

# Chapter 132S-100 WAC

## STUDENT CODE OF CONDUCT

### WAC

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**WAC 132S-100-010 Preamble.** Columbia Basin College (herein referred to as "CBC" or "the college") is supportive of diversity among ideas, cultures, and student characteristics in the pursuit of advancing one's education. A responsibility to secure, respect, and protect such opportunities and

conditions is shared by all members of the academic community.

As a member of this community, students are expected to uphold and be accountable for this student code of conduct both on and off campus, and acknowledge that the college has the authority to take disciplinary action when a student violates these policies.

As an agency of the state of Washington, CBC must respect and adhere to all laws established by local, state, and federal authorities. This student code of conduct has been developed to educate students and protect the welfare of the community.

[Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-010, filed 5/25/16, effective 6/25/16.]

**WAC 132S-100-020 Good standing.** The award of a degree or certificate is conditioned upon the student's good standing in the college and satisfaction of all program requirements. "Good standing" means the student has resolved any unpaid fees or acts of academic or behavioral misconduct and complied with all sanctions imposed as a result of any misconduct. CBC shall deny award of a degree or certificate if the student is dismissed from the college based on their misconduct.

[Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-020, filed 5/25/16, effective 6/25/16.]

**WAC 132S-100-030 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 of trustees - The board of trustees of Community College District No. 19, state of Washington.

Bullying - Physical or verbal abuse, repeated over time, and involving a power imbalance between the aggressor and victim.

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 thereto 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.

Complainant - A person who reports that a violation of the student code of conduct has occurred towards themselves, another person, and/or group of people.

Complaint - A description of facts that allege a violation of student code of conduct or other college policy.

Consent - Knowing, voluntary and clear permission by word or action, to engage in mutually agreed upon activity,

including sexual activity. A person cannot consent for sexual activity if they are not of legal age, unable to understand what is happening or is disoriented, helpless, asleep, or unconscious for any reason, including due to alcohol or other drugs. Intoxication is not a defense against allegations that an individual has engaged in nonconsensual sexual activity.

**Cyberstalking, cyberbullying, and online harassment -** The prohibited behavior of stalking, bullying, and/or harassment through the use of electronic communications including, but not limited to, electronic mail, instant messaging, electronic bulletin boards, and social media sites, which harms, threatens, or is reasonably perceived as threatening the health or safety of another person.

**Disciplinary action -** The sanctioning of any student pursuant to WAC 132S-100-430 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.

**Harassment -** Conduct by any means that is severe, persistent, or pervasive, and is of such a nature that it would, or does cause a reasonable person substantial emotional distress and undermine their ability to work, study, or participate in their regular life activities or participate in the activities of the college.

**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.

**Policy -** The written regulations of the college as found in, but not limited to, the student code of conduct and any other official regulation written or in electronic form.

**Preponderance of the evidence -** The standard of proof used with all student disciplinary matters at CBC that fall within the student code of conduct, which means that the amount of evidence needs to be at fifty-one percent or "more likely than not" before a student is found responsible for a violation.

**President -** The chief executive officer appointed by the board of trustees or, in such president's absence, the acting president or other appointed designee. The president is authorized to delegate any and all of their responsibilities as may be reasonably necessary.

**Respondent -** The student against whom disciplinary action is being taken or initiated.

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

**Service -** The process by which a document is officially delivered to a party. Service is deemed complete upon hand delivery of the document or upon the date the document is electronically mailed and deposited into the mail.

**Stalking -** Intentional and repeated harassment or 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 intent.

**Student -** Any person taking courses either full-time or part-time, or participating in any other educational offerings at CBC, excluding students enrolled in the High School

Academy. If a student withdraws after allegedly violating the student code of conduct, but prior to the college reaching a disciplinary decision in the matter, the college can move forward with the disciplinary process, place the process on hold until the student returns, or choose to place the investigation results in the student's file for consideration should they reapply for admittance to reenroll in the college.

**Student appeals board -** Also referred to as the "SAB" or "appeals board." The SAB presides over the appeal process for the SCO and SCB conduct decisions that a student has timely appealed as set forth herein.

**Student conduct board -** Also referred to as the "SCB" is a hearing panel for some disciplinary matters as set forth herein.

**Student conduct officer -** Also referred to as "conduct officer" and/or "SCO" is the person designated by the college president to be responsible for the administration of the student code of conduct or, in such person's absence, the acting SCO or other appointed designee. The SCO is authorized to delegate any and all of his/her responsibilities as may be reasonably necessary.

[Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-030, filed 5/25/16, effective 6/25/16.]

## ARTICLE I

### AUTHORITY FOR THE STUDENT CODE OF CONDUCT

**WAC 132S-100-100 Student code authority.** The SCO will develop policies for the administration of the student code of conduct as well as procedural rules for the conduct of SCB hearings that are consistent with the provisions of the student code of conduct as specified herein.

The CBC board of trustees, acting pursuant to RCW 28B.50.140(14), do by written order, delegate to the president of the college, the authority to approve or reject a disciplinary action for which there is a recommendation that a student be expelled or suspended.

[Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-100, filed 5/25/16, effective 6/25/16.]

**WAC 132S-100-105 Composition of the student conduct board.** The college will have a SCB composed of five members who will serve as a standing committee until a decision is made regarding the case. The membership of the SCB during a hearing will consist of four members chosen and approved by the SCO and vice president of student services, two students in good standing, and two faculty members. The fifth member is the chairperson, who may be of any category of college employee and who shall be approved by the president of the college. The chairperson will preside at the disciplinary hearing and will provide administrative oversight through 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. Any three persons constitute a quorum of a conduct board and may act, provided that at least one student, one faculty, and the chairperson are present.

[Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-105, filed 5/25/16, effective 6/25/16.]

**WAC 132S-100-110 Student appeals board.** The college will have a student appeals board (herein referred to as the "SAB" or "appeals board") composed of three members who will serve as a standing committee until a decision is made regarding the appeal and after their following appeal time frame has passed. The membership of the appeals board will consist of three members, two individuals from the staff or faculty and the vice president of student services or their designee. The two members will be chosen and approved by the SCO and they must possess no direct history or relation to the student that has filed an appeal. The vice president of student services will act as the chairperson of the appeals board. The chairperson will provide administrative oversight throughout the process and participate in committee deliberations, but they will only vote if the SAB decision is tied, at which time the chairperson will cast the deciding vote.

[Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-110, filed 5/25/16, effective 6/25/16.]

**WAC 132S-100-115 Convening boards.** The SCO convenes the SCB and/or SAB from the appointed board membership only if a SCB or SAB is needed for disciplinary or appeal procedures.

[Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-115, filed 5/25/16, effective 6/25/16.]

**WAC 132S-100-120 Classroom conduct and the learning environment.** 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. An instructor may 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 session to the SCO. The SCO may initiate disciplinary action under the student code of conduct.

[Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-120, filed 5/25/16, effective 6/25/16.]

**WAC 132S-100-125 Decisions.** Decisions on responsibility by the SCO, the SAB, or the SCB are made using the preponderance of evidence standard of proof. These decisions become final after fifteen calendar days from the date of notification to the student unless a written appeal is filed with the SCO prior to that final date. A decision to drop the charges, issue a warning, and/or to only document the case, are not subject to appeal unless the case involves sexual misconduct (see WAC 132S-100-420 and 132S-100-425). All decision notifications by the SCO, SCB, or SAB will include the outcome for the decision and the procedures for appealing that decision. Decisions on an appeal from the president of the college or their designee are final.

[Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-125, filed 5/25/16, effective 6/25/16.]

## ARTICLE II

### PROSCRIBED CONDUCT

**WAC 132S-100-200 Jurisdiction of the student code of conduct.** The CBC student code of conduct will apply to conduct that occurs on college premises, at college-sponsored events and activities, and to off-campus conduct which are violations or alleged violations of local, state, or federal law and which also violate this student code of conduct. Such allegations or violations that occur off-campus can be the subject of college disciplinary action if the SCO determines disciplinary action is necessary. Students are responsible for their conduct from the time of application for admission until thirty instructional days following the actual receipt of a degree and/or certificate, even though conduct may occur before classes begin or after classes end, as well as 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 the college while a disciplinary matter is pending. The SCO will decide whether the code will be applied to conduct occurring off campus, on a case-by-case basis, at their sole discretion.

[Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-200, filed 5/25/16, effective 6/25/16.]

**WAC 132S-100-203 Conduct—Rules and regulations.** The attendance of a student at CBC is a voluntary entrance into the academic community. By such entrance, the student 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:

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

Any student or student organization will be subject to disciplinary action who, either as a principal or participant or by aiding or abetting, commits or attempts to commit any of the misconduct per WAC 132S-100-205 through 132S-100-295.

[Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-203, filed 5/25/16, effective 6/25/16.]

**WAC 132S-100-205 Abusive conduct.** Physical and/or verbal abuse, threats, intimidation, harassment, online harassment, coercion, bullying, cyberbullying, retaliation, stalking, cyberstalking, 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.

[Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-205, filed 5/25/16, effective 6/25/16.]

**WAC 132S-100-208 Abuse of the student conduct system.** Abuse of the student conduct system which includes, but is not limited to:

(1) Failure to obey any notice from a college official to appear for a meeting or hearing as part of the student conduct system.

(2) Willful falsification, distortion, or misrepresentation of information during the conduct process.

(3) Disruption or interference with the orderly conduct of a college conduct proceeding.

(4) Filing fraudulent charges or initiating a college conduct proceeding in bad faith.

(5) Attempting to discourage an individual's proper participation in, or use of, the student conduct system.

(6) Attempting to influence the impartiality of a member of the college conduct system prior to, during, and/or after any college conduct proceeding.

(7) Harassment (verbal or physical), retaliation, and/or intimidation of any person or persons involved in the conduct process prior to, during, or after any college conduct proceeding.

(8) Failure to comply with the sanction(s) imposed under the student code of conduct.

[Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-208, filed 5/25/16, effective 6/25/16.]

**WAC 132S-100-210 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.

[Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-210, filed 5/25/16, effective 6/25/16.]

**WAC 132S-100-213 Discrimination.** Engaging in any unfavorable treatment of a person based on that person's membership or perceived membership in a protected class. Harassment is a form of discrimination.

[Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-213, filed 5/25/16, effective 6/25/16.]

**WAC 132S-100-215 Disorderly conduct.** Includes, but is not limited to, the following:

(1) Obstruction of teaching, administration, 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.

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

(3) 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.

(4) Unauthorized use of electronic or other devices to make an audio or video recording of any person while on college premises without their prior knowledge, or without their effective consent, when such a recording is likely to cause injury or distress. This includes, but is not limited to, covertly

taking pictures of another person in a gym, locker room, or restroom.

[Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-215, filed 5/25/16, effective 6/25/16.]

**WAC 132S-100-220 Disruption.** Includes, but is not limited to, the following:

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

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

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

[Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-220, filed 5/25/16, effective 6/25/16.]

**WAC 132S-100-225 Drugs and drug paraphernalia.**

Use, possession, manufacture, or distribution of marijuana, narcotics, or other controlled substances, and drug paraphernalia except as permitted by federal, state, and local law.

[Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-225, filed 5/25/16, effective 6/25/16.]

**WAC 132S-100-230 Falsehoods and misrepresentations.** Includes, but is not limited to, the following:

(1) The intentional making of false statements and/or knowingly furnishing false information to any college official, faculty member, or office.

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

[Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-230, filed 5/25/16, effective 6/25/16.]

**WAC 132S-100-235 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.

[Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-235, filed 5/25/16, effective 6/25/16.]

**WAC 132S-100-240 Insubordination.** Failure to comply with the direction of college officials, campus security officers, or law enforcement officers acting in the legitimate performance of their lawful duties and/or failure to properly identify oneself, provide evidence of student enrollment and/or proper identification to these persons when requested to do so.

[Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-240, filed 5/25/16, effective 6/25/16.]

**WAC 132S-100-245 Liquor.** Consuming, possessing, furnishing, or selling of alcoholic beverages and/or being

under the influence of any alcoholic beverage is prohibited on college premises or at college-sponsored or supervised events except as a participant of legal age in a student program, banquet, or educational program which has the special written authorization of the college president or their designee. Alcoholic beverages may not, in any circumstance, be used by, possessed by, or distributed to any person under the state alcohol legal drinking age.

[Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-245, filed 5/25/16, effective 6/25/16.]

**WAC 132S-100-250 Misuse of equipment and technology.** Misuse of the college's computer, telecommunications, or electronic technology, facilities, or equipment which includes, but is not limited to:

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

(2) Unauthorized transfer of a file.

(3) Use of another individual's credentials or password or allowing someone else to use your own credentials and password.

(4) Copyright violations.

(5) 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.

(e) To engage in any of the prohibited actions and behaviors listed within the acceptable use of information technology resources policy.

[Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-250, filed 5/25/16, effective 6/25/16.]

**WAC 132S-100-255 Safety misconduct.** 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 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.

[Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-255, filed 5/25/16, effective 6/25/16.]

**WAC 132S-100-260 Sexual misconduct.** Engaging in nonconsensual sexual intercourse or nonconsensual sexual contact, 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. This includes, but is not limited to:

(1) Sexual activity or contact for which clear and voluntary consent has not been given in advance.

(2) Sexual activity with someone who is incapable of giving valid consent because, for example, they are underage, sleeping or otherwise incapacitated due to alcohol or drugs.

(5/25/16)

(3) Sexual harassment, which includes unwelcome, gender-based verbal, written, electronic, and/or physical conduct. Sexual harassment does not have to be of a sexual nature, however, and can include offensive remarks about a person's gender.

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

(5) Nonphysical conduct such as sexual- or gender-based cyberstalking, sexual- or gender-based online harassment, sexual- or gender-based cyberbullying, nonconsensual recording of a sexual activity, and nonconsensual distribution of a recording of a sexual activity.

[Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-260, filed 5/25/16, effective 6/25/16.]

**WAC 132S-100-265 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.

[Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-265, filed 5/25/16, effective 6/25/16.]

**WAC 132S-100-270 Trespass or unauthorized presence.** Entering or remaining unlawfully on college premises, as defined by state law. Using college premises, facilities, or property without authority and/or unauthorized possession, duplication or use of keys to any college premises.

[Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-270, filed 5/25/16, effective 6/25/16.]

**WAC 132S-100-275 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.

(1) 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.

(2) The aforementioned regulations shall not apply to equipment or materials owned, used or maintained by the college; nor will they apply to law enforcement officers or campus security officers acting in the legitimate performance of their lawful duties.

[Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-275, filed 5/25/16, effective 6/25/16.]

**WAC 132S-100-280 Academic dishonesty.** Academic dishonesty includes, but is not limited to, cheating, plagiarism, and fabrication or falsification of the information, research, or other findings for the purpose of fulfilling any assignment or task as part of the student's program of instruction. Any student who commits or aids and abets the accomplishment of an act of academic dishonesty will be subject to disciplinary action.

[Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-280, filed 5/25/16, effective 6/25/16.]

**WAC 132S-100-285 Classroom misconduct.** Being disorderly or disruptive, where such behavior makes it difficult or impossible to continue with the normal functions of the class/program. 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 instructor or other authorized official, is expressly prohibited.

[Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-285, filed 5/25/16, effective 6/25/16.]

**WAC 132S-100-290 Violation of law.** Conduct which would constitute a violation of any federal, state, or local law. When traveling abroad, international law will apply.

[Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-290, filed 5/25/16, effective 6/25/16.]

**WAC 132S-100-295 Violation of college policy, rule, or regulation.** Violation of any college policy, rule, or regulation published electronically on the college web site or in hard copy.

[Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-295, filed 5/25/16, effective 6/25/16.]

### ARTICLE III

#### RULES AND REGULATIONS

**WAC 132S-100-300 Responsibility for guests.** A student or student organization is responsible for the conduct of guests on or in college property and at functions sponsored by the college or sponsored by any recognized college organization.

[Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-300, filed 5/25/16, effective 6/25/16.]

**WAC 132S-100-305 Student clubs and organizations.** Any student club or organization shall comply with the student code of conduct. When a member or members of a student club or organization violates the student code of conduct, the members and/or individual member may be subject to appropriate sanctions authorized by this student code of conduct.

[Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-305, filed 5/25/16, effective 6/25/16.]

**WAC 132S-100-310 Violation of law and college discipline.** 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 student code of conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the SCO. Determination made or sanctions imposed under this student code of conduct 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.

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[Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-310, filed 5/25/16, effective 6/25/16.]

### ARTICLE IV

#### STUDENT CODE OF CONDUCT PROCEDURES

**WAC 132S-100-400 Student conduct process.** (1) Initiation of disciplinary action. A request for disciplinary action of a student for violation(s) of the student code of conduct must be made in writing or in person to the SCO as soon as possible but no later than thirty instructional days after the occurrence or the date the requestor knew or should reasonably have known of the occurrence. The choice to pursue a request for disciplinary action that is submitted after thirty instructional days of the occurrence will be subject to the discretion of the SCO. Any member of the college's administration, faculty, staff, or any student or nonstudent may make such a request and it must be a good faith claim. The SCO may decline the request, implement the request, refer the case to the SCB, or engage in informal negotiations to resolve the situation based on the allegation(s) and the evidence that has been provided. If the SCO is subject of a complaint initiated by the respondent, the vice president for student services shall, upon request and when feasible, designate another person to fulfill any such disciplinary responsibilities relative to the request for disciplinary action.

(2) Notification requirements. Once the SCO has decided to begin the investigation process for the request of disciplinary action, the student will be sent a notice to appear for a disciplinary meeting with the SCO. A written notice to appear will be hand delivered or sent by certified mail to the most recent address in the student's record on file with the college, no later than fifteen instructional days after the 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 that a report has been filed alleging the student violated the student code of conduct.

(b) Set forth those provisions of the student code of conduct 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 SCO. The meeting will be scheduled no earlier than three instructional days, but within thirty instructional days of the date on the notice to appear sent to the student. The SCO 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 will not stop the disciplinary process and may result in a transcript/registration hold being placed onto the student's account, and the student receiving disciplinary sanctions, which could include suspension or expulsion from the college.

(e) Inform the student that they may bring an advisor or representative to the meeting with them. The advisor or representative cannot be a college employee.

(3) Student conduct meeting.

(a) When meeting with the SCO, the student will be informed of the following:

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(i) The provision(s) of the rules of the student code of conduct or college policy that they are charged with violating;

(ii) The disciplinary process;

(iii) The range of sanctions which might result from the disciplinary process;

(iv) The student's right to appeal.

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

(c) The advisor or representative is allowed to assist the student with the process. Any questions that are made by the advisor or representative will be addressed through the discretion of the SCO. Any disruptions or failure to follow the conduct process and/or directions made by the SCO may result in the advisor or representative being removed from the meeting.

(4) Decision by the SCO.

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

(i) Terminate the proceedings and thereby exonerate the respondent;

(ii) Impose disciplinary sanctions as provided herein;

(iii) Refer the matter to the SCB for appropriate action.

(b) Notification of the decision by the SCO will be hand delivered to the student or sent by 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 SCO.

(c) Disciplinary action taken by the SCO is final unless the student exercises the right of appeal.

[Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-400, filed 5/25/16, effective 6/25/16.]

#### **WAC 132S-100-405 Student conduct board process.**

The SCB will hear, de novo, all disciplinary cases referred to the committee by the SCO.

(1) The respondent and the SCO will be sent written notification within fifteen instructional days from the date the committee received the referral from the SCO. The notification will contain 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 acting SCB.

(2) The respondent and complainant has the right to be assisted by one advisor or representative of their choice and at their own expense. The advisor must be someone who is not employed by the college. If the respondent chooses to have an attorney serve as their advisor, the student must provide notice to the SCB no less than five instructional days prior to the hearing. The SCB hearing will not be delayed due to the scheduling conflicts of an advisor and such requests will be subject to the discretion of the SCB chairperson.

The respondent and/or complainant are responsible for presenting their own information, and therefore, during the hearing, advisors are not permitted to address the SCB, witnesses, the SCO, or any party or representative invited by the parties to the hearing, or to participate directly in any college conduct hearing. An advisor may communicate with their advisee and recesses may be allowed for this purpose at the discretion of the SCB chair.

(3) The SCB and respondent will be accorded reasonable access to the case file that will be retained by the SCO.

(4) 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 themselves from the case. They will be replaced by another SCB member if possible.

A respondent may request in writing to the SCB chairperson no less than five instructional days prior to the hearing that a SCB member recuse or disqualify themselves. The request must be for good cause, which must be shown by the respondent. In the event of such a request, the SCB will consider the request prior to the time schedule for the hearing and will decide whether the SCB member should be disqualified for that hearing.

(5) 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 SCB chairperson no less than five instructional days prior to the hearing. The respondent is allowed a maximum of three character witnesses to appear on their behalf. A written statement from each witness regarding their involvement with the case must be turned in with the witness list submitted by the respondent or the witness will not be allowed to participate.

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

(7) The SCO 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. The president must approve this request.

(8) 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 respondent 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.

(9) Questions suggested by the respondent and/or complainant to be answered by each other or by other witnesses must be made in writing to the SCB chair. The chair, if appropriate and at their sole discretion, will read the question to the individual it is directed to. Questions related to the order of the proceedings are subject to the final decision of the chair and the SCB.

(10) Formal rules of evidence and procedure will not be applicable in disciplinary proceedings conducted pursuant to this student code of conduct. 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.

(11) 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.

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

(13) The SCB's decision is made on the basis of a "preponderance of the evidence" standard of proof, that is, whether it is more likely than not that the respondent violated the student code of conduct.

(14) If the respondent is found responsible for any of the charges brought against them, the SCB may, at that time consider the student's past disciplinary record in determining an appropriate sanction.

(15) 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 thirty instructional days, to the respondent personally or sent by mail to the student's most recent address on file with the college, and a copy filed with the office of the SCO.

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

[Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-405, filed 5/25/16, effective 6/25/16.]

**WAC 132S-100-410 Academic dishonesty process.** 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.

(1) 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.

(2) 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 their assertion of academic dishonesty and of the academic penalty grade within thirty instructional days of the occurrence or when the instructor is made aware of the occurrence.

(3) The instructor will submit a report of the assertion of academic dishonesty, the explanation of the notice or actual notice given to the student and a copy of all applicable evidence to the SCO. At this time, the instructor can request that the incident only be documented with the SCO unofficially, or they can officially refer the matter for disciplinary action. If the student has a previous academic dishonesty record, then the SCO can choose to move forward with the disciplinary process without an official referral.

[Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-410, filed 5/25/16, effective 6/25/16.]

**WAC 132S-100-415 Appeal process.** A decision by the SCO, SCB, and/or SAB can be appealed if a written request to appeal is received by the SCO within fifteen calendar days of notification of the SCO, SCB, or SAB'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.

(1) The notice of appeal must include a brief statement explaining why they are seeking review and must assign error to specific findings of fact and/or conclusions of law in the initial order and must contain argument regarding why the appeal should be granted.

A respondent, who timely appeals a disciplinary action, has a right to a prompt, fair, and impartial appeals review as provided for in these procedures.

(2) Imposition of the discipline for violation of the student code of conduct shall be stayed pending appeal, unless the respondent has been issued an interim restriction or interim suspension.

(3) The SAB will be convened in private to review all appeals submitted within the appropriate time frames to the SCO. Their appeal decision will be personally delivered or mailed to the respondent within fifteen instructional days of receiving the appeal from the SCO.

(a) If the respondent and/or complainant wish to explain their views of the matter to the SAB they shall be given an opportunity to do so in writing.

(b) The SAB may not take any action less favorable to the respondent(s), unless notice and an opportunity to explain the matter is first given to the respondent(s). In such cases, the decision notification time frame will be adjusted to thirty instructional days, to allow the respondent time to meet with the SAB.

(c) The SAB shall review the verbatim record of the meeting with the SCO and/or SCB hearing and all information provided by the parties to make a determination to affirm, reverse, or modify the SCO or SCB's decision, and/or affirm, reverse, or modify the sanctions imposed by the SCO or SCB's decision.

(4) An appeal is limited to a review by the SAB for one or more of the following purposes:

(a) To determine if the proceedings were conducted fairly in light of the charges and information presented, and in conformity with proscribed procedures giving the complaining party a reasonable opportunity to prepare and to present information that the student code of conduct was violated, and giving the respondent a reasonable opportunity to prepare and to present a response to those allegations. Deviation from designated procedures are not a basis for sustaining an appeal unless significant prejudice results.

(b) To determine whether the decision reached regarding the respondent was based on substantial information, that is, whether there were facts in the case that, if believed by the fact finder, were sufficient to establish that a violation of the student code of conduct occurred under the preponderance of evidence standard of proof.

(c) To determine whether the sanction(s) imposed were appropriate for the violation of the student code of conduct which the student was found to have committed.

(d) To consider new information, sufficient to alter a decision, or other relevant facts not brought out in the original hearing, because such information and/or facts were not known to the person appealing at the time of the original meeting with the SCO or SCB hearing.

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

(a) Disciplinary decisions and action taken by the SCO or SCB may be appealed by the respondent to be reviewed by the SAB.

(b) Disciplinary decisions and action taken by the SAB may be appealed by the respondent to be reviewed by the college president.

(c) The president will send notification to the respondent of their decision on the appeal within fifteen instructional days after filing an appeal with the SCO. The president shall make determinations based on the following:

(i) Affirm, reverse, or modify the SAB's decision;

(ii) Affirm, reverse, or modify the sanctions imposed by the SAB's decision; and

(iii) The president's decision is final.

[Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-415, filed 5/25/16, effective 6/25/16.]

#### **WAC 132S-100-420 Sexual misconduct procedures.**

(1) The college's Title IX coordinator or their designee, shall investigate complaints or other reports of alleged sexual misconduct by a student. Investigations will be completed in a timely manner and the substantiated results of the investigation shall be referred to the acting SCO 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) Both the respondent and the complainant in cases involving allegations of sexual misconduct shall be provided the same procedural rights to participate in the student discipline matters, including the right to participate in the initial disciplinary decision-making process, to simultaneously receive all notification of the SCO, SCB, SAB, or president's decision, and to appeal any disciplinary decision from the SCO, SCB, or SAB.

(5) 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-100-400 through 132S-100-405. In the event of conflict between the sexual misconduct procedures and the student disciplinary procedures, the sexual misconduct procedures shall prevail.

(6) The SCO, 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.

(5/25/16)

(7) The SCO or SCB chairperson, 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 their appeal rights. If protective sanctions and/or conditions are imposed, the SCO shall make a reasonable effort to contact the complainant to ensure prompt notice of the protective disciplinary sanctions and/or conditions.

(8) The SCO, the Title IX coordinator officer and any participating members of the SCB or SAB that are involved with cases alleging sexual misconduct receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and learn how to conduct an investigative process that protects the safety of victims and promotes accountability.

[Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-420, filed 5/25/16, effective 6/25/16.]

#### **WAC 132S-100-425 Appeal process for complainants of sexual misconduct.** (1) The following actions by the SCO, SCB, or SAB may be appealed by the complainant:

(a) Dismissal of a sexual misconduct complaint; or

(b) Disciplinary sanction(s) and condition(s) imposed against a respondent for a sexual misconduct violation, including a disciplinary warning and/or documentation only.

(2) A complainant may appeal a disciplinary decision by filing a notice of appeal in writing to the SCO within fifteen days of receiving notification of the disciplinary decision. 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 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) If the complainant appeals the SAB's decision, the appeal will be reviewed by the president or their designee subject to the same procedures and deadlines applicable to other parties.

[Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-425, filed 5/25/16, effective 6/25/16.]

#### **WAC 132S-100-430 Sanctions.** The following sanctions may be imposed upon any student found to have violated the student code of conduct:

(1) Warning. A verbal statement or notice in writing to the respondent that they are violating or have violated college rules or regulations and that continued violations may be the cause for further disciplinary action.

(2) Reprimand. Notice in writing that the respondent has violated one or more of the policies outlined in the student

code of conduct and that continuation of the same or similar behavior may result in more severe disciplinary action.

(3) Loss of privileges. Denial of specified privileges for a designated period of time.

(4) 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 SCO, SCB, SAB, or president will result in suspension for an indefinite period of time as set forth in subsection (7) of this section, provided that a student may be reinstated upon payment or upon a written agreed plan of repayment. Failure to strictly comply with the terms of a repayment plan will result in immediate suspension.

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

(6) 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 expectations within the student code 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.

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

(8) 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.

(9) 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 a degree must be approved by the board of trustees.

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

(11) 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. 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 student code of conduct.

(12) Delayed suspension. A probationary amount of time set by the SCO, SCB, SAB, or president in which the student must remain on good terms with the student code of conduct. If the student is found responsible for violating the student code of conduct while still under the delayed suspension guidelines, then the student will be suspended, as set forth in subsection (7) of this section, for their next violation of the student code of conduct.

[Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-430, filed 5/25/16, effective 6/25/16.]

**WAC 132S-100-435 Interim measures.** (1) If there is cause to believe that a student or student organization poses an imminent threat to themselves, itself, to others, or to property, immediate action may be taken pending an investigation by the SCO. The SCO may take one or more of the following interim actions:

(a) Interim restrictions. A student may be restricted from college-owned or operated property 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 measures, the student will not enter the college or any facility under the operation of the college other than to meet with the SCO or to attend the hearing. However, the SCO 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 or to participate in the Title IX process.

(3) Notice of interim measure proceedings. If the SCO finds it necessary to exercise the authority to evoke interim measures, they 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 SCO 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 SCO a written request for a review of the interim measure by the SAB. If the request is not filed within the prescribed time, it will be deemed as waived.

(f) Conduct meeting. The meeting will be accomplished according to the procedures set forth in this document and no later than ten instructional days after the actions is taken unless the interim measures are related to a Title IX investigation, in which the conduct meeting will follow the referral of the Title IX coordinator officer upon completion of their investigation. Failure by the student to appear at the conduct meeting will result in the SCO suspending the student from the college.

[Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-435, filed 5/25/16, effective 6/25/16.]

## ARTICLE V

### RECORDS

#### **WAC 132S-100-500 Records of disciplinary action.**

(1) Records of all disciplinary cases will be kept by the office of the SCO. Except in proceedings wherein the student is exonerated, all documentary proceedings and all recorded testimony will be preserved insofar as possible for at least seven 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 SCO will keep accurate records of all disciplinary actions taken by, or reported to, that office. Such recordings will be placed in the student's disciplinary records. The SCO is responsible for ordering the removal of any notations of any disciplinary action on the student's record. A student may petition the SCO for removal of such a notation at any time.

(3) The Family Educational Rights and 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 16-12-039, § 132S-100-500, filed 5/25/16, effective 6/25/16.]