

denied, he/she shall take appropriate and timely action, including a request for an injunction if justified.

[Statutory Authority: RCW 28B.50.140. 99-10-045, § 132H-169-090, filed 4/30/99, effective 5/31/99.]

WAC 132H-169-100 Requests for review only. A requester may choose to review the public record in person. In this case, a mutually-agreeable time and place will be arranged, during normal business hours on the college campus. The requester is expected to handle the materials carefully and return them undamaged and in order. In certain instances, at the discretion of the vice president for administrative services, a staff member must be present as the requester reviews the materials.

[Statutory Authority: RCW 28B.50.140. 99-10-045, § 132H-169-100, filed 4/30/99, effective 5/31/99.]

WAC 132H-169-110 Requests for copies. A requester may choose to ask for a copy of the public record. In this case, the requester shall reimburse Bellevue Community College for the cost of reproducing the record before receiving the record. In certain instances, at the discretion of the vice president for administrative services, the reproduction charge may be waived.

[Statutory Authority: RCW 28B.50.140. 99-10-045, § 132H-169-110, filed 4/30/99, effective 5/31/99.]

WAC 132H-169-120 No obligation to create records. Public records are generally available for public review, except as exempted or limited under WAC 132H-169-070, but Bellevue Community College is under no obligation to gather data or organize information to create a record which does not exist at the time of the request.

[Statutory Authority: RCW 28B.50.140. 99-10-045, § 132H-169-120, filed 4/30/99, effective 5/31/99.]

WAC 132H-169-130 Sanctions. (1) If a person who has been given access to public records destroys, mutilates, or fails to return the records, or returns them in an unreasonably disorganized fashion, or uses them for commercial purposes, then the President may order that that person be denied further access to public records at Bellevue Community College. Any person wishing to contest such an order may request a hearing before the President or his/her designee concerning the charges.

(2) If a student or employee of Bellevue Community College destroys, mutilates, or fails to return the records, or returns them in an unreasonably disorganized fashion, or uses them for commercial purposes, then that student or employee may be denied further access to public records at Bellevue Community College and may also be subject to disciplinary proceedings under the student code of rights and responsibilities or under the relevant rules of the Community College District VIII concerning faculty and staff.

[Statutory Authority: RCW 28B.50.140. 99-10-045, § 132H-169-130, filed 4/30/99, effective 5/31/99.]

Title 132K WAC

COMMUNITY COLLEGES— PIERCE COLLEGE

(Formerly: Fort Steilacoom Community College)

Chapters

132K-16
132K-125

Student rights and responsibilities.
Student rights and responsibilities.

Chapter 132K-16 WAC

STUDENT RIGHTS AND RESPONSIBILITIES

WAC

132K-16-010 through 132K-16-480 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

132K-16-010	Introduction. [Statutory Authority: RCW 28B.50.140. 86-15-020 (Order 86-1, Resolution No. 86-1), § 132K-16-010, filed 7/11/86; Order 4, § 132K-16-010, filed 1/13/71.] Repealed by 99-10-046, filed 4/30/99, effective 5/31/99. Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)].
132K-16-020	Policy and regulations regarding student conduct. [Order 4, § 132K-16-020, filed 1/13/71.] Repealed by 99-10-046, filed 4/30/99, effective 5/31/99. Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)].
132K-16-030	Discipline. [Order 4, § 132K-16-030, filed 1/13/71.] Repealed by 99-10-046, filed 4/30/99, effective 5/31/99. Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)].
132K-16-040	Rights and responsibilities. [Statutory Authority: RCW 28B.50.140. 86-15-020 (Order 86-1, Resolution No. 86-1), § 132K-16-040, filed 7/11/86; Order 4, § 132K-16-040, filed 1/13/71.] Repealed by 99-10-046, filed 4/30/99, effective 5/31/99. Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)].
132K-16-050	Definitions. [Order 4, § 132K-16-050, filed 1/13/71.] Repealed by 99-10-046, filed 4/30/99, effective 5/31/99. Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)].
132K-16-060	Procedures. [Statutory Authority: RCW 28B.50.140. 86-15-020 (Order 86-1, Resolution No. 86-1), § 132K-16-060, filed 7/11/86; Order 4, § 132K-16-060, filed 1/13/71.] Repealed by 99-10-046, filed 4/30/99, effective 5/31/99. Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)].
132K-16-070	Guidelines and safeguards. [Statutory Authority: RCW 28B.50.140. 86-15-020 (Order 86-1, Resolution No. 86-1), § 132K-16-070, filed 7/11/86; Order 4, § 132K-16-070, filed 1/13/71.] Repealed by 99-10-046, filed 4/30/99, effective 5/31/99. Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)].
132K-16-110	Introduction. [Statutory Authority: RCW 28B.50.140. 91-09-027 (Order 91-003), § 132K-16-110, filed 4/10/91, effective 5/11/91.] Repealed by 99-10-046, filed 4/30/99, effective 5/31/99. Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)].
132K-16-120	Definitions. [Statutory Authority: RCW 28B.50.140. 91-09-027 (Order 91-003), § 132K-16-120, filed 4/10/91, effective 5/11/91.] Repealed by 99-10-046, filed 4/30/99, effective 5/31/99. Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)].
132K-16-130	Jurisdiction. [Statutory Authority: RCW 28B.50.140. 91-09-027 (Order 91-003), § 132K-16-130, filed 4/10/91, effective 5/11/91.] Repealed by 99-10-046, filed 4/30/99, effective 5/31/99. Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)].
132K-16-140	Student rights. [Statutory Authority: RCW 28B.50.140. 91-09-027 (Order 91-003), § 132K-16-140, filed 4/10/91, effective 5/11/91.] Repealed by 99-10-046, filed 4/30/99, effective 5/31/99. Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)].

132K-16-150	Student responsibilities. [Statutory Authority: RCW 28B.50.140.91-09-027 (Order 91-003), § 132K-16-150, filed 4/10/91, effective 5/11/91.] Repealed by 99-10-046, filed 4/30/99, effective 5/31/99. Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)].	Repealed by 99-10-046, filed 4/30/99, effective 5/31/99. Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)].
132K-16-160	Purpose of disciplinary action. [Statutory Authority: RCW 28B.50.140.91-09-027 (Order 91-003), § 132K-16-160, filed 4/10/91, effective 5/11/91.] Repealed by 99-10-046, filed 4/30/99, effective 5/31/99. Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)].	132K-16-310 Readmission after dismissal. [Statutory Authority: RCW 28B.50.140.91-09-027 (Order 91-003), § 132K-16-310, filed 4/10/91, effective 5/11/91.] Repealed by 99-10-046, filed 4/30/99, effective 5/31/99. Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)].
132K-16-170	Delegation of disciplinary authority. [Statutory Authority: RCW 28B.50.140.91-09-027 (Order 91-003), § 132K-16-170, filed 4/10/91, effective 5/11/91.] Repealed by 99-10-046, filed 4/30/99, effective 5/31/99. Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)].	132K-16-320 Reporting, recording and maintenance of records. [Statutory Authority: RCW 28B.50.140.91-09-027 (Order 91-003), § 132K-16-320, filed 4/10/91, effective 5/11/91.] Repealed by 99-10-046, filed 4/30/99, effective 5/31/99. Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)].
132K-16-180	Disciplinary action. [Statutory Authority: RCW 28B.50.140.91-09-027 (Order 91-003), § 132K-16-180, filed 4/10/91, effective 5/11/91.] Repealed by 99-10-046, filed 4/30/99, effective 5/31/99. Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)].	132K-16-330 Summary suspension proceedings. [Statutory Authority: RCW 28B.50.140.91-09-027 (Order 91-003), § 132K-16-330, filed 4/10/91, effective 5/11/91.] Repealed by 99-10-046, filed 4/30/99, effective 5/31/99. Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)].
132K-16-190	Initiation of disciplinary proceedings. [Statutory Authority: RCW 28B.50.140.91-09-027 (Order 91-003), § 132K-16-190, filed 4/10/91, effective 5/11/91.] Repealed by 99-10-046, filed 4/30/99, effective 5/31/99. Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)].	132K-16-340 Notice of summary proceedings. [Statutory Authority: RCW 28B.50.140.91-09-027 (Order 91-003), § 132K-16-340, filed 4/10/91, effective 5/11/91.] Repealed by 99-10-046, filed 4/30/99, effective 5/31/99. Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)].
132K-16-200	Initial disciplinary proceedings. [Statutory Authority: RCW 28B.50.140.91-09-027 (Order 91-003), § 132K-16-200, filed 4/10/91, effective 5/11/91.] Repealed by 99-10-046, filed 4/30/99, effective 5/31/99. Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)].	132K-16-350 Procedures of summary suspension hearings. [Statutory Authority: RCW 28B.50.140.91-09-027 (Order 91-003), § 132K-16-350, filed 4/10/91, effective 5/11/91.] Repealed by 99-10-046, filed 4/30/99, effective 5/31/99. Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)].
132K-16-210	Notice to parties. [Statutory Authority: RCW 28B.50.140.91-09-027 (Order 91-003), § 132K-16-210, filed 4/10/91, effective 5/11/91.] Repealed by 99-10-046, filed 4/30/99, effective 5/31/99. Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)].	132K-16-360 Suspension for failure to appear. [Statutory Authority: RCW 28B.50.140.91-09-027 (Order 91-003), § 132K-16-360, filed 4/10/91, effective 5/11/91.] Repealed by 99-10-046, filed 4/30/99, effective 5/31/99. Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)].
132K-16-220	Appeals. [Statutory Authority: RCW 28B.50.140.91-09-027 (Order 91-003), § 132K-16-220, filed 4/10/91, effective 5/11/91.] Repealed by 99-10-046, filed 4/30/99, effective 5/31/99. Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)].	132K-16-370 Appeals from summary suspension. [Statutory Authority: RCW 28B.50.140.91-09-027 (Order 91-003), § 132K-16-370, filed 4/10/91, effective 5/11/91.] Repealed by 99-10-046, filed 4/30/99, effective 5/31/99. Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)].
132K-16-230	Failure to appear. [Statutory Authority: RCW 28B.50.140.91-09-027 (Order 91-003), § 132K-16-230, filed 4/10/91, effective 5/11/91.] Repealed by 99-10-046, filed 4/30/99, effective 5/31/99. Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)].	132K-16-380 Student grievances—Generally. [Statutory Authority: RCW 28B.50.140.91-09-027 (Order 91-003), § 132K-16-380, filed 4/10/91, effective 5/11/91.] Repealed by 99-10-046, filed 4/30/99, effective 5/31/99. Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)].
132K-16-240	Composition of the college disciplinary committee. [Statutory Authority: RCW 28B.50.140.91-09-027 (Order 91-003), § 132K-16-240, filed 4/10/91, effective 5/11/91.] Repealed by 99-10-046, filed 4/30/99, effective 5/31/99. Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)].	132K-16-390 Matters not grievable. [Statutory Authority: RCW 28B.50.140.91-09-027 (Order 91-003), § 132K-16-390, filed 4/10/91, effective 5/11/91.] Repealed by 99-10-046, filed 4/30/99, effective 5/31/99. Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)].
132K-16-250	Review by the college disciplinary committee. [Statutory Authority: RCW 28B.50.140.91-09-027 (Order 91-003), § 132K-16-250, filed 4/10/91, effective 5/11/91.] Repealed by 99-10-046, filed 4/30/99, effective 5/31/99. Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)].	132K-16-400 Administrative, faculty and student grievances. [Statutory Authority: RCW 28B.50.140.91-09-027 (Order 91-003), § 132K-16-400, filed 4/10/91, effective 5/11/91.] Repealed by 99-10-046, filed 4/30/99, effective 5/31/99. Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)].
132K-16-260	Formal hearing procedures before the college disciplinary committee. [Statutory Authority: RCW 28B.50.140.91-09-027 (Order 91-003), § 132K-16-260, filed 4/10/91, effective 5/11/91.] Repealed by 99-10-046, filed 4/30/99, effective 5/31/99. Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)].	132K-16-410 Types of grievances. [Statutory Authority: RCW 28B.50.140.91-09-027 (Order 91-003), § 132K-16-410, filed 4/10/91, effective 5/11/91.] Repealed by 99-10-046, filed 4/30/99, effective 5/31/99. Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)].
132K-16-270	Conduct of hearings. [Statutory Authority: RCW 28B.50.140.91-09-027 (Order 91-003), § 132K-16-270, filed 4/10/91, effective 5/11/91.] Repealed by 99-10-046, filed 4/30/99, effective 5/31/99. Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)].	132K-16-420 Student grievance procedures—Informal. [Statutory Authority: RCW 28B.50.140.91-09-027 (Order 91-003), § 132K-16-420, filed 4/10/91, effective 5/11/91.] Repealed by 99-10-046, filed 4/30/99, effective 5/31/99. Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)].
132K-16-280	Evidence admissible in hearings. [Statutory Authority: RCW 28B.50.140.91-09-027 (Order 91-003), § 132K-16-280, filed 4/10/91, effective 5/11/91.] Repealed by 99-10-046, filed 4/30/99, effective 5/31/99. Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)].	132K-16-430 Student grievance procedures—Informal. [Statutory Authority: RCW 28B.50.140.91-09-027 (Order 91-003), § 132K-16-430, filed 4/10/91, effective 5/11/91.] Repealed by 99-10-046, filed 4/30/99, effective 5/31/99. Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)].
132K-16-290	Decision by the college disciplinary committee. [Statutory Authority: RCW 28B.50.140.91-09-027 (Order 91-003), § 132K-16-290, filed 4/10/91, effective 5/11/91.] Repealed by 99-10-046, filed 4/30/99, effective 5/31/99. Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)].	132K-16-440 Composition of grievance review committee. [Statutory Authority: RCW 28B.50.140.91-09-027 (Order 91-003), § 132K-16-440, filed 4/10/91, effective 5/11/91.] Repealed by 99-10-046, filed 4/30/99, effective 5/31/99. Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)].
132K-16-300	Final decision regarding disciplinary action. [Statutory Authority: RCW 28B.50.140.91-09-027 (Order 91-003), § 132K-16-300, filed 4/10/91, effective 5/11/91.]	132K-16-450 Hearing procedures before the grievance review committee. [Statutory Authority: RCW 28B.50.140.91-09-027 (Order 91-003), § 132K-16-450, filed 4/10/91, effective 5/11/91.] Repealed by 99-10-046, filed

- 4/30/99, effective 5/31/99. Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)].
- 132K-16-460 Review of committee's decision. [Statutory Authority: RCW 28B.50.140. 91-09-027 (Order 91-003), § 132K-16-460, filed 4/10/91, effective 5/11/91.] Repealed by 99-10-046, filed 4/30/99, effective 5/31/99. Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)].
- 132K-16-470 Prior rules. [Statutory Authority: RCW 28B.50.140. 91-09-027 (Order 91-003), § 132K-16-470, filed 4/10/91, effective 5/11/91.] Repealed by 99-10-046, filed 4/30/99, effective 5/31/99. Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)].
- 132K-16-480 Severability. [Statutory Authority: RCW 28B.50.140. 91-09-027 (Order 91-003), § 132K-16-480, filed 4/10/91, effective 5/11/91.] Repealed by 99-10-046, filed 4/30/99, effective 5/31/99. Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)].

Reviser's note: Later promulgation, see chapter 132K-125 WAC.

WAC 132K-16-010 through 132K-16-480 Repealed.
See Disposition Table at beginning of this chapter.

Chapter 132K-125 WAC

STUDENT RIGHTS AND RESPONSIBILITIES

(Formerly chapter 132K-16 WAC)

WAC

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132K-125-020	Preamble.
132K-125-030	Procedural standards in disciplinary proceedings.
132K-125-040	Definitions.
132K-125-050	Jurisdiction.
132K-125-060	Freedom of access to higher education.
132K-125-070	Right to demand identification.
132K-125-080	Academic freedom.
132K-125-090	Freedom of expression.
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132K-125-110	Freedom of association.
132K-125-120	Distribution and posting.
132K-125-130	Off-campus speaker policy.
132K-125-140	Incidental sales.
132K-125-150	Commercial activities.
132K-125-160	Student participation in college governance.
132K-125-170	Rules and regulations.
132K-125-180	Trespass.
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132K-125-200	Judicial authority.
132K-125-210	Initiation of proceedings.
132K-125-220	Appeals.
132K-125-230	Summary suspension proceedings.
132K-125-240	Procedures of summary suspension hearing.
132K-125-250	Decision by the executive dean of student services.
132K-125-260	Notice of suspension.
132K-125-270	Suspension for failure to appear.
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132K-125-300	Purpose of disciplinary action.
132K-125-310	Disciplinary sanctions.
132K-125-320	Composition of college disciplinary committee.
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132K-125-350	Evidence admissible in hearings.
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132K-125-370	Final appeal.
132K-125-380	Readmission after dismissal.
132K-125-390	Reporting, recording and maintenance of records.
132K-125-400	Interpretation and revision.
132K-125-410	Prior rules.
132K-125-420	Severability.
132K-125-430	Effective date.

WAC 132K-125-010 Title. This chapter shall be known as the Student Code of Community College District No. 11.

[Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)]. 99-10-046, § 132K-125-010, filed 4/30/99, effective 5/31/99.]

WAC 132K-125-020 Preamble. Pierce College, an agency of the state of Washington, exists for the development of students and the general well-being of society. To fulfill this purpose, the college provides a variety of continuing educational opportunities which include programs of general education, including university-parallel transfer courses, developmental-remedial programs, vocational-technical curricula and the opportunities to examine the cultural, social and recreational aspects of society.

Students are encouraged through free inquiry and free expression to develop their capacity for critical judgment and to engage in sustained and independent search for knowledge. The freedom to learn depends upon appropriate opportunities and conditions in the classroom, on the campus, and in the larger community. Students should exercise their freedom with responsibility.

The student is in the unique position of being a member of the community at large, having the rights and responsibilities of any citizen, and of being a member of the college community. Admissions to Pierce carries with it the presumption that students will conduct themselves as responsible members of such community. This includes an expectation that students will obey the law, will comply with rules and regulations of the college; will maintain a high standard of integrity and honesty; will respect the rights, privileges and property of other members of the college community; and will not interfere with legitimate college affairs.

Pierce College may take appropriate disciplinary action when student conduct unreasonably interferes with the college's educational responsibilities, its subsidiary responsibilities, or to protect the health and safety of persons on or in college facilities, to maintain and protect college property or private property on college facilities, to protect college records, to provide college services, and/or to sponsor nonclassroom activities such as lectures, concerts, athletic events and social functions.

The responsibility and commitment to secure and to respect general conditions conducive to the freedom to learn and self-development is shared by the students, faculty and staff at Pierce College. The purpose of this statement is to enumerate the essential provisions to safeguard this freedom, the violations of which may constitute sufficient cause for disciplinary action as described in and in accordance with the procedures established in WAC 132K-125-170 through 132K-125-390.

[Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)]. 99-10-046, § 132K-125-020, filed 4/30/99, effective 5/31/99.]

WAC 132K-125-030 Procedural standards in disciplinary proceedings. (1) In assisting students to develop responsible behavior, the Student Conduct Code has been developed to play a complementary role to counseling, guidance, and other forms of student development actions. At the same time, Pierce College has a duty and the corollary disciplinary powers to protect its educational endeavors through the setting of standards of scholarship and conduct for its students and through the regulations of the use of its facilities.

(2) If these rules are broken, discipline will be administered so as to guarantee procedural fairness to an accused student. The regular disciplinary procedures, rules of conduct,

including the student's right to appeal a decision will be clearly formulated and communicated in advance. Disciplinary procedures may vary in formality with the gravity of the offense and the sanctions that may be applied. Some Student Conduct Code violations may be adjudicated informally under prescribed procedures.

(3) Pierce College will adhere to procedural fairness by requiring that in all situations the student be informed of the nature of the charges against him or her, and that he or she be given a fair opportunity to refute them.

(4) If a student is charged with an off-campus violation of the law, the matter shall be of no disciplinary concern to the college unless the student is convicted in a court of law and unable to comply with academic requirements. If the violation of law occurs on campus and is also a violation of a published college regulation, the college may institute its own proceedings against the offender or may refer the violation to the appropriate civilian authorities for disposition. The college shall not proceed with a disciplinary action that duplicates punishment for the same offense unless the interests of the college are distinct and clearly involved by violation of law.

[Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)], 99-10-046, § 132K-125-030, filed 4/30/99, effective 5/31/99.]

WAC 132K-125-040 Definitions. As used in this chapter, the following words and phrases shall be defined as follows:

(1) "Academic dishonesty" means plagiarism, cheating on examinations, fraudulent representation of student work product or other acts of academic dishonesty.

(2) "Alcoholic beverages" means liquor as defined in RCW 66.04.010(15) as now law or hereafter amended.

(3) "Assembly" means any overt activity engaged in by two 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.

(4) "ASPCFS" means the associated students of Pierce College - Ft. Steilacoom as defined in the Constitution of that body.

(5) "ASPCP" means the associated students of Pierce College - Puyallup as defined in the Constitution of that body.

(6) "Board" means the board of trustees of Community College District No. 11, state of Washington.

(7) "President" means the chief executive officer of the college and of Community College District No. 11, state of Washington or in his or her absence, the acting chief executive officer.

(8) "College" means Pierce College and any other community college center or facilities established within Community College District No. 11.

(9) "Member of Pierce College community" includes any person who is a student, faculty member, Pierce College official, trustee, guest on a college owned or controlled facility or any other person employed by Pierce College. A person's status in a particular situation shall be determined by the executive dean of student services or director of human resources.

(10) "College facilities" means and includes any and all personal property and real property owned, rented, leased, or operated by or used on behalf of the college or associated students and the board of trustees of Community College District No. 11 and shall include all buildings and appurtenances affixed thereon or attached thereto.

(11) "College official" includes any person employed by Pierce College performing assigned administrative professional or staff responsibilities.

(12) "Executive dean of student services" means the administrator responsible for student services or designee and that person designated by the college president to be responsible for the administration of this chapter.

(13) "Faculty" means any person hired by Pierce College to conduct one or a combination of instruction, counseling, or library services.

(14) "Student" includes all persons taking courses at Pierce College, both full time and part time. Persons who are not officially enrolled for a particular term, but who have a continuing relationship with Pierce College are considered "students."

(15) "Disciplinary action" means and includes the warning, reprimand, probation, suspension, summary suspension, dismissal or expulsion of any student by the executive dean of student services or the college disciplinary committee, issued pursuant to this chapter for the violation of any law or designated rule or regulation of college policy or the rules and regulations of conduct for which a student is subject to disciplinary action.

(16) "College disciplinary committee" means the judicial body provided in this chapter.

(17) "Judicial body" means any person or persons authorized by the executive dean of student services to determine whether a student has violated the Student Conduct Code and to recommend imposition of sanctions.

(18) "Judicial advisor" means a Pierce College official authorized by the executive dean of student services to determine whether a student has violated the Student Conduct Code. The executive dean of student services may authorize a judicial advisor to serve simultaneously as a judicial advisor and the sole member or one of the members of a judicial body. The executive dean of student services may authorize the same judicial advisor to impose sanctions in all cases.

(19) "Rules and regulations of conduct" means those rules contained within this chapter as now exist or which may be hereafter amended, the violation of which subjects a student to disciplinary action.

(20) "Drug" 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 as RCW 69.41.010.

(21) "Cheating" includes, but is not limited to:

(a) Use of any unauthorized assistance in taking quizzes, tests, or examinations; writing papers, preparing reports, solving problems, or carrying out other assignments; or

(b) The acquisition, without permission, of tests or other academic material belonging to a member of Pierce College faculty or staff.

(22) "Plagiarism" includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpub-

lished work of another person without full and clear acknowledgment. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.

(23) "Organization" means any number of persons who have complied with the formal requirements for college or student government recognition.

(24) "Shall" is used in the imperative sense.

(25) "May" is used in the permissive sense.

(26) "Policy" is defined as the written regulations of Pierce College as found in, but not limited to, the student code, the *Student Handbook*, class schedules and college catalogs.

(27) "Hazing" means any method of initiation into a student organization or living group or any pastime or amusement engaged in with respect to such an organization or living group 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 post secondary institution. Excluded from this definition are "customary athletic events or other similar contests or competitions."

(28) "Trespass" means the definition of trespass as contained in chapter 9A.52 RCW as now law or hereafter amended.

[Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)]. 99-10-046, § 132K-125-040, filed 4/30/99, effective 5/31/99.]

WAC 132K-125-050 Jurisdiction. (1) All rules herein adopted shall apply to every student whenever said student is present at or engaged in any college or student organization sponsored program, activity or function which is held on or off college facilities. It shall also mean for enforcement of the rules and regulations of conduct to include facilities in which students are engaged in official college training and/or activities including places of training internships, cooperative education, practicums or supervised work experiences.

(2) Faculty members, other college employees, students, and members of the public who breach or who aid or abet another in the breach of any provision of this chapter shall be subject to:

(a) Possible prosecution under the civil or criminal laws or regulations of Washington;

(b) Appropriate disciplinary action pursuant to the state of Washington higher education personnel board rules or the district's policies and regulations; or

(c) Any sanctions imposed pursuant to this chapter or in other college policies and regulations.

(3) Provisions of the Revised Code of Washington cited in this document are on file and available in the college library.

[Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)]. 99-10-046, § 132K-125-050, filed 4/30/99, effective 5/31/99.]

WAC 132K-125-060 Freedom of access to higher education. Pierce College is an open-door institution that, within the limits of its facilities and subject to the prevailing admissions policy, is open to all students. The facilities and services of the college are open to all of its enrolled students. Provisions allow that the executive dean of student services

may deny admission to a prospective student, or continued attendance to an enrolled student, if it reasonably appears that the student would not be competent to profit from the curriculum offerings of the college, or would, by the student's presence or conduct, create a disruptive atmosphere within the college or a substantial risk of actual harm to a member of the campus community.

[Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)]. 99-10-046, § 132K-125-060, filed 4/30/99, effective 5/31/99.]

WAC 132K-125-070 Right to demand identification.

(1) For the purpose of determining whether probable cause exists for the application of any section of this code to any behavior by any person on a college facility, any college personnel or other authorized personnel may demand that any person on college facilities produce identification and that students produce evidence of enrollment at the college.

(2) Refusal by any individual to produce identification as required shall be cause for disciplinary action.

[Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)]. 99-10-046, § 132K-125-070, filed 4/30/99, effective 5/31/99.]

WAC 132K-125-080 Academic freedom. (1) Students are guaranteed the rights of free inquiry, expression, and assembly upon and within college facilities that are generally open and available to the public.

(2) Students are free to pursue appropriate educational objectives from among the college's curricula, programs and services, subject to the provisions of this chapter and statutory limitations of RCW 28B.50.090 (3)(b).

(3) Students shall be protected against prejudice or arbitrary and capricious academic evaluation. At the same time, they are responsible for maintaining the standards of academic performance established by each of their instructors.

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

(5) Students are protected against improper disclosure of information about their views, beliefs, and political associations that instructors acquire in the course of their work as instructors, advisers, and counselors. Such information is considered confidential. Students have the right to privacy of all student records according to the Family Education Rights and Privacy Act of 1974.

[Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)]. 99-10-046, § 132K-125-080, filed 4/30/99, effective 5/31/99.]

WAC 132K-125-090 Freedom of expression. Students and student organizations are free to examine and to discuss all questions of interest to them, and to express opinions publicly and privately. They are free to support causes by orderly means that do not disrupt the regular and essential operation of the institution. At the same time, it should be made clear to the campus community and the larger community that in their public expressions or demonstrations, students or student organizations speak only for themselves.

[Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)]. 99-10-046, § 132K-125-090, filed 4/30/99, effective 5/31/99.]

WAC 132K-125-100 Freedom of assembly. (1) Students shall have the right of "assembly" as defined in WAC 132K-125-040 upon college facilities that are generally available to the public provided that such assembly shall:

- (a) Be conducted in an orderly manner;
- (b) Not unreasonably interfere with vehicular or pedestrian traffic;
- (c) Not unreasonably interfere with classes, schedules, meetings, or ceremonies, or with educational and administrative functions of the college;
- (d) Not unreasonably interfere with the regular activities of the college; and
- (e) Not cause damage or destruction to college property or private property on college facilities.

(2) A student or student organization who conducts or participates in an assembly violative of any provision of this code shall be subject to disciplinary action.

(3) Nonstudents who participate in or aid or abet any assembly or assemblies in violation of this section shall be subject to possible prosecution under the state criminal trespass law and/or any other possible civil or criminal remedies available to the college.

(4) Assemblies which violate these rules may be ordered to disperse by the college in accordance with Washington state statutes.

[Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)]. 99-10-046, § 132K-125-100, filed 4/30/99, effective 5/31/99.]

WAC 132K-125-110 Freedom of association. (1) Students are free to organize and join associations to promote any legal purpose whether it be religious, cultural, political, educational, recreational or social. Student organizations must be granted a charter by the ASPCP or ASPCFS before they may be officially recognized. Procedures for becoming chartered are located in the student programs office.

(2) Campus organizations, including those affiliated with an extramural organization, are open to all students without respect to race, religion, disability, gender, sexual preference, color, age, marital status, veteran status, ancestry or national origin. Affiliation with an extramural organization does not itself disqualify a student organization from institutional recognition provided that other conditions for charter issuance have been met.

[Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)]. 99-10-046, § 132K-125-110, filed 4/30/99, effective 5/31/99.]

WAC 132K-125-120 Distribution and posting. Students may distribute or post material subject to official procedures printed and available in the office of student programs. The college may restrict distribution of any publications, where such distribution unreasonably interferes with college operations. Any person desiring to distribute such publications shall first register with the respective office of student programs so that reasonable areas and times can be assured and the activities of the institution will not be unduly interfered with. All handbills, leaflets, newspapers, and similarly related matter must bear identification as to the publishing agency and distributing organization and individual.

[Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)]. 99-10-046, § 132K-125-120, filed 4/30/99, effective 5/31/99.]

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WAC 132K-125-130 Off-campus speaker policy. (1) Student organizations officially recognized by the college shall have the right to invite outside speakers to speak on campus subject to the availability of campus facilities, funding and in compliance of college procedures available in the respective office of student programs. Speakers are subject to the legal restraints imposed by the laws of the United States and the state of Washington.

(2) The appearance of an invited speaker on college facilities does not represent an endorsement, either implicitly or explicitly, or views or opinions of the speaker by the college, its students, its faculty, its college personnel, its administration or its board.

[Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)]. 99-10-046, § 132K-125-130, filed 4/30/99, effective 5/31/99.]

WAC 132K-125-140 Incidental sales. Students have the right to engage in incidental sales of personal property in a private transaction provided college facilities are not explicitly used for this purpose.

[Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)]. 99-10-046, § 132K-125-140, filed 4/30/99, effective 5/31/99.]

WAC 132K-125-150 Commercial activities. (1) College facilities will not be used for commercial solicitation, advertising or promotional activities except when such activities clearly serve Community College District No. 11 educational objectives, including but not limited to display of books of interest to the academic community or the display or demonstration of technical or research equipment, and when such commercial activities relate to educational objectives and are conducted under the sponsorship or the request of a college department or the office of student programs of the college, provided that such solicitation does not interfere with or operate to the detriment of the conduct of college affairs or the free flow of pedestrian or vehicular traffic.

(2) For the purpose of this regulation, the term "commercial activities" does not include handbills, leaflets, newspapers, and similarly related materials as regulated in WAC 132K-125-120.

[Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)]. 99-10-046, § 132K-125-150, filed 4/30/99, effective 5/31/99.]

WAC 132K-125-160 Student participation in college governance. As members of the college community, students will be free, individually and collectively, to express their views on college policy, and on matters of general interest to the student body. The ASPCP and ASPCFS constitutions and the college's administrative procedures provide clearly defined means to participate in the formulation and application of institutional policy affecting academic and student affairs.

[Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)]. 99-10-046, § 132K-125-160, filed 4/30/99, effective 5/31/99.]

WAC 132K-125-170 Rules and regulations. Any student may be subject to disciplinary action as described in this chapter if the student, whether as a principle actor, aider, abettor or accomplice as defined in RCW 9A.08.020 as now

law or hereafter amended, interferes with the personal rights or privileges of others or with the college's educational process and violates any provision of this chapter. Grounds for disciplinary action include, but are not limited to, the following:

(1) Acts of dishonesty, including, but not limited to, the following:

(a) Cheating, plagiarism, or other forms of academic dishonesty.

(b) Furnishing false information to any Pierce College official, faculty member, or office.

(c) Forgery, alteration, or misuse of a Pierce College document, record, fund or instrument of identification.

(d) Tampering with the election of any Pierce College recognized student organization.

(2) Assault, reckless endangerment, intimidation or interference upon another person in the manner set forth in RCW 9A.36.010 through 9A.36.050 and RCW 9A.36.070, or in RCW 28B.10.570 through 28B.10.572, as now or hereafter amended.

(3) Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other Pierce College activities, including its public-service functions on or off college facilities, or other authorized non-Pierce College activities, when the act occurs on college facilities.

(4) Any acts of misconduct, substantially disrupting 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.

(5) Filing a formal complaint, falsely accusing another student or college employee of violating a provision of this chapter.

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

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

(8) Engaging in racial harassment, which includes ethnic and racial jokes, racial slurs, demeaning comments, looks or gestures or other verbal, written or physical conduct deliberately designed to humiliate and/or cause discomfort to the recipient or which interferes with job or school performance.

(9) Engaging in attempted or actual theft or robbery, which is defined as theft of and/or damage to property of the college, the college community or other personal or public property or of another as set forth in RCW 9A.56.010 through 9A.56.050 and RCW 9A.56.100, as now law or hereafter amended.

(10) Engaging in malicious mischief, which is defined as intentional or negligent damage to or destruction of any college facility or other public or private, real or personal property.

(11) Converting of college or associated students' equipment or supplies or other property for personal gain or use, without proper authority.

(12) Intentionally gaining access, without authorization, to a computer system or electronic data owned or used by the

Washington state Community College District No. 11 shall be subject both to disciplinary action pursuant to this chapter and to criminal prosecution pursuant to RCW 9A.52.110 through 9A.52.130, and any or all other statutory laws or regulations pertaining thereto.

(13) Forging or tendering any forged records or instruments as defined in RCW 9A.60.010 through 9A.60.020 as now law or hereafter amended, of any district record or instrument to an employee or agent of the district acting in her/his official capacity.

(14) Unauthorized possession, duplication or use of keys to any Pierce College facilities or entering or using any college administrative or other employee 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.

(15) Smoking in college facilities is prohibited or any other smoking not in compliance with chapter 70.160 RCW as now law or hereafter amended.

(16) Use, possession or distribution of alcoholic beverages, or intoxication on or at any college sponsored event, on or off campus, or appearance on campus while under the influence of intoxication.

(17) Use, possession, manufacture, distribution, being under the influence of, or selling any narcotic or controlled substance as defined in chapter 69.50 RCW as now law or hereafter amended, except when the use or possession of a drug is specifically prescribed as medication by an authorized medical doctor or dentist. For the purpose of this regulation, "sale" shall include the statutory meaning set forth in RCW 69.50.410 as now law or hereafter amended.

(18) Pierce College has adopted and implemented a policy and program to prevent the unlawful possession, use or distribution of illicit drugs or alcohol by students. The policy and program statement are on file in the office of the executive dean of student services and personnel office and describe criminal and other sanctions which may be imposed against students and employees for the unlawful possession, use or distribution of illicit drugs or alcohol by students and employees at Pierce College.

(19) Possession or use (to include exhibiting, displaying or drawing any weapon) of firearms, explosives, other weapons or instrumentalities or dangerous chemicals or any other device or substance which can be used to inflict bodily harm or damage real or personal property on college facilities, except for authorized college purposes or for law enforcement officers.

(20) Violation of:

(a) Pierce College policies, rules or regulations; and/or

(b) Federal, state or local law on Pierce College facilities at Pierce College sponsored or supervised activities.

(21) Failure to comply with the directions of Pierce College officials or law enforcement officers acting in performance of their duties.

(22) Obstruction of the free flow of pedestrian or vehicular traffic on Pierce College facilities or at Pierce sponsored or supervised activities.

(23) Conduct which is disorderly, lewd, or indecent; breach of peace; or aiding, abetting, or procuring another per-

son to breach the peace on Pierce College facilities or at functions sponsored by, or participated in by, Pierce College.

(24) Engaging in actions or behaviors that result in the damage to property of the college, the college community or other personal or public property.

(25) Theft or other abuse of computer time, including, but not limited to:

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

(b) Unauthorized transfer of a file.

(c) Unauthorized use of another individual's identification and password.

(d) Unauthorized use of phone and electronic devices such as radios, etc.

(e) Use of computing facilities to interfere with the work of another student, faculty member or Pierce College official.

(f) Use of computing facilities to send or receive obscene or abusive messages.

(g) Use of computing facilities to interfere with normal operation of the college computing systems.

(26) Intentionally and repeatedly following another person to that person's home, school, place of employment, business, or any other location, or following the person while in transit between locations may be subject to disciplinary action if the person being followed is intimidated, harassed, or placed in fear that the stalker intends to injure the person or property of the person being followed, or another person. The feeling of fear, intimidation, or harassment must be one that a reasonable person in the same situation would experience under all the circumstances. RCW 9A.46.110 and 10.14.020 shall be guidance for this regulation.

(27) Physical abuse, verbal abuse, threats, intimidation, harassment, coercion, and/or other conduct based on facts, which threatens or endangers the health and safety of any person. This is to include acts or threats to one's personal safety and/or life.

(28) Any student who, by any act of misconduct, substantially disrupts any college function by engaging in conduct that renders it difficult or impossible to continue such a function in an orderly manner shall be subject to disciplinary action.

(29) Abuse of the judicial system, including, but not limited to:

(a) Failure to obey the summons of a judicial body or Pierce College official.

(b) Falsification, distortion, or misrepresentation of information before a judicial body.

(c) Disruption or interference with the orderly conduct of a judicial proceeding.

(d) Institution of a judicial proceeding knowingly without cause.

(e) Attempting to discourage an individual's proper participation in, or use of, the judicial system.

(f) Attempting to influence the impartiality of a member of a judicial body prior to and/or during the course of the judicial proceeding.

(g) Harassment (verbal or physical) and/or intimidation of a member of the judicial system and/or a college disciplinary committee prior to, during, and/or after a judicial proceeding.

(h) Failure to comply with the sanction(s) imposed under the Student Code.

(i) Influencing or attempting to influence another person to commit an abuse of the judicial system.

[Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)]. 99-10-046, § 132K-125-170, filed 4/30/99, effective 5/31/99.]

WAC 132K-125-180 Trespass. (1) The executive dean of student services or his/her designee is authorized in the instance of any event deemed to be disruptive of order or deemed to impede the movement of persons or vehicles or which the executive dean of student services deems to disrupt or threatens to disrupt the ingress and/or egress of persons from college facilities. The executive dean of student services or such other person designated by the executive dean of student services, shall have the authority and power to:

(a) Prohibit the entry of, or withdraw the license or privilege of a person or persons or any group of persons to enter onto or remain upon any portion of college property or of a college facility; or

(b) To give notice against trespass by any manner provided by law, to any person, persons, or group of persons against whom the license or privilege has been withdrawn or who have been prohibited from, entering onto or remaining upon all or any portion of college property or a college facility; or

(c) To order any person, persons, or group of persons to leave or vacate all of any portion of college property or of a college facility.

(2) Any individual who shall disobey a lawful order given by the executive dean of student services, or his or her designee, shall be subject to disciplinary action and/or charges of criminal trespass.

[Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)]. 99-10-046, § 132K-125-180, filed 4/30/99, effective 5/31/99.]

WAC 132K-125-190 Hazing policy. (1) Hazing is prohibited.

(2) Penalties.

(a) Any organization, association or student living group that knowingly permits hazing shall:

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

(ii) Be denied recognition by Pierce College as an official organization, association or student living group on this campus. If the organization, association or student living group 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 or conspires to participate in the hazing of another shall forfeit any entitlement to state-funded grants, scholarships or awards for a period of not less than one quarter and up to permanent forfeiture.

(c) An act of hazing, in addition to violating this policy, may constitute a violation of the student Code of Conduct. WAC 132K-125-170(2) Assault, reckless endangerment, etc. These offenses are subject to disciplinary action.

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

(3) Sanctions for impermissible conduct not amounting to hazing.

(a) Impermissible conduct associated with initiation into a student organization or living group or any pastime or amusement engaged in, with respect to the organization or living group, will not be tolerated.

(b) Impermissible conduct which does not amount to hazing may include conduct which causes embarrassment, sleep deprivation or personal humiliation, or may include ridicule or unprotected speech amounting to verbal abuse.

(c) Impermissible conduct not amounting to hazing is subject to any sanction available under the student Code of Conduct, depending upon the seriousness of the violation.

[Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)]. 99-10-046, § 132K-125-190, filed 4/30/99, effective 5/31/99.]

WAC 132K-125-200 Judicial authority. (1) All disciplinary action in which there is a recommendation that a student be suspended or expelled from the college shall be acted upon by the president as defined in WAC 132K-125-040(7).

(2) Administration of this chapter is the responsibility of the executive dean of student services.

(3) The instructor is responsible for conduct in the classroom and is authorized to take such steps as are reasonably necessary when behavior of the student interrupts the normal classroom procedure. When such behavior may be as serious as to result in summary suspension from the class, the instructor must report the infraction in writing to the executive dean of student services within twenty-four hours of the infraction.

(4) The student has the right to appeal any disciplinary action of an instructor to the executive dean of students as in accordance with the procedures set forth in WAC 132K-125-230 through 132K-125-280.

[Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)]. 99-10-046, § 132K-125-200, filed 4/30/99, effective 5/31/99.]

WAC 132K-125-210 Initiation of proceedings. (1) Any member of the Pierce College community may file charges against any students for violation of provisions of this code. Charges shall be prepared in writing and directed to the judicial advisor responsible for the administration of the Pierce College judicial system. Any charges should be submitted as soon as reasonably possible after the event takes place, preferably within five academic days.

(2) All disciplinary proceedings will be initiated by the executive dean of student services. The student may be placed on suspension pending commencement of disciplinary action, pursuant to the conditions set forth in WAC 132K-125-230.

(3) Any student charged by the judicial advisor with a violation of any provision of this code will be so informed by regular United States mail or by personal service of the charges and of the time, date (not less than five nor more than fifteen business days after the student has been notified), and place of a conference between the judicial advisor and the student. The notice shall be sent to the student's last known address shown on college records.

(4) A student may be advised and represented at the student's own expense by counsel or personal advisor.

(5) After a review of the evidence and interview the student(s) involved in the case, the judicial advisor may take any of the following actions:

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

(b) Dismiss the case;

(c) Impose verbal warning to the student directly, not subject to the student's right of appeal as provided in this code;

(d) Impose additional sanctions of reprimand, probation, suspension or expulsion, subject to the student's right of appeal as provided in this code; or

(e) Refer the matter to the college disciplinary committee for a recommendation as to appropriate action.

(6) The student will be notified in writing of the determination made by the judicial advisor within ten business days of the proceeding. The student will also be notified of his or her right to appeal pursuant to WAC 132K-125-220.

[Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)]. 99-10-046, § 132K-125-210, filed 4/30/99, effective 5/31/99.]

WAC 132K-125-220 Appeals. (1) Appeals contesting any disciplinary action, except for summary suspension, may be made by the student(s) involved. Such appeals shall be made in the following order:

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

(b) Disciplinary action taken by the college disciplinary committee may be appealed to the college president. The president shall review the record of the proceedings which gave rise to the appeal, as well as the recommendations made by the executive dean of student services or his or her designee(s) and the college disciplinary committee. The president's decision shall be final.

(2) Any appeal by a student receiving a disciplinary sanction must meet the following conditions:

(a) The appeal must be in writing and must clearly state errors in fact or matters in extenuation or mitigation which justify the appeal; and

(b) The appeal must be filed within twenty business days from the date on which the student was notified that disciplinary action was being taken.

(3) All appellate decisions shall be sent from the office of the executive dean of student services. Written decisions shall include the signatures of the college disciplinary committee.

[Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)]. 99-10-046, § 132K-125-220, filed 4/30/99, effective 5/31/99.]

WAC 132K-125-230 Summary suspension proceedings. Each college employee has the right to suspend, remove or have removed from a college class or college function and/or the college for one class day any student who by an act of misconduct renders it difficult or impossible to maintain the decorum of a class or to continue such function in an orderly manner. The college employee shall notify the executive dean of student services in writing within twenty-four hours of the infraction and the action taken.

(1) Ordinarily, disciplinary sanctions will be imposed only after the appropriate informal or formal hearing has taken place and after the student has, if he/she so chooses, exercised his/her right to appeal. However, if the executive dean of student services or his/her designee(s) has cause to believe that any student:

- (a) Has committed a felony; or
- (b) Has violated any provision of this chapter; or
- (c) Presents an imminent danger either to himself or herself, other persons of the Pierce College community, Pierce College property, or poses a threat of disruption of or interferes with the normal operations of Pierce College; that student shall be summarily suspended and shall be notified by certified and regular mail at the student's last known address, or shall be personally served. Summary suspension is appropriate only where (c) of this subsection can be shown, either alone or in conjunction with (a) or (b) of this subsection.

(2) The notice shall be entitled "notice of summary suspension proceedings" and shall state:

- (a) The charges against the student including reference to the provisions of WAC 132K-125-170 or statutory law involved; and
- (b) That the student charged must appear before the executive dean of student services or his or her designee(s) at a time specified in the notice for a hearing. The hearing shall be held as soon as reasonably possible after the summary suspension.

[Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)]. 99-10-046, § 132K-125-230, filed 4/30/99, effective 5/31/99.]

WAC 132K-125-240 Procedures of summary suspension hearing. (1) The summary suspension hearing shall be considered an informal hearing. The hearing must be conducted as soon as reasonably possible and the executive dean of student services or his or her designee(s) shall preside.

(2) The executive dean of student services shall decide whether there is probable cause to believe that continued suspension is necessary and/or whether some other disciplinary action is appropriate.

[Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)]. 99-10-046, § 132K-125-240, filed 4/30/99, effective 5/31/99.]

WAC 132K-125-250 Decision by the executive dean of student services. If the executive dean of student services, following the summary suspension hearing, finds that there is probable cause to believe that:

- (1) The student against whom specific violations are alleged has committed one or more such violations; and
- (2) Summary suspension of that student is necessary for the safety and well-being of the student, other members of the Pierce College community on college facilities, the educational process of the institutions or to restore order to the campus; and

(3) Such violation or violations constitute grounds for disciplinary action as provided for in WAC 132K-125-170; the executive dean of student services or his or her designee may continue to enforce the suspension of the student from the college and may also impose any other disciplinary action appropriate.

[Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)]. 99-10-046, § 132K-125-250, filed 4/30/99, effective 5/31/99.]

WAC 132K-125-260 Notice of suspension. (1) If a student's summary suspension is upheld or if the student is otherwise disciplined, the student will be provided with a written notice including the findings of fact and conclusions which lead the executive dean of student services to believe that the summary suspension of the student should continue.

(2) The student suspended pursuant to the authority of this rule shall be served a copy of the notice of suspension by personal service or by certified and regular mail at the student's last known address within three business days following the conclusion of the hearing with the executive dean of student services.

(3) The notice of suspension shall state the duration of the suspension or nature of the disciplinary action and conditions under which the suspension may be terminated.

[Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)]. 99-10-046, § 132K-125-260, filed 4/30/99, effective 5/31/99.]

WAC 132K-125-270 Suspension for failure to appear. The executive dean of student services is authorized to enforce the suspension of the summarily suspended student in the event the student has been served pursuant to the notice requirement and fails to appear at the time designated for the summary suspension proceeding.

[Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)]. 99-10-046, § 132K-125-270, filed 4/30/99, effective 5/31/99.]

WAC 132K-125-280 Appeals from summary suspension hearing. (1) Any student aggrieved by an order issued at the summary suspension proceeding may appeal to the college disciplinary committee. No such appeal shall be entertained, however, unless:

(a) The student has first appeared before the executive dean of student services at the hearing called for in WAC 132K-125-260; and

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

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

(d) The appeal conforms to the standards set forth in WAC 132K-125-220.

(2) The college disciplinary committee shall, within five business days, conduct a formal hearing according to the provisions of WAC 132K-125-320. Appeals from summary suspension take precedence over other matters before the college disciplinary committee.

[Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)]. 99-10-046, § 132K-125-280, filed 4/30/99, effective 5/31/99.]

WAC 132K-125-290 Final decision. The president or his or her designee(s) shall review the findings and conclusions of the executive dean of student services in conjunction with the recommendations of the college disciplinary committee and will issue a final decision within three business days. The president or his or her designee(s) shall notify the appealing student by certified and regular mail at the student's last known address or by personal service.

[Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)]. 99-10-046, § 132K-125-290, filed 4/30/99, effective 5/31/99.]

WAC 132K-125-300 Purpose of disciplinary action.

Disciplinary action, up to and including expulsion from the college, may be imposed upon a student or group or organization for violation of the provisions of this chapter. Disciplinary action proceedings shall determine whether and under what conditions the violator may continue as a student at the college.

[Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)]. 99-10-046, § 132K-125-300, filed 4/30/99, effective 5/31/99.]

WAC 132K-125-310 Disciplinary sanctions. The following sanctions may be imposed upon any student found to have violated any section of this chapter:

(1) Disciplinary warning. A notice in writing to the student by the executive dean of student services or his or her designee(s) that the student has violated the rules of conduct as outlined in this chapter or has otherwise failed to satisfy the college's expectations regarding conduct. Such warnings imply that continuing or repeating the specific violation or engaging in other misconduct will result in one of the more serious disciplinary sanctions described below. Formal files or records will not be kept on warnings.

(2) Disciplinary reprimand. Formal action censuring a student for violating the rules and regulations of student conduct as outlined in this chapter. Reprimands shall be made in writing to the student by the executive dean of student services or his or her designee(s), with copies placed on file in the office of student services. A reprimand shall indicate to the student that continuing or repeating the specific violation involved will result in one of the more serious disciplinary actions described below.

(3) Disciplinary probation. Formal action by executive dean of student services or designee(s), placing conditions upon the student's continued attendance for violation of rules of student conduct. Notice shall be made in writing and shall specify the period of probation and the conditions, such as limiting the student's participation in extracurricular activities. Disciplinary probation may be for a specific term or for an indefinite period that may extend to graduation or other termination of the student's enrollment in the college.

(4) Restitution. Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement. Failure to make restitution by the time limits established by the executive dean of student services or the college disciplinary committee will result in suspension for an indefinite period of time as set forth in subsection (5) in this section. Student(s) may be reinstated upon payment.

(5) Suspension. Temporary dismissal from the college and termination of the person's student status for violation of rules of student conduct. Notice shall be given in writing and specify the duration of the dismissal and any special conditions that must be met before readmission.

(6) Expulsion. Permanent termination of a student's status for violation of rules of student conduct. Notice must be given in writing. There shall be no refund of fees for the

quarter in which the action is taken, but fees paid in advance for a subsequent quarter will be refunded.

(7) Sanctions imposed upon groups or organizations. The following sanctions may be imposed upon groups or organizations:

(a) Those sanctions listed in subsections (1) through (4) of this section; and/or

(b) Deactivation: Loss of privileges including college recognition, for a specified period of time.

[Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)]. 99-10-046, § 132K-125-310, filed 4/30/99, effective 5/31/99.]

WAC 132K-125-320 Composition of college disciplinary committee. (1) The college disciplinary committee shall be composed of six members and shall be appointed no later than October 15 of each academic year. Replacements on the committee shall be made from respective panels. The membership will be selected as follows:

(a) One full-time student representative in good academic standing and one alternate chosen by the ASPCP council to serve a one year appointment; or

(b) One full-time student representative in good academic standing and one alternate chosen by the ASPCFS student government to serve a one year appointment;

(c) Two faculty members and an alternate chosen by the faculty association to serve a two-year, nonconcurrent term;

(d) One administrator (excluding the executive dean of student services) chosen by the president to serve a one-year term.

(e) One student services administrator chosen by the executive dean of student services to serve a one-year term.

(2) A quorum of the committee shall consist of four members with at least one student member present. All committee members shall have voting rights. The committee shall select its chair who shall preside at all meetings and hearings. The chair shall not vote except to break a tie vote. The chair shall also not be a student representative.

(3) If any member of the college disciplinary committee is unable to consider a particular disciplinary proceeding for any reason (including, but not limited to, conflict of interest, matters of conscience or related reasons), such members shall abstain from considering the issues. The chair of the college disciplinary committee shall make temporary appointments where members abstain. If the committee chair abstains pursuant to the above procedure, the members of the college disciplinary committee shall elect a temporary chair who will preside over the hearing.

[Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)]. 99-10-046, § 132K-125-320, filed 4/30/99, effective 5/31/99.]

WAC 132K-125-330 Hearing procedures before the college disciplinary committee. (1) The college disciplinary committee shall hear, de novo, and make recommendations to the president of the college on all disciplinary cases referred to it by the executive dean of student services or by appeal as specified in WAC 132K-125-220.

(2) A hearing will be conducted within twenty-one business days after disciplinary action has been referred to the committee.

(3) Where a person is charged with an offense punishable by suspension, limited dismissal, or termination of her/his relationship with the college, and where the person:

- (a) Waives the opportunity for an informal hearing; or
- (b) By a person's conduct (in the judgment of the hearing chair) makes it impossible to conduct an informal hearing; or
- (c) Is dissatisfied with the results of the informal hearing; that person is entitled to a formal hearing conducted according to the provisions of RCW 34.05.410 and the guidelines of this chapter. Where an adjudicative proceeding is neither required by law nor requested by the student or the college, the matter may be resolved informally. Brief adjudicative proceedings before the disciplinary committee shall be conducted in any manner which will bring about a prompt, fair resolution of the matter.

(4) The student has a right to a fair and impartial hearing before the college disciplinary committee on any charge of violating the rules and regulations of conduct. The student's failure to cooperate with the committee's hearing procedures, however, shall not preclude the college committee on student conduct from making its findings of facts, conclusions, and recommendations.

(5) Written notice of the time and place of the hearing before the college disciplinary committee shall be given to the student by personal service or certified mail not less than fourteen business days in advance of the hearing. Such notice shall include:

- (a) A statement of the time, place, and nature of the disciplinary proceedings; and
- (b) A statement of the specific charges against her/him including reference to the particular sections of the rules of conduct involved; and
- (c) To the extent known, a list of witnesses who will appear and a summary description of any documentary or other physical evidence that will be presented by the college at the hearings.

(6) The student shall be entitled to:

- (a) Hear and examine the evidence against her or him and be informed to the identity of its source; and
- (b) Present evidence in her or his own behalf and to cross-examine witnesses testifying on behalf of the college as to factual matters; and

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

(7) The student has the right to be assisted by any advisor they choose, at their own expense. The advisor cannot be an employee of the college. If the student elects to choose a duly licensed attorney admitted to practice in the state of Washington as counsel, notice thereof must be tendered by the student to the executive dean of student services at least seven business days prior to the hearing. The student is responsible for presenting her or his own case and, therefore, the advisor is not permitted to speak or to participate directly in any hearing before a judicial body.

(8) In all disciplinary proceedings, the college may be represented by a designee appointed by the executive dean of student services; that designee may then present the college's case against the student accused of violating the rules of con-

duct; provided, that in those cases in which the student elects to be represented by a licensed attorney, the executive dean of student services may elect to have the college represented by an assistant attorney general.

(9) The executive dean of student services shall designate a recorder to take notes during the hearing and to prepare a written summary of all evidence, facts, and testimony presented to the college disciplinary committee during the course of the hearing. The proceedings of the hearing, with the exception of the committee deliberations, shall also be tape recorded, and in some instances may be videotaped.

(10) The record in a formal hearing shall contain:

- (a) All documents, motions, and intermediate rules; and
- (b) Evidence received and considered; and
- (c) A statement of matters officially noticed; and
- (d) Questions and offers of proof, objections, and rulings thereon; and
- (e) As specified in RCW 34.05.476 as now law or hereafter amended.

(11) Following final disposition of the case and any appeals therefrom, the president may direct the destruction of any records of any disciplinary proceedings, provided that such destruction is in conformance with the requirements of chapter 40.14 RCW, as now law or hereafter amended.

(12) The time of the hearing may be advanced or continued for good cause by the college disciplinary committee at the request of the student.

[Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)]. 99-10-046, § 132K-125-330, filed 4/30/99, effective 5/31/99.]

WAC 132K-125-340 Conduct of hearings. (1) Hearings conducted by the college disciplinary committee will be held in closed session; provided, the accused student may request the hearing to be held in open session.

(2) Admission of any person to the hearing shall be at the discretion of the college disciplinary committee.

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

(4) Any student of the college attending the disciplinary hearing who continues to disrupt the proceedings after the presiding officer has asked her/him to cease or leave the hearing room shall be subject to disciplinary action.

(5) All procedural questions are subject to the final decision of the chairperson of the college disciplinary committee.

[Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)]. 99-10-046, § 132K-125-340, filed 4/30/99, effective 5/31/99.]

WAC 132K-125-350 Evidence admissible in hearings.

(1) Only those matters presented at the hearing, in the presence of the accused student, except where the student fails to attend after receipt of proper notice, will be considered in determining whether the college disciplinary committee has sufficient cause which is established by the preponderance of the evidence to believe that the accused student has violated the rules he/she is charged with having violated.

(2) In determining whether sufficient cause exists as stated in subsection (1) of this section members of the college disciplinary committee shall admit evidence upon which reasonably prudent persons are accustomed to rely in the con-

duct of their affairs. Unduly repetitious or irrelevant evidence may be excluded.

(3) The chair shall exclude evidence that is excludable on constitutional or statutory grounds or on the basis of evidentiary privilege recognized in the courts of this state.

(4) Evidence or testimony to be offered by or on behalf of the student in extenuation or mitigation shall not be presented or considered until all substantive evidence or testimony has been presented.

[Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)]. 99-10-046, § 132K-125-350, filed 4/30/99, effective 5/31/99.]

WAC 132K-125-360 Decision by the college disciplinary committee. (1) Upon conclusion of the disciplinary hearing, the college disciplinary committee shall consider all the evidence therein presented and decide by majority vote whether to uphold the initial disciplinary action or to recommend institution of any of the following actions:

(a) That the college terminate the proceedings and exonerate the student; or

(b) That the college impose any of the disciplinary actions as provided in this chapter.

(2) The committee's written decision shall include findings of fact, conclusions regarding whether the student(s) violated any provisions of this chapter and recommendations for the final disposition of the matter at issue.

(3) Within seven business days of the conclusion of the hearing, the student will be provided with a copy of the committee's findings of fact and conclusions. The copy shall be dated and contain a statement advising the student of her or his right, to present a written statement to the president of the college appealing the recommendation of the disciplinary committee.

[Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)]. 99-10-046, § 132K-125-360, filed 4/30/99, effective 5/31/99.]

WAC 132K-125-370 Final appeal. (1) Any student feeling aggrieved by the findings or conclusions of an appeal pursuant to WAC 132K-125-350 may appeal the same in writing to the president within twenty business days following notification to the student of the action taken by the college disciplinary committee on student conduct. The president has the discretion to suspend any disciplinary action pending determination of the merits of the findings, conclusions and disciplinary actions imposed. In the consideration of such an appeal, the president shall base her or his findings and decision only on the official written record of the case and on any reports or recommendations of the college disciplinary committee and the executive dean of student services.

(2) If the president decides that discipline is to be imposed or altered after the review provided by subsection (1) of this section, the president or the president's designee shall notify the student in writing, within ten business days, by regular or certified mail or personal service of the discipline imposed. The final order will also include a statement of findings of fact and conclusions of law. The decision of the president shall be final and not reviewable.

[Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)]. 99-10-046, § 132K-125-370, filed 4/30/99, effective 5/31/99.]

WAC 132K-125-380 Readmission after dismissal. Any student dismissed from the college for disciplinary cases may be readmitted only on written petition to the office of the executive dean of student services. Such petitions must indicate how specified conditions have been met and, if the term of the dismissal has not expired, any reasons which support a reconsideration of the matter. Because the president of the college participates in all disciplinary actions dismissing students from the college, decisions on such petitions of readmission must be reviewed and approved by the president before readmission is granted.

[Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)]. 99-10-046, § 132K-125-380, filed 4/30/99, effective 5/31/99.]

WAC 132K-125-390 Reporting, recording and maintenance of records. Records of all disciplinary cases shall be kept by the office of the executive dean of student services. Except in proceedings wherein the student is exonerated, all documentary or other physical evidence produced or considered in disciplinary proceedings and all recorded testimony shall be preserved insofar as possible for at least five years. No record of proceedings wherein the student is exonerated, other than the fact of exoneration, shall be maintained in the student's file or other official college repository after the date of the student's graduation.

[Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)]. 99-10-046, § 132K-125-390, filed 4/30/99, effective 5/31/99.]

WAC 132K-125-400 Interpretation and revision. (1) Any question of interpretation regarding the Student Code shall be referred to the executive dean of student services or his or her designee for final determination.

(2) The Student Code shall be reviewed every three years under the direction of the executive dean of student services.

[Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)]. 99-10-046, § 132K-125-400, filed 4/30/99, effective 5/31/99.]

WAC 132K-125-410 Prior rules. The rules contained within this chapter supersede all former rules relating to student conduct.

[Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)]. 99-10-046, § 132K-125-410, filed 4/30/99, effective 5/31/99.]

WAC 132K-125-420 Severability. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

[Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)]. 99-10-046, § 132K-125-420, filed 4/30/99, effective 5/31/99.]

WAC 132K-125-430 Effective date. WAC 132K-125-010 through 132K-125-430 shall take effect on May 12, 1999, and shall apply to all rule-making actions and proceedings begun on or after that date.

[Statutory Authority: RCW 128B.50.140(13) [28B.50.140(13)]. 99-10-046, § 132K-125-430, filed 4/30/99, effective 5/31/99.]