



RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (7/10/97)

Agency: **Cascadia Community College**

- Permanent Rule
- Emergency Rule
- Expedited Adoption
- Expedited Repeal

(1) Date of adoption: **May 8, 2000**

(2) Purpose:

To adopt a set of rules and regulations to govern the Student Conduct and Disciplinary Procedures (WAC 132Z-112) and Student Rights and Responsibilities (WAC132-115)

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

- Repealed:
- Amended:
- Suspended:

(4) Statutory authority for adoption: **RCW 28B.50.140**

Other Authority:

PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)

Adopted under notice filed as WSR **00-07-121** on March 21, 2000 (date).

Describe any changes other than editing from proposed to adopted version: None

Changed Dean of Student Services to Vice President of Student Success; added WAC number; reworded Smoking section

EMERGENCY RULE ONLY

Under 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:

EXPEDITED REPEAL ONLY

Under Preproposal Statement of Inquiry filed as WSR ____ on ____ (date)

(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
or Expedited Repeal**

Emergency Rules

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

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

Name (Type or Print)

Dede Gonzales

Signature

Title **Executive Assistant
to the President**

Date
September 27, 2000

CODE REVISER USE ONLY

SEP 28 2000
9:40
00-26-037

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with: WAC 132.-12 and WAC132-115

Federal statute:	New	28	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

Chapter 132Z-112 WAC

STUDENT RIGHTS AND RESPONSIBILITIES

NEW SECTION

WAC 132Z-112-010 Values pursuant to student rights and responsibilities. Cascadia Community College is a learning-centered college, maintained for the purpose of providing to all learners knowledge and skills for the achievement of their academic, professional, technical, and personal goals. As a public institution of higher education, the college also exists to provide students with the capacity for critical judgment and an independent search for truth toward both optimal individual development and the well being of the entire learning community.

Inherent in the college's mission, vision, and goals are certain rights and freedoms which provide to students the support and respect needed for learning and personal development. Admission to Cascadia Community College provides these rights to students but also assumes that students accept the responsibility to conduct themselves in a manner that does not interfere with the purposes of the college in providing education for all of its learners.

NEW SECTION

WAC 132Z-112-020 Freedom of inquiry and expression. As a public institution of higher education in the state of Washington, Cascadia Community College recognizes and supports the following principles regarding freedom of expression.

- Individual freedom of expression is a fundamental tenet of any free and democratic society.

- Freedom of expression shall be interpreted to include all forms of written and oral expression, and all forms of dramatic and artistic expression.

- The college is dedicated to upholding the individual freedom of expression as it is protected by the First Amendment to the Constitution of the United States and that no act shall be undertaken by the college to abridge that freedom.

• As an institution dedicated to freedom of thought and expression, the college shall support expression of divergent viewpoints in order to foster broad-mindedness and a willingness to learn from others.

In keeping with these principles and the college's right to place reasonable restraints on the time, place and manner of expression, the college shall observe the following general guidelines and appropriate general procedures to ensure the responsible exercise of freedom of expression.

(1) **Freedom of expression.** It is the right of any member of the college community to express any point of view and to be free from harassment in such expression; it is the responsibility of those expressing opinions to respect the rights and property of others, to refrain from disrupting the normal operations of the college and to maintain lawful conduct.

The right of free speech and expression does not include activity that may endanger the safety of any member of this college community or visitors, or damage any of the facilities. Moreover, modes of expression (including electronic transmissions) that are unlawful or indecent or that are grossly offensive on matters such as race, color, national and ethnic origin, religion, sexual orientation, sex, age, disability, or veteran status are inconsistent with accepted norms of conduct of the college and are subject to the sanctions described in the Code of student conduct and disciplinary procedures (chapter 132Z-115 WAC).

(2) **Sponsoring organizations.** It is the right of all recognized college organizations and units to sponsor lecturers, entertainers, or exhibitions of their choice as approved by the college; it is the responsibility of the sponsoring organization or unit to make adequate preparation as deemed necessary by the college for the orderly conduct of such events.

(3) **Campus speakers.** Student organizations officially recognized by the college may invite speakers to the campus to address their own membership and other interested students and faculty if suitable space is available and there is no interference with the regularly scheduled program of the college. Although properly allowed by the college, the appearance of such speakers on the campus implies neither approval nor disapproval of them or their viewpoints. In the case of speakers who are candidates for political office, equal opportunities shall be available to opposing candidates if desired by them. Political candidates seeking to use facilities to discuss campaign issues with nonstudents shall pay normal facility rental fees. Speakers are subject to the normal considerations for law and order and to the specific limitations imposed by the state constitution, which prohibits state support for religious worship, exercise or instruction.

In order to insure an atmosphere of open exchange and to insure that the educational objectives of the college are not obscured, the president, in a case attended by strong emotional feeling, may prescribe conditions for the conduct of the meeting, such as requiring that a designated member of the faculty serve as

chair, or requiring permission for comments and questions from the floor. Likewise, the president may encourage the appearance of one or more additional speakers at any meeting or at a subsequent meeting so that other points of view may be expressed. The president may designate representatives to recommend conditions such as time, manner, and place for the conduct of particular meetings.

(4) **Audiences.** It is the right of all members of the college community to attend any public event sponsored by any recognized campus organization or unit, once applicable admission fees have been paid; it is the responsibility of all who attend such events to respect the rights and property of others.

(5) **Facilities.** It is the right of any recognized campus organization or unit to schedule the use of appropriate college facilities free from discrimination on the basis of viewpoints to be expressed at the event; it is the responsibility of such an organization or unit to provide sufficient evidence to the college administration that adequate provision has been made for the health, safety and welfare of the general public.

(6) **Distribution of information.** Handbills, leaflets, newspapers and similar materials may be sold or distributed free of charge by any student or students, or by members of recognized student organizations, or by college employees during their off-work hours on or in college facilities at locations specifically designated by the vice-president for student learning provided such distribution or sale does not interfere with the ingress or egress of persons or interfere with the free flow of vehicular or pedestrian traffic.

Such handbills, leaflets, newspapers and related matter must bear identification as to the publishing agency and distributing organization or individual.

All nonstudents shall register with the vice-president of student learning prior to the distribution of any handbill, leaflet, newspaper or related matter. Such distribution or sale must not interfere with the free flow of vehicular or pedestrian traffic.

Any person or persons who violates these provisions will be subject to disciplinary action.

NEW SECTION

WAC 132Z-112-030 Student records--Family educational rights and privacy. Cascadia Community College implements this policy in compliance with the Family Educational Rights and Privacy Act (20 U.S.C. & 1232g) and its implementing regulation (34 C.F.R. § 99). The act requires Cascadia Community College to provide students with access to their own education records, to permit students to challenge their records on the grounds that they are inaccurate,

misleading, or otherwise in violation of the student's privacy or other right, to obtain written consent before releasing certain information and to notify the student of these rights.

(1) Definitions. For the purposes of this policy, the following definitions of terms apply:

(a) "Student" means any individual who is or has been in attendance at Cascadia Community College and for whom the college maintains education records.

(b) "Education records" are defined as those records, files and documents (in handwriting, print, tapes, film, microfiche or other medium) maintained by Cascadia Community College, which contain information directly related to the individual student. Education records include only the following:

(i) Records pertaining to admission, advisement, registration, grading, and progress toward a degree.

(ii) Assessment information used for advisement purposes.

(iii) Information concerning payment of fees.

(iv) Financial aid information.

(v) Information regarding students participating in student government or athletics.

(c) "Directory Information" means the student's name, address, telephone number, date and place of birth, major field of study, eligibility for and participation in officially recognized activities, organizations, and sports, weight and height of members of athletic teams, dates of attendance, honor roll, degrees and awards received, and the most recent previous educational agency or institution attended by the student. Directory information may be disclosed at the discretion of the college and without the consent of the student unless he or she elects to prevent disclosure as provided for in this chapter.

(d) "Written consent" means a written authorization for disclosure of student education records which:

(i) Is signed;

(ii) Is dated;

(iii) Specifies the records to be disclosed; and

(iv) Specifies to whom disclosure is authorized.

(e) "Personally identifiable" means data or information which includes: The name of the student, the student's parent(s), or other family members; a personal identifier such as the student's Social Security number or student number; or a list of personal characteristics which would make the student's identity easily traceable.

(2) Annual notification of rights. Cascadia Community College will notify students of their rights under the Family Educational Rights and Privacy Act of 1974 by publication in the college catalog and schedule of classes. The college shall make available upon request a copy of the policy governing release of student records.

(3) Procedure to inspect education records.

(a) Students may inspect and review their education records upon request to the vice-president for student success.

(b) Students must submit to the vice-president a written request which identifies as precisely as possible the record or

records he or she wishes to inspect.

(c) The vice-president for student success or designee will make the needed arrangements for access as promptly as possible and notify the student of the time and place where the records may be inspected. Access must be given within forty-five days or less from the receipt of the request.

(4) Disclosure of education records.

(a) In addition to "directory information," the college may, at its discretion, make disclosures from education records of students to the following listed parties:

(i) College officials, including administrative, clerical staff and faculty. Access or release of records to the above is permissible only when the information is required for advisement, counseling, recordkeeping, reporting, or other legitimate educational interest consistent with their specific duties and responsibilities;

(ii) Officials of another school in which the student seeks or intends to enroll;

(iii) Authorized federal, state, or local officials as required by law;

(iv) Authorized parties in connection with financial aid for which the student has applied or received;

(v) Appropriate parties in a health or safety emergency;

(vi) Accrediting organizations to carry out their functions; and

(vii) To comply with a judicial order or a lawfully issued subpoena.

(b) The college shall not permit access to or the release of education records or personally identifiable information contained therein, other than "directory information," without the written consent of the student, to any party other than the above.

(c) Education records released to third parties shall be accompanied by a statement indicating that the information cannot be subsequently released in a personally identifiable form to other parties without obtaining the consent of the student. The college is not precluded from permitting third-party disclosure to other parties listed in (a)(i) through (vii) of this subsection.

(5) Limits on rights to review and inspect and obtain copies of education records.

(a) When a record contains information about more than one student, the student may inspect and review only the records which relate to him or her.

(b) Cascadia Community College reserves the right to refuse to permit a student to inspect the following records:

(i) The financial statement of the student's parents;

(ii) Letters and statements of recommendation for which the student has waived his or her right of access, or which were placed in file before January 1, 1975;

(iii) Records connected with an application to attend Cascadia Community College if that application was denied; and

(iv) Those records which are excluded from the Federal Rights and Privacy Act definition of education records.

(c) Cascadia Community College reserves the right to deny

transcripts or copies of records not required to be made available by the Federal Educational Rights and Privacy Act in any of the following situations:

(i) The student has an unpaid financial obligation to the college;

(ii) There is an unresolved disciplinary action against the student.

(6) Record of request and disclosures.

(a) The college shall maintain a record of requests for and disclosures of personally identifiable information in the education records of each student. The record maintained under this section shall be available for inspection and review.

(b) The college shall maintain the record with the education records of the student as long as the records are maintained.

(c) The disclosure record must include:

(i) The names of parties who have received personally identifiable information;

(ii) The interest the parties had in requesting or obtaining the information; and

(iii) The names and interests of additional parties to which the reviewing educational agency or institution may disclose or redisclose the information.

(d) The following parties may inspect the record of requests and disclosures relating to a student:

(i) The student;

(ii) The college officials who are responsible for the custody of the records; and

(iii) Persons authorized to audit the recordkeeping procedures of the college.

(e) The college is not required to maintain a record if the request was from, or the disclosure was to:

(i) The student;

(ii) A school official;

(iii) A party with written consent from the student; or

(iv) A party seeking directory information.

(7) Disclosure of directory information. Directory information may be disclosed at the discretion of the college and without the consent of the student unless the student elects to prevent disclosure by filing a written request to prevent disclosure. The request continues in effect according to its terms unless it is revoked in writing by the student.

(8) Requests for corrections, hearings, adding statements to education records. Students have the right to request to have records corrected that they believe are inaccurate, misleading, or in violation of their privacy rights. Following are the procedures for the correction of records:

(a) A student must submit a written request to amend his or her education record to the vice-president for student success or designee. The request must identify the part of the record he/she wants changed and specify why the record is believed to be inaccurate, misleading or in violation of his or her privacy or other rights.

(b) The vice-president for student success or designee will

forward the request to the appropriate college official for determination.

(c) A student whose request for amendment of his or her education record has been denied may request a hearing by submitting a written request to the vice-president for student success within ten days following the denial. The written request must be signed by the student and shall indicate the reasons why the records should be amended. The vice-president for student success or designee shall convene a hearing to include the student and the appropriate college official, and shall notify the student of the hearing within thirty days after receipt of a properly filed request. In no case will the notification be less than ten days in advance of the date, time and place of the hearing.

(d) The hearing shall be a brief adjudicative proceeding as provided in RCW 34.05.482 and 34.05.485 through RCW 34.05.494 and shall be conducted by the vice-president for student success or designee. At the hearing, the student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records.

(e) The vice-president for student success or designee will prepare a written decision, within thirty days after the conclusion of the hearing, based solely on the evidence presented at the hearing. The decision will include a summary of the evidence presented and the reasons for the decision. A copy of the decision shall be made available to the student.

(f) If the vice-president for student success or designee decides the information is inaccurate, misleading, or in violation of the student's right of privacy, the custodian of the record will amend the record and notify the student, in writing, that the record has been amended.

(g) If the vice-president for student success or designee decides that the challenged information is not inaccurate, misleading, or in violation of the student's right of privacy, he/she will notify the student in writing that the student has a right to place in the record a rebuttal statement commenting on the challenged information and/or a statement setting forth reasons for disagreeing with the decision.

(h) The student's rebuttal statement will be maintained as part of the student's education records as long as the contested portion is maintained. If the contested portion of the education record is disclosed, the statement will also be disclosed.

(9) Fees for copies. Copies of student records shall be made at the expense of the requesting party at actual cost for copying as posted at the admissions/records office.

(10) Waiver. A student may waive any of his or her rights under this chapter by submitting a written, signed, and dated waiver to the office of the vice-president for student success. Such a waiver shall be specific as to the records and persons or institutions covered. A waiver continues in effect according to its terms unless revoked in writing which is signed and dated.

(11) Type and location of education records.

Types	Custodian
Admission records	Vice-president for student success or designee
Cumulative academic records, testing records, registration and payment of tuition records	Vice-president for student success or designee
Student government	Vice-president for student learning or designee
Participation records in student government	Vice-president for student learning or designee
Financial aid records	Vice-president for student success or designee
Student employment records	Director of human resources
Athletic participation records	Vice-president for student learning or designee

NEW SECTION

WAC 132Z-112-040 Financial assistance for students--Scholarships. Detailed information concerning the criteria, eligibility, procedures for application, and other information regarding scholarships at Cascadia Community College is located in the office of the vice-president for student success on the Cascadia Community College campus.

NEW SECTION

WAC 132Z-112-050 Financial assistance for students--Financial aid. Federal, state, and private financial aid applications and information may be obtained at the following address:
 Office of Financial Aid
 Cascadia Community College
 19017 120th Avenue NE, Suite 102
 Bothell, WA 98011-9510

Chapter 132Z-115 WAC

CODE OF STUDENT CONDUCT AND DISCIPLINARY PROCEDURES

NEW SECTION

WAC 132Z-115-010 Purpose of the disciplinary system. Human beings grow and mature in communities. Participating in a community requires that individuals depend upon the knowledge, integrity, and decency of others. In turn, the best communities help individuals mold habits and values that will enable them to achieve the highest personal satisfaction, including the satisfaction associated with helping to make a better global community. Cascadia Community College is maintained by the state of Washington for the provision of programs of instruction in higher education and related community services. Like any other institution having its own special purposes, the college must maintain conditions conducive to the effective performance of its functions. Consequently, it has special expectations regarding the conduct of the various participants in the college community.

This *Code of Student Conduct* protects the unique, diverse community of Cascadia Community College. It fosters the college's commitment to excellence and equity, and affirms institutional values.

The student conduct system was created to protect the rights of each individual, to support the community values and to assist students in modifying their behavior to become responsible members of the community. Admission to the college carries with it the prescription that the student will conduct himself or herself as a responsible member of the college community. This includes an expectation that the student will obey appropriate laws, will comply with the rules of the college and its departments, and will maintain a high standard of integrity and honesty. If a student does not accept her/his responsibilities within the college community, corrective action must be taken. This is accomplished through an educational process, whose goal is to provide a learning environment for students to grow and learn respect for others, to understand how their behaviors affect the community and to change inappropriate behaviors. Sanctions for violations of college rules or conduct that interferes with the operation of college affairs will be dealt with by the college, and the college may impose sanctions independently of any action taken by civil or criminal authorities. In the case of minors, misconduct may be referred to

parents or legal guardians.

NEW SECTION

WAC 132Z-115-020 Jurisdiction and authority for student discipline. All rules in this chapter concerning student conduct and discipline apply to every student enrolled at the college whenever the student is engaged in or present at a college-related activity whether occurring on or off college facilities, and to an enrolled student whose behavior is detrimental to the college wherever occurring.

The board of trustees, acting pursuant to RCW 28B.50.140(14), has delegated by written order to the president of the college the authority to administer disciplinary action. Pursuant to this authority, the president, or designee, shall be responsible for the administration of the disciplinary procedures provided for herein. However, all disciplinary action in which there is a recommendation that a student be suspended shall be reviewed by the president or acting president.

NEW SECTION

WAC 132Z-115-030 Student participation. Students will participate in college matters pursuant to these procedures.

NEW SECTION

WAC 132Z-115-040 Demand for identification. For the purpose of determining whether probable cause exists for the application of any section of this code to any behavior by any person on a college facility, any college personnel or other authorized personnel may demand that any person on college facilities produce evidence of student enrollment at the college by tender of that person's student identification card.

NEW SECTION

WAC 132Z-115-050 Free movement on campus. The president or designee is authorized in the instance of any event that he or she deems impedes the movement of persons or vehicles or which he or she deems to disrupt the ingress or egress of persons from the college facilities, to prohibit the entry of, or withdraw the license of, or privileges of, a person or persons or any group of persons to enter onto or remain upon any portion of the college facility.

NEW SECTION

WAC 132Z-115-060 Standards of classroom behavior. Cascadia Community College is an institution of learning and predicated on the existence of an environment of honesty and integrity. As members of the academic community, faculty, students, and administrative officials share responsibility for maintaining this environment. It is essential that all members of the academic community subscribe to the ideal of academic honesty and integrity and accept individual responsibility for their work. This statement on academic honesty has been developed to promote and ensure a climate of academic honesty and personal integrity among students and other members of the college community.

Academic honesty is vital to the very fabric and integrity of the college. All students must comply with an appropriate and sound academic honesty policy and code of honest behavior. All members of the college community are responsible for knowing and understanding the statement on academic honesty. The statement and procedures will be made readily available to all students and faculty to ensure understanding of the academic honesty system and its proper functioning.

The entire college community works together to operate the academic honesty system. Where suspected violations of the academic honesty system occur, appropriate procedures are designed to protect the academic process and integrity while ensuring due process. The academic honesty system is an academic process, not a court of law.

(1) Academic dishonesty: Honest assessment of student performance is of crucial importance to all members of the academic community. Acts of dishonesty are serious breaches of honor and shall be dealt with in the following manner:

(a) It is the responsibility of the college administration and teaching faculty to provide reasonable and prudent security measures designed to minimize opportunities for acts of academic dishonesty which occur at the college.

(b) Any student who, for the purpose of fulfilling any assignment or task required by a faculty member as part of the

student's program of instruction, shall knowingly tender any work product that the student fraudulently represents to the faculty member as the student's work product, shall be deemed to have committed an act of academic dishonesty. Acts of academic dishonesty shall be cause for disciplinary action.

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

(d) This section shall not be construed as preventing an instructor from taking immediate disciplinary action when the instructor is required to act upon such breach of academic dishonesty in order to preserve order and prevent disruptive conduct in the classroom. This action shall also not be construed as preventing an instructor from adjusting the student's grade on a particular project, paper, test, or class grade for academic dishonesty.

(2) Classroom conduct: Instructors have the authority to take whatever summary actions may be necessary 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.

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

(b) The instructor of each course offered by the college is authorized to take such steps as may be necessary to preserve order and to maintain the effective cooperation of the class in fulfilling the objectives of the course; provided that a student shall have the right to appeal such disciplinary action to the vice-president for student success.

NEW SECTION

WAC 132Z-115-070 Violations of law and college regulations.

Students may be accountable both to civil authorities and to the college for acts that constitute violations of law and of this code. Disciplinary action at the college will normally proceed during the pendency of criminal proceedings and will not be subject to challenge on the ground that criminal charges involving the same incident have been dismissed or reduced.

NEW SECTION

WAC 132Z-115-080 Definitions. When used in the code:

(1) The term "aggravated violation" means a violation that resulted or foreseeably could have resulted in significant damage to persons or property or which otherwise posed a substantial threat to the stability and continuance of normal college or college-sponsored activities.

(2) The term "group" means persons who are associated with each other but who have not complied with college requirements for registration or organization.

(3) The terms "institution" and "college" mean Cascadia Community College and all of its areas, elements, and programs.

(4) The term "reckless" means conduct that one should reasonably be expected to know would create a substantial risk of harm to persons or property or that would otherwise be likely to result in interference with normal college operations and/or college-sponsored activities.

(5) The term "student" means any person who is enrolled at the college and for whom the college maintains current educational records, as defined by the Family Rights and Privacy Act of 1974, and related regulations.

(6) The terms "college premises" and "college facilities" mean buildings or grounds owned, leased, operated, controlled, or supervised by the college, including all appurtenances affixed thereon or attached thereto.

(7) "Board" means the board of trustees of Cascadia Community College.

(8) "Liquor" means the definition of liquor as contained within RCW 66.04.010.

(9) "Drugs" means a narcotic drug as defined in RCW 69.50.101, a controlled substance as defined in RCW 69.50.201 through 69.50.212, or a legend drug as defined in RCW 69.41.010.

(10) "President" means the chief executive officer of the college appointed by the board of trustees.

(11) "Disciplinary action" means the warning, reprimand, summary suspension, suspension and/or expulsion, probation, of a student for the violation of a rule adopted under this policy.

NEW SECTION

WAC 132Z-115-090 Code of conduct. Cascadia Community College expects that its students while within college facilities or attending a college-sponsored activity, will adhere to high standards of honor and good citizenship and that they will conduct themselves in a responsible manner that reflects credit on themselves and the college. The following misconduct is subject to disciplinary action:

(1) Intentionally or recklessly endangering, threatening, or causing physical harm to any person or oneself, or intentionally or recklessly causing reasonable apprehension of such harm.

(2) Sexual assault or sexual harassment as defined in college policy under Article 8, "Equal Opportunity, Nondiscrimination and Nonharassment."

(3) Intentionally or recklessly interfering with normal college or college-sponsored activities including, but not limited to, studying, teaching, research, college administration, or fire, police, or emergency services.

(4) Unauthorized entry or use of college facilities.

(5) Knowingly violating the term of any disciplinary sanction imposed in accordance with the code.

(6) Intentionally and substantially interfering with the freedom of expression of others.

(7) Theft of property or services; knowing possession of stolen property.

(8) Intentional violations of college regulations, rules or policies.

(9) Actions violating college rules, policies and procedures or any actions listed above or prohibited conduct by a student's guest.

(10) Smoking in classrooms, the library and other areas so posted by college officials.

(11) The possession, use, sale or distribution of any alcoholic beverage or illegal drug on the college campus; the use of illegal drugs by any student attending a college-sponsored event, even though the event does not take place at the college; the use of alcohol by any student attending such events on noncollege property when that use does not conform to state law.

(12) Engaging in lewd, indecent, or obscene behavior.

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

(14) Academic dishonesty, including cheating, plagiarism, or knowingly furnishing false information to the college.

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

(16) Forgery, alteration, or misuse of college documents, records, funds, or instruments of identification.

(17) Theft from or damage to college premises or property, or theft of or damage to property of a member of the college community or college premises.

(18) Failure to comply with the direction of college officials acting in the legitimate performance of their duties.

(19) Possession of firearms, licensed or unlicensed, except where possessed by commissioned police officers as prescribed by law.

(20) Failure to comply with the college's Systems and Technology Acceptable Use Policy (BP9: 1.101), and/or misuse of computing equipment and services and facilities, including use of

electronic mail and the Internet.

NEW SECTION

WAC 132Z-115-100 Civil disturbances. In accordance with provision contained in RCW 28B.10.571 and 28B.10.572:

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

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

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

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

NEW SECTION

WAC 132Z-115-110 Disciplinary process. (1) Any infractions of college rules, policies or regulations may be referred by any college faculty or staff member to the vice-president for student success or designee. That official shall then follow the appropriate procedures for any disciplinary action which he or she deems necessary relative to the alleged misconduct. In addition, a student may appeal disciplinary action taken by an instructor or faculty member pursuant to the provisions in this code.

(2) The disciplinary official may take whatever action deemed appropriate within the framework of these rules. If the student concludes that any sanctions imposed are inappropriate, the student may appeal to the conflict resolution council.

(3) If a referral or an appeal is made to the conflict resolution council, the committee shall hold a hearing, reach conclusion, and recommend sanctions to the vice-president for student success. The student may appeal the matter to the president of the college.

(4) The president of the college or his/her designee, after reviewing the case, may reverse, sustain or modify any sanctions. The decision of the president is final.

NEW SECTION

WAC 132Z-115-120 Procedures for resolving disciplinary violations. (1) The vice-president for student success is responsible for initiating disciplinary proceedings. The vice-president for student success may delegate this responsibility to members of his/her staff, and he/she may also establish committees or other hearing bodies to advise or act for him/her in disciplinary matters.

(2) In order that any informality in disciplinary proceedings not mislead a student as to the seriousness of the matter under consideration, the student involved shall be informed at the initial conference or hearing of the sanctions that may be involved.

(3) Upon initiation of disciplinary proceedings, the vice-president for student success or designee shall provide written notification to the student, either in person or by delivery via regular mail to the student's last known address, specifying the violations with which the student is charged. The vice-president for student success or designee shall set a time and place for meeting with the student to inform the student of the charges, the evidence supporting the charges, and to allow the student an opportunity to be heard regarding the charges and evidence.

(4) After considering the evidence in a case and interviewing the student or students involved, the vice-president for student success or designee may take any of the following actions:

(a) Terminate the proceeding, exonerating the student or students;

(b) Dismiss the case after whatever counseling and advice may be appropriate; not subject to the appeal rights provided in this code;

(c) Dismiss the case after verbally admonishing the student, not subject to the appeal rights provided in this code;

(d) Direct the parties to make a reasonable attempt to achieve a mediated settlement;

(e) Impose disciplinary sanctions directly, subject to the student's right of appeal as described in this chapter. The student shall be notified in writing of the action taken except that disciplinary warnings may be given verbally;

(f) Refer the matter to the conflict resolution council requesting their recommendation for appropriate action. The student shall be notified in writing that the matter has been referred to the conflict resolution council.

(5) This section shall not be construed as preventing the appropriate official from summarily suspending a student.

(6) If the vice-president for student success or his or her designee(s) has cause to believe that any student:

- (a) Has committed a felony; or
- (b) Has violated any provision of this chapter; and
- (c) Presents an imminent danger either to himself or herself, other persons on the college campus or to the educational process; that student shall be summarily suspended and shall be notified by certified and regular mail at the student's last known address, or shall be personally served.

Summary suspension is appropriate only where (c) of this subsection can be shown, either alone or in conjunction with (a) or (b) of this subsection.

(7) During the summary suspension period, the suspended student shall not enter campus other than to meet with the vice-president of student success or to attend the hearing. However, the vice-president of student success or the college president may grant the student special permission to enter a campus for the express purpose of meeting with faculty, staff, or students in preparation for a probable cause hearing.

(8) When the president or his/her designee exercises the authority to summarily suspend a student, he/she shall cause notice thereof to be served upon that student by registered or certified mail at the student's last known address, or by causing personal service of such notice upon that student. The notice shall be entitled "notice of summary suspension proceedings" and shall state:

(a) The charges against the student including reference to the provisions of the student code or the law involved; and

(b) That the student charged must appear before the designated disciplinary officer at a time specified in the notice for a hearing as to whether probable cause exists to continue the summary suspension.

The hearing shall be held as soon as practicable after the summary suspension.

(9) The summary suspension hearing shall be considered an emergency adjudicative proceeding. The proceeding must be conducted as soon as practicable with the vice-president for student success presiding. At the summary suspension hearing, the vice-president shall determine whether there is probable cause to believe that continued suspension is necessary and/or whether some other disciplinary action is appropriate.

(10) If the vice-president for student success, following the conclusion of the summary suspension proceedings, finds that there is probable cause to believe that:

(a) The student against whom specific violations of law or of provisions of this chapter are alleged has committed one or more of such violations; and

(b) That summary suspension of said student is necessary for the protection of the student, other students or persons on college facilities, college property, the educational process, or to restore order to the campus; and

(c) Such violation or violations of the law or of provisions of this chapter constitute grounds for disciplinary action, then the vice-president may, with the written approval of the president, continue to suspend such student from the college and may impose

any other disciplinary action as appropriate.

(11) A student who is suspended or otherwise disciplined pursuant to the above rules shall be provided with a written copy of the vice-president for student success' findings of fact and conclusions, as expressly concurred in by the president, which constituted probable cause to believe that the conditions for summary suspension existed. The student suspended pursuant to the authority of this rule shall be served a copy of the notice of suspension by personal service or by registered mail to said student's last known address within three working days following the conclusion of the summary suspension hearing. The notice of suspension shall state the duration of the suspension or nature of other disciplinary action and the conditions under which the suspension may be terminated.

(12) The vice-president for student success is authorized to enforce the suspension of the summarily suspended student in the event the student has been served pursuant to the notice requirement and fails to appear at the time designated for the summary suspension proceeding.

(13) Any student aggrieved by an order issued at the summary suspension proceeding may appeal to the conflict resolution council. No such appeal shall be entertained, however, unless:

(a) The student has first appeared at the student hearing in accordance with subsection (9) of this section;

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

(c) Summary suspension or other disciplinary sanction has been upheld; and

(d) The appeal conforms to the standards set forth in WAC 132Z-115-220.

The conflict resolution council shall, within five working days, conduct a formal hearing in the manner described in WAC 132Z-115-140.

NEW SECTION

WAC 132Z-115-130 Cascadia conflict resolution council. The Cascadia conflict resolution council will hear cases referred under this code.

(1) The Cascadia conflict resolution council, convened by the vice-president for student success or designee for disciplinary action, will hear and make recommendations on all disciplinary cases referred to it or appealed to it by students. The conflict resolution council will be composed of the following persons:

(a) A member appointed by the president of the college who shall serve as the chair;

(b) A member of the faculty, appointed by faculty;

(c) A student, appointed by the student body president.

(2) None of the above-named persons shall sit on any case in which he or she has been or will be a complainant or witness, in which he or she has a direct or personal interest, or in which he or she has acted previously in an advisory or official capacity. Decisions in this regard, including the selection of alternates, shall be made by the conflict resolution council as a whole. The conflict resolution council chairperson will be elected by the members of the conflict resolution council.

(3) The conflict resolution council may recommend to the vice-president for student success that the student involved:

- (a) Be exonerated with all proceedings terminated and with no sanctions imposed;
- (b) Be disqualified from participation in any school-sponsored athletic events or activities;
- (c) Be given a disciplinary warning;
- (d) Be given a reprimand;
- (e) Be placed on disciplinary probation;
- (f) Be responsible for restitution for damages resulting from the violation;
- (g) Be given a suspension;
- (h) Be expelled.

NEW SECTION

WAC 132Z-115-140 Conflict resolution council procedural guidelines. (1) The chair of the conflict resolution council shall set the time, place and available seating capacity for a hearing.

(2) All proceedings of the conflict resolution council will be conducted with reasonable dispatch and terminated as soon as fairness to all parties involved permits.

(3) The conflict resolution council chairperson shall enforce general rules of procedures for conducting hearings consistent with these procedural guidelines.

(4) The student shall be given notice of the date, time and place of the hearing, the charges, a list of witnesses who will appear, and a description of any documentary or other physical evidence that will be presented at the hearing. This notice shall be given to the student in writing and shall be provided in sufficient time to permit him/her to prepare a defense.

(5) The student or his/her representative shall be entitled to hear and examine the evidence against him or her and be informed of the identity of its sources; and shall be entitled to present evidence in his or her own behalf and question witnesses as to factual matters. The student shall be able to obtain information or to request the presence of witnesses or the production of other evidence relevant to the issues at the hearing.

(6) Hearings conducted by the conflict resolution council may be held in closed session at the discretion of the council, the

only exception being when the student involved invites particular persons or requests an open hearing. If at any time during the conduct of the hearing invited persons are disruptive of the proceedings, the chairperson of the conflict resolution council may exclude such persons from the hearing room.

(7) Only those matters presented at the hearing, in the presence of the student involved, will be considered in determining whether the student is guilty of the misconduct charged, but the student's past record of conduct may be taken into account in formulating the conflict resolution council's recommendation for disciplinary action.

(8) The failure of a student to cooperate with the hearing procedures, however, shall not preclude the conflict resolution council from making its findings of fact, reaching conclusions and imposing sanctions. Failure of the student to cooperate may be taken into consideration by the conflict resolution council in recommending penalties.

(9) The student may be represented by counsel and/or accompanied by an advisor of his/her choice. If counsel is present for the student, the college may also have counsel present to assist the council.

(10) An adequate summary of the proceedings will be kept. As a minimum, such summary would include a tape recording of testimony. Such record will be available for inspections and copying in the office of the vice-president for student success during regular business hours.

(11) The student will be provided with a copy of the findings of fact and the conclusions of the conflict resolution council.

(12) If the council's proceedings were to hear a disciplinary matter pursuant to the request of the vice-president for student services, the council's recommendation shall be forwarded to the vice-president for student success for disposition of the matter.

(13) The vice-president for student success or designee shall notify the student of his or her decision.

(14) The student will also be advised of his/her right to present, within ten calendar days, a written statement of appeal to the president of the college before action is taken on the decision of the conflict resolution council.

(15) If the council's proceedings were to hear a student's appeal, the council's recommendation shall be forwarded to the vice-president for student success.

(16) The vice-president for student success or designee shall notify the student of his or her decision.

(17) The student will also be advised of his/her right to present, within ten calendar days, a written statement of appeal to the president of the college before action is taken on the decision of the conflict resolution council.

(18) The president of the college or his/her designated representative, after reviewing the case, including the decision by the vice-president for student success, the report and recommendation of the conflict resolution council and any statement filed by the student, shall either indicate his/her approval of the decision by the vice-president for student success by sustaining

the decision, shall give directions as to what other disciplinary action shall be taken by modifying its decision, or shall nullify previous sanctions imposed by reversing the decision. The president or designee shall then notify the vice-president for student success, the student, and the conflict resolution council. The president's decision shall be final.

NEW SECTION

WAC 132Z-115-150 Disciplinary terms. The definitions set forth in this section apply throughout.

(1) **Disciplinary warning** means oral or written notice of violation of college rules.

(2) **Reprimand** means formal action after censuring a student for violation of college rules for failure to satisfy the college's expectations regarding conduct. Reprimands are made in writing to the student by the disciplinary official. A reprimand indicates to the student that continuation or repetition of the specific conduct involved or other misconduct will result in one or more serious disciplinary actions described below.

(3) **Disciplinary probation** means formal action placing conditions upon the student's continued attendance because of violation of college rules or failure to satisfy the college's expectations regarding conduct. The disciplinary official placing the student on probation will specify, in writing, the period of probation and the conditions, such as limiting the student's participation in extracurricular activities. Disciplinary probation warns the student that any further misconduct will automatically raise the question of dismissal from the college. 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.

(4) **Summary suspension** means temporary dismissal from the college and temporary termination of a student's status for a period of time not to exceed ten days which occurs prior to invocation of the formal hearing procedures specified in these rules due to a necessity to take immediate disciplinary action, where a student presents an imminent danger to the college property, or to himself or herself or other students or persons in college facilities on or off campus, or to the educational process of the college. (Pursuant to the summary suspension procedures set forth in WAC 132Z-115-120 (6) through (13).)

(5) **Suspension** means temporary dismissal from the college and temporary termination of student status for violation of college rules or for failure to meet college standards of conduct.

(6) **Expulsion** means dismissal from the college and termination of student status for violation of college rules or for failure to meet the college standards of conduct for an indefinite period of

time or permanently.

(7) **Restitution** means repayment to the college or to an affected party for damages resulting from a violation of this code.

NEW SECTION

WAC 132Z-115-160 Loss of eligibility in college activities and athletics. Any student found to have violated the standards of student conduct or chapter 69.41 RCW shall, in lieu of or in addition to, any other disciplinary action which may be imposed, be disqualified from participation in any school-sponsored athletic events or activities.

NEW SECTION

WAC 132Z-115-170 Student groups and organizations. Student groups and organizations may be charged with violations of the *Student Code of Conduct*.

A student group or organization and its officers may be held collectively and individually responsible when violations of this code by those associated with the group or organization have received the consent or encouragement of the group or organization or of the group's or organization's leaders or officers.

The officers or leaders or any identifiable spokesperson for a student group or organization may be directed by college officials to take appropriate action designed to prevent or end violations of this code by the group or organization. Failure to make reasonable efforts to comply with college officials' order shall be considered a violation of this code, by the officers, leaders or spokesperson for the group or organization and by the group or organization itself.

Sanctions for group or organization misconduct may include revocation or denial of registration or recognition as well as other appropriate sanctions.

NEW SECTION

WAC 132Z-115-180 Appeals. Disciplinary actions subject to appeal as specified in board policy may be appealed as described below. Notice of an appeal by a student shall be made in writing

and addressed to the vice-president for student success within ten calendar days of the college's giving of the notice of the disciplinary action.

(1) Disciplinary action by a faculty member or other college staff member may be appealed to, and shall be reviewed by, the vice-president for student success.

(2) Disciplinary action by the appropriate disciplinary official may be appealed to, and shall be reviewed by, the conflict resolution council.

(3) Disciplinary recommendation by the conflict resolution council and subsequent action by the vice-president for student success, may be appealed to, and shall be reviewed by, the college president or his/her designee.

(4) Disciplinary action by the president shall either indicate approval of the conclusions by sustaining the decision or shall give directions as to what other disciplinary action shall be taken by modifying the decision, or shall nullify previous sanctions imposed by reversing its decision. The president's decision shall be final.

NEW SECTION

WAC 132Z-115-190 Transcript notations. A temporary encumbrance may be placed on a student's college records by the vice-president for student learning while disciplinary proceedings are pending.

Permanent notation of disciplinary action will be made on the transcript whenever a student is expelled.

NEW SECTION

WAC 132Z-115-200 Refunds and access. (1) There shall be no refund of tuition and/or fees for the quarter in which disciplinary action is taken.

(2) A student suspended on the basis of conduct which disrupted the orderly operation of the campus or any facility of the district, may be denied access to all or any part of the campus or other facility.

NEW SECTION

WAC 132Z-115-210 Readmission after suspension or expulsion.

Any student suspended from the college for disciplinary reasons will normally be readmitted upon expiration of the time period for which the suspension was issued. If the student has been expelled or feels that circumstances warrant reconsideration of a temporary suspension prior to its expiration, or if the student was suspended with conditions imposed for readmission, the student may be readmitted following approval of a written petition submitted to the vice-president for student success. Such petition must state reasons which support a reconsideration of the matter. Before readmission may be granted, such petition must be reviewed and approved by the college president or designee.

NEW SECTION

WAC 132Z-115-220 Reestablishment of academic standing.

Students who have been suspended pursuant to disciplinary procedures set forth in this chapter and whose suspension upon appeal is found to have been unwarranted shall be provided the opportunity to reestablish their academic and student standing to the extent possible within the abilities of the college, including an opportunity to retake examinations or otherwise complete course offerings missed by reason of such action.

NEW SECTION

WAC 132Z-115-230 Reporting, recording and maintaining records.

Records of all disciplinary cases shall be kept by the disciplinary official taking or initiating the action. Except in proceedings where the student is exonerated, all documentary or other physical evidence produced or considered in disciplinary proceedings and all recorded testimony shall be preserved, insofar as possible, for not more than five years. No other records of proceedings wherein the student is exonerated, other than the fact of exoneration, shall be maintained in the student's file or other college repository after the date of the student's graduation or not more than five years.