



RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (7/10/97)

Agency:
Clover Park Technical College

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

(1) Date of adoption: May 10, 2000

(2) Purpose:
To make changes to the Student Conduct Code and various technical amendments.

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Repealed: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

(4) Statutory authority for adoption:
Other authority: RCW 28B.50.140(13)

PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)
Adopted under notice filed as WSR 00-08-105 on April 5, 2000 (date).
Describe any changes other than editing from proposed to adopted version:

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 Rule Making
 31 days after filing
 Other (specify) _____*
Emergency Rules
 Immediately
 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

FILED
STATE OF WASHINGTON
FILED

MAY 26 2000

TIME: 10:48 AM
PM

WSR: 00-12-019

NAME (TYPE OR PRINT)
N. P. Robinson *[Signature]*
SIGNATURE
TITLE Vice President for Operations & Facilities
DATE 5/23/00

**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:

| | | | | | | |
|---|-----|----------|---------|-------|----------|-------|
| Federal statute: | New | _____ | Amended | _____ | Repealed | _____ |
| Federal rules or standards: | New | _____ | Amended | _____ | Repealed | _____ |
| Recently enacted state statutes: | New | <u>1</u> | Amended | _____ | Repealed | _____ |

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

New _____ Amended _____ Repealed _____

The number of sections adopted on the agency's own initiative:

New 1 Amended _____ Repealed _____

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

New _____ Amended 37 Repealed 14

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 | _____ |

AMENDATORY SECTION (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

WAC 495C-104-010 Time and place of board meetings. The board of trustees shall hold one regular meeting on the ((~~third Tuesday~~)) second Wednesday of each month at the F.V. Miner Resource Center, Building 15 on the main college campus and such special meetings as may be requested by the chairman of the board or by a majority of the members of the board and announced in accordance with law.

All regular and special meetings of the board of trustees shall be held at 4500 Steilacoom Boulevard Southwest, ((~~Tacoma~~)) Lakewood, WA 98499-4098, unless scheduled elsewhere, and are open to the general public, except for lawful executive sessions.

No official business may be conducted by the board of trustees except during a regular or special meeting.

AMENDATORY SECTION (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

WAC 495C-108-040 Application for adjudicative proceeding. An application for adjudicative proceeding shall be in writing. Application forms are available at the following address: 4500 Steilacoom Boulevard Southwest, (~~Tacoma~~) Lakewood, WA 98499-4098.

Written application for an adjudicative proceeding should be submitted to the above address within twenty calendar days of the agency action giving rise to the application, unless provided for otherwise by statute or rule.

AMENDATORY SECTION (Amending WSR 92-19-131, filed 9/22/92, effective 10/23/92)

WAC 495C-116-100 Right to refuse permit. The college vice-president for (~~(auxiliary services)~~) operations and facilities or designee reserves the right to refuse the issuance of a parking permit to anyone who has had a previous permit revoked, or whose driving or parking record indicates a disregard for the rights or safety of others.

AMENDATORY SECTION (Amending WSR 92-19-131, filed 9/22/92, effective 10/23/92)

WAC 495C-116-110 Appeal of permit revocation or refusal. When a parking permit has been revoked under WAC 495C-116-090 or has been refused in accordance with WAC 495C-116-100 or when a fine or penalty has been levied against a violator of this chapter, that action by the vice-president for (~~(auxiliary services)~~) operations and facilities or designee may be appealed in accordance with WAC 495C-116-170.

AMENDATORY SECTION (Amending WSR 92-19-131, filed 9/22/92, effective 10/23/92)

WAC 495C-116-130 Enforcement. (1) Parking and traffic rules will be enforced at all times.

(2) The vice-president for (~~(auxiliary services)~~) operations and facilities or designee is responsible for the enforcement of this chapter.

AMENDATORY SECTION (Amending WSR 92-19-131, filed 9/22/92, effective 10/23/92)

WAC 495C-116-160 Fines and penalties. The vice-president for (~~(auxiliary services)~~) operations and facilities or designee may

impose the following fines and penalties for violation of this chapter:

(1) The college shall publish the schedule in the ((College)) Student Handbook and on the traffic parking citation form.

(2) Fines will be assessed in accordance with the schedule for the following violations:

- (a) No valid permit displayed;
- (b) Visitor parking violations;
- (c) Occupying more than one parking space;
- (d) Occupying a space or area not designated for parking;
- (e) Handicapped parking violation;
- (f) Parking in an area not authorized by a permit;
- (g) Parking in reserved staff space without authorization;
- (h) Blocking or obstructing traffic (may be towed if creating a safety hazard);
- (i) Parking adjacent to a fire hydrant (may be towed if creating a safety hazard);
- (j) Parking in a fire lane (may be towed if creating a safety hazard);
- (k) Parking in a zone or area marked no parking;
- (l) Other violations of college parking traffic rules.

(3) At the discretion of the vice-president for ((auxiliary services)) operations and facilities or designee, an administrator or staff member who has an accumulation of citations may be subject to disciplinary action or have the matter turned over to a private collection agency for the collection of past due fines. Other appropriate collection procedures may be initiated as deemed necessary.

(4) If a student fails or refuses to pay an uncontested fine that has been outstanding in excess of five working days, the vice-president for ((auxiliary services)) operations and facilities or designee may initiate the following actions:

(a) The student may not be able to obtain college records until all fines are paid;

(b) The student will not be able to register for subsequent quarters until all fines are paid.

(5) Vehicles parking in a manner so as to obstruct traffic, including access to and from parking spaces and areas, may be subject to a fine and may be impounded and taken to a place for storage selected by the campus security officer or designee. The expenses of the impounding and storage are the responsibility of the registered owner or driver of the vehicle.

(6) Vehicles impounded by means of an immobilizing device shall be charged a service fee according to the current fee schedule.

(7) The college is not liable for loss or damage of any kind resulting from impounding and storage of vehicles.

(8) Persons may appeal the issuance of a citation according to WAC 495C-116-170.

AMENDATORY SECTION (Amending WSR 92-19-131, filed 9/22/92, effective 10/23/92)

WAC 495C-116-170 Appeal of citations and penalties. (1) Appeals must be made in writing, giving full particulars, including a list of witnesses and evidence expected to be presented, etc.

(2) Appeals must be submitted to the vice-president for (~~auxiliary services~~) operations and facilities or designee within five working days from the date of citation.

(3) If an appeal is not resolved to the satisfaction of the alleged violator, he or she has five additional working days from the receipt of the decision of the vice-president for (~~auxiliary services~~) operations and facilities or designee to appeal.

AMENDATORY SECTION (Amending WSR 92-19-131, filed 9/22/92, effective 10/23/92)

WAC 495C-116-190 Designation of parking. The parking spaces available on campus may be allocated and designated by the vice-president for (~~auxiliary services~~) operations and facilities in such a manner as will best achieve the objectives of this chapter.

(1) Special provisions shall be made for physically disabled employees, visitors, students, or their designees. Physically disabled individuals using handicapped parking spaces must display on that vehicle a valid state-issued disabled parking permit or license plate. The campus security officer or designee shall issue permits for temporarily handicapped persons and for those with state handicapped parking permits pending. In addition to the disabled permit, valid college parking permits must be displayed on the vehicle.

(2) Spaces specifically designated as "visitor" are to be used only by visitors driving vehicles without continuing or annual permits as specified by the posted signs.

(3) The vice-president for (~~auxiliary services~~) operations and facilities or designee may designate parking spaces for special purposes as deemed necessary.

AMENDATORY SECTION (Amending WSR 92-19-131, filed 9/22/92, effective 10/23/92)

WAC 495C-116-210 Regulatory signs, markings, barricades, etc. The vice-president for (~~auxiliary services~~) operations and facilities or designee may make and erect signs, barricades, and other structures and paint marks and other directions upon the

streets, entrances, exits, and roadways for the regulation of traffic and parking upon the various public lands devoted to, operated by, or maintained by the college. Drivers of vehicles shall observe and obey all the signs, barricades, structures, markings, and directions.

AMENDATORY SECTION (Amending WSR 92-19-131, filed 9/22/92, effective 10/23/92)

WAC 495C-116-260 Disabled or inoperative vehicles--

Impounding. (1) Disabled or inoperative vehicles shall not be parked on the campus for a period exceeding seventy-two hours, without authorization from the vice-president for (~~auxiliary services~~) operations and facilities or designee.

(2) Vehicles parked over seventy-two hours without authorization may be impounded and stored at the expense of either or both the owner and operator of the vehicle.

(3) Notice of intent to impound will be posted on the vehicle and sent by registered mail to the legal owner at least forty-eight hours before impounding.

AMENDATORY SECTION (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

WAC 495C-120-010 Definitions. The definitions set forth in this section apply throughout this chapter.

(1) "Board" means the board of trustees of Clover Park Technical College.

(2) "College" means Clover Park Technical College.

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

(4) "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.

(5) "College facilities" means the real property controlled or operated by the college and includes all buildings and appurtenances affixed thereon or attached thereto.

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

(7) (~~"Disciplinary officials" means the president or designee, including but not limited to, vice-presidents and program directors.~~) "Hazing" means any method of initiation into a student organization or any pastime or amusement engaged in with respect to such an organization that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm, to any student or other person attending any institution of higher education or postsecondary institution. Excluded from this definition are "customary athletic events or other similar contests or competitions."

(8) "Student" means a person who is (~~regularly~~) enrolled at the college.

(9) "Disciplinary officials" means the president or designee, including, but not limited to, vice-presidents and directors.

(10) "Disciplinary action" means the (~~warning~~) reprimand, probation, expulsion, suspension, or (~~reprimand~~) summary suspension of a student under WAC 495C-120-120 for the violation of a rule adopted in this chapter.

AMENDATORY SECTION (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

WAC 495C-120-020 Statement of purpose. (1) Clover Park Technical College is maintained by the state of Washington for the provision of programs of vocational instruction for (~~high school~~

~~students and~~) adults and qualified high school students, including necessary related instruction and 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.

(2) Admission to the college carries with it the prescription that students will conduct themselves as responsible members of the college community. This includes an expectation that ~~((the))~~ students 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.

(3) Sanctions for violations of college rules or conduct that interfere~~((s))~~ 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.))~~ Parents or legal guardians may be notified of any sanctions imposed on unemancipated minors.

AMENDATORY SECTION (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

WAC 495C-120-040 Student misconduct. Disciplinary action may be taken for a violation of any provision of this student code, for a violation of other college rules which may from time to time be properly adopted, or for any of the following types of misconduct:

~~(1) ((Clover Park Technical College facilities are smoke free. Smoking is approved at designated sites,~~

~~(2) The))~~ (2) Possession, use, sale, or distribution of any illegal drug on the college campus ((is prohibited)). The use of illegal drugs by any student attending a college-sponsored event is also prohibited, even though the event does not take place at the college. The use of alcohol by any student attending such events on college or noncollege property shall conform to state law;

~~((3))~~ (2) Engaging in lewd, indecent, or obscene behavior;

~~((4))~~ (3) 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;

~~((5))~~ (4) Dishonesty, including cheating, plagiarism, or knowingly furnishing false information to the college;

~~((6))~~ (5) The intentional making of false statements or filing of false charges against the college and members of the college community;

~~((7))~~ (6) Forgery, alteration, or misuse of college documents, records, funds, or instruments of identification with the intent to defraud;

~~((+8))~~ (7) Theft from ((or)), damage to, or misuse of college premises or property, or theft of or damage to property of a member of the college community or college premises;

~~((+9))~~ (8) Failure to comply with the direction of college officials acting in the legitimate performance of their duties;

~~((+10))~~ (9) Possession of firearms, except where approved by state statute;

(10) Engaging in unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of sexual nature where such behavior knowingly offends the recipient, causes discomfort, or humiliates or interferes with job performance;

(11) 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;

(12) Malicious damage to or malicious misuse of college property, or the property of any person where such property is located on the college campus;

(13) Entering any administrative office or any locked or otherwise closed college facility in any manner, at any time, without permission of the college employee or agent in charge thereof;

(14) 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.

NEW SECTION

WAC 495C-120-041 Hazing policy. (1) No student, or other person in attendance at Clover Park Technical College, may conspire to engage in hazing or participate in hazing of another.

(2) Penalties.

(a) Any organization or association that knowingly permits hazing shall:

(i) Be liable for harm caused to persons or property resulting from hazing; and

(ii) Be denied recognition by Clover Park Technical College as an official organization or association on this campus.

If the organization or association is a corporation, whether for profit or nonprofit, the individual directors of the corporation may be held individually liable for damages.

(b) A person who participates in the hazing of another shall forfeit any entitlement to state-funded grants, scholarships or awards for ninety calendar days.

(c) Forfeiture of state-funded grants, scholarships or awards shall continue for ninety calendar days, up to and including permanent forfeiture, based upon the seriousness of the violations.

(3) Disciplinary action may be taken under this chapter for

hazing violations.

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

(5) Conduct which causes embarrassment, ridicule, sleep deprivation, verbal abuse, or personal humiliation, not amounting to hazing, shall be subject to disciplinary action under this chapter.

AMENDATORY SECTION (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

WAC 495C-120-045 Loss of eligibility--Student participation.

Any student found to have violated chapter 69.41 RCW, legend drugs, by virtue of a criminal conviction or by final decision of the college president or designee shall, in lieu of or in addition to any other disciplinary action which may be imposed, be disqualified from participation in any school-sponsored events or activities.

AMENDATORY SECTION (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

WAC 495C-120-050 Civil disturbances. In accordance with provisions contained in RCW 28B.10.571 and 28B.10.572:

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

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

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

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

WAC 495C-120-080 Dishonesty/classroom conduct. (1)

Dishonesty: Honest assessment of student performance is of crucial importance to all members of the college 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 instructional staff to provide reasonable and prudent security measures designed to minimize opportunities for acts of dishonesty which occur at the college.

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

(c) Any student who aids or abets the accomplishment of an act of dishonesty, as described in subparagraph (b) above, 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 dishonesty in order to preserve order and prevent disruptive conduct in the classroom. This section 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 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 class shall be subject to disciplinary action.

(b) The instructor of each program 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 program; provided that; a student shall have the right to appeal such disciplinary action (~~to the vice-president for instruction or designee~~).

AMENDATORY SECTION (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

WAC 495C-120-090 Campus speakers. (1) Student organizations officially recognized by the college may invite speakers to the campus to address their own membership and other interested students and staff 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 case of speakers who are candidates for political office, equal opportunities shall be available to opposing candidates if desired by them. Speakers are subject to the normal considerations for law and order and to the specific limitations imposed by the state constitution which prohibits religious worship, exercise or instruction on state property.

(2) In order to insure an atmosphere of open exchange and to insure that the educational objectives of the college are not obscured, the president or designee, in a case attended by strong emotional feeling, may prescribe conditions for the conduct of the meeting, such as requiring a designated member of the staff as moderator, or requiring permission for comments and questions from the floor. Likewise, the president or designee 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 or designee may designate representatives to recommend conditions such as time, manner, and place for the conduct of particular meetings.

AMENDATORY SECTION (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

WAC 495C-120-100 Distribution of information. (1) 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 on or in college facilities at locations specifically designated by the (~~senior vice-president~~) president or designee; 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.

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

(3) All nonstudents shall register with the (~~senior vice-president~~) president or designee 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.

(4) Any person or persons who violate provisions of subparagraphs (1) and (2) above will be subject to disciplinary action.

AMENDATORY SECTION (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

WAC 495C-120-120 Disciplinary process. (1) (~~Any infractions of college rules may be referred by any college staff member to the vice-president for instruction. 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 a staff member pursuant to the provisions in WAC 495C-120-160.~~

~~(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 vice-president for student services or designee.~~

~~(3) If a referral or an appeal is made to the vice-president for student services or designee, the vice-president for student services or designee shall hold a hearing, reach conclusions and may impose sanctions. If the student concludes that the action of the vice-president for student services or designee is inappropriate, the student may appeal the matter to the president of the college.~~

~~(4) The president of the college, after reviewing the case, may reverse, sustain or modify any sanctions which may have been imposed by the vice-president for student services or designee. The decision of the president is final.)~~ Infractions of college rules may be referred by any college staff member to the appropriate director or designee.

(2) A student alleged to have violated a provision of this chapter shall be notified to meet with the director or designee for possible disciplinary action.

(3) After a careful review of the circumstances surrounding the alleged misconduct, the director or designee may take any of the following actions:

(a) Terminate the proceeding;

(b) Dismiss the case after whatever counseling and advice the director or designee deems appropriate;

(c) Impose appropriate disciplinary action (reprimand, probation, suspension, expulsion), subject to student's right of appeal.

(4) The student will be notified in writing of the determination made by the director or designee.

(5) If, after consideration of the alleged misconduct, the recommendation of the director or designee is for disciplinary

action, the student may:

(a) Accept the disciplinary action; or

(b) File, within fifteen calendar days following receipt of the notification of disciplinary action, a written request for a formal hearing pursuant to the provisions of WAC 495C-120-160. If the request is not filed within the prescribed time, the right to do so is waived.

(6) If a hearing is requested, notice of the hearing shall be given to all parties at least seven days before the hearing. The notice will indicate the names and addresses of all parties, the names and addresses of their representatives, a statement of the time, place, and nature of the proceeding, a short and plain statement of the matters asserted, and the legal authority and jurisdiction under which the hearing is to be held.

NEW SECTION

WAC 495C-120-125 Summary suspension. If any college staff member has cause to believe that a student presents an imminent danger to himself or herself or other persons on college facilities or to the educational process of the college, then the staff member shall have authority to immediately remove the student from the college premises. The college staff member shall notify, as soon as possible, the vice-president for student services or designee who may initiate summary suspension until such time as the college staff is satisfied the student's dangerous nature has ceased. The duration of summary suspension shall not exceed ten instructional days except that the vice-president for student services or designee may continue summary suspension beyond ten instructional days in circumstances where the student continues to present an imminent danger to the people, facilities, or the educational process pending the disciplinary proceedings provided for in this code.

(1) If the vice-president for student services desires to exercise the authority to summarily suspend a student, the vice-president or designee will cause the student to be notified of the summary suspension.

(2) A formal hearing, pursuant to the provisions of WAC 495C-120-160 will be scheduled and held as quickly as feasible.

WAC 495C-120-130 Disciplinary terms. The definitions set forth in this section apply throughout WAC 495C-120-180.

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

(2) Reprimand means formal action after censuring a student for violation of college rules or 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 his or her 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 extra-curricular 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)) specific 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.~~

~~(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))~~ (5) 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.

(6) 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 instructional days unless extended as provided in this chapter 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.

AMENDATORY SECTION (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

WAC 495C-120-140 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 (~~instruction~~) student services or designee. 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~~) vice-president for student services.

AMENDATORY SECTION (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

WAC 495C-120-150 Readmission into instructional program. Students who have been suspended pursuant to disciplinary procedures set forth in WAC 495C-120-120 and (~~495C-120-130~~) 495C-120-125 and whose suspension upon appeal is found to have been unwarranted shall be provided the opportunity to reenter their instructional program (~~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.

AMENDATORY SECTION (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

WAC 495C-120-160 (~~Procedural guidelines~~) Hearing procedures. (1) (~~Students, if they wish~~) A student, if he or she wishes to appeal, (~~have~~) has a right to a fair and impartial hearing before the vice-president for student services or designee on any charge of misconduct. The failure of a student to cooperate with the hearing procedures, however, shall not preclude the vice-

president for student services or designee from making his or her findings of fact, reaching conclusions and imposing sanctions. Failure of the student to cooperate may be taken into consideration by the vice-president for student services or designee in recommending penalties.

(2) (~~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 to prepare a defense. The notice may be amended at any time prior to the hearing, but if such amendment is prejudicial to the student's case, the hearing shall be rescheduled to a later date if so requested in writing by the student.~~) If a hearing is requested, notice of the hearing shall be given to all parties at least seven days before the hearing. The notice will indicate the names and addresses of all parties, the names and addresses of their representatives, a statement of the time, place, and nature of the proceeding, a short and plain statement of the matters asserted, and the legal authority and jurisdiction under which the hearing is to be held.

(3) The student (~~or~~), his or her representative, or both, 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 have all authority which is possessed by the college to obtain information or to request the presence of witnesses or the production of other evidence relevant to the issues at the hearing.

(4) 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 vice-president for student services or designee's recommendation for disciplinary action.

(5) The student may be represented by counsel and/or accompanied by an advisor of his or her choice, who shall not be a college employee.

(6) Hearings (~~conducted by the vice-president for student services or designee~~) may be held in closed session at the discretion of the vice-president for student services or designee, 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 vice-president for student services or designee may exclude such persons from the hearing room.

(7) The vice-president for student services or designee shall set the time, place and available seating capacity for a hearing.

(8) All proceedings of the vice-president for student services or designee will be conducted with reasonable dispatch and terminated as soon as fairness to all parties involved permits.

(9) 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 inspection and copying in the office of student services during regular business hours.

(10) The student will be provided with a copy of the findings of fact and the conclusions of the vice-president for student services or designee as well as a statement of the available procedures and time limits for seeking reconsideration or other administrative relief. The student will ~~((also))~~ be advised of his or her right to present, within ~~((ten))~~ fifteen calendar days, a written statement of appeal to the president of the college before action is taken on the decision of the vice-president for student services or designee. In the case of an ~~((unmarried student under eighteen years of age))~~ unemancipated minor, written notice of any action involving dismissal or disciplinary probation ~~((is))~~ may be sent to the parents or guardian of the student.

(11) The vice-president for student services or designee shall establish general rules of procedure for conducting hearings consistent with these ~~((procedural))~~ guidelines, the college's rules of practice and procedure set forth in chapter 495C-108 WAC and the Administrative Procedure Act, chapter 34.05 RCW.

~~((The president of the college or his designated representative, after reviewing the case, including the report of the vice-president for student services or designee and any statement filed by the student, shall either indicate his approval of the conclusions of the vice-president for student services or designee by sustaining his or her decision, shall give directions as to what other disciplinary action shall be taken by modifying his or her decision, or shall nullify previous sanctions imposed by reversing the decision and shall then notify the official who initiated the proceedings, the student and the vice-president for student services.))~~ If no timely appeal is filed in writing from the findings and conclusions of the vice-president for student services or designee, the action taken shall be final.

AMENDATORY SECTION (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

WAC 495C-120-170 Appeals. ~~((Any disciplinary action 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 instruction within ten calendar days of the college's giving of the notice of the disciplinary action.~~

~~((1) Disciplinary action by a college staff member may be appealed to, and shall be reviewed by, the vice-president for instruction or his or her designee.~~

~~((2) Disciplinary action by the appropriate disciplinary official may be appealed to, and shall be reviewed by, the vice-president for student services or designee.~~

~~(3) Disciplinary action by the vice-president for student services or designee may be appealed to, and shall be reviewed by, the college president or his 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 the decision. All appeals to the president shall be final.)) The outcome of any disciplinary hearing may be appealed.~~

(1) Notice of an appeal by a student shall be made in writing and addressed to the president of the college within fifteen calendar days of receiving the formal notification of the hearing outcome.

(2) Review of appeals.

(a) The president must review the whole record or such portions of it as may be cited by the parties.

(b) The president must afford each party the opportunity to present written argument and may afford each party the opportunity to present oral argument.

(c) The president must enter a final order disposing of the proceedings or remand the matter for further proceedings, with instructions.

(d) The final order must include a statement of findings and conclusions, and the basis and reasons therefor, on all material issues of fact, law, or discretion presented on the record, including the remedy or sanction.

(3) The president, after reviewing the case, shall either indicate his or her approval of the conclusions of the vice-president for student services or designee by sustaining the decision, shall give directions as to what other disciplinary action shall be taken by modifying his or her decision, or shall nullify previous sanctions imposed by reversing the decision and shall then notify the official who initiated the proceedings, the student and the vice-president for student services.

(4) The president will cause copies of the final order or remand order to be served on each party.

(5) All appeals to the president shall be final.

AMENDATORY SECTION (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

WAC 495C-120-180 Reporting, recording and maintaining records. Records of all disciplinary cases shall be kept by the appropriate disciplinary official ((taking or initiating the action)) and in the student's official college file. Except in proceedings where the student is exonerated, all documentary or other physical evidence produced or considered in disciplinary

proceedings and . . . 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.

AMENDATORY SECTION (Amending WSR 92-19-091, filed 9/16/92,
effective 10/17/92)

WAC 495C-132-010 Financial aid. Federal, state, and private financial aid applications and information may be obtained at the following address:

Financial Aid Office
Clover Park Technical College
4500 Steilacoom Boulevard S.W.
(~~Tacoma~~) Lakewood, WA 98499-4098

Award of federal and state aid will be made in accordance with applicable federal and state laws and regulations.

AMENDATORY SECTION (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

WAC 495C-133-020 Organization--Operation--Information. (1) Organization. Clover Park Technical College is established in Title 28B RCW as a public institution of higher education. The college is governed by a five-member board of trustees, appointed by the governor. The board employs a president, who acts as the chief executive officer of the college. The president establishes the structure of the administration.

(2) Operation. The administrative office is located at the following address:

4500 Steilacoom Boulevard S.W.
(~~(Tacoma)~~) Lakewood, WA 98499-4098

The office hours as prescribed in the College Policy and Procedure(~~(s)~~) Manual are 8:00 a.m. to 4:30 p.m., Monday through Friday, except legal holidays. Educational operations are also located at the following addresses:

(~~(Woodbrook Vocational Site~~
~~(+)Fort Lewis Campus(+)~~)
14800 Murray Road S.W.
Fort Lewis, WA 98439-1197

(~~(Days Inn Clover Park~~
~~6802 South Sprague~~
~~Tacoma, WA 98409-6797)~~)
Rainier School
2120 Ryan Road
Buckley, WA 98321-9115

(~~(Recreational Vehicle/)~~)Marine Mechanics Facility
3423 Chapel Street S.W., Building No. 7
(~~(Tacoma)~~) Lakewood, WA 98444-1539

(~~(Franklin Pierce High School~~
~~11002-18th Avenue East~~
~~Tacoma, WA 98445-5200)~~)
Washington Corrections Center for Women
9601 Bujacich Rd. N.W.
Gig Harbor, WA 98335-0017

Clover Park Technical College
Natural Resources Laboratory & Research Park
4500 Block of Steilacoom Boulevard S.W.
Lakewood, WA 98499-4098

(3) Information. Additional and detailed information concerning the educational offerings of the college may be obtained

from the catalog, copies of which are available at the following address:

4500 Steilacoom Boulevard S.W.
(~~Tacoma~~) Lakewood, WA 98499-4098

AMENDATORY SECTION (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

WAC 495C-140-090 Basis of fee assessment. (1) The basis for establishing and charging fees reflects the college's assessment of the present market, the cost of operations, and an evaluation of the intended purpose and its relationship to the purposes of this college. The board of trustees has determined that groups or organizations affiliated with the college should be permitted access to facilities at the lowest charge on the fee schedule which may include complimentary use. A current fee schedule is available to interested persons from the office of vice-president for (~~auxiliary services~~) operations and facilities.

(2) The college does not wish to compete with private enterprise. Therefore, the college reserves the right to deny applications for facility use when the administration feels a commercial facility should be patronized. At no time will facility use be granted for a noncollege related commercial activity at a rental rate, or upon terms, less than the full and fair rental value of premises used.

AMENDATORY SECTION (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

WAC 495C-140-100 Application procedures. (1) At least seven working days prior to date of intended use of any college facility, an authorized representative of the requesting organization must submit proper and complete written application which may be obtained through the college's office of (~~auxiliary services~~) operations and facilities. A single application may be sufficient for a series of meetings by an organization unless those meetings vary significantly in some substantive way; if so, separate applications will be required.

(2) Upon approval of the application, an authorized representative of the using organization shall sign the rental agreement. By affixing a signature as representing the using organization, the signatory specifies he or she has authority to enter into agreement on behalf of the organization and if the organization fails to pay the amount due, the signatory becomes responsible for all charges which may include interest payment for overdue accounts as specified on the rental form but not less than one percent per month.

(3) Events requiring expenditures on the part of the college,

or where significant areas are blocked out for the renter, a minimum of up to fifty percent advance deposit may be required at the time of application.

(4) The college reserves the right to make pricing changes without prior written notice.

(5) Use of a facility is limited to the facilities specified on the agreement.

(6) The priorities for facility use place primary emphasis on regular college events and activities. The vice-president for (~~auxiliary services~~) operations and facilities or designee reserve the right to cancel any permit and refund any payments for use of college facilities and equipment when they deem such action advisable and in the college's best interests.

(7) In the event of a cancellation of a facility use permit by the applicant, that organization is liable for all college costs and expenses in preparing the facility for its use.

(8) Any admission charge is to be specified and approved by the college.

(9) Organizations using Clover Park Technical College's facilities shall conduct all activities in accordance with applicable local, state, and federal laws including all rules adopted by the Clover Park Technical College board of trustees.

AMENDATORY SECTION (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

WAC 495C-168-020 Loans. Materials from the college library((~~7~~))/F.V. Miner Resource Center((~~7~~)) are checked out only to the following groups.

(1) All currently registered students of the college;

(2) All current staff members;

(3) All holders of currently valid courtesy cards. This latter group includes members of the board of trustees, community educators whose work might necessitate usage of library-media materials, and other individuals who show a particular need for specialized items in the library-media collections which are not available elsewhere;

(4) Students from other institutions with which the college library-media center has a reciprocal lending agreement through a "shared use plan." This group may use materials on a loan basis at the discretion of the circulation supervisor who will determine lending priorities based upon the current usage of individual items by Clover Park Technical College students.

AMENDATORY SECTION (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

WAC 495C-168-040 Student handbook. Information governing the operation of the library center is included in the student ((~~and college~~)) handbook((~~s~~)) and the college Policy and Procedure Manual.

AMENDATORY SECTION (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

WAC 495C-276-030 Description of central and field organization of Clover Park Technical College District No. 29. (1) Clover Park Technical College is a state agency established and organized under the authority of chapter 28B.50 RCW for the purpose of implementing the educational goals established by the legislature in RCW 28B.50.020. The administrative office of the district is located on the college campus within the county of Pierce, Washington. The college campus likewise comprises the central headquarters for all operations of the district. Field activities for the branch campuses of the district are administered by personnel located at the Clover Park Technical College main office at 4500 Steilacoom Boulevard Southwest in (~~Tacoma~~) Lakewood, Washington.

(2) The district is operated under the supervision and control of a board of trustees. The board of trustees consists of five members appointed by the governor. The board of trustees normally meets at least once each month, as provided in WAC 495C-104-010. The board of trustees employs a president, an administrative staff, instructors, and other employees. The board of trustees takes such actions and promulgates such rules, and policies in harmony with the rules established by the state board for community and technical colleges, as are necessary to the administration and operation of the district.

(3) The president of the district is responsible to the board of trustees for the operation and administration of the district. A detailed description of the administrative organization of the district is contained within the (~~College Handbook~~) Policy and Procedure Manual for Clover Park Technical College, a current copy of which is available for inspection at the administrative office of the district.

AMENDATORY SECTION (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

WAC 495C-276-040 Operations and procedures. (1) Formal decision-making procedures are established by the board of trustees through rules promulgated in accordance with the requirements of chapter 34.05 RCW, the Administrative Procedure Act.

(2) Informal decision-making procedures at the college, as established by the board of trustees, are set forth in the Policy

and Procedure Manual of Clover Park Technical College, a current copy of which is available for inspection at the administrative office of the district.

AMENDATORY SECTION (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

WAC 495C-276-060 Public records officer. The district's public records shall be in the charge of the public records officer designated by the (~~chief administrative officer of the district~~) president. The person so designated shall be located in the district administrative office. The public records officer shall be responsible for the following: Implementation of the district's rules regarding release of public records, coordinating district employees in this regard, and generally ensuring compliance by district employees with the public records disclosure requirements in chapter 42.17 RCW.

AMENDATORY SECTION (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

WAC 495C-276-080 Requests for public records. In accordance with the requirements of RCW 42.17.290 that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records are only obtainable by members of the public when those members of the public comply with the following procedures:

(1) A request shall be made in writing (~~upon a form prescribed by the district which shall be available at the district administrative office~~). The (~~form~~) request shall be presented to the public records officer or, if the public records officer is not available, to any member of the district's staff at the district administrative office during customary office hours. The request shall include the following information:

- (a) The name of the person requesting the record;
- (b) The time of day and calendar date on which the request was made;
- (c) The nature of the request;
- (d) (~~If the matter requested is referenced within the current index maintained by the public records officer, a reference to the requested record as it is described in such current index;~~
- (e) ~~If the requested matter is not identifiable by reference to the current index,)~~ An appropriate description of the record(s)

requested.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer, or person to whom the request is made, to assist the member of the public in succinctly identifying the public record requested.

AMENDATORY SECTION (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

WAC 495C-276-100 Determination regarding exempt records. (1) The district reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 495C-276-080 is exempt pursuant to the provisions set forth in RCW 42.17.310 or other statute. Such determination may be made in consultation with the public records officer, president of the college district, or an assistant attorney general assigned to the district.

(2) Pursuant to RCW 42.17.260, the district reserves the right to delete identifying details when it makes available or publishes any public record when there is reason to believe that disclosure of such details would be an unreasonable invasion of personal privacy or impair a vital governmental interest: Provided, however, In each case, the justification for the deletion shall be explained fully in writing.

(3) Response to requests for a public record must be made promptly. For the purposes of this section, a prompt response occurs if the person requesting the public record is notified within ((two)) five business days as to whether his or her request for a public record will be honored.

(4) All denials of request for public records must be accompanied by a written statement, signed by the public records officer or designee, specifying the reason for the denial, a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the public record withheld.

AMENDATORY SECTION (Amending WSR 92-19-091, filed 9/16/92, effective 10/17/92)

WAC 495C-276-120 Protection of public records. Requests for public records shall be made at the administrative office of the district at 4500 Steilacoom Boulevard Southwest, ((Tacoma)) Lakewood, Washington. Public records and a facility for their inspection will be provided by the public records officer. Such

records shall not be removed from the place designated. Copies of such records may be arranged according to the provisions of WAC 495C-276-090.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 495C-276-140

Adoption of form.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

| | |
|------------------|--|
| WAC 495C-280-010 | General policy. |
| WAC 495C-280-015 | Definitions. |
| WAC 495C-280-020 | Annual notification of rights. |
| WAC 495C-280-030 | Procedure to inspect education records. |
| WAC 495C-280-040 | Disclosure of education records. |
| WAC 495C-280-050 | Limits on rights to review and inspect and obtain copies of education records. |
| WAC 495C-280-060 | Record of request and disclosures. |
| WAC 495C-280-070 | Disclosure of directory information. |
| WAC 495C-280-080 | Requests for corrections, hearings, adding statements to education records. |
| WAC 495C-280-090 | Fees for copies. |
| WAC 495C-280-100 | Waiver. |
| WAC 495C-280-110 | Type and location of education records. |
| WAC 495C-280-120 | Remedy for students protected by this act. |