Chapter 132A-120 WAC
STUDENT RIGHTS AND RESPONSIBILITIES

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

132A-120-005 Purpose. [Order 4, § 132A-120-005, filed 8/31/77.] Repealed by WSR 99-19-150, filed 9/22/99, effective 10/23/99.

132A-120-010 Alcoholic beverages. [Order 4, § 132A-120-010, filed 8/31/77.] Repealed by WSR 99-19-150, filed 9/22/99, effective 10/23/99.

132A-120-015 Drugs and narcotics. [Statutory Authority: Chapters 28B.50, 28B.15 and 28B.10 RCW. WSR 83-14-068 (Order 7, Resolution No. 83-09-041), § 132A-120-015, filed 7/5/83; Order 4, § 132A-120-015, filed 8/31/77.] Repealed by WSR 99-19-150, filed 9/22/99, effective 10/23/99.

132A-120-020 Assembly rights. [Order 4, § 132A-120-020, filed 8/31/77.] Repealed by WSR 99-19-150, filed 9/22/99, effective 10/23/99.

132A-120-025 Criminal violations. [Order 4, § 132A-120-025, filed 8/31/77.] Repealed by WSR 99-19-150, filed 9/22/99, effective 10/23/99.

132A-120-030 Damaging property. [Order 4, § 132A-120-030, filed 8/31/77.] Repealed by WSR 99-19-150, filed 9/22/99, effective 10/23/99.

132A-120-035 Cheating. [Order 4, § 132A-120-035, filed 8/31/77.] Repealed by WSR 99-19-150, filed 9/22/99, effective 10/23/99.

132A-120-040 Trespass. [Statutory Authority: Chapters 28B.50, 28B.15 and 28B.10 RCW. WSR 83-14-068 (Order 7, Resolution No. 83-09-041), § 132A-120-040, filed 7/5/83; Order 4, § 132A-120-040, filed 8/31/77.] Repealed by WSR 99-19-150, filed 9/22/99, effective 10/23/99.

132A-120-045 Responsibility for discipline. [Statutory Authority: Chapters 28B.50, 28B.15 and 28B.10 RCW. WSR 83-14-068 (Order 7, Resolution No. 83-09-041), § 132A-120-045, filed 7/5/83; Order 4, § 132A-120-045, filed 8/31/77.] Repealed by WSR 99-19-150, filed 9/22/99, effective 10/23/99.

132A-120-050 Disciplinary procedures. [Statutory Authority: Chapters 28B.50, 28B.15 and 28B.10 RCW. WSR 83-14-068 (Order 7, Resolution No. 83-09-041), § 132A-120-050, filed 7/5/83; Order 4, § 132A-120-050, filed 8/31/77.] Repealed by WSR 99-19-150, filed 9/22/99, effective 10/23/99.

132A-120-055 Discipline and due process. [Statutory Authority: Chapters 28B.50, 28B.15 and 28B.10 RCW. WSR 83-14-068 (Order 7, Resolution No. 83-09-041), § 132A-120-055, filed 7/5/83; Order 4, § 132A-120-055, filed 8/31/77.] Repealed by WSR 99-19-150, filed 9/22/99, effective 10/23/99.

132A-120-060 Disciplinary committee. [Statutory Authority: Chapters 28B.50, 28B.15 and 28B.10 RCW. WSR 83-14-068 (Order 7, Resolution No. 83-09-041), § 132A-120-060, filed 7/5/83; Order 4, § 132A-120-060, filed 8/31/77.] Repealed by WSR 99-19-150, filed 9/22/99, effective 10/23/99.

WAC 132A-120-006 Student rights. The following enumerated rights are guaranteed to each student within the limitations of the statutory law and college policy deemed necessary to achieve the educational goals of the college.

(1) Academic freedom.

(a) Students are guaranteed the rights of free inquiry, expression, and assembly upon and within college facilities that are generally open and available to the public.

(b) Students are free to pursue appropriate educational objectives from college course offerings and services, subject to the limitations of RCW 28B.50.090 (3)(b).

(c) Students are entitled to a learning environment free from unlawful discrimination, sexual harassment, and disrespectful conduct.

(d) Students are entitled to protection from arbitrary and capricious academic evaluation, but are responsible for meeting the standards of academic progress established by their instructors.

(2) Due process.

(a) Students are guaranteed the right to be secure in their persons, quarters, papers and effects against unreasonable searches and seizures.

(b) Students are guaranteed that no disciplinary sanction may be imposed against them without an attempt to notify them of the nature of the charges against them.

(c) Students accused of violating this policy are entitled, upon request, to procedural due process as set forth in this chapter.

(3) Distributing and posting. Students are entitled to distribute or post printed or published materials subject to the procedures available in the office of student activities.

(4) Hosting off-campus speakers. Recognized student organizations shall have the right to invite outside speakers to address the college and community, subject to availability of campus facilities and compliance with college procedures established for such presentations.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. WSR 99-15-072, § 132A-120-006, filed 7/20/99, effective 8/20/99.]

WAC 132A-120-011 Student responsibilities. Any student shall be subject to disciplinary action as provided in this chapter who, either interferes with or assists others in interfering with the personal rights or privileges of others or the educational purpose of the college; violates any provision of this policy; or who commits any of the personal, property, or other offenses which are hereafter enumerated.

(1) Personal offenses.

(a) Assault, reckless endangerment, intimidation or interference with another in the pursuit of educational goals.

(b) Disorderly or abusive behavior, refusal to follow instructions, or other conduct which interferes with the rights of others or which obstructs or disrupts the teaching, research, or administrative functions of the college.

(c) Illegal assembly, obstruction, disruption, or material and substantial interference with the conduct of classes, hearings, meetings, educational and administrative functions of the college; the private rights and privileges of others, or vehicular pedestrian traffic.

(d) Sexual harassment, engaging in unwelcome sexual advances, requesting sexual favors, or engaging in physical or verbal conduct of a sexual nature which offends the recipient, causes discomfort or humiliation, or interferes with job or academic performance.

(e) Filing a false complaint, accusing another student or a college employee of violating a provision of this policy.

(f) Creating a false alarm by setting off or tampering with any emergency safety equipment, alarm, or other device provided for the safety of individuals or college facilities.

(2) Property offenses.

(a) Theft of college property.

(b) Malicious mischief in causing either intentional or negligent damage to or destruction of any college facility or other public or personal property.

(c) Trespass: Either declining a legal order to vacate a college property or violating a legal prohibition of access to college facilities.

(d) Unauthorized use of college equipment and supplies or conversion of college equipment for personal gain. This includes intentionally and without authorization gaining access to a computer system or electronic data of another student, a faculty member, or the district, in violation of RCW 9A.52.130.

(3) Other offenses.

(a) Cheating and plagiarism, submitting to a faculty member any work which is untruthfully represented as the student's own work for the purpose of meeting the requirements of any assignment or task required by the faculty member as a part of the student's program of instruction.

(b) Forgery or the alteration of official records, whereby a student either forges or offers a forged document as authentic to any agent acting on behalf of Peninsula College.

(c) Refusal to provide identification in appropriate circumstances to any college employee acting in the lawful discharge of the employee's duties.

(d) Illegal entry into any administrative or employee office or otherwise locked or closed college facility, at any time, without permission of the employee or an appropriate agent of the college.

(e) The use, possession, or sale of any controlled substances (as defined in chapter 69.50 RCW, now or hereafter amended) on college owned or leased property except when the use or possession of a drug is prescribed as medication by an authorized medical professional.

(f) The use, possession, or sale of any form of alcoholic beverage, or being demonstrably under the influence of alcohol on college owned or leased property.

(g) The possession on college property of weapons, explosives, or dangerous chemicals, or the unauthorized use or possession of any device or substance which can be used to inflict bodily harm or cause damage to real or personal property.

(h) Smoking in any nonresidential building or in any campus location not designated for smoking.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. WSR 01-08-071, § 132A-120-011, filed 4/3/01, effective 5/4/01; WSR 99-15-072, § 132A-120-011, filed 7/20/99, effective 8/20/99.]

WAC 132A-120-016 Hazing. Student hazing includes any method of initiation into a student organization or living group or any pastime or amusement conducted by such an organization that causes or is likely to cause physical harm, bodily danger, or serious mental/emotional harm to the student. Conduct which does not meet the formal definition of hazing but is nevertheless offensive, including conduct resulting in serious embarrassment, ridicule, sleep deprivation, verbal abuse or personal humiliation, may be grounds for disciplinary action. Hazing shall not include customary athletic events or other similar contests or competitions, according to RCW 28B.10.900. Pursuant to RCW 28B.10.901 through 28B.10.903, Peninsula College shall enforce the following:

(1) No student may conspire to engage in hazing or participate in the hazing of another.

(2) Any person who hazes another shall forfeit for a period of one year entitlements to state-funded grants, scholarships, and awards.

(3) Any organization that knowingly permits hazing shall be deprived of official recognition by the college.

(4) Any organization that knowingly permits hazing is strictly liable for harm caused to persons or property.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. WSR 99-15-072, § 132A-120-016, filed 7/20/99, effective 8/20/99.]

WAC 132A-120-021 Delegation of disciplinary authority. The vice-president of student services or designee shall have the authority to administer the disciplinary action prescribed in this chapter. The president shall be informed of all student dismissals, suspensions or probation proceedings by the vice-president of student services.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. WSR 01-08-071, § 132A-120-021, filed 4/3/01, effective 5/4/01; WSR 99-15-072, § 132A-120-021, filed 7/20/99, effective 8/20/99.]

WAC 132A-120-026 Disciplinary action. The following disciplinary actions are hereby established and shall be imposed upon violators of the rules of conduct enumerated in this chapter, pursuant to the right of appeal as outlined in this chapter.

(1) Disciplinary warning. This shall consist of verbal notice to the student that the student has violated college rules of conduct or has failed to meet the college's expectations regarding student conduct. The student will be cautioned that repeated misconduct will result in additional sanctions.

(2) Disciplinary reprimand. This shall consist of a formal written censure provided to the student and shall detail the rules violated as well as the more serious disciplinary action which may result from repeated violations of the rules of conduct.

(3) Disciplinary probation. This shall consist of formal action by the disciplinary officer, placing specific conditions on the student's continued student status. Notice of probation shall be made in writing and shall specify the period of probation and the conditions. Probation may be for a specific

period or may extend through the student's period of enrollment.

(4) Suspension. This shall consist of a formal but limited dismissal from the college. Notice of the action shall be given in writing and shall specify both the length of the dismissal and any conditions which must be met before reinstatement.

(5) Expulsion. This shall result in permanent termination of a student's eligibility for enrollment. Notice of the expulsion and its cause shall be presented in writing. The expelled student shall receive no refund of any tuition or fees which have been paid for the period of enrollment in which the expulsion occurs, or for any period of enrollment.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. WSR 99-15-072, § 132A-120-026, filed 7/20/99, effective 8/20/99.]

WAC 132A-120-031 Initiation of discipline. (1) A request for disciplinary action must be referred to the official designated by the president as responsible for college discipline. The request must be made within ten days of the discovery of the facts and must be made in writing and signed by the individual making the request.

(2) If in the opinion of the college discipline official the accused student's presence on campus represents a threat of danger or disruption, the student may be placed on suspension pending the commencement of disciplinary action.

(3) The student accused will be called for an informal meeting with the college discipline official and will be informed of the charges which have been made and the range of possible penalties should the student be judged guilty of having violated college regulations.

(4) After considering all evidence in the case, the discipline officer may take any of the following actions:

(a) Terminate the proceeding, exonerating the accused;

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

(c) Impose minor sanctions directly, including verbal warning, reprimand, or such sanctions as the student may agree to in writing, such as community service or restitution;

(d) Impose the formal sanctions of probation, limited dismissal, or expulsion. All formal sanctions will be subject to the student's right of appeal as set forth in the following procedures.

(5) The discipline officer shall inform both the person(s) making the accusation and the accused student of the disposition of the accusation. If the discipline includes formal sanctions, the decision will be rendered in writing and a copy will be provided to the office of the college president.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. WSR 99-15-072, § 132A-120-031, filed 7/20/99, effective 8/20/99.]

WAC 132A-120-036 Appeals. A student may appeal any decision which imposes the sanctions of probation, suspension, or expulsion. Such appeals shall meet the following conditions:

(1) All appeals must be in writing and must be filed with the office of the college president not later than ten days from the date on which the student was notified of the disciplinary action. Appeals must clearly state either errors in fact or matters of extenuation or mitigation which justify the appeal.

(2) Initial appeals of decisions rendered by the college discipline officer shall be made to the college discipline committee, which shall be composed of three college faculty members appointed by the college president and three full-time students appointed by the associated student president.

(3) A final appeal to the president of the college may be made from a decision of the discipline committee. The president shall review the record of the proceedings which gave rise to the appeal, as well as the recommendation of the college discipline officer and the records of the discipline committee. The president's decision shall be final.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. WSR 99-15-072, § 132A-120-036, filed 7/20/99, effective 8/20/99.]

WAC 132A-120-041 Hearing of appeals. (1) The discipline committee will hear all cases in which a student has appealed the decision of the college discipline officer imposing sanctions of suspension, termination of college residence, limited dismissal, or expulsion.

(2) When notified of an appeal, the committee shall meet to select a chairperson and establish a hearing date for the appeal not later than fourteen days from the date the appeal was filed with the office of the president.

(3) The student has a right to a fair and impartial hearing.

(a) If any member of the committee is unable to render a fair and impartial decision for any reason, including conflict of interest or conscience, that member shall abstain from considering the issues.

(b) The student will be notified in writing, by personal service or by certified mail, of the time and place of the hearing. Such notice, to be provided not less than ten calendar days in advance of the hearing, shall include:

(i) A statement of the time, place and nature of the hearing;

(ii) A statement of the specific charges which will be considered;

(iii) To the extent known, a list of the witnesses who will appear, and a summary of the documentary or physical evidence which will be presented by the college.

(c) The student may request that a hearing date be advanced or that the hearing be continued for good cause. The discipline committee chair shall be authorized to alter the hearing date.

(d) The student shall be entitled to hear and examine the evidence against him or her and be informed of the identity of the source.

(e) The student shall be entitled to representation by the counsel of his or her choice at the hearing. If the student elects to choose as counsel an attorney licensed to practice in the state of Washington, the student shall notify the office of the college president of that choice at least five working days prior to the hearing.

(f) The student shall be allowed to present evidence on his or her own behalf and cross-examine witnesses testifying on behalf of the college as to the accuracy of their testimony.

(g) The hearing shall be closed unless the student specifically requests an open hearing. In a closed hearing, participants, excluding those admitted for the purpose of presenting evidence, shall be limited to: Members of the discipline committee and a single person chosen to record the proceedings; the student and counsel, not to exceed three persons in total; and the college authorities presenting the case and counsel, not to exceed three persons in total. If at any time during a

closed or open hearing, there should be a disruption of the proceeding, the chairperson of the discipline committee may exclude from the hearing the person or persons causing the disruption.

(4) In all disciplinary proceedings, a college official shall be appointed to present the case of the college against the student accused of violating the rules of conduct. In cases in which the student elects to be represented by a licensed attorney, the college may elect to be represented by an assistant attorney general.

(5) An audio recording shall be made of any disciplinary hearing. In addition, the chair of the discipline committee may select either a member of the committee or an additional person to take notes during the hearing and prepare a record of the hearing. The record of the hearing shall consist of all documents presented, all evidence received and considered, all testimony offered, a statement of matters officially noted, questions and offers of proof, objections, and rulings made thereon and during the course of the hearing.

(6) All records of college disciplinary proceedings shall be maintained in the office of the college president during the disciplinary proceedings, and shall be available during that time only to the discipline committee, the student and his or her attorney, and other college officials designated by the president. After the conclusion of the proceeding, access to records of the proceeding will be limited to those records designated by the president.

(7) Only the evidence presented at a disciplinary hearing will be considered in determining whether the accused student has violated the rules as charged. The chair, with the consent of the committee, shall exclude evidence which is incompetent, irrelevant, immaterial, or unduly repetitive. Evidence or testimony to be offered on behalf of the student as extenuation or mitigation shall be presented only after substantive and factual evidence has been presented.

(8) At the conclusion of the hearing, the discipline committee shall meet in closed session to consider all information presented and shall decide by majority vote whether to uphold the decision of the college discipline official or to recommend any of the following actions:

(a) That the college terminate proceedings and exonerate the student;

(b) That the college impose any of the disciplinary sanctions defined in WAC 132A-120-026.

(9) Within seven calendar days of the hearing's conclusion, the discipline committee shall provide its recommendations to the college president. A copy of the committee's findings of fact and its recommendations will be made available to the student. The student will be advised of his or her right to present within ten days a written statement to the president of the college appealing the recommendations of the committee.

(10) Any student may appeal the findings of the discipline committee by providing a written appeal to the president of the college. The president shall then review the written record of evidence provided at the discipline committee's hearing, as well as the recommendations offered. During the review the president may, but is not required to, suspend any recommended disciplinary action. At the conclusion of the president's review, a statement of findings will be issued. The student will either be exonerated or sanctions will be imposed. The president's review shall be final.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. WSR 99-15-072, § 132A-120-041, filed 7/20/99, effective 8/20/99.]

WAC 132A-120-046 Summary suspension and appeals. (1) Except in extraordinary cases disciplinary sanctions will be imposed only after the college discipline officer has conducted an interview with the student and the student has exercised or declined to exercise the right of appeal. Extraordinary circumstances will be considered to exist when the college discipline officer has cause to believe that the student has committed a felony or has violated one of the regulations defined in this policy and presents an imminent danger to himself or herself, other persons on the college campus, or the educational process.

(2) In such cases, the college discipline officer shall attempt to notify the student personally and shall send notice by certified mail at the student's last known address that the student is summarily suspended. The notice shall state the charges against the student, refer to the regulations alleged to have been violated, and summon the student to a meeting with the discipline officer at a time as early as possible following the suspension.

(3) If after meeting with the student, the college discipline officer determines that:

(a) There is probable cause to believe the student did commit one or more of the violations alleged;

(b) The alleged violations would be sufficient grounds for disciplinary action; and

(c) That summary suspension is necessary for the safety of the student, other students or persons on college facilities, or the educational processes of the institution, the college discipline officer shall continue the summary suspension. In this event the student will be notified within three days by personal service or by certified mail sent to the student's last known address. Notification shall include:

(i) The findings of fact and the conclusion which led to the continued summary suspension.

(ii) The duration of the suspension or the nature of additional disciplinary action.

(iii) The conditions under which the suspension can be terminated.

(4) Failure of the student to attend or participate in a meeting with the discipline officer shall not limit the college's ability to extend or enforce a summary suspension.

(5) The student retains the right to appeal from the discipline officer's decision to continue a summary suspension. Appeal may be made to the college discipline committee, provided that:

(a) The student has met with the discipline officer;

(b) The student has been officially notified of the outcome of that meeting;

(c) Summary suspension or another disciplinary sanction has been upheld; and

(d) The appeal is made in accordance with administrative procedure 501.03.

(6) The college discipline committee, in accordance with procedure 501.04, will conduct a hearing within five days to consider an appeal from summary suspension. The discipline

committee shall render its recommendation(s) to the college president within three days of its hearing.

(7) The president shall consider the recommendations of the discipline committee and shall issue a final decision within three days.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. WSR 99-15-072, § 132A-120-046, filed 7/20/99, effective 8/20/99.]

WAC 132A-120-051 Student grievances. If a student believes he or she has been unfairly treated by a college administrator, faculty member, or staff member, the student may pursue resolution of the grievance either informally or formally. To be considered valid, a grievance must be initiated within three weeks of the event giving rise to the grievance. The procedures outlined below are to be used, except that:

(1) Grievances may not be filed based on the outcome of summary or other disciplinary proceedings already described in earlier sections of this policy; and

(2) A grievance may not be filed in protest against federal or state laws, or against policies, regulations, or procedures adopted by the state community and technical college board or by the trustees of Peninsula College.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. WSR 99-15-072, § 132A-120-051, filed 7/20/99, effective 8/20/99.]

WAC 132A-120-056 Informal grievance procedures. (1) A student wishing to pursue informal resolution of a grievance may contact the officer designated by the college president as ombudsman. The ombudsman may advise the grievant of possible courses of action, or may attempt to mediate or gain the satisfaction of all parties to the grievance.

(2) A student may instead choose an alternative informal grievance procedure, in which case the student shall: Contact the college employee with whom he or she has a grievance and attempt to resolve the matter through direct discussion. If such discussion does not resolve the issue, the student shall: Contact the employee's immediate supervisor, who shall serve as mediator and attempt to resolve the issue promptly and fairly. If a resolution is not reached in this manner, it shall be the responsibility of the immediate supervisor to forward the complaint to the college administrator who provides general supervision of the employee. This administrator will investigate the complaint, and will, within one week, determine how best to resolve the grievance and will provide a written opinion to all parties.

(3) Informal grievance procedures must be completed within three weeks, unless all parties agree to an extended process.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. WSR 99-15-072, § 132A-120-056, filed 7/20/99, effective 8/20/99.]

WAC 132A-120-061 Formal grievance procedures. (1) If a grievance cannot be resolved through informal processes, the student may petition for formal grievance procedures by presenting to the college ombudsman within five days of the conclusion of informal procedures a written request for a formal hearing of the grievance. At the time of the presentation of the petition, the student and the ombudsman will establish whether the student wishes to be assisted by counsel, provided that if the student will be represented by an attorney, the college may be represented by an assistant attorney general.

(2) Members of the college discipline committee will hear the grievance. Three additional members chosen by classified employees will be added to the discipline committee, which will then elect its own chairperson. Each member of the grievance committee shall be provided with a copy of the written request for hearing.

(a) The committee shall meet within seven days of receiving the statement and shall be free to call witnesses and receive testimony that allows them to reach a fair and prompt resolution of the grievance.

(b) The committee meeting shall be closed unless all parties to the grievance agree that it shall be public.

(c) Records of the hearing will be maintained, although it is intended that the hearing will be informal and informational.

(d) The grievant may withdraw the grievance at any point in the process by requesting termination in writing. Failure of the grievant or appellant to appear at any hearing without prior arrangement will be considered a withdrawal of the grievance or appeal.

(e) Within three days of the conclusion of the hearing, the committee shall issue a written recommendation, which shall be provided to all parties to the grievance. Additionally, the recommendation will be provided to the dean responsible for ultimate supervision of the employee involved. Within three working days the dean shall accept, modify, or reject the recommendations of the hearing committee and shall notify parties of the decision.

(3) If the student remains unsatisfied with the decision, he or she may request a review of the decision by the president of the college. Such a request shall be in writing and made within five working days of the recommendation. The president will review the record of the hearing committee, the decision of the dean, and the appeal of the grievant, and will render a final decision on behalf of the college.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. WSR 99-15-072, § 132A-120-061, filed 7/20/99, effective 8/20/99.]