

Chapter 495B-120 WAC

CAMPUS CONDUCT CODE

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

495B-120-200	Reporting, recording and maintaining records. [Statutory Authority: RCW 28B.10.140, 42.30.075 and chapter 34.05 RCW. 93-05-018, § 495B-120-200, filed 2/10/93, effective 3/13/93.] Repealed by 11-04-016, filed 1/21/11, effective 2/21/11. Statutory Authority: RCW 28B.50.130.
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WAC 495B-120-010 Definitions. The definitions set forth in this section apply throughout this chapter.

(1) "Board" means the board of trustees of Bellingham Technical College.

(2) "College" means Bellingham Technical College.

(3) "Alcohol" or "alcoholic beverages" means the definition of liquor as contained within RCW 66.04.010 as now law or hereinafter amended.

(4) "Drugs" means a narcotic drug as defined in RCW 69.50.101, a controlled substance as defined in RCW 69.50.-201 through 69.50.212, or a legend drug as defined in RCW 69.41.010.

(5) "College facilities" means the real property controlled or operated by the college and includes all buildings and appurtenances affixed thereon or attached thereto.

(6) "President" means the chief executive officer of the college appointed by the board of trustees.

(7) "Disciplinary officials" means the disciplinary committee as denominated in WAC 495B-120-170, the vice-president of student services, the vice-president of instruction, and the president.

(8) "Student" means a person who is enrolled at the college.

(9) "Disciplinary action" means the reprimand, disciplinary warning, probation, summary suspension, deferred suspension, suspension, or expulsion of a student under WAC

(1/21/11)

495B-120-120 for the violation of a rule adopted in this chapter.

[Statutory Authority: RCW 28B.50.130, 11-04-016, § 495B-120-010, filed 1/21/11, effective 2/21/11. Statutory Authority: RCW 28B.10.140, 42.30.-075 and chapter 34.05 RCW. 93-05-018, § 495B-120-010, filed 2/10/93, effective 3/13/93.]

WAC 495B-120-020 Statement of purpose. (1) Bellingham Technical College is maintained by the state of Washington for the provision of programs of instruction in higher education and related community services. Like any other institution having its own special purposes, the college must maintain conditions conducive to the effective performance of its functions. Consequently, it has special expectations regarding the conduct of the various participants in the college community.

(2) Admission to the college carries with it the prescription that the student will conduct himself or herself as a responsible member of the college community. This includes an expectation that the student will obey appropriate laws, will comply with the rules of the college and its departments, and will maintain a high standard of integrity and honesty.

(3) Sanctions for violations of college rules or conduct that interferes with the operation of college affairs may be applied by the college, and the college may impose sanctions independently of any action taken by civil or criminal authorities. In the case of minors, misconduct may be referred to parents or legal guardians.

(4) The rules and regulations prescribed in this title shall be observed by guests and visitors while on campus, at all college functions and events, and on or within any other college-controlled or college-owned property.

Guests and visitors who willfully refuse to obey college security or other duly designated college authorities to desist from conduct prohibited by such rules and regulations may be ejected from the premises. Refusal to obey such an order may subject the person to arrest under the provisions of the Washington criminal trespass law, in addition to such other sanctions as may be applicable.

[Statutory Authority: RCW 28B.50.130, 11-04-016, § 495B-120-020, filed 1/21/11, effective 2/21/11. Statutory Authority: RCW 28B.10.140, 42.30.-075 and chapter 34.05 RCW. 93-05-018, § 495B-120-020, filed 2/10/93, effective 3/13/93.]

WAC 495B-120-030 Jurisdiction. All rules in this chapter concerning student conduct and discipline apply to every student enrolled at the college whenever the student is on campus or is engaged in or present at a college-related activity whether occurring on or off college facilities.

[Statutory Authority: RCW 28B.50.130, 11-04-016, § 495B-120-030, filed 1/21/11, effective 2/21/11. Statutory Authority: RCW 28B.10.140, 42.30.-075 and chapter 34.05 RCW. 93-05-018, § 495B-120-030, filed 2/10/93, effective 3/13/93.]

WAC 495B-120-035 Hazing. (1) Bellingham Technical College prohibits college-sponsored organizations or associations and their members from engaging individually or collectively in hazing activities.

(2) Hazing is defined as any method of initiation into a student organization or association or any pastime or amusement engaged in with respect to such an organization or association that causes or is likely to cause bodily harm or physical harm or serious mental or emotional harm to any student or other person attending any institution of higher education or postsecondary institution. "Hazing" does not include customary athletic events or other similar contests or competitions.

(3) Penalties.

(a) Any organization or association that knowingly permits hazing shall:

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

(ii) Be denied recognition by Bellingham Technical College as an official organization or association on the Bellingham Technical College campus. If the organization or association is a corporation, whether for profit or nonprofit, the individual directors of the corporation may be held individually liable for damages.

(b) The campus conduct code, WAC 495-120-040 through 495-120-150, may be applicable to hazing violations.

(c) Members of student organizations or associations who participate in or conspire to participate in hazing activities will be subject to appropriate college disciplinary actions in accordance with the campus conduct code.

(d) Other disciplinary actions for individuals of student organizations or associations participating in hazing activities may include forfeiture of any entitlement to state-funded grants, scholarships or awards for a period of time determined by the college.

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

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

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

(iii) Impermissible conduct not amounting to hazing is subject to any sanctions available under the campus conduct code in WAC 495-120-040 through 495-120-150, depending upon the seriousness of the violation.

[Statutory Authority: RCW 28B.50.130, 11-04-016, § 495B-120-035, filed 1/21/11, effective 2/21/11. Statutory Authority: RCW 28B.10.140, 42.30.-075 and chapter 34.05 RCW. 97-11-014, § 495B-120-035, filed 5/9/97, effective 6/9/97.]

WAC 495B-120-040 Student misconduct. Disciplinary action may be taken for a violation of any provision of this campus conduct code, for a violation of other college rules that may from time to time be properly adopted, or for any of the following types of misconduct including, but not limited to:

(1) Smoking is prohibited on campus except in designated smoking areas;

(2) The possession, use, being demonstrably under the influence of, sale, or distribution of any alcoholic beverage or illegal drug on the college campus and/or the use of any alcoholic beverage or illegal drug while attending a college-sponsored event on or off campus. Alcoholic beverages may be permissible, however, at sanctioned events where consumption of alcohol is approved by the president or designee in compliance with state law;

(3) Engaging in lewd, indecent, or obscene behavior;

(4) Presenting an imminent danger to staff, other students, or community members in college facilities on or off campus or while attending a college-sponsored event on or off campus;

(5) Engaging in academic dishonesty including, but not limited to, cheating, plagiarism, or knowingly furnishing false information to the college;

(6) Willful failure or demonstrated inability to comply with college standards;

(7) Intentionally making false statements or filing false charges against the college and/or members of the college community;

(8) Forgery, alteration, or misuse of college documents, records, funds, or instruments of identification with the intent to defraud;

(9) Intentional or negligent damage to or destruction of any college facility, equipment, or other private real or personal property;

(10) Failing to comply with the direction of college officials acting in the legitimate performance of their duties;

(11) Carrying, exhibiting, displaying, or drawing any weapon (e.g., firearm, club, dagger, sword, knife, or other cutting or stabbing instrument), or incendiary device or explosive, or any facsimile weapon, or any other weapon apparently capable of producing bodily harm and/or property damage is prohibited on or in college-owned or college-operated facilities and premises and/or during college-sponsored events;

(12) Computer, telephone, or electronic technology violations. Conduct that violates the college-published acceptable use rules on computer, telephone, or electronic technology use, including electronic mail and the internet;

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

(14) Assault on, reckless endangerment of, intimidation of, or interference with another person;

(15) Disorderly, abusive, or bothersome conduct. Disorderly or abusive behavior that interferes with the rights of others or obstructs or disrupts teaching, research, or administrative functions;

(16) Failure to follow instructions. Inattentiveness, inability or failure to follow instructions of a college official, thereby infringing upon the rights and privileges of others;

(17) Malicious harassment. Malicious harassment involves intimidation or bothersome behavior directed toward another person because of or related to that person's

race, color, religion, gender, sexual orientation, ancestry, national origin, or mental, physical, or sensory disability;

(18) Theft and robbery. Theft of the property of the college or of another as defined in the RCW 9A.56.010 through 9A.56.050 and 9A.56.100 as now law or hereafter amended. Includes theft of the property of the college or of another; actual or attempted theft of property or services belonging to the college, any member of its community, or any campus visitor; or knowingly possessing stolen property;

(19) Criminal law violations, illegal behavior, other unlawful violations. Any person can be reported to proper authorities for acts that constitute violations of applicable local, state, and federal laws;

(20) Violation of other published college policies, rules, or regulations.

[Statutory Authority: RCW 28B.50.130. 11-04-016, § 495B-120-040, filed 1/21/11, effective 2/21/11. Statutory Authority: RCW 28B.10.140, 42.30.-075 and chapter 34.05 RCW. 93-05-018, § 495B-120-040, filed 2/10/93, effective 3/13/93.]

WAC 495B-120-045 Loss of eligibility—College-sponsored activities. Any student found to have violated chapter 69.41 RCW, legend drugs, by virtue of a criminal conviction or by final decision of the college president shall, in lieu of or in addition to any other disciplinary action which may be imposed, be disqualified from participation in any college-sponsored events or activities.

[Statutory Authority: RCW 28B.10.140, 42.30.075 and chapter 34.05 RCW. 93-05-018, § 495B-120-045, filed 2/10/93, effective 3/13/93.]

WAC 495B-120-050 Civil disturbances. In accordance with provisions contained in RCW 28B.10.571 and 28B.10.572:

(1) It shall be unlawful for any person, singly or in concert with others, to interfere by force or violence with any administrator, faculty member or student of the college who is in the peaceful discharge or conduct of his duties or studies.

(2) It shall be unlawful for any person, singly or in concert with others, to intimidate by threat of force or violence any administrator, faculty member or student of the college who is in the peaceful discharge of his duties or studies.

(3) The crimes described in RCW 28B.10.571 and 28B.10.572 shall not apply to any administrator or faculty member who is engaged in the reasonable exercise of their disciplinary authority.

(4) Any person or persons who violate the provisions of subparagraphs (1) and (2) above will be subject to disciplinary action and may be referred for prosecution.

[Statutory Authority: RCW 28B.50.130. 11-04-016, § 495B-120-050, filed 1/21/11, effective 2/21/11. Statutory Authority: RCW 28B.10.140, 42.30.-075 and chapter 34.05 RCW. 93-05-018, § 495B-120-050, filed 2/10/93, effective 3/13/93.]

WAC 495B-120-060 Free movement on campus. The president is authorized to prohibit the entry of or to withdraw the privileges of any person or group of persons to enter onto or remain upon any portion of the college campus if he/she deems that an individual or a group of individuals disrupts the ingress or egress of others from the college facilities. The president may act through the vice-president of student services or any other person he/she may designate.

(1/21/11)

[Statutory Authority: RCW 28B.50.130. 11-04-016, § 495B-120-060, filed 1/21/11, effective 2/21/11. Statutory Authority: RCW 28B.10.140, 42.30.-075 and chapter 34.05 RCW. 93-05-018, § 495B-120-060, filed 2/10/93, effective 3/13/93.]

WAC 495B-120-070 Right to demand identification.

For the purpose of determining whether probable cause exists for the application of any section of this code to any person on the college campus or at a college-sponsored event off campus, any college personnel or other authorized personnel may demand that any person on the college campus or at a college-sponsored event off-campus produce evidence of student enrollment at the college.

[Statutory Authority: RCW 28B.50.130. 11-04-016, § 495B-120-070, filed 1/21/11, effective 2/21/11. Statutory Authority: RCW 28B.10.140, 42.30.-075 and chapter 34.05 RCW. 93-05-018, § 495B-120-070, filed 2/10/93, effective 3/13/93.]

WAC 495B-120-080 Academic dishonesty/classroom conduct. (1) Academic dishonesty. Honest assessment of student performance is of crucial importance to all members of the academic community. Acts of dishonesty are serious breaches of honor and shall be dealt with in the following manner:

(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 product, shall be deemed to have committed an act of academic dishonesty. Acts of academic dishonesty shall be cause for disciplinary action.

(b) Any student who aids or abets the accomplishment of an act of academic dishonesty, as described in subsection (a) of this section, shall be subject to disciplinary action.

(c) 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 academic 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 academic dishonesty.

(2) 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.

(a) 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.

(b) The instructor of each course offered by the college is 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 the disciplinary action through the discipline appeal procedure (WAC 495B-120-180, discipline appeal procedure).

[Statutory Authority: RCW 28B.50.130. 11-04-016, § 495B-120-080, filed 1/21/11, effective 2/21/11. Statutory Authority: RCW 28B.10.140, 42.30.-

075 and chapter 34.05 RCW. 93-05-018, § 495B-120-080, filed 2/10/93, effective 3/13/93.]

WAC 495B-120-090 Campus speakers. (1) Student organizations officially recognized by the college may invite speakers to the campus to address their own membership and other interested students and faculty if suitable space is available and there is no interference with the regularly scheduled program of the college. Although properly allowed by the college, the appearance of such speakers on the campus implies neither approval nor disapproval of them or their viewpoints. In case of speakers who are candidates for political office, equal opportunities shall be available to opposing candidates if desired by them. Speakers are subject to the normal considerations for law and order and to the specific limitations imposed by the state constitution regarding religious worship, exercise, or instruction on state property.

(2) In order to ensure an atmosphere of open exchange and to ensure that the educational objectives of the college are not obscured, the president, in a case attended by strong emotional feeling, may prescribe conditions for the conduct of the meeting including, but not limited to, the time, the manner, and the place for the conduct of such a meeting. Likewise, the president may require permission for comments and questions from the floor and/or may encourage the appearance of one or more additional speakers at a meeting or at a subsequent meeting so that other points of view may be expressed.

(3) A free speech area may be designated by the college president and can be reserved by student groups and student organizations through the office of the vice-president of student services.

[Statutory Authority: RCW 28B.50.130. 11-04-016, § 495B-120-090, filed 1/21/11, effective 2/21/11. Statutory Authority: RCW 28B.10.140, 42.30.-075 and chapter 34.05 RCW. 93-05-018, § 495B-120-090, filed 2/10/93, effective 3/13/93.]

WAC 495B-120-100 Distribution of information. (1) Handbills, leaflets, newspapers and similar materials may be distributed free of charge by any student or students, or by members of recognized student organizations 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 instructional process or 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 must not interfere with the instructional process or the free flow of vehicular or pedestrian traffic.

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

[Statutory Authority: RCW 28B.50.130. 11-04-016, § 495B-120-100, filed 1/21/11, effective 2/21/11. Statutory Authority: RCW 28B.10.140, 42.30.-075 and chapter 34.05 RCW. 93-05-018, § 495B-120-100, filed 2/10/93, effective 3/13/93.]

WAC 495B-120-110 Commercial activities. (1) College facilities will not be used for a 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 relate to educational objectives and are conducted under the sponsorship or at the request of the college or the student association if such solicitation does not interfere with or operate to the detriment of the conduct of college affairs or the free flow of vehicular or pedestrian traffic.

(2) For the purpose of this regulation, the term "commercial activities" does not include handbills, leaflets, newspapers and similarly related materials as regulated in WAC 495B-120-100.

[Statutory Authority: RCW 28B.50.130. 11-04-016, § 495B-120-110, filed 1/21/11, effective 2/21/11. Statutory Authority: RCW 28B.10.140, 42.30.-075 and chapter 34.05 RCW. 93-05-018, § 495B-120-110, filed 2/10/93, effective 3/13/93.]

WAC 495B-120-120 Disciplinary process. (1) Any infractions of college rules may be referred by any college faculty or staff member to the vice-president of student services or a designee. That official shall then follow the appropriate procedures for any disciplinary action that he or she deems necessary relative to the alleged misconduct. In addition, a student may appeal disciplinary action taken pursuant to the provisions in WAC 495B-120-180.

(2) The disciplinary official may take whatever action deemed appropriate within the framework of the disciplinary rules as defined in WAC 495B-120-130. If the student concludes that any sanction imposed is inappropriate, the student may appeal the sanction pursuant to the provision in WAC 495B-120-180.

[Statutory Authority: RCW 28B.50.130. 11-04-016, § 495B-120-120, filed 1/21/11, effective 2/21/11. Statutory Authority: RCW 28B.10.140, 42.30.-075 and chapter 34.05 RCW. 93-05-018, § 495B-120-120, filed 2/10/93, effective 3/13/93.]

WAC 495B-120-130 Disciplinary terms. The definitions set forth in this section apply throughout WAC 495B-120-135 through 495B-120-200.

(1) "Disciplinary warning" means oral notice of violation of college rules.

(2) "Reprimand" means formal action after censuring a student for violation of college rules for failure to satisfy the college's expectations regarding conduct. Reprimands are made in writing to the student by the disciplinary official. 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" means formal action placing conditions upon the student's continued attendance because of violation of college rules or failure to satisfy the college's expectations regarding conduct. The disciplinary official placing the student on probation will specify, in writing, the period of probation and the conditions. Disciplinary probation warns the student that any further misconduct will automatically raise the question of dismissal from the college. Disciplinary probation may be for a specified term or

for an indefinite period that may extend to graduation or other termination of the student's enrollment in the college.

(4) "Summary suspension" means temporary dismissal from the college and temporary termination of a student's status for a period of time not to exceed ten days that occurs prior to invocation of the formal hearing procedures specified in these rules due to a necessity to take immediate disciplinary action, where a student presents an imminent danger to the college property, or to himself or herself, or to other students or persons in college facilities on or off campus, or to the educational process of the college.

(5) "Deferred suspension" means notice of suspension from the college with the provision that the student may remain enrolled contingent on meeting a specified condition. Not meeting the contingency shall immediately invoke the suspension for the period of time and under the conditions originally imposed.

(6) "Suspension" means temporary dismissal from the college and temporary termination of student status for violation of college rules or for failure to meet college standards of conduct.

(7) "Expulsion" means dismissal from the college and termination of student status for an indefinite period of time or permanently for violation of college rules or for failure to meet the college standards of conduct.

[Statutory Authority: RCW 28B.50.130. 11-04-016, § 495B-120-130, filed 1/21/11, effective 2/21/11. Statutory Authority: RCW 28B.10.140, 42.30.-075 and chapter 34.05 RCW. 93-05-018, § 495B-120-130, filed 2/10/93, effective 3/13/93.]

WAC 495B-120-135 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 that 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 college facility.

[Statutory Authority: RCW 28B.50.130. 11-04-016, § 495B-120-135, filed 1/21/11, effective 2/21/11. Statutory Authority: RCW 28B.10.140, 42.30.-075 and chapter 34.05 RCW. 93-05-018, § 495B-120-135, filed 2/10/93, effective 3/13/93.]

WAC 495B-120-140 Readmission after suspension or expulsion. 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. 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 of student services. Such petition must state reasons that 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.50.130. 11-04-016, § 495B-120-140, filed 1/21/11, effective 2/21/11. Statutory Authority: RCW 28B.10.140, 42.30.-075 and chapter 34.05 RCW. 93-05-018, § 495B-120-140, filed 2/10/93, effective 3/13/93.]

WAC 495B-120-150 Reestablishment of academic standing. Students who have been suspended pursuant to dis-

ciplinary procedures set forth in WAC 495B-120-120 and 495B-120-130 and whose suspension upon appeal has been overturned pursuant to the appeal procedure set forth in WAC 495B-120-180 shall be provided the opportunity to reestablish their academic 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.

[Statutory Authority: RCW 28B.50.130. 11-04-016, § 495B-120-150, filed 1/21/11, effective 2/21/11. Statutory Authority: RCW 28B.10.140, 42.30.-075 and chapter 34.05 RCW. 93-05-018, § 495B-120-150, filed 2/10/93, effective 3/13/93.]

WAC 495B-120-160 Disciplinary authority of the vice-president of student services. (1) The vice-president of student services or a designee is responsible for initiating disciplinary proceedings for infractions of rules. The vice-president of student services may delegate this responsibility to members of his/her staff and/or establish committees or other hearing bodies to advise or act for them in disciplinary matters.

(2) In order that any informality in disciplinary proceedings not mislead a student as to the seriousness of the matter under consideration, the student involved shall be informed at the initial meeting or hearing of the several sanctions that may be applied for the misconduct.

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

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

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

(c) Directly impose any of the disciplinary sanctions that are outlined in WAC 495B-120-130, subject to the student's right of appeal pursuant to WAC 495B-120-180. The student shall be notified in writing of the action taken except where the disciplinary warning is given verbally;

(d) Refer the matter to the student disciplinary committee for appropriate action (WAC 495B-120-170). The student shall be notified in writing that the matter has been referred to the committee.

(4) This section shall not be construed as preventing the appropriate official, as set forth in subsection (1) of this section, from summarily suspending a student. In the event of summary suspension, the student will be given oral or written notice of the charges, an explanation of the evidence, and an informal opportunity to present his or her side of the matter. The student may elect, as well, to utilize the appeal procedures pursuant to WAC 495B-120-180.

[Statutory Authority: RCW 28B.50.130. 11-04-016, § 495B-120-160, filed 1/21/11, effective 2/21/11. Statutory Authority: RCW 28B.10.140, 42.30.-075 and chapter 34.05 RCW. 93-05-018, § 495B-120-160, filed 2/10/93, effective 3/13/93.]

WAC 495B-120-165 Summary suspension. The vice-president of student services or a designee may summarily suspend any student from the college if the vice-president has reason to believe that the student presents a danger either to self or to others on the college campus, threatens campus

safety, or severely disrupts the educational process. The summary suspension procedure provides an emergency method of suspension for purposes of investigation, reviewing the impact on the campus community due to serious infraction of student behavior standards, or removing a threat to the safety and well-being of the college community.

(1) Initial summary suspension proceedings. If the vice-president of student services believes it is necessary to exercise the authority to summarily suspend a student, the vice-president shall notify the student of the alleged misconduct and violation(s) of the campus conduct code.

(a) This notification may initially be given orally, but written notification shall be sent by certified and regular mail to the student's last known address or shall be personally served.

(b) The notice shall be entitled "Notice of Summary Suspension Proceedings" and shall state:

(i) The charges against the student, including the reference to the law and/or code of conduct;

(ii) The specified date, time, and location that the student must appear before the vice-president for a hearing, which shall be held as soon as practical after the summary suspension;

(iii) A warning that the student shall be considered trespassing and that the police will be called if the student enters the college campus other than to meet with the vice-president of student services or to attend the disciplinary hearing described in subsection (2) of this section.

(2) Emergency procedure. The summary suspension procedure shall not prevent faculty members or college officials from taking reasonable summary action to maintain order if 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 seriously disrupts the educational process. The faculty member or college official should immediately bring the matter to the attention of the vice-president of student services for appropriate disciplinary action.

(3) Procedures of summary suspension hearing.

(a) The summary suspension hearing shall be considered an informal hearing. The hearing must be conducted as soon as possible and the vice-president of student services will preside over the meeting.

(b) The vice-president of student services shall, at a summary suspension proceeding, determine whether there is probable cause to believe that continued suspension is necessary and/or whether some other disciplinary action is appropriate.

(4) Decision by the vice-president of student services. The vice-president of student services may continue to enforce the suspension of the student from the college and may impose any other disciplinary action that is appropriate if the vice-president finds probable cause to believe that:

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

(b) Summary suspension of the student is necessary for the safety of the student, other students or persons on college facilities, the educational process of the institution, or to restore order to the campus; and

(c) The violation or violations constitute grounds for disciplinary action.

The vice-president of student services is authorized to enforce the suspension in the event the student has been served according to the notice requirement and fails to appear at the time designated for the summary suspension proceeding.

[Statutory Authority: RCW 28B.50.130, 11-04-016, § 495B-120-165, filed 1/21/11, effective 2/21/11.]

WAC 495B-120-170 Student disciplinary committee.

(1) The student 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 appealed to it by students. The committee will be appointed by the president of the college or a designee and shall be composed of one administrator, two members of the faculty, two representatives from the student council, and one counselor.

(2) None of the above-named persons shall sit on any case in which he or she is a complainant or witness, in which he or she has a direct or personal interest, or in which he or she has acted previously in an advisory or official capacity. Decisions in this regard, including the selection of alternates, shall be made by the college president or a designee. The disciplinary committee chairperson will be elected by the members of the disciplinary committee.

(3) After conducting its investigation, the disciplinary committee will recommend to the proper authority that the student in question:

(a) Be given a disciplinary warning; or

(b) Be given a reprimand; or

(c) Be placed on disciplinary probation; or

(d) Be placed on deferred suspension; or

(e) Be given a suspension; or

(f) Be expelled; or

(g) Be exonerated with all proceedings terminated and with no sanctions imposed; and/or

(h) Be disqualified from participation in any college-sponsored activities.

[Statutory Authority: RCW 28B.50.130, 11-04-016, § 495B-120-170, filed 1/21/11, effective 2/21/11. Statutory Authority: RCW 28B.10.140, 42.30.-075 and chapter 34.05 RCW, 93-05-018, § 495B-120-170, filed 2/10/93, effective 3/13/93.]

WAC 495B-120-180 Discipline appeal procedure.

Any disciplinary action taken resulting from the student disciplinary committee's recommendations as described in WAC 495B-120-170 may be appealed following the process outlined below.

(1) The student may file an appeal using the appropriate forms. (An appointment must be made with the vice-president of student services or designee to obtain the necessary form and information.)

(2) Appeals must be filed with the vice-president of student services or a designee.

(3) Appeals must be filed within ten calendar days of the college giving notice of the disciplinary action. The date of notification shall be deemed to be the date the notice is mailed by the college to the student.

(4) The vice-president of student services or a designee will monitor the appeal process.

(5) The student will receive acknowledgment of the filing of a formal appeal. The student may withdraw the appeal at any point during the formal procedure. The vice-president of student services or a designee will notify all parties involved.

(6) An appeal committee will be appointed annually by the college president and will consist of five individuals representing the various college constituencies. The committee will be made up of one administrator, two faculty members, and two support staff members. The complainant may request student representation on the committee. If requested, the president may select two students to substitute for a like number of existing members of the committee. Members of the committee will remove themselves from the process if they deem themselves biased or personally interested in the outcome of the appeal.

(7) The committee will review the appeal and all other documentation related to the incident and the resulting discipline. They may request further investigation if facts warrant the need to do so. The vice-president of student services or a designee will serve as the investigating officer.

(8) If an investigation is ordered, the investigating officer will:

(a) Meet with the student and the staff member(s) who initiated the discipline;

(b) Examine documentation and interview witnesses;

(c) Consult with the appropriate vice-president or equivalent unit head and/or other appropriate administrator; and

(d) Prepare a written investigative report.

(9) After a full review, the committee's decision will be limited to one of the following statements:

(a) "Based on the evidence presented to us, we find probable cause for believing that an improper or unfair disciplinary decision or act has been committed"; or

(b) "Based on the evidence presented, we find no probable cause for believing that an improper or unfair disciplinary decision or act has been committed."

The committee will make its report in writing to the vice-president of student services or a designee. The deliberations of the committee will not be disclosed to anyone except the vice-president of student services or a designee who will hold them confidential.

(10) If no probable cause is found, the matter will be considered concluded. However, the student may submit a written appeal to the president within ten calendar days from the date the decision is made. The appeal must specify in detail what findings, recommendations, or other aspects of the decision were not acceptable. The appeal should also include what corrective action the student desires after consideration of the appeal by the president. The president may uphold the decision of the committee, and at that point no further appeals within the college will be considered. Or, the president may instruct the committee to go forward with an appeal hearing.

(11) If probable cause is found, a hearing will be held.

(a) The committee will select a chair. The chair of the committee will establish a date for the hearing. A notice establishing the date, time, and place of the hearing will be provided to all involved parties.

(b) The hearing will be held within thirty calendar days from the time of the hearing notice. The date of notification shall be deemed to be the date the notice is mailed by the college to the student.

(c) The student will have the privilege to challenge one member of the committee without cause (stated reason). Unlimited challenges may be issued if it is felt that a member of the committee is biased. In the case of a challenge for bias, a majority of the committee members must be satisfied that a challenged member cannot hear the case impartially before the member can be disqualified. In the case of removal of a member through the challenge process, the president will restore the committee to full membership.

(d) The hearing will be conducted as expeditiously as possible and on successive days, if possible.

(e) The student and any others the committee deems necessary to the proceedings will make themselves available to appear at the proceeding unless the individual can verify to the committee that their absence is unavoidable.

(f) The student will be permitted to have with him/her a party of his/her own choosing to act as advisor and counsel. The hearing may be monitored by the assistant attorney general assigned to the college.

(g) The hearing will be closed to all except those persons directly involved in the case as determined by the committee. Statements, testimony, and all other evidence given at the hearing will be confidential and will not be released to anyone and may be used by the committee only for the purpose of making its findings and recommendations to the president.

(h) The chair of the committee will convene and regulate the proceeding. The student, identified staff, and the members of the hearing panel must be present during the proceeding unless excused by the chair for good cause. Repeated failure, without reasonable explanation, of either the student or identified staff to appear will be grounds for defaulting that party's case. The student will have the burden of presenting the case and staff will have the burden of challenging the evidence presented.

(i) All parties will have the opportunity to present evidence, respond to evidence presented, and examine and cross examine witnesses.

(ii) The hearing committee will be empowered to examine witnesses and receive evidence; exclude any person(s) felt to be unreasonably disruptive of the proceedings; hold conferences for the settlement of the issues involved; make decisions or proposals for decisions; and take any other actions authorized by the rule consistent with this procedure.

(iii) No individual will be compelled to divulge information in any form that he/she could not be compelled to divulge in or in connection with court proceedings.

(i) Any legal opinion or interpretation given to the committee by the parties may be shared with all parties to the case.

(j) The committee will file its findings and recommendations with the president, the vice-president of student services, the student, and involved staff after the conclusion of the hearing. If the findings and recommendations of the committee are acceptable to the student, the president may direct implementation of the recommendations.

(12) If the student objects to the findings and recommendations and wishes to appeal, a written appeal may be submitted.

ted to the president within ten calendar days from the date the finding is issued. The appeal must specify in detail the findings, recommendations, or other aspects of the report or decision that are not acceptable. The appeal should also include what corrective action the student desires after consideration of the appeal by the president.

(13) After considering an appeal, the president will issue a written decision to the parties involved. The decision of the president will be final and no further appeals within the college will be considered.

[Statutory Authority: RCW 28B.50.130. 11-04-016, § 495B-120-180, filed 1/21/11, effective 2/21/11. Statutory Authority: RCW 28B.10.140, 42.30.-075 and chapter 34.05 RCW. 93-05-018, § 495B-120-180, filed 2/10/93, effective 3/13/93.]

WAC 495B-120-190 Reporting. Records of all disciplinary cases shall be kept by the disciplinary official taking or initiating the action. 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 is reasonably possible, for five 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 five years.

[Statutory Authority: RCW 28B.50.130. 11-04-016, § 495B-120-190, filed 1/21/11, effective 2/21/11. Statutory Authority: RCW 28B.10.140, 42.30.-075 and chapter 34.05 RCW. 93-05-018, § 495B-120-190, filed 2/10/93, effective 3/13/93.]