



# RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/10/97)

Agency: Columbia Basin College

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

(1) Date of adoption: September 15, 2000 *see fax*

(2) Purpose: Changes will bring up to date with current board & administrative policies & procedures relative to Students Rights & Responsibilities which address the student as a member of the campus community & define expectations of conduct, processing of all actions of misconduct with appeal mechanisms and disciplinary action.

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

Repealed: WAC 132S-40-010 through WAC 132S-40-080; WAC 132S-40-140 through WAC 132S-40-155  
 Amended: WAC 132S-40-005  
 Suspended:

(4) Statutory authority for adoption: RCW 28B.50.140(13)

Other Authority:

PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)

Adopted under notice filed as WSR ~~00-07-120~~ on May 25, 2000 *00-12-010 see fax*  
 Describe any changes other than editing from proposed to adopted version: The addition of WAC 132S-40-190(g)

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  
or Expedited Repeal

Emergency Rules

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

Lee R. Thornton, Ph.D.

Signature

*Lee R. Thornton*

Title

President

Date

September 1, 2000

CODE REVISER USE ONLY

CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FILED

SEP 5 2000

TIME *2:45* AM/PM *PM*

WSB *00-18-095*

**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: None**

<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 nongovernmental entity: None**

New	_____	Amended	_____	Repealed	_____
-----	-------	---------	-------	----------	-------

**The number of sections adopted in the agency's own initiative: None**

New	_____	Amended	_____	Repealed	_____
-----	-------	---------	-------	----------	-------

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

New	10	Amended	1	Repealed	19
-----	----	---------	---	----------	----

**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	10	Amended	1	Repealed	19



**RULE-MAKING ORDER**

**(RCW 34.05.360)**

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

**Agency:** Columbia Basin College

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

**(1) Date of adoption:** September 18, 2000  
Sept 1, 2000 J.M.

**(2) Purpose:** Changes will bring up to date with current board & administrative policies & procedures relative to Students Rights & Responsibilities which address the student as a member of the campus community & define expectations of conduct, processing of all actions of misconduct with appeal mechanisms and disciplinary action.

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

- Repealed: WAC 132S-40-010 through WAC 132S-40-080; WAC 132S-40-140 through WAC 132S-40-155
- Amended: WAC 132S-40-005
- Suspended:

**(4) Statutory authority for adoption:** RCW 28B.50.140(13)  
Other Authority:

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

Adopted under notice filed as WSR ~~00-07-120~~ 00-12-010 J.M. on May 25, 2000  
Describe any changes other than editing from proposed to adopted version: The addition of WAC 132S-40-190(g)

**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:**

- |   |   |
|---|---|
| <p><b>Permanent Rules<br/>or Expedited Repeal</b></p> <p><input checked="" type="checkbox"/> 31 days after filing</p> <p><input type="checkbox"/> Other (specify) _____ *</p> | <p><b>Emergency Rules</b></p> <p><input type="checkbox"/> Immediately</p> <p><input type="checkbox"/> Later (specify) _____</p> |
|---|---|

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

**Name (Type or Print)**  
Lee R. Thornton, Ph.D.

**Signature**  
*Lee R. Thornton*

**Title**  
President

**Date**  
September 1, 2000

**CODE REVISER USE ONLY**

AMENDATORY SECTION (Amending Order 82-1, filed 10/11/82)

**WAC 132S-40-005 Code of conduct, student--Definition.** As used in chapter 132S-40 WAC, the following words and phrases are defined:

(1) "Board" shall mean the board of trustees of Community College District No. 19, state of Washington.

(2) "College" shall mean Columbia Basin Community College or any additional community college hereafter established within Community College District No. 19, state of Washington.

(3) "Liquor" shall mean the definition of liquor as contained within RCW 66.04.010(15) as now law or hereafter amended.

(4) "Drugs" shall mean and include any narcotic drug and shall include any dangerous drug.

(5) "College facilities" shall mean and include any or all real property controlled or operated by the college and shall include all buildings and appurtenances affixed thereon or attached thereto.

(6) "Assembly" shall mean any overt activity engaged in by one or more persons, the object of which is to gain publicity, advocate a view, petition for a cause or disseminate information to any person, persons, or group of persons.

(7) "Disciplinary action" shall mean and include the expulsion, suspension or reprimand of any student (~~by the college president~~) pursuant to WAC (~~(132S-40-075)~~) 132S-40-170 for the violation of any designated rule or regulation of the rules of student conduct for which a student is subject to disciplinary action.

(8) "Student" shall mean and include any person who is (~~regularly~~) enrolled at the college.

(9) "President" shall mean the president appointed by the board of trustees or in such president's absence, the acting president.

(10) "Rules of student conduct" shall mean the rules contained within chapter 132S-40 WAC as now exist or which may be hereafter amended, the violation of which subject a student to disciplinary action.

(11) "Hearing panel" shall mean the hearing panel as denominated in WAC 132S-40-060.

**CODE OF STUDENT RIGHTS AND RESPONSIBILITIES**

## NEW SECTION

**WAC 132S-40-160 Student rights.** The following enumerated rights are guaranteed to each student within the limitations of statutory law and college policy, which are deemed necessary to achieve the educational goals of the college:

(1) Academic freedom.

(a) Students are free to pursue educational objectives from among the college's curricula, programs, and services subject to the provisions of this chapter.

(b) Students have the right to a learning environment that is free from unlawful and/or discriminatory actions.

(2) Due process.

(a) No disciplinary sanctions may be imposed upon any student without notice to the accused of the nature of the charges.

(b) A student accused of violating this code of student rights and responsibilities is entitled, upon request, to procedural due process as set forth in the provisions of this chapter.

(3) Distribution and posting.

Students may distribute or post printed material subject to official procedures available in the student programs office.

(4) Freedom of association and organization.

Students are free to organize and join associations to promote any legal purpose. Student organizations must be granted a charter by the Associated Students of Columbia Basin College (ASCBC) before they may be officially recognized.

(5) Use of college facilities.

Any recognized ASCBC organization may request use of available college facilities for authorized activities. Use of facilities for purposes other than those approved or in an irresponsible manner may result in withdrawal of this privilege for an organization.

(6) Confidentiality of records.

Students have the right to maintain confidentiality of records and access to records as outlined in college rules.

## NEW SECTION

**WAC 132S-40-165 Student responsibilities/violations.** The following rules apply to students engaged in or present at any on-campus or off-campus college-related activity. A student's off-campus conduct may be considered in determining discipline. Any student shall be subject to disciplinary action who, either as a principal or participator or by aiding or abetting, commits any of the following which are hereby prohibited:

(1) Abusive conduct: Physical and/or verbal 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.

(2) Destroying or damaging property: Intentional or reckless damage to or misuse of college property, or the property of any person where such property is located on the college campus.

(3) Dishonesty: All forms of dishonesty including, but not limited to: Cheating; plagiarism; knowingly furnishing false information to the college; intentionally initiating or causing to be initiated any false report, warning, or threat of fire, explosion, or other emergency on college premises or at any college-sponsored activity; forgery; alteration or use of college documents or instruments of identification with intent to defraud.

(4) Disorderly conduct: Material and substantial interference with the personal rights or privileges of others or the educational process of the college.

(5) Drugs: Using, possessing, furnishing or selling any illegal 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 practitioner.

(6) Incitement of others: Intentionally and/or recklessly inciting others to engage in any prohibited conduct as defined herein, which incitement directly leads to such conduct. Inciting is the advocacy which prepares the group or individual addressed for immediate action and compels that individual or group to engage in the prohibited conduct.

(7) Insubordination: Failure to comply with lawful directions of college personnel acting in performance of their lawful duties.

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

(9) Theft: The unauthorized taking or removing of another's property with the intent of depriving the owner of the property.

(10) Trespass/unauthorized presence: Entering or remaining unlawfully, as defined by state law, or using college premises, facilities, or property without authority.

(11) Weapons: Carrying, exhibiting, displaying or drawing any firearm, dagger, sword, knife or other cutting or stabbing instrument, club, or any other weapon apparently capable of producing bodily harm, in a manner, under circumstances, and at a time and place that either manifests an intent to intimidate another or that warrants alarm for the safety of other persons.

(12) Hazing: Initiation into a student organization that causes or is likely to cause bodily danger or physical harm, or serious mental or emotional harm to any person as described in RCW 28B.10.900.

(13) Identification: Failure to provide evidence of student enrollment upon request of college officials.

(14) Criminal law violation/illegal behavior/other violations: Students may be accountable to the civil or criminal authorities and the college for acts which constitute violations of federal, state, or local law as well as college rules and policy where those acts occur on-campus or affect the property, rights or person of

another individual. The college may refer any such violation to civilian or criminal authorities for disposition.

#### NEW SECTION

**WAC 132S-40-170 Disciplinary proceedings.** (1) Initiation of disciplinary action: Anyone may report, in writing, violations to the dean for student services, or designee, who may initiate disciplinary action.

(2) Notice requirements: Any student charged with a violation shall be given written notice personally or sent written notice by registered or certified mail to the most recent address in the student's record on file with the college no later than fifteen calendar days after a reported violation. 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 college policy and the date of the violation;

(b) Set forth those provisions of the code of student rights and responsibilities allegedly violated and the specific acts which are alleged to be violations;

(c) Specify the time, date, and location where the student is required to meet with the dean. The meeting shall be scheduled not earlier than three days and within thirty calendar days of the mailing of the notification to the student, subject to modification by the dean or designee either at the student's or college's request for reasonable cause;

(d) If the student elects to be represented by an attorney, he/she must tender notice to the dean not less than three days prior to the meeting with the dean;

(e) Inform the student that, in the event a hearing before the student judicial board is requested, he/she may have anyone appear in his/her behalf to defend him/her and he/she may have a maximum of three character witnesses appear in his/her behalf;

(f) Inform the student that failure to appear at the appointed time and place may subject the student to suspension from the institution for a stated or indefinite period of time.

(3) Meeting with the dean for student services:

(a) At the meeting with the dean, the student shall be informed of the following:

(i) Which provisions of the code of student rights and responsibilities are involved;

(ii) That the student may appeal any sanction imposed by the dean; and

(iii) That if a hearing with the student judicial board is requested, the student has the right to have that hearing open to the public.

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

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

(ii) Impose disciplinary sanctions as provided for later in this code; or

(iii) Refer the matter to the student judicial board for appropriate action.

(c) Notification of action by the dean shall be delivered to the student personally or sent by registered or certified mail to the most recent address in the student's record on file with the college within thirty calendar days of the meeting and a copy filed with the office of the dean.

(d) Disciplinary action taken by the dean is final unless the student exercises the right of appeal as provided for in these rules.

(4) Student judicial board:

(a) Composition: The college shall have a standing student judicial board composed of six members who shall be chosen and appointed by October 1 of each year to serve as a standing committee until their successors are appointed. The membership of the board shall consist of two members of the administration (except the dean for student services) appointed by the president, two faculty members appointed by the faculty senate; and two students appointed by the president of the ASCBC.

(b) Chairperson: The student judicial board shall elect a chairperson from among the administration or faculty members. The chairperson shall preside at every disciplinary hearing and shall provide administrative oversight throughout the hearing process. The chairperson may participate in committee deliberations but shall not vote unless it is necessary to constitute a quorum or the vote of the judicial board is tied, at which time the chairperson shall cast the deciding vote.

(c) Hearing procedures:

(i) The student judicial board will hear, de novo, all disciplinary cases appealed to the committee by the student or referred to it by the dean.

(ii) The student shall be sent written notification of the following:

(A) The time, date, and location of the hearing;

(B) The specific violation alleged against him/her;

(C) The names of the persons on the student judicial board;

and

(D) The student be accorded reasonable access to the case file which will be retained by the dean. Such notice shall be made to the student personally or mailed by registered or certified mail to the most recent address in the student's record on file with the college at least seven calendar days prior to the hearing.

(iii) A board member who has a personal relationship, personal interest, or other interest which would prevent that person from rendering a fair and impartial decision must recuse him/herself



from sitting for that case.

(iv) A student may request in writing and for good cause within a reasonable time prior to the hearing that a board member recuse or disqualify him/herself. In the event of such a request, the board shall consider the request prior to the time scheduled for the hearing and the board shall decide whether the board member should be disqualified for that hearing.

(v) The parties involved in the hearing will be requested to submit their witness list and any documentary evidence to be discussed at the hearing to the hearing chairperson within a reasonable time but not less than three days prior to the hearing.

(vi) Hearings will be closed to the public except if requested by the student and at the discretion of the chairperson. At all times, however, all parties, the witnesses, and the public shall be excluded during the deliberations of the student judicial board.

(vii) A quorum shall consist of no less than three members provided that such quorum shall include at least one student, one faculty member, and one administrator.

(viii) The chairperson shall exercise control over the hearing to avoid needless consumption of time and to prevent the harassment or intimidation of witnesses. Any person, including the student, who disrupts a hearing or who fails to adhere to the rulings of the chairperson or committee advisor may be excluded from the proceedings and may be subject to disciplinary action as set forth in this policy.

(ix) The student may question witnesses, bring an advocate to defend him/herself, and have a maximum of three character witnesses appear on his/her behalf. If the student elects to be represented by an attorney, he/she must tender notice to the dean not less than three days prior to the hearing.

(x) The burden of proof shall be on the dean or designee who must establish the alleged violation(s) by a preponderance of the evidence.

(xi) Formal rules of evidence and procedure shall not be applicable in disciplinary proceedings conducted pursuant to this code. The chairperson shall admit all matters into evidence which reasonable persons would accept as having probative value in the conduct of their affairs. Unduly repetitious or irrelevant evidence may be excluded.

(xii) The dean may appoint a special presiding officer to the student judicial board in complex cases or in any case in which the respondent is represented by legal counsel. Special presiding officers may participate in committee deliberations but shall not vote.

(xiii) In order that a complete record of the proceeding can be made to include all evidence presented, hearings shall be recorded or transcribed except for the deliberations of the student judicial board.

(xiv) After considering the evidence in the case, the student judicial board shall decide by majority vote whether to:

- (A) Terminate the proceedings exonerating the student(s); or
- (B) Impose disciplinary sanctions as set forth in this document.

(xv) The decision of the student judicial board must include a written summary in sufficient detail to permit appellate review of the violations alleged, testimony and evidence, and conclusions. Decisions of the student judicial board shall, within ten calendar days, be delivered to the student personally or sent by registered or certified mail to the student's most recent address in the student's record on file with the college and a copy filed with the office of the dean.

(xvi) Disciplinary action taken by the student judicial board is final unless the student exercises the right of appeal as provided for in these rules.

#### NEW SECTION

**WAC 132S-40-175 Appeals of disciplinary action.** (1) Appeals of disciplinary action(s) shall be taken in the following order:

(a) Disciplinary decisions and action taken by the dean for student services or designated representative may be appealed by the student to the student judicial board.

(b) Disciplinary decisions and action taken by the student judicial board may be appealed by the student to the college president.

(2) All appeals by a student must be made in writing and received by the dean within ten calendar days of notification of the dean's or the judicial board's action. Failure to file a written appeal within the time period specified will result in the action(s) becoming final with no further right of appeal.

(3) The decision of the student judicial board shall not be set aside or modified unless the president finds the factual determination to be clearly erroneous or the application of rules to these facts to be arbitrary and capricious.

#### NEW SECTION

**WAC 132S-40-180 Disciplinary sanctions.** (1) Warning. Notice to a student, either verbally or in writing, that the student has been in violation of college rules or regulations or has otherwise failed to meet the college's standards of conduct. Such warnings will include the statement that continuation or repetition of the specific conduct involved or other misconduct will normally result in one of the more serious disciplinary actions described below.

(2) Reprimand. Formal action censuring a student for violation of the college rules or regulations or failure to meet

the college's standards of conduct. Reprimands shall be made in writing to the student by the dean or the student judicial board with copies filed in the office of the dean. A reprimand will include the statement that continuation or repetition of the specific conduct involved or other misconduct will normally result in one of the more serious disciplinary actions described below.

(3) Restitution. An individual student may be required to make restitution for damage or loss to the college. Failure to make restitution within thirty days will result in suspension for an indefinite period of time as set forth in subsection (5) of this section, provided that a student may be reinstated upon payment or upon a written agreed plan of repayment. Failure to strictly comply with the terms of a repayment plan will result in immediate suspension.

(4) Disciplinary probation. Formal action placing conditions upon the student's continued attendance for violations of college rules or regulations or other failure to meet the college's standards of conduct. Written notice of disciplinary probation will specify the period of probation and any condition including, but not limited to, limiting the student's participation in extra-curricular activities or access to specific areas of the college's facilities. Copies of the notice shall be kept on file in the office of the dean and in the student's official educational records. Disciplinary probation may be for a specified term or for an indefinite period which may extend to graduation or other termination of the student's enrollment in the college.

(5) Suspension/dismissal. Temporary, indefinite, or permanent dismissal from the college of a student for violation of college rules and regulations. The notification suspending/dismissing a student will indicate, in writing, the term of the suspension and any special conditions which must be met before readmission. Copies of the notification shall be kept on file in the office of the dean and in the student's official education record.

Refund of fees for the quarter in which disciplinary action is taken shall be in accord with the college's refund policy.

Students who are suspended from the college may be denied access to all or any part of the campus or other facilities during the duration of the period of suspension.

#### NEW SECTION

#### **WAC 132S-40-185 Summary suspension procedures. (1)**

Initiation of summary suspension procedures.

The dean 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 alleged violation or violations of college policy, if the dean or designee has reason to believe the student presents a threat of immediate harm to him/herself or

others.

(2) Permission to enter or remain on campus.

During the period of summary suspension, the suspended student shall not enter the campus of the college or any facility under the operation of the college other than to meet with the dean or designee or to attend the hearing. However, the dean may grant the student special permission to enter the campus for the express purpose of meeting with faculty, staff, or students in preparation for the hearing.

(3) Notice of summary suspension proceedings.

(a) If the dean or designee finds it necessary to exercise the authority to summarily suspend a student, he/she shall give the student notice, orally or in writing, stating:

(i) The time, date, place and nature of the alleged misconduct;

(ii) The evidence in support of the charge(s);

(iii) The corrective action or punishment which may be imposed against the student;

(iv) The possibility that anything the student says to the dean may be used against the student; and

(v) The student's right to either accept the disciplinary action or, within forty-eight hours or two work days following receipt of this notification, file at the office of the dean a written request for a hearing by the student judicial board. If the request is not filed within the prescribed time, it will be deemed as waived.

(b) Appeal and hearing. If oral notice is given, it shall be followed by written notice within forty-eight hours or two working days. The hearing shall be accomplished according to the procedures set forth in this document. Failure by the student to appear at the hearing with the student judicial board shall result in the dean or designee suspending the student from the college.

(c) Nothing herein shall prevent faculty members from taking reasonable summary action as may be reasonably necessary to maintain order when they have reason to believe that such action is necessary for the physical safety and well-being of the student, or the safety and protection of other students on college property, or where the student's conduct materially and substantially disrupts the educational process. Such summary action in the form of removal from the classroom shall be effective for a period not to exceed two scheduled classroom days.

#### NEW SECTION

**WAC 132S-40-190 Student complaints.** The purpose of these procedures is to establish a process whereby a student may express and resolve misunderstandings or complaints with any college employee in a fair and equitable manner. This procedure emphasizes

an informal resolution.

(1) Complaints excluded:

(a) Complaints based on the outcomes of the disciplinary proceedings described in this student rights and responsibilities code.

(b) Federal and state laws, rules and regulations, in addition to policies, regulations and procedures adopted by the state board for community and technical colleges or the board of trustees of Columbia Basin College.

(c) Academic evaluations.

(d) Sexual harassment, sex discrimination, or handicapped discrimination complaints. For these complaints a student shall use the provisions of the established college grievance procedures on sexual harassment, sex discrimination, and handicapped discrimination, as outlined in college policy and rules which are available within the office of the dean for student services.

(2) Initiating a complaint.

If a student believes he or she has been unfairly treated by a college employee, the student is encouraged to resolve the complaint with the individual toward whom the complaint is directed. Prior to filing a formal complaint, the student must use the following procedure:

(a) The student and the college employee should make a good-faith effort to resolve the complaint on a one-to-one basis within fifteen instructional days from the date of the complaint. In the event of absence from campus by the employee, the student shall contact the employee's supervisor for advice on how to proceed with the complaint. If the student feels that he/she cannot meet face-to-face with the employee, he/she may directly contact the supervisor.

(b) If the student determines that a complaint cannot be resolved appropriately with the employee concerned, the student may contact the supervisor of the employee to facilitate a solution to the complaint.

(c) If a complaint filed with the supervisor has not been resolved, the student may proceed with a formal complaint.

(3) Proceeding with a formal complaint:

(a) Office to address: Complaints regarding an educational services employee or policy shall be addressed to the appropriate dean. Complaints regarding an administrative services employee or policy shall be addressed to the vice president of administrative services or designee.

(b) The dean, vice president, or leads shall discuss the concerns with the student and options available to resolve the concern. If the student should elect to proceed with the formal complaint, the student must outline in writing the complaint, identifying dates and persons involved as accurately as possible.

(c) The dean, vice president, or leads shall also inform the student that he/she may choose an advisor to assist the student in the completion of the complaint process. If the student elects to choose an attorney as counsel, he/she must tender three days notice thereof to the dean.

(d) The student's written complaint shall be forwarded to the

employee concerned within five calendar days. The employee shall provide a written response within ten calendar days.

(e) If the written response does not resolve the complaint to the satisfaction of the student, the dean, vice president, or leads shall convene a conference of all the involved parties within ten calendar days to:

(i) Attempt to resolve to the satisfaction of all parties the complaint; and/or

(ii) Hear the issue(s) and take appropriate action(s) to resolve the complaint.

(f) Action taken by the dean, vice president, or leads, if any, may be appealed to the president/vice president, as appropriate. The decision of the president shall be final.

(g) Factual determinations made under the student complaint process about faculty or staff apply only to the resolution of issues with students, and bind no other proceeding.

#### **LOSS OF ELIGIBILITY--STUDENT ATHLETIC PARTICIPATION**

#### NEW SECTION

**WAC 132S-40-195 Grounds for ineligibility.** Any student found to have violated chapter 69.41 RCW, which prohibits the unlawful sale, delivery or possession of prescription drugs, shall, after hearing, be disqualified from participation in any school-sponsored athletic events or activities.

#### NEW SECTION

**WAC 132S-40-200 Initiation of ineligibility proceedings.** The dean or designee shall have the authority to request commencement of athletic ineligibility proceedings whenever he or she has reasonable cause to believe that the student has violated chapter 69.41 RCW or has been advised that the student has been convicted of a crime involving the violation of chapter 69.41 RCW. The notice of the alleged violations and proposed suspension and the opportunity for a hearing shall be given to the student at least ten days before the hearing. A student convicted of violating chapter 69.41 RCW in a separate criminal proceeding may be given by the dean or designee an interim suspension pending final

determination of any administrative proceeding held under these rules. Should the student desire not to go forward with the hearing, the disqualification for participation in athletic events or activities shall be imposed as set forth in the notice of hearing to the student.

#### NEW SECTION

**WAC 132S-40-210 Ineligibility proceedings.** The president of the college or designee shall select a presiding officer who shall be a college officer who is not involved with the athletic program to conduct the brief adjudicative hearing. The presiding officer shall promptly conduct the hearing and permit the affected parties to explain both the college's view of the matter and the student's view of the matter. The brief adjudicative proceeding shall be conducted in accordance with the Administrative Procedure Act, currently RCW 34.05.482 through 34.05.494. A written decision shall be issued within ten calendar days of the conclusion of the brief adjudicative hearing.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 132S-40-010	Liquor.
WAC 132S-40-015	Drugs.
WAC 132S-40-020	Larceny.
WAC 132S-40-025	Assault.
WAC 132S-40-030	Forgery.
WAC 132S-40-035	Misdemeanor and/or felony.
WAC 132S-40-040	Cheating.
WAC 132S-40-045	Damaging property.
WAC 132S-40-046	Trespass.
WAC 132S-40-055	Disciplinary action.
WAC 132S-40-060	Hearing panel.
WAC 132S-40-065	Hearing panel procedures.
WAC 132S-40-070	Hearing panel decision.
WAC 132S-40-075	Imposition of discipline.
WAC 132S-40-080	Student appeal.
WAC 132S-40-140	Grounds for ineligibility.
WAC 132S-40-145	Suspension procedure--Right to informal hearing.
WAC 132S-40-150	Hearing.
WAC 132S-40-155	Decision.