

# Chapter 132I-120 WAC

## STUDENT RIGHTS AND RESPONSIBILITIES

(Formerly chapter 132I-14 WAC)

**WAC**

**CHIEF STUDENT AFFAIRS OFFICER**

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**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

- 132I-120-300 Right of academic freedom. [Statutory Authority: RCW 28B.50.140. 88-07-120 (Order 022), § 132I-120-300, filed 3/23/88.] Repealed by 92-15-115, filed 7/21/92, effective 8/21/92. Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140.
- 132I-120-305 Right of equal protection. [Statutory Authority: RCW 28B.50.140. 88-07-120 (Order 022), § 132I-120-305, filed 3/23/88.] Repealed by 92-15-115, filed 7/21/92, effective 8/21/92. Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140.
- 132I-120-310 Right of access to college facilities. [Statutory Authority: RCW 28B.50.140. 88-07-120 (Order 022), § 132I-120-310, filed 3/23/88.] Repealed by 92-15-115, filed 7/21/92, effective 8/21/92. Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140.
- 132I-120-320 Right to invite outside speakers. [Statutory Authority: RCW 28B.50.140. 88-07-120 (Order 022), § 132I-120-320, filed 3/23/88.] Repealed by 92-15-115, filed 7/21/92, effective 8/21/92. Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140.
- 132I-120-325 Right of publication. [Statutory Authority: RCW 28B.50.140. 88-07-120 (Order 022), § 132I-120-325, filed 3/23/88.] Repealed by 92-15-115, filed 7/21/92, effective 8/21/92. Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140.
- 132I-120-335 Right of sale and distribution of material and right to conduct fund raising activities. [Statutory Authority: RCW 28B.50.140. 88-07-120 (Order 022), § 132I-120-335, filed 3/23/88.] Repealed by 92-15-115, filed 7/21/92, effective 8/21/92. Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140.

- 132I-120-345 Right to privacy of records. [Statutory Authority: RCW 28B.50.140. 88-07-120 (Order 022), § 132I-120-345, filed 3/23/88.] Repealed by 92-15-115, filed 7/21/92, effective 8/21/92. Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140.
- 132I-120-405 Violations. [Statutory Authority: RCW 28B.50.140. 89-08-016 (Order 023), § 132I-120-405, filed 3/27/89; 88-07-120 (Order 022), § 132I-120-405, filed 3/23/88.] Repealed by 92-15-115, filed 7/21/92, effective 8/21/92. Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140.
- 132I-120-420 Disciplinary procedure. [Statutory Authority: RCW 28B.50.140. 88-07-120 (Order 022), § 132I-120-420, filed 3/23/88.] Repealed by 92-15-115, filed 7/21/92, effective 8/21/92. Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140.
- 132I-120-425 Emergency withdrawal. [Statutory Authority: RCW 28B.50.140. 89-08-016 (Order 023), § 132I-120-425, filed 3/27/89; 88-07-120 (Order 022), § 132I-120-425, filed 3/23/88.] Repealed by 92-15-115, filed 7/21/92, effective 8/21/92. Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140.
- 132I-120-430 Administrative withdrawal. [Statutory Authority: RCW 28B.50.140. 89-08-016 (Order 023), § 132I-120-430, filed 3/27/89; 88-07-120 (Order 022), § 132I-120-430, filed 3/23/88.] Repealed by 92-15-115, filed 7/21/92, effective 8/21/92. Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140.
- 132I-120-440 Procedure of the college discipline committee. [Statutory Authority: RCW 28B.50.140. 88-07-120 (Order 022), § 132I-120-440, filed 3/23/88.] Repealed by 92-15-115, filed 7/21/92, effective 8/21/92. Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140.
- 132I-120-445 Readmission after dismissal. [Statutory Authority: RCW 28B.50.140. 88-07-120 (Order 022), § 132I-120-445, filed 3/23/88.] Repealed by 08-01-088, filed 12/17/07, effective 1/17/08. Statutory Authority: RCW 28B.50.140(13).

**CHIEF STUDENT AFFAIRS OFFICER**

**WAC 132I-120-010 Purpose.** (1) Highline Community College serves its community and the general public by providing opportunities for all persons seeking educational and personal enrichment. The college delivers innovative education and training opportunities to foster personal and professional success in a multicultural society.

Highline Community College is committed to the following values:

**Access:** We believe education should be available to all who seek it.

**Collaboration:** We value teamwork, joint responsibility and ownership.

**Community:** We value our community and are dedicated to serving its educational needs.

**Diversity:** We respect the rights and perspectives of the diverse populations who live, learn and work in our community.

**Excellence:** We strive for the highest quality in all our programs and services.

**Integrity:** We believe in honesty and trustworthiness in all our college practices.

**Internationalization:** We value a global perspective and respect cultural differences.

**Learning:** We develop an interactive, creative, and learner-centered environment that supports student success.

(2) Students have the responsibility to observe and help maintain appropriate conditions in the classroom, on campus, and when officially representing the college in the larger community. Allegiance to these core values and the civility statement (WAC 132I-120-100(1)) allows Highline Community College to offer a learning environment that prepares students to engage actively and responsibly as citizens in the local and global communities.

(3) Highline Community College has jurisdiction to take appropriate disciplinary action when any student acts in a manner that violates this code at any college-sponsored program or event. Jurisdiction is defined in WAC 132I-120-530. The purpose of these rules is to prescribe standards of conduct for students of Highline Community College District No. 9; the violations of which may constitute sufficient cause for disciplinary action as described in accordance with the procedures established in WAC 132I-120-010 through 132I-120-530.

(4) A student's application for admission or registration constitutes acceptance of the responsibility to comply with the general policies and regulations established by the college and to meet the expectations described in this document.

[Statutory Authority: RCW 28B.50.140(13). 08-01-088, § 132I-120-010, filed 12/17/07, effective 1/17/08. Statutory Authority: RCW 28B.50.140. 88-07-120 (Order 022), § 132I-120-010, filed 3/23/88.]

**WAC 132I-120-020 General policies.** (1) Highline Community College is an agency of the state of Washington and adheres to all local, state, and federal laws. The college is obligated to demonstrate respect for the laws by cooperating in their enforcement.

(2) Highline Community College cannot and will not establish regulations which would abridge constitutional rights.

(3) Proper procedures are established to maintain conditions conducive to the effective performance of the function of the college, to protect students from unfair imposition of penalties, and to assure due process. Highline Community College is granted the right by law to adopt rules deemed necessary to govern its operations.

(4) If these rules are broken, the college has the right and the obligation to take action that is in the best interest of the college and that is commensurate with the constitutional rights of the individual.

(5) Highline Community College reserves the right to impose the provisions of this chapter and provide further sanctions before or after law enforcement agencies, courts, or other agencies have imposed penalties or otherwise disposed of a case. College proceedings are not subject to challenge on the ground that criminal or civil charges involving the same incident have been dismissed or reduced or in which the defendant has been found not guilty or not liable. In addition, the college reserves the right to refer incidents to the appropriate civilian authorities or law enforcement agencies.

(6) The associated students of Highline Community College have the right to participate in the formulation and review of all policies pertaining to student rights and responsibilities and its enforcement as described in the student code of conduct.

(7) Rules of conduct and procedures of enforcement shall be printed and made available to all students via the internet and in hard copy upon request.

[Statutory Authority: RCW 28B.50.140(13). 08-01-088, § 132I-120-020, filed 12/17/07, effective 1/17/08. Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. 92-15-115, § 132I-120-020, filed 7/21/92, effective 8/21/92. Statutory Authority: RCW 28B.50.140. 88-07-120 (Order 022), § 132I-120-020, filed 3/23/88.]

**WAC 132I-120-030 Definitions.** (1) As used in these rules, the following words and phrases shall mean:

(a) "Anabolic steroids" means synthetic derivatives of testosterone or any isomer, ester, salt, or derivative that acts in the same manner on the human body.

(b) "Androgens" means testosterone in one of its forms or a derivative, isomer, ester, or salt that acts in the same manner on the human body.

(c) "ASHCC" refers to the associated students of Highline Community College, the official student government association.

(d) "Assembly" refers to any overt activity engaged in by three or more persons, the object of which is to gain publicity, advocate a view, petition for a cause or disseminate information to any person or group.

(e) "Board of trustees" means the board members appointed by the governor of the state of Washington who have final authority for the governance of Highline Community College.

(f) "Chief student affairs officer (CSAO)" means the college administrator who reports to the college president, who serves as the college's student judicial affairs administrator, and who is responsible for administering the student rights and responsibilities code. The CSAO may designate a student judicial affairs administrator to fulfill this responsibility.

(g) "College" means Highline Community College (HCC), or any additional community college hereafter established with Community College District 9, state of Washington, and collectively, those responsible for its control and operation.

(h) "College community" means trustees, students, staff, faculty, and visitors on college owned or controlled facilities.

(i) "College facilities" means and includes any or all property controlled and/or operated by the college.

(j) "Day" means a calendar day. The effective date of any provision of these rules shall be the day other than a Saturday, Sunday or holiday.

(k) "Faculty complaint process" is the process through which students may seek resolution of complaints against faculty members about instructional matters. The faculty complaint process is explained fully in the *Complaints Against Faculty Members* section 807 of the Highline College Education Association (HCEA) HCC negotiated agreement. Written procedures for the faculty complaint process are available in the office of the chief student affairs officer, and in the academic affairs administrative offices.

(l) "Human growth hormones" means growth hormones, or a derivative, isomer, ester, or salt that act in the same manner on the human body.

(m) "Initial disciplinary hearing" means a meeting between the chief student affairs officer or designee and accused party to review the charges and evidence of any code violation and give opportunity for the accused party to give their account of the incident(s) under investigation.

(n) "President" means the chief executive officer of the college appointed by the board of trustees, and for the purposes of these rules includes "acting president" or the delegated authority in the absence of the president.

(o) "Student" means and includes any person enrolled at the college, or a person seeking admission or accepted to the college for admission.

(p) "Student group" means a number of students who have not met the formal requirements to be officially recognized as a student organization.

(q) "Student code of conduct" means the HCC student rights and responsibilities.

(r) "Student organization" means a number of students who have met the formal requirements of clubs and organizations recognition as provided by the associated students of Highline Community College (ASHCC).

(s) "Summary suspension hearing" means a short, concise, and timely hearing administered in emergencies, following a student being summarily suspended from attending a class or classes.

(t) "Student judicial affairs administrator" means the chief student affairs officer or designee.

(2) All other terms have their natural meaning unless the context dictates otherwise.

[Statutory Authority: RCW 28B.50.140(13), 08-01-088, § 132I-120-030, filed 12/17/07, effective 1/17/08. Statutory Authority: RCW 28B.50.140, 88-07-120 (Order 022), § 132I-120-030, filed 3/23/88.]

**WAC 132I-120-100 College community expectations, and code of conduct.** (1) Civility statement. Members of Highline Community College accept the responsibility to promote a learning and working environment which ensures mutual respect, civility, honesty, and fairness. Members are expected to uphold the college's values and ethics necessary to maintain a positive campus climate, which includes health, safety and welfare of the campus community. To be active participants in the process of education, community members will strive to adhere to the following expectations:

(a) To be positive contributors to the college, the city of Des Moines, and the surrounding community.

(b) To conduct themselves with civility and be held accountable as members of the HCC community.

(c) To be honest and take responsibility for treating others with respect and dignity.

(d) To be open to the concepts of leadership, diversity, and wellness.

(e) To be open-minded and prepared to learn.

(2) Educational expectations. Students who choose to attend Highline Community College also choose to participate actively in the adult learning process offered by the college. As a process, learning is not a product or commodity, which is bought and sold, but rather, it is a relationship between instructors who are willing to teach, staff who are

willing to support, and students who are willing to learn. Therefore, the responsibility for learning is shared equally between students, staff, and faculty.

(3) Student responsibilities. The college is responsible for providing its students with an educational environment rich in the high quality resources needed by students to attain their individual educational goals. In return, students are responsible for making themselves aware of the full breadth of the resources available, for the timely choosing and appropriate use of these resources, and for the specific behavioral tasks necessary for attaining the desired learning outcomes. Student responsibilities include but are not limited to the following: To actively participate in the learning process by adhering to the college's policies, practices, and procedures; attending all class sessions; utilizing campus resources; participating actively in the advising process; seeking timely assistance in meeting educational goals; and assuming responsibility for the selection of courses to achieve those goals.

(4) Code of conduct. As members of the college community, students are expected to obey all college rules and regulations and are prohibited from engaging in any unlawful conduct. Any student who, either as a principal actor, aid, abettor, or accomplice as defined in RCW 9A.08.020, as now law or hereafter amended, violates any local, state or federal law, interferes with the personal rights or privileges of others or the educational process of the college, or violates the code of conduct which includes, but is not limited to, the categories listed below, shall be subject to disciplinary action as provided in this chapter (see WAC 132I-120-410).

(a) Personal offenses.

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

(ii) Disorderly, disruptive, or abusive behavior which interferes with the rights of others or obstructs or disrupts teaching, learning, research, or administrative functions.

(iii) Inattentiveness, inability, or failure to follow the reasonable instructions of any college employee acting within their professional responsibility, thereby infringing upon the rights and privileges of others.

(iv) Refusal to comply with any lawful order to leave the college campus or any portion thereof by college personnel when necessary for the college to achieve its purpose of providing educational programs and services.

(v) Unauthorized assembly, obstruction, or disruption which materially and substantially interferes with vehicular or pedestrian traffic, classes, hearings, meetings, the educational and administrative functions of the college, or the rights and privileges of others.

(vi) Filing of a formal complaint falsely accusing another member of the college community with violating a provision of this chapter.

(vii) Falsely reporting an emergency, such as by setting off or otherwise tampering with any emergency safety equipment, alarm, or other device established for the safety of individuals and/or college facilities.

(viii) Submitting information known to be false, misinterpreted, or fraudulent to college officials or on college records.

(ix) Engaging in unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where such behavior offends the recipient or a third party, causes discomfort or humiliation, or creates an intimidating, offensive, or hostile work or learning environment.

(x) Stalking behavior in which a student repeatedly engages in a course of conduct directed at another person and makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her family; where the threat is reasonably determined by the college to seriously alarm, torment, or terrorize the person; and where the threat is additionally determined by the college to serve no legitimate purpose.

(xi) Destruction or alteration of any evidence that could be used during an investigation or college proceeding.

(xii) Any malicious act or behavior which causes harm to any person's physical or mental well-being. Harassment includes intentionally and repeatedly following or contacting another person in a manner that alarms, annoys, intimidates, harasses, or causes substantial emotional distress.

(b) Property offenses.

(i) Actual or attempted theft or robbery (RCW 9A.56.010 through 9A.56.060 and 9A.56.100) of property or services belonging to the college or college community member including but not limited to knowingly possessing stolen property.

(ii) Malicious mischief that causes damage to or destruction of any college facility or other public, private, or personal property.

(iii) Unauthorized use of college equipment and supplies for personal gain.

(iv) Unauthorized use of a motorized vehicle, skateboard, bicycle, or other personal vehicle on campus pedestrian walkways.

(v) Unauthorized entry, access, or presence upon the property of the college or into a college facility or portion thereof which has been reserved, restricted, or placed off limits or unauthorized possession or use of key, access code, or password to any college facility or system.

(vi) Misuses of information technology. The following is prohibited: Failure to comply with laws, license agreements, and contracts governing network, software and hardware; abuse of communal resources; use of computing resources for illegal or unauthorized commercial purposes or personal gain. It is the obligation of college students to be aware of their responsibilities as outlined in the *Computing Resources Appropriate Use Policy*: <http://flightline.highline.edu/ic/policies/aup.php>. Failure to comply may result in loss of access to college computing resources, as well as administrative, civil or criminal action under Washington state or federal law.

(c) Status offenses.

(i) Forgery, falsification, or alteration of official documents, records, or correspondence.

(ii) Refusal to provide positive identification (e.g., student or state identification card; valid driver's license) when requested by any identified college official.

(d) Offenses pertaining to drugs/alcohol/smoking.

(i) Smoking outside of the designated smoking areas.

(ii) Possession or consumption of alcoholic beverages on college property or at a college-sponsored event is prohibited unless attendees are over the age of twenty-one and an alcohol permit has been obtained.

(iii) Controlled substances. Using, possessing, delivering, selling or being under the influence of legend drugs, including anabolic steroids, androgens, or human growth hormones, as defined by RCW 69.41.010 and 69.41.300 or any other controlled substance as defined in RCW 69.50.101 as now law or hereafter amended, except upon valid prescription or order of a practitioner is subject to additional sanctions, including disqualification from participation in college-sponsored athletic events. For the purpose of this regulation, "sale" shall include the statutory meaning defined in RCW 69.04.005 as now law or hereafter amended.

(e) Regulations governing firearms and weapons.

(i) It shall be the policy of the college that carrying, exhibiting, displaying, or drawing any weapon, as defined in RCW 9.41.250 as now law or later amended, is prohibited. Such weapons may include but are not limited to, dagger, sword, knife (with larger than a three-inch blade), or any cutting or stabbing instrument, club, or any other weapons, including fake weapons capable of producing bodily harm, emotional distress, and/or property damage.

(ii) Explosives, incendiary devices, or any weapons facsimiles are prohibited on college property or in college facilities.

(iii) The above regulations shall not apply to equipment or material that is owned, used, or maintained by the college, nor will they apply to law enforcement officers or authorized contractors performing work for the college.

(f) Other misconduct: Any other conduct or action in which the college can demonstrate a clear and distinct threat to college property, the educational process, or any other legitimate function of the college or the health or safety of any member of the college community.

(5) Academic honesty.

(a) Students attending Highline Community College are expected to participate as responsible members of the college community, which includes assuming full responsibility for maintaining honesty and integrity in all work submitted for credit and in any other work assigned by faculty.

(b) Violations of academic honesty include, but are not limited to:

(i) Plagiarism: The unauthorized use or close imitation of the words, ideas, data, images, or product of another and the representation of them as one's own original work.

(ii) Cheating: Use or attempted use of unauthorized materials, information, or study aids; an act of deceit by which a student attempts to misrepresent academic skills or knowledge; unauthorized or attempted unauthorized copying or collaboration.

(iii) Fabrication: Intentional misrepresentation or invention of any information, such as falsifying research, inventing or exaggerating data, or listing incorrect or fictitious references.

(iv) Collusion: Assisting another to commit an act of academic dishonesty, such as paying or bribing someone to acquire a test or assignment, or increase the score on a test or assignment; taking a test or doing an assignment for someone

else; allowing someone to do these things for one's own benefit.

(v) Academic misconduct: Intentionally violating college policies, such as altering grades, misrepresenting one's identity, failing to report known incidents of academic dishonesty, or participating in obtaining or distributing any part of a test or any information about a test.

(c) Penalties for academic dishonesty.

(d) If a student is found guilty of academic dishonesty, any one or a combination of the following sanctions may be imposed by the faculty member:

(i) Verbal or written warning.

(ii) A grade of 0% (0.0) or otherwise lowered grade for the assignment, project, or test.

(e) The following sanction may be imposed by the faculty member only after a formal hearing is conducted by the chief student affairs officer, and the chief student affairs officer approves the sanction:

A grade of 0% (0.0) or otherwise lowered grade for the course, overriding a student's withdrawal from the course.

(f) The chief student affairs officer may also issue the following disciplinary sanctions, in accordance with the Highline student rights and responsibilities code (WAC 132I-120-410(11)):

(i) Disciplinary admonition and warning.

(ii) Disciplinary probation with or without the loss of privileges for a definite period of time. The violation of the terms of the disciplinary probation or the breaking of any college rule during the probation period may be grounds for suspension or expulsion from the college.

(iii) Suspension from Highline Community College for a definite period of time.

(iv) Dismissal from Highline Community College.

(g) Academic dishonesty complaint and hearing procedures.

(i) The faculty member observing or investigating the apparent act of academic dishonesty shall document the incident by writing down the time, date, place, and a description of the act and/or any other pertinent information.

(ii) The faculty member may collect evidence to corroborate the allegation.

(iii) The faculty member shall provide the student an opportunity to explain the incident.

(iv) The faculty member shall explain to the student the procedures and penalties for academic dishonesty and shall give the student a copy of the Highline Community College academic honesty policy.

(v) The faculty member may resolve the matter informally by determining an appropriate sanction, which may include a verbal or written warning, or a grade of 0% (0.0) or otherwise lowered grade on an assignment, project, or test, or no further action.

(vi) The faculty member shall submit a copy of the Academic Dishonesty Report form to the office of the chief student affairs officer. The report shall be kept on file and may be presented as evidence for more stringent sanctions, should the student commit subsequent violation(s) of the academic honesty policy.

(vii) If the faculty member wishes to initiate more stringent sanctions in addition to lowering or failing an assignment and/or verbal or written warning (e.g., assign a failing

grade for the course), the student must be entitled to a formal hearing with the chief student affairs officer. Following a formal hearing, sanctions imposed by the chief student affairs officer may range from no further action (no failing grade for the course) to dismissal from the college (WAC 132I-120-410(11)). The chief student affairs officer may not overturn the sanctions imposed by the faculty member ((d)(i) and (ii) of this subsection).

(viii) The faculty member shall submit a copy of the Academic Dishonesty Report form and any additional evidence to the chief student affairs officer within ten days of the alleged act of academic dishonesty, which initiates the formal hearing process.

(ix) Within ten days of receiving an Academic Dishonesty Report form, the chief student affairs officer or designee shall notify the student in writing of the date, time and location of the hearing. At the hearing, the student shall meet with the chief student affairs officer or designee to hear the charges and present his/her side of the case. If the student chooses not to attend or fails to appear, the hearing will be conducted in the student's absence.

(x) The chief student affairs officer or designee will consider any evidence submitted within seven days of the hearing, and interview persons as warranted. The chief student affairs officer or designee determines if the action recommended by the faculty member is appropriate.

(xi) Within ten days of the hearing, the chief student affairs officer or designee shall send written notification of the results to the student and faculty member. The decision of the chief student affairs officer or designee is final. (With permission, contents of this policy were adapted from "Academic Integrity Policy," Portland Community College, Portland, Oregon.)

(6) Violation of any of the above regulations may also constitute violation of criminal laws or ordinances of various cities, municipalities, counties, the state of Washington, or the United States and may subject a violator to criminal sanctions in addition to any sanctions imposed by the college.

[Statutory Authority: RCW 28B.50.140(13). 08-01-088, § 132I-120-100, filed 12/17/07, effective 1/17/08. Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. 92-15-115, § 132I-120-100, filed 7/21/92, effective 8/21/92. Statutory Authority: RCW 28B.50.140. 88-07-120 (Order 022), § 132I-120-100, filed 3/23/88.]

**WAC 132I-120-105 Student rights.** The following rights are guaranteed to each student within the limitations of statutory law and college policy as deemed necessary to achieve the educational goals of the college:

(1) Academic freedom.

(a) 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.

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

(c) Students shall be protected from academic evaluation which is arbitrary or capricious, but are responsible for meeting the standards of academic performance established by their instructors. Grade complaints are administered through the *Complaints against Faculty Members* section 807 of the

Highline College Education Association (HCEA) HCC negotiated agreement.

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

(2) Due process.

(a) It is guaranteed that students have the right to be secure in their persons, quarters, papers, and effects against unreasonable searches and seizures.

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

(c) A student accused of violating this student rights and responsibilities code is entitled to procedural due process as set forth in this chapter.

(3) Distribution and posting. Students may distribute or post printed or published material subject to official written procedures available in the student programs office. All free publications not in violation of state and/or federal laws may be distributed from authorized public areas subject to time, place, and manner as determined by the college. Material may not be distributed in college parking lots or be placed on or in automobiles. Students distributing printed materials are responsible for litter control of all distributed material.

(4) Off-campus speakers. Recognized student organizations shall have the right to invite outside speakers to speak on campus subject to the availability of campus facilities, funding, and compliance with the college procedures available in the student programs office.

(5) Commercial activities. The use of college grounds or facilities for commercial or private gain is prohibited except with the approval of the student programs office consistent with vending and fund-raising guidelines. Commercial activities which generate contractual and/or financial debt relationships with students are prohibited. The college reserves the right to charge commercial vendors for the use of college facilities.

(6) Sale of merchandise. All merchandise offered for commercial sale may be sold only through the college bookstore or college food services except when approved by the student programs office or affiliated academic department as part of the cocurricular experience.

[Statutory Authority: RCW 28B.50.140(13). 08-01-088, § 132I-120-105, filed 12/17/07, effective 1/17/08. Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. 92-15-115, § 132I-120-105, filed 7/21/92, effective 8/21/92.]

**WAC 132I-120-315 Right of assembly.** (1) Students have the right to conduct or participate in any assembly as defined in WAC 132I-120-030 on facilities that are generally available to the public provided that such assemblies:

(a) Are conducted in an orderly and respectful manner;

(b) Do not unreasonably interfere with classes, scheduled meetings or ceremonies, or college sponsored events;

(c) Do not unreasonably interfere with pedestrian or vehicular traffic; or

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

(2) Any student, group, or organization planning an assembly on college property must reserve the college facilities with the student programs office.

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

(4) Any campus community member who violates any provision of this rule may be required to leave the campus or facility and/or be referred to civilian authorities for criminal prosecution.

[Statutory Authority: RCW 28B.50.140(13). 08-01-088, § 132I-120-315, filed 12/17/07, effective 1/17/08. Statutory Authority: RCW 28B.50.140. 89-08-016 (Order 023), § 132I-120-315, filed 3/27/89; 88-07-120 (Order 022), § 132I-120-315, filed 3/23/88.]

**WAC 132I-120-330 Rights of ownership of works.** It shall be the policy of Highline Community College that employees of the college shall not use students' published or unpublished works for personal gain without written consent of the student.

[Statutory Authority: RCW 28B.50.140(13). 08-01-088, § 132I-120-330, filed 12/17/07, effective 1/17/08. Statutory Authority: RCW 28B.50.140. 88-07-120 (Order 022), § 132I-120-330, filed 3/23/88.]

**WAC 132I-120-340 Right to be interviewed.** (1) Every student has the right to be interviewed on campus by any legal organization desiring to recruit at the college.

(2) Any student, student group, or student organization may assemble in protest against any such organization, provided that such protest does not interfere with other students' right to have such an interview, and provided that such protest is in accordance with WAC 132I-120-315.

[Statutory Authority: RCW 28B.50.140(13). 08-01-088, § 132I-120-340, filed 12/17/07, effective 1/17/08. Statutory Authority: RCW 28B.50.140. 88-07-120 (Order 022), § 132I-120-340, filed 3/23/88.]

**WAC 132I-120-350 Student complaint process.** (1) Purpose and definition. The purpose of this procedure is to provide students with guidelines which promote constructive dialogue, understanding, and informal resolution of student complaints and concerns. This process also provides an avenue for formal procedures should an informal approach be ineffective. A complaint is hereby defined as a statement that expresses a student's dissatisfaction with the performance or action of a college employee, which the student believes to be unfair or inconsistent with college policy or procedures.

(2) Exclusions of complaint process. This procedure is not to be used where other procedures are required for the resolution of specific categories of student complaints or student appeals. Student concerns covered by existing college policy or procedures (e.g., *Complaints Against Faculty Members* section 807 of the HCEA/HCC negotiated agreement) are excluded from this complaint process and should be brought to the attention of the appropriate college administrator.

(3) Time limitations. A student wishing to express a complaint, as previously defined, should do so no later than two weeks from the time the student should have been aware of the concern. Timely initiation of a complaint rests with the student.

(4) Complaint process procedures.

(a) Step 1: Discuss complaint with staff member. The student should discuss the complaint informally and thoroughly with the staff member to whom the complaint is

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directed. Both parties should openly discuss the student complaint/concern and attempt to understand the other's perspectives, explore alternatives, and arrive at a satisfactory resolution to the complaint. If the student and staff member are unsuccessful at finding a resolution, or the student is dissatisfied with the complaint resolution, the student should then move to step 2.

(b) Step 2: Express complaint in writing. Within ten days of meeting with the staff member, if resolution is unsuccessful through informal discussion, the student shall express the complaint in writing and forward the written complaint to the staff member and the staff member's immediate supervisor. At the student's request, the chief student affairs officer will assign an HCC community member to serve as an advocate to assist in clarifying the complaint process and guiding the student through the complaint process.

(c) Step 3: Supervisor conference. Upon receiving the student's written complaint, the immediate supervisor may ask the staff member for a written response and shall, within five days following receipt of the student's written complaint, hold a conference with the involved parties. The supervisor may request supporting materials from either the staff member or student. If after discussion, mediation, and review of materials at the conference, the involved parties are unable to find a mutually acceptable resolution, the supervisor shall render a verbal decision on the complaint to all parties or shall within five days provide a written copy of his/her decision of the complaint to each involved party.

(d) Step 4: Executive conference. If the decision of the immediate supervisor does not resolve the complaint to the satisfaction of the student, the chief student affairs officer or designee shall, on request of the student, convene a conference of all previously involved parties and any additionally affected supervisors within seven days. All written statements and supporting materials from involved parties will be provided to the chief student affairs officer or designee prior to the conference. Written materials will be retained in the chief student affairs officer's office. If after discussion, mediation, and review of materials at the conference, the involved parties are unable to find a mutually acceptable resolution, the chief student affairs officer or designee shall within seven days render a written decision on the complaint and will provide copies to all involved parties. The decision of the chief student affairs officer or designee will be final.

[Statutory Authority: RCW 28B.50.140(13). 08-01-088, § 132I-120-350, filed 12/17/07, effective 1/17/08.]

**WAC 132I-120-400 Authority and responsibility for discipline.** (1) The board of trustees, acting by written order and in accordance with Washington state statutes, delegates to the president of the college the authority to administer disciplinary action.

(2) Administration of the disciplinary procedure is the responsibility of the chief student affairs officer. The chief student affairs officer or designee(s) shall serve as the principal investigator and administrator for alleged violations of this code.

(3) Summary action (emergency procedure).

(a) The instructor and students are responsible for conduct in the classroom or at any course-related activity or event. The instructor is authorized to take reasonable steps as

necessary when behavior of the student materially or substantially disrupts normal classroom procedures. Instructors may remove a student for the single class session in which disruptive behavior occurs. When such behavior results in expulsion from a class session, the instructor must report the infraction in writing to the chief student affairs officer at the earliest opportunity. When the faculty member, division chair and chief student affairs officer concur that such behavior poses a serious threat, the student may be removed from class pending the outcome of disciplinary action. In all cases involving classroom disruption, the chief student affairs officer or designee will proceed with the investigation and/or disciplinary proceedings at the earliest opportunity consistent with the procedural requirements established in this chapter.

(b) The administrator in charge of any college office, department, or facility is responsible for conduct in that area. Staff shall take reasonable action in response to urgent situations as may be necessary to maintain order when they have reason to believe that such action is necessary for the safety and well-being of the student or the protection of the college community or facilities. Any such summary action must be reported to the chief student affairs officer at the earliest opportunity.

(c) A student being formally charged or under investigation for a violation of this code may not excuse him or herself from disciplinary proceedings by withdrawing from the college.

[Statutory Authority: RCW 28B.50.140(13). 08-01-088, § 132I-120-400, filed 12/17/07, effective 1/17/08. Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. 92-15-115, § 132I-120-400, filed 7/21/92, effective 8/21/92. Statutory Authority: RCW 28B.50.140. 89-08-016 (Order 023), § 132I-120-400, filed 3/27/89; 88-07-120 (Order 022), § 132I-120-400, filed 3/23/88.]

#### **WAC 132I-120-410 Definition of disciplinary action.**

Disciplinary actions include, but are not limited to, the following sanctions that may be imposed upon students according to the procedure outlined in WAC 132I-120-421.

(1) Admonition: An oral statement to a student that there is a violation and that continued violation may be cause for further disciplinary action.

(2) Warning: Notice in writing that the student has violated one or more terms of this code of conduct and that continuation of the same or similar behavior may result in more severe disciplinary action.

(3) Disciplinary probation: Formal action placing specific conditions upon the student's continued attendance and warning the student that further misconduct may subject the student to suspension or dismissal. Probation may be for a limited period of time or may be for the duration of the student's attendance at the college.

(4) Restitution: Reimbursement for damage to or misappropriation of property, or for injury to persons, or for reasonable costs incurred by the college in pursuing an investigation or disciplinary proceeding. This may take the form of monetary reimbursement, appropriate service, or other compensation.

(5) Suspension: Dismissal from the college and from the student status for a stated period of time. There will be no refund of tuition or fees for the quarter in which the action is taken.

(6) Dismissal: The revocation of all rights and privileges of membership in the college community and exclusion from the campus and college-owned or controlled facilities without any possibility of return. There will be no refund of tuition or fees for the quarter in which the action is taken.

(7) Professional evaluation: Referral for drug, alcohol, psychological or medical evaluation by a certified or licensed professional may be required. The student will sign all necessary releases to allow the college access to any such evaluation. Recommendations as part of any such evaluation may become part of any sanction. If the evaluation indicates that the student is not capable of functioning within the college community, the student will remain suspended until future evaluation recommends that the student is capable of reentering the college and complying with the rules of conduct.

[Statutory Authority: RCW 28B.50.140(13). 08-01-088, § 132I-120-410, filed 12/17/07, effective 1/17/08. Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. 92-15-115, § 132I-120-410, filed 7/21/92, effective 8/21/92. Statutory Authority: RCW 28B.50.140. 89-08-016 (Order 023), § 132I-120-410, filed 3/27/89; 88-07-120 (Order 022), § 132I-120-410, filed 3/23/88.]

**WAC 132I-120-415 Authority to request identification.** In situations of apparent misconduct or apparent unauthorized presence in a college facility, it may be necessary for properly identified college personnel to ask a person to produce evidence of being a currently enrolled student at the college. Failure to comply with a legitimate request for identification from a properly identified college employee is a violation of WAC 132I-120-100 (4)(c)(ii) and may result in a disciplinary action if the person is found to be a student. In emergency situations, cases of serious misconduct, or where there is a substantial danger to the college community or college property, failure to produce identification by a student may result in the assumption by college personnel that the person questioned is not a student and may result in civil or criminal action.

[Statutory Authority: RCW 28B.50.140(13). 08-01-088, § 132I-120-415, filed 12/17/07, effective 1/17/08. Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. 92-15-115, § 132I-120-415, filed 7/21/92, effective 8/21/92. Statutory Authority: RCW 28B.50.140. 88-07-120 (Order 022), § 132I-120-415, filed 3/23/88.]

**WAC 132I-120-421 Initial disciplinary proceedings.**

(1) All disciplinary proceedings shall be initiated by the chief student affairs officer or designee. Students may be placed on suspension pending commencement of disciplinary action, pursuant to the conditions set forth in WAC 132I-120-426.

(2) Any student accused of violating any provision of the rules of conduct shall be notified of an initial disciplinary proceeding either in person or by certified mail and shall be given written notice of such meeting with the chief student affairs officer or designee. The student will be informed in writing of the provision(s) the student is charged with violating, and the range of possible sanctions for the offense. The student will be given seven days to respond. If the student fails to respond or fails to appear, the initial disciplinary hearing may be held in the student's absence.

(3) After considering the evidence in the case, interviewing the accused student, giving the student the opportunity to respond, and then again reviewing the case with any new

information, the chief student affairs officer or designee may take any of the following actions:

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

(b) Dismiss the case after whatever intervention and advice is deemed appropriate;

(c) Impose any of the sanctions listed in WAC 132I-120-410;

(d) Any disciplinary action taken by the chief student affairs officer or designee may be appealed by the student in accordance with WAC 132I-120-441.

[Statutory Authority: RCW 28B.50.140(13). 08-01-088, § 132I-120-421, filed 12/17/07, effective 1/17/08. Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. 92-15-115, § 132I-120-421, filed 7/21/92, effective 8/21/92.]

**WAC 132I-120-424 Purpose of summary suspension.**

(1) The purpose of summary suspension is to preserve safety, to protect the educational process of the institution, or to restore order.

(2) The purpose of WAC 132I-120-426 through 132I-120-432 is to establish rules implementing RCW 34.05.410 (1)(b) and 34.05.479, which outline authority to conduct emergency adjudicative proceedings at state agencies.

[Statutory Authority: RCW 28B.50.140(13). 08-01-088, § 132I-120-424, filed 12/17/07, effective 1/17/08. Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. 92-15-115, § 132I-120-424, filed 7/21/92, effective 8/21/92.]

**WAC 132I-120-426 Summary suspension proceedings.**

(1) If the chief student affairs officer or designee has cause to believe that any student(s):

(a) Has violated any provision of this chapter; and  
 (b) Presents an imminent danger to other student(s) and/or community members, then the student(s) shall be summarily suspended, and a "notice of summary suspension proceedings" will be served to the student's last known address by regular mail, certified mail and/or in person. The chief student affairs officer or designee shall enter an order as provided by law if the student(s) is to be summarily suspended.

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

(a) The charges against the student(s) including reference to the provisions of WAC 132I-120-100 or statutory law involved; and

(b) That the student(s) charged must appear before the chief student affairs officer or designee at a time specified in the notice for the hearing. The hearing shall be held as soon as practicable after the "notice of summary suspension" has been served to the student(s). The hearing may be combined with an initial disciplinary proceeding in accordance with WAC 132I-120-421.

[Statutory Authority: RCW 28B.50.140(13). 08-01-088, § 132I-120-426, filed 12/17/07, effective 1/17/08. Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. 92-15-115, § 132I-120-426, filed 7/21/92, effective 8/21/92.]

**WAC 132I-120-427 Procedures of summary suspension hearing.**

(1) The summary suspension hearing shall be considered an emergency adjudicative proceeding. The proceeding must be conducted as soon as practicable. The chief

student affairs officer or designee will preside over the hearing.

(2) The chief student affairs officer or designee shall, at a summary suspension proceeding, determine whether there is probable cause to continue suspension and/or whether disciplinary action is appropriate.

(3) The student(s) shall have the opportunity to explain why summary suspension is not necessary either through oral testimony or written statement.

[Statutory Authority: RCW 28B.50.140(13). 08-01-088, § 132I-120-427, filed 12/17/07, effective 1/17/08. Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. 92-15-115, § 132I-120-427, filed 7/21/92, effective 8/21/92.]

**WAC 132I-120-428 Posthearing decision by the chief student affairs officer.** (1) If the chief student affairs officer or designee, at the conclusion of the summary suspension hearing, finds that there is probable cause to believe that:

(a) The student(s) against whom specific violations are alleged has actually committed one or more such violations; and

(b) Summary suspension of the said student(s) is necessary for the safety of the student(s) and members of the campus community, or to protect the college facilities and/or educational process, and/or to restore order to the campus; and

(c) Such violation(s) constitute grounds for disciplinary action as provided for in WAC 132I-120-100;

(2) Then the chief student affairs officer may continue to enforce the suspension of the student(s) from college and may impose any other appropriate disciplinary action(s).

[Statutory Authority: RCW 28B.50.140(13). 08-01-088, § 132I-120-428, filed 12/17/07, effective 1/17/08. Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. 92-15-115, § 132I-120-428, filed 7/21/92, effective 8/21/92.]

**WAC 132I-120-429 Notice of suspension.** (1) If a student's summary suspension is upheld and/or if the student(s) is otherwise disciplined, the student(s) will be provided with a written notification including the findings of fact(s) and conclusions that lead to the decision that summary suspension of the student should continue.

(2) The suspended student(s) shall receive a "notice of suspension," which will be served to the student's last known address by regular mail, certified mail and/or in person within three working days following the conclusion of the hearing with the chief student affairs officer or designee.

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

[Statutory Authority: RCW 28B.50.140(13). 08-01-088, § 132I-120-429, filed 12/17/07, effective 1/17/08. Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. 92-15-115, § 132I-120-429, filed 7/21/92, effective 8/21/92.]

**WAC 132I-120-431 Suspension for failure to appear.** The chief student affairs officer or designee is authorized to enforce the suspension of the summarily suspended student in the event the student has been served notice and fails to appear at the time designated for the summary suspension proceeding.

[Statutory Authority: RCW 28B.50.140(13). 08-01-088, § 132I-120-431, filed 12/17/07, effective 1/17/08. Statutory Authority: Chapter 34.05 RCW

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et seq., RCW 28B.50.100 and 28B.50.140. 92-15-115, § 132I-120-431, filed 7/21/92, effective 8/21/92.]

**WAC 132I-120-432 Appeals from summary suspension hearing.** (1) Any suspended or disciplined student aggrieved by an order issued at the summary suspension proceeding may appeal to the discipline committee. However, no such appeal shall be entertained, unless:

(a) The student has first appeared at the student hearing in accordance with WAC 132I-120-427;

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

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

(d) The appeal conforms to the standards set forth in WAC 132I-120-441(2).

(2) If the student has met the above criteria, the discipline committee shall conduct a formal hearing in the manner described in WAC 132I-120-442.

[Statutory Authority: RCW 28B.50.140(13). 08-01-088, § 132I-120-432, filed 12/17/07, effective 1/17/08. Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. 92-15-115, § 132I-120-432, filed 7/21/92, effective 8/21/92.]

**WAC 132I-120-435 Discipline committee.** (1) The discipline committee shall hear and make recommendations on all disciplinary cases referred by the chief student affairs officer or designee, or appealed by students who have been disciplined by the chief student affairs officer or designee.

(2) The discipline committee shall be composed of the following members, and efforts will be made to ensure that there is gender and racial balance in the makeup of the committee members:

(a) A chair shall be designated by the president of the college and shall continue in office until the person resigns or is recalled by the president. It is the responsibility of the chair to ensure that all procedural guidelines specified in WAC 132I-120-440 are followed, to call the discipline committee into session, to preside at all meetings and hearings of the committee, to take whatever steps are necessary during the hearing itself to ensure that the hearing is conducted in a respectful and orderly manner, to advise the members of the committee concerning precedents and guidelines affecting the individual case, and to inform the student in writing of the action taken by the discipline committee following the hearing.

(b) Two full-time tenured faculty members shall be recommended by the faculty senate and appointed by the president. Two alternatives shall be recommended and appointed to serve in the event that appointees are unable to serve or complete their term. The committee members shall serve for two-year terms. Terms shall begin with the first day of fall quarter and shall include summer quarter.

(c) Two full-time student representatives in good standing shall be chosen by the ASHCC in such manner as the members thereof shall determine. For the purposes of these rules, a full-time student shall be defined as currently enrolled in twelve or more credit hours. Two alternates shall be appointed to serve in the event that members are unable to serve or complete their term. The committee members shall serve for one-year terms. Terms shall begin with the first day

of summer quarter and extend through the following spring quarter.

(3) The disciplinary committee shall be convened by the chief student affairs officer or designee during the fall quarter to discuss these rules. Other meetings may be held as determined by the chairperson or requested by the committee members.

(4) Faculty or student members may be excused from service. Replacement members shall be appointed in accordance with subsection (2)(b) of this section.

(5) A quorum is required to conduct a disciplinary hearing. In addition to the chair, at least one faculty member and one student is required for a quorum.

(6) If a quorum cannot be formed because of the non-availability of members, the president may appoint an ad hoc committee with the same composition as the regular discipline committee, including the temporary appointment of a chair.

[Statutory Authority: RCW 28B.50.140(13). 08-01-088, § 132I-120-435, filed 12/17/07, effective 1/17/08. Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. 92-15-115, § 132I-120-435, filed 7/21/92, effective 8/21/92. Statutory Authority: RCW 28B.50.140. 88-07-120 (Order 022), § 132I-120-435, filed 3/23/88.]

#### **WAC 132I-120-441 Appeals of disciplinary action.**

(1) Appeals contesting any disciplinary action may be made in the following order by the student(s) involved:

(a) Disciplinary action taken by the chief student affairs officer or designee may be appealed to the discipline committee, which shall hear the case and make a decision to uphold or modify the decision or to exonerate the student.

(b) Disciplinary decisions made by the discipline committee may be appealed by the student to the president of the college. The president shall review the record of the proceedings which gave rise to the appeal, as well as the recommendations made by the chief student affairs officer or designee and the discipline committee. The president will make a decision to uphold or modify the decision or to exonerate the student. The president's decision shall be final.

(2) Any appeal by a student receiving a disciplinary sanction must be in writing and is limited to the following grounds:

(a) New evidence not available during the hearing;

(b) The hearing was not conducted according to the procedures outlined in this document; and

(c) The sanction was too severe for the charges.

(3) The appeal of any action taken by the chief student affairs officer or designee shall be submitted in writing to the chair of the discipline committee, with a copy of all materials submitted also sent to the chief student affairs officer.

(4) The appeal of any action taken by the discipline committee shall be submitted in writing to the president, with a copy of all materials submitted sent to the chief student affairs officer.

(5) Any appeal must be filed within ten days from the date that the student was served notice of disciplinary action.

(6) Written decisions from the discipline committee shall be signed by the discipline committee chair and shall include findings of facts and conclusions that lead to the final decisions made by the discipline committee. Copies shall be sent to the chief student affairs officer or designee and the student

through certified mail at the most current registered student address.

[Statutory Authority: RCW 28B.50.140(13). 08-01-088, § 132I-120-441, filed 12/17/07, effective 1/17/08. Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. 92-15-115, § 132I-120-441, filed 7/21/92, effective 8/21/92.]

**WAC 132I-120-442 Hearing procedures before the discipline committee.** (1) The discipline committee shall conduct a hearing within fifteen days after the formal written appeal has been received. The hearing will be conducted pursuant to RCW 34.05.413 through 34.05.476.

(2) The student has a right to a fair and impartial hearing. However, the student's failure to cooperate with the committee's hearing procedures or failure to appear shall not preclude the discipline committee from making its findings of fact, conclusions, and recommendations.

(3) The student may be represented by a licensed attorney admitted to practice in the state of Washington as counsel at the disciplinary hearing. If the student elects to be represented by counsel, the student shall notify the chair at the time of appeal or, if the hearing is held at the request of the college, at least fifteen days prior to the hearing.

(4) In all disciplinary proceedings, the college shall be represented by the chief student affairs officer or designee. The chief student affairs officer shall present the college's case against the student accused of violating the rules of conduct. In cases in which the student elects to be represented by a licensed attorney, the chief student affairs officer may elect to have the college represented by an assistant attorney general with the assistance of the chief student affairs officer.

(5) The record in a formal hearing shall consist of all documents as required by law and as specified in RCW 34.05.476 as now law or hereafter amended.

(6) All records of disciplinary proceedings shall be maintained in the chief student affairs officer's office and shall be available only during the course of the disciplinary proceeding to the discipline committee, the student, representing attorneys, and any other college official designated by the chief student affairs officer or as otherwise required by law.

(7) Following the conclusion of the disciplinary proceeding, access to records of the case and the hearing files shall be limited to those designated by the chief student affairs officer or as otherwise required by law.

(8) Following final disposition of the case and any appeals therefrom, the chief student affairs officer 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.

(9) The discipline committee may expedite the time of the hearing at the request of the student or continue for good cause.

(10) If at any time during the hearing, a visitor disrupts the proceedings, the chair of the discipline committee may exclude that person from the hearing.

(11) Any student of the college attending the disciplinary hearing who disrupts the proceedings after the presiding officer has asked the student to cease or to leave the hearing room, shall be subject to disciplinary action.

(12) All testimony of parties and witnesses shall be made under oath or affirmation.

(13) Members of the discipline committee must avoid ex parte (one-sided) communications with any party involved in the hearing regarding any issue other than communications necessary to maintain an orderly procedural flow to the hearing.

[Statutory Authority: RCW 28B.50.140(13). 08-01-088, § 132I-120-442, filed 12/17/07, effective 1/17/08. Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. 92-15-115, § 132I-120-442, filed 7/21/92, effective 8/21/92.]

#### **WAC 132I-120-443 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) shall be considered in determining whether the discipline committee has sufficient cause to believe that the accused student is guilty of misconduct. The rules of evidence as described in the Administrative Procedure Act (RCW 34.05.452), incorporated herein as subsection (2) of this section will be utilized in code hearings.

(2) Evidence, including hearsay evidence, is admissible if in the judgment of the presiding officer it is the kind of evidence on which reasonably prudent persons are accustomed to rely in the conduct of their affairs. The presiding officer 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. The presiding officer may exclude evidence that is irrelevant, immaterial, or unduly repetitious.

(a) If not inconsistent with this subsection, the presiding officer shall refer to the *Washington Rules of Evidence* as guidelines for evidentiary rulings.

(b) All testimony of parties and witnesses shall be made under oath or affirmation.

(c) Documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference.

(d) Official notice may be taken of:

(i) Any judicially cognizable facts;

(ii) Technical or scientific facts within the agency's specialized knowledge; and

(iii) Codes or standards that have been adopted by an agency of the United States, of this state or of another state, or by a nationally recognized organization or association.

Parties shall be notified either before or during hearing, or by reference in preliminary reports or otherwise, of the material so noticed and the sources thereof, including any staff memoranda and data, and they shall be afforded an opportunity to contest the facts and material so noticed. A party proposing that official notice be taken may be required to produce a copy of the material to be noticed.

(3) Such evidence shall be considered as part of the determination of appropriate sanctions, if the accused has been found guilty of misconduct.

(4) Disciplinary hearings are intended to affirm or modify the sanction, or exonerate the student of alleged violations of the student code of conduct based on evidence and testimony presented at the hearing.

(5) It shall be the responsibility of the college to prove its case by a preponderance of the evidence.

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[Statutory Authority: RCW 28B.50.140(13). 08-01-088, § 132I-120-443, filed 12/17/07, effective 1/17/08. Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. 92-15-115, § 132I-120-443, filed 7/21/92, effective 8/21/92.]

**WAC 132I-120-444 Decision by the discipline committee.** (1) Upon conclusion of the disciplinary hearing, the discipline committee shall consider all the evidence presented and decide by majority the following actions:

(a) Terminate the proceedings and exonerate the student;

or

(b) Uphold the initial disciplinary action; or

(c) Impose any of the disciplinary actions as provided in this chapter, and impose more serious sanctions if warranted.

(2) The committee's written decision shall include findings of fact, conclusions, and recommendations for the final disposition of the matter.

(3) Within ten days after 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 their right to submit a written statement to the president of the college appealing the recommendation of the discipline committee.

[Statutory Authority: RCW 28B.50.140(13). 08-01-088, § 132I-120-444, filed 12/17/07, effective 1/17/08. Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. 92-15-115, § 132I-120-444, filed 7/21/92, effective 8/21/92.]

**WAC 132I-120-450 Final appeal.** Any student who is aggrieved by the findings or conclusions of an appeal to the discipline committee may appeal in writing to the president within ten days of official notice to the student by the committee. The president may, at his or her discretion, 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 his or her findings and decision on only the official written record of the case. The president shall not engage in an ex parte communication with any of the parties regarding the appeals. The president shall conduct the review within fifteen days of notice of appeal and shall provide a written conclusion to all parties within twenty days after completion of the appeal process. The president's decision shall be final.

[Statutory Authority: RCW 28B.50.140(13). 08-01-088, § 132I-120-450, filed 12/17/07, effective 1/17/08. Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. 92-15-115, § 132I-120-450, filed 7/21/92, effective 8/21/92.]

**WAC 132I-120-500 Review of rules.** The HCC student rights and responsibilities code shall be reviewed at regular intervals by the chief student affairs officer. An ad hoc review committee shall convene upon the request of the chief student affairs officer.

[Statutory Authority: RCW 28B.50.140(13). 08-01-088, § 132I-120-500, filed 12/17/07, effective 1/17/08. Statutory Authority: RCW 28B.50.140. 88-07-120 (Order 022), § 132I-120-500, filed 3/23/88.]

**WAC 132I-120-510 Membership of review committee.** The review committee shall be composed of nine members. Four of these members shall be students appointed by the ASHCC president. The chief student affairs officer shall accept recommendations from the faculty senate for faculty

representation on the review committee, and shall at his or her discretion appoint a maximum of four faculty and/or staff to the committee. Each member shall have one vote. The chief student affairs officer shall serve as a voting chair who shall vote in the case of a tie.

[Statutory Authority: RCW 28B.50.140(13). 08-01-088, § 132I-120-510, filed 12/17/07, effective 1/17/08. Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. 92-15-115, § 132I-120-510, filed 7/21/92, effective 8/21/92. Statutory Authority: RCW 28B.50.140. 88-07-120 (Order 022), § 132I-120-510, filed 3/23/88.]

**WAC 132I-120-520 Function of the review committee.** (1) The review committee will establish procedures for review and possible revision of these rules.

(2) All proposed amendments shall be submitted to the chief student affairs officer, who will send copies of each proposal to members of the review committee for their consideration. The review committee will hear and consider all proposed amendments and publish proposed recommendations for review by the Highline Community College (HCC) policy development council.

(3) After completion of the above steps, the recommendations for revision of these rules shall be made to the president, who, upon approval and review by the college counsel, shall make final recommendation to the board of trustees.

(4) Upon approval of the board of trustees, the new rules shall be published and be made immediately available to the college community.

[Statutory Authority: RCW 28B.50.140(13). 08-01-088, § 132I-120-520, filed 12/17/07, effective 1/17/08. Statutory Authority: RCW 28B.50.140. 88-07-120 (Order 022), § 132I-120-520, filed 3/23/88.]

**WAC 132I-120-530 Jurisdiction.** (1) All rules adopted in this chapter shall apply to every student whenever said student is present upon or in any college or college-controlled facility and whenever said student is present at or engaged in any college-sponsored program, activity, or event which is held on or in noncollege facilities.

(2) Members of the campus community who breach or aid or abet another in the breach of any provision of this chapter shall be subject to:

(a) Possible prosecution under Washington state criminal law;

(b) Any other civil or criminal remedies available to the public; or

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

[Statutory Authority: RCW 28B.50.140(13). 08-01-088, § 132I-120-530, filed 12/17/07, effective 1/17/08. Statutory Authority: Chapter 34.05 RCW et seq., RCW 28B.50.100 and 28B.50.140. 92-15-115, § 132I-120-530, filed 7/21/92, effective 8/21/92.]