



RULE-MAKING ORDER

W-103 (June 2004)
(Implements RCW 34.05.360)

Agency: Columbia Basin College

- Permanent Rule**
- Emergency Rule**

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) _____

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

- Yes
 - No
- If Yes, explain:

Purpose: To address the student as a member of the campus community & define expectations of conduct, processing of all actions of misconduct with appeal mechanisms, and disciplinary actions.

Citation of existing rules affected by this order:

Repealed: WAC 132-40-160; WAC 132S-40-165; WAC 132-40-170; WAC 132S-40-175; WAC 132S-40-180; WAC 132S-40-185; WAC 132S-40-190

Amended:

Statutory authority for adoption: RCW28B.50.140

Other authority :

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 06-11-028 on May 8, 2006 (date).

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

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: _____ phone () _____
 Address: _____ fax () _____
 e-mail _____

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- 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.
- 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:

Date adopted: 7/25/06

NAME (TYPE OR PRINT)

Richard Cummins

SIGNATURE

TITLE

Acting President

CODE REVISER USE ONLY

SEP 7

11:38

06-19-006

**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Federal statute:	New	_____	Amended	_____	Repealed	_____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	_____	Amended	_____	Repealed	_____

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

New	_____	Amended	_____	Repealed	_____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

New	<u>13</u>	Amended	_____	Repealed	<u>7</u>
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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	_____

CODE OF STUDENT RIGHTS AND RESPONSIBILITIES

NEW SECTION

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

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

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

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

NEW SECTION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Student - Any person taking courses or any other educational offerings at Columbia Basin College, either full-time or part-time. If a student withdraws after allegedly violating the code of student rights and responsibilities but prior to the college

reaching a disciplinary decision in the matter, the college shall place the investigation results in the individual's file for consideration should the individual submit a reapplication for admittance to the college.

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

NEW SECTION

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

(1) Academic freedom.

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

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

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

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

(2) Admission requirements. Columbia Basin College operates under an open door admission policy and grants admission to applicants who are eighteen years of age and/or graduated from high schools accredited by a regional accrediting association or who have a GED certificate. Home school graduates and graduates from nonaccredited high schools are admitted based on course placement assessment scores.

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

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

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

(3) Due process.

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

(b) Once notified of the charges, the accused student is entitled to explain his/her version of the facts in response,

explanation, and defense of the allegation(s) and is entitled to the other procedures as specified herein.

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

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

(a) Are conducted in an orderly manner.

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

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

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

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

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

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

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

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

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

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

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

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

NEW SECTION

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

- (1) Participate actively in the learning process, both in and out of the classroom.
- (2) Seek timely assistance in meeting educational goals.
- (3) Attend all class sessions.
- (4) Prepare adequately to participate fully in class activities.
- (5) Meet the standards of academic performance established by each instructor.
- (6) Develop skills required for learning; e.g., basic skills, time management, and study skills.
- (7) Assume final authority for the selection of appropriate educational goals.
- (8) Select courses appropriate for meeting chosen educational goals.
- (9) Make appropriate use of services and resources.
- (10) Contribute towards improving the college.
- (11) Become knowledgeable of and adhere to the college's policies, practices, and procedures.
- (12) Abide by the standards set forth in the code of conduct.

NEW SECTION

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

NEW SECTION

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

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

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

(a) Conduct themselves in a responsible manner;

(b) Comply with rules and regulations of the college and its departments;

(c) Respect the rights, privileges, and property of other members of the academic community;

(d) Maintain a high standard of integrity and honesty; and

(e) Not interfere with legitimate college business appropriate to the pursuit of educational goals.

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

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

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

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

(d) Disorderly conduct.

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

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

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

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

(e) Disruption:

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

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

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

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

(g) Falsehoods and misrepresentations.

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

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

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

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

(i) Insubordination.

(i) Failure to comply with the direction of college officials

or law enforcement officers acting in the legitimate performance of their lawful duties.

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

(j) Liquor. Consuming, possessing, furnishing or selling of alcoholic beverages and/or being demonstrably under the influence of any alcoholic beverage on college premises or at college-sponsored or supervised events except as a participant of legal age in a student program, banquet, or educational program which has the special written authorization of the college president or his/her designee.

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

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

(ii) Unauthorized transfer of a file.

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

(iv) Copyright violations.

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

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

(B) To send obscene or abusive messages.

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

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

(l) Safety misconduct:

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

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

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

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

(o) Trespass or unauthorized presence.

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

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

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

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

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

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

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

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

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

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

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

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

(5) Classroom conduct and the learning environment.

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

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

(c) Bringing any person or object to a teaching and learning

environment that may disrupt the environment or cause a safety or health hazard, without the approval of the class instructor or other authorized official, is expressly prohibited.

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

NEW SECTION

WAC 132S-40-360 Student conduct code procedures. (1)

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

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

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

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

(c) Specify the time, date, and location where the student is required to meet with the CSSO. The meeting will be scheduled no earlier than three instructional, but within thirty instructional days of the mailing of the notification to the student. The CSSO

may modify the time, date and location of the meeting, either at the student's or college's request, for reasonable cause.

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

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

(3) Meeting with the chief student services officer.

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

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

(ii) The disciplinary process.

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

(iv) The student's rights to appeal.

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

(4) Decision by chief student services officer.

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

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

(ii) Impose disciplinary sanctions as provided herein.

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

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

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

(5) Student conduct board.

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

(b) Chairperson: The SCB will elect a chairperson from among the administrator or faculty members. The chairperson will preside at every disciplinary hearing and will provide administrative oversight throughout the hearing process. The chairperson may

participate in committee deliberations but will not vote unless it is necessary to constitute a quorum or the vote of the SCB is tied, at which time the chairperson will cast the deciding vote.

(c) Hearing procedures:

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

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

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

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

(C) The SCB procedures.

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

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

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

(v) Any SCB member who has a personal relationship, personal interest, or other interest which would prevent that person from rendering a fair and impartial decision must recuse him/herself from sitting for that case.

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

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

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

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

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

(xi) The chairperson will exercise control over the hearing to

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

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

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

(xiv) Formal rules of evidence and procedure will not be applicable in disciplinary proceedings conducted pursuant to this code. The chairperson will admit all matters into evidence which reasonable persons would accept as having probative value in the conduct of their affairs. Unduly repetitious or irrelevant evidence may be excluded.

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

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

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

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

NEW SECTION

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

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

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

(b) Disciplinary decisions and action taken by the SCB may be appealed by the student to, and shall be reviewed by, the college

president who shall have final authority in the disciplinary action.

NEW SECTION

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

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

(a) Warning. Notice to a student that the student is violating or has violated college rules or regulations or has otherwise failed to meet the college's standards of conduct. Such warnings will include the statement that continuation or repetition of the specific conduct involved or other misconduct will normally result in one of the more serious disciplinary actions described below.

(b) Reprimand. Formal action censuring a student for violation of the college rules or regulations or failure to meet the college's standards of conduct. Reprimands will be made in writing to the student by the CSSO or the SCB with copies filed in the office of the CSSO. A reprimand will include the statement that continuation or repetition of the specific conduct involved or other misconduct will normally result in one of the more serious disciplinary actions described below.

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

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

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

(f) Disciplinary probation. Formal action placing conditions upon the student's continued attendance for violations of college rules or regulations or other failure to meet the college's standards of conduct. Written notice of disciplinary probation will specify the period of probation and any condition(s) upon which his/her continued enrollment is contingent. Such conditions may include, but not be limited to, adherence to terms of a

behavior contract or limiting the student's participation in extra-curricular activities or access to specific areas of the college's facilities. Disciplinary probation may be for a specified term or for an indefinite period which may extend to graduation or other termination of the student's enrollment in the college.

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

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

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

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

NEW SECTION

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

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

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

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

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

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

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

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

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

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

(4) Hearing. The hearing will be accomplished according to the procedures set forth in this document and no later than ten instructional days after the action is taken. Failure by the student to appear at the SCB hearing will result in the CSSO suspending the student from the college.

NEW SECTION

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

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

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

NEW SECTION

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

- (a) Residency determinations made pursuant to RCW 28B.15.013.
- (b) Disputes concerning educational records.
- (c) Parking violations.
- (d) Outstanding debts.
- (e) Student-athlete ineligibility.

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

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

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

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

(3) Student-athlete ineligibility.

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

(b) If a student-athlete is found to have violated chapter 69.50 RCW, which prohibits the illegal use, possession, furnishing, or selling of any narcotic or dangerous drug or prescriptive drug, the student-athlete will be disqualified from participation in any college-sponsored athletic event or activity. In these circumstances, the student-athlete will have the right to a brief adjudicative procedure. The college's athletic director must receive a written request for such a procedure within three

instructional days of notice of the adverse action. If a written request is not received within this time frame, the student will be deemed to have waived any right to a brief adjudication procedure and will be declared ineligible from further participation in college-sponsored athletic events or activities.

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

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

NEW SECTION

WAC 132S-40-420 Procedure for addressing student complaints.

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

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

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

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

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

(d) Student academic evaluations.

(e) Sexual harassment, sex discrimination, or handicapped discrimination complaints. For these complaints, a student will

use the appropriate college procedures as outlined in college policies that are available on the college web site and in the office of the CSSO.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 132S-40-160	Student rights.
WAC 132S-40-165	Student responsibilities/violations.
WAC 132S-40-170	Disciplinary proceedings.
WAC 132S-40-175	Appeals of disciplinary action.
WAC 132S-40-180	Disciplinary sanctions.
WAC 132S-40-185	Summary suspension procedures.
WAC 132S-40-190	Student complaints.