



RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (10/1/89)

Agency: **Bellevue Community College**

- Permanent Rule
 Emergency Rule

(1) Date of adoption:

(2) Purpose:

Amend WAC 132H-120 The Student Code of Community College District VIII

(3) Citation of existing rules affected by this order:

Repealed:
Amended: **WAC 132H-120 Sections**
Suspended:

(4) Authority for adoption:

Statute: **RCW.34.05**
Other Authority: **RCW.28B.50.140**

(5.1) **PERMANENT RULE ONLY**

Pursuant to notice filed as WSR 93.08.068 on April 05, 1993 (date).

Describe any changes other than editing from proposed to adopted version:

(5.2) **EMERGENCY RULE ONLY**

Pursuant to RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes No If yes, explain:

(6) Effective date of rule:

Permanent Rules

Emergency Rules

- 31 days after filing Immediately
 Other (specify) _____ * Later (specify) _____

*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

MAY 19 1993

TIME

WSR

4:15
93-12-008

NAME (TYPE OR PRINT)

Elise Erickson

SIGNATURE

Elise Erickson

TITLE

Secretary, Board of Trustees

DATE

5/18/93

AMENDATORY SECTION Amending Order 116, filed 9/10/92)

WAC 132H-120-050 Student rights and freedoms. The following enumerated rights and freedoms are guaranteed to each student within the limitations deemed necessary to achieve the educational goals of the college:

(1) Academic freedom.

(a) Students are guaranteed rights of free inquiry, expression and peaceful assembly upon and within college facilities that are generally open and available to the public. Students and other members of the college community shall always be free to express their views or support causes by orderly means which do not disrupt the regular and essential operation of the college.

(b) Students have the right of "assembly" as defined in WAC 132H-120-030 upon college facilities that are generally available to the public: Provided, ((y)) That such assembly shall:

(i) Be conducted in an orderly manner; and

(ii) Not unreasonably interfere with vehicular or pedestrian traffic; or

(iii) Not unreasonably interfere with classes, schedules, meetings, or ceremonies, or with the educational functions of the college; and

(iv) Not unreasonably interfere with college functions.

(v) Not cause damage or destruction to college property or private property on the college campus.

(c) Students are free to pursue appropriate educational objectives from among the college's curricula, programs and services, subject to the limitations of RCW 26B.50.090 (3)(b).

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

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

(2) Due process.

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

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

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

(3) Distribution and posting. Students may distribute or post printed or published material subject to official procedures printed and available in the dean of student service's office. All free publications not in violation of state and/or federal laws such as books, magazines, newspapers, handbills, leaflets, or similar materials may be distributed on campus. The college may restrict the distribution of any publications where such distribution unreasonably interferes with college operations. Such materials may be distributed from authorized public areas in the student center and at any outdoor area on campus consistent with the maintenance of college property, with the free flow of traffic and persons, and not in a manner which in itself limits the orderly operation of college affairs. Any person desiring to distribute such publications shall first register with the director of student programs so that reasonable areas and times can be assured and the activities of the institution will not be unduly interfered with. All handbills, leaflets, newspapers, and similarly related matter must bear identification as to the publishing agency and distributing organization or individual.

(4) Off campus speakers. Recognized student organizations shall have the

right to invite outside speakers to speak on campus subject to the availability of campus facilities, funding, and compliance with the college procedures available in the administrative office.

(5) Incidental sales. Students have the right to engage incidental sales of personal property in a private transaction provided college facilities are not explicitly used for this purpose.

(6) Commercial activities. The use of college grounds or facilities for commercial or private gain purposes is prohibited except where commercial activity such as sale of books, instructional supplies, or food contribute to the operation of the instructional program or where limited sale is specifically authorized by the dean of student services for the benefit of the approved activity.

(7) Fund raising. Student have the right to engage in fund raising activities for nonprofit organizations as recognized by the Internal Revenue Service. All fund raising activities must be approved by the dean of student services.

(8) Sale of merchandise. All merchandise offered for commercial sale may be sold only through the college bookstore or college food services except when approved by the dean of student services.

AMENDATORY SECTION (Amending Order 116, filed 9/10/92)

WAC 132H-120-200 Student responsibilities. Any student shall be subject to disciplinary action as provided for in this chapter, who either as a principle actor or aide or abettor: actor, aider, abettor or accomplice as defined in RCW 9A.08.020: (1) Materially and substantially interferes with the personal rights or privileges of others or the education process of the college:

(2) Violates any provisions of this chapter; or

(3) Commits any of the following acts which are hereby prohibited:

(a) Alcoholic Beverages. Being demonstrably under the influence of any form of alcoholic beverage. Possessing or consuming any form of liquor or alcoholic beverage 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 his/her designee. ((See WAC 132H 200 490))

(b) Controlled Substances. Using, possessing, selling or being under the influence of any narcotic drug or controlled substance as defined in Chapter 69.50 RCW 101 as now law or hereafter amended, except when the use or possession of a drug is specifically prescribed as medication by an authorized medical doctor or dentist. For the purpose of this regulation "sale" shall include the statutory meaning defined in RCW 69.50.410 RCW 69.04.005 as now law or hereafter amended.

(c) Entering any locked or otherwise closed college facility in any manner, at any time, without permission of the college employee or agent in charge thereof.

(d) Forgery or Alteration of Records. Forgery, as defined in RCW 9A.60.010 - 9A.60.020 as now law or hereafter amended or any district record of instrument or tendering any forged record of instrument to any employee or agent of the district acting in his/her official capacity as such.

(e) Illegal Assembly. Participation in an assembly which materially and substantially interferes with vehicular or pedestrian traffic, classes, hearings, meetings, the education and administrative functions of the college, or the

private rights and privileges of others.

(f) Malicious Mischief. Intentional or negligent damage to or destruction of any college facility or other public or private real or personal property.

(g) Failure to Follow Instructions. Failure to comply with directions of properly identified college officials acting in performance of their duties.

(h) Physical Abuse. Physical abuse of any person or conduct which is intended unlawfully to threaten imminent bodily harm or to endanger the health or safety of any person on college-owned or controlled property or at college-sponsored or supervised functions.

(i) Assault. Assault, reckless endangerment, intimidation or interference upon another person in the manner set forth in RCW 9A.36.010 - 050 or 28B.10.570 - 572 as now or hereafter amended.

(j) Disorderly, abusive, or bothersome conduct. Disorderly or abusive behavior that interferes with the rights of others or which obstructs or disrupts teaching, research, or administrative functions.

(k) Weapons. Possession or use of firearms, explosives, dangerous chemicals or other dangerous weapons or instrumentalities of the college campus, except for authorized college purposes or for law enforcement officers, unless written approval has been obtained from the dean of student services or any other person designated by the president.

(l) Lewd Conduct. Engaging in lewd, indecent or obscene behavior on college-owned or controlled property or at college-sponsored or supervised functions.

(m) False Alarms. 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.

(n) Cheating and Plagiarism. Engaging in cheating, stealing, plagiarizing, knowingly furnishing false information to the college, or submitting to a faculty member any work product that the student fraudulently represents as his or her own work for the purpose of fulfilling or partially fulfilling any assignment or task required as part of a program of instruction.

(o) Sexual harassment. Engaging in unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where such behavior knowingly offends the recipient, causes discomfort or humiliation, or interferes with job or school performance.

(p) Theft or robbery. Theft or robbery from the district or of another as defined in RCW 9A.56.010 - 9A.56.050 and 9A.56.100 as now law or hereafter amended.

(q) Unauthorized Use of Property. Converting college equipment, supplies or other property without proper authority.

(r) Refusal to provide identification. Refusal to provide positive identification (e.g., valid driver's license or state identification card) in appropriate circumstances to any college employee in the lawful discharge of said employee's duties.

(s) Smoking. Smoking in any classroom or laboratory, the library, or in any college facility or office posted "no smoking" or any other smoking not complying with Chapter 70.160 RCW.

(t) False Complaint. Filing a formal complaint falsely accusing another student or college employee with violating a provision of this chapter.

AMENDATORY SECTION (Amending Order 116, filed 9/10/92)

WAC 132H-120-220 Responsibility/College discipline committee. The dean of student programs and personnel services is the college administrator responsible for student discipline. All discipline procedures will be initiated by the dean, who shall have the authority to administer the disciplinary action prescribed in this chapter and to convene the ~~((C))~~college ~~((D))~~discipline ~~((E))~~committee. The composition of the college discipline committee shall be as follows: The committee shall be established each fall. It will be composed of the following persons:

- (1) A faculty member appointed by the president of the college.
- (2) A member of the faculty, appointed by the president of Bellevue Community College Association of Higher Education.
- (3) Two representatives [selected] by the student services cabinet.
- (4) Three students. The three students will be appointed by the ~~((P))~~president of the Associated Students of Bellevue Community College.

None of the above-named persons shall sit in any case in which he/she has a conflict of interest, is a complainant or witness, has a direct or personal interest, or has acted previously in an advisory capacity. Decisions in this regard, including the selection of alternates, shall be made by the college discipline committee as a whole.

The college discipline committee chair will be elected by the members of the college discipline committee.

There shall be a list of alternates provided in the same manner and number in which membership was obtained.

AMENDATORY SECTION (Amending Order 116, filed 9/10/92)

WAC 132H-120-225 Disciplinary terms. The following definitions of disciplinary terms have been established to provide consistency in the application of penalties:

(1) Disciplinary Warning: Formal action censoring a student for violation of college rules or regulations or for failure to satisfy the college's expectations regarding conduct. Disciplinary warnings are always made in writing to the student by the dean of student services. A disciplinary warning indicates to the student that continuation of the specific conduct involved or other misconduct will result in one of the more serious disciplinary actions described below.

(2) ~~((DISCIPLINARY PROBATION))~~ Disciplinary Probation: Formal action placing conditions upon the student's continued attendance for violation of college rules or regulations or failure to satisfy the college's expectations regarding conduct. Disciplinary probation warns the student that any further misconduct will make him/her liable to suspension or expulsion from the college. Disciplinary probation may be for a specific term or for an indefinite period.

(3) Suspension: Formal action dismissing a student temporarily from the college for unacceptable conduct ~~((of))~~ or violation of college rules or regulations. Suspension may be for an indefinite period, but the implication of the action is that the student may eventually return if evidence or other assurance is presented that the unacceptable conduct will not be repeated.

(4) Summary Suspension: Exclusion from college property and/or classes and other privileges or activities in accordance with WAC-132H-120-40~~((4))~~5.

(5) Expulsion: Students may be expelled only on the approval of the president of the college and on the recommendation of the dean of student services or the college discipline committee. The notification expelling a student will indicate, in writing, the term of the expulsion and any conditions which must be met before readmission. There is no refund of fees for the quarter in which the action is taken, but fees paid in advance for a subsequent quarter are to be refunded.

(6) Registration Denied: Formal action refusing to allow a student to register for subsequent quarters, for violation of college rules or regulations, or failure to satisfy the college's expectations regarding conduct, or failure to fulfill obligations to the college.

Students may be denied registration only on the approval of the president and on the recommendation of the dean of student services or college discipline committee. The initiating authority, in his/her written notification to the student, will detail the reasons for the denial of registration and the conditions to be met before registration will be allowed. Registration may be denied for a fixed or indefinite period. Future registration will not be allowed until the initiating authority is satisfied that the conditions have been met.

(7) Restitution: Reimbursement for damage to or misappropriation of property. This may take the form of appropriate service or other compensation.

AMENDATORY SECTION (Amending Order 116, filed 9/10/92)

WAC 132H-120-245 Appeals of disciplinary action - generally. (1) Appeals contesting any disciplinary action may be made by the student(s) involved. Such appeals shall be made in the following order:

(a) Disciplinary action taken by the dean of student services or his or her designee(s) may be appealed to the discipline committee, which may, at the request of the dean, hear the case de novo.

(b) Disciplinary recommendations made by the discipline committee may be appealed by the student to the president of the college. The president shall review the record of the proceedings which give rise to the appeal, as well as the recommendations made by the dean and the discipline committee. The president's decision shall be final.

(2) any appeal by a student receiving a disciplinary sanction must meet the following conditions: (a) The appeal must be in writing and must clearly state errors in fact or matters in extenuation or mitigation which justify the appeal; and (b) the appeal must be filed within twenty-one (21) calendar days from the date on which the student was notified that disciplinary action was being taken.

(3) All decisions shall be sent from the office of the dean to the president. Written decisions shall include the signature of the discipline committee chair. Copies shall be sent to the president of the college or his or her designee and the student involved in the proceeding.

AMENDATORY SECTION (Amending Order 116, filed 9/10/92)

WAC 132H-120-300 Discipline committee procedure. (1) The discipline committee shall conduct a hearing within twenty (20) calendar days after

disciplinary action has been referred to the committee.

(2) When a person is charged with an offense punishable by suspension, or dismissal of his or her relationship with the institution, and where the person

(a) waives the opportunity for a brief adjudicative proceeding, or

(b) by his/her conduct in the judgement of the hearing officer makes it impossible to conduct a brief adjudicative proceeding, or

(c) is dissatisfied with the results of the brief adjudicative proceeding; that person is entitled to an adjudicative proceeding according to the provisions of RCW 34.05.410 and the guidelines of this chapter. Where an adjudicative proceeding is neither required by law nor requested by the student or the college, the matter may be resolved informally. Brief adjudicative proceedings before the discipline committee shall be conducted in any manner which will bring about a prompt, fair resolution of the matter.

(3) Written notice of the time and place of his hearing before the college discipline committee, shall be given to the student by personal service or certified mail not less than twenty (20) calendar days in advance of the hearing. The notice shall be issued by the ((D))dean of ((S))student ((S))services and shall contain:

(a) A statement of the time, place and nature of the disciplinary proceedings;

(b) A statement of the charges including reference to the particular sections of the student code involved; and

(c) To the extent known, a list of witnesses who will appear and a summary description of any documentary or other physical evidence that will be presented by the college at the hearing.

(4) The student shall be entitled to:

(a) hear and examine the evidence against him or her and be informed of the identity of its source; he shall be entitled to

(b) present evidence in his or her own behalf and to cross-examine witnesses testifying on behalf of the college as to factual matters.

(c) take depositions upon oral examination or written interrogatories. Discovery shall be done according to the rules of civil procedure or by a less formal method where all parties agree.

(5) The student shall have all authority possessed by the college to obtain information he/she specifically describes, in writing, and tenders to the dean of student services no later than three 3 days prior to the hearings, or request the presence of witnesses or the production of other evidence relevant to the issues of the hearings.

(6) The student shall have the right to dismiss a member of the college discipline committee on prejudicial grounds if notice is tendered in writing to the dean of student services at least three 3 days prior to the scheduled hearing.

(7) The student may be represented by counsel of his or her choice at the disciplinary hearing. If the student elects to choose a duly licensed attorney as his or her counsel, he or she must tender at least seven (7) calendar days' notice thereof to the dean of student services development)).

(8) In all disciplinary proceedings the college may be represented by the dean of student services ((dean for student services and development)) or his or her designee who shall present the college's case to the college discipline committee. The dean of student services may elect to have the college represented by an assistant attorney general.

(9) An adequate record of the hearing shall be maintained and shall include:

(a) all documents, motions, and intermediate rulings;

- (b) evidence received and considered;
- (c) a statement of matters noticed; and
- (d) questions and offers of proof, objections and rulings thereon.

(10) The chair of the college discipline committee shall preside at the disciplinary hearing and shall be considered the presiding officer.

(11) The dean of student services shall designate a recorder to take notes during the hearing and to prepare a written summary of all evidence, facts and testimony presented to the college discipline committee during the course of the hearing.

(12) Hearings conducted by the college disciplin~~(ary)~~e committee generally will be held in closed session, provided that the accused student may request the hearing to be held in open session.

(13) If at any time during the conduct of a hearing visitors disrupt the proceedings, the chair of the committee may exclude such persons from the hearing room.

(14) Any student attending the college discipline committee hearing who continues to disrupt the proceedings after the chair of the committee has asked him or her to cease or to leave the hearing room~~(-)~~ shall be subject to disciplinary action.

AMENDATORY SECTION (Amending Order 116, filed 9/10/92)

WAC 132H-120-335 Final appeal. Any student who is aggrieved by the finding~~(s)~~ or conclusions of an appeal to the discipline committee may appeal the same in writing to the president within twenty-one (21) days following notification to the student of the action taken by the committee. The president may, at his or her discretion, suspend the disciplinary actions imposed. In the consideration of such an appeal, the president shall base his or her findings and decision solely on the official written record of the case and on any reports or recommendations of the discipline committee and/or the dean who conducted the original hearing.

AMENDATORY SECTION (Amending Order 116, filed 9/10/92)

WAC 132H-120-475 Appeals from summary suspension hearing. (1) Any student aggrieved by an order issued at the summary suspension proceeding may appeal to the discipline committee. No such appeal shall be entertained, however, unless

(a) the student has first appeared at the student hearing in accordance with WAC 132H-120-430;

(b) ~~((1))~~ the student has been officially notified of the outcome of the hearing;

(c) ~~(2)~~ summary suspension or other disciplinary sanction has been upheld; and

(d) ~~(3)~~ the appeal conforms to the standards set forth in WAC-132H-120-245(2).

(2) The discipline committee shall, within five (5) working days, conduct a formal hearing in the manner described in WAC-132H-120-300.