

Chapter 132Y-125 WAC

STUDENT DISCIPLINE

WAC

132Y-125-004 Disciplinary procedures.

WAC 132Y-125-004 Disciplinary procedures. Enrollment in Edmonds Community College carries with it the obligation that the student will be a responsible citizen of the college. At the same time the college has the responsibility of informing students of their rights and responsibilities, defining reasonable standards of behavior, and assuring substantive and procedural due process.

The following procedures apply to the administration of disciplinary action for nonacademic violations.

(1) **Responsibility.** The dean of students is the executive officer of the college with regard to student affairs, including discipline, and shall initiate all disciplinary procedures except those which result from civil rights violations. Discipline as a result of civil rights violations shall be initiated by the vice-president of human resources, the executive officer of the college with responsibility for civil rights compliance. Hereafter, wherever this policy refers to the dean of students, the vice-president of human resources should be substituted if the charge is a civil rights violation.

(2) **Guidelines for student conduct.** The following are guidelines for acceptable student conduct. A student enrolling in the college assumes a responsibility for conduct compatible with the college's function as an educational institution. Although Edmonds Community College is dedicated to an open, free society, there are some actions incompatible with the mission of an institution of higher education.

Grounds for disciplinary action shall include, but not be limited to, the following:

(a) Dishonesty, including, but not limited to, cheating, plagiarism, or knowingly furnishing false information to the college.

(b) Forgery, alteration, or misuse of college documents, records, or identification.

(c) Obstruction or disruption of teaching, institutional or instructional research, administration of the college, disciplinary procedures, or other college activities, including but not limited to, meetings of the board of trustees, community service functions, or other authorized activities on college premises.

(d) Physical and/or verbal abuse of any person on college-owned or controlled property or at college-sponsored or supervised functions or conduct which threatens or endangers the health or safety of any such person; assault and battery; harassment.

(e) Theft of or damage to property of the college or of a member of the college community or of a visitor to the campus.

(f) Unauthorized entry or occupancy of college facilities or blocking access to or egress from such areas.

(g) Unauthorized use of college supplies or equipment.

(h) Violation of college policies or regulations, including, but not limited to, regulations concerning student organizations, the use of college facilities, or the time, place and manner of public expression.

(i) Illegal use, possession, or distribution of drugs on campus or at any college-sponsored event, or appearance on campus or at any college-sponsored event while under the influence of illegally used drugs as described in the college's alcohol and drug policy.

(j) Use, possession or distribution of alcoholic beverages on college property or appearance on campus or at any college-sponsored event while under the influence of alcohol. Use or possession of alcoholic beverages at any college event shall be by approved permit and restricted to persons of legal age as described in the college's alcohol and drug policy.

(k) Disorderly conduct; lewd, indecent, or obscene conduct or expression; breach of the peace; or aiding, abetting, or procuring another to breach the peace on college-owned or controlled property or at college-sponsored or supervised functions.

(l) Failure to comply with directions of college officials acting in the performance of their duties.

(m) Illegal possession or use of firearms, explosives, dangerous chemicals, substances or instruments or other weapons which can be used to inflict bodily harm on any individual or damage upon a building or grounds of the college or college-owned or controlled property or at college-sponsored or supervised functions.

(n) Hazing, whether it is physical or verbal, which interferes with the personal liberty of a fellow student, faculty member, or employee of the college.

(o) Acts or behaviors which discriminate against staff, students or the public on the basis of race, ethnic origin, sex, age, sexual orientation, or disability as described in the college's human rights policies.

(p) Trespass or unauthorized presence through entering or remaining unlawfully, as defined by state law, including computer trespass or using college premises, facilities or property without authority.

(3) **Initiation of disciplinary action.** Anyone may report, orally or in writing, violations to the dean of students, or designee, who may initiate disciplinary procedures.

(a) **Notice.** The student shall be informed of the provisions of the code of student rights and responsibilities. Any student charged with a violation shall receive written notice delivered to the student personally or by registered or certified mail to the student's last known address no later than fifteen business days after a reported violation. (This notice will not be ineffective if presented later due to the student's absence.) This notice shall contain:

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

(ii) Specific provisions of any policies or regulations allegedly violated;

(iii) The time and date the student is required to meet with the dean of student services, or designee;

(iv) That anything the student says at the meeting with the dean, or designee, may be used against the student;

(v) Inform the student that failure to appear may subject the student to any sanction authorized by this code.

(b) **Summary suspension.** The dean of students or designee may summarily suspend any student from the college for not more than ten academic calendar days pending investigation, action or prosecution of charges of an alleged violation or violations of the guidelines for student conduct, if the dean of students has reason to believe that the student's physical or emotional safety and well-being, or the safety and well-being of other college community members, or the protection of college property requires such suspension.

During the period of summary suspension, suspended students shall not enter the campus of the college other than to meet with the dean of student services or to attend the disciplinary hearing. However, the dean may grant the student special permission to enter for the express purpose of preparation for the hearing.

If the dean of students, or designee, finds it necessary to exercise the authority to summarily suspend a student he/she shall:

(i) Give an oral or written notice of the alleged misconduct and violation(s) of any provision of the guideline for student conduct;

(ii) Give an oral or written explanation of the evidence in support of the charge(s) to the student;

(iii) Give an oral or written explanation of the summary suspension (up to a maximum of ten academic calendar days suspension) which may be imposed on the student;

(iv) Emergency procedure. Nothing herein shall prevent faculty members or administrators from taking reasonable summary action as may be 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 or of college property or where the student's conduct materially and substantially disrupts the educational process. The faculty member or administrator should immediately bring the matter to the attention of the dean of students for appropriate disciplinary action.

(c) **Meeting with the dean of students, or designee.**

(i) After considering the initial evidence and interviewing the student or students involved, the dean of students, or designee, may take any of the following actions: Impose the sanction of written reprimand; exonerate a student or students; refer the case to a hearing before the president; or dismiss the case (after whatever counseling or advice may be appropriate).

(ii) Dean's decision notice: The student shall receive written notice of the dean's decision, as well as a summary of the evidence and notice of the right to appeal within ten days to the president.

(iii) Action taken by or at the recommendation of the dean of student services, or designee, within the provisions of this section is final unless the student appeals.

(iv) All recommendations involving disciplinary probation, suspension, or dismissal other than summary suspension will be referred to the college president, or designee.

(4) **Hearing with the president.**

(a) The student shall be given written notice of the time, date, and location of the hearing and the specific charges against the student. The student shall be accorded reasonable access to the case file, which will be retained by the dean of students, or designee.

(b) The student may be represented by counsel of the student's own choosing provided that the student shall bear the cost and shall give three days' notice thereof to the dean of students, or designee.

(c) The college may be represented by the dean of students, or designee, including an assistant attorney general.

(d) A decision shall be made prior to the hearing whether or not the hearing will be tape recorded or transcribed. If a recording or transcription is made, a copy thereof shall be on file at the office of the dean of students. If a recording or transcription is not made, the decision of the president or designee shall include a summary of the testimony.

(e) The president, or designee, shall exercise control over the hearing to avoid needless consumption of time and to prevent the harassment or intimidation of witnesses.

(f) Hearings will be closed to the public, except for the dean and/or designee, immediate members of the student's family, witnesses, and the student's representative. An open hearing may be held, at the discretion of the president, if requested by the student. The president may choose whether or not to let witnesses remain for any part of the hearing which does not include their testimony.

(g) The dean of students, or designees, shall make the first presentation. In the event witnesses are called, they may be questioned by the student or student's representative.

(h) Upon completion of the presentation by the dean of students, or designee, the student may make his/her presentation and may present any witness desired. Either side may offer rebuttal.

(i) The president and the student, or his/her representative, may question any witness.

(j) The president may, upon agreement by both parties, receive sworn written statements in lieu of oral testimony at the hearing. The president has the right to control the number and conduct of witnesses.

(k) After the completion of the presentation by the student, both sides shall then be permitted to make any closing arguments after which the president may ask any questions.

(l) The hearing will then be closed.

(m) The burden of proof shall be on the dean, or designee, who must establish the guilt of the student by a preponderance of the evidence.

(n) Formal rules of evidence and procedures shall not be applicable to disciplinary proceedings conducted pursuant to this code. The president 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.

(o) When a recommendation decision has been reached, the president may reconvene and announce his/her recommendation or let the parties know approximately when they will receive the written decision.

(p) The president's decision shall be final.

(5) **Sanctions.** The following definitions of disciplinary terms have been established and shall be the sanctions imposed upon violators of the code of student rights and responsibilities:

(a) **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.

(b) **Reprimand.** Formal action censuring a student for violation of the college rules or regulations or for failure to meet the college's standards of conduct. Reprimands shall be made in writing to the student, with copies filed in the office of the dean of students. 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.

(c) **Restitution.** Any individual student may be required to make a restitution for damage or loss to college or other property and for injury to persons. 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.

(d) **Disciplinary probation.** Formal action placing conditions upon the student's continued attendance for violation of college rules or regulations or the failure to meet the college standards of conduct. Disciplinary probation will specify, in writing, the period of probation and the conditions, such as limiting the student's participation in extracurricular activities. Disciplinary probation warns the student that any further misconduct will automatically raise the question of suspension from the college. Disciplinary probation may be for a specified period which may extend to graduation or other termination of the student's enrollment in the college.

(e) **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, if applicable, 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 of students and in the student's official educational record. Refund of fees for the quarter in which disciplinary action is taken shall be in accordance with the college's refund policy. Students who are suspended or dismissed from the college may be denied access to all or any part of the campus or other facility during the duration of the period of suspension.

[Statutory Authority: RCW 28B.50.140, WSR 94-03-010, § 132Y-125-004, filed 1/7/94, effective 2/7/94. Statutory Authority: RCW 28B.19.020, WSR 82-10-013 (Resolution No. 82-4-1), § 132Y-125-004, filed 4/28/82.]