

# Chapter 132S-40 WAC

## STUDENT POLICIES

### WAC

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- 132S-40-150 Hearing. [Statutory Authority: RCW 28B.50.140. WSR 90-07-006, § 132S-40-150, filed 3/12/90, effective 4/12/90.] Repealed by WSR 00-18-095, filed 9/5/00, effective 10/6/00. Statutory Authority: RCW 28B.50-140(13).
- 132S-40-155 Decision. [Statutory Authority: RCW 28B.50.140. WSR 90-07-006, § 132S-40-155, filed 3/12/90, effective 4/12/90.] Repealed by WSR 00-18-095, filed 9/5/00, effective 10/6/00. Statutory Authority: RCW 28B.50.140(13).
- 132S-40-160 Student rights. [Statutory Authority: RCW 28B.50.140 (13). WSR 00-18-095, § 132S-40-160, filed 9/5/00, effective 10/6/00.] Repealed by WSR 06-19-006, filed 9/7/06, effective 10/8/06. Statutory Authority: RCW 28B.50.140.
- 132S-40-165 Student responsibilities/violations. [Statutory Authority: RCW 28B.50.140(13). WSR 00-18-095, § 132S-40-165, filed 9/5/00, effective 10/6/00.] Repealed by WSR 06-19-006, filed 9/7/06, effective 10/8/06. Statutory Authority: RCW 28B.50.140.
- 132S-40-170 Disciplinary proceedings. [Statutory Authority: RCW 28B.50.140(13). WSR 00-18-095, § 132S-40-170, filed 9/5/00, effective 10/6/00.] Repealed by WSR 06-19-006, filed 9/7/06, effective 10/8/06. Statutory Authority: RCW 28B.50.140.
- 132S-40-175 Appeals of disciplinary action. [Statutory Authority: RCW 28B.50.140(13). WSR 00-18-095, § 132S-40-175, filed 9/5/00, effective 10/6/00.] Repealed by WSR 06-19-006, filed 9/7/06, effective 10/8/06. Statutory Authority: RCW 28B.50.140.
- 132S-40-180 Disciplinary sanctions. [Statutory Authority: RCW 28B.50.140(13). WSR 00-18-095, § 132S-40-180, filed 9/5/00, effective 10/6/00.] Repealed by WSR 06-19-006, filed 9/7/06, effective 10/8/06. Statutory Authority: RCW 28B.50.140.
- 132S-40-185 Summary suspension procedures. [Statutory Authority: RCW 28B.50.140(13). WSR 00-18-095, § 132S-40-185, filed 9/5/00, effective 10/6/00.] Repealed by WSR 06-19-006, filed 9/7/06, effective 10/8/06. Statutory Authority: RCW 28B.50.140.
- 132S-40-190 Student complaints. [Statutory Authority: RCW 28B.50.140(13). WSR 00-18-095, § 132S-40-190, filed 9/5/00, effective 10/6/00.] Repealed by WSR 06-19-006, filed 9/7/06, effective 10/8/06. Statutory Authority: RCW 28B.50.140.

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

- (1) "Board" shall mean the board of trustees of Community College District No. 19, state of Washington.
- (2) "College" shall mean Columbia Basin Community College or any additional community college hereafter established within Community College District No. 19, state of Washington.
- (3) "Liquor" shall mean the definition of liquor as contained within RCW 66.04.010(15) as now law or hereafter amended.
- (4) "Drugs" shall mean and include any narcotic drug and shall include any dangerous drug.
- (5) "College facilities" shall mean and include any or all real property controlled or operated by the college and shall include all buildings and appurtenances affixed thereon or attached thereto.
- (6) "Assembly" shall mean any overt activity engaged in by one or more persons, the object of which is to gain publicity, advocate a view, petition for a cause or disseminate information to any person, persons, or group of persons.
- (7) "Disciplinary action" shall mean and include the expulsion, suspension or reprimand of any student pursuant to WAC 132S-40-170 for the violation of any designated rule or regulation of the rules of student conduct for which a student is subject to disciplinary action.

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

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

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

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

[Statutory Authority: RCW 28B.50.140(13). WSR 00-18-095, § 132S-40-005, filed 9/5/00, effective 10/6/00. Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-40-005, filed 10/11/82. Formerly WAC 132S-12-010.]

**WAC 132S-40-050 Delegation of disciplinary authority.** The board, acting pursuant to RCW 28B.50.140(14), do by written order delegate to the president of the college authority to administer the disciplinary action prescribed in WAC 132S-40-075. All disciplinary actions in which there is a recommendation that a student be suspended or expelled, shall be acted upon by the president. The president shall have no authority to delegate this decision.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-40-050, filed 10/11/82. Formerly WAC 132S-12-110.]

**WAC 132S-40-085 Civilian prosecution.** The board acting through the college president may refer any violations of the rules of student conduct which involve violations of federal or state law to civilian authorities for disposition.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-40-085, filed 10/11/82. Formerly WAC 132S-12-190.]

**WAC 132S-40-090 Disposition of financial obligations of students.** The conferring of degrees, issuance of academic transcripts and grade reports may be withheld by Columbia Basin Community College for failure of a student to meet his or her financial obligations owed to the college. Such fees, charges, debts, fines, or other financial obligations shall include but are not limited to the following:

- (1) Bookstore debts;
- (2) Parking fines;
- (3) Library fines;
- (4) "Not sufficient funds" checks;
- (5) Damages to college property;
- (6) Failure to return borrowed, leased, or rented college property;
- (7) Unreturned keys;
- (8) Personal telephone tolls charged to a college number.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-40-090, filed 10/11/82. Formerly WAC 132S-122-010.]

**WAC 132S-40-095 Students—Financial obligation—Appeal procedure.** (1) Every student has the right to appeal a decision of any college department or division to assess a fee, fine, charge, debt, or other financial obligation for a determination of the validity and legitimacy of that charge.

The appeal must be in writing and directed to the division or department head assessing the financial obligation. Notice of the appeal shall be given within ten days after notice of right to appeal is received. Following such notice, the student shall be allowed an informal hearing with the head or appointed representative of the department or division assessing the obligation. The decision of such hearing shall be final: Provided, That in the event such financial obligation shall prove to be of a magnitude requiring the assessed student to terminate his or her relationship with Columbia Basin Community College, the student shall have a right to a formal hearing as provided in RCW 28B.19.120.

(2) If the student has not satisfied his financial obligation to the college within ten days after his right to a hearing has expired, the college may take the action provided in WAC 132S-40-090 after providing the financially obligated student with notice of the intended action, whenever such notice is possible.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-40-095, filed 10/11/82. Formerly WAC 132S-122-020.]

#### **WAC 132S-40-100 Student data—Introduction.**

When a student enters Columbia Basin College and submits the required personal data for academic and personnel records there is an implicit assumption of trust placed in the college as custodian of these data. The college also believes that a similar relationship should be maintained relative to subsequent data generated during the student's enrollment - academic performance, activities, personal interviews, and disciplinary proceedings.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-40-100, filed 10/11/82. Formerly WAC 132S-25-010.]

**WAC 132S-40-105 Student information which may be released.** Information of a "public" nature will be furnished, that is, information which has appeared at one time or another in publications that are available to the general public or are a matter of public record.

Political membership or information is not recorded in student records. Information relative to an identifiable individual's race or national origin may be provided to college personnel who have a bona fide interest in such information in the course of his duties.

Information regarding the academic achievement of students being considered for college-associated honors, or scholarships may be furnished the committees responsible for making the awards.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-40-105, filed 10/11/82. Formerly WAC 132S-25-020.]

**WAC 132S-40-110 Student information—Who may request and receive such information.** At the written request of the student concerned, Columbia Basin College will respond to inquiries originating from prospective employers - public or private. The college respects the right of its students to determine prospective employers to whom they wish the college to furnish nonpublic personal information.

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The college will send individually identified written reports to other educational institutions only with the consent of the student involved. When requested by another institution or when deemed necessary by the college, unidentified information may be sent when such information is to be used for curriculum study, accreditation, or studies which may be of benefit to future students.

Faculty members may request objective information contained in permanent academic records when needed in discharge of their official duties.

The college recognizes the legitimate interest of parents and guardians to consult with the professional staff about the academic and personal well-being of their sons and daughters. However, parents of Columbia Basin College students will not be furnished grade reports or transcripts without the permission of the student. In like manner, the spouse of a married student, regardless of the student's age, will be given such information only with the consent of the student.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-40-110, filed 10/11/82. Formerly WAC 132S-25-025.]

**WAC 132S-40-115 Student access to records.** A student may view the contents of his personnel records with the professional staff. If a student feels the information in his record is inadequate or inaccurate, he may petition to the dean of student services to file corrections for inclusion in the record. If the correction is other than for routine information, the dean of student services will convene a hearing panel to consider the requested change within thirty days.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-40-115, filed 10/11/82. Formerly WAC 132S-25-030.]

**WAC 132S-40-125 Probation, suspension and expulsion.** Students who fail to achieve a grade point average of 2.00 are to be placed on probation. Students on probation for two or more consecutive quarters are subject to suspension.

Students who transfer to Columbia Basin College while on academic probation or suspension will be permitted to enter on probationary status only.

A student who is expelled loses his rights and privileges as a student and forfeits all fees which he has paid to the college. Expulsion may be effected only through action by the board of trustees.

Suspension is defined as a situation whereby a student is temporarily not allowed to attend classes.

Expulsion is defined as a situation where a student is removed from the rolls of the college and is no longer allowed to attend classes for the duration of that period for which he is enrolled.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-40-125, filed 10/11/82. Formerly WAC 132S-16-450.]

## **SCHOLARSHIPS**

**WAC 132S-40-130 Scholarships.** All scholarships available at Columbia Basin College are coordinated through the financial aid office.

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All scholarships awarded by Columbia Basin College are evaluated by an appointed scholarship committee on the merits of pre-established criteria. The established conditions of a scholarship offered to Columbia Basin College students must meet CBC standards and be approved by the financial aid office. Scholarships are awarded on the basis of scholarship and/or need without regard to race, sex, age, religion or ethnic origin. Scholarships targeted to minority students are exceptions and are also based on scholarship and/or need.

[Statutory Authority: RCW 28B.50.140. WSR 90-07-006, § 132S-40-130, filed 3/12/90, effective 4/12/90.]

### FINANCIAL AID

**WAC 132S-40-135 Financial aid.** All students attending Columbia Basin College and receiving federal assistance in meeting direct and/or indirect educational costs through grants, work-study, and/or loans must maintain good academic standing.

Failure to maintain good academic standing will result in the termination of financial aid payments until satisfactory progress can be documented by the student.

For purposes of financial aid, the student is considered to be in good standing unless the student fails to complete a minimum of 12 credit hours with a grade point average of 2.00 for two consecutive quarters. However, a part-time student who fails to complete six credit hours in any quarter will be subject to immediate termination of financial aid.

[Statutory Authority: RCW 28B.50.140. WSR 90-07-006, § 132S-40-135, filed 3/12/90, effective 4/12/90.]

### LOSS OF ELIGIBILITY—STUDENT ATHLETIC PARTICIPATION

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

[Statutory Authority: RCW 28B.50.140(13). WSR 00-18-095, § 132S-40-195, filed 9/5/00, effective 10/6/00.]

**WAC 132S-40-200 Initiation of ineligibility proceedings.** The dean or designee shall have the authority to request commencement of athletic ineligibility proceedings whenever he or she has reasonable cause to believe that the student has violated chapter 69.41 RCW or has been advised that the student has been convicted of a crime involving the violation of chapter 69.41 RCW. The notice of the alleged violations and proposed suspension and the opportunity for a hearing shall be given to the student at least ten days before the hearing. A student convicted of violating chapter 69.41 RCW in a separate criminal proceeding may be given by the dean or designee an interim suspension pending final determination of any administrative proceeding held under these rules. Should the student desire not to go forward with the hearing, the disqualification for participation in athletic events or activities shall be imposed as set forth in the notice of hearing to the student.

[Statutory Authority: RCW 28B.50.140(13). WSR 00-18-095, § 132S-40-200, filed 9/5/00, effective 10/6/00.]

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

[Statutory Authority: RCW 28B.50.140(13). WSR 00-18-095, § 132S-40-210, filed 9/5/00, effective 10/6/00.]

### CODE OF STUDENT RIGHTS AND RESPONSIBILITIES

**WAC 132S-40-300 Preamble.** The effectiveness of the educational process depends upon the provision of appropriate conditions and opportunities for learning in an environment that is supportive of diversity among ideas, cultures, and student characteristics. A responsibility to secure, respect, and protect such opportunities and conditions is shared by all members of the academic community, including students.

The primacy of the faculty's role and its unquestionable centrality in the educational process must be recognized and preserved. The primary educational purpose of Columbia Basin College (herein referred to as CBC or the college) - its intellectual content and integrity - is the responsibility of the faculty.

Each right of an individual places a reciprocal duty upon others; the duty to permit the individual to exercise the right. As a member of the academic community, the student has both rights and responsibilities, the most essential right being the right to learn. The college has a duty to provide for the student those privileges, opportunities, and protections which best promote the learning process in all its aspects. The student also has duties to other members of the academic community, the most important of which is to refrain from interference with the rights of others which are equally essential to the purposes and processes of the college.

As an agency of the state of Washington, CBC must respect and adhere to all laws established by local, state, and federal authorities. CBC has developed a set of regulations to assure the orderly conduct of the affairs of the college.

[Statutory Authority: RCW 28B.50.140. WSR 06-19-006, § 132S-40-300, filed 9/7/06, effective 10/8/06.]

**WAC 132S-40-310 Definitions.** Assembly - Any overt activity engaged in by one or more persons, the object of which is to gain publicity, advocate a view, petition for a cause or disseminate information to any person, persons or group of persons.

Board - The board of trustees of Community College District No. 19, state of Washington.

Brief adjudicative hearing - A hearing which complies with the provisions of RCW 34.05.482 and is available in cases of student-athlete ineligibility, residency determination, parking fines, and outstanding student debt.

Chief student services officer - That person designed by the college president to be responsible for the student services division of the college, including the administration of the code of student rights and responsibilities or, in such person's absence, the acting CSSO or other appointed designee.

College - Columbia Basin College, established within Community College District No. 19, state of Washington.

College facilities - Any and all real property controlled or operated by the college, including all buildings and appurtenances affixed thereon or attached thereto.

College premises - All land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the college, including adjacent streets and sidewalks.

Disciplinary action - The reprimand, suspension, or expulsion of any student pursuant to WAC 132S-40-380 for the violation of any designated rule or regulation of the college, including rules of student conduct, for which a student is subject to adverse action.

Drugs - Any narcotic drug and any dangerous drug as defined in Washington statute (chapter 69.41 RCW) as now law or hereafter amended.

Hazing - Any method of initiation into a student club or organization, or any pastime or amusement engaged in with respect to such a group or organization that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm, to any student or other person attending the college as described in Washington statute (RCW 28B.10.900).

Instructional day - Any regularly scheduled instructional day designated in the academic year calendar, including summer quarter, as a day when classes are held or during final examination week. Saturdays and Sundays are not regularly scheduled instructional days.

Liquor - The definition of liquor as contained in Washington statute (RCW 66.04.010(21)) as now law or hereafter amended.

Policy - The written regulations of the college as found in, but not limited to, the code of student rights and responsibilities, the college catalog, quarterly class schedules, the college web pages, the electronic communications policy, the academic honesty handbook, and various program handbooks.

President - The chief executive officer appointed by the board of trustees or, in such president's absence, the acting president.

Rules of student conduct - The rules contained herein as now exist or which may be hereafter amended, the violation of which subject a student to disciplinary action.

Student - Any person taking courses or any other educational offerings at Columbia Basin College, either full-time or part-time. If a student withdraws after allegedly violating the code of student rights and responsibilities but prior to the college reaching a disciplinary decision in the matter, the college shall place the investigation results in the individual's file for consideration should the individual submit a reapplication for admittance to the college.

Student conduct board - The hearing panel as set forth herein.

[Statutory Authority: RCW 28B.50.140, WSR 06-19-006, § 132S-40-310, filed 9/7/06, effective 10/8/06.]

(9/23/14)

**WAC 132S-40-315 Supplemental definitions.** The following supplemental definitions shall apply for the purposes of student conduct proceedings which includes allegations of sexual misconduct by a student:

(1) A "complainant" is an alleged victim of sexual misconduct, as defined in subsection (5) of this section.

(2) A "respondent" is the student against whom disciplinary action is initiated.

(3) A "conduct officer," also referred to as the "chief student services officer (CSSO)" and or "student conduct officer" is the person designated by the college to be responsible for the student conduct area within student services, which includes the administration of the code of student rights and responsibilities.

(4) "Preponderance of the evidence" is the standard of proof used with all student disciplinary matters at Columbia Basin College that fall within the student rights and responsibilities, which means that the amount of evidence needs to be at 51% or "more likely than not" before a student is found responsible for a violation.

(5) "Sexual misconduct" is prohibited sexual or gender-based conduct by a student, including, but not limited to:

(a) Sexual activity for which clear and voluntary consent has not been given in advance;

(b) Sexual activity with someone who is incapable of giving valid consent because, for example, she or he is underage, sleeping or otherwise incapacitated due to alcohol or drugs;

(c) Sexual harassment;

(d) Sexual violence, which includes, but is not limited to, sexual assault, domestic violence, dating violence, intimate violence, and sexual or gender-based stalking;

(e) Nonphysical conduct such as sexual or gender-based digital media stalking, sexual or gender based on-line harassment, sexual or gender-based cyber-bullying, nonconsensual recording of a sexual activity, and nonconsensual distribution of a recording of a sexual activity.

[Statutory Authority: RCW 28B.50.140 and 42 U.S.C. Chapter 136, Subchapter III. WSR 14-20-029, § 132S-40-315, filed 9/23/14, effective 10/24/14.]

**WAC 132S-40-320 Student rights.** The following enumerated rights which are deemed necessary to achieve the educational goals of the college are guaranteed to each student within the limitations of statutory law and college policy:

(1) Academic freedom.

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

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

(c) Students have the right to present their own views, even though they may differ from those held by faculty members, and will not be subject to adverse action by faculty when such views are expressed in a manner that does not interfere with the rights of others.

(d) Students are protected from academic evaluations which are arbitrary, prejudiced, or capricious.

(2) Admission requirements. Columbia Basin College operates under an open door admission policy and grants

admission to applicants who are eighteen years of age and/or graduated from high schools accredited by a regional accrediting association or who have a GED certificate. Home school graduates and graduates from nonaccredited high schools are admitted based on course placement assessment scores.

(a) Applicants who do not meet CBC's admission requirements will be considered for admission upon request by the admissions/graduation committee.

(b) Students under sixteen years of age will not be admitted, except where such students are qualified "running start" students pursuant to chapter 392-169 WAC and provided that such admission is not inconsistent with the best interests of the applicant, other students, or the orderly operation of the college.

(c) Admission to CBC does not guarantee admission to all degree or certificate programs. Students should consult the catalog for admission requirements in specific programs.

(3) Due process.

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

(b) Once notified of the charges, the accused student is entitled to explain his/her version of the facts in response, explanation, and defense of the allegation(s) and is entitled to the other procedures as specified herein.

(4) Distribution and posting of printed material. Students may distribute or post printed material subject to official procedures available in the office of student programs.

(5) Freedom of assembly. Students may conduct or may participate in any assembly on college facilities which are generally available to the public provided such assemblies:

(a) Are conducted in an orderly manner.

(b) Do not unreasonably interfere with vehicular or pedestrian traffic.

(c) Do not unreasonably interfere with classes, scheduled meetings or ceremonies, or with the general educational process of the college.

(d) Do not unreasonably interfere with regular college functions.

(e) Do not cause destruction or damage to college property.

(6) Freedom of association and organization. Students are free to organize and join associations to promote any legal purpose. Student clubs and organizations must be granted a charter by the associated students of Columbia Basin College (herein referred to as ASCBC) before they may be officially recognized.

(7) Nondiscrimination. Students have the right not to be discriminated against on the basis of age, color, creed, disability, sex, marital status, national origin or ancestry, race, religion, sexual orientation, or veteran status.

(8) Use and maintenance of education records. Students have the right to maintain confidentiality of records and access to records as outlined in college policy. The Family Educational Rights and Privacy Act (herein referred to as FERPA) affords students certain rights with respect to their education records. These rights include:

(a) The right to inspect and review the student's education records within forty-five days of the day the college received a request for access.

(b) The right to request an amendment of the student's education records the student believes are inaccurate.

(c) The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.

(d) The right to file a complaint with the U.S. Department of Education concerning alleged failure by the college to comply with the requirements of FERPA.

(9) Use of college facilities. Any recognized ASCBC club or organization may request use of available college facilities for authorized activities. The use of facilities for purposes other than what has been approved or in an irresponsible manner, may result in withdrawal of this privilege.

[Statutory Authority: RCW 28B.50.140. WSR 06-19-006, § 132S-40-320, filed 9/7/06, effective 10/8/06.]

**WAC 132S-40-330 Student responsibilities.** Students who choose to attend Columbia Basin College also choose to participate actively in the learning process offered by the college. The college is responsible for providing its students with an educational environment that includes resources used by students to attain their educational goals. In return each student is responsible to:

(1) Participate actively in the learning process, both in and out of the classroom.

(2) Seek timely assistance in meeting educational goals.

(3) Attend all class sessions.

(4) Prepare adequately to participate fully in class activities.

(5) Meet the standards of academic performance established by each instructor.

(6) Develop skills required for learning; e.g., basic skills, time management, and study skills.

(7) Assume final authority for the selection of appropriate educational goals.

(8) Select courses appropriate for meeting chosen educational goals.

(9) Make appropriate use of services and resources.

(10) Contribute towards improving the college.

(11) Become knowledgeable of and adhere to the college's policies, practices, and procedures.

(12) Abide by the standards set forth in the code of conduct.

[Statutory Authority: RCW 28B.50.140. WSR 06-19-006, § 132S-40-330, filed 9/7/06, effective 10/8/06.]

**WAC 132S-40-340 Student code authority.** The chief student services officer (herein referred to as the CSSO) will develop policies for the administration of the student conduct system as well as procedural rules for the conduct of student conduct board hearings that are consistent with the provisions of the code of student rights and responsibilities (herein referred to as the code) as specified herein.

[Statutory Authority: RCW 28B.50.140. WSR 06-19-006, § 132S-40-340, filed 9/7/06, effective 10/8/06.]

**WAC 132S-40-350 Proscribed conduct.** (1) Jurisdiction of the code of student rights and responsibilities. The Columbia Basin College code of student rights and responsi-

bilities will apply to conduct that occurs on college premises and at college-sponsored events and activities. The code of student rights and responsibilities also applies to actions occurring off campus which are violations or alleged violations of local, state, or federal law and which also violate the code of student rights and responsibilities. Such allegations or violations of off-campus violations can be the subject of college disciplinary action only if the CSSO determines disciplinary action is necessary for the protection of other members of the college community or property of the college community, or that the off-campus conduct adversely affects the college community and/or the pursuit of the college's objectives. Each student will be responsible for his/her conduct from the time of enrollment through their severance of a relationship with the college (e.g., the actual awarding of a degree or certificate), even though conduct may occur before classes begin or after classes end, as well as during the academic year. The CSSO will decide whether the code will be applied to conduct occurring off-campus, on a case-by-case basis, at his/her sole discretion.

(2) Conduct - Rules and regulations. The voluntary attendance of a student at Columbia Basin College is a voluntary entrance into the academic community. By such voluntary entrance, the student voluntarily assumes obligations of performance and behavior reasonably imposed by the college relevant to its lawful missions, processes, and functions. It is the college's expectation that students will:

- (a) Conduct themselves in a responsible manner;
- (b) Comply with rules and regulations of the college and its departments;
- (c) Respect the rights, privileges, and property of other members of the academic community;
- (d) Maintain a high standard of integrity and honesty; and
- (e) Not interfere with legitimate college business appropriate to the pursuit of educational goals.

(3) Student misconduct. Any student will be subject to disciplinary action who, either as a principal or participator or by aiding or abetting, commits or attempts to commit any of the following which are hereby prohibited:

(a) Abusive conduct. Physical and/or verbal abuse, threats, intimidation, harassment, coercion, and/or other conduct which threatens or endangers the health or safety of any person or which has the purpose or effect of creating a hostile or intimidating environment at any college-sponsored or college-supervised function.

(b) Destroying or damaging property. Intentional and/or reckless damage to or misuse of college-owned or controlled property, or the property of any person where such property is located within college-owned or controlled premises or at college-sponsored functions.

(c) Discrimination. Engaging in any prohibited discriminatory or harassing behavior as defined by applicable law and/or college policies including stalking or hate activity as defined by law.

(d) Disorderly conduct.

(i) Obstruction of teaching, administration, disciplinary proceedings, or other college activities, including its public service function on- or off-campus, or of other authorized noncollege activities when the conduct occurs on college premises or at college-sponsored functions.

(ii) Material and substantial interference with the personal rights or privileges of others or of the educational process of the college.

(iii) Lewd or indecent conduct, breach of peace, or aiding, abetting, or procuring another person to breach the peace on college premises or at functions sponsored, or participated in, by the college or members of the academic community.

(iv) Unauthorized use of electronic or other devices to make an audio or video recording of any person while on college premises without his/her prior knowledge, or without his/her effective consent, when such a recording is likely to cause injury or distress. This includes, but is not limited to, surreptitiously taking pictures of another person in a gym, locker room, or restroom.

(e) Disruption:

(i) Participating in an on- or off-campus demonstration, riot, or activity that disrupts the normal operations of the college and/or infringes on the rights of other members of the college community.

(ii) Intentionally and/or recklessly inciting others to engage in any prohibited conduct as defined herein, when incitement may lead to such conduct.

(iii) Obstruction of the free flow of pedestrian or vehicular traffic on college premises or at college-sponsored or supervised functions.

(f) Drugs. Nonintended using of a prescriptive drug or using, possessing, manufacturing, furnishing, selling, or being under the influence of any narcotic drug or controlled substance as defined in Washington statute (chapter 69.50 RCW) except when the use or possession of a drug is specifically prescribed as medication by an authorized medical practitioner to the specific student.

(g) Falsehoods and misrepresentations.

(i) The intentional making of false statements and/or filing of false charges against the college and/or members of the college community.

(ii) Knowingly furnishing false information to any college official, faculty member, or office.

(iii) Forgery, alteration, or misuse of any college document, record, fund, or instrument of identification with the intent to defraud.

(h) Hazing. Any method of initiation into a student club or organization, or any pastime or amusement engaged in with respect to such a group or organization that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm, to any student or other person attending the college as described in Washington statute (RCW 28B.10.900).

(i) Insubordination.

(i) Failure to comply with the direction of college officials or law enforcement officers acting in the legitimate performance of their lawful duties.

(ii) Failure to properly identify oneself, provide evidence of student enrollment and/or proper identification upon request of college officials acting in the legitimate performance of their lawful duties.

(j) Liquor. Consuming, possessing, furnishing or selling of alcoholic beverages and/or being demonstrably under the influence of any alcoholic beverage on college premises or at college-sponsored or supervised events except as a participant of legal age in a student program, banquet, or educa-

tional program which has the special written authorization of the college president or his/her designee.

(k) Misuse of equipment and technology. Misuse of the college's computer, telecommunications, or electronic technology, facilities, or equipment provided for the use of students in fulfilling their educational needs including, but not limited to:

(i) Unauthorized entry into a file to use, read, or change the contents, or for any other purpose.

(ii) Unauthorized transfer of a file.

(iii) Use of another individual's identification or password.

(iv) Copyright violations.

(v) Use of the college's computer, telecommunications, or electronic technology facilities and resources:

(A) That interferes with the work of another student, faculty member, or college official.

(B) To send obscene or abusive messages.

(C) For personal profit, advertisement, or illegal purposes.

(D) For purposes other than those necessary to fulfill an assignment or task as part of the student's program of instruction.

(l) Safety misconduct:

(i) Intentionally initiating or causing to be initiated any false report, warning, or threat of fire, explosion, or other emergency on college premises or at any college-sponsored activity; or

(ii) Falsely setting off or otherwise tampering with any emergency safety equipment, alarm, or other device established for the safety of individuals and/or college facilities.

(m) Sexual misconduct. Engaging in unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature where such behavior offends a reasonable, orderly, prudent person under these circumstances.

(n) Theft. The unauthorized taking or removing of college-owned or operated property or of another's property with the intent of depriving the owner of the property, where such property is located within college premises.

(o) Trespass or unauthorized presence.

(i) Entering or remaining unlawfully on college premises, as defined by state law.

(ii) Using college premises, facilities, or property without authority.

(iii) Unauthorized possession, duplication or use of keys to any college premises.

(p) Weapons. Possession of weapons (e.g., firearms, daggers, swords, knives or other cutting or stabbing instruments, clubs) or substances (e.g., explosives) apparently capable of producing bodily harm and/or damage to real or personal property is prohibited on or in college-owned or operated facilities and premises and/or during college-sponsored events.

(i) Carrying of firearms on or in college-owned or operated facilities and/or during college-sponsored events is prohibited except and unless the firearm is registered with the campus security department for a specified period of time.

(ii) The aforementioned regulations shall not apply to equipment or materials owned, used or maintained by the col-

lege; nor will they apply to law enforcement officers acting in the legitimate performance of their lawful duties.

(4) Academic dishonesty. Academic dishonesty minimizes the learning process and threatens the learning environment for all students. As members of the CBC learning community, students are not to engage in any form of academic dishonesty which includes, but is not limited to, cheating, plagiarism, and fabrication or falsification of information, research, or other findings for the purpose of fulfilling any assignment or task as part of the student's program of instruction.

(a) Any student who commits or aids and abets the accomplishment of an act of academic dishonesty will be subject to disciplinary action.

(b) The class instructor is responsible for handling each case of academic dishonesty in the classroom and for determining a penalty grade as outlined in the course syllabus.

(i) If, within the instructor's professional judgment, reasonable evidence would suggest a student engaged in academic dishonesty, the instructor will provide notice to the student, either written or verbal, of his/her assertion of academic dishonesty and of the academic penalty grade within three instructional days of the occurrence.

(ii) The instructor will submit a report of the infraction, the notice given to the student and a copy of all applicable evidence to his/her dean.

(iii) The dean, after consulting with the instructor and others as appropriate, may recommend disciplinary action in which case all applicable information will be submitted to the CSSO within the time frames and procedures as provided in this document.

(5) Classroom conduct and the learning environment.

(a) Instructors have the authority to take appropriate action to maintain order and proper conduct in the classroom and to maintain the effective cooperation of the class in fulfilling the objectives of the course.

(b) An instructor has the authority to exclude a student from any single class/program session during which the student is so disorderly or disruptive that it is difficult or impossible to maintain classroom decorum. The instructor will report any such exclusion from the class/program to the CSSO. The CSSO may initiate disciplinary action as provided in this procedure.

(c) Bringing any person or object to a teaching and learning environment that may disrupt the environment or cause a safety or health hazard, without the approval of the class instructor or other authorized official, is expressly prohibited.

(6) Violation of law. College disciplinary proceedings may be instituted against a student charged with conduct that potentially violates the criminal law and this student code (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the CSSO. Determinations made or sanctions imposed under this code will not be subject to change because criminal charges arising out of the same facts giving rise to violation of college rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

[Statutory Authority: RCW 28B.50.140. WSR 06-19-006, § 132S-40-350, filed 9/7/06, effective 10/8/06.]

**WAC 132S-40-360 Student conduct code procedures.** (1) Initiation of disciplinary action. A request for disciplinary action of a student for violation(s) of the rules of student conduct must be made in writing to the CSSO as soon as possible but not later than twenty instructional days after the occurrence or the date the requestor knew or should reasonably have known of the occurrence. Any member of the college's administration, faculty, staff, or student may make such a request. The written request must be signed by the individual making the request and must be a good faith claim. The CSSO may decline the request, implement the request, or engage in informal negotiations to resolve the situation based on the allegation(s) and the evidence that has been provided.

(2) Notice requirements. Any student charged with a violation will be given written notice personally or sent written notice by registered or certified mail to the most recent address in the student's record on file with the college, no later than fifteen instructional days after a decision is made to proceed with an investigation. The notice will not be ineffective if presented later due to the student's absence. Such notice will:

(a) Inform the student a report has been filed alleging the student violated college policy.

(b) Set forth those provisions of the college's policy and the specific acts which are alleged to be violations, as well as the date(s) of the violation(s).

(c) Specify the time, date, and location where the student is required to meet with the CSSO. The meeting will be scheduled no earlier than three instructional, but within thirty instructional days of the mailing of the notification to the student. The CSSO may modify the time, date and location of the meeting, either at the student's or college's request, for reasonable cause.

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

(e) Inform the student that he/she may bring an advisor or representative to the meeting. The advisor or representative cannot be a college employee.

(3) Meeting with the chief student services officer.

(a) At the meeting with the CSSO the student will be informed of the following:

(i) The provision(s) of the rules of conduct or college policy he/she is charged with violating.

(ii) The disciplinary process.

(iii) The range of sanctions which might result from disciplinary proceedings.

(iv) The student's rights to appeal.

(b) The student will have the opportunity to respond to the allegation(s) by providing information to the CSSO about his/her involvement, if any, in the alleged violation(s), explaining the circumstances surrounding the violation(s), and/or defending him/herself against the allegations. If the student chooses to have an advisor or representative present at the meeting, the CSSO will allow the advisor or representative to make a brief statement.

(4) Decision by chief student services officer.

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

(i) Terminate the proceedings and thereby exonerate the student or students.

(ii) Impose disciplinary sanctions as provided herein.

(iii) Refer the matter to the student conduct board (herein referred to as the SCB) for appropriate action.

(b) Notification of action by the CSSO will be delivered to the student personally or sent by registered or certified mail to the most recent address in the student's record on file with the college, within thirty instructional days of the meeting. A copy of the notification will be filed with the office of the CSSO.

(c) Disciplinary action taken by the CSSO is final unless the student exercises the right of appeal as provided herein.

(5) Student conduct board.

(a) Composition: The college will have a SCB composed of six members who will be chosen and appointed by October 1 of each year to serve as a standing committee until their successors are appointed. The membership of the board will consist of two members of the administration (not including the CSSO) appointed by the president, two faculty members appointed by the faculty senate, and two students appointed by the president of the ASCBC.

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

(c) Hearing procedures:

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

(ii) The student and the CSSO will be sent written notification at least seven instructional days prior to the hearing of the following:

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

(B) The specific violation(s) alleged against the student.

(C) The SCB procedures.

(D) The names of the members of the SCB.

(iii) A student facing dismissal has the right to be assisted by one advisor or representative of his/her choice and at his/her expense. The advisor must be someone who is not employed by the college. If the student chooses to have an attorney serve as his/her advisor, the student must tender notice to the SCB no less than five instructional days prior to the hearing in order to allow the CSSO a legal advisor. A student should select as an advisor a person whose schedule allows attendance at the scheduled date and time of the SCB hearing because delays will normally not be allowed due to the scheduling conflicts of an advisor.

(iv) The student will be accorded reasonable access to the case file that will be retained by the CSSO.

(v) Any SCB member who has a personal relationship, personal interest, or other interest which would prevent that

person from rendering a fair and impartial decision must recuse him/herself from sitting for that case.

(vi) A student may request in writing no less than five instructional days prior to the hearing that a SCB member recuse or disqualify him/herself. The request must be for good cause, which must be shown by the student. In the event of such a request, the SCB will consider the request prior to the time scheduled for the hearing and will decide whether the SCB member should be disqualified for that hearing.

(vii) The parties involved in the hearing will be requested to submit their witness list and any documentary evidence to be discussed at the hearing to the hearing chairperson not less than five instructional days prior to the hearing.

(viii) Hearings will be closed to the public except if requested by the student and at the discretion of the chairperson. At all times, however, all parties, their advisors, the witnesses, and the public will be excluded during the deliberations of the SCB.

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

(x) The CSSO may request a special presiding officer to the SCB in complex cases. In these circumstances the special presiding officer will act as the chairperson of the hearing.

(xi) The chairperson will exercise control over the hearing to avoid needless consumption of time and to prevent the harassment or intimidation of witnesses. Any person, including the student, who disrupts a hearing or who fails to adhere to the rulings of the chairperson may be excluded from the proceedings and may be subject to disciplinary action.

(xii) The student may question witnesses and have a maximum of three character witnesses appear on his/her behalf.

(xiii) The burden of proof will be on the CSSO who must establish the alleged violation(s) by a preponderance of the evidence.

(xiv) Formal rules of evidence and procedure will not be applicable in disciplinary proceedings conducted pursuant to this code. The chairperson will 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.

(xv) In order that a complete record of the proceeding can be made to include all evidence presented, hearings will be recorded or transcribed except for the deliberations of the SCB. The record will be the property of the college.

(xvi) After considering the evidence in the case, the SCB will decide by majority vote whether to terminate the proceedings, thereby exonerating the student, or impose disciplinary sanctions as set forth herein.

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

(xviii) Disciplinary action taken by the SCB is final unless the student exercises the right of appeal as provided herein.

[Statutory Authority: RCW 28B.50.140. WSR 06-19-006, § 132S-40-360, filed 9/7/06, effective 10/8/06.]

**WAC 132S-40-365 Supplemental sexual misconduct procedures.** (1) 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.

(2) 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 132S-40-360. 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 and 42 U.S.C. Chapter 136, Subchapter III. WSR 14-20-029, § 132S-40-365, filed 9/23/14, effective 10/24/14.]

**WAC 132S-40-370 Appeals of disciplinary action.** (1) All appeals by a student must be made in writing and received by the CSSO within ten calendar days of notification of the CSSO's or the SCB's decision. Failure to file a written appeal within the time period specified will result in the decision(s) becoming final with no further right of appeal.

(2) Appeals of disciplinary action(s) will be taken in the following order:

(a) Disciplinary decisions and action taken by the CSSO may be appealed by the student to the SCB.

(b) Disciplinary decisions and action taken by the SCB may be appealed by the student to, and shall be reviewed by, the college president who shall have final authority in the disciplinary action.

[Statutory Authority: RCW 28B.50.140. WSR 06-19-006, § 132S-40-370, filed 9/7/06, effective 10/8/06.]

**WAC 132S-40-375 Supplemental appeal rights.** (1) The following actions by the 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 officer within twenty-one (21) days of service of the notice of the discipline decision provided for in WAC 132S-40-360. 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 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 (10) instructional days or an expulsion shall be reviewed by the student conduct board.

(7) In proceedings before the student conduct board, respondent and complainant shall have the right to be accompanied by a non-attorney 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 (4) 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 board, complainant and respondent shall not directly question or cross examine one another. All questions shall be directed to the board 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 non-attorney assistants and/or attorneys may attend portions of the hearing where argument, testimony and/or evidence are presented to the student conduct board.

(10) The chair of the student conduct board, 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 complainant of his or her appeal rights.

(11) Complainant may appeal the student conduct board'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.

(9/23/14)

[Statutory Authority: RCW 28B.50.140 and 42 U.S.C. Chapter 136, Subchapter III. WSR 14-20-029, § 132S-40-375, filed 9/23/14, effective 10/24/14.]

**WAC 132S-40-380 Disciplinary sanctions.** (1) The student will be notified in writing of the sanction(s) imposed as well as of any conditions pursuant to the sanction(s). Copies of the notification will be kept on file in the office of the CSSO and in the student's official educational record. All sanctions outlined herein are subject to the appeal process.

(2) The following sanctions, singly or in combination, may be imposed upon any student found to have violated the student code:

(a) Warning. Notice to a student that the student is violating or has violated 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 failure to meet the college's standards of conduct. Reprimands will be made in writing to the student by the CSSO or the SCB with copies filed in the office of the CSSO. 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) Loss of privileges. Denial of specified privileges for a designated period of time.

(d) Restitution. An individual student may be required to make restitution for damage, loss, or injury. This may take the form of appropriate service and/or monetary or material replacement. Failure to make restitution within thirty days or any period set by the CSSO or SCB will result in suspension for an indefinite period of time as set forth in (g) of this subsection, provided that a student may be reinstated upon payment or upon a written agreed plan of repayment. Failure to strictly comply with the terms of a repayment plan will result in immediate suspension.

(e) Discretionary sanctions. Work assignments, essays, service to the college, or other related discretionary assignments.

(f) Disciplinary probation. Formal action placing conditions upon the student's continued attendance for violations of college rules or regulations or other failure to meet the college's standards of conduct. Written notice of disciplinary probation will specify the period of probation and any condition(s) upon which his/her continued enrollment is contingent. Such conditions may include, but not be limited to, adherence to terms of a behavior contract or limiting the student's participation in extra-curricular activities or access to specific areas of the college's facilities. Disciplinary probation may be for a specified term or for an indefinite period which may extend to graduation or other termination of the student's enrollment in the college.

(g) Suspension. Separation of the student from the college for a definite period of time, after which the student is eligible to return. Students who are suspended may be denied access to all or any part of the campus or other facilities

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during the duration of the period of suspension. Additionally, conditions for readmission may be specified.

(h) Expulsion. Permanent separation of the student from the college. Students who are expelled may be denied access to all or any part of the campus or other facilities permanently.

(i) Revocation of admission and/or degree. Admission to or a degree awarded from the college may be revoked for fraud, misrepresentation, or other violation of college standards in obtaining admission or the degree, or for other serious violations committed by a student prior to graduation. Revocation of admission or a degree is subject to the hearing process as outlined in this code. Revocation of a degree must be approved by the board of trustees.

(j) Withholding degree. The college may withhold awarding a degree otherwise earned until the completion of the process set forth in the code, including the completion of all sanctions imposed, if any. Withholding a degree must be approved by the board of trustees.

[Statutory Authority: RCW 28B.50.140. WSR 06-19-006, § 132S-40-380, filed 9/7/06, effective 10/8/06.]

**WAC 132S-40-390 Interim restriction and suspension procedures.** (1) Initiation of interim restriction and suspension procedures. If there is cause to believe that a student or student organization poses an imminent threat to him/herself, itself, to others, or to property, immediate action may be taken pending an investigation by the CSSO. The CSSO may take one or more of the following interim actions:

(a) Interim restrictions. A student may be restricted from college-owned or operated facilities and/or events.

(b) Interim suspension. A student may be suspended pending investigation, action, or prosecution.

(2) Permission to enter or remain on campus. During the period of interim restriction or suspension, the student will not enter the campus of the college or any facility under the operation of the college other than to meet with the CSSO or to attend the hearing. However, the CSSO may grant the student special permission to enter the campus for the express purpose of meeting with faculty, staff, or students in preparation for the hearing.

(3) Notice of interim restriction and suspension proceedings. If the CSSO finds it necessary to exercise the authority to evoke interim restriction or suspension, he/she will give the student notice, orally or in writing, stating:

(a) The time, date, place and nature of the alleged misconduct.

(b) The evidence in support of the charge(s).

(c) The corrective action or punishment which may be imposed against the student.

(d) The possibility that anything the student says to the CSSO may be used against the student.

(e) The student's right to either accept the disciplinary action or, within three instructional days following receipt of the above notification, file at the office of the CSSO a written request for a hearing by the SCB. If the request is not filed within the prescribed time, it will be deemed as waived.

(4) Hearing. The hearing will be accomplished according to the procedures set forth in this document and no later than ten instructional days after the action is taken. Failure by the

student to appear at the SCB hearing will result in the CSSO suspending the student from the college.

[Statutory Authority: RCW 28B.50.140. WSR 06-19-006, § 132S-40-390, filed 9/7/06, effective 10/8/06.]

**WAC 132S-40-400 Records of disciplinary action.** (1) Records of all disciplinary cases will be kept by the office of the CSSO. Except in proceedings wherein the student is exonerated, all documentary proceedings and all recorded testimony will be preserved insofar as possible for at least five years. No record of proceedings wherein the student is exonerated, other than the fact of exoneration, will be maintained in the student's file or other college repository after the date of the student's graduation or for one calendar year.

(2) The office of the CSSO will keep accurate records of all disciplinary actions taken by, or reported, to that office. Such recordings will be placed in the student's official records. The CSSO is responsible for ordering the removal of any notations of any disciplinary action on the student's record. A student may petition the CSSO for removal of such a notation at any time.

(3) The Family Educational Right to Privacy Act (FERPA) provides that an educational institution may notify a student's parent or legal guardian if the student is under the age of twenty-one and has violated a federal, state, or local law involving the use or possession of alcohol or a controlled substance.

[Statutory Authority: RCW 28B.50.140. WSR 06-19-006, § 132S-40-400, filed 9/7/06, effective 10/8/06.]

**WAC 132S-40-410 Rights to brief adjudicative procedures.** (1) Use of brief adjudicative procedures. In accordance with RCW 34.05.482 through 34.05.494, brief adjudicative procedures will be used in all matters pertaining to:

(a) Residency determinations made pursuant to RCW 28B.15.013.

(b) Disputes concerning educational records.

(c) Parking violations.

(d) Outstanding debts.

(e) Student-athlete ineligibility.

In all cases, except as stipulated for outstanding debts as noted below, students shall be informed verbally or in writing of the action taken by the college no later than three instructional days by an administrator from the department issuing the adverse action. The letter of notification shall also state that the student has a right to a brief adjudicative procedure which, if desired, must be received by the college within ten calendar days from the date of verbal notification or posting of the letter. If a written request is not received within this time frame, the student will be deemed to have waived any right to a brief adjudicative procedure.

(2) Withholding of services and other remedies for outstanding debts.

(a) Upon receiving a request for services when there is an outstanding debt due to the college from the student, the college shall notify the student verbally or by first class mail addressed to his/her last known mailing address, that there is an outstanding debt and the requested services will not be provided until that debt is paid.

(b) The letter of notification shall also state the student has a right to a brief adjudicative procedure for the purposes

of determining whether the student is, in fact, indebted to the college as alleged in the notice. The letter shall indicate that any request for a hearing must be received by the college within ten calendar days from the date of verbal notification or posting of the letter. If a written request is not received within this time frame, the student will be deemed to have waived any right to a brief adjudicative procedure.

(3) Student-athlete ineligibility.

(a) Any student-athlete alleged to have violated the rules of student conduct, except as noted below, will be subject to disciplinary action, appeal procedures, and sanctions as afforded any other student and as specified herein.

(b) If a student-athlete is found to have violated chapter 69.50 RCW, which prohibits the illegal use, possession, furnishing, or selling of any narcotic or dangerous drug or prescriptive drug, the student-athlete will be disqualified from participation in any college-sponsored athletic event or activity. In these circumstances, the student-athlete will have the right to a brief adjudicative procedure. The college's athletic director must receive a written request for such a procedure within three instructional days of notice of the adverse action. If a written request is not received within this time frame, the student will be deemed to have waived any right to a brief adjudication procedure and will be declared ineligible from further participation in college-sponsored athletic events or activities.

(4) Brief adjudicative procedure. If a written request for a brief adjudicative procedure is made within the required time frame, the college will designate a presiding officer to conduct the brief adjudicative proceeding. The brief adjudicative proceeding will be conducted in accordance with RCW 34.05.482 through 34.05.494. The presiding officer will be a college administrator who is not involved with the program whose adverse action is being questioned. The presiding officer shall give each party an opportunity to be informed of the college's view on the matter and the student's view of the matter.

(5) Brief adjudicative decision. Within ten calendar days of the brief adjudicative procedure, the presiding officer shall issue a written decision to the parties which will include a brief written statement of the reasons for the decision. The written decision shall serve as the final order. All documents presented, considered, or prepared by the presiding officer will be maintained as the official record of the brief adjudicative proceeding.

[Statutory Authority: RCW 28B.50.140. WSR 06-19-006, § 132S-40-410, filed 9/7/06, effective 10/8/06.]

**WAC 132S-40-420 Procedure for addressing student complaints.** The purpose of these procedures is to establish a process whereby a student may express dissatisfaction with the performance or action of a college employee which the student believes to be a violation of his/her rights and/or is inconsistent with college policy or usual practices. It is the belief and practice of Columbia Basin College that the best way for individuals to address concerns is in an informal, direct manner. Students are encouraged to meet with the instructor or staff member involved and attempt to resolve the problem. When resolution is not possible at this level, students may choose to initiate a more formal process of review.

(9/23/14)

(1) Issues or problems excluded from the complaint process.

(a) Outcomes of the disciplinary proceedings described in this code.

(b) Federal and state laws, rules, and regulations.

(c) Existing college policy, practices, regulations, and procedures. In these circumstances, students should bring their concerns to the attention of the appropriate college committee or administrator.

(d) Student academic evaluations.

(e) Sexual harassment, sex discrimination, or handicapped discrimination complaints. For these complaints, a student will use the appropriate college procedures as outlined in college policies that are available on the college web site and in the office of the CSSO.

(2) Initiating the informal complaint process. The informal process promotes constructive dialogue and understanding and does not require paperwork or forms. Prior to filing a formal complaint, the student must use the following informal procedure:

(a) The student should discuss the complaint informally and thoroughly with the employee no later than ten instructional days within the quarter following the alleged abridged right. Both parties should openly discuss the matter and attempt to understand the other's perspectives, explore alternatives, and attempt to arrive at a satisfactory resolution to the issue or problem within fifteen instructional days from the date the student first made the issue or problem known.

(b) In the event of absence from campus by the employee, the student will contact the employee's supervisor for advice on how to proceed with this process.

(c) If the student feels that he/she cannot meet face-to-face with the employee, he/she may directly contact the employee's supervisor.

(d) If the student is dissatisfied with the resolution, the student may proceed with a formal complaint.

(3) Proceeding with a formal complaint. If an informal attempt at resolution is unsuccessful, a student may proceed with a formal complaint. A formal complaint must be initiated no later than the quarter following the alleged abridged right or within thirty instructional days from the date the student first made the issue or problem known as an informal complaint. The student is encouraged to contact the executive assistant to the CSSO prior to initiating a formal complaint so that he/she may inform the student of the formal complaint process:

(a) The student must outline in writing what right has been abridged, identifying dates and persons involved as accurately as possible, with a remedy clearly stated.

(b) Complaints will be addressed to the appropriate supervising vice-president, dean, director, or designee.

(i) The appropriate supervisor will inform the student that he/she may choose an advisor, at his/her own expense, to assist the student in the completion of the complaint process. The advisor must be someone who is not employed by the college.

(ii) The appropriate supervisor will forward the student's written complaint to the employee concerned within five instructional days of the receipt of the written complaint. The employee will provide a written response to the student

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within ten instructional days with a copy submitted to the appropriate supervisor.

(iii) If the written response does not resolve the complaint, the student may request the appropriate supervisor to convene a conference of all the involved parties within ten instructional days to:

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

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

(c) The student may request an appeal, in writing, to the appropriate supervisor no later than three instructional days following receipt of the supervisor's decision. The appeal will be reviewed at the next administrative level and a written decision mailed to the student within ten instructional days following receipt of the request for an appeal. The decision at this level will be final.

[Statutory Authority: RCW 28B.50.140. WSR 06-19-006, § 132S-40-420, filed 9/7/06, effective 10/8/06.]

**WAC 132S-40-425 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 acting 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 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 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 conduct officer shall make a reasonable effort to contact the complainant to ensure that prompt notice of the protective disciplinary sanctions and/or conditions are met.

[Statutory Authority: RCW 28B.50.140 and 42 U.S.C. Chapter 136, Subchapter III. WSR 14-20-029, § 132S-40-425, filed 9/23/14, effective 10/24/14.]