Chapter 495D-121 WAC
STUDENT CONDUCT CODE

WAC

495D-121-310 Student conduct code—Statement of purpose.
495D-121-320 Student conduct code—Jurisdiction.
495D-121-330 Student conduct code—Definitions.
495D-121-340 Student conduct code—Initiation of discipline.
495D-121-350 Student conduct code—Appeal from disciplinary action.
495D-121-360 Student conduct code—Brief adjudicative proceedings (BAPs) authorized.
495D-121-370 Student conduct code—Brief adjudicative proceedings—Agency record.
495D-121-380 Student conduct code—Brief adjudicative proceedings—Initial hearing.
495D-121-390 Student conduct code—Brief adjudicative proceedings—Review of an initial decision.
495D-121-400 Student conduct code—Student conduct committee.
495D-121-410 Student conduct code—Appeal—Student conduct committee.
495D-121-420 Student conduct code—Student conduct appeals committee hearings—Presentation of evidence.
495D-121-430 Student conduct code—Student conduct committee—Initial decision.
495D-121-440 Student conduct code—Appeal from student conduct committee initial decision.
495D-121-450 Student conduct code—Summary suspension.
495D-121-460 Student conduct code—Discipline procedures for cases involving allegations of sexual misconduct—Supplemental sexual misconduct procedures.
495D-121-470 Student conduct code—Discipline procedures for cases involving allegations of sexual misconduct—Supplemental definitions.
495D-121-480 Student conduct code—Discipline procedures for cases involving allegations of sexual misconduct—Supplemental complaint process.
495D-121-490 Student conduct code—Discipline procedures for cases involving allegations of sexual misconduct—Supplemental appeal rights.
495D-121-500 Student conduct code—Free movement on campus.
495D-121-510 Student conduct code—Right to demand identification.
495D-121-520 Student conduct code—Civil disturbances.
495D-121-530 Student conduct code—Authority to prohibit trespass.
495D-121-540 Student conduct code—Academic dishonesty and classroom, lab, clinic conduct.
495D-121-550 Student conduct code—Hazing prohibited.
495D-121-570 Student conduct code—Authority.
495D-121-580 Student conduct code—Statement of student rights.
495D-121-590 Student conduct code—Prohibited student conduct.
495D-121-600 Student conduct code—Disciplinary sanctions.
495D-121-610 Student conduct code—Loss of eligibility, student activity participation.
495D-121-620 Student conduct code—Refunds and access.
495D-121-630 Student conduct code—Readmission after suspension.
495D-121-640 Student conduct code—Reestablishment of academic standing.
495D-121-650 Student conduct code—Campus speakers.
495D-121-660 Student conduct code—Distribution of information.
495D-121-670 Student conduct code—Commercial activities.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

495D-121-010 Student conduct code—Statement of purpose. [Statutory Authority: RCW 28B.50.140(13). WSR 11-19-083, § 495D-121-010, filed 9/20/11, effective 10/21/11. Statutory Authority: RCW 28B.50.140. WSR 04-16-003, § 495D-121-010, filed 7/22/04, effective 8/22/04.] Repealed by WSR 14-14-047, filed 6/25/14, effective 7/26/14. Statutory Authority: RCW 28B.50.140(13).

495D-121-020 Student conduct code—Definitions. [Statutory Authority: RCW 28B.50.140(13). WSR 11-19-083, § 495D-121-020, filed 9/20/11, effective 10/21/11. Statutory Authority: RCW 28B.50.140. WSR 04-16-003, § 495D-121-020, filed 7/22/04, effective 8/22/04.] Repealed by WSR 14-14-047, filed 6/25/14, effective 7/26/14. Statutory Authority: RCW 28B.50.140(13).

495D-121-030 Student conduct code—Jurisdiction. [Statutory Authority: RCW 28B.50.140. WSR 04-16-003, § 495D-121-030, filed 7/22/04, effective 8/22/04.] Repealed by WSR 14-14-047, filed 6/25/14, effective 7/26/14. Statutory Authority: RCW 28B.50.140(13).

495D-121-040 Student conduct code—Initiation of discipline. [Statutory Authority: RCW 28B.50.140. WSR 04-16-003, § 495D-121-040, filed 7/22/04, effective 8/22/04.] Repealed by WSR 14-14-047, filed 6/25/14, effective 7/26/14. Statutory Authority: RCW 28B.50.140(13).

495D-121-050 Student conduct code—Free movement on campus. [Statutory Authority: RCW 28B.50.140. WSR 04-16-003, § 495D-121-050, filed 7/22/04, effective 8/22/04.] Repealed by WSR 14-14-047, filed 6/25/14, effective 7/26/14. Statutory Authority: RCW 28B.50.140(13).

495D-121-060 Student conduct code—Right to demand identification. [Statutory Authority: RCW 28B.50.140. WSR 04-16-003, § 495D-121-060, filed 7/22/04, effective 8/22/04.] Repealed by WSR 14-14-047, filed 6/25/14, effective 7/26/14. Statutory Authority: RCW 28B.50.140(13).

495D-121-070 Student conduct code—Civil disturbances. [Statutory Authority: RCW 28B.50.140. WSR 04-16-003, § 495D-121-070, filed 7/22/04, effective 8/22/04.] Repealed by WSR 14-14-047, filed 6/25/14, effective 7/26/14. Statutory Authority: RCW 28B.50.140(13).

495D-121-080 Student conduct code—Authority to prohibit trespass. [Statutory Authority: RCW 28B.50.140. WSR 04-16-003, § 495D-121-080, filed 7/22/04, effective 8/22/04.] Repealed by WSR 14-14-047, filed 6/25/14, effective 7/26/14. Statutory Authority: RCW 28B.50.140(13).

495D-121-090 Student conduct code—Notice of summary suspension. [Statutory Authority: RCW 28B.50.140. WSR 04-16-003, § 495D-121-090, filed 7/22/04, effective 8/22/04.] Repealed by WSR 14-14-047, filed 6/25/14, effective 7/26/14. Statutory Authority: RCW 28B.50.140(13).

495D-121-100 Student conduct code—Initiation of summary suspension proceedings. [Statutory Authority: RCW 28B.50.140. WSR 04-16-003, § 495D-121-100, filed 7/22/04, effective 8/22/04.] Repealed by WSR 14-14-047, filed 6/25/14, effective 7/26/14. Statutory Authority: RCW 28B.50.140(13).

495D-121-110 Student conduct code—Summary suspension hearing procedures. [Statutory Authority: RCW 28B.50.140. WSR 04-16-003, § 495D-121-110, filed 7/22/04, effective 8/22/04.] Repealed by WSR 14-14-047, filed 6/25/14, effective 7/26/14. Statutory Authority: RCW 28B.50.140(13).

495D-121-120 Student conduct code—Summary suspension proceedings not duplicitous. [Statutory Authority: RCW 28B.50.140. WSR 04-16-003, § 495D-121-120, filed 7/22/04, effective 8/22/04.] Repealed by WSR 14-14-047, filed 6/25/14, effective 7/26/14. Statutory Authority: RCW 28B.50.140(13).

495D-121-130 Student conduct code—Decision by vice-president of student services. [Statutory Authority: RCW 28B.50.140. WSR 04-16-003, § 495D-121-130, filed 7/22/04, effective 8/22/04.] Repealed by WSR 14-14-047, filed 6/25/14, effective 7/26/14. Statutory Authority: RCW 28B.50.140(13).

495D-121-140 Student conduct code—Academic dishonesty/and classroom/lab/clinic conduct. [Statutory Authority: RCW 28B.50.140. WSR 04-16-003, § 495D-121-140, filed 7/22/04, effective 8/22/04.] Repealed by WSR 14-14-047, filed 6/25/14, effective 7/26/14. Statutory Authority: RCW 28B.50.140(13).

495D-121-150 Student conduct code—Hazing prohibited. [Statutory Authority: RCW 28B.50.140(13). WSR 11-19-083, § 495D-121-150, filed 9/20/11, effective 10/21/11. Statutory Authority: RCW 28B.50.140. WSR 04-16-003, § 495D-121-150, filed 7/22/04, effective 8/22/04.] Repealed by WSR 14-14-047, filed 6/25/14, effective 7/26/14. Statutory Authority: RCW 28B.50.140(13).

495D-121-160 Student conduct code—Student misconduct. [Statutory Authority: RCW 28B.50.140(13). WSR 11-19-083, § 495D-121-160, filed 9/20/11, effective 10/21/11. Statutory Authority: RCW 28B.50.140. WSR 04-16-003, § 495D-121-160, filed 7/22/04, effective 8/22/04.] Repealed by WSR 14-14-047, filed 6/25/14, effective 7/26/14. Statutory Authority: RCW 28B.50.140(13).

495D-121-170 Student conduct code—Student conduct sanctions. [Statutory Authority: RCW 28B.50.140(13). WSR 11-19-083, § 495D-121-170, filed 9/20/11, effective 10/21/11. Statutory Authority: RCW 28B.50.140. WSR 04-16-003, § 495D-121-170, filed 7/22/04, effective 8/22/04.] Repealed by WSR 14-14-047, filed 6/25/14, effective 7/26/14. Statutory Authority: RCW 28B.50.-140(13).

495D-121-180 Student conduct code—Loss of eligibility—Student activity participation. [Statutory Authority: RCW 28B.50.140. WSR 04-16-003, § 495D-121-180, filed 7/22/04, effective 8/22/04.] Repealed by WSR 14-14-047, filed 6/25/14, effective 7/26/14. Statutory Authority: RCW 28B.50.140(13).

495D-121-190 Student conduct code—Appeal of academic action or disciplinary action and student grievances. [Statutory Authority: RCW 28B.50.140. WSR 04-16-003, § 495D-121-190, filed 7/22/04, effective 8/22/04.] Repealed by WSR 14-14-047, filed 6/25/14, effective 7/26/14. Statutory Authority: RCW 28B.50.140(13).

495D-121-200 Student conduct code—Refunds and access. [Statutory Authority: RCW 28B.50.140. WSR 04-16-003, § 495D-121-200, filed 7/22/04, effective 8/22/04.] Repealed by WSR 14-14-047, filed 6/25/14, effective 7/26/14. Statutory Authority: RCW 28B.50.140(13).

495D-121-210 Student conduct code—Readmission after dismissal or suspension. [Statutory Authority: RCW 28B.50.140. WSR 04-16-003, § 495D-121-210, filed 7/22/04, effective 8/22/04.] Repealed by WSR 14-14-047, filed 6/25/14, effective 7/26/14. Statutory Authority: RCW 28B.50.140(13).

495D-121-220 Student conduct code—Reestablishment of academic standing. [Statutory Authority: RCW 28B.50.140. WSR 04-16-003, § 495D-121-220, filed 7/22/04, effective 8/22/04.] Repealed by WSR 14-14-047, filed 6/25/14, effective 7/26/14. Statutory Authority: RCW 28B.50.-140(13).

495D-121-230 Student conduct code—Reporting, recording and maintaining records. [Statutory Authority: RCW 28B.50.-140. WSR 04-16-003, § 495D-121-230, filed 7/22/04, effective 8/22/04.] Repealed by WSR 14-14-047, filed 6/25/14, effective 7/26/14. Statutory Authority: RCW 28B.50.140(13).

495D-121-240 Student conduct code—Campus speakers. [Statutory Authority: RCW 28B.50.140. WSR 04-16-003, § 495D-121-240, filed 7/22/04, effective 8/22/04.] Repealed by WSR 14-14-047, filed 6/25/14, effective 7/26/14. Statutory Authority: RCW 28B.50.140(13).

495D-121-250 Student conduct code—Distribution of information. [Statutory Authority: RCW 28B.50.140. WSR 04-16-003, § 495D-121-250, filed 7/22/04, effective 8/22/04.] Repealed by WSR 14-14-047, filed 6/25/14, effective 7/26/14. Statutory Authority: RCW 28B.50.140(13).

495D-121-260 Student conduct code—Commercial activities. [Statutory Authority: RCW 28B.50.140. WSR 04-16-003, § 495D-121-260, filed 7/22/04, effective 8/22/04.] Repealed by WSR 14-14-047, filed 6/25/14, effective 7/26/14. Statutory Authority: RCW 28B.50.140(13).

WAC 495D-121-310 Student conduct code—Statement of purpose. (1) The state of Washington operates Lake Washington Institute of Technology to provide programs of instruction in higher education and related community services. Like any other institution that has its own special purposes, the college must maintain conditions conducive to the effective performance of its functions. Consequently, the college has special expectations regarding the conduct of the participants in the college community.

(2) Admission to the college carries the expectation that students will conduct themselves as responsible college community members. This includes an expectation that students will:

(a) Obey appropriate laws;

(b) Follow college and department rules;

(c) Maintain a high standard of integrity and honesty.

(3) The college will deal with violations of college rules or conduct that interferes with the operation of college affairs. The college may impose sanctions independently of any action taken by civil or criminal authorities. Provisions of this code are subject to change. The college may report misconduct of students enrolled through the high school programs office to the student's parents. The college may report misconduct to any parent who claims the student as a dependent or as otherwise provided by the Family Educational Rights and Privacy Act of 1972, as amended.

[Statutory Authority: RCW 28B.50.140(13). WSR 14-14-047, § 495D-121-310, filed 6/25/14, effective 7/26/14.]

WAC 495D-121-320 Student conduct code—Jurisdiction. (1) The student conduct code shall apply to student conduct that occurs:

(a) On college premises;

(b) At or in connection with college sponsored activities;

(c) Off-campus when, in the judgment of the college, it adversely affects the college community or the pursuit of its objectives.

(2) Jurisdiction extends to, but is not limited to, locations in which students engage in official college activities including, but not limited to:

(a) Foreign or domestic travel;

(b) Activities funded by the associated students;

(c) Athletic events;

(d) Training internships;

(e) Cooperative and distance education;

(f) Online education;

(g) Practicums;

(h) Supervised work experiences;

(i) Any other college-sanctioned social or club activities.

Students are responsible for their conduct from the time of application for admission through the actual receipt of a degree, even though conduct may occur before classes begin or after classes end, and during the academic year and during periods between terms of actual enrollment. These standards shall apply to a student's conduct even if the student withdraws from college while a disciplinary matter is pending. The college has sole discretion, on a case-by-case basis, to determine whether the student conduct code will be applied to conduct that occurs off campus.

[Statutory Authority: RCW 28B.50.140(13). WSR 14-14-047, § 495D-121-320, filed 6/25/14, effective 7/26/14.]

WAC 495D-121-330 Student conduct code—Definitions. The following definitions apply for the purposes of this student conduct code:

(1) "Business day" means a weekday, excluding weekends and official college holidays.

(2) "College premises" shall include all campuses of the college, wherever located, and includes all land, buildings, facilities, vehicles, equipment, and other property the college owns, uses, or controls.

(3) "Conduct review officer" means the vice-president of student services or other college administrator the president designates to have responsibility to receive and review or

refer appeals of student disciplinary actions consistent with the procedures of this code. The president can reassign any and all of the conduct review officer's duties or responsibilities as set forth in this chapter as reasonably necessary.

(4) "Disciplinary action" means the process by which the student conduct officer imposes discipline against a student for violating the student conduct code.

(5) "Disciplinary appeal" means the process by which an aggrieved student can appeal the discipline the student conduct officer imposes. The student conduct committee hears disciplinary appeals for a suspension in excess of ten instructional days or a dismissal. The college will review appeals of all other appealable disciplinary action through brief adjudicative proceedings.

(6) "Filing" means the process by which a document is officially delivered to a college official responsible to facilitate a disciplinary review. Unless otherwise provided, filing shall be accomplished by:

(a) Hand delivery of the document to the specified college official or college official's assistant; or

(b) Sending the document by e-mail and first class mail to the specified college official's office and college e-mail address.

Papers required for filing are considered filed when the specified college official actually receives the papers during office hours.

(7) "President" means the president of the college. The president can delegate any and all of his or her responsibilities as set forth in this chapter as reasonably necessary.

(8) "Respondent" means the student against whom the college initiates disciplinary action.

(9) "Service" means the process by which a document is officially delivered to a party. Unless otherwise provided, service upon a party shall be accomplished by:

(a) Hand delivery of the document to the party; or

(b) Sending the document by e-mail and by certified mail or first class mail to the party's last known address.

Service is deemed complete upon hand delivery of the document or upon the date the document is e-mailed and deposited in the mail.

(10) "Student" includes all persons who take classes at or through the college, whether on a full-time or part-time basis, and whether such classes are credit courses, noncredit courses, online courses, or otherwise. People who withdraw after allegedly violating the code, are not officially enrolled for a particular term but who have a continuing relationship with the college, or who were notified of their acceptance for admission are considered students.

(11) "Student conduct committee" means a college committee as described in WAC 495D-121-400.

(12) "Student conduct officer" means a college administrator to whom the president or vice-president of student services designates responsibility to implement and enforce the student conduct code. The president or vice-president can reassign any and all of the student conduct officer's duties or responsibilities as set forth in this chapter as reasonably necessary.

(13) "Title IX coordinator" means a college administrator to whom the president designates responsibility to implement and enforce the guidelines of federal Title IX legislation.

[Statutory Authority: RCW 28B.50.140(13). WSR 14-14-047, § 495D-121-330, filed 6/25/14, effective 7/26/14.]

WAC 495D-121-340 Student conduct code—Initiation of discipline. (1) The student conduct officer initiates all disciplinary actions. If that officer is the subject of a complaint the respondent initiates, the president will, upon request and when feasible, designate another person to fulfill any such disciplinary responsibilities that relate to the complainant.

(2) The student conduct officer initiates disciplinary action by personally informing the student of the allegations or serving the respondent with written notice directing him or her to attend a disciplinary meeting. The notice will briefly describe the:

(a) Factual allegations;

(b) Provision(s) of the conduct code the respondent allegedly violated;

(c) Range of possible sanctions for the alleged violation(s);

(d) Time and location of the meeting.

At the meeting, the student conduct officer will present the allegations to the respondent and the respondent will be afforded an opportunity to explain what took place. If the respondent student fails or refuses to attend the meeting, the student conduct officer may take disciplinary action based upon the available information.

(3) Within ten calendar days of the initial disciplinary meeting, and after considering the evidence in the case, including any facts or argument presented by the respondent, the student conduct officer will give the respondent a written decision that states:

(a) The facts and conclusions that support the decision;

(b) The specific student conduct code provisions that were violated;

(c) The discipline imposed, if any;

(d) A notice of any appeal rights with an explanation of the consequences of not filing a timely appeal.

(4) The student conduct officer may take any of the following disciplinary actions:

(a) Exonerate the respondent and terminate the proceedings;

(b) Impose a disciplinary sanction(s) as described in WAC 495D-121-290;

(c) Refer the matter directly to the student conduct committee for such disciplinary action as the committee deems appropriate. The student conduct officer will make this referral in writing, to the attention of the student conduct committee's chair with a copy served on the respondent.

(5) Any college administrator or managing authority of a distance learning course, except the president and the vice-president who would hear any appeal, may initiate proceedings and recommend taking any of the disciplinary actions defined in WAC 495D-121-600, except that only the president, a vice-president, or designee may dismiss or suspend a student from the college. Before taking the action, the disciplining official will notify his or her supervisor and meet or attempt to meet with the student to explain the seriousness of the matter and hear any explanation by the student.

[Statutory Authority: RCW 28B.50.140(13). WSR 14-14-047, § 495D-121-340, filed 6/25/14, effective 7/26/14.]

WAC 495D-121-350 Student conduct code—Appeal from disciplinary action. (1) The respondent may appeal a disciplinary action by filing a written notice of appeal with the conduct review officer within twenty-one days of service of the student conduct officer's decision. Failure to timely file a notice of appeal constitutes a waiver of the right to appeal and the student conduct officer's decision shall be deemed final.

(2) The notice of appeal must include a brief statement explaining why the respondent is seeking review.

(3) The parties to an appeal shall be the respondent and the conduct review officer.

(4) A respondent, who timely appeals a disciplinary action or whose case is referred to the student conduct committee, has a right to a prompt, fair, and impartial hearing as provided for in these procedures.

(5) On appeal, the college bears the burden of establishing the evidentiary facts underlying the imposition of a disciplinary sanction by a preponderance of the evidence.

(6) Imposition of disciplinary action for violation of the student conduct code shall be stayed pending appeal, unless respondent has been summarily suspended.

(7) The student conduct committee shall hear appeals from:

(a) The imposition of disciplinary suspensions in excess of ten instructional days;

(b) Dismissals; and

(c) Discipline cases referred to the committee by the student conduct officer, the conduct review officer, or the president.

(8) Student conduct appeals from the imposition of the following disciplinary sanctions shall be reviewed through a brief adjudicative proceeding:

(a) Suspensions of ten instructional days or less;

(b) Disciplinary probation;

(c) Written reprimands; and

(d) Any conditions or terms imposed in conjunction with one of the foregoing disciplinary actions.

(9) Except as provided elsewhere in these rules, disciplinary warnings and dismissals of disciplinary actions are final action and are not subject to appeal.

[Statutory Authority: RCW 28B.50.140(13). WSR 14-14-047, § 495D-121-350, filed 6/25/14, effective 7/26/14.]

WAC 495D-121-360 Student conduct code—Brief adjudicative proceedings (BAPs) authorized. This rule is adopted in accordance with RCW 34.05.482 through 34.05.494. Brief adjudicative proceedings shall be used, unless provided otherwise by another rule or determined otherwise in a particular case by the president or a designee, in regard to:

(1) Parking violations;

(2) Outstanding debts owed by students or employees;

(3) Use of college facilities;

(4) Residency determinations;

(5) Use of library - Fines;

(6) Challenges to contents of education records;

(7) Loss of eligibility for participation in institution sponsored athletic events;

(8) Denials of requests for public records;

(9) Student conduct appeals involving the following disciplinary actions:

(a) Suspensions of ten instructional days or less;

(b) Disciplinary probation;

(c) Written reprimands;

(d) Any conditions or terms imposed in conjunction with one of the foregoing disciplinary actions; and

(e) Appeals by a complainant in student disciplinary proceedings involving allegations of sexual misconduct in which the student conduct officer:

(i) Dismisses disciplinary proceedings based upon a finding that the allegations of sexual misconduct have no merit; or

(ii) Issues a verbal warning to respondent.

(10) Appeals of decisions regarding mandatory tuition and fee waivers.

Brief adjudicative proceedings are informal hearings and shall be conducted in a manner which will bring about a prompt, fair resolution of the matter.

[Statutory Authority: RCW 28B.50.140(13). WSR 14-14-047, § 495D-121-360, filed 6/25/14, effective 7/26/14.]

WAC 495D-121-370 Student conduct code—Brief adjudicative proceedings—Agency record. The agency record for brief adjudicative proceedings shall consist of any documents regarding the matter that were considered or prepared by the presiding officer for the brief adjudicative proceeding or by the reviewing officer for any review. These records shall be maintained as the official record of the proceedings.

[Statutory Authority: RCW 28B.50.140(13). WSR 14-14-047, § 495D-121-370, filed 6/25/14, effective 7/26/14.]

WAC 495D-121-380 Student conduct code—Brief adjudicative proceedings—Initial hearing. (1) Brief adjudicative proceedings shall be conducted by a conduct review officer designated by the president. The conduct review officer shall not participate in any case in which he or she is a complainant or witness, or in which he or she has direct or personal interest, prejudice, or bias, or in which he or she has acted previously in an advisory capacity.

(2) Before taking action, the conduct review officer shall conduct an informal hearing and provide each party:

(a) An opportunity to be informed of the agency's view of the matter; and

(b) An opportunity to explain the party's view of the matter.

(3) The conduct review officer shall serve an initial decision upon both the parties within ten days of consideration of the appeal. The initial decision shall contain a brief written statement of the reasons for the decision and information about how to seek administrative review of the initial decision. If no request for review is filed within twenty-one days of service of the initial decision, the initial decision shall be deemed the final decision.

(4) If the conduct review officer, upon review, determines that the respondent's conduct may warrant imposition of a disciplinary suspension of more than ten instructional days or expulsion, the matter shall be referred to the student conduct committee for a disciplinary hearing.

[Statutory Authority: RCW 28B.50.140(13). WSR 14-14-047, § 495D-121-380, filed 6/25/14, effective 7/26/14.]

WAC 495D-121-390 Student conduct code—Brief adjudicative proceedings—Review of an initial decision. (1) An initial decision is subject to review by the president, provided the respondent files a written request for review with the conduct review officer within twenty-one days of service of the initial decision.

(2) The president shall not participate in any case in which he or she is a complainant or witness, or in which he or she has direct or personal interest, prejudice, or bias, or in which he or she has acted previously in an advisory capacity.

(3) During the review, the president shall give each party an opportunity to file written responses explaining their view of the matter and shall make any inquiries necessary to ascertain whether the sanctions should be modified or whether the proceedings should be referred to the student conduct committee for a formal adjudicative hearing.

(4) The decision on review must be in writing and must include a brief statement of the reasons for the decision and must be served on the parties within twenty days of the initial decision or of the request for review, whichever is later. The decision on review will contain a notice that judicial review may be available. A request for review may be deemed to have been denied if the president does not make a disposition of the matter within twenty days after the request is submitted.

(5) If the president, upon review, determines that the respondent's conduct may warrant imposition of a disciplinary suspension of more than ten instructional days or expulsion, the matter shall be referred to the student conduct committee for a disciplinary hearing.

[Statutory Authority: RCW 28B.50.140(13). WSR 14-14-047, § 495D-121-390, filed 6/25/14, effective 7/26/14.]

WAC 495D-121-400 Student conduct code—Student conduct committee. (1) The student conduct committee shall consist of five members:

(a) Two full-time students appointed by the student government;

(b) Two faculty members appointed by the president;

(c) One administrative staff member, other than an administrator serving as a student conduct or conduct review officer, appointed by the president at the beginning of the academic year.

(2) The administrative staff member shall serve as the chair of the committee and may take action on preliminary hearing matters prior to convening the committee. The chair shall receive annual training on protecting victims and promoting accountability in cases involving allegations of sexual misconduct.

(3) Hearings may be heard by a quorum of three members of the committee, so long as one faculty member and one student are included on the hearing panel. Committee action may be taken upon a majority vote of all committee members attending the hearing.

(4) Members of the student conduct committee shall not participate in any case in which they are a party, complainant, or witness, in which they have direct or personal interest, prejudice, or bias, or in which they have acted previously in an advisory capacity. Any party may petition for disqualification of a committee member pursuant to RCW 34.05.425(4).

[Statutory Authority: RCW 28B.50.140(13). WSR 14-14-047, § 495D-121-400, filed 6/25/14, effective 7/26/14.]

WAC 495D-121-410 Student conduct code—Appeal—Student conduct committee. (1) Proceedings of the student conduct committee shall be governed by the Administrative Procedure Act, chapter 34.05 RCW, and by the Model Rules of Procedure, chapter 10-08 WAC. To the extent there is a conflict between these rules and chapter 10-08 WAC, these rules shall control.

(2) The student conduct committee chair shall serve all parties with written notice of the hearing not less than seven days in advance of the hearing date, as further specified in RCW 34.05.434 and WAC 10-08-040 and 10-08-045. The chair may shorten this notice period if both parties agree, and also may continue the hearing to a later time for good cause shown.

(3) The committee chair is authorized to conduct prehearing conferences and/or to make prehearing decisions concerning the extent and form of any discovery, issuance of protective decisions, and similar procedural matters.

(4) Upon request filed at least five days before the hearing by any party or at the direction of the committee chair, the parties shall exchange, no later than the third day prior to the hearing, lists of potential witnesses and copies of potential exhibits that they reasonably expect to present to the committee. Failure to participate in good faith in such a requested exchange may be cause for exclusion from the hearing of any witness or exhibit not disclosed, absent a showing of good cause for such failure.

(5) The committee chair may provide to the committee members in advance of the hearing copies of the student conduct officer's notification of imposition of discipline (or referral to the committee) and the notice of appeal, or any response to referral, by the respondent. If doing so, however, the chair should remind the members that these "pleadings" are not evidence of any facts they may allege.

(6) The parties may agree before the hearing to designate specific exhibits as admissible without objection and, if they do so, whether the committee chair may provide copies of these admissible exhibits to the committee members before the hearing.

(7) The student conduct officer, upon request, shall provide reasonable assistance to the respondent in obtaining relevant and admissible evidence that is within the college's control.

(8) Communications between committee members and other hearing participants regarding any issue in the proceeding, other than procedural communications that are necessary to maintain an orderly process, are generally prohibited without notice and opportunity for all parties to participate, and any improper "ex parte" communication shall be placed on the record, as further provided in RCW 34.05.455.

(9) Each party may be accompanied at the hearing by a nonattorney assistant of his/her choice. A respondent may elect to be represented by an attorney at his or her own cost, but will be deemed to have waived that right unless, at least four business days before the hearing, written notice of the attorney's identity and participation is filed with the committee chair with a copy to the student conduct officer. The committee will ordinarily be advised by an assistant attorney gen-

eral. If the respondent is represented by an attorney, the student conduct officer may also be represented by a second, appropriately screened assistant attorney general.

[Statutory Authority: RCW 28B.50.140(13). WSR 14-14-047, § 495D-121-410, filed 6/25/14, effective 7/26/14.]

WAC 495D-121-420 Student conduct code—Student conduct appeals committee hearings—Presentation of evidence. (1) Upon the failure of any party to attend or participate in a hearing, the student conduct committee may either:

(a) Proceed with the hearing and issuance of its decision; or

(b) Serve a decision of default in accordance with RCW 34.05.440.

(2) The hearing will ordinarily be closed to the public. However, if all parties agree on the record that some or all of the proceedings be open, the chair shall determine any extent to which the hearing will be open. If any person disrupts the proceedings, the chair may exclude that person from the hearing room.

(3) The chair shall cause the hearing to be recorded by a method that he/she selects, in accordance with RCW 34.05.449. That recording, or a copy, shall be made available to any party upon request. The chair shall assure maintenance of the record of the proceeding that is required by RCW 34.05.476, which shall also be available upon request for inspection and copying by any party. Other recording shall also be permitted, in accordance with WAC 10-08-190.

(4) The chair shall preside at the hearing and decide procedural questions that arise during the hearing, except as overridden by majority vote of the committee.

(5) The student conduct officer, unless represented by an assistant attorney general, shall present the case for imposing disciplinary sanctions.

(6) All testimony shall be given under oath or affirmation. Evidence shall be admitted or excluded in accordance with RCW 34.05.452.

[Statutory Authority: RCW 28B.50.140(13). WSR 14-14-047, § 495D-121-420, filed 6/25/14, effective 7/26/14.]

WAC 495D-121-430 Student conduct code—Student conduct committee—Initial decision. (1) At the conclusion of the hearing, the student conduct committee shall permit the parties to make closing arguments in whatever form it wishes to receive them. The committee also may permit each party to propose findings, conclusions, and/or a proposed decision for its consideration.

(2) Within twenty days following the later of the conclusion of the hearing, or the committee's receipt of closing arguments, the committee shall issue an initial decision in accordance with RCW 34.05.461 and WAC 10-08-210. The initial decision shall include findings on all material issues of fact and conclusions on all material issues of law, including which, if any, provisions of the student conduct code were violated. Any findings based substantially on the credibility of evidence or the demeanor of witnesses shall be so identified.

(3) The committee's initial order shall also include a determination on appropriate discipline, if any. If the matter was referred to the committee by the student conduct officer, the committee shall identify and impose disciplinary sanction(s) or conditions, if any, as authorized in the student code. If the matter is an appeal by the respondent, the committee may affirm, reverse, or modify the disciplinary sanction and/or conditions imposed by the student conduct officer and/or impose additional disciplinary sanction(s) or conditions as authorized herein.

(4) The committee chair shall cause copies of the initial decision to be served on the parties and their legal counsel of record. The committee chair shall also promptly transmit a copy of the decision and the record of the committee's proceedings to the president.

[Statutory Authority: RCW 28B.50.140(13). WSR 14-14-047, § 495D-121-430, filed 6/25/14, effective 7/26/14.]

WAC 495D-121-440 Student conduct code—Appeal from student conduct committee initial decision. (1) A respondent who is aggrieved by the findings or conclusions issued by the student conduct committee may appeal the committee's initial decision to the president by filing a notice of appeal with the president's office within twenty-one days of service of the committee's initial decision. Failure to file a timely appeal constitutes a waiver of the right and the initial decision shall be deemed final.

(2) The notice of appeal must identify the specific findings of fact and/or conclusions of law in the initial decision that are challenged and must contain argument why the appeal should be granted. The president's review shall be restricted to the hearing record made before the student conduct committee and will normally be limited to a review of those issues and arguments raised in the notice of appeal.

(3) The president shall provide a written decision to all parties within forty-five days after receipt of the notice of appeal. The president's decision shall be final and shall include a notice of any rights to request reconsideration and/or judicial review.

(4) The president may, at his or her discretion, suspend any disciplinary action pending review of the merits of the findings, conclusions, and disciplinary actions imposed.

(5) The president shall not engage in an ex parte communication with any of the parties regarding an appeal.

[Statutory Authority: RCW 28B.50.140(13). WSR 14-14-047, § 495D-121-440, filed 6/25/14, effective 7/26/14.]

WAC 495D-121-450 Student conduct code—Summary suspension. (1) Summary suspension is a temporary exclusion from specified college premises or denial of access to all activities or privileges for which a respondent might otherwise be eligible, while an investigation and/or formal disciplinary procedures are pending.

(2) The student conduct officer may impose a summary suspension if there is probable cause to believe that the respondent:

(a) Has violated any provision of the code of conduct; and

(b) Presents an immediate danger to the health, safety or welfare of members of the college community; or

(c) Poses an ongoing threat of substantial disruption of, or interference with, the operations of the college.

(3) Notice. Any respondent who has been summarily suspended shall be served with oral or written notice of the

summary suspension. If oral notice is given, a written notification shall be served on the respondent within two business days of the oral notice.

(4) The written notification shall be entitled "Notice of Summary Suspension" and shall include:

(a) The reasons for imposing the summary suspension, including a description of the conduct giving rise to the summary suspension and reference to the provisions of the student conduct code or the law allegedly violated;

(b) The date, time, and location when the respondent must appear before the conduct review officer for a hearing on the summary suspension; and

(c) The conditions, if any, under which the respondent may physically access the campus or communicate with members of the campus community. If the respondent has been trespassed from the campus, a notice against trespass shall be included that warns the student that his or her privilege to enter into or remain on college premises has been withdrawn, that the respondent shall be considered trespassing and subject to arrest for criminal trespass if the respondent enters the college campus other than to meet with the student conduct officer or conduct review officer, or to attend a disciplinary hearing.

(5)(a) The conduct review officer shall conduct a hearing on the summary suspension as soon as practicable after imposition of the summary suspension. During the summary suspension hearing, the issue before the conduct review officer is whether there is probable cause to believe that the summary suspension should be continued pending the conclusion of disciplinary proceedings and/or whether the summary suspension should be less restrictive in scope.

(b) The respondent shall be afforded an opportunity to explain why summary suspension should not be continued while disciplinary proceedings are pending or why the summary suspension should be less restrictive in scope.

(c) If the student fails to appear at the designated hearing time, the conduct review officer may order that the summary suspension remain in place pending the conclusion of the disciplinary proceedings.

(d) As soon as practicable following the hearing, the conduct review officer shall issue a written decision which shall include a brief explanation for any decision continuing and/or modifying the summary suspension and notice of any right to appeal.

(e) To the extent permissible under applicable law, the conduct review officer shall provide a copy of the decision to all persons or offices who may be bound or protected by it.

[Statutory Authority: RCW 28B.50.140(13). WSR 14-14-047, § 495D-121-450, filed 6/25/14, effective 7/26/14.]

WAC 495D-121-460 Student conduct code—Discipline procedures for cases involving allegations of sexual misconduct—Supplemental sexual misconduct procedures. Both the respondent and the complainant in cases involving allegations of sexual misconduct shall be provided the same procedural rights to participate in student discipline matters, including the right to participate in the initial disciplinary decision-making process and to appeal any disciplinary decision.

Application of the following procedures is limited to student conduct code proceedings involving allegations of sexual misconduct by a student. In such cases, these procedures shall supplement the student disciplinary procedures in WAC 495D-121-310 through 495D-121-450. In the event of conflict between the sexual misconduct procedures and the student disciplinary procedures, the sexual misconduct procedures shall prevail.

[Statutory Authority: RCW 28B.50.140(13). WSR 14-14-047, § 495D-121-460, filed 6/25/14, effective 7/26/14.]

WAC 495D-121-470 Student conduct code—Discipline procedures for cases involving allegations of sexual misconduct—Supplemental definitions. The following supplemental definitions shall apply for purposes of student conduct code proceedings involving allegations of sexual misconduct by a student:

(1) A "complainant" is an alleged victim of sexual misconduct, as defined in subsection (2) of this section.

(2) "Sexual misconduct" has the same meaning as the prohibited conduct set forth under this heading in WAC 495D-121-590(18).

[Statutory Authority: RCW 28B.50.140(13). WSR 14-14-047, § 495D-121-470, filed 6/25/14, effective 7/26/14.]

WAC 495D-121-480 Student conduct code—Discipline procedures for cases involving allegations of sexual misconduct—Supplemental complaint process. The following supplemental procedures shall apply with respect to complaints or other reports of alleged sexual misconduct by a student:

(1) The college's Title IX compliance officer shall investigate complaints or other reports of alleged sexual misconduct by a student. Investigations will be completed in a timely manner and the results of the investigation shall be referred to the student conduct officer for disciplinary action.

(2) Informal dispute resolution shall not be used to resolve sexual misconduct complaints without written permission from both the complainant and the respondent. If the parties elect to mediate a dispute, either party shall be free to discontinue mediation at any time. In no event shall mediation be used to resolve complaints involving allegations of sexual violence.

(3) College personnel will honor requests to keep sexual misconduct complaints confidential to the extent this can be done without unreasonably risking the health, safety, and welfare of the complainant or other members of the college community or compromising the college's duty to investigate and process sexual harassment and sexual violence complaints.

(4) The student conduct officer, prior to initiating disciplinary action, will make a reasonable effort to contact the complainant to discuss the results of the investigation and possible disciplinary sanctions and/or conditions, if any, that may be imposed upon the respondent if the allegations of sexual misconduct are found to have merit.

(5) The student conduct officer, on the same date that a disciplinary decision is served on the respondent, will serve a written notice informing the complainant whether the allegations of sexual misconduct were found to have merit and describing any disciplinary sanctions and/or conditions imposed upon the respondent for the complainant's protection, including disciplinary suspension or dismissal of the

respondent. The notice will also inform the complainant of his or her appeal rights. If protective sanctions and/or conditions are imposed, the student conduct officer shall make a reasonable effort to contact the complainant to ensure prompt notice of the protective disciplinary sanctions and/or conditions.

[Statutory Authority: RCW 28B.50.140(13). WSR 14-14-047, § 495D-121-480, filed 6/25/14, effective 7/26/14.]

WAC 495D-121-490 Student conduct code—Discipline procedures for cases involving allegations of sexual misconduct—Supplemental appeal rights. (1) The following actions by the student conduct officer may be appealed by the complainant:

(a) The dismissal of a sexual misconduct complaint; or

(b) Any disciplinary sanction(s) and conditions imposed against a respondent for a sexual misconduct violation, including a disciplinary warning.

(2) A complainant may appeal a disciplinary decision by filing a notice of appeal with the conduct review officer within twenty-one days of service of the notice of the discipline decision provided for in WAC 495-121-340(5). The notice of appeal may include a written statement setting forth the grounds of appeal. Failure to file a timely notice of appeal constitutes a waiver of this right and the disciplinary decision shall be deemed final.

(3) If the respondent timely appeals a decision imposing discipline for a sexual misconduct violation, the college shall notify the complainant of the appeal and provide the complainant an opportunity to intervene as a party to the appeal.

(4) Except as otherwise specified in this supplemental procedure, a complainant who timely appeals a disciplinary decision or who intervenes as a party to the respondent's appeal of a disciplinary decision shall be afforded the same procedural rights as are afforded the respondent.

(5) An appeal by a complainant from the following disciplinary actions involving allegations of sexual misconduct against a student shall be handled as a brief adjudicative proceeding:

(a) Exoneration and dismissal of the proceedings;

(b) A disciplinary warning;

(c) A written reprimand;

(d) Disciplinary probation;

(e) Suspensions of ten instructional days or less; and/or

(f) Any conditions or terms imposed in conjunction with one of the foregoing disciplinary actions.

(6) An appeal by a complainant from disciplinary action imposing a suspension in excess of ten instructional days or an expulsion shall be reviewed by the student conduct committee.

(7) In proceedings before the student conduct committee, respondent and complainant shall have the right to be accompanied by a nonattorney assistant of their choosing during the appeal process. Complainant may choose to be represented at the hearing by an attorney at his or her own expense, but will be deemed to have waived that right unless, at least four business days before the hearing, he or she files a written notice of the attorney's identity and participation with the committee chair, and with copies to the respondent and the student conduct officer.

(8) In proceedings before the student conduct committee, complainant and respondent shall not directly question or cross examine one another. All questions shall be directed to the committee chair, who will act as an intermediary and pose questions on the parties' behalf.

(9) Student conduct hearings involving sexual misconduct allegations shall be closed to the public, unless respondent and complainant both waive this requirement in writing and request that the hearing be open to the public. Complainant, respondent, and their respective nonattorney assistants and/or attorneys may attend portions of the hearing where argument, testimony and/or evidence are presented to the student conduct committee.

(10) The chair of the student conduct committee, on the same date as the initial decision is served on the respondent, will serve a written notice upon complainant informing the complainant whether the allegations of sexual misconduct were found to have merit and describing any disciplinary sanctions and/or conditions imposed upon the respondent for the complainant's protection, including suspension or dismissal of the respondent. The notice will also inform the complaint of his or her appeal rights.

(11) Complainant may appeal the student conduct committee's initial decision to the president subject to the same procedures and deadlines applicable to other parties.

(12) The president, on the same date that the final decision is served upon the respondent, shall serve a written notice informing the complainant of the final decision. This notice shall inform the complainant whether the sexual misconduct allegation was found to have merit and describe any disciplinary sanctions and/or conditions imposed upon the respondent for the complainant's protection, including suspension or dismissal of the respondent.

[Statutory Authority: RCW 28B.50.140(13). WSR 14-14-047, § 495D-121-490, filed 6/25/14, effective 7/26/14.]

WAC 495D-121-500 Student conduct code—Free movement on campus. The president or designee is authorized in the instance of any event that he or she deems impedes the movement of persons or vehicles or which he or she deems to disrupt the ingress or egress of persons from the college facilities, to prohibit the entry of, or withdraw the license of, or privileges of a person or persons or any group of persons to enter onto or remain upon any portion of the college facility. The president may act through the vice-president of administrative services or any other person he or she may designate.

[Statutory Authority: RCW 28B.50.140(13). WSR 14-14-047, § 495D-121-500, filed 6/25/14, effective 7/26/14.]

WAC 495D-121-510 Student conduct code—Right to demand identification. To determine if probable cause exists to apply any section of this code to any behavior by any person on a college facility, any college employee or other authorized personnel may demand that anyone on college facilities produce identification and/or evidence of student enrollment at the college by any of the following:

(1) Student identification card;

(2) Registration schedule;

(3) Receipt for payment of fees for a current course.

[Statutory Authority: RCW 28B.50.140(13). WSR 14-14-047, § 495D-121-510, filed 6/25/14, effective 7/26/14.]

WAC 495D-121-520 Student conduct code—Civil disturbances. In accordance with provisions contained in RCW 28B.10.571 and 28B.10.572:

(1) It shall be unlawful for any person, singly or in concert with others, to interfere by force or violence with any administrator, faculty, staff member, or student of the college who is in the peaceful discharge or conduct of his/her duties or studies.

(2) It shall be unlawful for any person, singly or in concert with others, to intimidate by threat of force or violence any administrator, faculty, staff member, or student of the college who is in the peaceful discharge of his/her duties or studies.

(3) The crimes described in RCW 28B.10.571 and 28B.10.572 shall not apply to any administrator, faculty, or staff member who is engaged in the reasonable exercise of their disciplinary authority.

(4) Any person or persons who violate the provisions of subsections (1) and (2) of this section will be subject to disciplinary action and referred to the authorities for prosecution.

[Statutory Authority: RCW 28B.50.140(13). WSR 14-14-047, § 495D-121-520, filed 6/25/14, effective 7/26/14.]

WAC 495D-121-530 Student conduct code—Authority to prohibit trespass. (1) Individuals who are not students or members of the faculty or staff and who violate Lake Washington Institute of Technology's rules, or whose conduct threatens the safety or security of its students, staff, or faculty will be advised of the specific nature of the violation, and if they persist in the violation, they will be requested by the campus president, or his or her designee, to leave the college property. Such a request will be deemed to prohibit the entry of, withdraw the license or privilege to enter onto or remain upon any portion of the college property by the person or group of persons requested to leave, and subject such individuals to arrest under the provisions of chapter 9A.52 RCW.

(2) Members of the college community, students, faculty, and staff who do not comply with these regulations will be reported to the appropriate college office or agency for action in accord with established college policies.

(3) When the college revokes the license or privilege of any person to be on college property, temporarily or for a stated period of time, that person may file a request for review of the decision with the vice-president of administrative services or designee within ten days of receipt of the trespass notice. The request must contain the reasons why the individual disagrees with the trespass notice. The trespass notice will remain in effect during the pendency of any review period. The decision of the vice-president of administrative services or designee will be the final decision of the college and should be issued within five business days.

[Statutory Authority: RCW 28B.50.140(13). WSR 14-14-047, § 495D-121-530, filed 6/25/14, effective 7/26/14.]

WAC 495D-121-540 Student conduct code—Academic dishonesty and classroom, lab, clinic conduct. (1) Honest assessment of student performance is of crucial importance to all members of the academic community. The college views acts of dishonesty as serious breaches of honor and will deal with them using the following:

(a) College administration and faculty will provide reasonable and prudent security measures designed to minimize opportunities for acts of academic dishonesty.

(b) Any student who, for the purpose of fulfilling any assignment or task required by a faculty member as part of the student's program of instruction, shall knowingly tender any work product that the student fraudulently represents to the faculty member as the student's work product, shall be deemed to have committed an act of academic dishonesty. Acts of academic dishonesty are cause for disciplinary action.

(c) Any student who aids or abets an act of academic dishonesty, as described in (b) of this subsection, is subject to disciplinary action.

(d) Faculty may adjust the student's grade on a particular project, paper, test, or class for academic dishonesty. This section shall not be construed as preventing a faculty from taking immediate disciplinary action when he or she must act upon such breach of academic dishonesty to preserve order and prevent disruptive conduct in the classroom.

(2) Instructors have the authority to take whatever summary actions necessary to maintain order and proper conduct in the classroom and to maintain the effective cooperation of the class in fulfilling the course objectives.

(a) Any student who, by any act of misconduct, substantially disrupts a class by engaging in conduct that renders it difficult or impossible to maintain the decorum of the faculty's class is subject to disciplinary action.

(b) The faculty of each course, or the managing authority of distance learning courses, can take steps as necessary to preserve order and to maintain the effective cooperation of the class in fulfilling the course objectives, given that a student shall have the right to appeal the disciplinary action to the faculty's supervisor.

[Statutory Authority: RCW 28B.50.140(13). WSR 14-14-047, § 495D-121-540, filed 6/25/14, effective 7/26/14.]

WAC 495D-121-550 Student conduct code—Hazing prohibited. (1) The college strictly bans hazing.

(2) **Hazing.** Any method of initiation into a student organization or living group or any pastime or amusement engaged in with respect to such an organization or living group that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm, to any student or other person who attends any institution of higher education or post-secondary institution.

(3) **Penalties.**

(a) Any student organization, association, or club that knowingly permits hazing is:

(i) Liable for harm caused to people or property that result from hazing.

(ii) Denied recognition by the college as an official organization, association, or club on campus. If the organization, association, or club is a corporation, for profit or nonprofit, the college may hold individual directors of the corporation individually liable for damages.

(b) A person who takes part in hazing another gives up any entitlement to state-funded grants, scholarships, or awards for a period of one year.

(c) Forfeiture of state-funded grants, scholarships, or awards may include permanent forfeiture, based upon the seriousness of the violations.

(d) The student conduct code may apply to hazing violations.

(e) Hazing violations are also misdemeanors punishable under state criminal law according to RCW 9A.20.021.

(4) **Sanctions for impermissible conduct not amounting to hazing.**

(a) Impermissible conduct associated with initiation into a student organization or club or any pastime or amusement engaged in, with respect to the organization or club, will not be tolerated.

(b) Impermissible conduct, which does not amount to hazing, may include conduct that causes embarrassment, sleep deprivation or personal humiliation, or may include ridicule or unprotected speech amounting to verbal abuse.

(c) Impermissible conduct not amounting to hazing is subject to any sanctions available under the student conduct code, depending upon the seriousness of the violation.

[Statutory Authority: RCW 28B.50.140(13). WSR 14-14-047, § 495D-121-550, filed 6/25/14, effective 7/26/14.]

WAC 495D-121-570 Student conduct code—Authority. The board of trustees, acting pursuant to RCW 28B.50.140(14), delegates to the president of the college the authority to administer disciplinary action. Administration of the disciplinary procedures is the responsibility of the vice-president of student affairs or designee. The student conduct officer shall serve as the principal investigator and administrator for alleged violations of this code.

[Statutory Authority: RCW 28B.50.140(13). WSR 14-14-047, § 495D-121-570, filed 6/25/14, effective 7/26/14.]

WAC 495D-121-580 Student conduct code—Statement of student rights. As members of the academic community, students are encouraged to develop the capacity for critical judgment and to engage in an independent search for truth. Freedom to teach and freedom to learn are inseparable facets of academic freedom. The freedom to learn depends upon appropriate opportunities and conditions in the classroom, on the campus, and in the larger community. Students should exercise their freedom with responsibility. The responsibility to secure and to respect general conditions conducive to the freedom to learn is shared by all members of the college community.

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 guaranteed the rights of free inquiry, expression, and assembly upon and within college facilities that are generally open and available to the public.

(b) Students are free to pursue appropriate educational objectives from among the college's curricula, programs, and services, subject to the limitations of RCW 28B.50.090 (3)(b).

(c) Students shall be protected from academic evaluation which is arbitrary, prejudiced, or capricious, but are responsible for meeting the standards of academic performance established by each of their instructors.

(d) Students have the right to a learning environment which is free from unlawful discrimination, inappropriate and disrespectful conduct, and any and all harassment, including sexual harassment.

(2) **Due process.**

(a) The rights of students to be secure in their persons, quarters, papers, and effects against unreasonable searches and seizures is guaranteed.

(b) No disciplinary sanction may be imposed on any student without notice to the accused of the nature of the charges.

(c) A student accused of violating this code of student conduct is entitled, upon request, to procedural due process as set forth in this chapter.

[Statutory Authority: RCW 28B.50.140(13). WSR 14-14-047, § 495D-121-580, filed 6/25/14, effective 7/26/14.]

WAC 495D-121-590 Student conduct code—Prohibited student conduct. The college may impose disciplinary sanctions against a student who commits, or aids, abets, incites, encourages, or assists another person to commit, an act(s) of misconduct, which include, but are not limited to the following:

(1) **Academic dishonesty.** Any act of academic dishonesty including, but not limited to, cheating, plagiarism, and fabrication.

(a) Cheating includes any attempt to give or obtain unauthorized assistance relating to the completion of an academic assignment.

(b) Plagiarism includes taking and using as one's own, without proper attribution, the ideas, writings, or work of another person in completing an academic assignment. Prohibited conduct may also include the unauthorized submission for credit of academic work that has been submitted for credit in another course.

(c) Fabrication includes falsifying data, information, or citations in completing an academic assignment and also includes providing false or deceptive information to an instructor concerning the completion of an assignment.

(2) **Other dishonesty.** Any other acts of dishonesty. Such acts include, but are not limited to:

(a) Forgery, alteration, submission of falsified documents or misuse of any college document, record, or instrument of identification;

(b) Tampering with an election conducted by or for college students; or

(c) Furnishing false information or failing to furnish correct information, in response to the request or requirement of a college officer or employee.

(3) **Disruptive activity.** Participation in any activity that obstructs or disrupts:

(a) Any instruction, research, administration, disciplinary proceeding, or other college activity;

(b) The free flow of pedestrian or vehicular movement on college property or at a college activity;

(c) Any student's ability to profit from the instructional program; or

(d) Any activity that is authorized to occur on college property, whether or not actually conducted or sponsored by the college.

(4) **Assault.** Assault, physical abuse, verbal abuse, threat(s), intimidation, harassment, bullying, stalking or other conduct which harms, threatens, or is reasonably perceived as threatening the health or safety of another person or another person's property. For purposes of this subsection:

(a) Bullying is physical or verbal abuse, repeated over time, and involving a power imbalance between the aggressor and victim.

(b) Stalking is intentional and repeated following of another person, which places that person in reasonable fear that the perpetrator intends to injure, intimidate or harass that person. Stalking also includes instances where the perpetrator knows or reasonably should know that the person is frightened, intimidated or harassed, even if the perpetrator lacks such an intent.

(5) **Imminent danger.** Where the student presents an imminent danger to college property, or to himself or herself, or other students or persons in college facilities on or off campus, or to the education processes of the college.

(6) **Cyber misconduct.** Cyberstalking, cyberbullying, or online harassment. Use of electronic communications including, but not limited to, electronic mail, instant messaging, electronic bulletin boards, and social media sites to harass, abuse, bully or engage in other conduct which harms, threatens, or is reasonably perceived as threatening the health or safety of another person. Prohibited activities include, but are not limited to, unauthorized monitoring of another's e-mail communications directly or through spyware, sending threatening e-mails, disrupting electronic communications with spam or by sending a computer virus, sending false messages to third parties using another's e-mail identity, nonconsensual recording of sexual activity, and nonconsensual distribution of a recording of sexual activity.

(7) **Property violation.** Attempted or actual damage to, or theft or misuse of, real or personal property or money of:

(a) The college or state;

(b) Any student or college officer, employee, or organization;

(c) Any other person or organization; or

(d) Possession of such property or money after it has been stolen.

(8) **Noncompliance.** Failure to comply with:

(a) The direction of a college officer or employee who is acting in the legitimate performance of his or her duties, including failure to properly identify oneself to such a person when requested to do so;

(b) A college attendance policy as published in the student handbook or course syllabus; or

(c) A college rule or policy as set forth in the *Lake Washington Institute of Technology Policies and Procedures Manual* which may be found in the library or online.

(9) **Weapons.** Possession, holding, wearing, transporting, storage, or presence of any firearm, dagger, sword, knife or other cutting or stabbing instrument, club, martial arts weapons, explosive device, dangerous chemicals, or any other weapon apparently capable of producing bodily harm is prohibited on the college campus, subject to the following exceptions:

(a) Commissioned law enforcement personnel or legally authorized military personnel while in performance of their duties; or

(b) A student with a valid concealed weapons permit may store a firearm in his or her vehicle parked on campus in accordance with RCW 9.41.050, provided the vehicle is locked and the weapon is concealed from view; or

(c) The president or designee may authorize possession of a weapon on campus upon a showing that the weapon is reasonably related to a legitimate pedagogical purpose. Such permission shall be in advance to bringing weapons to the college, in writing, and shall be subject to such terms or conditions incorporated therein.

(10) **Hazing.** Hazing includes, but is not limited to, any initiation into a student organization or any pastime or amusement engaged in with respect to such an organization that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm, to any student.

(11) **Tobacco, electronic cigarettes, and related products.** The use of tobacco, electronic cigarettes, and related products in any building owned, leased, or operated by the college or in any location where such use is prohibited, including twenty-five feet from entrances, exits, windows that open, and ventilation intakes of any building owned, leased, or operated by the college. "Related products" include, but are not limited to, cigarettes, pipes, bidi, clove cigarettes, waterpipes, hookahs, chewing tobacco, and snuff.

(12) **Alcohol.** Being observably under the influence of any alcoholic beverage, or otherwise using, possessing, selling, or delivering any alcoholic beverage, except as permitted by law and authorized by the college president.

(13) **Marijuana.** The use, possession, delivery, sale, or being visibly under the influence of marijuana or the psychoactive compounds found in marijuana and intended for human consumption, regardless of form. While state law permits the recreational use of marijuana, federal law prohibits such use on college premises or in connection with college activities.

(14) **Drugs.** Being observably under the influence of any legend drug, narcotic drug, or controlled substance as defined in chapters 69.41 and 69.50 RCW, or otherwise using, possessing, delivering, or selling any such drug or substance, except in accordance with a lawful prescription for that student by a licensed health care professional. Being observably under the influence of any lawfully prescribed drug when enrolled in classes that require operation of heavy equipment or other dangerous equipment.

(15) **Obstruction.** Obstruction of the free flow of pedestrian or vehicular movement on college property or at a college activity.

(16) **Disorderly conduct.** Conduct which is disorderly, lewd, obscene, or a breach of peace on college premises or at college sponsored activities.

(17) **Discrimination.** Discriminatory action which harms or adversely affects any member of the college community because of her/his race; color; national origin; sensory, mental, or physical disability; age (40+); religion; creed; genetic information; sexual orientation; gender identity; veteran's status; or any other legally protected classification.

(18) **Sexual misconduct.** The term "sexual misconduct" includes sexual harassment, sexual intimidation, and sexual violence.

(a) **Sexual harassment.** The term "sexual harassment" means unwelcome conduct of a sexual nature, including unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature that is sufficiently serious as to deny or limit, and that does deny or limit, based on sex, the ability of a student to participate in or benefit from the college's educational program or that creates an intimidating, hostile, or offensive environment for other campus community members.

(b) **Sexual intimidation.** The term "sexual intimidation" incorporates the definition of "sexual harassment" and means threatening or emotionally distressing conduct based on sex including, but not limited to, nonconsensual recording of sexual activity or the distribution of such recording.

(c) **Sexual violence.** The term "sexual violence" incorporates the definition of "sexual harassment" and means a physical sexual act perpetrated without clear, knowing, and voluntary consent, such as committing a sexual act against a person's will, exceeding the scope of consent, or where the person is incapable of giving consent including rape, sexual assault, sexual battery, sexual coercion, sexual exploitation, or gender- or sex-based stalking. The term further includes acts of dating or domestic violence. A person may be incapable of giving consent by reason of age, threat or intimidation, lack of opportunity to object, disability, drug or alcohol consumption, or other cause.

(19) **Harassment.** Unwelcome and offensive conduct, including verbal, nonverbal, or physical conduct, that is directed at a person because of such person's protected status and that is sufficiently serious as to deny or limit, and that does deny or limit, the ability of a student to participate in or benefit from the college's educational program or that creates an intimidating, hostile, or offensive environment for other campus community members. Protected status includes a person's race; color; national origin; sensory, mental, or physical disability; age (40+); religion; creed; genetic information; sexual orientation; gender identity; veteran's status; or any other legally protected classification. See "Sexual misconduct" for the definition of "sexual harassment." Harassing conduct may include, but is not limited to, physical conduct, verbal, written, social media and electronic communications.

(20) **Retaliation.** Retaliation against any individual for reporting, providing information, exercising one's rights or responsibilities, or otherwise being involved in the process of responding to, investigating, or addressing allegations or violations of federal, state or local law, or college policies including, but not limited to, student conduct code provisions prohibiting discrimination and harassment.

(21) **Misuse of information resources.** Theft or other misuse of computer time or other electronic information resources of the college. Such misuse includes, but is not limited to:

(a) Unauthorized use of such resources or opening of a file, message, or other item;

(b) Unauthorized duplication, transfer, or distribution of a computer program, file, message, or other item;

(c) Unauthorized use or distribution of someone else's password or other identification;

(d) Use of such time or resources to interfere with someone else's work;

(e) Use of such time or resources to send, display, or print an obscene or abusive message, text, or image;

(f) Use of such time or resources to interfere with normal operation of the college's computing system or other electronic information resources;

(g) Use of such time or resources in violation of applicable copyright or other law;

(h) Adding to or otherwise altering the infrastructure of the college's electronic information resources without authorization;

(i) Failure to comply with the college's acceptable use policy.

(22) **Breach of campus safety.** Safety violation includes any nonaccidental conduct that interferes with or otherwise compromises any college policy, equipment, or procedure relating to the safety and security of the campus community. Breaching campus safety or security includes, but is not limited to:

(a) Unauthorized access to college facilities; intentionally damaging door locks; unauthorized possession of college keys or access cards; duplicating college keys or access cards; or propping open of exterior doors;

(b) Tampering with fire safety equipment, such as fire extinguishers, smoke detectors, alarm pull stations or emergency exits;

(c) Placement of equipment or vehicles, including bicycles, so as to obstruct the means of access to/from college buildings;

(d) Entering or remaining in any closed college facility or entering after the closing time of the college facility without permission of a college official;

(e) Operation of any motor vehicle on college property in an unsafe manner or in a manner which is reasonably perceived as threatening the health or safety of another person.

(23) **Abuse of procedures.** Abuse or misuse of any of the procedures relating to student complaints or misconduct including, but not limited to:

(a) Failure to obey a subpoena;

(b) Falsification or misrepresentation of information;

(c) Disruption or interference with the orderly conduct of a proceeding;

(d) Interfering with someone else's proper participation in a proceeding;

(e) Destroying or altering potential evidence or attempting to intimidate or otherwise improperly pressure a witness or potential witness;

(f) Attempting to influence the impartiality of, or harassing or intimidating, a student conduct committee member;

(g) Failure to comply with any disciplinary sanction(s) imposed under this student conduct code.

(24) **Violation of laws.** Violation of any federal, state, or local law, rule, or regulation or other college rules or policies, including college traffic and parking rules.

(25) **Ethical violation.** The breach of any generally recognized and published code of ethics or standards of professional practice that governs the conduct of a particular profession for which the student is taking a course or is pursuing as an educational goal or major.

In addition to initiating discipline proceedings for violation of the student conduct code, the college may refer any violations of federal, state, or local laws to civil and criminal authorities for disposition. The college shall proceed with student disciplinary proceedings regardless of whether the underlying conduct is subject to civil or criminal prosecution.

[Statutory Authority: RCW 28B.50.140(13). WSR 14-14-047, § 495D-121-590, filed 6/25/14, effective 7/26/14.]

WAC 495D-121-600 Student conduct code—Disciplinary sanctions. Disciplinary actions include, but are not limited to, the following sanctions that may be imposed upon students according to the procedure outlined in WAC 495D-121-340.

(1) **Primary sanctions.**

(a) **Disciplinary warning.** A verbal statement to a student that there is a violation and that continued violation may be cause for further disciplinary action.

(b) **Written reprimand.** Notice in writing that the student has violated one or more terms of this code of conduct and that continuation of the same or similar behavior may result in more severe disciplinary action.

(c) **Disciplinary probation.** Formal action placing specific conditions and restrictions upon the student's continued attendance depending upon the seriousness of the violation and which may include a deferred disciplinary sanction. If the student subject to a deferred disciplinary sanction is found in violation of any college rule during the time of disciplinary probation, the deferred disciplinary sanction, which may include, but is not limited to, a suspension or a dismissal from the college, shall take effect immediately without further review. Any such sanction shall be in addition to any sanction or conditions arising from the new violation. Probation may be for a limited period of time or may be for the duration of the student's attendance at the college.

(d) **Disciplinary suspension.** Dismissal from the college and from the student status for a stated period of time. There will be no refund of tuition or fees for the quarter in which the action is taken. The student is not guaranteed readmission at the end of such period of time, but is guaranteed a review of the case and a decision regarding eligibility for readmission.

(e) **Dismissal.** The revocation of all rights and privileges of membership in the college community and exclusion from the campus and college-owned or controlled facilities without any possibility of return. There will be no refund of tuition or fees for the quarter in which the action is taken.

(2) Disciplinary terms and conditions that may be imposed in conjunction with the imposition of a disciplinary sanction include, but are not limited to, the following:

(a) **Restitution.** Reimbursement for damage to or misappropriation of property, or for injury to persons, or for reasonable costs incurred by the college in pursuing an investigation or disciplinary proceeding. This may take the form of monetary reimbursement, appropriate service, or other compensation.

(b) **Professional evaluation.** Referral for drug, alcohol, psychological, or medical evaluation by an appropriately certified or licensed professional may be required. The student may choose the professional within the scope of practice and with the professional credentials as defined by the college. The student will sign all necessary releases to allow the college access to any such evaluation. The student's return to college may be conditioned upon compliance with recommendations set forth in such a professional evaluation including, but not limited to, drug and alcohol education, anger management coursework, or ongoing treatment. If the evaluation indicates that the student is not capable of functioning within the college community, the student will remain suspended until future evaluation recommends that the student is capable of reentering the college and complying with the rules of conduct.

(c) **Not in good standing.** A student may be deemed "not in good standing" with the college. If so the student shall be subject to the following restrictions:

(i) Ineligible to hold an office in any student organization recognized by the college or to hold any elected or appointed office of the college.

(ii) Ineligible to represent the college to anyone outside the college community in any way, including representing the college at any official function, or any forms of intercollegiate competition or representation.

(d) **No contact orders and other summary relief.** The college may require a student to refrain from any form of contact with another student or college employee. Other forms or relief include, but are not limited to: Switching to alternate sections of individual classes or programs, delaying admission to an instructional program, assigned seating during a class, or behavioral contracts.

(3) **Secondary sanctions.** No order of severity is established for secondary sanctions:

(a) **Community/college service.** A student may be offered an opportunity to complete a specified number of hours of community/college service in lieu of other sanctions. The type of community/college service must be approved by the hearing officer.

(b) **Educational requirements.** A provision to complete a specific educational requirement directly related to the violation committed. The provision will be clearly defined. Such educational requirements may include, but are not limited to, completion of an alcohol education workshop, a diversity awareness workshop, an anger management class, essays, or reports.

(c) **Restrictions.** The withdrawal of specified privileges for a definite period of time, but without the additional stipulations contained in the imposition of conduct probation. The restrictions involved will be clearly defined.

(d) **Loss of parking privileges on campus.** Revocation of parking privileges.

[Statutory Authority: RCW 28B.50.140(13). WSR 14-14-047, § 495D-121-600, filed 6/25/14, effective 7/26/14.]

WAC 495D-121-610 Student conduct code—Loss of eligibility, student activity participation. Any student found to have violated chapter 69.50 RCW, the Uniform Controlled Substances Act or chapter 69.41 RCW, legend drugs, by virtue of a criminal conviction or by final decision of the college president or designee shall, in lieu of or in addition to any other disciplinary action which may be imposed, be disqualified from participation in any school-sponsored student events or activities.

[Statutory Authority: RCW 28B.50.140(13). WSR 14-14-047, § 495D-121-610, filed 6/25/14, effective 7/26/14.]

WAC 495D-121-620 Student conduct code—Refunds and access. (1) The college's refund policy covers refund of fees for the quarter in which disciplinary action occurs.

(2) The college may deny a student access to all or any part of the campus or other facility if he or she was suspended on the basis of conduct, which disrupted the orderly operation of the campus or any facility of the district, may be denied.

[Statutory Authority: RCW 28B.50.140(13). WSR 14-14-047, § 495D-121-620, filed 6/25/14, effective 7/26/14.]

WAC 495D-121-630 Student conduct code—Readmission after suspension. The college will normally readmit any student suspended from the college for academic or disciplinary reasons on a space available basis in the students' program of study, when the suspension ends.

(1) The college may readmit a student after receiving approval of a written petition submitted to the vice-president, or other designated administrator, who imposed such suspension if:

(a) A student who was suspended believes that circumstances merit reconsideration of the suspension before it ends.

(b) The student was suspended with conditions imposed for readmission.

(2) This petition must state reasons that support a reconsideration of the matter. The vice-president's or designee's decision, after reviewing the petition, is final.

[Statutory Authority: RCW 28B.50.140(13). WSR 14-14-047, § 495D-121-630, filed 6/25/14, effective 7/26/14.]

WAC 495D-121-640 Student conduct code—Reestablishment of academic standing. Students who were dismissed or suspended consistent with disciplinary procedures set forth in WAC 495D-121-340 and 495D-121-600 and whose dismissal or suspension upon appeal is found unwarranted, will have the opportunity to reestablish their academic and student standing to the extent possible within the college's abilities, including an opportunity to retake exams or otherwise complete course offerings missed because of such action.

[Statutory Authority: RCW 28B.50.140(13). WSR 14-14-047, § 495D-121-640, filed 6/25/14, effective 7/26/14.]

WAC 495D-121-650 Student conduct code—Campus speakers. (1) Student organizations officially recognized by the college may invite speakers to the campus to address their own membership and other interested students and faculty if:

(a) Suitable space is available.

(b) It does not interfere with the college's regularly scheduled programs.

Although allowed by the college, having such speakers on the campus does not imply the college's approval or disapproval of them or their viewpoints. For speakers who are candidates for political office, the college will make equal opportunities available to opposing candidates if they desire.

(2) To ensure an atmosphere of open exchange and to not obscure the college's educational objectives, the president or designee, in a case with strong emotional feeling, may set conditions for conducting the meeting, such as requiring:

(a) A designated member of the college community as chair; or

(b) Permission for comments and questions from the floor.

The president or designee may encourage the appearance of one or more additional speakers at any meeting or at following meetings so people can express other points of view. The president may designate representatives to recommend conditions such as time, manner, and place for conducting particular meetings.

[Statutory Authority: RCW 28B.50.140(13). WSR 14-14-047, § 495D-121-650, filed 6/25/14, effective 7/26/14.]

WAC 495D-121-660 Student conduct code—Distribution of information. (1) Students and members of recognized student organizations or college employees, may sell or distribute handbills, leaflets, newspapers, and similar materials free of charge on or in college facilities at locations specifically designated by the appropriate administrator, as long as the distribution or sale:

(a) Does not interfere with people's ingress or egress;

(b) Does not impede the free flow of vehicular or pedestrian traffic;

(c) Is not obscene; or

(d) Does not incite imminent violence.

(2) All nonstudents must contact the director of student programs or designee and get directions on where, when, and the manner of distribution before distributing any handbill, leaflet, newspaper, or related matter. This ensures that such distribution or sale does not interfere with the free flow of vehicular or pedestrian traffic.

(3) Anyone who violates provisions of subsections (1) and (2) of this section is subject to disciplinary action. Anyone who violates provisions of subsection (2) of this section is subject to removal from the college campus.

[Statutory Authority: RCW 28B.50.140(13). WSR 14-14-047, § 495D-121-660, filed 6/25/14, effective 7/26/14.]

WAC 495D-121-670 Student conduct code—Commercial activities. (1) No one can use college facilities for commercial solicitation, advertising, or promotional activities except when these activities:

(a) Clearly serve educational objectives including, but not limited to, display of books of interest to the academic community or the display or demonstration of technical or research equipment.

(b) Are conducted under the sponsorship or at the request of the college or official college organizations if the solicitation does not interfere with or operate to the detriment of the conduct of college affairs or the free flow of vehicular or pedestrian traffic.

(2) Students cannot use college facilities, equipment, and supplies for personal commercial gain.

(3) For the purpose of this regulation, the term "commercial activities" does not include handbills, leaflets, newspapers, and similarly related materials as regulated in WAC 495D-121-660.

[Statutory Authority: RCW 28B.50.140(13). WSR 14-14-047, § 495D-121-670, filed 6/25/14, effective 7/26/14.]