

Chapter 132M-121 WAC

STUDENT CODE OF CONDUCT

WAC

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WAC 132M-121-010 Statement of policy and purpose. (1) Lower Columbia College, an agency of the state of Washington, exists for the development of students and to provide a variety of educational opportunities, and the opportunity to examine cultural, social and recreational aspects of society. Lower Columbia College as an institution of society must maintain conditions conducive to the effective performance of its functions. Consequently, Lower Columbia College has special expectations regarding the conduct of students. Student conduct that detracts from, or interferes with, the accomplishment of college purposes is not acceptable.

(2) The student is, first of all, a member of the community at large, and as such has the rights and responsibilities of any citizen. In addition, admission to Lower Columbia College carries with it the presumption that students will conduct themselves as responsible members of the college 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, and

will respect the rights, privileges and property of other members of the college community. Lower Columbia College expects an environment of integrity, respect, collaboration, cooperation, diversity, and innovation that fosters personal growth, academic excellence and accountability.

(3) The following rules regarding the conduct of students are adopted in order to provide students a full understanding of the rules that will enable the college to maintain conditions conducive to the effective performance of the college's functions. Sanctions for violations of the rules of student conduct will be administered by the college in the manner provided by said rules. When violations of laws of the state of Washington and/or the United States are also involved, the college may refer such matters to the appropriate authorities. In cases of minors, this conduct may also be referred to parents or legal guardians.

[Statutory Authority: RCW 28B.50.140. 08-06-066, § 132M-121-010, filed 3/3/08, effective 4/3/08.]

WAC 132M-121-020 Definitions. As used in this chapter, unless the context requires otherwise:

(1) "Administration" and "administrator" include the president, vice-presidents, deans, directors of programs or functions, and others designated as a member of the administration.

(2) "Arbitrary or capricious" refers to willful or unreasonable action, taken without consideration of, or in disregard of, facts or circumstances of a particular case. Where there is room for two reasonable opinions, an action shall not be deemed to be arbitrary or capricious when taken honestly and upon due consideration, however much it may be believed that an erroneous conclusion has been reached.

(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) "College" means Lower Columbia College or any additional community college established within Community College District 13.

(5) "College community" is composed of all individuals who are enrolled in classes and/or employed by the college.

(6) "College facilities" mean and include any and all real and personal property owned, rented, leased or operated by the board of trustees of Community College District 13, and shall include all buildings and appurtenances attached thereto and all parking lots and other grounds.

(7) "Designee" means a person appointed in writing by an officer or other person designated in a rule to perform a function, to perform that function on the appointer's behalf.

(8) "Disciplinary action" and "discipline" shall mean and include warning, reprimand, probation, suspension, dismissal, monetary fine, restitution, and any other action taken

against a student as a sanction or penalty for violation of a designated rule of student conduct.

(9) "District" means Community College District 13.

(10) "Faculty member" and "instructor" mean any employee of Community College District 13 who is employed on a full- or part-time basis as a teacher, instructor, counselor or librarian.

(11) "President" is the chief executive officer of the college appointed by the board of trustees.

(12) "Recognized student organization" means an organization established by and operated pursuant to the Constitution of the associated students of Lower Columbia College.

(13) "Student code of conduct" shall mean those rules regulating student conduct as herein adopted.

(14) "Service," "serve," "filing" and "file" shall have the meanings in WAC 10-08-110.

(15) "Student" is any person who is enrolled for classes or is formally in the process of applying for admission to the college.

(16) The singular includes the plural and vice versa, the masculine includes the feminine and vice versa, and the disjunctive includes the conjunctive and vice versa.

[Statutory Authority: RCW 28B.50.140. 08-06-066, § 132M-121-020, filed 3/3/08, effective 4/3/08.]

WAC 132M-121-030 Jurisdiction. This chapter shall apply to students and student conduct which occurs:

(1) On or in a college facility; or

(2) Whenever a student is present at or engaged in any college-sponsored program or function.

This chapter is not exclusive, and where conduct becomes known which may also violate any other rule or provision of law, nothing herein shall limit the right or duty of any person to report elsewhere or seek another remedy for that conduct.

[Statutory Authority: RCW 28B.50.140. 08-06-066, § 132M-121-030, filed 3/3/08, effective 4/3/08.]

WAC 132M-121-040 Right to demand identification.

(1) For the purpose of determining identity of a person as a student, any college administrator or member of the security staff, or designee of the president, may demand that any person produce evidence of student enrollment at the college. Presenting a current student identification card with a picture I.D. card will be deemed proof of student status.

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

[Statutory Authority: RCW 28B.50.140. 08-06-066, § 132M-121-040, filed 3/3/08, effective 4/3/08.]

WAC 132M-121-041 Freedom of expression. The right of free speech is fundamental to the democratic process. Students and other members of the college community shall be free to express their views or support causes by orderly means which do not disrupt the regular and essential operations of the college.

[Statutory Authority: RCW 28B.50.140. 08-06-066, § 132M-121-041, filed 3/3/08, effective 4/3/08.]

WAC 132M-121-042 Right to assembly. (1) Students shall have the right of assembly upon college facilities that are generally available to the public. 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, scheduled meetings or ceremonies; and

(d) Not unreasonably interfere with the regular activities of the college.

(2) A student who conducts or participates in an assembly in a manner which causes or helps to cause a violation of this section shall be subject to discipline.

(3) All speakers at an assembly shall allow time, insofar as circumstances reasonably permit, for a question and answer session.

(4) Sound amplifying equipment shall not be used without permission of the vice-president for student success or designee.

[Statutory Authority: RCW 28B.50.140. 08-06-066, § 132M-121-042, filed 3/3/08, effective 4/3/08.]

WAC 132M-121-043 Right to outside speakers. (1)

Any recognized student organization, after written notification to the vice-president for student success or director of student activities as prescribed herein, may invite a speaker to the college, subject to any restraints imposed by law.

(2) The appearance of an invited speaker at the college does not represent an endorsement, either implicit or explicit, by the college.

(3) The scheduling of facilities for hearing invited speakers shall be made through the student activities office.

(4) All speakers shall allow time, insofar as circumstances reasonably permit, for a question and answer session.

[Statutory Authority: RCW 28B.50.140. 08-06-066, § 132M-121-043, filed 3/3/08, effective 4/3/08.]

WAC 132M-121-044 Distribution of materials. (1)

Handbills, leaflets, newspapers and similar materials may be distributed free of charge upon college facilities designated by the director of student activities, provided that such distribution does not interfere with the ingress and egress of persons or interfere with the free flow of vehicle or pedestrian traffic.

(2) All students and nonstudents shall register with the director of student activities prior to distributing any handbill, leaflet, newspaper or related matter, including, but not limited to, materials to be posted on college bulletin boards.

Materials to be posted on college bulletin boards shall have prior approval by the director of student activities.

(3) The distribution of materials is prohibited in parking areas.

(4) All handbills, leaflets, newspapers and similar materials should identify the publisher and the distributing organization or individual.

(5) Distribution by means of accosting individuals or unreasonably disruptive behavior is prohibited.

(6) Any student who violates any provision of this rule relating to the distribution and sale of handbills, leaflets, newspapers or similar materials shall be subject to discipline.

(7) Any distribution of the materials regulated in this section shall not be construed as approval of the same by the college.

[Statutory Authority: RCW 28B.50.140. 08-06-066, § 132M-121-044, filed 3/3/08, effective 4/3/08.]

WAC 132M-121-045 Denial of access to Lower Columbia College. (1) The vice-president for student success or designee 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.

(2) Denial of access decisions may be appealed, as or like disciplinary actions, to the student conduct committee.

[Statutory Authority: RCW 28B.50.140. 08-06-066, § 132M-121-045, filed 3/3/08, effective 4/3/08.]

WAC 132M-121-046 Trespass. (1) In the instance of any event that the vice-president for student success or designee deems to be disruptive of order, or deems to impede the movement of persons or vehicles, or deems to disrupt or threaten to disrupt the ingress or egress of persons from college facilities, the vice-president for student success or designee is authorized to:

(a) Prohibit the entry of any person, or withdraw from any person the license or permission to enter onto or remain upon any portion of a college facility;

(b) Give notice against trespass to any person from whom the license or permission has been withdrawn or who has been prohibited from entering onto or remaining upon all or any portion of a college facility;

(c) Order any person to leave or vacate all or any portion of a college facility.

(2) Any student who disobeys a lawful order given by the vice-president for student success or designee pursuant to subsection (1) of this section shall be subject to discipline.

[Statutory Authority: RCW 28B.50.140. 08-06-066, § 132M-121-046, filed 3/3/08, effective 4/3/08.]

WAC 132M-121-050 Smoking. Smoking in college buildings and in areas of the campus not specifically posted by the administration as a designated smoking area, is not permitted. Violations of this section shall be cause for discipline.

[Statutory Authority: RCW 28B.50.140. 08-06-066, § 132M-121-050, filed 3/3/08, effective 4/3/08.]

WAC 132M-121-051 Liquor. Any student who, while in any college facility or participating in a college-related program, uses, possesses, consumes, is demonstrably under the influence of, or sells any liquor as defined in RCW 66.04.010, in violation of law or in a manner which significantly disrupts a college activity, shall be subject to discipline.

[Statutory Authority: RCW 28B.50.140. 08-06-066, § 132M-121-051, filed 3/3/08, effective 4/3/08.]

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WAC 132M-121-052 Drugs/substance abuse. Any student who, while in any college facility or participating in a college-related program, uses, possesses, consumes, is demonstrably under the influence of, or sells, delivers or distributes any narcotic drug or controlled substance as defined in RCW 69.50.101, in violation of law or in a manner which significantly disrupts a college activity, shall be subject to discipline. For purposes of this section, "sell" includes the statutory meaning in RCW 69.50.410.

[Statutory Authority: RCW 28B.50.140. 08-06-066, § 132M-121-052, filed 3/3/08, effective 4/3/08.]

WAC 132M-121-053 Hazing. Any student who commits hazing, defined as any method of initiation into a student organization or any pastime or amusement engaged in with respect to such an organization that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm to any student or other person attending any college of Lower Columbia College, shall be subject to discipline, and/or in addition to any other disciplinary action which may be imposed under this chapter, forfeit any entitlement to student-funded grants, scholarships, or awards of a period of time determined by the college.

In addition, any group or organization found to have knowingly permitted hazing to be conducted by its members or by others subject to its direction or control shall be deprived of any official recognition or approval granted by the college.

[Statutory Authority: RCW 28B.50.140. 08-06-066, § 132M-121-053, filed 3/3/08, effective 4/3/08.]

WAC 132M-121-054 Failure to comply. Any student who fails to comply with the direction of college officials acting in the legitimate performance of their duties shall be subject to discipline.

[Statutory Authority: RCW 28B.50.140. 08-06-066, § 132M-121-054, filed 3/3/08, effective 4/3/08.]

WAC 132M-121-055 Disorderly or disruptive conduct. (1) Any student who significantly disrupts any college function by intentionally engaging in conduct that renders it difficult or impossible to continue such a function in an orderly manner, shall be subject to discipline. A college function for this purpose includes, but is not limited to, meetings, business activities, administrative functions, college-sponsored activities, and any disciplinary, grievance, or appeal meeting or hearing under these rules.

(2) Instructors or building/facility managers have the authority to take necessary and appropriate action to maintain order and proper conduct in the classroom or building/facility.

(3) Any student who is so disorderly or disruptive that it is difficult or impossible to maintain classroom decorum, may be excluded from any class session during which the disruption occurs, by the instructor. The instructor shall report any such exclusion from class to the supervising dean who shall refer the matter to the vice-president for student success or designee. Upon receiving a written complaint and description of the conduct, the vice-president for student success or designee may initiate disciplinary action as provided in this policy.

(4) A building/facility manager may exclude a student for the single day in which such disorderly or disruptive behavior occurs. The building/facility manager shall report the infraction and exclusion in writing to the vice-president for student success or designee at the earliest opportunity. Upon receiving a written complaint and description of the conduct, the vice-president for student success or designee may initiate disciplinary action as provided in this policy.

[Statutory Authority: RCW 28B.50.140. 08-06-066, § 132M-121-055, filed 3/3/08, effective 4/3/08.]

WAC 132M-121-056 Theft—Stolen property—Robbery. Any student who commits theft from college premises and/or property: Theft of property of a member of the college community on college premises; or possesses property stolen from college premises and/or a member of the college community while on college premises shall be subject to discipline.

[Statutory Authority: RCW 28B.50.140. 08-06-066, § 132M-121-056, filed 3/3/08, effective 4/3/08.]

WAC 132M-121-057 Damaging property. Any student who causes or attempts to cause physical damage to property owned, controlled, or operated by the district, or to property owned, controlled, or operated by another person while said property is located on college facilities, shall be subject to discipline.

[Statutory Authority: RCW 28B.50.140. 08-06-066, § 132M-121-057, filed 3/3/08, effective 4/3/08.]

WAC 132M-121-058 Interference—Intimidation—Physical abuse—Verbal abuse—Threats—Harassment—Stalking. Any student who, while in any college facility or participating in a college-related program, shall interfere by force or violence with, or intimidate by threat of force or violence, or verbally abuse; verbally threaten, physically abuse or harass another person who is in the peaceful discharge or conduct of his/her duties or studies, shall be subject to discipline.

Any student who stalks another person, defined as the willful malicious and/or repeated following or contact of another person with the reasonable intent of creating fear or emotional distress, and/or the making of a threat with the intent to place that person in reasonable fear of death or bodily harm, shall be subject to discipline.

[Statutory Authority: RCW 28B.50.140. 08-06-066, § 132M-121-058, filed 3/3/08, effective 4/3/08.]

WAC 132M-121-059 Obscene, lewd or indecent conduct. Any student who engages in obscene, lewd or indecent behavior shall be subject to discipline.

[Statutory Authority: RCW 28B.50.140. 08-06-066, § 132M-121-059, filed 3/3/08, effective 4/3/08.]

WAC 132M-121-060 Racial harassment. Any student who engages in racial harassment, which included 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

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or which interferes with job or school performance shall be subject to discipline.

[Statutory Authority: RCW 28B.50.140. 08-06-066, § 132M-121-060, filed 3/3/08, effective 4/3/08.]

WAC 132M-121-061 Sexual harassment. Any student who, while in any college facility or participating in a college-related program, knowingly engages in unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature which is sufficiently severe, persistent, or pervasive to limit a student's ability to participate in or benefit from an education program or activity, or to create a hostile or abusive educational environment, shall be subject to discipline.

[Statutory Authority: RCW 28B.50.140. 08-06-066, § 132M-121-061, filed 3/3/08, effective 4/3/08.]

WAC 132M-121-062 Forgery or alteration of records. Any student, who, while in any college facility or participating in a college-related program, engages in forgery, shall be subject to discipline. Additionally, any student who alters or misuses college documents, records, funds, or instruments of identification shall be subject to discipline.

[Statutory Authority: RCW 28B.50.140. 08-06-066, § 132M-121-062, filed 3/3/08, effective 4/3/08.]

WAC 132M-121-063 Computer trespass. (1) Any student who, without authorization, intentionally gains access to a computer system or electronic data of another student, a faculty member, or the district; shall be subject to discipline.

(2) Any student who uses college computers or electronic communication devices for other than legitimate college activities, or violates the *Student Computing Resources Policy*, or uses computers to view pornography, or download music or videos using any program, web sites, servers, or other network equipment, is subject to discipline.

[Statutory Authority: RCW 28B.50.140. 08-06-066, § 132M-121-063, filed 3/3/08, effective 4/3/08.]

WAC 132M-121-064 Firearms/explosives. Any student who, while in any college facility or participating in a college-related program, uses or has on his/her person firearms or explosive materials or dangerous chemicals, without written permission of the vice-president for student success or director of security services or designee, shall be subject to discipline.

[Statutory Authority: RCW 28B.50.140. 08-06-066, § 132M-121-064, filed 3/3/08, effective 4/3/08.]

WAC 132M-121-065 Other punishable acts. Any student who, while in any college facility or participating in a college-related program, commits any other act which is a crime under the laws of the state of Washington or the United States and which act does not otherwise violate a rule of student conduct, shall be subject to discipline.

[Statutory Authority: RCW 28B.50.140. 08-06-066, § 132M-121-065, filed 3/3/08, effective 4/3/08.]

WAC 132M-121-066 False information. Providing false information to the college or the intentional making of

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false statements and/or filing of false charges against the college and/or members of the college community.

[Statutory Authority: RCW 28B.50.140. 08-06-066, § 132M-121-066, filed 3/3/08, effective 4/3/08.]

WAC 132M-121-067 Academic dishonesty. All forms of student academic dishonesty, including cheating, falsification, plagiarism or facilitating, aiding and abetting academic dishonesty.

[Statutory Authority: RCW 28B.50.140. 08-06-066, § 132M-121-067, filed 3/3/08, effective 4/3/08.]

WAC 132M-121-068 Malicious harassment. Malicious harassment that involves intimidation or bothersome behavior directed toward another person because of, or related to that person's race, color, religion, gender, sexual orientation, ancestry, national origin, or mental, physical or sensory disability.

[Statutory Authority: RCW 28B.50.140. 08-06-066, § 132M-121-068, filed 3/3/08, effective 4/3/08.]

WAC 132M-121-100 Initiation of discipline. (1) Any member of the Lower Columbia College community may file a complaint against a student for violations of the student code of conduct. The complaint should be filed in writing with the vice-president for student success. A complaint should be submitted as soon as possible after the event takes place, and normally within ten academic calendar days.

(2) The vice-president for student success or designee is responsible for initiating disciplinary proceedings for violations of the student code of conduct.

(3) The vice-president for student success may conduct an investigation to determine if the complaint has merit and/or if the matter(s) can be disposed of administratively by mutual consent of the parties involved on a basis acceptable to the vice-president for student success or designee. Such disposition shall be final and there shall be no subsequent proceedings. If the charges described in the complaint are not admitted and/or cannot be disposed of by mutual consent, the vice-president for student success or designee may later serve in the same matter as the student conduct committee or a member thereof. If the student admits violating code of conduct rules, but sanctions are not agreed to, subsequent process, including a hearing if necessary, shall be limited to determining the appropriate sanction(s).

(4) In order that any informality in disciplinary proceedings not mislead any student as to the seriousness of the matter under consideration, the vice-president for student success shall inform the student of the rule that he or she is charged with violating, and what appear to be the range of sanctions, if any.

(5) The vice-president for student success, or designee, after meeting or attempting to meet with the student, and considering the evidence in the complaint, may take any of the following actions:

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

(b) Dismiss the case after providing whatever counseling and advice may be appropriate.

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(c) Impose verbal warning or reprimand not subject to student's right of appeal.

(d) Impose additional disciplinary sanctions, subject to the student's right of appeal as described in this procedure. The student shall be notified in writing of the action taken, the reason for the decision and information about the appeals process.

(e) Refer the matter to the student conduct committee for appropriate action. The student shall be notified in writing that the matter has been referred to the committee.

(6) If the student fails to appear at the scheduled meeting without prior notification or evidence of extenuating circumstances, the vice-president for student success may impose any sanctions authorized by this code.

(7) The written decision of the vice-president for student success shall become final unless appealed.

[Statutory Authority: RCW 28B.50.140. 08-06-066, § 132M-121-100, filed 3/3/08, effective 4/3/08.]

WAC 132M-121-105 Sanctions. Sanctions for violations of the code of conduct may be imposed independent of any action taken by civil authorities. In the case of minors, misconduct may be referred to parents or legal guardians.

Any of the following disciplinary sanctions may be imposed for violations of one or more provisions of this student code of conduct:

(1) Warning: An oral or written notice to a student that college expectations about conduct have not been met.

(2) Reprimand: A written notice, designated as a reprimand, which censures a student for improper conduct and includes a warning that continuation or repetition of improper conduct may result in other, further discipline.

(3) Probation: A written statement placing specific conditions upon the student's continued attendance at the college, for a stated period of time not exceeding termination of the student's enrollment. Violation of any such condition shall be cause for further disciplinary action.

(4) Suspension or dismissal: Written termination of status as a student at the college, for a period of time that is limited (suspension) or indefinite or open-ended (dismissal). The written notice shall indicate any condition(s) for readmission, and that written application for readmission must be made to the vice-president for student success. Upon receipt of such an application, with justification deemed adequate by the vice-president for student success, the student may be readmitted. No fees will be refunded for the quarter in which the action is taken.

(5) Monetary fine or restitution: A written order, alone or combined with another disciplinary action, requiring the student to pay, within a stated time limit, appropriate restitution for a financial loss caused by the student's misconduct and/or a monetary fine not exceeding one quarter's tuition. Failure to pay shall be cause for further disciplinary action and/or canceling and barring the student's registration and/or withholding a degree.

[Statutory Authority: RCW 28B.50.140. 08-06-066, § 132M-121-105, filed 3/3/08, effective 4/3/08.]

WAC 132M-121-110 Student conduct committee. (1) The student conduct committee is hereby established. The purpose of the student conduct committee is to provide a stu-

dent with an opportunity to be heard by an independent body with regard to nonacademic discipline.

(2) The student conduct committee shall be composed of five members, who will be chosen no later than November 1st of each academic year. The committee members shall be selected as follows:

(a) One administrator or exempt employee appointed by the president of the college or a designee;

(b) An exempt employee or other supervisory employee appointed by the president of the college;

(c) Two members of the tenured faculty, appointed by the president of the Lower Columbia College Faculty Association of Higher Education ("LCCFAHE");

(d) One representative from the student body appointed by ASLCC executive council;

(e) Two alternates for each position will be appointed at the same time. Additional alternates may be appointed at such time as necessary.

(3) None of the above-named persons shall sit on any case in which he or she is a complainant or witness; or in which he or she has a direct or personal interest, in which he/she has acted previously in an advisory or official capacity. Decisions in this regard, including the selection of alternates, shall be made by the committee as a whole. The chair of the student conduct committee shall be elected by members of the committee.

[Statutory Authority: RCW 28B.50.140. 08-06-066, § 132M-121-110, filed 3/3/08, effective 4/3/08.]

WAC 132M-121-115 Appeals. A student may appeal any nonacademic disciplinary action except warning and reprimand by filing a written appeal addressed to the vice-president for student success, within five calendar days of notification of the disciplinary action. The appeal must clearly state errors in fact or matters in extenuation or mitigation which justify the appeal.

Disciplinary action by any college employee may be appealed to, and shall be reviewed by, the vice-president for student success or designee.

Disciplinary action imposed by the vice-president for student success may be appealed to, and shall be reviewed by, the student conduct committee.

Disciplinary action by the student conduct committee may be appealed to and shall be reviewed by the college president or his/her designee. The president of the college or his/her designated representative, after reviewing the case, including the decision of the committee and any statements filed by the student, shall either indicate his/her approval of the conclusions of the committee by sustaining its decision, shall give directions as to what other disciplinary action shall be taken by modifying its decision or shall nullify previous sanctions imposed by reversing its decision. The president shall then notify the vice-president for student success, the student and the committee chair. The decision of the president is final.

[Statutory Authority: RCW 28B.50.140. 08-06-066, § 132M-121-115, filed 3/3/08, effective 4/3/08.]

WAC 132M-121-120 Groups and organizations. (1) Recognized student groups and organizations may be charged with violations of this code. Such a group or organi-

zation and its officers may be held collectively or individually responsible when violations of this code by those associated with the group or organization have received the tacit or overt consent or encouragement of the organization, its leaders, officers or spokespersons.

(2) The vice-president for student success may withdraw a student organization's recognition and funding for good cause. Such cause shall include, but not be limited to:

(a) Failure to comply with this rule or other college requirements; or

(b) Hazing.

Additional sanctions for group or organization misconduct may include revocation of the use of college facilities for a specified period of time, denial of funds, as well as other appropriate sanctions permitted under this code. Sanctions imposed on groups or organizations are subject to the appeal process upon request.

[Statutory Authority: RCW 28B.50.140. 08-06-066, § 132M-121-120, filed 3/3/08, effective 4/3/08.]

WAC 132M-121-200 Summary suspension. (1) A student who presents an imminent danger to the health, safety or welfare of any member of the college community, to college property, or is of significant disruption to the educational process or other normal operations of the college shall be subject to summary suspension.

(2) The vice-president for student success or designee may summarily suspend a student for a period of up to five academic days; and/or for any time period through the final determination of the student's appeal by the student conduct committee. During summary suspension, a student shall be denied access to the campus (including classes) and/or all other activities or privileges for which the student might otherwise be eligible, as the vice-president for student success or designee may determine to be appropriate. The student may enter college premises only to meet with the vice-president for student success or designee; to deliver a written appeal; to attend a hearing; or as otherwise permitted by the vice-president for student success.

(3) The vice-president for student success shall give the student oral or written notice of the reasons for summary suspension, duration of the summary suspension, and of any possible additional disciplinary action that may be taken. If oral notice is given, written notice shall follow within two calendar days. In addition, the vice-president for student success shall set a date for an informal hearing on the summary suspension as soon as practicable.

(a) The presiding officer for an informal hearing shall be an administrator designated by the college president other than the administrator who initially imposed the summary suspension. The presiding officer will decide whether reasonable cause exists to support and continue the summary suspension.

(b) The presiding officer shall issue a written decision within two days of the informal hearing. If summary suspension is continued, the written notice shall stipulate the duration of the summary suspension and conditions under which they may be terminated.

(c) The student may request a *de novo* review of the informal hearing decision before the student conduct committee. Either party may request the review to be consoli-

dated with any other disciplinary proceeding arising from the same matter.

(4) At the end of the summary suspension period, the student shall be reinstated to prior status subject to any other disciplinary sanctions that may have been imposed.

[Statutory Authority: RCW 28B.50.140. 08-06-066, § 132M-121-200, filed 3/3/08, effective 4/3/08.]

WAC 132M-121-300 Adjudicative proceedings before the student conduct committee. (1) The hearing shall be conducted in accordance with chapters 34.05 RCW, 10-08 and 132M-121 WAC. The committee or chair shall prepare a written opinion that shall include findings of fact, conclusions, and recommendations.

(2) The student's failure to answer the charges, appear at the hearing or cooperate in the hearing shall not preclude the student conduct committee from making its findings of facts, conclusions, and recommendations. This shall not limit the possibility of a default pursuant to RCW 34.05.440.

(3) The committee chair shall give written notice of the time and place of the hearing to all parties in accordance with RCW 34.05.434 and WAC 10-08-040. Such notice shall be given not less than ten calendar days before the date set for the hearing.

(4) The student shall be entitled to:

(a) Hear and examine the evidence against him/her and be informed of the identity of its source; and

(b) Present evidence and argument in his/her own behalf and to cross-examine witnesses.

(5) The student may have one advisor present at the hearing. The advisor may be allowed to advise the student during the proceedings, but is not permitted to speak to the committee; conduct examinations of witnesses; or disrupt the proceeding. No attorney representative of any party may participate in a hearing unless a notice of appearance has been filed and served at least five days before the hearing, but in the event of such notice the college may be represented by an assistant attorney general.

(6) In all disciplinary proceedings, the college may be represented by a designee appointed by the vice-president for student success; that designee may then present the college's case against the student accused of violating the rules of conduct.

(7) The presiding officer is responsible for causing the hearing to be recorded. All hearings shall be recorded by manual, electronic, or other type of recording device. Hearings shall be recorded in accordance with WAC 10-08-170.

(8) The record in an adjudicative proceeding shall consist of all documents as required by law and as specified in RCW 34.05.476 as now or hereafter amended.

(9) The time of the hearing may be continued for good cause by the committee chair upon timely request of any party.

(10) In accordance with the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g, hearings conducted by the student conduct committee will be held in closed session; provided, the student(s) involved may waive in writing this requirement and request the hearing to be held in open session. The chair may exclude from the hearing room any person who is disruptive of the proceedings and may limit the number who may attend the hearing in order to afford order-

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liness to the proceedings. Any person attending the disciplinary hearing who continues to disrupt the proceedings after the chair has asked him/her to cease or leave the hearing room shall be subject to disciplinary action.

[Statutory Authority: RCW 28B.50.140. 08-06-066, § 132M-121-300, filed 3/3/08, effective 4/3/08.]

WAC 132M-121-310 Recordkeeping. (1) The vice-president for student success shall maintain for at least six years the following records of student grievance and disciplinary actions and proceedings:

(a) Only initial and final orders in cases where a student's grievance has been sustained or a disciplinary action against a student has been reversed and the student fully exonerated;

(b) The complete records, including all orders, in all other cases where adjudication has been requested;

(c) A list or other summary of all disciplinary actions reported or known to the vice-president and not appealed.

(2) Final disciplinary actions shall be entered into student records, provided that the vice-president for student success shall have discretion to remove some or all of that information from a student's record upon the student's request and showing of good cause.

[Statutory Authority: RCW 28B.50.140. 08-06-066, § 132M-121-310, filed 3/3/08, effective 4/3/08.]

WAC 132M-121-320 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 student conduct committee has sufficient cause to believe that the accused student is guilty of violating the rules he/she is charged with having violated. In determining the appropriate sanction that should be recommended, evidence of past misconduct that the committee chair deems relevant may be considered.

(2) The chair of the student conduct committee shall, in the course of presiding at the disciplinary hearing, give effect to the rules of privilege recognized by the law and exclude incompetent, irrelevant, immaterial and unduly repetitious evidence. Hearsay evidence is admissible.

(3) 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 28B.50.140. 08-06-066, § 132M-121-320, filed 3/3/08, effective 4/3/08.]

WAC 132M-121-330 Initial order—Petition for administrative review—Final order. (1) The burden of proof shall be on the party seeking to uphold the discipline to establish sufficient cause by a preponderance of the evidence. Upon conclusion of the disciplinary hearing, the student conduct committee shall consider all the evidence therein presented and decide by majority vote whether to uphold the decision of the vice-president for student success or to recommend 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) Within ninety days specified in RCW 34.05.461, and preferably within thirty days, the chair shall serve on the parties and the president an initial order. At the same time, a full and complete record of the proceedings shall also be transmitted to the president. The initial order shall include a statement of findings and conclusions and otherwise comply with RCW 34.05.461 and WAC 10-08-210. It shall also describe the available administrative review procedures specified in subsection (3) of this section.

(3) The initial order shall become the final order without further action, unless within twenty days of service of the initial order:

(a) The president or designee upon his/her own motion, determines that the initial order should be reviewed; or

(b) A party to the proceedings files with the president a written petition for administrative review of the initial order. The president or designee shall be the reviewing officer and RCW 34.05.464 and WAC 10-08-211 shall apply to any such determination or petition.

[Statutory Authority: RCW 28B.50.140. 08-06-066, § 132M-121-330, filed 3/3/08, effective 4/3/08.]

WAC 132M-121-340 Suspension for failure to appear. The vice-president for student success is authorized to enforce the suspension of the summarily suspended student in the event the student has been served notice pursuant to WAC 132M-121-200 and fails to appear at the time designated for the summary suspension proceeding.

[Statutory Authority: RCW 28B.50.140. 08-06-066, § 132M-121-340, filed 3/3/08, effective 4/3/08.]

WAC 132M-121-350 Final decision. The president or his/her designee(s) shall review the findings and conclusions of the vice-president for student success in conjunction with the recommendations of the student conduct committee and will issue a final decision within three days.

[Statutory Authority: RCW 28B.50.140. 08-06-066, § 132M-121-350, filed 3/3/08, effective 4/3/08.]

WAC 132M-121-500 Severability. If any provision of this policy is adjudged by a court to be unconstitutional or otherwise illegal, the remaining provisions shall continue in effect.

[Statutory Authority: RCW 28B.50.140. 08-06-066, § 132M-121-500, filed 3/3/08, effective 4/3/08.]