

Chapter 132J-125 WAC

RULES OF STUDENT CONDUCT

WAC

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SECTION I INTRODUCTION

WAC 132J-125-010 Purpose. (1) Green River Community College, an agency of the state of Washington, provides a variety of educational opportunities for students; namely the opportunities to examine the academic, vocational, technical, cultural, social and recreational aspects of society. Green River Community College as an institution of society must maintain conditions conducive to the effective

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performance of its functions. Consequently, Green River Community College has special expectations regarding the conduct of students. Student conduct that detracts from, or interferes with, the accomplishment of college purposes is not acceptable.

(2) The student is, first of all, a member of the community at large, and as such has the rights and responsibilities of any citizen. In addition, admission to Green River Community College carries with it the presumption that students will conduct themselves as responsible members of the college community. This includes an expectation that students will obey the law, will comply with rules and regulations of the college, will maintain a high standard of integrity and honesty, and will respect the rights, privileges and property of other members of the college community.

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

[Statutory Authority: RCW 28B.50.140(13), 93-04-022, § 132J-125-010, filed 1/27/93, effective 2/27/93.]

WAC 132J-125-020 Definitions. As used in this chapter, unless the context requires otherwise:

(1) "Administration" and "administrator" include the president, assistant(s) to the president, vice-presidents, deans, directors of programs or functions, and everyone else designated as a member of the administration by the board of trustees.

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

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

(4) "College" means the institution(s) operated by the board of trustees of the district.

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

(6) "College facilities" and "college facility" mean and include any and all real and personal property owned, rented,

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leased or operated by the board of trustees of Washington State Community College District 10, and shall include all buildings and appurtenances attached thereto and all parking lots and other grounds.

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

(8) "Disciplinary action" and "discipline" shall mean and include reprimand, probation, suspension, dismissal, monetary fine, restitution, and any other action taken against a student as a sanction or penalty for violation of a designated rule of student conduct.

(9) "District" means Washington State Community College District 10.

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

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

(12) "Recognized student organization" means the organization established by and operated pursuant to the Constitution of the Associated Students of Green River Community College.

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

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

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

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

[Statutory Authority: RCW 28B.50.140(13). 93-04-022, § 132J-125-020, filed 1/27/93, effective 2/27/93.]

WAC 132J-125-030 Jurisdiction. This chapter shall apply to students and student conduct which occurs (1) on or in a college facility or (2) whenever a student is present at or engaged in any college-sponsored program or function. This chapter is not exclusive, and where conduct becomes known which may also violate any other rule or provision of law, nothing herein shall limit the right or duty of any person to report elsewhere or seek another remedy for that conduct.

[Statutory Authority: RCW 28B.50.140(13). 93-04-022, § 132J-125-030, filed 1/27/93, effective 2/27/93.]

SECTION II NONACADEMIC RIGHTS AND RESPONSIBILITIES

WAC 132J-125-055 Right to demand identification.
(1) For the purpose of determining identity of a person as a student, any faculty member, college administrator, or designee of the president may demand that any person produce evidence of student enrollment at the college. Presenting a current student identification card with a picture I.D. card will be deemed proof of student status.

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

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[Statutory Authority: RCW 28B.50.140(13). 93-04-022, § 132J-125-055, filed 1/27/93, effective 2/27/93.]

WAC 132J-125-060 Freedom of expression. The right of free speech is fundamental to the democratic process. Students and other members of the college community shall be free to express their views or support causes by orderly means which do not disrupt the regular and essential operations of the college.

[Statutory Authority: RCW 28B.50.140(13). 93-04-022, § 132J-125-060, filed 1/27/93, effective 2/27/93.]

WAC 132J-125-065 Right to assembly. (1) Students shall have the right of "assembly" upon college facilities that are generally available to the public. Such assembly shall:

- (a) Be conducted in an orderly manner;
- (b) Not unreasonably interfere with vehicular or pedestrian traffic;
- (c) Not unreasonably interfere with classes, schedules, meetings or ceremonies, and
- (d) Not unreasonably interfere with the regular activities of the college.

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

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

(4) Sound amplifying equipment shall not be used without permission of the college president or president's designee.

[Statutory Authority: RCW 28B.50.140(13). 93-04-022, § 132J-125-065, filed 1/27/93, effective 2/27/93.]

WAC 132J-125-070 Right to outside speakers. (1) Any recognized student organization, after written notification to the dean for student programs as prescribed herein, may invite a speaker to the college, subject to any restraints imposed by law.

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

(3) The scheduling of facilities for hearing invited speakers shall be made through the college conference and scheduling office.

(4) The dean for student programs must be notified in writing at least four academic days prior to the appearance of an invited speaker. Notification shall include time, location and sponsoring organization. An exception to the four day notification requirement may be made by the dean for student programs or the vice-president for marketing and student development.

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

[Statutory Authority: RCW 28B.50.140(13). 93-04-022, § 132J-125-070, filed 1/27/93, effective 2/27/93.]

WAC 132J-125-075 Right to sale of personal property. (1) Students have the right to engage in legal, incidental sales of personal property in private transactions.

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(2) All other sales shall take place in Lindbloom Student Center subject to the approval and requirements of the dean for student programs or designee.

[Statutory Authority: RCW 28B.50.140(13). 93-04-022, § 132J-125-075, filed 1/27/93, effective 2/27/93.]

WAC 132J-125-080 Distribution of materials. (1) Handbills, leaflets, newspapers and similar materials may be distributed free of charge upon college facilities designated by the dean for student programs, provided that such distribution does not interfere with the ingress and egress of persons or interfere with the free flow of vehicle or pedestrian traffic.

(2) All students and nonstudents shall register with the dean for student programs prior to distributing any handbill, leaflet, newspaper or related matter, including, but no limited to, materials to be posted on college bulletin boards.

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

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

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

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

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

[Statutory Authority: RCW 28B.50.140(13). 93-04-022, § 132J-125-080, filed 1/27/93, effective 2/27/93.]

WAC 132J-125-085 Denial of access to Green River Community College. (1) The vice-president for marketing and student development may deny admission to a prospective student, or continued attendance to an enrolled student, if it reasonably appears that the student would not be competent to profit from the curriculum offerings of the college, or would, by the student's presence or conduct, create a disruptive atmosphere within the college or a substantial risk of actual harm to a member of the campus community.

(2) Denial of access decisions may be appealed, as or like disciplinary actions, to the disciplinary board or academic board, whichever is designated by the vice-president for marketing and student development.

[Statutory Authority: RCW 28B.50.140(13). 93-04-022, § 132J-125-085, filed 1/27/93, effective 2/27/93.]

WAC 132J-125-090 Trespass. (1) In the instance of any event that the vice-president for marketing and student development or designee deems to be disruptive of order, or deems to impede the movement of persons or vehicles, or deems to disrupt or threaten to disrupt the ingress or egress of persons from college facilities, the vice-president for marketing and student development or designee is authorized to:

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

(b) Give notice against trespass to any person from whom the license or permission has been withdrawn or who

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has been prohibited from entering onto or remaining upon all or any portion of a college facility;

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

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

[Statutory Authority: RCW 28B.50.140(13). 93-04-022, § 132J-125-090, filed 1/27/93, effective 2/27/93.]

WAC 132J-125-095 Smoking. Smoking in college buildings and in areas of the campus not specifically posted by the administration as open for smoking is not permitted. Violations of this section shall be cause for discipline.

[Statutory Authority: RCW 28B.50.140(13). 93-04-022, § 132J-125-095, filed 1/27/93, effective 2/27/93.]

WAC 132J-125-100 Liquor. Any student who, while in any college facility or participating in a college-related program, uses, possesses, consumes, is demonstrably under the influence of, or sells any liquor as defined in RCW 66.04.010, in violation of law or in a manner which significantly disrupts a college activity, shall be subject to discipline.

[Statutory Authority: RCW 28B.50.140(13). 93-04-022, § 132J-125-100, filed 1/27/93, effective 2/27/93.]

WAC 132J-125-105 Drugs/substance abuse. Any student who, while in any college facility or participating in a college-related program, uses, possesses, consumes, is demonstrably under the influence of, or sells any narcotic drug or controlled substance as defined in RCW 69.50.101, in violation of law or in a manner which significantly disrupts a college activity, shall be subject to discipline. For purposes of this section, "sell" includes the statutory meaning in RCW 69.50.410.

[Statutory Authority: RCW 28B.50.140(13). 93-04-022, § 132J-125-105, filed 1/27/93, effective 2/27/93.]

WAC 132J-125-110 Conduct at college functions. Any student who significantly disrupts any college function by intentionally engaging in conduct that renders it difficult or impossible to continue such a function in an orderly manner, shall be subject to discipline. A college function for this purpose includes, but is not limited to, any disciplinary, grievance, or appeal meeting or hearing under these rules.

[Statutory Authority: RCW 28B.50.140(13). 93-04-022, § 132J-125-110, filed 1/27/93, effective 2/27/93.]

WAC 132J-125-115 Theft—Stolen property—Robbery. Any student who, while in any college facility or participating in a college-related program, commits theft as defined in RCW 9A.56.020, or possesses stolen property as defined in RCW 9A.56.140, or commits robbery as defined in RCW 9A.56.190, shall be subject to discipline.

[Statutory Authority: RCW 28B.50.140(13). 93-04-022, § 132J-125-115, filed 1/27/93, effective 2/27/93.]

WAC 132J-125-120 Damaging property. (1) Any student who causes or attempts to cause physical damage to

property owned, controlled or operated by the district, or to property owned, controlled or operated by another person while said property is located on college facilities, shall be subject to discipline.

(2) Any student who in this or any other manner is guilty of malicious mischief in violation of RCW 9A.48.070 through 9A.48.100 shall be subject to discipline.

[Statutory Authority: RCW 28B.50.140(13). 93-04-022, § 132J-125-120, filed 1/27/93, effective 2/27/93.]

WAC 132J-125-125 Interference—Intimidation. Any student who, while in any college facility or participating in a college-related program, shall interfere by force or violence with, or intimidate by threat of force or violence, another person who is in the peaceful discharge or conduct of his/her duties or studies, in the manner prohibited by RCW 28B.10.570 or 28B.10.571, shall be subject to discipline.

[Statutory Authority: RCW 28B.50.140(13). 93-04-022, § 132J-125-125, filed 1/27/93, effective 2/27/93.]

WAC 132J-125-130 Offensive language. Any student who, while in any college facility or participating in a college-related program, and without a privilege to do so, uses language which he/she knows or should know is offensive to a reasonable person, shall be subject to discipline.

[Statutory Authority: RCW 28B.50.140(13). 93-04-022, § 132J-125-130, filed 1/27/93, effective 2/27/93.]

WAC 132J-125-135 Sexual harassment. Any student who, while in any college facility or participating in a college-related program, knowingly engages in unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, where such behavior offends the recipient, causes discomfort or humiliation, or interferes with job or academic performance, shall be subject to discipline.

[Statutory Authority: RCW 28B.50.140(13). 93-04-022, § 132J-125-135, filed 1/27/93, effective 2/27/93.]

WAC 132J-125-140 Forgery or alteration of records. Any student who, while in any college facility or participating in a college-related program, engages in forgery, as defined in RCW 9A.60.020, shall be subject to discipline.

[Statutory Authority: RCW 28B.50.140(13). 93-04-022, § 132J-125-140, filed 1/27/93, effective 2/27/93.]

WAC 132J-125-145 Computer trespass. Any student who, without authorization, intentionally gains access to a computer system or electronic data of another student, a faculty member or the district, in violation of RCW 9A.52.110 through 9A.52.130, shall be subject to discipline.

[Statutory Authority: RCW 28B.50.140(13). 93-04-022, § 132J-125-145, filed 1/27/93, effective 2/27/93.]

WAC 132J-125-150 Firearms/explosives. Any student who, while in any college facility or participating in a college-related program, uses or has on his/her person firearms or explosive materials, without written permission of the vice-president for marketing and student development or vice-president's designee, shall be subject to discipline.

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[Statutory Authority: RCW 28B.50.140(13). 93-04-022, § 132J-125-150, filed 1/27/93, effective 2/27/93.]

WAC 132J-125-155 Other punishable acts. Any student who, while in any college facility or participating in a college-related program, commits any other act which is a crime under the laws of the state of Washington or the United States and which act does not otherwise violate a rule of student conduct, shall be subject to discipline.

[Statutory Authority: RCW 28B.50.140(13). 93-04-022, § 132J-125-155, filed 1/27/93, effective 2/27/93.]

WAC 132J-125-160 Initiation and types of nonacademic discipline. (1) Any college administrator, except the president or a member of the disciplinary board, may take either of the following disciplinary actions against a student, for causes other than cheating or classroom misconduct:

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

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

(2) A copy of any written warning or reprimand should be provided to the vice-president for marketing and student development.

(3) The vice-president for marketing and student development, or designee, after meeting or attempting to meet with the student to advise of the potential violation and penalties, may issue a warning or reprimand or take any of the following disciplinary actions against a student, for causes other than cheating or classroom misconduct:

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

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

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

(4) Any written notice of disciplinary action under this rule (a) shall be either delivered personally or mailed by first class mail to the student's last known address, within sixty academic days after the later of the student misconduct or the date the misconduct was discovered or should have been discovered, and (b) shall advise the student of his/her right to appeal under these rules.

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[Statutory Authority: RCW 28B.50.140(13). 93-04-022, § 132J-125-160, filed 1/27/93, effective 2/27/93.]

WAC 132J-125-165 Appeal of nonacademic discipline. A student may appeal a nonacademic disciplinary action by filing with the vice-president for marketing and student development, within twenty days after the earlier of personal delivery or mailing of notice of the disciplinary action, a written application for an adjudicative proceeding conducted by the disciplinary board. The vice-president or designee has discretion to extend this deadline for good cause.

[Statutory Authority: RCW 28B.50.140(13). 93-04-022, § 132J-125-165, filed 1/27/93, effective 2/27/93.]

WAC 132J-125-170 College disciplinary board. (1) The Green River Community College disciplinary board is hereby established. The purpose of the disciplinary board is to provide a student with an opportunity to be heard by an independent body with regard to nonacademic discipline.

(2) The disciplinary board shall be composed of five members, who should be chosen no later than November first of each academic year. The board members shall be selected as follows:

(a) The recognized faculty organization shall appoint one member and an alternate; each such person shall serve a two-year term, which shall automatically be extended until his/her successor is appointed.

(b) The president of the recognized student organization shall appoint two members and an alternate; each such person shall serve a one-year term, which shall automatically be extended until a successor is appointed.

(c) The college president shall appoint one member and an alternate from the college administration, neither of them being the vice-president for marketing and student development, who shall serve at the pleasure of the president.

(d) The chairperson of the board shall be the person functioning as dean of educational planning or his/her designee; if that dean is disqualified from serving, the chairperson shall be the person functioning as dean of student programs or his/her designee.

[Statutory Authority: RCW 28B.50.140(13). 93-04-022, § 132J-125-170, filed 1/27/93, effective 2/27/93.]

SECTION III ACADEMIC RESPONSIBILITIES AND RIGHTS

WAC 132J-125-180 Academic responsibilities. Admission to Green River Community College carries with it the presumption that students will conduct themselves as responsible and honorable members of the college community. Students are expected to maintain high standards of academic honesty and integrity.

[Statutory Authority: RCW 28B.50.140(13). 93-04-022, § 132J-125-180, filed 1/27/93, effective 2/27/93.]

WAC 132J-125-190 Student academic rights. (1) A student has the right to fair and equal treatment in all areas of academic concern.

(2) A student has the right to a fair evaluation of his/her academic work.

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(3) A student has the right to clearly stated criteria for evaluation by the faculty.

(4) A student has the right to appeal any academic discipline.

[Statutory Authority: RCW 28B.50.140(13). 93-04-022, § 132J-125-190, filed 1/27/93, effective 2/27/93.]

WAC 132J-125-200 Plagiarism/cheating. (1) Any student who, for the purpose of fulfilling or partially fulfilling any assignment or task required by the faculty as part of the student's program of instruction, shall commit plagiarism or otherwise knowingly tender any work product that the student falsely represents to the faculty as the student's work product, in whole or in part, shall be subject to discipline.

(2) Any student who knowingly aids or abets the accomplishment of cheating, as defined in subsection (1) of this section, shall also be subject to discipline.

[Statutory Authority: RCW 28B.50.140(13). 93-04-022, § 132J-125-200, filed 1/27/93, effective 2/27/93.]

WAC 132J-125-210 Classroom conduct. Any student who significantly disrupts any college class and makes it unreasonably difficult to conduct the class in an orderly manner shall be subject to discipline.

[Statutory Authority: RCW 28B.50.140(13). 93-04-022, § 132J-125-210, filed 1/27/93, effective 2/27/93.]

WAC 132J-125-220 Initiation of academic discipline. (1) After considering available information about possible violation of an academic rule:

(a) A college instructor, after meeting or attempting to meet with the accused student, and upon written notice to the student, may assign to the student a lower or failing grade for an individual project, test or paper or for the entire course;

(b) The student's dean, after consulting with the division or department involved and meeting or attempting to meet with the accused student, may recommend modification of the instructor's action and/or dismissal of the student from the college;

(c) The vice-president for instruction, after consulting with the dean and meeting or attempting to meet with the accused student, may modify the instructor's action and/or place the student on probation or dismiss the student from the college.

(2) Written notice of any academic discipline under this rule (a) shall be either delivered personally or mailed by first class mail to the student's last known address, within sixty academic days after the later of the student misconduct or the date the misconduct was discovered or should have been discovered, and (b) shall advise the student of his/her right to appeal under these rules.

[Statutory Authority: RCW 28B.50.140(13). 93-04-022, § 132J-125-220, filed 1/27/93, effective 2/27/93.]

WAC 132J-125-230 Student academic grievance. An academic grievance refers to a claim by a student that:

(1) A specific grade assigned to the student by an instructor is the result of an arbitrary or capricious application of otherwise valid standards of academic evaluation;

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(2) The standards employed by an instructor in evaluating the student's academic progress are arbitrary or capricious; or

(3) An instructor or academic administrator has made an arbitrary or capricious decision or taken an arbitrary or capricious action which adversely and significantly affects the student's academic standing or career.

[Statutory Authority: RCW 28B.50.140(13). 93-04-022, § 132J-125-230, filed 1/27/93, effective 2/27/93.]

WAC 132J-125-240 Appeal of academic discipline—Filing of academic grievance. (1) A student may appeal academic discipline or initiate an academic grievance by the following steps:

(a) Step one — Within ten days of the earlier of mailing or personal receipt of notice of the disciplinary action or receipt of notice or information about the facts on which the grievance is based, the student must meet or deliver a written request to meet immediately with his/her instructor to discuss the specific academic discipline or grievance.

(b) Step two — If no resolution occurs, the student must notify the vice-president for marketing and student development. That vice-president or his/her designee shall attempt to arrange a meeting with the student, faculty member and division chairperson.

(c) Step three — If no resolution occurs, the student must again notify the vice-president for marketing and student development or designee, who shall attempt to arrange a meeting between the student and the appropriate instructional administrator.

(d) Step four — If no resolution occurs, the student must again notify the vice-president for marketing and student development or designee, who shall attempt to arrange a meeting between the student and vice-president for instruction.

(2) Every affected person shall act promptly and in good faith to complete these four steps in an expeditious manner. Failure to act promptly and in good faith shall be cause for the vice-president for marketing and student development or designee to uphold or dismiss the appeal or grievance without completion of any remaining step, provided that any such action shall itself be appealable to the academic board.

(3) If no resolution has occurred through use of all of these four steps within twenty days after the action being challenged in the student's appeal or grievance, the student may file with the vice-president for marketing and student development, within thirty days after the action being challenged, a written application for an adjudicative proceeding conducted by the academic board. The vice-president or designee has discretion to extend this deadline for good cause.

[Statutory Authority: RCW 28B.50.140(13). 93-04-022, § 132J-125-240, filed 1/27/93, effective 2/27/93.]

WAC 132J-125-250 College academic board. (1) The Green River Community College academic board is hereby established. The purpose of the academic board is to provide a student with an opportunity to be heard by an independent body with regard to discipline and/or an academic grievance.

(2) The academic board shall be composed of five members, who should be chosen no later than November 1st of

each academic year. The board members shall be selected as follows:

(a) The recognized faculty organization shall appoint two members and an alternate; each such person shall serve a two-year term, one beginning and ending in even-numbered years and the other in odd-numbered years, which term shall automatically be extended until a successor is appointed.

(b) The president of the recognized student organization shall appoint one member and an alternate; each such person shall serve a one-year term, which shall automatically be extended until a successor is appointed.

(c) The college president shall appoint one member and an alternate from the college administration, neither of them being the vice-president for marketing and student development, who shall serve at the pleasure of the president.

(d) The chairperson of the board shall be a college dean not previously involved in the case, as designated by the vice-president for marketing and student development.

[Statutory Authority: RCW 28B.50.140(13). 93-04-022, § 132J-125-250, filed 1/27/93, effective 2/27/93.]

SECTION IV DISCIPLINE/GRIEVANCE ADJUDICATIONS

WAC 132J-125-260 Discipline and grievance—Type of adjudicative proceeding. (1) A student may appeal a disciplinary action or continue an academic grievance by filing a written application for an adjudicative proceeding with the vice-president for marketing and student development as specified in WAC 132J-125-165 or 132J-125-240. The application may, but need not, be on a form provided under WAC 132J-108-040.

(2) The vice-president for marketing and student development or designee shall determine, after promptly meeting or attempting to meet with the student, (a) whether the disciplinary board or the academic board should hear the appeal and (b) whether the matter will be heard as a regular adjudicative proceeding or a brief adjudicative proceeding.

(3) In an academic grievance case or a case where the student is appealing disciplinary dismissal from the college, the student shall be entitled to a regular adjudicative proceeding under WAC 132J-125-280 if he/she files a proper written application for such a proceeding.

(4) In any other case, the matter shall be handled as a brief adjudicative proceeding under WAC 132J-125-290.

[Statutory Authority: RCW 28B.50.140(13). 93-04-022, § 132J-125-260, filed 1/27/93, effective 2/27/93.]

WAC 132J-125-270 Discipline and grievance—Proceedings generally. In both adjudicative proceedings and brief adjudicative proceedings:

(1) The matter shall be heard by the presiding officer de novo.

(2) No person may serve as a presiding officer or board member in a particular case if he/she has direct and significant personal knowledge of the relevant facts. Disqualification and replacement of a board member, for a particular case only, shall be as provided in RCW 34.05.425, with substitution of that member's alternate.

(3) Failure to participate or cooperate in the proceeding may be taken into consideration by the presiding officer and

shall not preclude the presiding officer from making a decision. This shall not in any way limit the possibility of a default under RCW 34.05.440.

(4) The vice-president for marketing and student development may designate a representative on behalf of the disciplinary action or faculty member. No attorney representative of any party may participate in a hearing unless he/she has filed and served a notice of appearance at least five days before the hearing, but in the event of such notice any other party may also have counsel.

(5) The presiding officer may exclude from a meeting or hearing any person whose conduct is disruptive.

(6) The presiding officer and, subsequently, a reviewing officer may affirm, modify, or reverse any previous decision or action in the matter, and a reviewing officer may remand, in accordance with RCW 34.05.464 or 34.05.491 as applicable.

[Statutory Authority: RCW 28B.50.140(13). 93-04-022, § 132J-125-270, filed 1/27/93, effective 2/27/93.]

WAC 132J-125-280 Discipline and grievance—Regular adjudicative proceedings. In a regular adjudicative proceeding:

(1) RCW 34.05.413 through 34.05.476 and chapters 10-08 and 132J-108 WAC shall govern, unless otherwise provided in these rules. For purposes of RCW 34.05.425 and WAC 132J-108-020, the college board of trustees and college president designate the appropriate hearing board (disciplinary or academic) as presiding officer and designate that board's chairperson to make procedural decisions.

(2) The presiding officer shall designate a nonvoting record-keeping clerk and may designate additional nonvoting staff as appropriate. Hearings shall be recorded, in accordance with WAC 10-08-170.

(3) The presiding officer may conduct prehearing conference(s) in accordance with RCW 34.05.431 and WAC 10-08-130.

(4) The presiding officer may permit or conduct discovery as provided in RCW 34.05.446, WAC 10-08-120, and 132J-108-060.

(5) The presiding officer(s) shall give not less than seven days advance written notice of a hearing to all parties and intervenors, except where such notice is waived, in accordance with RCW 34.05.434, WAC 10-08-040 or other applicable law.

(6) Four board members shall constitute a quorum and decisions shall require three or more votes.

(7) Hearings shall be conducted in accordance with chapter 34.05 RCW and chapters 10-08 and 132J-108 WAC.

(8) In a disciplinary proceeding, the burden of proof shall be on the party seeking to uphold the discipline to establish good cause by a preponderance of the evidence. In a grievance proceeding, the burden of proof shall be on the student to establish his/her claim by a preponderance of the evidence.

(9) Within the ninety days specified in RCW 34.05.461, and preferably within thirty days, the presiding officer shall serve on the parties and the president an initial order. At the same time, a full and complete record of the proceedings shall also be transmitted to the president. The initial order shall include a statement of findings and conclusions and otherwise comply with RCW 34.05.461 and WAC 10-08-210. It

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shall also describe the available administrative review procedures specified in the following subparagraph.

(10) The initial order shall become the final order, without further action, unless within twenty days of service of the initial order (a) the president or president's designee, upon his/her own motion, determines that the initial order should be reviewed or (b) a party to the proceedings files with the president a written petition for administrative review of the initial order. RCW 34.05.464 and WAC 10-08-211 shall apply to any such determination or petition.

[Statutory Authority: RCW 28B.50.140(13). 93-04-022, § 132J-125-280, filed 1/27/93, effective 2/27/93.]

WAC 132J-125-290 Discipline and grievance—Brief adjudicative proceedings. In a brief adjudicative proceeding:

(1) RCW 34.04.485 [34.05.485] through 34.05.494 and WAC 10-08-080 shall govern, unless otherwise provided in these rules. For purposes of RCW 34.05.485 and WAC 132J-108-020, the college board of trustees and college president designate the chairperson of the appropriate hearing board (disciplinary or academic) as the sole presiding officer of a brief adjudicative proceeding.

(2) The presiding officer shall serve on the parties and the president an initial order, a brief written statement of the reasons for the decision, within ten days, in accordance with RCW 34.05.485. That statement shall describe the available administrative review procedures specified in the following subparagraph.

(3) Within twenty-one days after service of the initial order, (a) either party may make a written or oral request for administrative review by the president or (b) the president or president's designee may review the matter on his/her own motion. Any such review shall be governed by RCW 34.05.491. If no such review is taken, the initial order shall be the final order.

[Statutory Authority: RCW 28B.50.140(13). 93-04-022, § 132J-125-290, filed 1/27/93, effective 2/27/93.]

WAC 132J-125-300 Summary suspension or removal. (1) A student who significantly disrupts any college class, function, or hearing and makes it unreasonably difficult to conduct the class, function, or hearing in an orderly manner shall be subject to summary suspension or removal. This summary action may be in addition to any other disciplinary action for the same misconduct.

(2) A faculty member, vice-president other than the vice-president for marketing and student development, dean, the coordinator or director of student activities, or designee of any of them, who has observed or otherwise has knowledge about such a disruption, may summarily suspend a student and/or order removal of the student from all or part of the college facilities for a period of up to five academic days. The student ordinarily should, but need not be, warned that such action is possible and given a chance to correct the offensive behavior before summary action is taken.

(3) The student shall be notified, verbally and/or by a writing mailed by first class mail to the student's last known address or hand-delivered, of the summary action taken and the time period during which it is effective. The suspension

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or removal may begin immediately and may be renewed for an additional five day period.

(4) Upon the student's written request, made within five days of the earlier of mailing or personal receipt of notice of the summary action, the suspension or removal shall be reviewed by the vice-president for marketing and student development. After such review, the vice-president shall issue a written decision continuing, modifying or rescinding the summary action and/or taking any further disciplinary action that he/she deems appropriate.

(5) A student may appeal a summary suspension or removal like any other disciplinary action, by filing an application for an adjudicative proceeding under WAC 132J-125-260. The presiding officer may consolidate this appeal with any related pending matter.

[Statutory Authority: RCW 28B.50.140(13). 93-04-022, § 132J-125-300, filed 1/27/93, effective 2/27/93.]

WAC 132J-125-310 Recordkeeping. (1) The vice-president for marketing and student development shall maintain for at least six years the following records of student grievance and disciplinary actions and proceedings:

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

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

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

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

[Statutory Authority: RCW 28B.50.140(13). 93-04-022, § 132J-125-310, filed 1/27/93, effective 2/27/93.]