

State of Washington

BOARD OF TRUSTEES

(name of governing body)

COMMUNITY COLLEGE DISTRICT 12

(name of institution)

Resolution No. 80-9

Administrative Order No.

(1) Be it resolved by the board of trustees

of the Community College District 12

(institution)

acting at Centralia College, Centralia, Washington

(place)

that it does promulgate and adopt the annexed rules relating to:

STUDENTS RIGHTS & RESPONSIBILITIES (WAC 132L-20, 22, 24) Amend

(132L-520, 132L-522, 132L-524) Repeal

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. 80-01-055 filed with the code reviser on 12/19/79. Such rules shall take effect:

pursuant to RCW 28B.19.050(2).

at a later date, such date being

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

We find that an emergency exists and that the foregoing order 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 public interest. A statement of the facts constituting such emergency is:

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of WAC 1-13-040 that each order shall set forth an appropriate statement of state statutory authority (fill in statement (a), (b), or (c) as appropriate):

(a) This rule is promulgated pursuant to RCW and is intended to administratively implement that statute.

(b) This rule is promulgated pursuant to RCW which directs that the

(institution)

has authority to implement the provisions of

(name of act or RCW citation)

(c) This rule is promulgated under the general rule-making authority of the

COMMUNITY COLLEGE DISTRICT 12

(institution)

as authorized in RCW Chapter 28B.50 and 28B.10

(4) The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

(5) This order after being first recorded in the order register of this governing body is herewith transmitted to the Code Reviser for filing pursuant to chapter 28B.19 RCW and chapter 1-13 WAC.

APPROVED AND ADOPTED February 14, 1980

MAR 7 1980

By [Signature]

District President

Title

CODE REVISER'S OFFICE WSR 80-04-009

Ms. Stough wondered if the students, at some future time, might be able to accept another District name; one that is mutual and neutral.

The Chairman said some time ago the Board did approve a change in the name of OTCC from OVTI to make it more representative of the community college status. However, he said the motion before the Board at this time is a decision whether or not to approve a code for students in all locations throughout the District which is no different than the present operating code on each of the "campus" and off-campus locations. He appreciated the concerns of OTCC students, but felt that no objections to the code itself had been raised.

Mr. Warren said even if there were additional testimony by other people from OTCC who had the "same" basis for objection as Mr. Liendecker's, it would make no difference in his vote. He said the "dye was cast" by the Board for unity between the colleges when a decision was made for one Community College District 12, with a District President, and its Campus Presidents. The issue of whether certain people want OTCC to go its own way and become a separate school has no bearing on the motion now before the Board. Today there is one college district comprised of two campuses. He then called for the question.

RESOLUTION
80-9

WHEREAS the Board of Trustees of Community College District 12 has previously approved a Students Rights and Responsibilities Code, a Code Procedures and Summary Suspension Rules for students on the campus of both Centralia College and Olympia Technical Community College; and WHEREAS these rules are similar in content; and WHEREAS the Board of Trustees desires to promote as much commonality between the two campuses as is possible;

BE IT THEREFORE RESOLVED to repeal WAC 132L-520-010 through 170; WAC 132L-522-010 through 080; and WAC 132L-524-010 through 090. BE IT ALSO RESOLVED to amend WAC 132L-20-010, 020, 040 through 060, 080 through 120, 140 through 170; WAC 132L-22-020 through 050, 070; and WAC 132L-24-010, 030, 050 through 080; and adopt these amended rules as permanent rules for Students Rights and Responsibilities, Code Procedures and Summary Suspension Rules for Centralia College and Olympia Technical Community College District 12.

MOTION
80-10

Mr. Warren moved, seconded by Ms. Knutsen, to adopt the resolution. Motion carried unanimously, with the Chairman also voting aye.

AMENDATORY SECTION (Amending Order 78-9, filed 3/22/78)

WAC 132L-20-010 PREAMBLE. Centralia College ((s)) and Olympia Technical Community College are dedicated not only to learning and the advancement of knowledge but also to the development of ethically sensitive and responsible persons. It seeks to achieve these goals through a sound educational program and policies concerning conduct that encourage independence and maturity while strengthening the spirit of mutual cooperation and responsibility shared by all members of the college community. Sharing goals held in common, the students, faculty, and staff of Centralia College and Olympia Technical Community College are joined in voluntary association in an educational community.

The student is, first of all, a member of the community at large, and as such, is entitled to the rights and responsibilities of any citizen of comparable age and maturity. In addition, students, as members of the college community are in the unique position of being citizens of two communities, subject to the regulations imposed by both and accountable to both.

Centralia College and Olympia Technical Community College expect((s)) that students will respect the laws of the greater society. As an agency of the state of Washington, the college must respect and adhere to the regulations established by local, state, and federal authorities. As an educational institution, it has the added responsibility for assisting students in gaining an understanding of the law and its function, and the responsibilities imposed upon each individual in a democratic society to respect and support the legal structure which protects the individual and the society. As a functioning organization, it also has the responsibility to develop a set of regulations to assure the orderly conduct of the affairs of the college.

Admission to the college carries with it the expectation that students will conduct themselves as responsible members of the college community, that they will comply with the rules and regulations of the college, maintain high standards of integrity and honesty, respect the rights, privileges and property of other members of the college community and will not interfere with legitimate college affairs.

An atmosphere of learning and self-development is created by appropriate conditions in the college community. The rights and responsibilities in this document are critical ingredients in the free, creative, and spirited educational environment to which the students, faculty and staff of Centralia College and Olympia Technical Community College are committed.

AMENDATORY SECTION (Amending Order 78-9, filed 3/22/78)

WAC 132L-20-020 DEFINITIONS. As used in this Code of Student Rights and Responsibilities the following words and phrases shall mean:

(1) "ASCC ((Student)) or ASOTCC Senate" means the representative governing body for students at Centralia College or Olympia Technical Community College recognized by the board of trustees.

(2) "Assembly" means any overt activity engaged in by two 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.

(3) "Board" means the board of trustees of Community College District 12, state of Washington.

(4) "Campus president" means the duly appointed chief executive officer of Centralia College or Olympia Technical Community College, Community College District 12, state of Washington, or in his/her absence, the acting chief executive officer.

(5) "College" means Centralia College or Olympia Technical Community College located within Community College District 12, state of Washington.

((15)) (6) "College facilities" means and includes any or all real and personal property owned or operated by the college and shall include all buildings and appurtenances affixed thereon or attached thereto.

((16)) (7) "College personnel" refers to any person employed by Community College District 12 on a full-time or part-time basis, except those who are faculty members.

((17)) (8) "Disciplinary action" means and includes suspension or any lesser sanction of any student by the dean of students, the student hearing committee, ((executive---dean)) campus president/district president, or the board of trustees for the violation of any of the provisions of the Code of Student Rights and Responsibilities for which such sanctions may be imposed.

(a) The ((executive-dean)) campus president or designee shall have the authority to take any disciplinary action including the authority to suspend any student of the college for a period not to exceed ten academic calendar days.

(b) The district president or designee shall have the authority to take any disciplinary action including the authority to suspend any student of the college.

((18)) (9) "District" means Community College District 12, state of Washington.

((19)) (10) "District president" means the duly appointed chief executive officer of Community College District 12, state of Washington, or in his/her absence, the acting chief executive officer.

((10)-"Executive-Dean"-means-the-duly-appointed-chief-executive officer-of-Centralia-College,-Community-College-District-12,-state-of Washington,-or-in-his/her-absence,-the-acting-chief-executive officer))

(11) "Faculty member(s)" means any employee of Centralia College or Olympia Technical Community College who is employed on a full-time or part-time basis as a teacher, counselor, librarian or other position for which the training, experience and responsibilities are comparable as determined by the appointing authority, except administrative appointments.

(12) "Recognized student organization" means and includes any group or organization composed of students which is formally recognized by the student government of the college.

(13) A "sponsored event or activity" means any activity that is scheduled by the college and is supervised and controlled by the college's faculty members or college personnel. Such "sponsorship" shall continue only as long as the event is supervised and controlled by the college faculty member or college personnel. When the sponsored event or activity is of a prolonged nature, and free time periods are permitted to the students participating in the event, any activity taking place during such a free time period outside of the supervision and control of the college's faculty member or college personnel responsible for the event or activity shall be deemed to be a nonsponsored activity.

(14) "Student", unless otherwise qualified, means and includes any person who is enrolled for classes or formally in the process of applying for admission to the college.

AMENDATORY SECTION (Amending Order 78-9, filed 3/22/78)

WAC 132L-20-040 AUTHORITY TO PROHIBIT TRESPASS. (1) The ((executive-dean)) campus president is authorized in the instance of any event that the ((executive-dean)) campus president deems impedes the movement of persons or vehicles or which the ((executive-dean)) campus president deems to disrupt or threatens to disrupt the ingress and/or

egress of persons from college facilities, and the ((executive--dean)) campus president acting through the dean of students, or such other designated person shall have authority and power to:

(a) Prohibit the entry of, withdraw the license or privilege of a person or persons or any group of persons to enter onto or remain upon any portion of a college facility; or

(b) Give notice against trespass to any person, persons, or group of persons against whom the license or privilege has been withdrawn or who have been prohibited from entering onto or remaining upon all or any portion of a college facility; or

(c) Order any person, persons or group of persons to leave or vacate all or any portion of a college facility.

(2) Any student who shall disobey a lawful order given by the ((executive--dean)) campus president or designee pursuant to the requirements of subsection (1) of this rule shall be subject to disciplinary action.

AMENDATORY SECTION (Amending Order 78-9, filed 3/22/78)

WAC 132L-20-050 RIGHT TO DEMAND IDENTIFICATION. (1) For the purpose of determining identity of a person as a student any faculty member or other college personnel authorized by the ((executive--dean)) campus president may demand that any person on college facilities produce evidence of student enrollment at the college. Tender of the student identification card will satisfy this requirement.

(2) Refusal by a student to produce identification as required shall subject the student to disciplinary action.

AMENDATORY SECTION (Amending Order 78-9, filed 3/22/78)

WAC 132L-20-060 FREEDOM OF ACCESS TO HIGHER EDUCATION. Students are free to pursue their educational goals; appropriate opportunities for learning in the classroom and on the campus shall be provided by the district. ((Centralia)) The college shall maintain an open-door policy, to the end that no students will be denied admission because of the location of the student's residence, or because of the student's educational background or ability; that, insofar as is practical in the judgment of the board, curriculum offerings shall be provided to meet the educational and training needs of the community generally and the students thereof; and that all students, regardless of their differing courses of study, will be considered, known and recognized equally as members of the student body: PROVIDED, That the administrative officers of ((Centralia)) the college may deny admission to a prospective student or attendance to an enrolled student if, in their judgment, the student would not be competent to profit from the curriculum offerings of the community college, or would, by the student's presence or conduct, create a disruptive atmosphere within the community college inconsistent with the purposes of the institution.

AMENDATORY SECTION (Amending Order 71-11, filed 2/17/71)

WAC 132L-20-070 FREEDOM OF EXPRESSION. Fundamental to the democratic process are the rights of free speech and peaceful assembly. Students and other members of the college community shall always be

free to express their views or support causes by orderly means which do not disrupt the regular and essential operation of the college.

Concomitantly, while supporting the rights of students and other members of the college community, ((Centralia)) the college recognizes the responsibility to maintain an atmosphere on campus conducive to a sound educational endeavor.

To insure the reconciliation of such rights and responsibilities while respecting the private rights of all individuals, campus demonstrations may be conducted only in areas which are generally available to the public provided such demonstrations are conducted in an orderly manner, do not interfere with vehicular or pedestrian traffic, do not interfere with processes of the college and are not held in or on facilities where college functions are in progress.

AMENDATORY SECTION (Amending Order 78-9, filed 3/22/78)

WAC 132L-20-080 FREEDOM OF ASSOCIATION AND ORGANIZATION. Students bring to the campus a variety of interests previously acquired and develop many new interests as members of the college community. They are free to organize and join associations to promote any legal purpose, whether it be religious, political, educational, recreational, or social.

Student organizations must be granted a charter by the ((Centralia)) the college student government before they may be officially recognized. Prior to becoming chartered, a student organization must submit to the student government a statement of purpose, criteria for membership, a statement of operating rules or procedures, and the name of a faculty member who has agreed to serve as advisor. All student organizations must also submit to the student government a list of officers and keep that list updated when changes occur. In order to qualify for issuance of a charter, a student organization must be open to all students without respect to race, sex, creed, or national origin, except for religious qualification which may be required by organizations whose aims are primarily sectarian, or for other reasonable justifications which are directly related to the purposes of the organization. Affiliation with a noncampus organization shall not be grounds for denial of charter provided that other conditions for charter issuance have been met.

AMENDATORY SECTION (Amending Order 71-11, filed 2/17/71)

WAC 132L-20-090 STUDENT PARTICIPATION IN COLLEGE GOVERNANCE. As members of the college community, students will be free, individually and collectively, to express their views on college policy, and on matters of general interest to the student body. The ASCC or ASOTCC constitution and the college's administrative procedures provide clear channels for student participation in the formulation and application of institutional policies regarding academic and student affairs. Individuals affected by a policy shall have a representative voice in the formulation of that policy.

AMENDATORY SECTION (Amending Order 78-9, filed 3/22/78)

WAC 132L-20-100 STUDENT RECORDS. In compliance with the Family Educational Rights and Privacy Act, this policy has been created to

insure continued confidentiality of student records at ((Centralia)) the college and govern the release of personally identifiable information contained within.

(1) Education records. Education records are defined as those records, files, and documents containing information directly pertaining to a student. At Centralia College and Olympia Technical Community College these are:

(a) Records pertaining to admission, advisement, registration, grading, and progress to a degree that are maintained by the registrar.

(b) Testing information used for advisement purposes by the counseling center.

(c) Information concerning payment of fees as maintained by the treasurer.

(d) Financial aid information as collected by the financial aid office.

(e) Information regarding students participating in student government or athletics that is maintained by the student programs office.

(2) Access to education records. Students who are or have attended ((Centralia)) the college have the right to examine or review their personal records, as defined above, by submitting to the registrar a written request indicating education records to which access is desired.

Charges for reproduced copies of education records are found in the current catalog.

(3) Directory information. The following information is considered "Directory Information" and thus may be disclosed without consent of the student, unless otherwise directed by the student, at any time, to the registrar in writing: The student's name, address, telephone number, date and place of birth, major field of study, eligibility for and participation in officially recognized activities, organizations, and sports, weight and height of members of athletic teams, dates of attendance, honor roll, degrees and awards received, and the most recent previous educational agency or institution attended by the student.

(4) Disclosures from education records. In addition to Directory Information the college will, at its discretion, make disclosures from education records of students with the student's prior written consent or to the following listed parties:

(a) College officials including college administrative and clerical staff, faculty, and students where officially elected or appointed to the ((student)) ASCC or ASOTCC senate or employed by the college. Access or release of records to the above is permissible only when the information is required for advisement, counseling, record keeping, reporting, or other legitimate educational interest consonant with their specific duties and responsibilities.

(b) To officials of another school in which the student seeks or intends to enroll.

(c) To authorized federal, state, or local officials as required by law.

(d) In connection with financial aid for which the student has applied or received.

(e) To accrediting organization, or organizations conducting studies for or on behalf of the institution.

(f) To appropriate parties in a health or safety emergency.

(g) To parents of a dependent student, as defined in section 152 of the Internal Revenue Code of 1954, upon receipt of a written affidavit stating that the student is a dependent for income tax purposes. This, however, will not affect the other rights of the student.

In cases where consent of the student is required for release of education records, the student shall in writing, signed and dated by the student, specify: The records to be disclosed, the purpose or purposes of the disclosure, and the name of the party or parties to whom the disclosure can be made.

When personally identifiable information is released without prior consent of the student, other than directory information and

information released to college officials or the student, the college official in charge of these records will record the names of the parties who have requested information from educational records and the nature of the interest in that information.

Education records released to third parties shall be accompanied by a statement indicating that the information cannot be subsequently released in a personally identifiable form to other parties without obtaining the consent of the student. The college is not precluded from permitting third party disclosures to other parties listed in (a) through (g) of this section.

(5) Challenge of education records. Students who believe that information contained in their education records is inaccurate, misleading or violates the privacy of other rights of the student may request in writing to the appropriate college official that the college amend their record(s). The college official(s) will make every effort to settle disputes through informal meetings and discussion with the student.

In instances where disputes regarding contents of education records cannot be resolved by the parties concerned, the college official involved shall advise the student of the right to a hearing by the Academic Standards Committee through a written request to the registrar. Should the Academic Standards Committee deem that the education records in question are inaccurate or misleading, the committee can ask that the records be amended by the appropriate college official. If the education records are held to be accurate, the student shall be granted the opportunity to place within those records a personal statement commenting upon the information contained within.

Each eligible student is afforded the right to file a complaint concerning alleged failures by the college to comply with the requirements of the act. The address of the office designated to investigate, process, and review violations and complaints which are filed is:

The Family Educational Rights and Privacy Act Office (FERPA)
Department of Health, Education, and Welfare
330 Independence Avenue, S.W.
Washington, D.C. 20201

Copies of the Federal Register pertaining to the Family Education Rights and Privacy Act may be obtained from:

Superintendent of Documents
U.S. Government Printing Office
Washington, D.C. 20402

AMENDATORY SECTION (Amending Order 71-11, filed 2/17/71)

WAC 132L-20-110 STUDENT PUBLICATIONS. ((Centralia)) The college recognizes the fact that student publications are a valuable aid in establishing and maintaining an atmosphere of free and responsible discussion and of intellectual exploration on the campus. They are a means of bringing student concerns to the attention of the faculty and institutional authorities and of formulating opinion on various issues on the campus and in the college community at large. They may serve as a means of journalistic and/or creative expression.

((Centralia)) The college, as the publisher of student publications, must bear the legal responsibility for the contents of the publications. For this reason it has approved a student publications policy and created a student publications board charged with the enforcement of that policy.

The student publications policy protects the students' freedom to deal with any ideas and to express any opinions in the student publications without fear of their censorship. Editors and managers of

student publications are protected from arbitrary suspension and removal. Only for proper and stated causes, as outlined in the statement of purpose or philosophy adopted for each student publication, should editors and managers be subject to removal and then by orderly and prescribed procedures.

At the same time, the student publications policy has charged the student editors and managers with corollary responsibilities to be governed by the canons of responsible journalism, including the avoidance of libel, indecency, undocumented allegations, attacks on personal integrity, and the techniques of harassment and innuendo.

AMENDATORY SECTION (Amending Order 78-9, filed 3/22/78)

WAC 132L-20-120 DISTRIBUTION AND POSTING OF MATERIALS. The college encourages free expression. Use of college facilities as provided herein, however, does not accord users immunity from legal action.

Permission for posting of literature in the various restricted areas provided therefore, shall be obtained from the following college officials:

(1) The director of student programs for posting on the restricted posting areas of the student center and those areas located on the campus outside of college buildings.

(2) Deans and directors for posting on the restricted posting areas provided in the appropriate college facility.

ASCC or ASOTCC campaign rules govern special poster and sign locations for ASCC or ASOTCC elections. Information on these special policies and regulations is available in the ASCC or ASOTCC office.

Posting of posters, signs, and other publicity or promotional materials is permitted only in the locations specified above. All material sought to be posted in restricted posting areas must have the identity of its sponsorship appearing on its face.

The dissemination or distribution of materials by persons on the public streets, walks and ways of the campus, shall be subject to the laws of the ((city)) cities of Centralia and Olympia, Lewis ((County)) and Thurston counties, state of Washington and the United States.

Permission for the dissemination or distribution of materials in other areas of the college campus, buildings and facilities shall be obtained from the director of student programs. Persons distributing materials without permission shall be subject to the provisions of the Code of Student Rights and Responsibilities.

AMENDATORY SECTION (Amending Order 78-9, filed 3/22/78)

WAC 132L-20-140 USE OF COLLEGE FACILITIES. Any recognized ASCC or ASOTCC organization may request approval from the director of student programs to utilize available college facilities for authorized activities as provided for in official ASCC or ASOTCC documents. Facilities will be provided free of charge to the organization except when such use necessitates staffing and services beyond regular college requirements. Standard college fees will be charged in these cases.

Use of facilities for purposes other than those approved or in an irresponsible manner may result in withdrawal of this privilege for an organization.

Student organizations should schedule facility use requests with the director of student programs at least three academic calendar days in advance of an event whenever possible.

AMENDATORY SECTION (Amending Order 78-9, filed 3/22/78)

WAC 132L-20-150 NONCOLLEGE SPEAKER POLICY. The trustees, the administration, and the faculty of ((~~Centralia~~)) the college subscribe to the proposition that an important aspect of the education of college students is the opportunity to listen to speakers representing a wide variety of opinions and beliefs on important public issues. In conformity with the American tradition of free speech and free inquiry, the following policies are established governing the appearance on campus of speakers not themselves members of the college community:

(1) Any recognized ASCC or ASOTCC student organization with the written sanction of its advisor, may ask individuals to speak on campus subject to normal restraints imposed by considerations of common decency and the state law.

(2) The appearance of a speaker on the campus does not involve an endorsement, either implicit or explicit, of the speaker's views by ((~~Centralia~~)) the college, its students, its faculty, its administration or its board of trustees.

(3) The scheduling of facilities for hearing invited speakers shall be made through the office of the director of student programs.

(4) The director of student programs or designee will be notified at least three academic calendar days prior to the appearance of an invited speaker, at which time a form (available in the student programs office) must be completed with such particulars as name of speaker, speech or discussion topic, time of appearance(s) and sponsoring organization. The form must bear the signature of the sponsoring organization's advisor. Exceptions to the three day ruling may be made by the director of student programs with the approval of the dean of students.

(5) The dean of students may require views other than those of the invited speaker to be presented at the meeting, or at a subsequent meeting. The ((~~executive-dean~~)) campus president may assign a faculty member to preside over any meeting where a speaker has been invited.

AMENDATORY SECTION (Amending Order 78-9, filed 3/22/78)

WAC 132L-20-160 VIOLATIONS. Any student shall be subject to immediate disciplinary action provided for in Code Procedures and Summary Suspension Rules who, either as a principal actor or aider or abettor;

(1) materially and substantially interferes with the personal rights or privileges of others or the educational process of the college;

(2) violates any provision of the Code of Student Rights and Responsibilities;

(3) commits any of the following acts which are hereby prohibited:

(a) All forms of dishonesty including cheating, plagiarism, knowingly furnishing false information to the college, and forgery, alteration or use of college documents or instruments of identification with intent to defraud.

(b) Failure to comply with lawful directions of faculty, administrators and other regularly employed personnel acting in performance of their lawful duties.

(c) Conduct which intentionally and substantially obstructs or disrupts freedom of movement, teaching, research administration, disciplinary proceedings or other lawful activities on the college campus.

(d) Physical abuse of any person or conduct which is intended unlawfully to threaten imminent bodily harm or to endanger the health or safety of any person on college-owned or controlled property or at college-sponsored or supervised functions.

(e) Malicious damage to or malicious misuse of college property, or the property of any person where such property is located on the college campus.

(f) Refusal to comply with any lawful order to leave the college campus or any portion thereof.

(g) Possession or use of firearms, explosives, dangerous chemicals or other dangerous weapons or instrumentalities on the college campus, except for authorized college purposes; unless prior written approval has been obtained from the dean of students, or any other person designated by the ((~~executive-dean~~)) campus president.

(h) Intentionally inciting others to engage immediately in any of the conduct prohibited herein, which incitement leads directly to such conduct. (Inciting is that advocacy which prepares the group addressed for imminent action and steers it to the conduct prohibited herein.)

(i) Possessing, consuming or furnishing of alcoholic beverages on college-owned or controlled property or at college-sponsored or supervised functions where prohibited by law.

(j) Disorderly conduct, including disorderly conduct resulting from drunkenness.

(k) Engaging in lewd, indecent, or obscene behavior on college-owned or controlled property or at college-sponsored or supervised functions.

(l) Using, possessing, furnishing, or selling any narcotic or dangerous drug as those terms are used in Washington statutes, except when the use or possession of a drug is specifically prescribed as medication by an authorized medical doctor or dentist.

(m) 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.

(n) Theft or conversion of college property or private property.

(o) Entering any administrative office or any locked or otherwise closed college facility in any manner, at any time, without permission of the college employee or agent in charge thereof.

AMENDATORY SECTION (Amending Order 78-9, filed 3/22/78)

WAC 132L-20-170 EMERGENCY PROCEDURES. In the event of activities which interfere with the orderly operation of the college as defined in WAC 132L-20-070, Freedom of Expression, the dean of students or the ((~~executive-dean~~)) campus president or their designees shall determine the course of action which appears to offer the best possibility for resolution of the problem. The emergency procedures outlined below will be followed if deemed essential:

(1) Inform those involved in such activities that they are in violation of college and/or civil regulations.

(2) Inform them that they should cease and desist. Indicate an area on campus where they are able to conduct their activities without interfering with the operation of the college, if such an area is available.

(3) If they do not respond within a reasonable time, call the civil authorities.

AMENDATORY SECTION (Amending Order 78-9, filed 3/22/78)

WAC 132L-22-020 INITIAL PROCEEDINGS. (1) Initiation of prosecution. Students, faculty members, administrators and other employees of the district shall have concurrent authority to report violations which will be acted upon by the dean of students. All disciplinary proceedings will be initiated by the dean of students or designated representative.

(2) Notice requirements. Any student charged in a report filed pursuant to ((Section)) WAC 132L-22-020, subsection (1), with a violation of the Code of Student Rights and Responsibilities shall be notified by the dean of students or designated representative within two academic calendar days after the filing of such a report. The notice shall not be ineffective if presented later due to the student's absence. Such notice shall:

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

(b) Set forth those provisions allegedly violated; and

(c) Specify the exact time and date the student is required to meet with the dean of students; and

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

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

(f) Inform the student that failure to appear at either of the appointed times at the dean of student's office or at the hearing may subject the student to suspension from the institution for a stated or indefinite period of time.

(3) Meeting with the dean of students.

(a) At the meeting with the dean of students the student shall be informed of provisions of the Code of Student Rights and Responsibilities that are involved, that the student may appeal any sanction imposed by the dean of students and that if a hearing is required the student may have that hearing open to the public. If the student requests a formal hearing, the dean of students 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.

(b) After considering the evidence in the case and interviewing the student or students involved, the dean of students may take any of the following actions:

(i) Terminate the proceedings exonerating the student or students; or

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

(iii) Impose minor sanctions directly (warning, reprimand, fine, restitution, disciplinary probation) subject to the student's right of appeal described below; or

(iv) Refer the matter to the student hearing committee for a recommendation to the ((~~executive-dean~~)) campus president/district president or designee as to appropriate action; or

(v) Recommend to the ((~~executive-dean~~)) campus president/district president or designee that the student be suspended. The student shall immediately be notified in writing of such recommendation and of the right to a hearing before the student hearing committee prior to the ((~~executive-dean~~)) campus president/district president's or designee's final decision.

(c) A student accused of violating any provision of the Code of Student Rights and Responsibilities shall be given immediate notification of any disciplinary action taken by the dean of students or designated representative.

(d) No disciplinary action taken by or at the recommendation of the dean of students or designated representative is final unless the student fails to exercise the right of appeal as provided for in these rules. The ((~~executive-dean~~)) campus president/district president or

designee after reviewing the case, including any statement the student may file with the ((~~executive-dean~~)) campus president/district president or designee, shall either give written approval of the action taken by or at the recommendation of the dean of students, or give written direction as to what lesser disciplinary action, if any, is to be taken.

AMENDATORY SECTION (Amending Order 78-9, filed 3/22/78)

WAC 132L-22-030 APPEALS. (1) Appeals contesting recommendations of disciplinary action(s) shall be taken in the following order:

(a) Disciplinary action taken by or at the recommendation of the dean of students or designated representative may be appealed to the student hearing committee;

(b) Disciplinary recommendations made by the student hearing committee may be appealed by the student to the ((~~executive-dean~~)) campus president; in the case of a recommendation for suspension for ten days or less it may be appealed to the ((~~executive-dean~~)) campus president; in the case of a recommendation for suspension exceeding ten days it may be appealed to the district president or designee;

(c) Disciplinary action taken by the district president and resulting in suspension exceeding in duration one college quarter may be appealed by the student to the board of trustees and their decision shall be final.

(2) All appeals by a student must be made in writing to the committee, district president or designee or board of trustees and presented to the committee, ((~~executive-dean~~)) campus president, district president or designee or chairman of the board of trustees within ten calendar days after the student has been notified of the action from which he has a right of appeal.

AMENDATORY SECTION (Amending Order 78-9, filed 3/22/78)

WAC 132L-22-040 STUDENT HEARING COMMITTEE. (1) Composition. ((~~Centralia~~)) The college shall have a standing committee composed of nine members, who shall be chosen and appointed no later than October 15 of each year to serve as a standing committee until their successors are appointed. The membership of the standing committee shall consist of three members of the administration, excepting the dean of students, chosen by the ((~~executive-dean~~)) campus president; three faculty members chosen by the faculty organization; and three students chosen by the ASCC ((~~student~~)) or ASOTCC senate. Any student entitled to a hearing before a student hearing committee shall choose, in writing, five members of the standing committee to hear and decide the appeal, provided, the student must choose at least one student, one faculty member and one member of the administration from the nine member standing committee. The balance of the student hearing committee, two members, may be chosen from the remainder of the standing committee, provided, that both shall not be from the same classification. In the event that unforeseen circumstances prevent a previously selected committee member from attending the hearing, the student must choose a replacement from among the balance of the standing committee.

(2) Procedures for hearing.

(a) Five members of the student hearing committee will hear, de novo, and make recommendations to the ((~~executive-dean~~)) campus president/district president or designee on all disciplinary cases appealed to the committee by the student or referred to it by the dean of students or designated representative. Recommendations involving

suspension will be referred to the ((~~executive--dean~~)) campus president/district president or designee.

(b) The student hearing committee shall elect from among its five members a chairman for the purpose of presiding at the disciplinary hearing.

(c) Hearings generally will be held in closed session, except when a student requests that persons other than those directly involved be invited to attend. If at any time during the conduct of a hearing any person is disruptive of the proceedings, the chairman of the student hearing committee may exclude such person from the hearing room.

(d) The student has a right to a fair and impartial hearing before the committee on any charge of violating a provision or provisions of the Code of Student Rights and Responsibilities. The student's failure to cooperate with the hearing procedures hereinafter outlined, however, shall not preclude the committee from making its 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 ((~~executive--dean~~)) campus president/district president or designee the appropriate disciplinary action.

(e) The student shall be given written notice of the time and place of the hearing before the committee. Said notice shall contain:

(i) A statement of the date, time, place and nature of the disciplinary proceedings;

(ii) A statement of the specific charges against the student including references to the particular sections of the Code of Student Rights and Responsibilities involved;

(iii) 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.

(f) The student shall be entitled to hear and examine the evidence against him/her and be informed of the identity of its source; the student shall be entitled to present evidence in his/her own behalf and cross-examine witnesses testifying against him/her as to factual matters. The student shall have all authority possessed by the college to obtain information that the student specifically describes, in writing, and tenders to the dean of students no later than three days prior to the hearings or to request the presence of witnesses or the production of other evidence relevant to the hearings.

(g) The student may be represented by counsel of his/her choice at the disciplinary hearings. If the student elects to choose a duly licensed attorney admitted to practice in any state in the United States as counsel, the student must tender three days notice thereof to the dean of students.

(h) In all disciplinary proceedings the college may be represented by the dean of students or designee; the dean of students may then present the college's case against the student accused of violating the Code of Student Right and Responsibilities, provided, that in those cases in which the student elects to be represented by a licensed attorney, the dean of students may elect to have the college represented by an assistant attorney general.

(i) The proceedings of the hearing shall be recorded. A copy thereof shall be on file at the office of the dean of students.

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

(3) Admissible evidence.

(a) Only those matters presented at the hearing in the presence of the accused student, will be considered in determining whether the student hearing committee has sufficient cause to believe that the accused student is guilty of violating the rules that the student is charged with having violated.

(b) In determining whether sufficient cause, as stated in the preceding paragraph (a), does exist, members of the student hearing

committee shall give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent persons in the conduct of their affairs.

(c) The chairman of the student hearing committee 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.

(4) Interference with proceedings. Any student interfering with the proceedings of the meeting with the dean of students or the formal hearing or any subsequent hearing shall be in contempt of the proceedings and may be summarily suspended from the college by the dean of students or the student hearing committee or the ((~~executive-dean~~)) campus president/district president or designee, or the board of trustees at the time the interference takes place and shall be subject to suspension or any lesser sanction as may be recommended by the student hearing committee or as may be determined by the ((~~executive dean~~)) campus president/district president or designee or the board of trustees at the time the interference takes place or within fifteen academic calendar days thereafter.

(5) Decision by the committee.

(a) Upon conclusion of the disciplinary hearing, the student hearing committee shall consider all the evidence therein presented and decide by majority vote whether to recommend to the ((~~executive dean~~)) campus president/district president or designee the following actions:

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

(ii) That the college impose minor sanctions directly, such as a warning, reprimand, fine, restitution, or disciplinary probation;

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

(b) The student shall be provided with a copy of the committee's 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 committee's recommendation to the ((~~executive-dean~~)) campus president/district president or designee. The committee shall also advise the student in writing of the right to present, within ten calendar days, a written statement to the ((~~executive-dean~~)) campus president/district president or designee appealing the recommendation of the committee.

AMENDATORY SECTION (Amending Order 78-9, filed 3/22/78)

WAC 132L-22-050 FINAL DECISION REGARDING DISCIPLINARY SANCTION.

(1) The ((~~executive-dean~~)) campus president/district president or designee (except the dean of students) shall, after reviewing the record of the case prepared by the student hearing committee together with any statement filed by the student, include therein a written acceptance of the recommendations of the committee, or written directions as to what lesser disciplinary sanction shall be taken.

(2) If the ((~~executive-dean~~)) campus president/district president or designee decides that discipline is to be imposed after the review provided by the preceding paragraph, subsection (1), the ((~~executive dean~~)) campus president/district president or designee shall notify the student in writing of the discipline imposed.

(3) In all cases of disciplinary action, the decision of the ((~~executive--dean~~)) campus president/district president or designee shall be final except for those cases involving suspension if the suspension has been appealed to the board.

AMENDATORY SECTION (Amending Order 78-9, filed 3/22/78)

WAC 132L-22-070 READMISSION AFTER SUSPENSION. Any student suspended from the college for disciplinary reasons may be readmitted upon expiration of the time period for which the suspension was issued. If the student has been suspended for an indefinite period, or feels that circumstances warrant reconsideration of the temporary suspension prior to its expiration, the student may be readmitted following approval of a written petition submitted to the dean of students. Such petitions must state reasons which support a reconsideration of the matter. Before readmission may be granted, such petitions must be reviewed and approved by the ~~((executive-dean))~~ campus president/district president or designee, or by the board in those cases in which it made the final disciplinary action decision.

AMENDATORY SECTION (Amending Order 78-9, filed 3/22/78)

WAC 132L-24-010 INITIATION OF SUMMARY SUSPENSION PROCEEDINGS. The ((executive-dean)) campus president or designee may suspend any student of the college for not more than ten academic calendar days pending investigation, action or prosecution on charges of an alleged Code of Student Rights and Responsibilities violation or violations, and if the ((executive-dean)) campus president or designee 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.

AMENDATORY SECTION (Amending Order 78-9, filed 3/22/78)

WAC 132L-24-030 NOTICE OF SUMMARY SUSPENSION PROCEEDINGS. (1) If the ((executive-dean)) campus president or designee desires to exercise the authority to summarily suspend a student, the ((executive dean)) campus president shall cause notice thereof to be served upon that student by registered or certified mail at the student's last known address, or by causing personal service of such notice upon that student.

(2) The notice shall be entitled "Notice of Summary Suspension Proceedings" and shall state:

(a) The charges against the student including reference to the provisions of the Code of Student Rights and Responsibilities involved; and

(b) That the student charged must appear before the dean of students at a time specified in the notice.

AMENDATORY SECTION (Amending Order 78-9, filed 3/22/78)

WAC 132L-24-050 DECISION BY THE DEAN OF STUDENTS. If the dean of students, following the conclusion of the summary suspension proceedings, finds that there is probable cause to believe that:

(1) The student against whom specific violations of law or of provisions of the Code of Student Rights and Responsibilities are alleged has committed one or more of such violations upon any college facility; and

(2) That summary suspension of said student is necessary under the provisions of WAC 132L-24-010, Summary Suspension Rules; and

(3) Such violation or violations of the law or of provisions of the Code of Student Rights and Responsibilities constitute grounds for disciplinary action, then the dean of students may, with the written approval of the ((executive-dean)) campus president, suspend such student from college.

AMENDATORY SECTION (Amending Order 78-9, filed 3/22/78)

WAC 132L-24-060 NOTICE OF SUMMARY SUSPENSION. (1) If a student is suspended pursuant to the above rules, the student shall be provided with a written copy of the dean of students' findings of fact and conclusions, as expressly concurred in by the ((executive--dean)) campus president, which constituted probable cause to believe that the conditions for summary suspension existed.

(2) The student suspended pursuant to the authority of this rule shall be served a copy of the notice of suspension by personal service or by registered mail. Notice by mail shall be sent to said student's last known address. The suspension shall be effective from the day the notice of suspension is mailed or personal service accomplished, whichever shall occur first.

AMENDATORY SECTION (Amending Order 78-9, filed 3/22/78)

WAC 132L-24-070 SUSPENSION FOR FAILURE TO APPEAR. If the student against whom specific violations of provisions of the Code of Student Rights and Responsibilities have been alleged has been served pursuant to the notice required and then fails to appear at the time designated for the summary suspension proceedings, the dean of students may, with the written concurrence of the ((~~executive-dean~~)) campus president, suspend the student from college.

AMENDATORY SECTION (Amending Order 78-9, filed 3/22/78)

WAC 132L-24-080 APPEAL. (1) Any student aggrieved by an order issued at the summary suspension proceedings may appeal the same to the district president or designee. No such appeal shall be entertained, however, unless written notice of the appeal, specifically describing alleged errors in the proceedings of findings of the dean of students and the ((~~executive-dean~~)) campus president, is tendered at the office of the ((~~executive-dean~~)) campus president within seventy-two hours following the date "Notice of Summary Suspension" was served or mailed to the student, whichever occurred first.

(2) The district president or designee shall, as soon as reasonably possible, examine the allegations contained within the notice of appeal, along with the findings of the dean and ((~~executive--dean~~)) campus president, the record of the summary suspension proceedings, and determine therefrom whether the summary suspension order is justified. Following such examination, the district president or designee may, at his/her discretion, stay the summary suspension pending determination of the merits of the disciplinary proceedings pursuant to the provisions of the Code Procedures.

(3) The district president or designee shall notify the appealing student within forty-eight hours following his/her consideration of the notice of appeal, as to whether the summary suspension shall be maintained or stayed pending disposition of the disciplinary proceedings pursuant to the provisions of the Code Procedures.

REPEALER

The following sections of the Washington Administrative Code are repealed:

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| (1) | <u>WAC 132L-520-010 through 170</u> | STUDENT RIGHTS AND RESPONSIBILITIES |
| (2) | <u>WAC 132L-522-010 through 080</u> | CODE PROCEDURES |
| (3) | <u>WAC 132L-524-010 through 090</u> | SUMMARY SUSPENSION RULES |