Constitution. The duties of the Chairperson are as follows:

(a) To call regular and special meetings of the Council by notification to members at least 24 hours in advance of the meeting time, except in bona fide emergency situations.

(b) To preside over all regular and special meetings.

(c) To act as hearing officer at all meetings of the Hearing Board.

AMD WAC 106-120-053 QUORUM. Four student members and one faculty member shall constitute a quorum for the conduct of Council business.

AMD WAC 106-120-054 EXTRAORDINARY HEARING BOARDS. (1) If the Campus Judicial Council or the Dean of Student Development determines that the Judicial Council cannot deal adequately and promptly with a number of violations arising from a single incident or series of incidents involving alleged student misconduct, the Council may petition the Dean of Student Development or his designee, or the Dean may on his own initiative, establish one or more Extraordinary Hearing Boards.

(2) Upon receipt of a petition, the Dean may establish such hearing councils consisting of four (4) members, one (1) faculty member and three (3) students, following the procedures applicable to establishment of the Council. Each Extraordinary Board shall elect its own Chairperson.

(3) Extraordinary Hearing Boards shall have jurisdiction to those cases assigned to them by the Council. Hearings shall be conducted under the rules of procedure applicable to hearings before the Campus Judicial Council. After hearing the evidence, the Extraordinary Hearing Boards shall submit to the Campus Judicial Council proposed findings of fact concerning the alleged misconduct and the sanction recommended to be imposed.

(4) On consideration of the proposed findings and recommendations and upon such further hearing and argument as the Campus Judicial Council may allow including a complete rehearing if the Campus Judicial Council in its discretion deems such rehearing appropriate, the Campus Judicial Council shall impose appropriate sanctions. Such sanctions shall be final except as they may be modified upon appropriate appeal as in all other cases within the jurisdiction of the Campus Judicial Council.

WAC 106-120-055 PROCEDURES FOR HEARING. (1) When disciplinary cases have been referred for hearing, the Chairperson shall call a special meeting of the Council and arrange for such hearing in the following manner:

(a) The Council shall determine the time and place of the hearing, which shall be at least two (2) working days after said special meeting of the Council. Time and place shall be set to make the least inconvenience for all interested parties.

(b) The Council shall draw lots to determine a Hearing Board consisting of four (4) student members and two (2) faculty members of the Council, and the Chairperson of the Council acting as Hearing Officer.

(c) A quorum of the Hearing Board shall be all four (4) student members and both faculty members, as selected by lot at a special meeting of the Campus Judicial Council. No case shall be heard unless the full membership of the Hearing Board is present.

(d) All cases will be heard de novo, whether the case be an appeal from a subsidiary judicial body or being heard as an original complaint.

(2) The chairperson of the Council and Hearing Officer shall insure that:

(a) the hearing is held in an orderly manner, giving full care that the rights of all parties to a full, fair and impartial hearing are maintained.

(b) that the charges and supporting evidence or testimony shall be presented first, and that there is full opportunity for the accused student to challenge the testimony and/or evidence, and to cross examine appropriately.

(c) that the student charged shall next present evidence or testimony to refute the charge, and that there is full opportunity for the accuser to challenge testimony and/or evidence, and to cross examine appropriately.

(d) that the Hearing Board, after all parties have been heard, shall then deliberate in closed session until a decision is reached. After the decision is reached, it shall be announced in open session of the Hearing Board, and then communicated in writing to the President of the College for his approval, as elsewhere provided in these rules.

(3) Hearings will ordinarily be held in closed session, unless the Hearing Board shall determine that there is compelling reason for the hearing to be open to all those interested. A closed hearing shall include only members of the Hearing Board, the Dean of Student Development or his designee acting ex officio as advisor on procedure, parties directly interested in the hearing as accuser and accused, and such witnesses as these regulations provide elsewhere.

If at any time during the conduct of a hearing any person is disruptive of the proceedings and cannot be persuaded to observe the necessary decorum for an appropriate hearing, the Hearing Officer is empowered to exclude such person from the hearing room, using such means as are necessary to insure an orderly hearing.

(4) The student has a right to a fair and impartial hearing before the committee on any charge of violating a provision or provisions of WAC 106-120-020. The student's failure to cooperate with the hearing procedures hereinafter outlined, however, shall not preclude the committee from making its proposed findings of fact, conclusions and recommendations as provided below. Failure by the student

to cooperate may be taken into consideration by the committee in recommending to the President the appropriate disciplinary action.

(5) The student shall be given written notice by mail to the student's last known address of the time and place of his hearing before the Board. Said notice shall contain:

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

(b) A statement of the specific charges against him including reference to the particular sections of WAC 106-120 involved.

(c) To the extent known, a list of witnesses who will appear and a summary description of any documentary or other physical evidence that will be presented by the College at the hearing.

(6) 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. The student shall have all authority possessed by the College to obtain information he specifically describes, in writing, and tenders to the Dean of Student Development or his designee no later than two (2) days prior to the hearings or to request the presence of witnesses or the production of other evidence relevant to the hearings.

Notwithstanding the provisions of the paragraph immediately above, the College shall not be liable for information requested by the student or the presence of witnesses when circumstances beyond the control of the College prevent the obtaining of such information or the attendance of such witnesses at the hearing.

(7) The student may be represented by counsel of his choice at the disciplinary hearings. If the student elects to choose a duly licensed attorney admitted to practice law in the State of Washington as his counsel, he must tender two (2) days notice thereof to the Dean of Student Development or his designee.

In all disciplinary proceedings the College may be represented by the Dean of Student Development or his designee: he may then present the College's case against the student accused of violating WAC 106-120 provided, that in those cases in which the student elects to be represented by a licensed attorney, the Dean of Student Development or his designee may elect to have the College represented by an assistant attorney general.

(8) The proceedings of the hearing shall be tape recorded. A copy thereof shall be on file at the office of the Dean of Student Development. Either party at its own expense may produce a transcript of the proceedings.

(9) The Hearing Board may set another time and place of hearing for sufficient cause.

AMD            WAC 106-120-058    DECISION BY THE HEARING BOARD. (1) Upon conclusion of the disciplinary hearing, the Hearing Board may consider all the evidence therein presented in closed session and decide by majority vote 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 College impose minor sanctions directly, such as a warning, reprimand, fine, restitution, or disciplinary probation.

(c) That the student be suspended from College including a recommendation of the duration of such suspension.

(2) The student shall be provided with a copy of the Board's recommended findings of fact and conclusions regarding whether the student did violate any rule or rules of the Code of Student Rights and Responsibilities and the recommendation to the President. The Campus Judicial Council shall also advise the student in writing of his rights to present a written statement to the President appealing the recommendation of the committee.

AMD

WAC 106-120-060 INITIATION OF SUMMARY SUSPENSION PROCEEDINGS. The President or his designee or the Dean of Student Development may suspend any student of the College for not more than ten (10) academic calendar days pending investigation, action or prosecution of charges of an alleged Chapter 106-120 WAC violation or violations, and if the President or his designee or the Dean of Student Development has reason to believe the student's physical or emotional safety and well-being, or the safety and well-being of the other College community members, or the safety and well-being of the College property command such suspension.

AMD

WAC 106-120-061 PERMISSION TO ENTER OR REMAIN ON CAMPUS. During the period of summary suspension, the student shall not enter the campus of the College other than to meet with the Dean or to attend the hearing. However, the Dean may grant the student special permission to enter for the express purpose of meeting with faculty, staff, or students in preparation for the hearing.

AMD

WAC 106-120-062 NOTICE OF SUMMARY SUSPENSION PROCEEDINGS. If the President or his designee or the Dean desires to exercise the authority to summarily suspend a student, he shall cause notice thereof to be served upon that student by registered or certified mail to the student's last known address, or by causing personal service of such notice upon that student.

NEW

WAC 106-120-200 PURPOSE OF THE RESIDENCE HALL ARBITRATION COUNCIL. The Residence Hall Arbitration Council exists to provide members of the Central Washington State College residence hall community with a means for resolving problems through an educational and objective process. Cases may be brought to this council by any member of the campus community. The Residence Hall Arbitration

Council shall negotiate a settlement of the case with the involved parties and/or make a recommendation for action to proper administration or judicial authorities.

NEW

WAC 106-120-210 THE RESIDENCE HALL ARBITRATION COUNCIL.

(1) The Residence Hall Arbitration Council shall be available to conduct hearings for all students contracting to live in the residence hall system. When problems develop involving people who do not live in the residence hall system, the Arbitration Council may take action on a complaint or refer the case elsewhere.

(2) The Residence Hall Arbitration Council shall provide hearings for matters relating to these problem areas in the residence halls, dining room facilities or residence hall grounds;

(a) Damages inflicted on residence hall buildings, furnishings or grounds.

(b) Damages to personal property of students living in the residence hall system.

(c) Noise disturbances.

(d) Disorderly conduct.

(e) Physical or mental harrassment of students living in the residence hall system.

(f) Illegal entry into a student's room.

(g) Unauthorized seizure or occupation of a student's room.

(h) Violations of college policy.

(i) Other related behavioral problems.

NEW

WAC 106-120-220 MEMBERSHIP OF THE RESIDENCE HALL ARBITRATION COUNCIL. (1) For each case heard the membership of the Residence Hall Arbitration Council shall consist of seven (7) people selected on a random, rotating basis, normally from outside the residence hall in which the problem occurred. The seven (7) members will include:

(a) Two (2) female residence hall students.

(b) Two (2) male residence hall students.

(c) One (1) student residence hall staff member, i.e., a Living Group Advisor or Building Manager.

(d) The Director or Assistant Director of Residence Living or the Director of Housing Services or his/her designee.

(e) The Residence Hall Arbitration Council Coordinator.

(2) All the Council members (except the Coordinator) will be selected by the Coordinator on a random, rotating basis from a list of volunteers in each category. This list will be updated quarterly and maintained on file by the Coordinator.

(3) As each individual is selected to serve, the Council Coordinator will ascertain whether that person is relatively free of bias in the case. If a prospective member reports a bias or the Council Coordinator determines that bias exists, the prospective member will be replaced by another person

from the volunteer lists prior to the Council hearing. At the time of member selection, the Council Coordinator also will ascertain whether each prospective member can be present at the specified date and time for the hearing. If they cannot be present, another volunteer will be randomly selected.

(4) A quorum of five (5) of the seven (7) Council members must be present in order to hold a hearing. All seven (7) members hold equal positions on the Council; and each member has an equal vote regarding any recommendations the Council shall make. In order to be approved, all actions must be supported by a majority of the Council members in attendance.

NEW

WAC 106-120-230 HEARING PROCEDURES. (1) The Residence Hall Arbitration Council will meet whenever a case has been referred by the Council Coordinator, the Director or Assistant Director of Residence Living, or the Director of Housing Services. However, before any case is referred to the Council, every effort should be made to resolve the concern at the lowest possible level, e.g., between two individuals or within a residence hall.

(2) Any person wishing to bring a case to the Residence Hall Arbitration Council should notify the Council Coordinator in person and provide a signed statement. At the time of notification:

(a) The reason for filing the case with the Council should be stated; and

(b) The names of the person(s) involved should be shared with the Council Coordinator.

The Council Coordinator will then have five (5) working days from which time the complaint is filed to:

(a) Set a hearing date, time and place;

(b) Notify the involved person(s) about the complaint and hearing date;

(c) Select by random methods a set of Council members from the volunteer lists; and

(d) Do any preliminary work for the hearing, e.g., take depositions.

The Council Coordinator should give the person(s) involved in the case a minimum of three (3) days notice of the hearing date, time, and place.

(3) In informing the person(s) involved in the case, the Council Coordinator will send a letter:

(a) Stating the nature of the complaint being brought against him/her; and

(b) Unless the person(s) against whom the complaint is filed contacts the Council Coordinator no less than 48 hours prior to the hearing to request a change of time or place not to exceed twelve (12) hours from the previously set time and date, the Council will meet at the date, time and place cited in the letter.

If the person(s) against whom the complaint is being filed lives in a residence hall, the staff members in the building will be informed as to the date, time, place and outcome of the Council proceedings. Staff members of the involved residence hall(s) may be present at the Council meeting.

(4) Prior to the Council meeting, the Council members will meet among themselves to review their responsibilities and options. When the Council meeting commences, the Council

Coordinator will present the details of the case to the other members. The Council members then may ask questions of the Council Coordinator, the person(s) appearing before the Council, the person(s) who recorded the complaint or any witnesses. The person filing the complaint shall be present at the hearing. However, the Council may elect to hear separately the statements of the person(s) filing the complaint and the person(s) named in the complaint.

(5) Attendance at the Residence Hall Arbitration Council hearings will be limited to:

(a) Members of the Council;

(b) The person(s) directly involved in the case, i.e., person(s) filing the complaint, person(s) named in the complaint, and any other interested person(s) that the Council shall choose to admit;

(c) Any staff members of the involved residence hall(s) who wish to attend; and

(d) The Director or Assistant Director of Residence Living, the Director of Housing Services or their designee(s).

(6) Discussions are to be directed toward:

(a) Discovering the complete nature of the problem;

(b) Determining the course of action that will best meet the needs of the individuals involved and the residence hall community(ies) in which they are living.

All Council members and other persons involved in the case should be reminded that the purpose of the Council is to seek solutions that assist in the growth and education of individuals living in the residence hall community. Any solution the Residence Hall Arbitration Council shall offer for a situation brought before it should be developed with positive behavior changes as the primary motivating factor.

(7) After all discussions and investigations have been completed, the members of the Residence Hall Arbitration Council will retire to decide upon a course of action in the case. When a decision has been reached the person(s) involved in the case will be informed. The Council Coordinator then will be responsible for implementing the course of action and/or transmitting the recommendation.

(8) The Residence Hall Arbitration Council has authority to take any of the ensuing actions in a case:

(a) Negotiate a behavioral contract with the person(s) brought before the Council. This contract will define the specific obligations the student(s) have to meet, and will be signed by the student(s) and the Residence Hall Arbitration Council Coordinator. Fulfillment of the terms will be determined jointly by the Council members and the appropriate persons or agencies involved with the case. Upon failure of a student to honor the terms of the behavioral contract, the Council members who originally heard the case will reconvene, and make a new decision.

(b) Refer the incident to the Campus Judicial Council.

(c) Refer the matter and make a recommendation available to the appropriate college administrator.

(d) Refer the matter with recommendations back to the residence hall in which it occurred.

(e) Recommend that the person(s) involved be suspended from college.

(f) Recommend that the person(s) be transferred from one residence hall to another.

(g) Transfer the case to the Campus Police.

(9) If after proper notification procedures have been



followed, a person(s) against whom a complaint has been filed fails to attend the Residence Hall Arbitration Council hearing regarding his/her case:

- (a) The hearing will proceed as scheduled;
- (b) The Council members will make a recommendation in the case; and
- (c) The person(s) involved will be notified of the nature of that recommendation.

(10) If the Council members hearing a case later find that a person(s) has not abided by the negotiated contract, the Council then shall recommend and take appropriate action as provided in WAC 106-120-230 (8).

NEW

WAC 106-120-240 DISRUPTIONS OF A COUNCIL HEARING.

(1) If, at any time in a Council hearing, a person becomes disorderly or disruptive, the Council Coordinator may remove (or cause to be removed) that person from the hearing room.

(2) A person(s) being disruptive at a Council hearing may be subject of a complaint to be brought before the Residence Hall Arbitration Council by the Council Coordinator.

NEW

WAC 106-120-250 ANNUAL REVIEW OF THE RESIDENCE HALL ARBITRATION COUNCIL. (1) The effectiveness of the Residence Hall Arbitration Council will be reviewed each Spring Quarter by a panel composed of:

- (a) Students who served as Council members within the academic year being reviewed, i.e., two student residents and two student staff;
- (b) Representatives from Residence Hall Council;
- (c) Students who appeared before the Council to answer complaints; and
- (d) Students who appeared before the Council to file complaints.

The Director and Assistant Director of Residence Living and the Director of Housing Services will meet with the panel to listen to feedback, ask pertinent questions, and review all recommendations that may be made. Any resulting changes or modifications will be written into the Residence Hall Arbitration Council code during the Summer Quarter of each year.

REP

WAC 106-120-012, WAC 106-120-052 and WAC 106-120-919 are each hereby repealed.