

Chapter 132X-60 WAC

SOUTH PUGET SOUND CODE OF STUDENT RIGHTS AND RESPONSIBILITIES

WAC

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WAC 132X-60-010 Preamble. South Puget Sound Community College is dedicated not only to learning and the advancement of knowledge but also the development of ethically sensitive and responsible persons. It seeks to achieve these goals through a sound educational program and policies concerning conduct that encourage independence and maturity while strengthening the spirit of mutual cooperation and responsibility shared by all members of the college community. Sharing goals held in common, the students, faculty, and staff of South Puget Sound Community College are joined in voluntary association in an educational community.

The student is, first of all, a member of the community at large, and as such, is entitled to the rights and responsibilities of any citizen of comparable age and maturity. In addition, students, as members of the college, are in the unique position of being citizens of two communities, subject to the regulations imposed by both and accountable to both. South Puget Sound Community College expects that students will respect the laws of the greater society. As an agency of the state of Washington, the college must respect and adhere to the regulations established by local, state, and federal authorities. As an educational institution, it has the added responsibility for assisting students in gaining an understanding of the law and its function, and the responsibilities imposed upon each individual in a democratic society to respect and support the legal structure which protects the individual and the society. As a functioning organization, it also has the responsibility to develop a set of regulations to assure the orderly conduct of the affairs of the college.

Admission to the college carries with it the expectation that students will conduct themselves as responsible members of the college community, that they will comply with the rules and regulations of the college, maintain high standards of integrity and honesty, respect the rights, privileges and property of other members of the college community and will not interfere with legitimate college affairs.

An atmosphere of learning and self-development is created by appropriate conditions in the college community. The rights and responsibilities in this document are critical ingredients in the free, creative, and spirited educational environment to which the students, faculty and staff at South Puget Sound Community College are committed.

[Statutory Authority: RCW 28B.50.140(13). 00-05-023, § 132X-60-010, filed 2/8/00, effective 3/10/00. Statutory Authority: RCW 28B.50.140. 88-21-071 (Order 88-1), § 132X-60-010, filed 10/18/88.]

WAC 132X-60-015 Definitions. As used in this *Code of Student Rights and Responsibilities* the following words and phrases shall mean:

(1) **SPSCC senate** means the representative governing body for students at South Puget Sound Community College recognized by the board of trustees.

(2) **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 disseminated information to any person, persons or group of persons.

(3) **Board** means the board of trustees of Community College District 24, state of Washington.

(4) **College** means South Puget Sound Community College located within Community College District 24, state of Washington.

(5) **College facilities** means and includes any or all real and personal property owned or operated by the college and shall include all buildings and appurtenances affixed thereon or attached thereto.

(6) **College personnel** refers to any person employed by Community College District 24 on a full-time or part-time basis, except those who are faculty members.

(7) **Disciplinary action** means and includes dismissal or any lesser sanction of any student by the vice-president for student services, the student hearing committee, college president, or the board of trustees for the violation of any of the provisions of the code of student rights and responsibilities for which such sanctions may be imposed.

(a) The college president or designee shall have the authority to take any disciplinary action including the authority to suspend any student of the college for a period not to exceed ten academic calendar days.

(b) The college president or designee shall have the authority to take any disciplinary action including the authority to dismiss any student of the college.

(8) **District** means Community College District 24, state of Washington.

(9) **Faculty member(s)** means any employee of South Puget Sound Community College who is employed on a full-time or part-time basis as a teacher, counselor, librarian or other position for which the training, experience and responsibilities are comparable as determined by the appointing authority, except administrative appointments.

(10) **President** means the duly appointed chief executive officer of South Puget Sound Community College, District 24, state of Washington, or in his/her absence, the designee.

(11) **Recognized student organization** means and includes any group or organization composed of students which is recognized formally by the student government of the college.

(12) **A sponsored event or activity** means any activity that is scheduled by the college and is supervised and controlled by the college's faculty members or college personnel. Such sponsorship shall continue only as long as the event is supervised and controlled by the college faculty member or college personnel. When the sponsored event or activity is of a prolonged nature, and free time periods are permitted to the students participating in the event, any activity taking place during such a free time period outside of the supervision and control of the college's faculty member or college personnel responsible for the event or activity shall be deemed to be a nonsponsored activity.

(13) **Student**, unless otherwise qualified, means and includes any person who is enrolled for classes or formally in the process of applying for admission to the college.

[Statutory Authority: RCW 28B.50.140(13). 00-05-023, § 132X-60-015, filed 2/8/00, effective 3/10/00.]

WAC 132X-60-020 Jurisdiction. All rules herein adopted shall apply to every student whenever said student is present upon or in any college facility and whenever said student is present at or engaged in any college sponsored activity or function which is held on or in noncollege facilities not open to attendance by the general public.

Persons aiding or abetting a student's breach of this code shall be subject to having their privilege removed as to remaining on college property or engaging in college-sponsored activities, and/or appropriate disciplinary action pursuant to HEPB rules or faculty and administrative rules and regulations of conduct. If the privilege to remain on campus is revoked, trespassers shall be subject to possible arrest and prosecution under the state criminal trespass law.

[Statutory Authority: RCW 28B.50.140(13). 00-05-023, § 132X-60-020, filed 2/8/00, effective 3/10/00. Statutory Authority: RCW 28B.50.140. 88-21-071 (Order 88-1), § 132X-60-020, filed 10/18/88.]

WAC 132X-60-030 Right to demand identification. College personnel may demand that any person on college facilities produce evidence of student enrollment.

[Statutory Authority: RCW 28B.50.140. 88-21-071 (Order 88-1), § 132X-60-030, filed 10/18/88.]

WAC 132X-60-035 Authority to prohibit trespass.

(1) The college president is authorized in the instance of any event that the college president deems impedes the movement of persons or vehicles or which the college president

deems to disrupt or threatens to disrupt the ingress and/or egress of persons from college facilities, and the college president acting through the vice-president for student services, or such other designated person, shall have the authority and power to:

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

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

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

(2) Any student who shall disobey a lawful order given by the campus president or designee pursuant to the requirements of subsection (1) of this section shall be subject to disciplinary action.

[Statutory Authority: RCW 28B.50.140(13). 00-05-023, § 132X-60-035, filed 2/8/00, effective 3/10/00.]

WAC 132X-60-037 Freedom of access to higher education. Students are free to pursue their educational goals; appropriate opportunities for learning in the classroom and on the campus shall be provided by the district. The college shall maintain an open-door-policy, to the end that no student will be denied admission because of the location of the student's residence, or because of the student's educational background or ability; that, insofar as is practical in the judgment of the board, curriculum offerings shall be provided to meet the educational and training needs of the community generally and the students thereof; and that all students, regardless of their differing courses of study, will be considered, known and recognized equally as members of the student body: Provided, That the administrative officers of the college may deny admission to a prospective student or attendance to an enrolled student, if, in their judgment, the student would not be competent to profit from the curriculum offerings of the community college, or would, by the student's presence or conduct, create a disruptive atmosphere within the community college inconsistent with the purposes of the institution.

[Statutory Authority: RCW 28B.50.140(13). 00-05-023, § 132X-60-037, filed 2/8/00, effective 3/10/00.]

WAC 132X-60-040 Freedom of association and organization. Students are free to organize and join associations to promote any legal purpose. Student organizations must be granted a charter by the associated students of South Puget Sound Community College senate before they may be officially recognized. Prior to becoming chartered, a student organization must submit to the associated students of South Puget Sound Community College senate a statement of purpose, criteria for membership, a statement of operating rules or procedure, and the names of college personnel who have agreed to serve as an advisor. All chartered student organizations must also submit to the associated students of South Puget Sound Community College senate a list of officers and keep that list updated when changes occur. In order to qualify for issuance of a charter, a student organization must be open to all students without respect to race, gender, religion, age,

nationality, or sexual orientation. Affiliation with a noncampus organization shall not be grounds for denial of charter provided that other conditions for charter issuance have been met.

[Statutory Authority: RCW 28B.50.140(13). 00-05-023, § 132X-60-040, filed 2/8/00, effective 3/10/00. Statutory Authority: RCW 28B.50.140. 88-21-071 (Order 88-1), § 132X-60-040, filed 10/18/88.]

WAC 132X-60-045 Freedom of expression. Fundamental to the democratic process are the rights of free speech and peaceful assembly. Students and other members of the college community shall always be free to express their views or support causes by orderly means which do not disrupt the regular and essential operations of the college.

Concomitantly, while supporting the rights of students and other members of the college community, the college recognizes the responsibility to maintain an atmosphere on campus conducive to a sound educational endeavor.

Persons expressing their opinion may not interfere with vehicular or pedestrian traffic or interfere with or disrupt the processes of the college.

[Statutory Authority: RCW 28B.50.140(13). 00-05-023, § 132X-60-045, filed 2/8/00, effective 3/10/00.]

WAC 132X-60-046 Student participation in college governance. As members of the college community, students will be free, individually and collectively, to express their views on college policy, and on matters of general interest to the student body. The ASB-SPSCC constitution and the college's administrative procedures provide clear channels for student participation in the formulation and application of institutional policies regarding academic and student affairs. Individuals affected by a policy shall have a representative voice in the formulation of that policy.

[Statutory Authority: RCW 28B.50.140(13). 00-05-023, § 132X-60-046, filed 2/8/00, effective 3/10/00.]

WAC 132X-60-050 Student records. In compliance with the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g and its implementing regulations, 45 CFR § 99, this policy has been created to insure confidentiality of student records at the college and govern the release of personally identifiable information contained within.

(1) Education records. Education records are defined as those records, files, and documents containing information directly pertaining to a student. At South Puget Sound Community College these are:

(a) Records pertaining to admission, advisement, registration, grading and progress to a degree that are maintained by enrollment services.

(b) Testing information used for advisement purposes by the counseling center.

(c) Information concerning payment of fees as maintained by the treasurer.

(d) Financial aid information as collected by the financial aid office.

(e) Information regarding students participating in student government or athletics that is maintained by the student programs office.

(2) Access to education records. Students who are or have attended the college have the right to examine or review

their personal records, as defined above, by submitting to the registrar a written request indicating education records to which access is desired.

(3) Directory information. The following information is considered "directory information" and thus may be disclosed without consent of the student, unless otherwise directed by the student, at any time, to the registrar in writing: The student's name, address, telephone number, date and place of birth, major field of study, eligibility for and participation in officially recognized activities, organizations, and sports, weight and height of members of athletic teams, dates of attendance, academic honors, degrees and awards received, and the most recent previous educational agency or institution attended by the student.

(4) Disclosure from education records. In addition to directory information the college will, at its discretion, make disclosures from education records of students with the student's prior written consent or to the following listed parties:

(a) College officials including college administrative and clerical staff, faculty, and students where officially elected or appointed to the ASB-SPSCC senate or employed by the college. Access or release of records to the above is permissible only when the information is required for the advisement, counseling, recordkeeping, reporting, or other legitimate educational interest consonant with their specific duties and responsibilities.

(b) To officials of another school in which the student seeks or intends to enroll.

(c) To authorized federal, state, or local officials as required by law.

(d) In connection with financial aid for which the student has applied or received.

(e) To accrediting organizations, or organizations conducting studies for or on behalf of the institution.

(f) To appropriate parties in a health or safety emergency.

(g) To persons in compliance with a judicial order or a lawfully issued subpoena, provided that the college first makes a reasonable effort to notify the student.

(h) To parents of a dependent student, as defined in section 152 of the Internal Revenue Code of 1954, upon receipt of a written affidavit stating that the student is a dependent for income tax purposes. This, however, will not affect the other rights of the student.

In cases where consent of the student is required for release of education records, the student shall in writing, signed and dated by the student, specify: The records to be disclosed, the purpose or purposes of the disclosure, and the name of the party or parties to whom the disclosure can be made.

When personally identifiable information is released without prior consent of the student, other than directory information and information released to college officials or the student, the college official in charge of these records will record the names of the parties who have requested information from educational records and the nature of the interest in that information.

Education records released to third parties shall be accompanied by a statement indicating that the information cannot be subsequently released in a personally identifiable form to other parties without obtaining the consent of the stu-

dent. The college is not precluded from permitting third party disclosures to other parties listed in (a) through (h) of this subsection.

(5) Challenge of education records. Students who believe that information contained in their education records is inaccurate, misleading or violates the privacy or other rights of the student may request in writing to the appropriate college official that the college amend their record(s). The college official(s) will make every effort to settle disputes through informal meetings and discussion with the student.

In instances where disputes regarding contents of education records cannot be resolved by the parties concerned, the college official involved shall advise the student of the right to a hearing by the academic standards committee through a written request to the administrator for enrollment services. Should the academic standards committee deem that the education records in question are inaccurate or misleading, the committee can ask that the records be amended by the appropriate college official. If the education records are held to be accurate, the student shall be granted the opportunity to place within those records a personal statement commenting upon the information contained within.

Each eligible student is afforded the right to file a complaint concerning alleged failures by the college to comply with the requirements of the act. The address of the office designated to investigate, process, and review violations and complaints which are filed is:

The Family Educational Rights and
Privacy Act Office (FERPA)
Department of Health, Education
and Welfare
330 Independence Avenue S.W.
Washington, D.C. 20201

Copies of the Federal Register pertaining to the Family Education Rights and Privacy Act may be obtained from:

Superintendent of Documents
U.S. Government Printing Office
Washington, D.C. 20402

[Statutory Authority: RCW 28B.50.140(13). 00-05-023, § 132X-60-050, filed 2/8/00, effective 3/10/00. Statutory Authority: RCW 28B.50.140. 88-21-071 (Order 88-1), § 132X-60-050, filed 10/18/88.]

WAC 132X-60-060 Student publications. The college will establish a student publications policy relating to officially sponsored publications and create a student publications board charged with the enforcement of the policy. The publications board shall be composed of an administrator and three faculty appointed by the college president, and three students appointed by the associated student body president. These students shall not, while serving on the board, hold any student publications position appointed by the student publications board and shall not serve on any superior budgetary body.

The student publications policy shall protect the students' freedom to deal with any ideas and to express any opinions in the student publications without fear of their censorship. Editors and managers of student publications are protected from arbitrary suspension and removal. Only for proper and stated causes, as outlined in the statement of pur-

pose or philosophy adopted for each student publication, should editors and managers be subject to removal and then by orderly and prescribed procedures.

The student editors and managers must practice responsible journalism and have freedom of expression as outlined in the "South Puget Sound Community College Student Publications Code" June 1999, Article I, A and B.

The operational responsibilities of the publication board are outlined in the "South Puget Sound Community College Student Publications Code" June 1999, Article IX:

- (1) Appointment of each publication's editor.
- (2) Reviewing budget requests of each student publication, prior to the submittal of those requests, recommending action on funding.
- (3) Review any complaints pertaining to student publications.
- (4) Resolve complaints about student editors and managers.

[Statutory Authority: RCW 28B.50.140(13). 00-05-023, § 132X-60-060, filed 2/8/00, effective 3/10/00. Statutory Authority: RCW 28B.50.140. 88-21-071 (Order 88-1), § 132X-60-060, filed 10/18/88.]

WAC 132X-60-065 Distribution and posting of materials. Permission for the posting of materials and literature on college property is not required in designated posting areas on the campus.

Permission for the posting of materials and literature on college property shall be obtained from the following college officials:

- (1) The dean of student programs for the posting of materials in nondesignated areas in the student union building, the college center, hallways, within buildings and those areas located on campus outside of college buildings.
- (2) No posting will be allowed on railings unless paint protection devices are used. Permission for any such postings must have the prior approval of the dean of student programs.
- (3) The appropriate college vice-president for permission for the dissemination and distribution of materials in other areas of the college campus, buildings, or facilities.

In addition, the following apply to the posting of materials:

- (4) No posting of obscene materials.
- (5) No materials will be posted or tacked on trees or the covered walkway gazebo(s).

[Statutory Authority: RCW 28B.50.140(13). 03-03-089, § 132X-60-065, filed 1/16/03, effective 2/16/03; 00-05-023, § 132X-60-065, filed 2/8/00, effective 3/10/00.]

WAC 132X-60-070 Use of college facilities. Any recognized associated students of South Puget Sound Community College organization may request use of available college facilities for authorized activities. Facilities will be provided free of charge to the organization except when such use necessitates staffing and services beyond regular college requirements. Standard college fees will be charged in these cases.

Use of facilities for purposes other than those approved or in an irresponsible manner may result in withdrawal of this privilege for an organization.

[Statutory Authority: RCW 28B.50.140. 88-21-071 (Order 88-1), § 132X-60-070, filed 10/18/88.]

WAC 132X-60-075 Commercial and promotional activities. Commercial solicitations, advertising or promotional activities may operate only with provisional approval as granted under the guidelines below.

(1) Informal sales between employees are acceptable as long as care is taken to not interfere with college operations or employee work schedules.

(2) Vendor sales to students in classrooms as a part of a class are acceptable upon approval of the vice-president - Instruction.

(3) Vendor sales to students as a part of a student activity or club function are acceptable upon approval of the vice-president - Student services.

(4) Vendor sales other than the above may be approved by the vice-president - Administrative services.

Remember, no college employee should ever, on his/her own behalf sell anything to a student that relates to any college activity.

[Statutory Authority: RCW 28B.50.140(13). 00-05-023, § 132X-60-075, filed 2/8/00, effective 3/10/00.]

WAC 132X-60-080 Student complaints and grievances. The purpose of these procedures is to establish a process where a student may express and resolve misunderstandings, complaints or grievances with any college employee in a fair and equitable manner. This procedure emphasizes an informal resolution.

A complaint is any expression of dissatisfaction with the performance of a college employee or procedure. The student who has a complaint about an action of a college employee should use the following procedure:

(1) Initiating a nonacademic complaint:

(a) The student and the college employee should make a good faith effort to resolve the grievance on a one to one basis within fifteen instructional days from the date of the complaint. In the event of absence from campus by the employee, the student shall contact the organizational unit administrator for advice on how to proceed with the complaint. If the student feels that he/she cannot meet face-to-face with the employee he/she may directly contact the organizational unit administrator.

(b) If the student determines that a complaint cannot be resolved appropriately with the employee concerned, the student may contact the organizational unit administrator of the employee to facilitate a solution to the grievance.

(c) If a complaint filed with the appropriate organizational unit administrator has not been resolved, the student may proceed with a formal complaint.

(2) Proceeding with a formal complaint:

(a) Office to address: Complaints regarding an instructional employee or policy shall be addressed to the vice-president of instruction or designee. Complaints regarding an administrative services employee or policy shall be addressed to the vice-president of administrative services or designee. Complaints regarding student services employees or other college personnel shall be addressed to the vice-president of student services or designee.

(b) The vice-president/designee shall discuss with the student the concerns and options available to resolve the concern. If the student should elect to proceed with the formal complaint the student must outline in writing the complaint,

identifying dates and persons involved as accurately as possible.

(c) The vice-president shall also inform the student that the student may ask the vice-president for student services or another person the student chooses to act as an advocate in assisting the student in the completion of the complaint process.

(d) The student's written complaint shall be forwarded to the employee concerned who shall provide a written response within ten instructional days.

(e) If the written response does not resolve the complaint to the satisfaction of the student, the vice-president shall convene a conference of all the involved parties within ten instructional days to (i) attempt to resolve to the satisfaction of all parties the complaint and/or (ii) hear the issue(s) and take appropriate action(s) to resolve the complaint.

(f) Action taken by the vice-president, if any, may be appealed to the president, and must be done in writing within ten instructional days. The decision of the president is final.

(3) Discrimination grievances:

Students who believe they have been discriminated against as defined in Title VII and Title IX of the Higher Education Act or Section 504 of the Handicapped Assistance Act may file a grievance through the human resources office.

(4) Academic grievances:

Students with an academic grievance should first contact the instructor and attempt to resolve the issue(s). If unable to resolve the issue(s), the student should contact the appropriate division chair. If still unable to resolve the issue(s), the student should contact the vice-president for instruction. The decision of the vice-president shall be final.

[Statutory Authority: RCW 28B.50.140(13). 00-05-023, § 132X-60-080, filed 2/8/00, effective 3/10/00. Statutory Authority: RCW 28B.50.140. 88-21-071 (Order 88-1), § 132X-60-080, filed 10/18/88.]

WAC 132X-60-090 Violations. Any student shall be subject to disciplinary action who, either as a principal actor or aider or abettor commits any of the following which are hereby prohibited:

(1) Abusive conduct: Physical and/or verbal abuse of any person or conduct which is intended unlawfully to threaten imminent bodily harm or to endanger the health or safety of any person on college-owned or controlled property or at college-sponsored or supervised functions.

(2) Destroying or damaging property: Malicious damage to or malicious misuse of college property, or the property of any person where such property is located on the college campus.

(3) Dishonesty: All forms of dishonesty including: Cheating; plagiarism; knowingly furnishing false information to the college; intentionally initiating or causing to be initiated any false report, warning, or threat of fire, explosion, or other emergency, on college premises or at any college-sponsored activity; forgery; alteration or use of college documents or instruments of identification with intent to defraud.

(4) Disorderly conduct: Materially and substantially interferes with the personal rights or privileges of others or the educational process of the college.

(5) Drugs: Using, possessing, furnishing, or selling any narcotic or dangerous drug as those terms are used in Washington statutes, except when the use or possession of a drug is

specifically prescribed as medication by an authorized medical practitioner.

(6) Inciting others: Intentionally inciting others to engage in any prohibited conduct as defined herein, which incitement directly leads to such conduct. Inciting is the advocacy which prepares the group or individual addressed for immediate action and compels that individual or group to engage in the prohibited conduct.

(7) Insubordination: Failure to comply with lawful directions of college personnel acting in performance of their lawful duties.

(8) Liquor: Possessing, consuming, or furnishing of alcoholic beverages on college-owned or controlled property or at college-sponsored or supervised functions where prohibited by law.

(9) Theft: Theft or conversion of college property or private property.

(10) Trespass/unauthorized presence: Entering or remaining unlawfully, as defined by state law, or using college premises, facilities, or property, without authority.

(11) Sexual harassment: It is the policy of the college that employees and students must be allowed to work and learn in an environment free from sexual harassment. Sexual harassment is expressly prohibited and will not be tolerated.

Sexual harassment is unwelcome sexual advances, requests for sexual favors, other verbal or physical conduct of sexual favors, or other verbal or physical conduct of the sexual nature of employees toward students, supervisors toward supervisees, students toward students, or students toward employees.

Complaints of sexual harassment should be made orally or in writing to the vice-president for human resources (cases involving staff) or the vice-president for student services (cases involving students). Complaints should be reported promptly (within thirty days) in order to help ensure effective investigation and resolution. Complaints will be promptly investigated in a full and fair manner. The vice-president for human resources, serving as the college's affirmative action officer, is ultimately responsible for ensuring resolution of any sexual harassment complaints.

Anyone who is found to have violated this policy is subject to the normal and applicable disciplinary procedures of the college.

(12) Weapons: Carrying, exhibiting, displaying or drawing any firearm, dagger, sword, knife or other cutting or stabbing instrument, club, or any other weapon apparently capable of producing bodily harm, in a manner, under circumstances, and at a time and place that either manifests an intent to intimidate another or that warrants alarm for the safety of other persons.

(13) Computers - Misuse of technology: Use of college computers and/or computer programs for any purpose other than legitimate college business.

(14) Other violations: Students may be accountable to both civil authorities and to the college for acts which constitute violations of federal, state, or local law as well as college rules and policy. The college may refer any such violation to civilian authorities for disposition.

[Statutory Authority: RCW 28B.50.140(13). 00-05-023, § 132X-60-090, filed 2/8/00, effective 3/10/00. Statutory Authority: RCW 28B.50.140. 88-21-071 (Order 88-1), § 132X-60-090, filed 10/18/88.]

WAC 132X-60-100 Initial disciplinary proceedings.

(1) Initiation of disciplinary action. Anyone may report, orally or in writing, violations to the vice-president for student services, or designee, who may initiate disciplinary action.

(2) Notice requirements. Any student charged with a violation shall receive written notice delivered to the student personally or by registered or certified mail to the student's last known address no later than two weeks after a reported violation. The notice shall not be ineffective if presented later due to student's absence. Such notice shall:

(a) Inform the student that a report has been filed alleging that the student violated specific provisions of college policy and the date of the violation; and

(b) Set forth those provisions allegedly violated; and

(c) Specify the exact time and date the student is required to meet with the vice-president for student services; and

(d) Specify the exact time, date, and location of the formal hearing with the student judicial board, if one is required; and

(e) Inform the student that he/she may question witnesses, that he/she may have anyone appear in his/her behalf to defend him/her, that he/she may have a maximum of three character witnesses appear in his/her behalf; and

(f) Inform the student that failure to appear at either of the appointed times at the vice-president for student services' office or at the hearing may subject the student to suspension from the institution for a stated or indefinite period of time.

(3) Meeting with the vice-president for student services.

(a) At the meeting with the vice-president for student services the student shall be informed of the provision of the code of student rights and responsibilities that are involved, that the student may appeal any sanction imposed by the vice-president for student services and that if a hearing with the student judicial board is required the student may have that hearing open to the public.

(b) After considering the evidence in the case and interviewing the student or students involved, the vice-president for student services may take any of the following actions:

(i) Terminate the proceedings exonerating the student or students; or

(ii) Impose disciplinary sanctions as provided for in WAC 132X-60-120; or

(iii) Refer the matter to the student judicial board for appropriate action.

(c) A student accused of violating any provision of college policy shall be given immediate notification of any disciplinary action taken by the vice-president for student services.

(d) No disciplinary action taken by the vice-president for student services is final unless the student fails to exercise the right of appeal as provided for in these rules.

(4) Student judicial board.

(a) Composition. The college shall have a standing student judicial board composed of nine members, who shall be chosen and appointed to serve as a standing committee until their successors are appointed. The membership of the board shall consist of three members of the administration, excepting the vice-president for student services, appointed by the president; three faculty members appointed by the faculty organization; and three students appointed by the associated

students of South Puget Sound Community College senate. Any student entitled to a hearing before the student judicial board shall choose, in writing, five members of the board to hear and decide the appeal or disciplinary case, provided, the student must choose at least one student, one faculty member and one member of the administration from the nine member board. In the event that unforeseen circumstances prevent a previously selected board member from attending the hearing, the student must choose a replacement from among the balance of the standing committee.

(b) Hearing procedures.

(i) The five members of the student judicial board will hear, de novo, all disciplinary cases appealed to the committee by the student or referred to it by the vice-president for student services.

(ii) The five members of the student judicial board shall elect from among themselves a chairperson for the purpose of presiding at the disciplinary hearing.

(iii) The student shall be given written notice of the time, date, and location of the hearing; the specific charges against him/her; and shall be accorded reasonable access to the case file, which will be retained by the vice-president for student services.

(iv) Hearings will be closed to the public except for the vice-president for student services and/or designee, immediate members of the student's family, and the student's representative. An open hearing may be held, in the discretion of the chairperson, if requested by the student. All parties, the witnesses, and the public shall be excluded during the student judicial board's deliberations.

(v) The chairperson shall exercise control over the hearing to avoid needless consumption of time and to prevent the harassment or intimidation of witnesses. Any person, including the student, who disrupts a hearing or who fails to adhere to the rulings of the chairperson or committee advisor may be excluded from the proceedings and may be subject to disciplinary action as set forth in this policy.

(vi) The student may question witnesses, bring an advocate to defend him/her, and have a maximum of three character witnesses appear on his/her behalf.

(vii) The burden of proof shall be on the vice-president for student services who must establish the guilt of the student by a preponderance of the evidence.

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

(ix) The vice-president for student services may appoint a special presiding officer to the student judicial board in complex cases or in any case in which the respondent is represented by legal counsel. Special presiding officers may participate in committee deliberations but shall not vote.

(x) In order that a complete record of the proceeding, including all evidence presented, can be made, hearings may be tape-recorded or transcribed. If a recording or a transcription is not made, the decision of the student judicial board must include a summary of the testimony and shall be sufficiently detailed to permit appellate review.

(xi) After considering the evidence in the case and interviewing the student or students involved, the student judicial board shall decide by majority vote whether to:

(A) Terminate the proceedings exonerating the student(s); or

(B) Impose disciplinary sanctions as provided in WAC 132X-60-120.

(xii) Final decisions of the student judicial board, including findings of fact or reasons for the decision, shall be delivered to the student personally or by registered or certified mail to the student's last known address and a copy filed with the office of the vice-president for student services.

[Statutory Authority: RCW 28B.50.140(13). 00-05-023, § 132X-60-100, filed 2/8/00, effective 3/10/00. Statutory Authority: RCW 28B.50.140. 88-21-071 (Order 88-1), § 132X-60-100, filed 10/18/88.]

WAC 132X-60-110 Appeals of disciplinary action.

(1) Appeals of disciplinary action(s) shall be taken in the following order:

(a) Disciplinary action taken by or at the recommendation of the vice-president for student services or designated representative may be appealed to the student judicial board.

(b) Disciplinary decisions and action taken by the student judicial board may be appealed by the student to the president.

(2) All appeals by a student must be made in writing to the vice-president for student services within ten calendar days after the student has been notified of the action from which he/she has a right of appeal to the student judicial board or the president.

[Statutory Authority: RCW 28B.50.140(13). 00-05-023, § 132X-60-110, filed 2/8/00, effective 3/10/00. Statutory Authority: RCW 28B.50.140. 88-21-071 (Order 88-1), § 132X-60-110, filed 10/18/88.]

WAC 132X-60-120 Disciplinary sanctions. (1) Warning. Notice to a student, either verbally or in writing, that the student has been in violation of college rules or regulations or has otherwise failed to meet the college's standards of conduct. Such warnings will include the statement that continuation or repetition of the specific conduct involved or other misconduct will normally result in one of the more serious disciplinary actions described below.

(2) Reprimand. Formal action censuring a student for violation of the college rules or regulations or has otherwise failed to meet the college's standards of conduct. Reprimands shall be made in writing to the student as appropriate by the vice-president for student services or the student judicial board with copies filed in the office of the dean of students. A reprimand will include the statement that continuation or repetition of the specific conduct involved or other misconduct will normally result in one of the more serious disciplinary actions described below.

(3) Fines. The vice-president for student services and/or the student judicial board may assess monetary fines up to a maximum of one hundred dollars per violation against individual students for violation of college rules and regulations or for the failure to meet the college's standards of conduct. Failure to pay such fines within thirty days will result in suspension for an indefinite period of time as set forth in subsection (6) of this section, provided that a student may be reinstated upon payment of the fine.

(4) Restitution. An individual student may be required to make restitution for damage or loss to college or other property and for injury to persons. Failure to make restitution within thirty days will result in suspension for an indefinite period of time as set forth in subsection (6) of this section, provided that a student may be reinstated upon payment.

(5) Disciplinary probation. Formal action placing conditions upon the student's continued attendance for violations of college rules or regulations or other failure to meet the college standards of conduct. Written notice of disciplinary probation will specify the period of probation and any condition, such as limiting the student's participation in extracurricular activities or access to specific areas of the college's facilities. Copies of the notice shall be kept on file in the office of the vice-president for student services and in the student's official educational records. Disciplinary probation may be for a specified term or for an indefinite period which may extend to graduation or other termination of the student's enrollment in the college.

(6) Suspension/dismissal. Temporary, indefinite, or permanent dismissal from the college of a student for violation of college rules and regulations. The notification suspending a student will indicate, in writing, the term of the suspension and any special conditions which must be met before readmission. Copies of the notification shall be kept on file in the office of the vice-president for student services and in the student's official education record.

Refund of fees for the quarter in which disciplinary action is taken shall be in accord with the college's refund policy.

Students who are suspended from the college may be denied access to all or any part of the campus or other facility during the duration of the period of suspension.

[Statutory Authority: RCW 28B.50.140(13). 00-05-023, § 132X-60-120, filed 2/8/00, effective 3/10/00. Statutory Authority: RCW 28B.50.140. 88-21-071 (Order 88-1), § 132X-60-120, filed 10/18/88.]

WAC 132X-60-130 Readmission after suspension. If the student has been suspended for an indefinite period, or feels that circumstances warrant reconsideration of the temporary suspension prior to its expiration, the student may be readmitted following approval of a written petition submitted to the vice-president for student services. Such petitions must state reasons which support a reconsideration of the matter.

[Statutory Authority: RCW 28B.50.140(13). 00-05-023, § 132X-60-130, filed 2/8/00, effective 3/10/00. Statutory Authority: RCW 28B.50.140. 88-21-071 (Order 88-1), § 132X-60-130, filed 10/18/88.]

WAC 132X-60-140 Summary suspension procedures. (1) Initiation of summary suspension procedures. The vice-president for student services, or designee, may suspend any student of the college for not more than ten academic calendar days pending investigation, action or prosecution on charges of alleged violation or violations of college policy, if the vice-president for student services has reason to believe the student's physical or emotional safety and well-being, or the safety and well-being of other college community members, or the safety and well-being of the college property requires such suspension.

(2) Permission to enter or remain on campus. During the period of summary suspension, the suspended student shall

not enter the campus of the college or any facility under the operation of the college other than to meet with the vice-president for student services or to attend the hearing. However, the vice-president for student services may grant the student special permission to enter a campus for the express purpose of meeting with faculty, staff, or students in preparation for the hearing.

(3) Notice of summary suspension proceedings.

(a) If the vice-president for student services or designee finds it necessary to exercise the authority to summarily suspend a student, he/she shall give the student notice, orally or in writing, stating: The time, date, place, and nature of the alleged misconduct; the evidence in support of the charge(s); the corrective action or punishment which may be imposed against the student; that anything the student says to the vice-president may be used against the student; and that the student may either accept the disciplinary action or, within forty-eight hours or two work days following receipt of this notification, file at the office of the vice-president for student services, a written request for a hearing by the student judicial board. If the request is not filed within the prescribed time, it will be deemed as waived.

(b) Appeal and hearing. If oral notice is given, it shall be followed by written notice within forty-eight hours or two working days. The hearing shall be accomplished according to the procedures set forth in WAC 132X-60-100. Failure by the student to appear at the hearing with the student judicial board shall result in the vice-president for student services or designee suspending the student from the college.

(c) Nothing herein shall prevent faculty members from taking reasonable summary action as may be reasonably necessary to maintain order when they have reason to believe that such action is necessary for the physical safety and well-being of the student, or the safety and protection of other students or of college property or where the student's conduct materially and substantially disrupts the educational process.

Such summary action in the form of removal from the classroom shall be effective for a period not to exceed two scheduled classroom days. Any summary action may be appealed to the vice-president for student services for an informal hearing.

[Statutory Authority: RCW 28B.50.140(13). 00-05-023, § 132X-60-140, filed 2/8/00, effective 3/10/00. Statutory Authority: RCW 28B.50.140. 88-21-071 (Order 88-1), § 132X-60-140, filed 10/18/88.]

WAC 132X-60-150 Emergency procedures. In the event of activities which interfere with the orderly operation of the college, the vice-president for student services or the president, or their designees shall determine the course of action which appears to offer the best possibility for resolution of the problem. The emergency procedures outlined below will be followed if deemed essential:

(1) Inform those involved in such activities that they are in violation of college and/or civil regulations.

(2) Inform them that they should cease and desist. Indicate an area on campus where they are able to conduct their activities without interfering with the operation of the college, if such an area is available.

(3) If they do not respond within a reasonable time, call the civil authorities.

[Statutory Authority: RCW 28B.50.140(13). 00-05-023, § 132X-60-150, filed 2/8/00, effective 3/10/00. Statutory Authority: RCW 28B.50.140. 88-21-071 (Order 88-1), § 132X-60-150, filed 10/18/88.]

LOSS OF ELIGIBILITY—STUDENT ATHLETIC PARTICIPATION

WAC 132X-60-160 Grounds for ineligibility. Any student found to have violated chapter 69.41 RCW, which prohibits the unlawful sale, delivery or possession of prescription drugs, shall, after hearing, be disqualified from participation in any college-sponsored athletic events or activities.

[Statutory Authority: RCW 28B.50.140(13). 00-05-023, § 132X-60-160, filed 2/8/00, effective 3/10/00; 90-13-064, § 132X-60-160, filed 6/18/90, effective 7/19/90.]

WAC 132X-60-170 Initiation of ineligibility proceedings. The vice-president for student services or his or her designee shall have the authority to request commencement of athletic ineligibility proceedings whenever he or she has reasonable cause to believe that the student has violated chapter 69.41 RCW or has been advised that the student has been convicted of a crime involving the violation of chapter 69.41 RCW. The notice of the alleged violations and proposed suspension and the opportunity for a hearing shall be given the student at least ten days before the hearing. A student convicted of violating chapter 69.41 RCW in a separate criminal proceeding may be given by the vice-president for student services or his or her designee an interim suspension pending final determination of any administrative proceeding held under these rules. Should the student desire not to go forward with the hearing, the disqualification for participation in athletic events or activities shall be imposed as set forth in the notice of hearing to the student.

[Statutory Authority: RCW 28B.50.140(13). 00-05-023, § 132X-60-170, filed 2/8/00, effective 3/10/00; 90-13-064, § 132X-60-170, filed 6/18/90, effective 7/19/90.]

WAC 132X-60-178 Noncollege speaker policy. The trustees, the administration, and the faculty of the college subscribe to the proposition that an important aspect of the education of college students is the opportunity to listen to speakers representing a wide variety of opinions and beliefs on important public issues. In conformity with the American tradition of free speech and free inquiry, the following policies are established governing the appearance on campus of speakers not themselves members of the college community:

(1) Any recognized ASB-SPSCC student organization with the written sanction of its advisor, may ask individuals to speak on the campus subject to normal restraints imposed by considerations of common decency and the state law.

(2) The appearance of a speaker on the campus does not involve an endorsement, either implicit or explicit, of the speaker's views by the college, its students, its faculty, its administration, or its board of trustees.

(3) The scheduling of facilities for hearing invited speakers shall be made through the office of the associate dean of students - programs and activities.

(4) The associate dean of students - Programs and activities or designee will be notified at least three academic calendar days prior to the appearance of an invited speaker, at

which time a form (available in the student programs office) must be completed with such particulars as name of speaker, speech or discussion topic, time of appearance(s) and sponsoring organization. The form must bear the signature of the sponsoring organization's advisor. Exceptions to the three-day ruling may be made by the associate dean of students - programs and activities with the approval of the vice-president for student services.

(5) The vice-president for student services may require views other than those of the invited speaker to be presented at the meeting, or at a subsequent meeting. The campus president may assign a faculty member to preside over any meeting where a speaker has been invited.

[Statutory Authority: RCW 28B.50.140(13). 00-05-023, § 132X-60-178, filed 2/8/00, effective 3/10/00.]

WAC 132X-60-180 Ineligibility proceedings. The president of the college or his or her designee shall select a presiding officer who shall be a college officer, who is not involved with the athletic program, to conduct the brief adjudicative hearing. The presiding officer shall promptly conduct the hearing and permit the affected parties to explain both the college's view of the matter and the student's view of the matter. The brief adjudicative proceeding shall be conducted in accordance with the Administrative Procedure Act, RCW 34.05.482 through 34.05.494. A written decision shall be issued within ten calendar days of the conclusion of the brief adjudicative hearing.

[Statutory Authority: RCW 28B.50.140(13). 00-05-023, § 132X-60-180, filed 2/8/00, effective 3/10/00; 90-13-064, § 132X-60-180, filed 6/18/90, effective 7/19/90.]

