

Chapter 132P-33 WAC

STUDENT RIGHTS AND RESPONSIBILITIES

WAC

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STUDENT RIGHTS AND RESPONSIBILITIES

WAC 132P-33-010 Preamble. Yakima Valley Community College is dedicated not only to learning and the advancement of knowledge but also to the development of ethically sensitive and responsible persons. It seeks to achieve these goals through a sound educational program and policies concerning conduct that encourage independence and maturity while strengthening the spirit of mutual cooperation and responsibility shared by all members of the college community. Sharing goals held in common, the students, faculty, and staff of Yakima Valley Community College are joined in voluntary association in an educational community.

The student is, first of all, a member of the community at large, and as such, is entitled to the rights and responsibilities of any citizen of comparable age and maturity. In addition, students, as members of the college are in the unique position

of being citizens of two communities, subject to the regulations imposed by both and accountable to both.

Yakima Valley Community College expects that students will respect the laws of the greater society. As an agency of the state of Washington, the college must respect and adhere to the regulations established by local, state, and federal authorities. As an educational institution, it has the added responsibility for assisting students in gaining an understanding of the law and its function, and the responsibilities imposed upon each individual in a democratic society to respect and support the legal structure which protects the individual and the society. As a functioning organization, the college also has the responsibility to develop a set of regulations to assure the orderly conduct of the affairs of the college.

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

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

[Statutory Authority: RCW 28B.50.140, WSR 99-13-140, § 132P-33-010, filed 6/18/99, effective 7/19/99; WSR 82-01-079 (Resolution No. 81-4), § 132P-33-010, filed 12/21/81.]

WAC 132P-33-020 Definitions. As used in this code of student rights and responsibilities the following words and phrases shall mean:

(1) "YVCC senate" means the representative governing body for students at Yakima Valley Community College recognized by the board of trustees.

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

(3) "Board" means the board of trustees of Community College District 16, state of Washington.

(4) "College" means Yakima Valley Community College located within Community College District 16, state of Washington.

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

(6) "College personnel" refers to any person employed by Community College District 16 on a full-time or part-time basis, except those who are faculty members.

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

The college president or designee shall have the authority to take any disciplinary action including the authority to suspend any student of the college.

(8) "District" means Community College District 16, state of Washington.

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

(10) "President" means the duly appointed chief executive officer of Yakima Valley Community College, District 16, state of Washington, or in his/her absence, the acting chief executive officer.

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

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

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

[Statutory Authority: RCW 28B.50.140, WSR 99-13-140, § 132P-33-020, filed 6/18/99, effective 7/19/99; WSR 82-01-079 (Resolution No. 81-4), § 132P-33-020, filed 12/21/81.]

WAC 132P-33-030 Jurisdiction. (1) All rules herein adopted shall apply to every student whenever said student is present upon or in any college facility and whenever said student is present at or engaged in any college sponsored activity or function which is held on or in noncollege facilities not open to attendance by the general public.

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

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[Statutory Authority: RCW 28B.50.140 [28B.50.140]. WSR 82-01-079 (Resolution No. 81-4), § 132P-33-030, filed 12/21/81.]

WAC 132P-33-040 Authority to prohibit trespass. (1)

The college president is authorized in the instance of any event that the college president deems impedes the movement of persons or vehicles or which the college president deems to disrupt or threatens to disrupt the ingress and/or egress of persons from college facilities, and the college president acting through the dean of students, or such other designated person shall have authority and power to:

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

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

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

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

[Statutory Authority: RCW 28B.50.140 [28B.50.140]. WSR 82-01-079 (Resolution No. 81-4), § 132P-33-040, filed 12/21/81.]

WAC 132P-33-050 Right to demand identification.

(1) For the purpose of determining identity of a person as a student any faculty member or other college personnel authorized by the campus president may demand that any person on college facilities produce evidence of student enrollment at the college. Tender of the student identification card will satisfy this requirement.

(2) Refusal by a student to produce identification as required shall subject the student to disciplinary action.

[Statutory Authority: RCW 28B.50.140 [28B.50.140]. WSR 82-01-079 (Resolution No. 81-4), § 132P-33-050, filed 12/21/81.]

WAC 132P-33-060 Freedom of access to higher education.

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

(7/21/05)

[Statutory Authority: RCW 285.50.140 [28B.50.140]. WSR 82-01-079 (Resolution No. 81-4), § 132P-33-060, filed 12/21/81.]

WAC 132P-33-070 Freedom of expression. Fundamental to the democratic process are the rights of free speech and peaceful assembly. Students and other members of the college community shall always be free to express their views or support causes by orderly means which do not disrupt the regular and essential operations of the college.

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

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

[Statutory Authority: RCW 285.50.140 [28B.50.140]. WSR 82-01-079 (Resolution No. 81-4), § 132P-33-070, filed 12/21/81.]

WAC 132P-33-080 Freedom of association and organization. Students bring to the campus a variety of interests previously acquired and develop many new interests as members of the college community. They are free to organize and join associations to promote any legal purpose, whether it be religious, political, educational, recreational, or social.

Student organizations must be granted a charter by the college student government before they may be officially recognized. Prior to becoming chartered, a student organization must submit to the student government a statement of purpose, criteria for membership, a statement of operating rules or procedures, and the name of a college employee who has agreed to serve as advisor. All student organizations must also submit to the student government a list of officers and keep that list updated when changes occur. In order to qualify for issuance of a charter, a student organization must be open to all students without respect to race, sex, creed, or national origin, except for religious qualifications which may be required by organizations whose aims are primarily sectarian, or for other reasonable justifications which are directly related to the purposes of the organization. Affiliation with a noncampus organization shall not be grounds for denial of a charter provided that other conditions for the charter issuance have been met.

[Statutory Authority: RCW 28B.50.140. WSR 99-13-140, § 132P-33-080, filed 6/18/99, effective 7/19/99; WSR 82-01-079 (Resolution No. 81-4), § 132P-33-080, filed 12/21/81.]

WAC 132P-33-090 Student participation in college governance. As members of the college community, students will be free, individually and collectively, to express their views on college policy, and on matters of general interest to the student body. The ASYVCC constitution and the college's administrative procedures provide clear channels for student participation in the formulation and application of institutional policies regarding academic and student affairs. Individuals affected by a policy shall have a representative voice in the formulation of that policy.

[Statutory Authority: RCW 285.50.140 [28B.50.140]. WSR 82-01-079 (Resolution No. 81-4), § 132P-33-090, filed 12/21/81.]

(7/21/05)

WAC 132P-33-100 Disclosure of student records.

The Family Educational Rights and Privacy Act (FERPA) permits a student's education records to be disclosed without consent to persons who meet the strict definition of an "education official" who has a "legitimate educational interest" in their records.

(1) **Education official.** Education official is defined as a person employed by the college in either an administrative, supervisory, academic, research, law enforcement or support staff position; persons serving on official committees such as disciplinary or grievance; an outside contractor (e.g., health or medical professional, attorney, auditor) acting as an agent for the college or the Washington state college and university systems.

The college may designate a student employee of the college as an education official, with the approval of the vice-president for instruction and student services, according to the following procedure:

(a) Supervisor establishes job description identifying specific tasks to be performed by the student employee that require access to personally identifiable confidential information about students, including enrollment records, grades, or other education records;

(b) Supervisor submits job description to dean for approval;

(c) Dean submits job description to the vice-president for approval;

(d) Vice-president forwards approved job description to supervisor.

(2) **Legitimate educational interest.** Educational interest is a need for an education official to review education records in order to fulfill his or her professional responsibilities. These responsibilities may or may not be limited to the following areas:

(a) Performing a task that is specified in his/her position;

(b) Researching a matter related to student discipline;

(c) Providing a service or benefit related to a currently enrolled student or a past student for which the college is still maintaining an educational record;

(d) Maintaining safety and security on campus.

(3) **Education records.** Education records are records, files, and documents containing information directly related to a student or maintained by an educational institution; such as:

(a) Records pertaining to admission, advising, registration, grades and degree information that are maintained by the college;

(b) Testing information used for advising and counseling purposes maintained by the college;

(c) Information maintained by the college concerning payment of fees;

(d) Financial aid information as maintained by the college;

(e) Information regarding students participating in student government or athletics maintained by the college.

The following student records are not considered education records and are not subject to FERPA protection against unauthorized disclosure:

(i) Employment records when the employment is not connected to student status;

(ii) Sole possession records or private notes held by education officials that are not accessible or released to other personnel; other than a temporary substitute;

(iii) Alumni records, which do not relate to the person as a student;

(iv) Application records of students not admitted to the college;

(v) Law enforcement or campus security records that are solely for law enforcement purposes and maintained solely by the law enforcement unit;

(vi) Records relating to treatment provided by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional and disclosed only to individuals providing treatment.

(4) **Directory information.** An educational institution is allowed to designate certain types of information that may be released without seeking written permission from the student. Directory information may be provided to the person requesting it either in person, by mail, or by telephone.

All requests for directory information from persons not employed by YVCC shall be referred to enrollment services. Only designated registration personnel are authorized to comply with requests for directory information.

Yakima Valley Community College has designated the following items as directory information:

- (a) Student's name;
- (b) Address;
- (c) Telephone number;
- (d) Date and place of birth;
- (e) Photographs;
- (f) E-mail address;
- (g) Major field of study;
- (h) Eligibility for and participation in officially recognized activities, organizations, and sports;
- (i) Weight and height statistics for members of athletic teams;
- (j) Dates of attendance (quarters in attendance);
- (k) Enrollment status (number of credits enrolled);
- (l) Honor roll;
- (m) Degrees and awards received;
- (n) Most recent previous educational agency or institution attended by the student.

(5) **Protecting directory information from disclosure.** Students have the right to prohibit the release of directory information. A student may prevent the release of directory information by personally submitting a request in writing to the enrollment services office. This request to prevent the release of information becomes a part of the student's record and remains in effect (even after graduation) until the student instructs the college, in writing, to remove the hold status on the record.

(6) **Disclosure exceptions.** In addition to directory information the college will, at its discretion, make disclosures from education records without the student's prior written consent or to the following listed parties:

- (a) Education officials with a legitimate educational interest;
- (b) To officials of another school in which the student seeks or intends to enroll;
- (c) To authorized federal, state, or local officials as required by law;

(d) To persons specified in a lawfully served judicial order or subpoena, provided the college makes a reasonable effort to notify the student in advance of compliance (unless in the case of grand jury or other subpoenas which prohibit notification);

(e) In connection with financial aid for which the student has applied or received;

(f) To accrediting organizations, or organizations conducting studies for or on behalf of the institution;

(g) To appropriate parties in a health or safety emergency (campus security will personally relay message of an emergent nature to students);

(h) To parents of a dependent student, upon receipt of their most recently filed tax return, that shows the student as a dependent or upon receipt of a written statement approving the release of nondirectory information from the student. The following information can be released to the parents of dependent college students:

- (i) Tuition account balances;
- (ii) Financial aid eligibility;
- (iii) Reason for an account hold (not to include titles of library materials);
- (iv) Explanation of the satisfactory academic progress policy;
- (v) Violation of student conduct policies concerning alcohol and controlled substances.

Faculty and staff of the college may provide job references for students, and may respond to inquiries from employers regarding students. Statements made by college personnel regarding students that are based on that person's personal observations do not require a written release from the student. However, if college personnel provide in either verbal or written form personally identifiable information about a student that is obtained from education records (grades, GPA, etc.,) the person is required to obtain prior written permission from the student. In cases where consent of the student is required for release of education records, the student shall submit a written, signed and dated statement specifying the records to be disclosed, the purpose of the disclosure, and the name of the party to whom the disclosure can be made.

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

(7) **Student's rights and responsibilities regarding student records.**

(a) Students have the right to inspect and review their records by submitting a written, signed request to the enrollment services office stating the record they wish to review. Charges may be assessed for reproduced copies of education records.

(b) Students have the right to seek to amend their education records. Students who believe that information contained in their education record is inaccurate, misleading, or in violation of privacy rights, may submit a written request to amend their records to the appropriate education official. The education official(s) will make every effort to settle disputes

through informal meetings and discussion with the student. In instances where disputes regarding contents of education records cannot be resolved by the parties concerned, the education official involved shall advise the student of the right to a hearing by the student submitting a written request, appealing the decision of the education official, to the registrar or dean of students. Should the registrar or dean of students deem that the education records in question are inaccurate or misleading, he or she can ask that the records be amended by the appropriate education official. If the education records are held to be accurate, the student shall be granted the opportunity to place within those records a personal statement commenting upon the information contained within.

(c) Students have the right to consent to disclosures of personally identifiable information contained in their education records, except to the extent that FERPA authorizes disclosure without consent.

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

The Family Educational Rights and Privacy Act Office (FERPA)

Department of Health, Education, and Welfare

330 Independence Avenue, S.W.

Washington, DC 20201

Web site: <http://www.ed.gov/offices/om/fpco/>

(e) Students have the right to obtain a copy of the college's student records policy. Copies are available through the associated student body and the enrollment services office.

[Statutory Authority: RCW 28B.50.150, WAC 132P-33-100, and 20 U.S.C. § 1232g. WSR 05-16-005, § 132P-33-100, filed 7/21/05, effective 9/1/05. Statutory Authority: RCW 28B.50.140. WSR 99-13-140, § 132P-33-100, filed 6/18/99, effective 7/19/99; WSR 82-01-079 (Resolution No. 81-4), § 132P-33-100, filed 12/21/81.]

WAC 132P-33-110 Student publications. The college recognizes the fact that student publications are a valuable aid in establishing and maintaining an atmosphere of free and responsible discussion and of intellectual exploration on the campus. They are a means of bringing student concerns to the attention of the faculty and institutional authorities and of formulating opinion on various issues on the campus and in the college community at large. They may also serve as a means of journalistic and/or creative expression.

The college, as the publisher of student publications, must bear the legal responsibility for the contents of the publications.

Students shall have freedom to deal with any ideas and to express any opinions in the student publications without fear of their censorship. Editors and managers of student publications are protected from arbitrary suspension and removal. Only for proper and stated causes, as outlined in the statement of purpose or philosophy adopted for each student publication, should editors and managers be subject to removal and then by orderly and prescribed procedures.

At the same time, student editors and managers are charged with corollary responsibilities to be governed by the

cannons of responsible journalism, including the avoidance of libel, indecency, undocumented allegations, attacks on personal integrity, and the techniques of harassment and innuendo.

[Statutory Authority: RCW 28B.50.140 [28B.50.140]. WSR 82-01-079 (Resolution No. 81-4), § 132P-33-110, filed 12/21/81.]

WAC 132P-33-120 Student complaints. Student complaints regarding academic employees (faculty) are governed by the negotiated policy agreement between the faculty and college board of trustees.

Complaints regarding the staff and administrators shall be brought to the attention of the appropriate dean or the college president.

Any enrolled student who has a complaint concerning an alleged violation of his or her rights as a student of Yakima Valley Community College, has the opportunity to seek resolution of such complaint. A complaint under this section is defined as a violation of a legal right or a discriminatory act made against a student based upon his or her gender, color, race, national origin, age, religion, disability, or veteran status.

Any student who wishes to file a formal complaint against the president of the college shall submit his or her complaint directly to the board of trustees of Community College District 16.

A student who wishes to file a formal complaint against an administrator (other than the college president), or staff member must address the complaint to the dean of students within ten working days of the alleged act or acts. All complaints must be submitted in writing as detailed by the Yakima Valley Community College formal complaint form. A complaint made by a recognized student group must also include the written minutes from the meeting in which the student group voted to file a formal complaint and the complaint must be signed by the president of the student group. Any administrator or staff member who has a formal complaint filed against him or her has the right to be informed of the complaint and the allegations within two working days of its filing. An impartial investigation will take place in order to obtain the necessary facts. Any person contacted through this investigation process shall treat any information, including, but not limited to, the questions being asked, the names of the complainant and/or the administrator or staff person and the allegations themselves as confidential and shall not publicly discuss any information as stated above nor the allegations until such time as a hearing has been held or other resolution to this complaint has been made.

At any time during this process, the administrator or staff person involved shall retain his/her due process rights with regard to disciplinary action, including, but not limited to, the right to have a representative of his/her own choosing present at any or all meetings involving the alleged complaint.

The investigation shall provide facts involving the alleged allegation(s) and at a minimum include a taped interview of the complainant, the individual alleged to have committed a violation of rights or an act of discrimination, and any witnesses to the alleged conduct. Students may request a representative from the associated student body of Yakima Valley Community College to attend any meeting required during the investigative process. At no time shall any repre-

sentative interfere with the investigation. The investigation shall commence within two weeks of receipt of the formal complaint and the independent investigator shall make a non-binding recommendation to the dean of students stating that the complaint is unfounded or that the complaint has merit. The student life coordinator shall file a written report with the dean of students who shall notify and submit documentation to the dean, vice-president, or college president, as appropriate, within thirty days of receipt of the investigation report recommending one of the following three outcomes:

- (1) The complaint is without merit and no further action is warranted;
- (2) There is an agreed upon negotiated settlement of the matter; or
- (3) The complaint has merit and further action should be taken.

Should disciplinary action be recommended, all steps as outlined in the negotiated agreements between the board of trustees of Yakima Valley Community College and the staff, and all applicable laws, shall be followed. Should disciplinary action be recommended with regard to an administrator, the determination shall be made by the immediate supervisor and/or the college president, as deemed appropriate.

Complaints that do not deal with gender, color, race, national origin, age, religion, disability, or veteran status, will first follow an informal process in which the dean of the department in which the complaint has originated, or the supervisor of the person of which the complaint is directed, will be notified and steps will be taken to informally resolve the complaints. If the complaint cannot be resolved informally, the above procedures will be implemented. Formal complaint forms can be obtained from the student life coordinator and the dean of students.

[Statutory Authority: RCW 28B.50.140. WSR 99-13-140, § 132P-33-120, filed 6/18/99, effective 7/19/99; WSR 82-01-079 (Resolution No. 81-4), § 132P-33-120, filed 12/21/81.]

WAC 132P-33-123 Sexual harassment policy. The college is committed to eliminating sexual harassment and providing an environment respecting the dignity of employees and students. Sexual harassment demonstrates a lack of decency, integrity, and professionalism. It debases the workplace and classroom environment.

(1) Definition. Sexual harassment is a form of sex discrimination. It occurs in a variety of situations which share a common element: The inappropriate introduction of sexual activities or comments into the work or learning situation. Often, sexual harassment involves relationships of unequal power and contains elements of coercion, as when compliance with requests for sexual favors becomes a criterion for granting work, study, or grading benefits. However, sexual harassment may also involve relationships among equals, as when repeated sexual advances or demeaning verbal behavior have a harmful effect on a person's ability to study or work in the academic setting.

(2) General. For general policy purposes, the term sexual harassment may include, without limitation, such behavior as unwelcome sexual advances, requests for sexual favors and other physical or verbal conduct and expressive behavior of a sexual nature where:

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

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

(c) Such conduct has the purpose or effect of interfering with an individual's academic or professional performance or creating an intimidating, hostile, demeaning employment or educational environment.

(3) Grievance procedures.

(a) A student who feels he/she has been subjected to harassment should report the incident(s) to the "college representative." Students who are contacted by another student or college employee regarding a sexual harassment grievance should direct those grieving to the college representative.

(b) The student life coordinator for students. The college representative shall be the ombudsman between the person allegedly subjected to harassment and the grievance process and procedure. The college representative may, in any appropriate case and with the written authorization of the president, designate another employee of the college to act as the college representative. Any person so designated shall in all ways act with the authority of the college representative.

(c) The college representative will provide a supportive, receptive, and confidential environment while listening to the grievant's concern.

(d) The college representative will delineate and discuss with the student, available options in handling and coping with their situation.

(e) The college representative shall provide guidance and referral to available support services, assistance in weighing the options, and potential dangers.

(f) The student who files a grievance complaining of sexual harassment (the grievant) may be accompanied by a friend or advisor when reporting the incident to the college representative.

(g) The grievant may also submit a brief written statement including the date, place, time, status of the accused, and a description of the circumstances and events that occurred.

(h) After the college representative has heard the grievant's complaint and has suggested any available support services, the college representative shall investigate the complaint. An investigation shall be conducted in all cases unless the grievant, after meeting with the college representative, decides to withdraw the grievance.

(i) The college representative's investigation shall be based upon specific information. Charges may be submitted in writing by the grievant or prepared by the college representative and approved by the grievant.

(j) Investigation of complaints shall be kept in confidence and designed to protect the rights of both the grievant and the party accused (respondent).

(k) The college representative shall provide the respondent with a copy of the written charges. The respondent must reply in writing within five calendar days of receipt of the charges.

(l) The college representative will conduct a thorough investigation including, but not limited to, providing both the grievant and respondent the opportunity to state their posi-

tions and interview witnesses. The investigation shall be concluded within ninety days of receipt of written complaint. During the course of the investigation the grievant and respondent shall be included in the process and have access to the relevant documentation.

(m) Records will be kept during the investigation and shall be kept in a confidential manner by the college representative.

(n) Retaliation against the grievant during or after the grievance process is expressly forbidden and constitutes grounds for a separate grievance or other institutional action.

(o) At the close of the investigation, the college representative shall reduce his/her findings and recommendations to writing and shall present those findings and recommendations to the "appointing authority" where the respondent is a college employee, or the "disciplinary authority" where the respondent is a college student.

(p) The appointing authority/disciplinary authority shall consider the findings and recommendations of the college representative. Following consideration, the appointing authority/disciplinary authority shall determine whether or not disciplinary/corrective action is warranted. The grievant shall be advised of college action on her/his grievance at that time.

(q) Should the appointing authority determine that disciplinary/corrective action should be considered, applicable provisions of employee rights and responsibilities shall be utilized. These include, but are not limited to, state and federal constitutional and statutory provisions, rules of the state personnel resources board, collective bargaining agreements and college policies.

[Statutory Authority: RCW 28B.50.140. WSR 99-13-140, § 132P-33-123, filed 6/18/99, effective 7/19/99.]

WAC 132P-33-125 Complaints against academic employees in accordance with the negotiated agreement.

In any instance where an administrator of the district receives a substantive complaint about the performance of an academic employee from students or the public or from personnel in the district, the administrator shall so notify the employee's supervising administrator and shall refer the complaint to that administrator. The academic employee shall be notified of the complaint by the supervising administrator within thirty days of the administration's first cognizance of the complaint.

The supervising administrator and the academic employee shall then meet in a timely manner to discuss the complaint informally and, if possible, to resolve it. Such meeting shall normally take place during the academic employee's assignment period and shall ordinarily (except under extraordinary or emergency circumstances) be held prior to any other investigation of the complaint. If disciplinary action is deemed appropriate by the supervising administrator following such meeting(s), he or she shall proceed in accordance with Section 15.4 regarding progressive discipline.

No disciplinary action shall result from a complaint unless the complaint has been reduced to writing, dated, and signed by the complainant and presented to the affected employee by the supervising administrator prior to any such disciplinary action.

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Nothing in this section shall be construed as taking the place of normal evaluation procedures as required elsewhere in this agreement, nor as taking the place of dismissal procedures as set forth in Article XI of this agreement. The employee shall have the right to YVCFT representation in implementation of this section.

[Statutory Authority: RCW 28B.50.140. WSR 99-13-140, § 132P-33-125, filed 6/18/99, effective 7/19/99.]

WAC 132P-33-130 Distribution and posting of materials. The college encourages free expression. Use of college facilities as provided herein, however, does not accord users immunity from legal action.

Permission for posting of literature in the various restricted areas provided therefore, shall be obtained from the following college officials:

(1) The student life coordinator for posting on the restricted posting areas of the HUB and those areas located on the campus outside of college buildings.

(2) Deans and directors for posting on the restricted posting areas provided in the appropriate college facility.

ASYVCC campaign rules govern special poster and sign locations for elections. Information on these special policies and regulations is available in the ASYVCC office.

Posting of posters, signs, and other publicity or promotional materials is permitted only in the locations specified above. All material sought to be posted in restricted posting areas must have the identity of its sponsorship appearing on its face.

The dissemination or distribution of materials by persons on the public streets, walks and ways of the campus or off-campus college facility, shall be subject to the laws of the particular city, state of Washington, and the United States.

Permission for the dissemination or distribution of materials in other areas of the college campus, buildings and facilities shall be obtained from the student life coordinator. Persons distributing materials without permission shall be subject to the provisions of the *Code of student rights and responsibilities*.

[Statutory Authority: RCW 28B.50.140. WSR 99-13-140, § 132P-33-130, filed 6/18/99, effective 7/19/99; WSR 82-01-079 (Resolution No. 81-4), § 132P-33-130, filed 12/21/81.]

WAC 132P-33-140 Commercial and promotional activities. College facilities may not be used for commercial solicitations, advertising, or promotional activities except when such activities clearly serve educational objectives (as in display of books or technical books or technical equipment of interest to the academic community), and when they are conducted under the sponsorship or at the request of a college department or the associated students, and so long as such use does not interfere with or operate to the detriment of the conduct of college affairs.

[Statutory Authority: RCW 28B.50.140 [28B.50.140]. WSR 82-01-079 (Resolution No. 81-4), § 132P-33-140, filed 12/21/81.]

WAC 132P-33-150 Use of college facilities. Any recognized ASYVCC organization may request approval from the student life coordinator to utilize available college facilities for authorized activities as provided for in official ASYVCC documents. Facilities will be provided free of

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charge to the organization except when such use necessitates staffing and services beyond regular college requirements. Standard college fees will be charged in these cases.

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

Student organizations should schedule facility use requests with the director of student programs as far in advance as possible.

[Statutory Authority: RCW 28B.50.140, WSR 99-13-140, § 132P-33-150, filed 6/18/99, effective 7/19/99; WSR 82-01-079 (Resolution No. 81-4), § 132P-33-150, filed 12/21/81.]

WAC 132P-33-155 Electronic communication policy.

The following is a general policy:

(1) Computer and network use at Yakima Valley Community College must be consistent with the mission, policies, and procedures of the college and applicable federal, state, and local laws and regulations. Yakima Valley Community College computers and networking facilities are primarily designated for educational and research purposes.

(2) Users must respect the rights and property of others. Users must not improperly access, misuse, send, or misappropriate information or files. Unauthorized access to systems, software, or data is prohibited.

(3) Yakima Valley Community College computers and network facilities must not be used for commercial purposes or private gain.

(4) Yakima Valley Community College computers and network facilities must not be used to transmit or solicit the transmission of any communication in any form where the content and/or meaning of the message transmitted or distributed would violate any applicable law or regulation.

(5) Users of Yakima Valley Community College computers and network facilities must promote efficient use of the networks. Users must minimize and avoid unnecessary network traffic which might interfere or negatively impact the work of other users of the YVCC network or connected networks. Uses that significantly interfere with the ability of others to make effective use of the network or which disrupt the YVCC network or any connected networks, systems, services, or equipment are prohibited.

(6) Interpretation, application, and modification of this policy will be at the sole discretion of Yakima Valley Community College. Violations may result in loss of computer and network privileges and other penalties as applicable under YVCC policies and federal, state, and local laws and regulations.

(7) Yakima Valley Community College makes no warranty of any kind, expressed or implied, regarding computer resources or services, or the contents of resources or electronic messages over the YVCC campus network or connected networks. Yakima Valley Community College will not be liable in any event for incidental or consequential damages, direct or indirect, resulting from the use of the YVCC campus network or network services.

[Statutory Authority: RCW 28B.50.140, WSR 99-13-140, § 132P-33-155, filed 6/18/99, effective 7/19/99.]

WAC 132P-33-160 Noncollege speaker policy. The trustees, the administration, and the faculty of the college

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subscribe to the proposition that an important aspect of the education of college students is the opportunity to listen to speakers representing a wide variety of opinions and beliefs on important public issues. In conformity with the American tradition of free speech and free inquiry, the following policies are established governing the appearance on campus of speakers not themselves members of the college community:

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

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

(3) The scheduling of facilities for hearing invited speakers shall be made through the office of the student life coordinator.

(4) The student life coordinator or designee will be notified at least three academic calendar days prior to the appearance of an invited speaker, at which time a form (available in the student programs office) must be completed with such particulars as name of speaker, speech or discussion topic, time of appearance(s) and sponsoring organization. The form must bear the signature of the sponsoring organization's advisor. Exceptions to the three day ruling may be made by the student life coordinator with the approval of the dean of students.

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

[Statutory Authority: RCW 28B.50.140, WSR 99-13-140, § 132P-33-160, filed 6/18/99, effective 7/19/99; WSR 82-01-079 (Resolution No. 81-4), § 132P-33-160, filed 12/21/81.]

WAC 132P-33-170 Violations. Any student shall be subject to immediate disciplinary action provided for in code procedures and summary suspension rules who, either as a principal actor or aider or abettor:

(1) Materially and substantially interferes with the personal rights or privileges of others or the educational process of the college;

(2) Violates any provision of the *Code of student rights and responsibilities*;

(3) Commits any of the following acts which are hereby prohibited:

(a) All forms of dishonesty including cheating, plagiarism, knowingly furnishing false information to the college, and forgery, alteration or use of college documents or instruments of identification with intent to defraud.

(b) Failure to comply with lawful directions of faculty, administrators and other regularly employed personnel acting in performance of their lawful duties.

(c) Conduct which intentionally and substantially obstructs or disrupts freedom of movement, teaching, research administration, disciplinary proceedings or other lawful activities on the college campus.

(d) Physical abuse of any person or conduct which is intended unlawfully to threaten imminent bodily harm or to

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endanger the health or safety of any person on college-owned or controlled property or at college-sponsored or supervised functions.

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

(f) Refusal to comply with any lawful order to leave the college campus or any portion thereof.

(g) Possession or use of firearms, explosives, dangerous chemicals or other dangerous weapons or instrumentalities on the college campus, except for authorized college purposes; unless prior written approval has been obtained from the dean of students, or any other person designated by the campus president.

(h) Intentionally inciting others to engage immediately in any of the conduct prohibited herein, which incitement leads directly to such conduct. (Inciting is that advocacy which prepares the group addressed for imminent action and steers it to the conduct prohibited herein.)

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

(j) Disorderly conduct, including disorderly conduct resulting from drunkenness.

(k) Engaging in lewd, indecent, or obscene behavior on college-owned or controlled property or at college-sponsored or supervised functions.

(l) Using, possessing, furnishing, or selling any narcotic or dangerous drug as those terms are used in Washington statutes, except when the use or possession of a drug is specifically prescribed as medication by an authorized medical doctor or dentist.

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

(n) Theft or conversion of college property or private property.

(o) Entering any administrative office or any locked or otherwise closed college facility in any manner, at any time, without permission of the college employee or agent in charge thereof.

(p) Buying, copying, borrowing, or otherwise plagiarizing another's images, ideas, evidence, examples, opinions, or other original products or documents from published, unpublished, or electronic sources for the purpose of deceiving an instructor as to the product's origination.

(q) Plagiarism is "the wrongful act of taking the product of another person's mind and presenting it as one's own" (qtd. In *MLA Handbook for Writers of Research Papers*, 4th Edition, 26). Plagiarism occurs when an author fails to give credit for:

- Someone else's words;
- Someone else's examples;
- Someone else's ideas or opinions;
- Statistics or other facts compiled by someone else;
- Evidence or testimony taken from someone else's argument;
- An image from another artist.

(i) YVCC recognizes two types of plagiarism: Intentional and unintentional. Intentional plagiarism is the dishonest act of appropriating another's ideas, words, facts, opin-

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ions, or images with the intent to deceive others about the document's origin. Any student found to have committed intentional plagiarism shall be subject to disciplinary actions provided for in the *Code Procedures and Summary Suspension Rules*.

(ii) Students may also commit plagiarism without intent to deceive. A student's intent to deceive shall be taken into account when instructors evaluate an act of plagiarism. All forms of plagiarism which an instructor determines to be unintentional should be treated as instructional problems to be handled within the student/instructor relationship with the instructor following, but not limited by, the penalty guideline below:

(A) Student must resubmit the assignment after instruction but before an agreed upon due date.

(B) Student can receive a lowered grade on the assignment, including "F."

(C) Student can be advised to seek aid from the writing center or tutoring center as a condition before receiving a grade or resubmitting an assignment.

The instructor need not take formal disciplinary action for unintentional plagiarism.

[Statutory Authority: RCW 28B.50.140. WSR 99-13-140, § 132P-33-170, filed 6/18/99, effective 7/19/99; WSR 82-01-079 (Resolution No. 81-4), § 132P-33-170, filed 12/21/81.]

WAC 132P-33-180 Emergency procedures. In the event of activities which interfere with the orderly operation of the college as defined in WAC 132P-33-070, Freedom of expression, the dean of students or the college president or their designees shall determine the course of action which appears to offer the best possibility for resolution of the problem. The emergency procedures outlined below will be followed if deemed essential:

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

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

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

[Statutory Authority: RCW 28B.50.140 [28B.50.140]. WSR 82-01-079 (Resolution No. 81-4), § 132P-33-180, filed 12/21/81.]

CODE PROCEDURES

WAC 132P-33-190 Purpose of disciplinary actions. The college may apply sanctions or take other appropriate action when student conduct materially and substantially interferes with the college's:

(1) Primary educational responsibility of ensuring the opportunity for all students of the college community to attain their educational objectives; or

(2) Subsidiary responsibilities of protection and maintaining property, keeping records, other services, and sponsoring nonclassroom activities such as lectures, concerts, athletic events, and social functions. Disciplinary action proceedings shall determine whether and under what condition the violator may continue as a student at the college.

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

(b) Such summary action in the form of removal from the classroom shall be effective for a period not to exceed two scheduled classroom days.

(c) Faculty shall maintain a written record of any summary action and a copy shall be filed with the dean of students within two scheduled classroom days.

(d) Any summary action may be appealed to the dean of students for an informal hearing.

[Statutory Authority: RCW 285.50.140 [28B.50.140]. WSR 82-01-079 (Resolution No. 81-4), § 132P-33-190, filed 12/21/81.]

WAC 132P-33-200 Initial proceedings. (1) **Initiation of prosecution.** Students, faculty members, administrators and other employees of the district shall have concurrent authority to report violations which will be acted upon by the dean of students. All disciplinary proceedings will be initiated by the dean of students or designated representative.

(2) **Notice requirements.** Any student charged with a violation of the *Code of student rights and responsibilities* shall be notified by the dean of students or designated representative within two academic calendar days after the filing of such a report. The notice shall not be ineffective if presented later due to the student's absence. Such notice shall:

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

(b) Set forth those provisions allegedly violated; and

(c) Specify the exact time and date the student is required to meet with the dean of students; and

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

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

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

(3) **Meeting with the dean of students.**

(a) At the meeting with the dean of students the student shall be informed of provisions of the *Code of student rights and responsibilities* that are involved, that the student may appeal any sanction imposed by the dean of students and that if a hearing is required the student may have that hearing open to the public. If the student requests a formal hearing, the dean of students shall take no action nor make any determination in the matter other than to inform the student again of the time, date, and location of the formal hearing.

(b) After considering the evidence in the case and interviewing the student or students involved, the dean of students may take any of the following actions:

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

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

(iii) Impose minor sanctions directly, such as but not limited to, warning, reprimand, fine, restitution, disciplinary probation, subject to the student's right of appeal described below; or

(iv) Refer the matter to the student hearing committee for a recommendation to the college president or designee as to appropriate action; or

(v) Recommend to the college president or designee that the student shall immediately be notified in writing of such recommendation and of the right to a hearing before the student hearing committee prior to the college president or designee's final decision.

(c) A student accused of violating any provision of the *Code of student rights and responsibilities* shall be given immediate notification of any disciplinary action taken by the dean of students or designated representative.

(d) No disciplinary action taken by or at the recommendation of the dean of students or designated representative is final unless the student fails to exercise the right of appeal as provided for in these rules. The college president or designee after reviewing the case, including any statement the student may file with the college president or designee, shall either give written approval of the action taken by or at the recommendation of the dean of students, or give written direction as to what lesser disciplinary action, if any, is to be taken.

[Statutory Authority: RCW 285.50.140 [28B.50.140]. WSR 82-01-079 (Resolution No. 81-4), § 132P-33-200, filed 12/21/81.]

WAC 132P-33-210 Appeals. (1) Appeals contesting recommendations of disciplinary action(s) shall be taken in the following order:

(a) Disciplinary action taken by or at the recommendation of the dean of students or designated representative may be appealed to the student hearing committee;

(b) Disciplinary recommendations made by the student hearing committee may be appealed by the student to the college president; in the case of a recommendation for suspension it may also be appealed to the college president; all decisions by the president or designee are final.

(2) All appeals by a student must be made in writing to the committee, college president or designee or board of trustees within ten calendar days after the student has been notified of the action from which he/she has a right of appeal.

[Statutory Authority: RCW 28B.50.140. WSR 99-13-140, § 132P-33-210, filed 6/18/99, effective 7/19/99; WSR 82-01-079 (Resolution No. 81-4), § 132P-33-210, filed 12/21/81.]

WAC 132P-33-220 Student hearing committee. (1) **Composition.** The college shall have a standing committee composed of nine members, who shall be chosen and appointed no later than October 15 of each year to serve as a standing committee until their successors are appointed. The membership of the standing committee shall consist of three members of the administration, excepting the dean of students, chosen by the college president; three faculty members chosen by the faculty organization; and three students chosen by the ASYVCC senate. Any student entitled to a hearing before a student hearing committee shall choose, in writing, five members of the standing committee to hear and decide

the appeal, provided, the student must choose at least one student, one faculty member and one member of the administration from the nine member standing committee. The balance of the student hearing committee, two members, may be chosen from the remainder of the standing committee, provided that both shall not be from the same classification. If a hearing is to be conducted for a student from a specialized program (i.e., allied health, vocational-technical), an additional member will be appointed to the hearing committee by the division involved. In the event that unforeseen circumstances prevent a previously selected committee member from attending the hearing, the student must choose a replacement from among the balance of the standing committee.

(2) Procedures for hearing.

(a) Five members of the student hearing committee will hear, de novo, and make recommendations to the college president or designee on all disciplinary cases appealed to the committee by the student or referred to it by the dean of students or designated representative. Recommendations involving suspension will be referred to the college president or designee.

(b) The student hearing committee shall elect from among its five members a chair for the purpose of presiding at the disciplinary hearing.

(c) Hearings generally will be held in closed session, except when a student requests that persons other than those directly involved be invited to attend. If at any time during the conduct of a hearing any person is disruptive of the proceedings, the chair of the student hearing committee may exclude such person from the hearing room.

(d) The student has a right to a fair and impartial hearing before the committee on any charge of violating a provision or provisions of the *Code of student rights and responsibilities*. The student's failure to cooperate with the hearing procedures hereinafter outlined, however, shall not preclude the committee from making its findings of fact, conclusions and recommendations as provided below. Failure by the student to cooperate may be taken into consideration by the committee in recommending to the college president or designee the appropriate disciplinary action.

(e) The student shall be given written notice of the time and place of the hearing before the committee. Said notice shall contain:

(i) A statement of the date, time, place and nature of the disciplinary proceedings;

(ii) A statement of the specific charges against the student including references to the particular sections of the *Code of student rights and responsibilities* involved;

(iii) To the extent known, a list of witnesses who will appear and a summary description of any documentary or other physical evidence that will be presented by the college at the hearing.

(f) The student shall be entitled to hear and examine the evidence against him/her and be informed of the identity of its source; the student shall be entitled to present evidence in his/her own behalf and cross-examine witnesses testifying against him/her as to factual matters. The student shall have all authority possessed by the college to obtain information that the student specifically describes, in writing, and tenders to the dean of students no later than three days prior to the

hearings or to request the presence of witnesses or the production of other evidence relevant to the hearings.

(g) The student may be represented by counsel of his/her choice at the disciplinary hearings. If the student elects to choose a duly licensed attorney admitted to practice in any state in the United States as counsel, the student must tender three days notice thereof to the dean of students.

(h) In all disciplinary proceedings the college may be represented by the dean of students or designee; the dean of students may then present the college's case against the student accused of violating the *Code of student rights and responsibilities*, provided, that in those cases in which the student elects to be represented by a licensed attorney, the dean of students may elect to have the college represented by an assistant attorney general.

(i) The proceedings of the hearing shall be recorded. A copy thereof shall be on file at the office of the dean of students.

(j) The time of the hearing may be advanced by the committee at the request of the student or continued for good cause.

(3) Admissible evidence.

(a) Only those matters presented at the hearing in the presence of the accused student will be considered in determining whether the student hearing committee has sufficient cause to believe that the accused student is guilty of violating the rules that the student is charged with having violated.

(b) In determining whether sufficient cause, as stated in the preceding paragraph (a) of this subsection, does exist, members of the student hearing committee shall give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent persons in the conduct of their affairs.

(c) The chair of the student hearing committee shall, in the course of presiding at the disciplinary hearing, give effect to the rules of privilege recognized by law and exclude incompetent, irrelevant, immaterial and unduly repetitious evidence.

(4) Interference with proceedings. Any student interfering with the proceedings of the meeting with the dean of students or the formal hearing or any subsequent hearing shall be in contempt of the proceedings and may be summarily suspended from the college by the dean of students or the student hearing committee or the college president or designee, within fifteen academic calendar days thereafter.

(5) Decision by the committee.

(a) Upon conclusion of the disciplinary hearing, the student hearing committee shall consider all the evidence therein presented and decide by majority vote whether to recommend to the college president or designee the following actions:

(i) That the college terminate the proceedings and exonerate the student or students;

(ii) That the college impose minor sanctions directly, such as, but not limited to, a warning, reprimand, fine, restitution, or disciplinary probation;

(iii) That the student be suspended from college including a recommendation of the duration of suspension.

(b) The student shall be provided with a copy of the committee's findings of fact and conclusions regarding whether the student did violate any rule or rules of the *Code of student*

rights and responsibilities and the committee's recommendation to the college president or designee. The committee shall also advise the student in writing of the right to present within ten calendar days, a written statement to the college president or designee appealing the recommendation of the committee.

[Statutory Authority: RCW 28B.50.140, WSR 99-13-140, § 132P-33-220, filed 6/18/99, effective 7/19/99; WSR 82-01-079 (Resolution No. 81-4), § 132P-33-220, filed 12/21/81.]

WAC 132P-33-230 Final decision regarding disciplinary sanction. (1) The college president or designee (except the dean of students) shall, after reviewing the record of the case prepared by the student hearing committee together with any statement filed by the student, include therein a written acceptance of the recommendations of the committee, or written directions as to what sanction shall be taken.

(2) If the college president or designee decides that discipline is to be imposed after the review provided by subsection (1) of this section, the college president or designee shall notify the student in writing of the discipline imposed.

(3) In all cases of disciplinary action, the decision of the college president or designee shall be final.

[Statutory Authority: RCW 28B.50.140, WSR 99-13-140, § 132P-33-230, filed 6/18/99, effective 7/19/99; WSR 82-01-079 (Resolution No. 81-4), § 132P-33-230, filed 12/21/81.]

WAC 132P-33-240 Disciplinary sanctions. The following definitions of disciplinary terms have been established and shall be the sanctions imposed upon violators of the *Code of student rights and responsibilities*:

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

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

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

(4) **Restitution.** An individual student may be required to make restitution for damage or loss to college or other property and for injury to persons. Failure to make restitution within thirty days will result in suspension for an indefinite

period of time as set forth in subsection (6) of this section, provided that a student may be reinstated upon payment.

(5) **Disciplinary action.** Formal action placing conditions upon the student's continued attendance for violation of college rules or regulations or other failure to meet the college standards of conduct. The office or agency placing the student on disciplinary probation or action will specify, in writing, the period of probation or action and the conditions, such as limiting the student's participation in extra curricular activities, denial of admission to a specific class, or other possible penalties. Disciplinary probation or action warns the student that any further misconduct will automatically raise the question of suspension from the college. Disciplinary probation or action may be for a specified term or for an indefinite period which may extend to graduation or other termination of the student's enrollment in the college.

(6) **Suspension.** Temporary or indefinite dismissal from the college and termination of the student status of a student for violation of college rules or regulations or for failure to meet the college's standards of conduct. The notification of suspending a student will indicate, in writing, the term of the suspension and any special conditions which must be met before readmission. Refund of fees for the quarter in which disciplinary action is taken shall be in accord with the college's refund policy. Students suspended on the basis of conduct which disrupted the orderly operation of the campus or any facility of the district may be denied access to all or any part of the campus or other facility.

[Statutory Authority: RCW 28B.50.140 [28B.50.140]. WSR 82-01-079 (Resolution No. 81-4), § 132P-33-240, filed 12/21/81.]

WAC 132P-33-250 Readmission after suspension.

Any student suspended from the college for disciplinary reasons may be readmitted upon expiration of the time period for which the suspension was issued. If the student has been suspended for an indefinite period, or feels that circumstances warrant reconsideration of the temporary suspension prior to its expiration, the student may be readmitted following approval of a written petition submitted to the dean of students. Such petitions must state reasons which support a reconsideration of the matter. Before readmission may be granted, such petitions must be reviewed and approved by the college president or designee, or by the board in those cases in which it made the final disciplinary action decision.

[Statutory Authority: RCW 28B.50.140 [28B.50.140]. WSR 82-01-079 (Resolution No. 81-4), § 132P-33-250, filed 12/21/81.]

WAC 132P-33-260 Reestablishment of academic standings. Students who have been suspended pursuant to disciplinary procedures set forth in code procedures of summary suspension rules, and whose suspension upon appeal is found to have been unwarranted shall be provided the opportunity to reestablish their academic and student standing pursuant to college policy, including an opportunity to retake examinations or otherwise complete course offerings missed by reason of such action.

[Statutory Authority: RCW 28B.50.140, WSR 99-13-140, § 132P-33-260, filed 6/18/99, effective 7/19/99; WSR 82-01-079 (Resolution No. 81-4), § 132P-33-260, filed 12/21/81.]

SUMMARY SUSPENSION RULES

WAC 132P-33-270 Initiation of summary suspension proceedings. The college president or designee may suspend any student of the college pending investigation, action or prosecution on charges of an alleged *Code of student rights and responsibilities* violation or violations, and if the college president or designee has reason to believe the student's physical or emotional safety and well-being, or the safety and well-being of the other college community members, or the safety and well-being of the college property command such suspension.

[Statutory Authority: RCW 28B.50.140. WSR 99-13-140, § 132P-33-270, filed 6/18/99, effective 7/19/99; WSR 82-01-079 (Resolution No. 81-4), § 132P-33-270, filed 12/21/81.]

WAC 132P-33-280 Permission to enter or remain on campus. During the period of summary suspension, the student shall not enter any campus of District 16 other than to meet with the dean of students or to attend the hearing. However, the dean of students may grant the student special permission to enter a campus for the express purpose of meeting with faculty, staff, or students in preparation for the hearing.

[Statutory Authority: RCW 28B.50.140 [28B.50.140]. WSR 82-01-079 (Resolution No. 81-4), § 132P-33-280, filed 12/21/81.]

WAC 132P-33-290 Notice of summary suspension proceedings. (1) If the college president or designee desires to exercise the authority to summarily suspend a student, the college president shall cause notice thereof to be served upon that student by registered or certified mail at the student's last known address, or by causing personal service of such notice upon that student.

(2) The notice shall be entitled "notice of summary suspension proceedings" and shall state:

(a) The charges against the student including reference to the provisions of the *Code of student rights and responsibilities* involved; and

(b) That the student charged must appear before the dean of students at a time specified in the notice.

[Statutory Authority: RCW 28B.50.140 [28B.50.140]. WSR 82-01-079 (Resolution No. 81-4), § 132P-33-290, filed 12/21/81.]

WAC 132P-33-300 Procedures of summary suspension hearing. (1) At the summary suspension hearing, the student against whom the violation or violations are alleged shall have the opportunity of proving to the dean of students that there is no cause to believe that the violation stated on the notice of summary suspension proceedings did occur, and that immediate suspension is not necessary nor justifiable pursuant to summary suspension rules, WAC 132P-33-270 through 132P-33-350.

(2) The student may offer personal oral testimony or that of any person, submit any statement or affidavit, examine any affidavit or cross-examine any witness, and submit any matter in extenuation or mitigation of the violation or violations charged.

(3) The dean of students shall at the time of the summary suspension proceedings determine whether there is probable cause to believe that a violation of law or of provisions of the *Code of student rights and responsibilities* has occurred, and

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whether there is reason to believe that immediate suspension is necessary. In the course of making such a decision, the dean of students may consider the sworn affidavits or oral testimonies of persons who have alleged that the student charged had committed a violation of law or provisions of the *Code of student rights and responsibilities* and the oral testimony and affidavits submitted by the student charged.

[Statutory Authority: RCW 28B.50.140 [28B.50.140]. WSR 82-01-079 (Resolution No. 81-4), § 132P-33-300, filed 12/21/81.]

WAC 132P-33-310 Decision by the dean of students. If the dean of students, following the conclusion of the summary suspension proceedings, finds that there is probable cause to believe that:

(1) The student against whom specific violations of law or of provisions of the *Code of student rights and responsibilities* are alleged has committed one or more of such violations upon any college facility; and

(2) That summary suspension of said student is necessary under the provisions of summary suspension rules, WAC 132P-33-270 through 132P-33-350; and

(3) Such violation or violations of the law or of provisions of the *Code of student rights and responsibilities* constitute grounds for disciplinary action, then the dean of students may, with the written approval of the college president, suspend such student from college.

[Statutory Authority: RCW 28B.50.140 [28B.50.140]. WSR 82-01-079 (Resolution No. 81-4), § 132P-33-310, filed 12/21/81.]

WAC 132P-33-320 Notice of summary suspension. (1) If a student is suspended pursuant to the above rules, the student shall be provided with a written copy of the dean of students' findings of fact and conclusions, as expressly concurred in by the college president, which constituted probable cause to believe that the conditions for summary suspension existed.

(2) The student suspended pursuant to the authority of this rule shall be served a copy of the notice of suspension by personal service or by registered mail. Notice by mail shall be sent to said student's last known address. The suspension shall be effective from the day of the notice of suspension is mailed or personal service accomplished, whichever shall occur first.

[Statutory Authority: RCW 28B.50.140 [28B.50.140]. WSR 82-01-079 (Resolution No. 81-4), § 132P-33-320, filed 12/21/81.]

WAC 132P-33-330 Suspension for failure to appear. If the student against whom specific violations of provisions of the *Code of student rights and responsibilities* have been alleged has been served pursuant to the notice required and then fails to appear at the time designated for the summary suspension proceedings, the dean of students may, with the written concurrence of the college president, suspend the student from college.

[Statutory Authority: RCW 28B.50.140 [28B.50.140]. WSR 82-01-079 (Resolution No. 81-4), § 132P-33-330, filed 12/21/81.]

WAC 132P-33-340 Appeal. (1) Any student aggrieved by an order issued at the summary suspension proceedings may appeal the same to the college president or designee. No

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such appeal shall be entertained, however, unless written notice of the appeal, specifically describing alleged errors in the proceedings of findings of the dean of students and the college president, is tendered at the office of the college president within seventy-two hours following the date notice of summary suspension was served or mailed to the student, whichever occurred first.

(2) The college president or designee shall, as soon as reasonably possible, examine the allegations contained within the notice of appeal, along with the findings of the dean of students, the record of summary suspension proceedings, and determine therefrom whether the summary suspension order is justified. Following such examination, the college president or designee may, at his/her discretion, stay the summary suspension pending determination of the merits of the disciplinary proceedings pursuant to the provisions of the code procedures.

(3) The college president or designee shall notify the appealing student within forty-eight hours following his/her consideration of the notice of appeal, as to whether the summary suspension shall be maintained or stayed pending disposition of the disciplinary proceedings pursuant to the provisions of the code procedures.

[Statutory Authority: RCW 285.50.140 [28B.50.140]. WSR 82-01-079 (Resolution No. 81-4), § 132P-33-340, filed 12/21/81.]

WAC 132P-33-350 Summary suspension proceedings not duplicitous. (1) The summary suspension proceedings shall in no way substitute for the disciplinary proceedings provided for in provisions of the code procedures. At the end of the suspension, the student shall be reinstated to full rights and privileges as a student, subject to whatever sanctions may have been or may be in the future imposed for violation of the *Code of student rights and responsibilities*.

(2) Any disciplinary proceedings initiated against the student because of violations alleged against any student in the course of the summary suspension proceedings provided for herein shall be heard de novo, provided that the records made and evidence presented during the course of any facet of the summary suspension proceedings brought against the student shall be available for the use of the student and of the college in the disciplinary proceedings initiated under the provisions of the code procedures.

[Statutory Authority: RCW 285.50.140 [28B.50.140]. WSR 82-01-079 (Resolution No. 81-4), § 132P-33-350, filed 12/21/81.]