H-1476.1

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**HOUSE BILL 1962**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** Representatives Jinkins, Fey, Farrell, Sawyer, Fitzgibbon, Ortiz-Self, and Pollet

AN ACT Relating to disciplinary procedures at private institutions of higher education; adding a new section to chapter 28B.85 RCW; and adding new sections to chapter 28B.77 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  A new section is added to chapter 28B.85 RCW to read as follows:

(1) Each private institution of higher education operating in this state and participating in state student financial aid programs must have policies establishing disciplinary procedures for violations of the institution's student code of conduct.

(2) At a minimum, the policies and procedures must:

(a) Address whether, and to what extent, a student may be represented by counsel or be accompanied by an advocate in various stages of disciplinary proceedings;

(b) Provide clear time frames under which the institution will conduct proceedings and issue its findings or decisions;

(c) Address the standards and burdens of proof required at each level of its disciplinary proceedings;

(d) Establish who the decision maker is at each level of the disciplinary proceedings, including at the initial proceeding and any appellate proceedings at the institution;

(e) Provide clear notices of any appeal and reconsideration processes available to the student; and

(f) Address how long records of disciplinary actions will be retained and under what circumstances disciplinary actions become part of a student's permanent academic record.

(3)(a) An institution's policy must provide that any ambiguities in the policies or procedures will be resolved in favor of the student.

(b) Institutions must interpret their policies and procedures liberally in favor of the student.

(4) The institution must make its policies and procedures available to students in writing and on its web site. The institution must notify students when there is a change to its policy or procedures regarding disciplinary proceedings for violations of the student code of conduct.

(5) This section applies to private nonprofit and for-profit degree-granting institutions, including institutions that are exempted from state authorization under this chapter.

NEW SECTION. **Sec.**  A new section is added to chapter 28B.77 RCW to read as follows:

(1) Beginning August 1, 2018, and every year thereafter, each degree-granting institution subject to section 1 of this act shall submit to the council a summary report of the disciplinary proceedings the institution has conducted that resulted in a student suspension, expulsion, or refusal to grant a degree or certification.

(2)(a) The institution's report must provide information on the types of violations that resulted in discipline and the demographics of the students disciplined.

(b) The institution's report must not contain personally identifying information of the students.

NEW SECTION. **Sec.**  A new section is added to chapter 28B.77 RCW to read as follows:

(1) The council may investigate an institution's noncompliance with section 1 of this act.

(2) An institution that fails to comply with its own policies and procedures regarding disciplinary proceedings for student code of conduct violations may be subject to sanctions by the council, including requiring the institution to establish additional disciplinary procedures and placing the institution on probationary status or eventual suspended status for participation in the state financial aid programs.

(3) The council may adopt rules to implement this section and section 2 of this act.

**--- END ---**