



**RULE-MAKING ORDER**  
**(RCW 34.05.360)**

**CR-103 (7/10/97)**

Agency:

Centralia College

- Permanent Rule
- Emergency Rule
- Expedited Adoption
- Expedited Repeal

(1) Date of adoption: March 7, 2000

(2) Purpose:

Implement Student Rights and Responsibilities Code for students of Centralia college.

(3) Citation of existing rules affected by this order:

Repealed: WAC 132L-20-010, 030, 050, 070, 080, 130, 135, 140. 132L-22-020, 060,  
 Amended: WAC 132L-120-010 and 132L-120-020 See attachment  
 Suspended: for additional citations

(4) Statutory authority for adoption: RCW 28B 50.140

Other authority:

**PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)**

Adopted under notice filed as WSR 00-02-05 on December 30, 1999 (date).  
Describe any changes other than editing from proposed to adopted version:

NO CHANGES

**EMERGENCY RULE ONLY**

Under RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

**EXPEDITED REPEAL ONLY**

Under Preproposal Statement of Inquiry filed as WSR \_\_\_\_\_ on \_\_\_\_\_ (date).

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes  No If Yes, explain:

(6) Effective date of rule:

**Permanent Rules**

**Emergency Rules**

or Expedited Rule Making

- 31 days after filing  Immediately
- Other (specify) \_\_\_\_\_ \*  Later (specify) \_\_\_\_\_

\*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

NAME (TYPE OR PRINT)

Margaret Teitzel

SIGNATURE

*Margaret Teitzel*

TITLE Director of Facilities and Auxiliaries

DATE

3/10/00

CODE REVISER USE ONLY

CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FILED

MAR 20 2000

TIME 3:25 AM  
00-07-113 PM

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

<b>Federal statute:</b>	New	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	_____	Amended	_____	Repealed	_____
<b>Recently enacted state statutes:</b>	New	_____	Amended	_____	Repealed	_____

**The number of sections adopted at the request of a nongovernmental entity:**

New \_\_\_\_\_ Amended \_\_\_\_\_ Repealed \_\_\_\_\_

**The number of sections adopted on the agency's own initiative:**

New \_\_\_\_\_ Amended \_\_\_\_\_ Repealed \_\_\_\_\_

**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New 19 Amended 2 Repealed 17

**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	<u>19</u>	Amended	<u>2</u>	Repealed	<u>17</u>
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	_____	Amended	_____	Repealed	_____

Item #3 Citation of existing rules affected by this order:

REPEALED: (CONTINUED)

132L-22-070,080

132L-24-010,020,030,090

132L-25-010

Chapter 132L-120 WAC

CENTRALIA COLLEGE--STUDENT ((~~CONDUCT CODE--POLICY~~)) RIGHTS AND RESPONSIBILITIES CODE

AMENDATORY SECTION (Amending Order 72-1, filed 1/19/72)

WAC 132L-120-010 ((~~Student attendance policy.~~)) Preamble.

~~((Students are expected to attend all classes for which they enroll during the particular quarter. Nonattendance by a student may cause him to forfeit his right to continue in any class. He may be subject to withdrawal from the class roll and be assigned a grade of "W" by his instructor should he, without prior arrangement or without early report to the college, be absent the first four calendar days after his class begins, be absent during the quarter for four consecutive class days in a course of 3 credits or more, or for two consecutive days in a course of 2 credits or less, or be absent in a consistent manner during the quarter.~~

~~Integral components of this policy which faculty members should give consideration are:~~

~~(1) Unavoidable absence due to emergencies, such as illness or bereavement. These should be reported, by the student, to the Registrar by letter or telephone so that arrangements with the student's instructors for the necessary extension of absence can be made.~~

~~(2) Hardships beyond the student's control which cause him to miss class. The instructor may approve alternative methods for the student to satisfy the attendance requirements of the course.~~

~~(3) Courses oriented more toward student proficiency and achieved competency than they are toward exposing subject matter to the students. Prior to or during the first week of the quarter the instructor shall set forth the conditions under which competency or proficiency may be considered in lieu of student class attendance.~~

~~(4) The student who has received eight hours or one-half of his class load or more of "W" in his preceding quarter. The administration will request his instructors to keep an account of his attendance pursuant to *Academic Standards* more fully described under that heading in the Handbook.~~

~~(5) Students whose tuition fees are paid by a state or federal agency. These students may have their attendance records reported at the request of their benefactor.)) Centralia College is a dynamic learning community that promotes growth and development by offering opportunities to gain knowledge, entrance skills, examine~~

values, and pursue learning options. The college is committed to quality life-long learning through its values of respect, responsibility, and responsiveness. To that end, Centralia College maintains a strong commitment to providing a civil and nondisruptive learning environment. Students are reminded that they assume certain responsibilities of performance and conduct which have been reasonably established in order to accomplish Centralia College's education goals. Therefore, the college expects that students will conduct themselves as responsible members of the college community, will comply with the rules and regulations of the college, will maintain high standards of integrity and honesty, and will respect the rights, privileges, and property of other members of the college community.

#### NEW SECTION

**WAC 132L-120-015 Purpose.** The purpose of these rules is to prescribe standards of conduct for students of Centralia College. Violations of these standards may be cause for disciplinary action as described in this code.

#### AMENDATORY SECTION (Amending Order 72-1, filed 1/19/72)

**WAC 132L-120-020 (~~(Implementation-)~~) Definitions.** (~~(The success in implementing both this policy and its exceptions rests heavily on communications between the instructor and his students. As the student has fewer instructors than the instructor has students, the burden of initiating the communication relating to exceptions in reality becomes that of the student.)~~) (1) As used in this chapter, the following words and phrases shall mean:

(a) "Assembly" means any overt activity engaged in by three 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.

(b) "College" means Centralia College, or any additional community college hereafter established with Community College District 12, State of Washington, and collectively, those responsible for its control and operation.

(c) "College community" means trustees, students, employees, and guests on college owned or controlled facilities.

(d) "College facilities" means and includes any or all property controlled and/or operated by the college.

(e) "Day" means a calendar day except the effective day of any provision of this chapter shall be the day following a Saturday.

Sunday, or holiday.

(f) "ASCC" refers to the Associated Students of Centralia College, the official student government association.

(g) "President" means the chief executive officer of the college appointed by the board of trustees, and for the purposes of this chapter includes "acting president" or the delegated authority in the absence of the president.

(h) "Board of trustees" or "board" means the board members appointed by the governor of the state of Washington who have final authority for the governance of Centralia College.

(i) "Student" means and includes all persons enrolled at the college, both full time and part time or a person seeking admission or accepted to the college for admission.

(j) "Student group" means a number of students who are not officially recognized as a student organization.

(k) "Student organization" means a number of students who have complied with the formal requirements of college recognition as provided by the ASCC.

(l) "Summary hearing" means a short, concise, and immediate hearing.

(m) "Living group" means a fraternity, sorority, or other similar off-campus student organization officially recognized by Centralia College.

(n) "Chief judicial affairs officer" means the college administrator appointed by the president, who has the responsibility of administering the student rights and responsibilities code.

(2) All other terms have their natural meaning unless the context dictates otherwise.

## NEW SECTION

**WAC 132L-120-030 Jurisdiction.** (1) Centralia College has jurisdiction to take appropriate disciplinary action when student conduct, either on or off campus, is detrimental to the institution.

(2) This code applies to every student whenever the student is present on or in any college or college-controlled facility. This code also applies whenever the student is present at, or engaged in, any college-sponsored or college-connected program, activity, or event that is held on or in noncollege facilities. The code also applies whenever a student is representing the college. Consistent with the constitutional rights of all students, this code also applies to any student off campus when the college can reasonably show a relationship to its mission and interests such as maintaining good order, protecting the health, safety, or welfare of the college community, preserving the teaching-learning environment, or preserving its good name and relationships with

society and the larger community.

(3) College employees, students, and members of the public who breach or aid or abet another in the breach of any provision of this code shall be subject to:

- (a) Possible prosecution under the state criminal law;
- (b) Restriction from any college property or college-controlled facilities, the violation of which could result in criminal trespass;
- (c) Any other civil or criminal remedies available to the public; or
- (d) Appropriate disciplinary action pursuant to this code, the state of Washington higher education personnel board rules, or the college's personnel policies, regulations, or negotiated agreements.

NEW SECTION

**WAC 132L-120-040 General policies.** (1) Centralia College is an agency of the state of Washington and adheres to all local, state, and federal laws. The college is obligated to demonstrate respect for laws by cooperating in their enforcement.

(2) Centralia College cannot and will not establish regulations that would abridge constitutional rights.

(3) Proper procedures are established to maintain conditions helpful to the effective function of the college, to protect individual students from unfair penalties, and to assure due process. Centralia College is granted the right by law to adopt rules to govern its operations.

(4) If these rules are broken, the college has the right and the obligation to take that action which is in the best interest of the entire college.

(5) Centralia College reserves the right to impose the provisions of this code and provide further sanctions before or after law enforcement agencies, courts, or other agencies have imposed penalties or otherwise disposed of a case. College hearings are not subject to challenge on the ground that criminal or civil charges involving the same incident have been dismissed or reduced or in which the defendant has been found not guilty or otherwise not liable. In addition, the college reserves the right to refer incidents to the appropriate civilian authorities or law enforcement agencies.

(6) The ASCC has the right to participate in the formulation and review of all policies and rules pertaining to student conduct and in the enforcement of all such rules as provided by this chapter.

(7) This code will be printed and made available to students.

## NEW SECTION

**WAC 132L-120-070 Student rights and freedoms.** (1) Freedom of Access: Centralia 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.

(2) Freedom of Association: Students are free to organize and to participate in voluntary associations of their own choosing. To be officially recognized, the ASCC must grant student organizations an official charter. In order 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.

(3) Freedom in the Classroom: The classroom is the center for study and understanding of the subject matter for which the instructor has professional responsibility and institutional accountability. Instructors encourage free discussion, inquiry, and expression among their students in their quest for knowledge. They foster honest academic conduct and evaluate their students fairly and accurately. They conform to a set of professional standards and ethics.

(4) 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.

(5) Freedom of Speech and Assembly: No rule shall restrict student expression solely based on disapproval or fear of the student's ideas or motives. Students and student organizations shall be free to examine and discuss all questions of interest to them, and to express opinions publicly and privately.

(a) Students and members of the public are guaranteed the rights of free inquiry, expression, and assembly on the outdoor college facilities that are generally open and available to the public.

(b) Any student group or student organization that wishes to schedule an assembly within or on a college facility not generally open to the public must reserve the college facility in advance.

(c) Modes of expression or assembly that are manifestly unreasonable or disruptive in terms of time, place, or manner may be restricted. Students and members of the public must ensure that assemblies:

(i) Are conducted in an orderly manner;



(ii) Do not unreasonably interfere with classes, scheduled meetings or ceremonies, or regular functions of the college;

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

(iv) Do not cause destruction or damage to college property, including library materials, or private property on college facilities.

(d) Assemblies that violate these rules may be ordered to disperse by the college in accordance with Washington state statutes.

(e) A nonstudent who violates any provision of the rule may be required to leave the campus or section of campus or facility and/or be referred to civilian authorities for criminal prosecution.

(f) A student, student group, or student organization that violates any provision of the rule may be subject to disciplinary action in accordance with this code. This may also include criminal prosecution.

(6) Freedom to Learn: Instructors in the classroom and in conference encourage free discussion, inquiry, and expression. Student performance is evaluated solely on academic basis, not on opinions or conduct in matters unrelated to academic standards. Students are free to take reasoned exception to the data or views offered in any course of study for which they are enrolled. Students are protected from prejudiced, arbitrary, or capricious academic behavior. At the same time, students are responsible for maintaining standards of academic performance. Student complaints regarding academic procedure are addressed through the student-faculty complaint process.

(7) Freedom from Discrimination: All qualified students at Centralia College shall be afforded equal access and opportunity to all educational programs and services without regard to race, creed, color, religion, national origin, gender, age, sexual orientation, reliance on public assistance, disability, or any group or class against which discrimination is prohibited by state or federal law, regulation, or executive order.

(8) Freedom from Sexual Harassment: Students at Centralia College shall be free from sexual harassment. Any student who engages in unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, where such behavior offends the recipient, causes discomfort or humiliation, or interferes with job or academic performance, shall be subject to disciplinary actions.

(9) Right to Privacy of Educational Records: Students have both the right to privacy and the right to have access to their educational records in accordance with the Family Educational Rights and Privacy Act of 1974, as amended. In compliance with that act, the notification of these rights is published in the quarterly class schedule and the Centralia College Catalog.

(10) Right to Confidentiality of Counseling: The college provides professional personal counseling services to students. Students who request this service are granted limited confidentiality in accordance with the laws and regulations of the

state of Washington, and the ethics of the American Counseling Association. Counselors provide clients with written information regarding these and other client rights.

(11) Right to Distribute Materials: Students have the right to use the designated bulletin board for the legal, incidental sales of personal property such as books, automobiles, bikes, etc. Other bulletin boards require permission from the office of student programs before posting material. Students may distribute free publications not in violation of state and/or federal laws such as books, magazines, newspapers, handbills, leaflets, in the area designated for such purposes located in the student center. In addition, printed materials may be distributed in the outdoor public areas of the college subject to reasonable limitations of time, place, and manner consistent with the maintenance of college property, with the free flow of traffic and persons, and not in a manner which in itself limits the orderly operation of college affairs. Material may not be placed on or in automobiles.

(12) Right to Incidental Sales: 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. However, the use of college grounds or facilities for commercial or private gain purposes is prohibited except where commercial activity such as sale of books, instructional supplies, or food contribute to the operation of the instructional program or where limited sale is specifically authorized by the director of student programs for the benefit of an approved activity. The college reserves the right to charge commercial vendors for the use of college facilities or space.

(13) Right to Due Process: No disciplinary sanction may be imposed on any student except through due process as specified in this code.

(14) Freedom from Unreasonable Search: Students have the right to be secure in their persons, quarters, papers, and effects against unreasonable searches and seizures.

(15) Right to Invite Off-campus Speakers: Recognized student organizations have the right to invite outside speakers to speak on campus subject to the availability of campus facilities, funding, and compliance with the college procedures available in the student programs office.

(16) Right to be Interviewed: Every student has the right to be interviewed on campus by any legal organization desiring to recruit at the college.

## NEW SECTION

**WAC 132L-120-080 Student responsibilities.** (1) Students who choose to attend Centralia College also choose to participate actively in the adult learning process offered by the college. As

a process, learning is not a product or commodity that is bought and sold, but rather, is a relationship between teachers who are willing and competent to teach and learners who are willing and competent to learn. Therefore, the responsibility for learning is shared equally between students and faculty.

(2) The college is responsible for providing its students with an educational environment rich in the high quality resources needed by students to attain their individual educational goals. In return, students are responsible for making themselves aware of the full breadth of the resources available, for the timely choosing and appropriate use of those resources, and for the specific behavioral tasks necessary for attaining desired learning outcomes. Examples of specific student responsibilities are:

- (a) To know and adhere to the college's policies, practices, and procedures;
- (b) To participate actively in the learning process, both in and out of the classroom;
- (c) To seek timely assistance in meeting educational goals;
- (d) To attend all class sessions;
- (e) To participate in class activities;
- (f) To participate actively in the advising process;
- (g) To develop skills required for learning, e.g., basic skills, time management, motivation, study skills, and openness to the educational process;
- (h) To assume final responsibility for the selection of appropriate educational goals;
- (i) To assume final authority for the selection of courses appropriate for meeting chosen educational goals;
- (j) To seek out and use campus resources; and
- (k) To contribute towards improving the college.

(3) Any student 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.

(4) The college recognizes a responsibility to resolve behavioral problems before they escalate into serious problems. Therefore, the chief judicial affairs officer shall seek the assistance of other college departments or offices in investigating student behavioral problems. The chief judicial affairs officer will be as proactive as is possible concerning the resolution of student behavioral problems and use reasonable arbitration and conflict resolution methods in order to prevent such problems from escalating. The chief judicial affairs officer may seek and authorize settlements involving disputes related to student conduct when such settlements will better serve the college's broader interests.

(5) Students are expected to obey all college rules and regulations and obey the law. Any student shall be subject to disciplinary action as provided for in this code who, either as a principal actor, aider, abettor, or accomplice violates any local, state, or federal law, interferes with the personal rights or privileges of others or the educational process of the college;

violates any provision of this code; or commits any of the following prohibited actions. The standard of conduct as listed below should be interpreted by students as general notice of prohibited conduct. They should be read broadly, and are not designed to define misconduct in exhaustive terms:

(a) Assault, intimidation, or interference.

(b) Disorderly, disruptive, or abusive conduct: Disorderly, disruptive, or abusive behavior that interferes with the rights of others or which obstructs or disrupts teaching, learning, research, or administrative functions. Such conduct includes, but is not limited to: Interference with any speaker or audience; blocking or impeding pedestrian or vehicular traffic; blocking access to or from campus buildings or offices; and activities of observers or participants that disrupt classes, meetings, office or business activities, or any other normal functions of the college.

(c) Failure to follow instructions: Inattentiveness, inability, or failure of student to follow the reasonable instructions of any college employee acting within his or her professional responsibility; refusal to comply with any lawful order to leave the college campus or any portion thereof.

(d) Illegal assembly, obstruction, or disruption: Any assembly or other act which interferes with vehicular or pedestrian traffic, classes, hearings, meetings, the educational and administrative functions of the college, or the private rights and privileges of others.

(e) False complaint: Filing a formal complaint falsely accusing another student with violating a provision of this code or falsely accusing a college employee of a misdeed. Also includes making any intentional false claim, charge, or statement against any member of the college community to harass, defame, or intimidate that individual.

(f) False alarms: Falsely setting off or otherwise tampering with any emergency safety equipment, alarm, or other device established for the safety of individuals and/or college facilities. This includes reporting any type of emergency known to be false.

(g) Sexual harassment: Engaging in unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature or because of the sex of the recipient, where such behavior offends the recipient or a third party, causes discomfort or humiliation, creates an intimidating, offensive, or hostile work or classroom environment that interferes with job or school performance.

(h) Racial harassment: Engaging in verbal, written, or physical conduct relating to a person's race or color when the harassing conduct is sufficiently severe, persistent, or pervasive that it affects a person's ability to participate in or benefit from an educational program or activity or creates an intimidating, threatening, abusive, or otherwise hostile educational or work environment; or the harassing conduct has the purpose or effect of substantially or unreasonably interfering with a person's academic or work performance; or the harassing conduct otherwise adversely affects an individual's learning opportunities or employment

opportunities. A hostile environment may be created by behaviors such as, but not necessarily limited to:

(i) Intimidation and implied or overt threats of physical violence motivated by race, color, or national origin;

(ii) Physical acts of aggression or assault upon another, or damage to another's property that is motivated by the individual's race, color, or national origin;

(iii) Depending on the circumstances and context, demeaning racial jokes, taunting, racial slurs, and derogatory racial "nicknames," innuendoes, or other negative or derogatory remarks of a racial nature or relating to national origin;

(iv) Depending on the circumstances and context, graffiti and/or slogans or visual displays such as cartoons or posters depicting racial/ethnic slurs or racially/ethnically derogatory sentiments;

(v) Criminal offenses directed at persons because of their race or national origin.

(i) Furnishing false or incomplete information: The submission of information known to be false or incomplete to any college official. This includes, but is not limited to, providing false or incomplete information during an investigation, or before any student or employee disciplinary, grievance, or tenure process or hearing, or on any college document or form, or to any college employee or agent requesting information as part of their official duties and responsibilities.

(j) Intimidation of witnesses: Threatening or otherwise placing undue emotional pressure on any witness or potential witness during an investigation or informal or formal college hearing.

(k) Destruction of evidence: Knowingly destroying any evidence that could be used during an investigation or informal or formal college hearing for the purpose of denying its use as part of the investigation or hearing.

(l) Sexual assault: Any type of sexual assault in any form, including acquaintance rape and other forced and/or nonconsensual sexual activity.

(m) Physical or emotional abuse: Actual or attempted physical or emotional abuse of any person or conduct which threatens or endangers the health and safety of any person or which intentionally or recklessly causes a reasonable apprehension of harm to any person.

(n) Harassment: Behavior of any sort or any malicious act which serves no legitimate or legal purpose which causes harm to any person's physical or mental well-being. Includes intentionally and repeatedly following or contacting another person by any means in a manner that alarms, annoys, intimidates, harasses, causes substantial emotional distress, causes fear for personal safety or property, or is detrimental to that person or that would cause any of these reactions in a reasonable person. A warning that the behavior is unwanted is not required if a reasonable person would have known that the behavior in question was more likely than not to result in any of the above reactions in another reasonable person and no legitimate or legal purpose is evident.

(o) Threat: Conduct intended to threaten bodily harm, damage to property, or to endanger the health or safety of any person on the college campus. Includes behavior that involves an expressed or implied threat to interfere with an individual's personal safety, academic efforts, employment, or participation in college activities and causes the person to have a reasonable apprehension that such interference is about to occur.

(p) Reckless conduct: Recklessly engaging in conduct which creates a substantial risk of physical harm to either one's self or another person.

(q) Incitement: Intentionally inciting others to engage immediately in any unlawful activity, which incitement leads directly to such conduct.

(r) Undue noise: Unauthorized creation of noise in such a way as to interfere with college functions or using sound amplification equipment in a loud and raucous manner.

(s) Aiding or abetting misconduct: Aiding, assisting, abetting, or serving as an accomplice in the commission of any illegal act or any act prohibited by this code.

(t) Failure to cooperate with an investigation: Failure to cooperate with any lawful investigation of any conduct violation when such investigation is carried out by any college employee acting within the scope of their responsibilities; failure to cooperate with an investigation of any conduct violation, or interference with a proper investigation of any conduct violation by withholding evidence, encouraging or threatening another to withhold evidence.

(u) Theft or robbery: Theft of the property of the district or of another; actual or attempted theft of property or services belonging to the college, any member of its community, or any campus visitor; includes knowingly possessing stolen property.

(v) Malicious mischief: Intentional or negligent damage to or destruction of any college facility or other public or private real or personal property.

(w) Unauthorized use of college equipment and supplies: Using college equipment or supplies for personal gain or use without proper authority.

(x) Unauthorized entry, access, or presence: Unauthorized entry, access, or presence upon the property of the college or into a college facility or portion thereof which has been reserved, restricted in use, or placed off limits; unauthorized presence in any college facility or office at any time; or unauthorized possession or use of a key, access code, or password to any college facility or system. Unauthorized entry, access, or presence also applies to unauthorized access to any college, student, or staff data base, computer system, telephone system, or information system.

(y) Computer, telephone, or electronic technology violation: Conduct that violates college published policies on computer, telephone, or electronic technology use. This includes the use of any college computer, computer system, telephone system, information system, or other electronic technology to violate any local, state, or federal law.

(z) Cheating, fabrication, facilitating academic dishonesty, multiple submission, and plagiarism. Cheating is intentionally using or attempting to use unauthorized materials, information, or study aids in any academic exercise. The term academic exercise includes all form of work submitted for credit or hours. Fabrication is the intentional and unauthorized falsification or invention of any information or citation in an academic exercise. Facilitating academic dishonesty is intentionally or knowingly helping or attempting to help another to violate a provision of this section of the discipline code. Multiple submission includes submitting the same or substantially the same paper or oral report in more than one course without the instructor's permission in the later course(s). Plagiarism is the deliberate adoption or reproduction of ideas or words or statements of another person as one's own without acknowledgment.

(aa) Forgery or alteration of records: Forging or tendering any forged records or instruments of any district record or instrument to an employee or agent of the college.

(bb) Refusal to provide identification in appropriate circumstances: Refusal to provide positive identification (e.g., valid driver's license, student identification card, or state identification card) in appropriate circumstances to any college employee in the lawful discharge of said employee's duties.

(cc) Smoking: Smoking in any classroom or laboratory, the library, or in any college facility or office posted "no smoking" or in any area of the campus posted "no smoking."

(dd) Controlled substances: Using, possessing, being demonstrably under the influence of, or selling any narcotic or controlled substance or legend drugs including anabolic steroids, except when the use or possession of a drug is specifically prescribed as medication by an authorized health care provider licensed by law to prescribe the said medication.

(ee) Alcoholic beverages: Being demonstrably under the influence of any form of alcoholic beverage. Possessing or consuming any form of alcoholic beverage on college property or any college-controlled facility or at any college activity, program, or event, with the exception of sanctioned events, approved by the president or his or her designee.

(ff) Violation of college policy: Violation of clearly stated proscriptions in any published college policy, rule, or regulation.

(gg) Ethics violation: The breach of any generally recognized and published code of ethics or standards of professional practice that governs the conduct of a particular trade, skill, craft, or profession for which the student is taking courses or is pursuing as their educational goal or major. These ethics codes must be distributed to students as part of an educational program, course, or sequence of courses and the student must be informed that a violation of such ethics codes may subject the student to disciplinary action by the college.

(hh) Hazing: Conspiracy to engage in hazing or participation in hazing another. Hazing shall include any method of initiation into a student organization or living group, or any pastime or amusement engaged in with respect to such an organization or living

group, that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm to any student or other person attending Centralia College. Consent is no defense to hazing. The term does not include customary athletic events or other similar contests or competitions. Hazing is also a misdemeanor, punishable under state law.

(ii) Initiation violation: Conduct associated with initiation into a student organization, association, or living group, or any pastime or amusement engaged in with respect to an organization, association, or living group not amounting to a violation of under the definition of hazing. Conduct covered by this definition may include embarrassment, ridicule, sleep deprivation, verbal abuse, or personal humiliation. Consent is no defense to initiation violation.

(jj) Prohibition of animals: No student may bring into or allow any animal, with the exception of service animals, to enter any college owned or controlled facility. All dogs on campus shall be under direct physical control, leashed by their owner or custodian.

(kk) Misuse of student identification: Includes, but is not limited to, alteration of validly issued identification in any manner; use of, or allowing use of, identification by a person other than the one for whom the identification was issued; or use of counterfeit student identification.

(ll) Other misconduct: Any other conduct or action in which the college can demonstrate a clear and distinct interest and which threatens the educational process or any other legitimate function of the college or the health or safety of any member of the college community or visitor.

(mm) Failure to comply with the following regulations governing firearms and weapons:

(i) It shall be the policy of the college that carrying, exhibiting, displaying, or drawing any weapon or weapon facsimile, such as a gun or firearm, dagger, sword, knife, or any other cutting or stabbing instrument or club or any other weapons apparently capable of producing bodily harm and/or property damage is prohibited, in a manner, under circumstances, and at a time and place that either manifests an intent to intimidate another or that warrants alarm for safety of other persons is prohibited.

(ii) Explosives, incendiary devices, or any similar device, object, or product is prohibited.

(iii) The above regulations shall not apply to equipment or material owned, used, or maintained by the college; nor will they apply to law enforcement officers.

(nn) Gambling: Any form of gambling is prohibited.

(oo) Lewd conduct: Engaging in lewd, indecent, or obscene behavior as defined by applicable law is prohibited.

(6) The college will consider as an aggravating factor in determining sanctions any violation of law or of this student code in which it can be shown that the accused intentionally selected the person or target of the violation based upon race, religion, color, disability, sexual orientation, national origin, or ancestry, and therefore may impose harsher or additional sanctions



and penalties.

(7) Violation of any of the above regulations may also constitute violation of the criminal laws or ordinances of various cities, municipalities, counties, the state of Washington, or the United States and may subject a violator to criminal sanctions in addition to any sanctions imposed by the college.

#### NEW SECTION

##### **WAC 132L-120-090 Authority and responsibility for discipline.**

(1) The board of trustees acting in accordance with Washington state statutes delegates to the president of the college authority to administer disciplinary action. In addition, the board of trustees authorizes the college administration to promulgate rules and provide for sanctions that provide a civil and nondisruptive learning environment.

(2) Administration of the disciplinary procedure is the responsibility of the chief judicial affairs officer. The chief judicial affairs officer shall serve as the principal investigator and prosecutor for alleged violations of this code.

(3) In situations of apparent misconduct or apparent unauthorized presence in a college facility, it may be necessary for properly identified college personnel to ask a person to produce evidence of being a currently enrolled student at the college. Failure to comply with a legitimate request for identification from properly identified college personnel is a violation of this code and may result in a disciplinary action if the person is found to be a student. In emergency situations, cases of misconduct, or where there is a substantial danger to the college community or college property, failure to produce identification by a student may result in the assumption by college personnel that the person questioned is not a student and may result in direct civil or criminal action.

(4) The instructor is responsible for conduct in the classroom or any course-related activity or event and is authorized to take such steps as are necessary when behavior of the student disrupts the normal classroom procedure. Instructors may remove a student for the single class session in which such disruptive behavior occurs. When such behavior results in expulsion from a class session, the instructor must report the infraction in writing to the chief judicial affairs officer at the earliest opportunity. The student is automatically permitted to return to the next class session pending the outcome of any investigation or disciplinary hearings by the chief judicial affairs officer. If the student repeats behavior in any class session that again disrupts the normal classroom procedure, the student may be removed again for that class session by the instructor who shall again report the infraction to the chief judicial affairs officer in writing. In

all cases involving classroom disruption, the chief judicial affairs officer will proceed with the investigation and/or disciplinary hearings in the quickest possible time consistent with the procedural requirements established in this code.

(5) The person in charge of any college office, department, or facility is responsible for conduct in that office, department, or facility and is authorized to take such steps as are necessary when behavior of the student disrupts the normal office procedure. The person in charge may remove a student for the single day in which such disruptive behavior occurs. When such behavior results in expulsion from an office, department, or facility, the person in charge must report the infraction in writing to the chief judicial affairs officer at the earliest opportunity. The student is automatically permitted to return the next day pending the outcome of any investigation or disciplinary hearings by the chief judicial affairs officer. If the student repeats behavior at any time in the future that again disrupts the normal office procedure, the student may be removed again for a single day by the person in charge who shall again report the infraction to the chief judicial affairs officer in writing. In all cases involving office disruption, the chief judicial affairs officer will proceed with the investigation and/or disciplinary hearings in the quickest possible time consistent with the procedural requirements established in this code.

(6) The student has the right to appeal any disciplinary action of an instructor or college employee to the chief judicial affairs officer in accordance with the procedures set forth in this code.

(7) A student formally charged or under investigation for a violation of this code may not excuse himself or herself from disciplinary hearings by withdrawing from the college.

NEW SECTION

**WAC 132L-120-100 Definition of disciplinary action.** In accordance with the procedures outlined in this code, the following disciplinary actions may be imposed upon students found to be in violation of this code:

(1) Warning: Notice in writing that the student has violated one or more terms of this code of conduct and that continuation or repetition of the same or similar may be cause for more severe disciplinary action. This sanction is not subject to appeal.

(2) Disciplinary probation: Formal action placing specific conditions upon the student's continued attendance and warning the student that further misconduct may subject the student to suspension or dismissal. Probation may be for a limited period or may be for the duration of the student's attendance at the college.

(3) Restitution: Reimbursement for damage to or

misappropriation of property, or for injury to persons, or for reasonable costs incurred by the college in pursuing an initial investigation. This may take the form of appropriate service or other compensation. Failure to make restitution, or to make in writing college-approved arrangements to pay, will result in suspension for an indefinite period provided that the student may be reinstated upon payment.

(4) Change of a grade: Applies only to violations regarding cheating, fabrication, facilitating academic dishonesty, multiple submission, and plagiarism. The college in accordance with the grading policy of the college assigns students grades. Instructors as part of the professional academic judgment and evaluation of the instructor ordinarily assign students grades. In the case of a finding of cheating, fabrication, facilitating academic dishonesty, or plagiarism as defined in this code, and only as a result of the official disciplinary processes as outlined in this code, the chief judicial affairs officer may authorize an instructor to change the grade, or may record a change in grade, for the academic exercise in which academic dishonesty occurred or for the entire course in which academic dishonesty occurred. This penalty may be imposed in addition to other authorized penalties as outlined in this code. Instructors may issue an "incomplete" ("I") grade pending the outcome of any investigation or disciplinary hearing by the chief judicial affairs officer related to academic dishonesty.

(5) Summary suspension: Immediate exclusion from classes and other privileges or activities in accordance with this code.

(6) Suspension: Dismissal from the college and from status as a student for a stated period of time. 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 that the conditions for readmission have been met. There is to be no refund of tuition or fees for the quarter in which the action is taken, but tuition and fees paid in advance for a subsequent quarter are to be refunded. Suspension may also include withdrawal and/or limitations in one or more courses, services, or programs without revocation of student status.

(7) Deferred suspension: Notice of suspension from the college with the provision that the student may remain enrolled contingent on meeting any condition(s) specified. Not meeting the contingency shall immediately invoke the suspension for the period of time and under the conditions originally imposed.

(8) Dismissal: The surrender of all rights and privileges of membership in the college community and exclusion from the campus and college owned or controlled facilities without any possibility of return. There is to be no refund of tuition or fees for the quarter in which the action is taken, but tuition and fees paid in advance for a subsequent quarter are to be refunded.

(9) Forfeiture of state-funded financial aid: Applies only to violations regarding hazing. The forfeiture of any entitlement to state-funded grants, scholarships, or awards for a specified period.

(10) Withdrawal of official recognition: Any student

organization, association, or student living group that knowingly permits hazing to be conducted by its members or by others subject to its direction or control shall be deprived of any official recognition or approval granted by Centralia College. In addition, any organization, association, or student living group that knowingly permits hazing is strictly liable for harm caused to persons or property resulting from hazing. If the organization, association, or living group is a corporation whether for profit or nonprofit, the individual directors of the corporation may be held individually liable for damages. Withdrawal of official recognition may also be applied to any organization, association, or living group for other violations of Centralia College policies, rules, or regulations concerning such organizations.

(11) Disqualification from athletics: Any student found by the college to have violated this code related to the use, possession, sale, or delivery of legend drugs is subject to additional sanctions, including disqualification from College-sponsored athletic events.

(12) College or community service: Assignment of labor or responsibilities to any student or student organization with the college or local community. May also include mandatory attendance at educational programs or courses or other assignments.

(13) Fines: Monetary fines up to five thousand dollars for any student organization or up to five hundred dollars for any student. Restitution may be added as an additional monetary sanction.

(14) Protective or no-contact order: Prohibition of direct or indirect physical and/or verbal contact with another individual or group. Any form of communication may be limited. Restrictions on locations or specified minimum distances may be imposed. Other reasonable restrictions to protect the safety and welfare of others may also be imposed. An immediate, protective or no-contact order may also be issued by the chief judicial affairs officer or his or her representative prior to any disciplinary hearing upon the sworn or affirmed written and signed testimony of any complainant that the complainant is in reasonable fear of intimidation, harassment, physical or emotional abuse, or harm, provided that the subject of such order is duly notified in writing either in person or by first class mail and is provided the opportunity to appeal such an order at an initial disciplinary hearing within seven days after notification to the chief judicial affairs officer in writing of intent to appeal. An appeal may be combined with the normal disciplinary action of an initial disciplinary hearing if charges have also been filed.

(15) Professional evaluation: Referral for drug, alcohol, psychiatric, psychological, or medical evaluation may be required. Recommendations as part of any such evaluation may become part of any sanction. If the evaluation indicates that the student is not capable of functioning within the college community, the student will remain suspended until and unless future evaluation recommends that the student is capable of reentering the college. The student may choose the professional within the scope of practice and with the professional credentials as defined by the college. The

student shall pay for the cost of the evaluation. The college reserves the right to send a student to a professional of its own choosing at cost to the college.

(16) Hold on awarding of degree or issuance of official transcript: In the event that the conditions of other sanctions such as, but not limited to, fines, restitution, and community service, are not fulfilled, the college may place a hold on the issuance of a degree or certificate and may place a hold on the issuance of an official transcript. In addition, the college may prevent further registration. These holds will be lifted upon fulfillment of the terms and conditions of the imposed sanction.

NEW SECTION

**WAC 132L-120-110 Summary suspension.** (1) If the chief judicial affairs officer or his or her designee(s) has cause to believe that any student:

- (a) Has violated any provision of this code; and
- (b) Presents an imminent danger either to himself or herself or other persons within the jurisdiction of the college as defined in this code, that student may be summarily suspended and shall be served notice by certified and first class mail at the student's last known address, or shall be personally served.

(2) The notice shall be entitled "notice of summary suspension hearings" and shall state:

- (a) The charges against the student including reference to the provisions of this code or statutory law involved; and
- (b) That the student charged must appear before the chief judicial affairs officer or his or her designee at a time specified in the notice for an initial disciplinary hearing in accordance with WAC 132L-120-120. The hearing shall be held as quickly as feasible after the summary suspension.

NEW SECTION

**WAC 132L-120-120 Initial disciplinary hearing.** (1) All disciplinary hearings will be initiated by the chief judicial affairs officer or his or her designated representative, or in the case of a student who has been issued an immediate protective or no-contact order may be initiated by the appeal of the student so affected. Students may be placed on suspension pending commencement of disciplinary action, pursuant to the conditions set forth in WAC 132L-120-110.

(2) Any student accused of violating any provision of the

rules of conduct shall be notified of an initial disciplinary hearing either in person or by certified and first class mail and shall receive written notice of such meeting with the chief judicial affairs officer or his or her designated representative. The student will be informed in writing of what provision or provisions of the rules of conduct he/she is charged with violating, and what appears to be the range of penalties, if any, which might result from initiation of disciplinary hearings. The student will be given seven days to respond. If the student fails to respond or fails to appear, the initial disciplinary hearing may be held in the student's absence. The chief judicial affairs officer, in lieu of an initial disciplinary hearing, may, at the option of the chief judicial affairs officer, refer the matter directly to the judicial board subject to the above notification requirements.

(3) After considering the evidence in the case and interviewing the accused student, if the accused student has appeared at the initial meeting, or after reviewing the evidence in the case where the accused student has failed to appear, the chief judicial affairs officer may take any of the following actions:

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

(b) Dismiss the case after whatever advice the chief judicial affairs officer deems appropriate;

(c) Impose an admonition to the student directly, not subject to the students right of appeal as provided in this code;

(d) Impose any of the sanctions listed in WAC 132L-120-100. The student may appeal any sanction except a written warning;

(e) Refer the matter to the judicial board without making a finding;

(f) Uphold, modify, or dismiss an immediate protective or no-contact order.

(4) At the conclusion of the initial disciplinary hearing, the chief judicial affairs officer will provide a decision, together with a brief statement for the reasons for the decision. A written decision shall be mailed or otherwise served within ten days of the end of the proceeding. This written statement shall include reasons for the decision and information about the appeals process. This written decision shall become final unless appealed.

#### NEW SECTION

**WAC 132L-120-130 Judicial board.** The college judicial board will hear and make recommendations on all disciplinary cases referred to it by the chief judicial affairs officer or appealed to it by students who have been disciplined by the chief judicial affairs officer.

(1) The college judicial board will be composed of the

following nine members:

(a) A chair will be designated by the president of the college and shall continue in office until the person resigns or is recalled by the president. It is the responsibility of the chair to ensure that all procedural guidelines specified in this code and the Administrative Procedure Act are followed, to call the judicial board into session, to preside at all meetings and hearings of the committee, to take whatever steps are necessary during the hearing itself to ensure that the hearing is conducted in a safe and orderly manner, to advise the members of the committee concerning precedents and guidelines affecting the individual case, and to inform the student in writing of the action taken by the college judicial board following the hearing.

(b) Two full-time tenured faculty members appointed by the faculty representative. Two alternates shall be appointed to serve in the event that appointees are unable to serve or complete their term. The committee members shall serve for two-year terms. Terms shall begin with the first day of fall quarter and shall include summer quarter. One-year terms may be appointed to stagger experience on the judicial board.

(c) Two student representatives enrolled in a minimum of six credits in good standing shall be chosen by the ASCC in such manner as the members thereof shall determine. Two alternates shall be appointed to serve in the event that members are unable to serve or complete their term. The committee members shall serve for two-year terms. Terms shall begin with the first day of fall quarter and shall include summer quarter. One-year terms may be appointed to stagger experience on the judicial board.

(d) Two exempt members appointed by the exempt representative. Two alternates shall be appointed to serve in the event that appointees are unable to serve or complete their term. The committee members shall serve for two-year terms. Terms shall begin with the first day of fall quarter and shall include summer quarter. One-year terms may be appointed to stagger experience on the judicial board.

(e) Two classified staff members appointed by the classified staff representative. Two alternates shall be appointed to serve in the event that appointees are unable to serve or complete their term. The committee members shall serve for two-year terms. Terms shall begin with the first day of fall quarter and shall include summer quarter. One-year terms may be appointed to stagger experience on the judicial board.

(2) The judicial board shall be convened by the chief judicial affairs officer during the first four weeks of fall quarter to discuss these rules and receive training. Other meetings may be held as determined by the chairperson or requested by the committee members.

(3) Faculty or student members may be excused from service for the entire year, for a particular period, or for a particular case. If any member of the judicial board is unable to consider the matters raised in a particular hearing for any reason, (including, but not limited to, conflict of interest and matters of conscience or related reasons), such member(s) shall abstain from

participation. Replacement of excused members shall be made from respective alternate panels.

(4) A quorum is required to conduct a disciplinary hearing. In addition to the chair, at least one faculty member, one student, one classified staff, and one exempt member are required for a quorum.

(5) If a quorum cannot be formed because of the nonavailability of members, e.g., summer quarter, break, excused absence, or other reasons, the president may appoint an ad hoc judicial board with the same composition as the regular judicial board, including the temporary appointment of a chair.

#### NEW SECTION

**WAC 132L-120-140 Appeals of disciplinary action.** (1) Appeals contesting any disciplinary action except warning may be made by the student(s) involved. Such appeals shall be made in the following order:

(a) Disciplinary action taken by the chief judicial affairs officer or his or her designee(s) may be appealed to the judicial board, which shall hear the case de novo.

(b) Disciplinary action taken by the judicial board may be appealed by the student to the president of the college. The president shall review the record of the hearing and must afford each party an opportunity to present written argument and may afford each party the opportunity to present oral argument. The president's decision shall be final.

(2) Any appeal by a student receiving a disciplinary sanction must meet the following conditions:

(a) The appeal must be in writing and must clearly state errors in fact or matters in extenuation or mitigation which justify the appeal.

(b) An appeal of any disciplinary action taken by the chief judicial affairs officer must be filed within twenty-one days from the date of mailing to the student notice that disciplinary action was taken by the chief judicial affairs officer.

(c) An appeal of any disciplinary action taken by the judicial board must be filed within ten days from the date of mailing to the student notice that disciplinary action was taken by the judicial board.

(d) The appeal of any action taken by the chief judicial affairs officer shall be submitted in writing to the chair of the judicial board, with a copy of all materials submitted also sent to the chief judicial affairs officer.

(e) The appeal of any action taken by the judicial board shall be submitted in writing to the president with a copy to the chief judicial affairs officer and the chair of the judicial committee.

(3) All decisions of the judicial board shall be sent from the



chair of the judicial board to the chief judicial affairs officer. Written decisions shall include the signature of the chair of the judicial board. Copies shall be sent to the president of the college or his or her designee and the student involved in the hearing.

#### NEW SECTION

**WAC 132L-120-150 Hearing procedures before the judicial board.** (1) The judicial board shall conduct a hearing not less than seven days nor more than twenty-one days after disciplinary action has been referred to it.

(2) The student has a right to a fair and impartial hearing before the judicial board on any charge of violating the rules of conduct. However, the student's failure to cooperate with the committee's hearing procedures or failure to appear shall not preclude the judicial board from convening and making its findings of fact, conclusions, and recommendations.

(3) The student may be represented by counsel of his or her choice at the disciplinary hearing. If the student elects to choose a duly licensed attorney admitted to practice in the state of Washington as counsel, the student shall notify the chair at the time of appeal or, if the hearing is held at the request of the college, at least three days prior to the hearing.

(4) In all disciplinary hearings, the college will be represented by the chief judicial affairs officer or his or her designee. The chief judicial affairs officer will then present the college's case against the student accused of violating the rules of conduct; provided, that in those cases in which the student elects to be represented by a licensed attorney, the chief judicial affairs officer may elect to have the college represented by an assistant attorney general with the assistance of the chief judicial affairs officer.

(5) The record in a formal hearing shall consist of all documents as required by law and as specified in RCW 34.05.476 as now law or hereafter amended.

(6) Records of disciplinary hearings shall be maintained in the chief judicial affairs officer office and shall be available only during the course of the disciplinary hearings to the judicial board, the student, and his/her attorney, and any other college official designated by the chief judicial affairs officer. Copies of disciplinary findings may be sent and kept on file by college officials with a legitimate educational interest.

(7) Following the conclusion of the disciplinary hearing, access to records of the case and the hearing files will be limited to those designated by the college chief judicial affairs officer.

(8) Following final disposition of the case and any appeals therefrom, the president may direct the destruction of any records

of any disciplinary hearings, provided that such destruction is in conformance with the requirements of chapter 40.14 RCW, as now law or hereafter amended.

(9) The time of the hearing may be advanced by the judicial board at the request of the student or continued for good cause.

(10) If at any time during the hearing a visitor disrupts the hearings, the chair of the judicial board may exclude that person from the hearing room.

(11) Any student of the college attending the disciplinary hearing who continues to disrupt the hearings after the presiding officer has asked him/her to cease or to leave the hearing room, shall be subject to disciplinary action.

(12) All testimony of parties and witnesses shall be made under oath or affirmation.

(13) Members of the judicial board must avoid ex parte (one-sided) communications with any party involved in the hearing regarding any issue other than communications necessary to maintaining an orderly procedural flow to the hearing. Ex parte communications received by members of the judicial board must be placed on the record, and the other party must be informed of the ex parte communication and given an opportunity to respond on the record.

#### NEW SECTION

**WAC 132L-120-160 Evidence admissible in hearings.** (1) Only those matters presented at the hearing, in the presence of the accused student (except where the student fails to attend after receipt of proper notice) will be considered in determining whether the judicial board has sufficient cause to believe that the accused student is guilty of violating the rules he or she is charged with having violated.

(2) The presiding officer of the judicial board shall, in the course of presiding at the disciplinary hearing, give effect to the rules of privilege recognized by law and exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence.

(3) Evidence or testimony to be offered by or on behalf of the student in extenuation, mitigation, or aggravation shall not be considered until all substantive evidence or testimony has been presented. Such evidence shall be considered as part of the determination of appropriate sanctions, if the accused has been found guilty of misconduct.

(4) Disciplinary hearings and related hearings do not follow the same procedures used in courtrooms, nor do they use the same rules of evidence as in civil or criminal trial.

(5) Hearsay evidence is admissible.

(6) It shall be the responsibility of the college to prove its case by a preponderance of the evidence.

NEW SECTION

**WAC 132L-120-170 Decision by the judicial board.** (1) Upon conclusion of the disciplinary hearing, the judicial board shall consider all the evidence therein presented and decide by majority vote any of the following actions:

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

(b) That the college impose any of the disciplinary actions as provided in this code.

(2) The committee's written decision shall include findings of fact, conclusions of law, and recommendations for the final disposition of the matter at issue.

(3) Within seven days after the decision of the committee, the student will be mailed or otherwise provided with a copy of the committee's findings of fact and conclusions. The copy shall be dated and contain a statement advising the student of his or her right to submit a written statement to the president of the college appealing the recommendation of the judicial board.

(4) The decision of the judicial board becomes final unless appealed within ten days of mailing or delivery of notice of disciplinary action to the student.

NEW SECTION

**WAC 132L-120-180 Appeal to the president.** Any student who is aggrieved by the findings or conclusions of an appeal to the judicial board may appeal the same in writing to the president within ten days of mailing notice to the student of the action taken by the judicial board. The president may, at his or her discretion, suspend any disciplinary action pending determination of the merits of the findings, conclusions, and disciplinary actions imposed. In the consideration of such an appeal, the president shall base his or her findings and decision only on the official written record of the case. The president must afford each party opportunity for written argument and may afford each party opportunity for oral argument. The president shall not engage in ex parte communication with any of the parties. The president shall conduct the review within thirty days of notice of appeal and shall mail or otherwise provide a written conclusion to all parties within fourteen days after completion of the appeal process. The decision of the president is final.

NEW SECTION

**WAC 132L-120-190 Readmission after dismissal.** A student dismissed from the college may be readmitted only on written petition to the president. Petitions must indicate reasons that support reconsideration. The president may use whatever review procedures are at the president's disposal in consideration of readmission. The president shall convey a decision in writing to the student within thirty days after completion of the review process.

NEW SECTION

**WAC 132L-120-200 Review of rules.** These rules will be reviewed annually by the chief judicial affairs officer. The chief judicial affairs officer, upon determining a need to revise this code shall convene a review committee to make recommendations for change in the code.

NEW SECTION

**WAC 132L-120-210 Membership of review committee.** The review committee shall be composed of the judicial board members plus the director of student programs, and the chief judicial affairs officer who shall serve as chair. Each member shall have one vote.

NEW SECTION

**WAC 132L-120-220 Function of the review committee.** (1) The review committee will establish procedures for review and possible revision of these rules.

(2) All proposed amendments shall be submitted to the chief judicial affairs officer, who will send copies of each proposal to members of the review committee for their consideration. The review committee will hear and consider all proposed amendments and publish proposed recommendations for review by the college community through a public forum. The assistance of the college's assigned assistant attorney general may be used as appropriate throughout the review process.

(3) After review by the college community, the committee shall

make its final recommendations. These recommendations shall be offered for review to ASCC, faculty senate, and student issues and policy council. The review committee shall make any adjustments or reconsideration. The resulting recommendations shall then go to the college council.

(4) After completion of the above steps, the recommendations for revision of these rules shall be made by the college council to the president, who, upon his or her approval, shall recommend these rules to the board of trustees.

(5) Upon approval of the board of trustees, the new rules shall be submitted to the code reviser. After successful completion of the code revision process, the WAC rules are enforceable and immediately shall be published and made available to the college community.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 132L-20-010	Preamble.
WAC 132L-20-030	Jurisdiction.
WAC 132L-20-050	Right to demand identification.
WAC 132L-20-070	Freedom of association and organization.
WAC 132L-20-080	Prohibitions.
WAC 132L-20-130	Commercial and promotional activities.
WAC 132L-20-135	Handicapped students.
WAC 132L-20-140	Use of college facilities.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 132L-22-020	Nonacademic disciplinary procedures.
WAC 132L-22-060	Sanctions.
WAC 132L-22-070	Readmission after suspension.
WAC 132L-22-080	Reestablishment of academic standing.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 132L-24-010	Summary suspension procedures.
WAC 132L-24-020	Permission to enter or remain on campus.
WAC 132L-24-030	Notice of summary suspension proceedings.
WAC 132L-24-090	Summary suspension proceedings not duplicitious.



REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 132L-25-010

Emergency procedures.