

Chapter 495A-121 WAC

STUDENT RIGHTS AND RESPONSIBILITIES

(Formerly chapter 495A-120 WAC)

WAC

495A-121-010	Preamble.
495A-121-011	Definitions.
495A-121-012	Jurisdiction.
495A-121-020	Student rights.
495A-121-021	Academic freedom.
495A-121-022	Nondiscrimination.
495A-121-023	Due process.
495A-121-024	Campus speakers.
495A-121-025	Right to assembly.
495A-121-026	Distribution of materials.
495A-121-027	Grievances.
495A-121-028	Commercial activities.
495A-121-029	Student responsibilities.
495A-121-040	Code of conduct.
495A-121-041	Prohibited conduct.
495A-121-042	Performance dishonesty.
495A-121-043	Classroom conduct.
495A-121-044	Disciplinary sanctions.
495A-121-045	Hazing sanctions.
495A-121-046	Groups and organizations.
495A-121-047	Refunds and access.
495A-121-048	Readmission after suspension or expulsion.
495A-121-049	Reestablishment of performance standing.
495A-121-060	Discipline.
495A-121-061	Disciplinary process—Except summary suspension.
495A-121-062	Summary suspension procedures.
495A-121-063	Appeals.
495A-121-064	Student/faculty disciplinary committee.
495A-121-065	Procedural guidelines of the student/faculty disciplinary committee.
495A-121-066	Appeal of the student/faculty disciplinary committee's decision.
495A-121-070	Reporting, recording and maintaining records.
495A-121-090	Student grievance procedure.
495A-121-091	Student complaints.
495A-121-092	Records.
495A-121-093	Time limits on filing a complaint.
495A-121-094	Grievances excluded.

WAC 495A-121-010 Preamble. Bates Technical College is a two-year public institution of higher education. The college is maintained by the state of Washington for the provision of programs of instruction in higher education and related community services. Broadly stated, the purpose of the college is to provide opportunities for all who desire to pursue educational goals. Like any other institution having its own special purposes, the college must maintain conditions conducive to the effective performance of its functions. To implement this objective, it is necessary to ensure that an environment is created wherein all students may progress in accordance with their capability and intensity of interest. The responsibility to create and maintain such an environment is shared by all members of the college community: Students, faculty, staff, and administration.

[Statutory Authority: RCW 28B.50.140(10), 00-11-147, § 495A-121-010, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-011 Definitions. The definitions set forth in this section shall apply throughout this chapter. The following words and phrases shall mean:

(1) "Assembly" shall mean any 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 persons or group of persons.

(2) "Board of trustees" shall mean the five member board appointed by the governor of the state of Washington, District No. 28.

(3) "College" shall mean Bates Technical College, which includes the main campus, extension centers, and off-campus classes and activities, including alternative learning methods distributed by web, tape, television or other alternative means.

(4) "College community" shall mean all college employees designated as members of the administration by the board of trustees and students.

(5) "College facilities" shall mean and include any or all computer systems/networks or extension/alternative sites or real property controlled or operated by the college and shall include all buildings and appurtenances affixed thereon or attached thereto.

(6) "College president" shall mean the chief executive officer of the college appointed by the board of trustees.

(7) "Controlled substances" shall mean the definition of controlled substances as defined within RCW 69.50.101 as now law or hereafter amended.

(8) "Disciplinary action" shall mean and include oral warning, reprimand, probation, suspension, dismissal or any lesser sanction of any student by college officials.

(9) "Disciplinary official" shall mean the student/faculty disciplinary committee, the vice-president of student services or designee, and the president.

(10) "Drugs" shall mean a narcotic drug as defined in RCW 69.50.101 or a legend drug as defined in RCW 69.41-010.

(11) "Employee" shall mean any classified, faculty, administrator, exempt, student worker or volunteer person.

(12) "Harassment" shall mean any malicious act, which causes harm to any person's physical or mental well being.

(13) "Hate crimes" shall mean criminal acts in which victims are selected based on characteristics such as race, national origin, ethnicity, sex/gender, religion, sexual orientation or disability. Examples of behaviors that may constitute a hate crime include but are not limited to:

- (a) Threatening phone calls.
- (b) Hate mail.
- (c) Physical assault.
- (d) Threats of harm or violence.
- (e) Arson.
- (f) Vandalism.
- (g) Cross burnings.
- (h) Bombings and bomb threats.

(14) "Hazing" shall mean any method of initiation into a student organization or living group, or any pastime or amusement engaged in with respect to such an organization or living group that causes, or is likely to cause bodily danger or physical harm, or serious mental or emotional harm to any student or person attending a public or private institution of higher education or other postsecondary educational institution in this state.

(15) "Instructor/faculty" shall mean professional staff members who are employed by the college in a temporary, full-time, tenured or probationary position as instructor, counselor, and/or librarian for the purpose of providing support services for students.

(16) "Liquor" shall mean the definition of liquor as defined in RCW 66.04.010.

(17) "Racial harassment" shall be defined as written, oral, graphic or physical conduct relating to an individual's race, color, or national origin that is sufficiently severe, pervasive, or persistent so as to interfere with or limit the ability of the individual to participate in or benefit from college's programs or activities. Examples of behaviors that constitute harassment based on race or national origin may include but are not limited to:

(a) Harassment of students because they are immigrants, speak another language, or have a foreign accent.

(b) Intimidation and implied or overt threats of physical violence motivated by race, color, or national origin.

(c) Physical acts of aggression or assault upon another, or damage to another's property that is motivated by the individual's race, color, or national origin.

(d) Depending on the circumstances and context, demeaning racial jokes, taunting, racial slurs, and derogatory racial "nicknames," innuendoes, or other negative or derogatory remarks of a racial nature or relating to national origin.

(e) Depending on the circumstances and context, graffiti and/or slogans or visual displays such as cartoons or posters depicting racial/ethnic slurs or other racially/ethnically derogatory sentiments.

(f) Criminal offenses directed at persons because of their race or national origin.

(18) "Sexual harassment" shall mean unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct directed at person because of his/her sex where:

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's academic standing or employment; or

(b) Submission to or rejection of such conduct by an individual is used as the basis for academic decisions or employment affecting such individual; or

(c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or learning environment. Examples of behaviors that may constitute harassment include but are not limited to:

(i) Unwelcome verbal harassment of a sexual nature or abuse;

(ii) Unwelcome pressure for sexual activity;

(iii) Unwelcome sexually motivated or inappropriate patting, pinching, or physical contact;

(iv) Unwelcome sexual behavior or words, including demands for sexual favors accompanied by implied or overt threats concerning an individual's educational status;

(v) Unwelcome behavior, verbal or written words or symbols, directed at an individual because of gender;

(vi) The use of authority to emphasize the sexuality of a student in a manner that prevents or impairs the student's full enjoyment of educational benefits, climate or opportunities.

(19) "Student" shall mean and include any person who is enrolled at the college or is in the process of enrolling at the college.

[Statutory Authority: RCW 28B.50.140. 04-11-043, § 495A-121-011, filed 5/13/04, effective 6/13/04. Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-011, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-012 Jurisdiction. All rules in this chapter concerning student conduct and discipline apply to every student enrolled at the college whenever the student is engaged in or present at a college-related activity whether occurring on or off college facilities.

[Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-012, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-020 Student rights. The college endorses the following rights for each student within the limitations of statutory law and college policy, which are deemed necessary to achieve the educational goals of the college.

[Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-020, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-021 Academic freedom. (1) Students are guaranteed rights of free inquiry, expression and peaceful assembly upon and within college facilities that are generally open and available to the public.

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

(3) Students have the right to a learning environment, which is free from unlawful discrimination and sexual harassment.

(4) Students are protected from academic evaluation, which is arbitrary, prejudiced or capricious, and are responsible for meeting the standards of academic performance established by each of their instructors.

[Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-021, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-022 Nondiscrimination. Students have the right not to be discriminated against on the basis of age, color, creed, disability, gender, marital status, national origin or ancestry, race, religion, sexual orientation or veteran status.

[Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-022, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-023 Due process. Students have the right to due process. No disciplinary action may be imposed without notice to the accused of the nature of the charges. A

student accused of violating the code of conduct is entitled to procedural due process as set forth in these provisions.

[Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-023, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-024 Campus speakers. Recognized student organizations shall have the right to invite outside speakers to speak on campus subject to the availability of campus facilities, funding and compliance with college procedures.

[Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-024, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-025 Right to assembly. Students shall have the right of assembly upon college facilities that are generally available to the public provided such assemblies:

- (1) Are conducted in an orderly manner;
- (2) Do not unreasonably interfere with vehicular or pedestrian traffic;
- (3) Do not unreasonably interfere with classes, scheduled meetings or ceremonies or regular functions of the college;
- (4) Do not cause destruction or damage to college property.

[Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-025, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-026 Distribution of materials. (1) Handbills, leaflets, newspapers and similar materials may be distributed free of charge by any student(s), or by members of recognized student organizations, or by college employees on or in college facilities at locations specifically designated by the vice-president of student services; provided such distribution does not interfere with the ingress or egress of persons or interfere with the free flow of vehicular or pedestrian traffic.

(2) Such handbills, leaflets, newspapers and related matter must bear identification as to the publishing agency and distributing organization or individual.

(3) All nonstudents shall register with the vice-president of student services prior to the distribution of any handbill, leaflet, newspaper or related matter. Such distribution or sale must not interfere with the flow of vehicular or pedestrian traffic.

(4) Any person or persons who violate provisions of subsections (1) and (2) of this section will be subject to disciplinary action.

[Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-026, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-027 Grievances. Students have the right to express and resolve misunderstandings, alleged violation of a college policy, procedure or regulation or alleged inequitable treatment, or retaliation according to the stated grievance procedures set forth in these provisions.

[Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-027, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-028 Commercial activities. College facilities will not be used for commercial solicitation, advertising or promotional activities except when such activities

clearly serve educational objectives, including, but not limited to, display of books of interest to the academic community or the display or demonstration of technical or research equipment, and when such commercial activities related to educational objectives and are conducted under the sponsorship or at the request of the college, or the office of the associated students of the college; provided that such solicitation does not interfere with or operate to the detriment of conducting college affairs or the free flow of vehicular or pedestrian traffic.

[Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-028, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-029 Student responsibilities. Students who choose to attend Bates Technical College also choose to actively participate in the learning process offered by the college. The college is responsible for providing an educational environment rich in the high quality resources needed by students to attain their educational goals. In return, the college has the expectation that each student will assume responsibility to:

- (1) Become knowledgeable of and adhere to policies, practices, procedures, and rules of the college and its departments;
- (2) Practice personal and academic integrity;
- (3) Respect the dignity, rights and property of all persons;
- (4) Strive to learn from differences in people, ideas and opinions;
- (5) Participate actively in the learning process, both in and out of the classroom;
- (6) Attend all class sessions;
- (7) Participate actively in the advising process;
- (8) Develop skills required for learning (basic skills, time management and study skills);
- (9) Refrain from and discourage behaviors, which undermine the respect all Bates Technical College community members deserve;
- (10) Abide by the standards set forth in the *Code of Rights and Responsibilities*.

[Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-029, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-040 Code of conduct. The college has special regulations regarding the conduct of the various participants in the college. Admission to the college carries with it the expectation that students will conduct themselves as responsible members of the college community.

[Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-040, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-041 Prohibited conduct. Disciplinary action may be taken for a violation of any provision of this student code or for a violation of other college rules and regulations, which may from time to time be properly enacted or for specific prohibited conduct including, but not limited to, the following:

- (1) Smoking and use of tobacco products is prohibited in all classrooms, shop areas, the library and other areas designated by college officials.

(2) Using, possessing, consuming, or being under the influence of, or selling any liquor as defined in RCW 66.04.010, in violation of law or in a manner which disrupts a college activity.

(3) Using, possessing, selling or being under the influence of any narcotic drug or controlled substance as defined in RCW 69.50.101 in a college facility or while participating in a college-related program or activity.

(4) Engaging in lewd, indecent, or obscene behavior.

(5) Where the student presents an imminent danger to college property or to himself/herself or to other students or persons in college facilities on or off campus, or to the educational process of the college.

(6) Interference by force or violence with, or intimidation by threat of force or violence, of another student, employee or visitor who is in the peaceful discharge or conduct of his/her duties or studies (RCW 28B.10.570 through 28B.10.572).

(7) Conducting or participating in an assembly, which violates the guidelines of assembly as defined and set forth in these provisions.

(8) Any forms of academic dishonesty, including cheating, falsification, plagiarism or facilitating, aiding, and abetting academic dishonesty.

(9) Forgery of or unauthorized alteration of or access to any college document, record, funds, or instrument of identification, including electronic hardware, software and records.

(10) The intentional making of false statements and/or filing of false charges against the college and/or a member of the college community.

(11) Theft from college premises and/or property; theft of property of a member of the college community on college premises; or possession of property stolen from college premises and/or a member of the college community while on college premises.

(12) Causing, or attempting to cause, physical damage to property owned, controlled or operated by the college or to property owned, controlled or operated by another person while said property is located on college facilities.

(13) Failure to comply with the direction of college employees acting in the legitimate performance of their duties.

(14) Refusal to provide positive identification and evidence of student enrollment to any college employee in the lawful discharge of said employee's duties.

(15) Unlawful possession, transportation or storage of any firearm(s), explosives, dangerous chemicals or other weapons, devices or substances which can be used to inflict bodily harm or to damage real or personal property.

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

(17) Sexual harassment as defined and set forth in these provisions, of another student or employee.

(18) Racial harassment as defined and set forth in these provisions of another student or employee.

(19) Any repeated intentional conduct directed at another student or employee that has the purpose or effect of creating a hostile, intimidating or disruptive learning or working environment.

(20) Hazing in any form as described in RCW 28B.10.-900.

(21) Illegal or attempted illegal entry of college owned or college controlled property.

(22) Violation of any computer use policies in effect on campus as well as conduct that violates the college's property rights with respect to computing resources including, but not limited to:

(a) Unauthorized copying, including:

(i) Copying college-owned or licensed software or data for personal or external use without prior approval;

(ii) Copying another computer user's software or data without permission of its owner, even if it is readily accessible by electronic means;

(iii) Knowingly accepting or using software or data which has been obtained by unauthorized means.

(b) Modifying or damaging, attempting to modify or damage computer equipment, software, data bases, or communication lines without permission;

(c) Disrupting or attempting to disrupt computer operations;

(d) Invading the privacy of an individual by using electronic means to ascertain confidential information, even if an individual or department inadvertently allows access to such information;

(e) Abusing or harassing another computer user through electronic means;

(f) Using the college's computing facilities in the commission of a crime;

(g) Allowing another individual to use one's computer identity/account or using another individual's computer identity/account. This includes, but is not limited to: Logging on to the account, accessing programs, and reading or altering computer records. Computer time belongs to the college; the college is the only entity, through computing services, authorized to allocate time on the mainframe computers.

(h) Using computer services without authorization.

(i) Using the internet for purposes other than college-approved activities.

(23) Disruption. While students have the right to freedom of expression, including the right to dissent or protest, this expression cannot interfere with the rights of others or disrupt the processes of the college. The following conduct will not be permitted:

(a) Disruption of classes, laboratories, offices, services, meetings, or ceremonies;

(b) Obstruction of free movement of people or vehicles;

(c) Conduct which threatens harm, incites violence, or endangers the health and safety of any person;

(d) Threats of disruption, including bomb threats;

(e) Damaging, defacing or abusing college facilities, equipment, or property;

(f) Inciting others to engage in prohibited conduct.

(24) Violation of parking regulations.

(25) Other conduct. Any other conduct or action in which the college can demonstrate a clear and distinct interest, and, which substantially threatens the educational process or other legitimate function of the college or the health or safety of any member of the college is prohibited.

[Statutory Authority: RCW 28B.50.140. 04-11-043, § 495A-121-041, filed 5/13/04, effective 6/13/04. Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-041, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-042 Performance dishonesty. (1) Honest assessment of student performance is of crucial importance to all members of the college community. It is the responsibility of the college administration and teaching faculty to provide reasonable and prudent security measures designed to minimize opportunities for acts of performance dishonesty which occur at the college.

(2) This section shall not be construed as preventing an instructor from taking immediate disciplinary action when the instructor is required to act upon such breach of performance dishonesty in order to preserve order and prevent disruptive conduct in the classroom. This section shall also not be construed as preventing an instructor from adjusting the student's grade on a particular project, paper, test, or class grade for performance dishonesty. Acts of performance dishonesty shall be cause for disciplinary action. Acts of dishonesty shall consist of, but not be limited to, the following:

(a) Any student who, for the purpose of fulfilling any assignment or task required by a faculty member as part of the student's program of instruction, shall knowingly tender any work product that the student fraudulently represents to the faculty member as the student's work, shall be deemed to have committed an act of performance dishonesty.

(b) Any student who aids or abets the accomplishment of an act of performance dishonesty as described in (a) of this subsection.

[Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-042, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-043 Classroom conduct. Instructors have the authority to take whatever summary actions may be necessary to maintain order and proper conduct in the classroom and to maintain the effective cooperation of the class in fulfilling the objectives of the course.

(1) Any student who, by any act of misconduct, substantially disrupts any college class by engaging in conduct that renders it difficult or impossible to maintain the decorum of the faculty member's class shall be subject to disciplinary action.

(2) The instructor of each course offered by the college shall be authorized to take such steps as may be necessary to preserve order and to maintain the effective cooperation of the class in fulfilling the objectives of the course; provided that a student shall have the right to appeal such disciplinary action to the vice-president for student services.

[Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-043, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-044 Disciplinary sanctions. Sanctions for violations of college regulations or 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. More than one sanction may be recommended. Sanctions may include, but are not limited to:

(1) "Disciplinary warning" shall mean oral notice of violation of college rules and regulations.

(5/13/04)

(2) "Reprimand" shall mean formal action after censuring a student for violation of college rules or regulations for failure to satisfy the college's expectations regarding conduct. The disciplinary official makes reprimands in writing to the student. A reprimand indicates to the student that continuation or repetition of the specific conduct involved or other misconduct will result in one or more serious disciplinary actions described below.

(3) "Disciplinary probation" shall mean formal action placing conditions upon the student's continued attendance. Notice will be made in writing, specifying the period of probation and the conditions of the probation. Disciplinary probation warns the student that any further misconduct will automatically raise the question of dismissal from the college.

(4) "Restitution" shall mean compensation for loss, damage, or injury to the appropriate party in the form of service, money, or material replacement.

(5) "Discretionary sanctions" may include, but are not limited to, restricted computer systems/network access, work assignments, service to college or community, mandatory class/workshop attendance or other discretionary assignments such as educational interventions intended as learning experiences.

(6) "Loss of privileges" shall mean loss of specific college privileges for a specified period of time. These may include, but are not limited to, computer/internet access, student activities or club participation.

(7) "Summary suspension" shall mean temporary dismissal from the college for a period of time during which an investigation and/or formal disciplinary procedures are pending. Summary suspension is predicated upon a reasonable belief that the student presents an imminent danger to college property, to other students, to employees of the college or is of significant disruption to the educational process.

(8) "Suspension" shall mean temporary dismissal from the college and termination of student status.

(9) "Expulsion" shall mean dismissal from the college and termination of student status.

(10) "No contact" shall mean restriction from entering specific college areas and/or all forms of contact with certain individual(s).

[Statutory Authority: RCW 28B.50.140. 04-11-043, § 495A-121-044, filed 5/13/04, effective 6/13/04. Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-044, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-045 Hazing sanctions. (1) Any student found to have violated RCW 28B.10.900 through 28B.10.902 related to hazing, by virtue of a criminal conviction or by final decision of the college president or designee, shall, in lieu of or in addition to any other disciplinary action which may be imposed under this chapter, forfeit any entitlement to state funded grants, scholarships or awards for a period of at least one full quarter.

(2) Pursuant to RCW 28B.10.902 forfeiture of state-funded grants, scholarships or awards to recipients engaged in hazing activities or impermissible conduct not amounting to hazing may continue for additional quarters, up to and including permanent forfeiture, based upon the seriousness of the violations.

(3) Pursuant to RCW 28B.10.902 any organization or association found to have knowingly permitted hazing to be conducted by its members or, by others subject to its direction or control, may be deprived of any official recognition or approval granted by the college.

[Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-045, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-046 Groups and organizations. (1) Recognized student groups and organizations may be charged with violations of this code. Such a group or organization 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) Sanctions for group or organization misconduct may include revocation of the use of college facilities for a specified period of time or denial of recognition or funds as well as other appropriate sanctions permitted under this code. Sanctions of groups or organizations are subject to the appeal process upon request.

[Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-046, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-047 Refunds and access. (1) Refund of fees for the quarter in which disciplinary action is taken shall be in accordance with the college's refund policy.

(2) A student suspended on the basis of conduct which disrupted the orderly operation of the campus or any facility of the college, may be denied access to all or any part of the campus or other facility.

[Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-047, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-048 Readmission after suspension or expulsion. (1) Any student suspended from the college for disciplinary reasons will normally be readmitted upon expiration of the time period for which the suspension was issued.

(2) If the student has been expelled or feels that circumstances warrant reconsideration of a temporary suspension prior to its expiration, or if the student was suspended with conditions imposed for readmission, the student may be readmitted following approval of a written petition submitted to the vice-president for student services. Such petition must state reasons, which support a reconsideration of the matter. Before readmission may be granted, such petition must be reviewed and approved by the college president or designee.

[Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-048, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-049 Reestablishment of performance standing. Students who have been suspended pursuant to disciplinary procedures set forth in these provisions and whose suspension, upon appeal, is found to have been unwarranted, shall be provided the opportunity to reestablish their performance and student standing to the extent possible within the abilities of the college, including an opportunity to retake examinations or otherwise complete course offerings missed by reason of such action.

[Ch. 495A-121 WAC—p. 6]

[Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-049, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-060 Discipline. (1) Any infractions of college rules and regulations may be referred by any student or employee to the vice-president for student services or in his/her absence, the designee. Sexual or racial harassment complaints or concerns may be directed to the vice-president for human resources.

(2) The vice-president for student services, or in his/her absence, the designee, is responsible for initiating the disciplinary proceedings for infractions of rules and regulations as outlined in the procedures. That official shall follow the appropriate procedures for any disciplinary action, which is deemed necessary relative to the alleged misconduct.

[Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-060, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-061 Disciplinary process—Except summary suspension. (1) The vice-president for student services or his/her designated representative will initiate disciplinary proceedings.

(2) Any student accused of violating any provision of the rules of conduct shall be called for an initial meeting and advised as to the seriousness of the matter under consideration. The student will be informed of what provision(s) of the rules of conduct he/she is charged with violating, and what appears to be the range of penalties, if any, which might result from disciplinary proceedings.

(3) After considering the evidence in a case and interviewing the student or students involved, the vice-president for student services, or in his/her absence, the designee, 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.

(c) Impose disciplinary sanctions directly, subject to the student's right of appeal as described in this procedure. The student shall be notified in writing of the action taken except that disciplinary warnings may be given verbally.

(d) Refer the matter to the student/faculty disciplinary committee for appropriate action. The student shall be notified in writing that the matter has been referred to the committee. If a referral or an appeal is made to the student/faculty disciplinary committee, the committee shall hold a hearing, reach conclusions, and may impose sanctions.

[Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-061, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-062 Summary suspension procedures. (1) If the vice-president for student services deems summary suspension appropriate, he/she shall give the student oral or written notice of the reasons for the summary suspension, duration of the summary suspension, and of any possible additional disciplinary or corrective action that may be taken. If oral notice is given, written notice shall follow within two working days. In addition, the vice-president for student services shall set a date for informal hearing of the summary suspension as soon as practicable.

(5/13/04)

(2) The presiding officer for the informal hearing shall be an administrator designated by the president other than the administrator who initially imposed the summary suspension (normally, the vice-president for student services) and will be accompanied by the president of the associated student government of Bates Technical College or designee. The student shall be given the opportunity to present written and/or oral evidence. The issue before the presiding officer shall be whether reasonable cause exists to support and to continue the summary suspension.

(3) The presiding officer shall issue a written decision within two days of the informal hearing.

(4) The student may request a de novo review of the informal hearing decision before the student/faculty disciplinary committee. Either party may request the review to be consolidated with any other disciplinary proceeding arising from the same matter.

(5) Nothing herein shall prevent faculty members from taking summary action as may be reasonably necessary to maintain order in the classroom and/or prevent substantial disruption to the educational process. Such summary action in the form of removal from the classroom may not exceed three working days per episode. Any such summary action may be appealed to the vice-president for student services for an informal hearing.

[Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-062, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-063 Appeals. Any disciplinary action other than warning or reprimand may be appealed. All appeals must be made in writing and addressed to the vice-president for student services within ten working days of the college's giving notice of the disciplinary action.

(1) Disciplinary action by any college employee may be appealed to, and shall be reviewed by, the vice-president for student services, or in his/her absence, the designee.

(2) Disciplinary action by the appropriate disciplinary official may be appealed to, and shall be reviewed by, the student/faculty disciplinary committee.

(3) Disciplinary action by the student/faculty disciplinary committee may be appealed to, and shall be reviewed by, the college president or his/her designee.

(4) Disciplinary action by the president shall either indicate approval of the conclusions by sustaining the decision or shall give directions as to what other disciplinary action shall be taken by modifying the decision, or shall nullify previous sanctions imposed by reversing its decision. All appeals to the president shall be final.

[Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-063, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-064 Student/faculty disciplinary committee. The student/faculty disciplinary committee, convened for that purpose, will hear, de novo, and make recommendations on all disciplinary cases referred to it by the appropriate authority or appeal to it by student(s). The committee will be composed of the following persons:

(1) A member appointed by the president of the college or his/her designee who shall serve as chair;

(2) Two members of the faculty, appointed by the president of the faculty association;

(5/13/04)

(3) Two representatives from the associated student government appointed by the student body president.

None of the above-named persons shall sit on any case in which he/she has been a complainant or witness, in which he/she has a direct or personal interest, or 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 disciplinary committee as a whole.

[Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-064, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-065 Procedural guidelines of the student/faculty disciplinary committee. The student has a right to a fair and impartial hearing before the committee on any charge of misconduct resulting in disciplinary action other than warning or reprimand.

(1) The committee chair shall establish general rules of procedures for conducting hearings. A majority of the committee shall set the time, place and available seating capacity for a hearing. All proceedings of the committee will be conducted with reasonable dispatch and terminated as soon as possible in fairness to all parties involved.

(2) The committee shall issue written notice to the student of the date, time, and place of the hearing, and the charges against the student consistent with RCW 34.05.434. This notice of hearing shall be provided no later than seven days prior to the date of the hearing. The notice may be amended at any time prior to the hearing, but if such amendment is prejudicial to the student's case, the hearing shall be rescheduled to a later date if so requested in writing by the student.

(3) The student may be represented by counsel and/or accompanied by an advisor of his/her choice. If the student elects to choose a duly licensed attorney admitted to practice in the state of Washington as counsel, notice thereof must be tendered by the student to the vice-president for student services at least five working days prior to the hearing.

(4) The student or his/her representative shall be entitled to hear and examine the evidence against him/her and be informed of the identity of its sources; the student shall be entitled to present evidence in his/her own behalf and to question witnesses testifying against him/her as to factual matters. The committee shall request the administration to provide the student with a list of witnesses who will appear, and a description of any documentary or other physical evidence that will be presented at the hearing. The student shall have all authority which is possessed by the college to obtain information or to request the presence of witnesses or the production of other evidence relevant to the issues at the hearing.

(5) Only those matters presented at the hearing, in the presence of the student involved, will be considered in determining whether the student is guilty of the misconduct charged but the student's past record of conduct may be taken into account in formulating the committee's recommendation for disciplinary action.

(6) Hearings conducted by the committee may be held in closed session at the discretion of the committee, the only exception being when the student involved invites particular persons or requests an open hearing. If at any time during the conduct of the hearing, invited guests are disruptive of the

proceedings, the chair of the committee may exclude such persons from the hearing room.

(7) Failure on the part of the student(s) to appear or cooperate in the proceedings may result in default in accordance with RCW 34.05.440. However, it may not preclude the committee from making its findings of fact, reaching conclusions and imposing sanctions. Failure of the student to cooperate may be taken into consideration by the committee in recommending penalties. The committee may decide: To uphold or modify sanctions in accordance with the process set forth in these provisions.

An adequate summary of the proceedings will be kept. At a minimum, such summary would include a tape recording of testimony. Such record will be available for inspection and copying in the office of student services during regular business hours. The student will be provided with a copy of the findings of fact and conclusions of the committee.

[Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-065, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-066 Appeal of the student/faculty disciplinary committee's decision. (1) The student will be advised of his/her right to present within seven working days, a written statement of appeal to the president of the college before action is taken on the decision of the committee. In the case of a student under eighteen years of age, written notice of any action involving dismissal or disciplinary probation may be sent to the parents or guardian of the student.

(2) If the student concludes that the action of the disciplinary committee is inappropriate, the student may appeal the matter to the president of the college. The president or his/her designated representative, after reviewing the case, including the report 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 official who initiated the proceedings, the student and the committee chair. The decision of the president is final.

[Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-066, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-070 Reporting, recording and maintaining records. The office of the vice-president for student services shall keep records of all disciplinary cases. Except in proceedings where the student is exonerated, all documentary or other physical evidence produced or considered in disciplinary proceedings, and all recorded testimony shall be preserved, insofar as possible, for not more than six years. No other records of proceedings wherein the student is exonerated, other than the fact of exoneration, shall be maintained in the student's file or other college repository after the date of the student's graduation or not more than six years.

[Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-070, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-090 Student grievance procedure. The purpose of the grievance procedure is to provide a stu-

dent with the opportunity to express and resolve any misunderstanding, alleged violation of a college policy, procedure or regulation, retaliation and or inequitable treatment in a fair and equitable manner. Students have the right to receive clear information and fair application of college policies, standards, rules and requirements, and are responsible for complying with them in their relationships with college personnel. The grievance procedure emphasizes an information resolution which promotes constructive dialogue and understanding.

[Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-090, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-091 Student complaints. (1) Step one. The student shall first determine if a formal written process is required by securing the student petition form. If not, an information meeting with the instructor/staff member should be scheduled by the student to resolve the concern(s).

If an informal meeting does not resolve the concern(s), within ten working days from the time the event occurred or that the student knew, or reasonably should have known of the grievance, the student may present the grievance in writing to the instructor involved with a copy sent to the vice-president for student services. Within ten working days after receiving the grievance, the instructor shall respond to the grievance in writing.

(2) Step two. If the grievance is not resolved at step one, the student may within ten working days of the receipt of the written response, appeal to the area director/associate director by submitting the appropriate copy of the grievance form and all documents from step one to the area director/associate director.

(a) The director/associate director shall hear the grievance within ten working days after receipt of the grievance form and shall render a decision in writing within ten working days after such hearing.

(b) The student shall be afforded an adequate and fair opportunity to fully present his/her position and the relevant facts as they relate to the issues raised by the grievance.

(3) Step three. If the grievance is not resolved at step two, the student may within ten working days of receipt of the written response, provide the appropriate copy of the student grievance form and a written appeal, accompanied by documents and correspondence, to the vice-president for student services.

(a) The vice-president for student services shall hear the grievance within ten working days after receipt of the written appeal and shall render a decision in writing within ten working days after such hearing concludes.

(b) The student shall be afforded an adequate and fair opportunity to fully present his/her position and the relevant facts and issues to be addressed in the grievance.

(c) The decision of the vice-president for student services shall be final and binding on all parties involved in the grievance.

(d) Any settlement of the grievance shall be applicable to that grievance only and shall not be a precedent or have binding effect or disposition on any other grievances of similar nature.

[Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-091, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-092 Records. The vice-president for student services shall keep all written statements or transcripts associated with the complaint as part of the files. The files will be destroyed after six years from the initiation of the complaint.

[Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-092, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-093 Time limits on filing a complaint. The student must file a complaint within one quarter of the event, which caused the grievance to be filed. The vice-president for student services may suspend this rule under exceptional circumstances such as extended illness, or a leave of absence. No complaints will be considered after two quarters of the occurrence of the source of the grievance. When either party to the complaint is no longer present at the college and does not expect to return, the vice-president will give the absent party reasonable opportunity to reply to the complaint before making a decision.

[Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-093, filed 5/24/00, effective 6/24/00.]

WAC 495A-121-094 Grievances excluded. (1) The student grievance procedure described in this section is not intended to cover complaints of discrimination or sexual harassment. The college has separate, specific procedures for such complaints. See the vice-president for human resources for information on those specific procedures.

(2) A student may not use the provisions of these sections as the basis for filing a grievance based on the outcome of summary or other disciplinary proceedings described in earlier sections of this student rights and responsibilities code or for resolution of specific categories of student complaints where other procedures are required.

(3) Federal and state laws, rules and regulations, in addition to policies, regulations and procedures adopted by the state board for community and technical colleges or the board of trustees of Bates Technical College District No. 28 shall not be grievable matters.

[Statutory Authority: RCW 28B.50.140(10). 00-11-147, § 495A-121-094, filed 5/24/00, effective 6/24/00.]