

Chapter 132U-120 WAC

STUDENT RIGHTS AND RESPONSIBILITIES

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

132U-120-070	Delegation of disciplinary authority. [Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 88-15-005 (Order 88-03), § 132U-120-070, filed 7/8/88.] Repealed by WSR 03-01-072, filed 12/12/02, effective 1/12/03. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
132U-120-090	Initial disciplinary proceedings. [Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 88-15-005 (Order 88-03), § 132U-120-090, filed 7/8/88.] Repealed by WSR 03-01-072, filed 12/12/02, effective 1/12/03. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
132U-120-130	Evidence admissible in hearings. [Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 88-15-005 (Order 88-03), § 132U-120-130, filed 7/8/88.] Repealed by WSR 03-01-072, filed 12/12/02, effective 1/12/03. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
132U-120-190	Summary suspension proceedings. [Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 88-15-005 (Order 88-03), § 132U-120-190, filed 7/8/88.] Repealed by WSR 03-01-072, filed 12/12/02, effective 1/12/03. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
132U-120-200	Procedures of summary suspension hearing. [Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 88-15-005 (Order 88-03), § 132U-120-200, filed 7/8/88.] Repealed by WSR 03-01-072, filed 12/12/02, effective 1/12/03. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
132U-120-210	Decision by the dean. [Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 88-15-005 (Order 88-03), § 132U-120-210, filed 7/8/88.] Repealed by WSR 03-01-072, filed 12/12/02, effective 1/12/03. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
132U-120-220	Notice of suspension. [Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 88-15-005 (Order 88-03), § 132U-120-220, filed 7/8/88.] Repealed by WSR 03-01-072, filed 12/12/02, effective 1/12/03. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
132U-120-230	Suspension for failure to appear. [Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 88-15-005 (Order 88-03), § 132U-120-230, filed 7/8/88.] Repealed by WSR 03-01-072, filed 12/12/02, effective 1/12/03. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
132U-120-240	Appeals from summary suspension hearing. [Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 88-

132U-120-250	15-005 (Order 88-03), § 132U-120-240, filed 7/8/88.] Repealed by WSR 03-01-072, filed 12/12/02, effective 1/12/03. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
132U-120-270	Final decision. [Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 88-15-005 (Order 88-03), § 132U-120-250, filed 7/8/88.] Repealed by WSR 03-01-072, filed 12/12/02, effective 1/12/03. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
132U-120-280	Complaints excluded. [Statutory Authority: RCW 28B.50.130, [28B.50.]140, and chapter 49.60 RCW. WSR 07-19-038, § 132U-120-270, filed 9/13/07, effective 10/14/07. Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 03-01-072, § 132U-120-270, filed 12/12/02, effective 1/12/03; WSR 88-15-005 (Order 88-03), § 132U-120-270, filed 7/8/88.] Repealed by WSR 10-06-090, filed 3/1/10, effective 4/1/10. Statutory Authority: RCW 28B.50.130.
132U-120-285	Grievance procedures. [Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 88-15-005 (Order 88-03), § 132U-120-280, filed 7/8/88.] Repealed by WSR 03-01-072, filed 12/12/02, effective 1/12/03. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
132U-120-290	Time limits. [Statutory Authority: RCW 28B.50.130, [28B.50.]140, and chapter 49.60 RCW. WSR 07-19-038, § 132U-120-285, filed 9/13/07, effective 10/14/07. Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 03-01-072, § 132U-120-285, filed 12/12/02, effective 1/12/03.] Repealed by WSR 10-06-090, filed 3/1/10, effective 4/1/10. Statutory Authority: RCW 28B.50.130.
132U-120-300	Appeals. [Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 88-15-005 (Order 88-03), § 132U-120-290, filed 7/8/88.] Repealed by WSR 03-01-072, filed 12/12/02, effective 1/12/03. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
132U-120-310	Final decision regarding student grievances. [Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 88-15-005 (Order 88-03), § 132U-120-300, filed 7/8/88.] Repealed by WSR 03-01-072, filed 12/12/02, effective 1/12/03. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
132U-120-320	Nature of grievance proceedings. [Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 88-15-005 (Order 88-03), § 132U-120-310, filed 7/8/88.] Repealed by WSR 03-01-072, filed 12/12/02, effective 1/12/03. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
132U-120-330	Withdrawal of complaint. [Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 03-01-072, § 132U-120-320, filed 12/12/02, effective 1/12/03; WSR 88-15-005 (Order 88-03), § 132U-120-320, filed 7/8/88.] Repealed by WSR 10-06-090, filed 3/1/10, effective 4/1/10. Statutory Authority: RCW 28B.50.130.
	Administrative, faculty and staff grievances. [Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 03-01-072, § 132U-120-330, filed 12/12/02, effective 1/12/03; WSR 88-15-005 (Order 88-03), § 132U-120-330, filed 7/8/88.] Repealed by WSR 10-06-090, filed 3/1/10, effective 4/1/10. Statutory Authority: RCW 28B.50.130.

WAC 132U-120-010 Title. This chapter shall be known as the student rights and responsibilities code of Whatcom Community College.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 03-01-072, § 132U-120-010, filed 12/12/02, effective 1/12/03; WSR 88-15-005 (Order 88-03), § 132U-120-010, filed 7/8/88.]

WAC 132U-120-015 Purpose. Whatcom Community College, as a state supported institution of higher education,

has a primary mission to provide effective quality education designed to foster the development of students' knowledge, communication and critical thinking skills, personal integrity, global understanding, and appreciation of diversity. Students and college personnel share responsibility for this common mission by contributing to a learning environment that promotes academic honesty, social justice, understanding, civility, and nonviolence within a safe and supportive college community.

Enrollment in Whatcom Community College carries with it the obligation to be a responsible citizen of the college community and to treat others with respect and dignity. Students have obligations to fulfill both their particular roles within the academic community and those obligations as citizens of their larger community. Each student is expected to abide by college policies and regulations along with local, state, and federal laws. Any student charged with a violation of college policies or regulations is guaranteed fair judicial process and when found in violation, appropriate disciplinary action.

The student's rights and responsibilities code is implemented to support the aforementioned purpose to assist in the protection of the rights and freedoms of all members of the college community.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 03-01-072, § 132U-120-015, filed 12/12/02, effective 1/12/03.]

WAC 132U-120-020 Definitions. As used in this chapter, the following words and phrases shall be defined as follows:

"Academic dishonesty" shall mean plagiarism, cheating on examinations, fraudulent representation of student work product or other similar acts of dishonesty.

"Alcoholic beverages" shall mean the definition of liquor as contained within RCW 66.04.010(15) as now law or hereafter amended.

"Assembly" shall mean 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.

"Associated students" shall mean the student body and such authorized groups organized under the provisions of the constitution and bylaws of the associated students of the college.

"ASWCC" shall mean the associated students of Whatcom Community College as defined in the constitution of that body.

"Board" shall mean the board of trustees of Community College District No. 21, state of Washington.

"Code of conduct" refers to the Whatcom Community College code of student rights and responsibilities.

"College" shall mean Whatcom Community College, and any other community college centers or facilities established within Community College District No. 21.

"College community" shall mean trustees, students, employees, and guests on college-owned or controlled facilities, including distance learning environments.

"College facilities" shall mean and include any and all personal property and real property that the college owns, uses, or controls including all buildings and appurtenances affixed thereon or attached thereto district-wide. College

facilities extend to affiliated web sites, distance learning classroom environments, and agencies or institutions that have educational agreements with Whatcom Community College.

"College official" shall mean any person who is employed by the college or authorized to act as an agent of the college in performing assigned administrative or professional responsibilities.

"Controlled substance" shall mean and include any drug or substance as defined in chapter 69.50 RCW as now law or hereafter amended.

"Dean of students" shall mean the chief student affairs officer who is the administrator responsible for student services or designee.

"Dean of instruction" shall mean the chief officer who is the administrator responsible for instruction or designee.

"Demonstrations" shall mean any overt activity engaged in by one 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.

"Director of student programs" shall mean the administrator responsible for student programs and activities or designee.

"Disciplinary sanctions" shall mean and include a warning, reprimand, probation, suspension, or dismissal of any student by a dean, or designee, or the president issued pursuant to this chapter where that student has violated any designated rule or regulation of the rules of conduct for which a student is subject to disciplinary action.

"Distance learning" shall mean various methods of instructional delivery that include, but are not limited to, online courses, telecourses, and interactive video courses.

"Faculty" or "instructor" shall mean any full-time or part-time academic employee of the college or an affiliated institution whose assignment is one of a combination of instruction, counseling or library services.

"Free speech area" shall be designated by the college president and can be reserved by student groups and organizations through the office of student programs and activities.

"Instructional day" shall mean any regularly scheduled day of instruction designated in the academic year calendar, including summer quarter, as a day when classes are held. Saturdays and Sundays are not regularly scheduled instructional days.

"President" shall mean the president of Whatcom Community College and president of Community College District No. 21, state of Washington.

"Rules of conduct" shall mean those rules contained within this chapter as now exist or which may be hereafter amended, the violation of which subjects a student to disciplinary action.

"Student," unless otherwise qualified, shall mean and include any person who is enrolled for classes at the college, including any person enrolled in distance learning courses.

"Student rights and responsibilities committee" shall mean the judicial body provided in this chapter.

"Trespass" shall mean the definition of trespass as contained within chapter 9A.52 RCW, as now law or hereafter amended.

[Statutory Authority: RCW 28B.50.130, [28B.50.]140, and chapter 49.60 RCW. WSR 07-19-038, § 132U-120-020, filed 9/13/07, effective 10/14/07.]

Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 03-01-072, § 132U-120-020, filed 12/12/02, effective 1/12/03; WSR 88-15-005 (Order 88-03), § 132U-120-020, filed 7/8/88.]

WAC 132U-120-030 Jurisdiction. The student rights and responsibilities code is a guideline for expected student behavior at the college. All rules and provisions in the code apply to every student on campus or in a college facility. Such rules and provisions also apply to students while they are present at or engaged in college-sponsored activities held in noncollege facilities. The college is not a policing agent for students when they are off campus but does reserve the right to take action if a student's behavior is determined to threaten the health, safety, and/or property of the college and its members.

Students, college employees, or members of the public who violate, or aid or abet another in violation of this chapter shall be subject to:

- (1) Criminal and civil prosecution;
- (2) Restriction from any college property or facilities, the violation of which could result in criminal trespass;
- (3) Any other civil or criminal remedies available to the public;
- (4) Appropriate disciplinary action pursuant to the state of Washington higher education personnel board rules or the district's policies and regulations.

The college may carry out disciplinary proceedings prior to, simultaneous, or following civil or criminal proceedings in the court.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 03-01-072, § 132U-120-030, filed 12/12/02, effective 1/12/03; WSR 88-15-005 (Order 88-03), § 132U-120-030, filed 7/8/88.]

WAC 132U-120-040 Student rights. The following enumerated rights are guaranteed to each student within the limitations of statutory law and college policy which are 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 among the college's curricula, programs and services, subject to the limitations of RCW 28B.50.090
- (3)(b).
 - (c) Students shall be protected from academic evaluation which is arbitrary, prejudiced or capricious, but are responsible for meeting the standards of academic performance established by each of their instructors.
 - (d) Students have the right to a learning environment which is free from unlawful discrimination, inappropriate and disrespectful conduct, and sexual harassment.
- (2) Due process.
 - (a) The rights of students to be secure in their persons, quarters, papers and effects against unreasonable searches and seizures is guaranteed.
 - (b) No disciplinary sanction may be imposed on any student without notice to the accused of the nature of the charges.

(c) A student accused of violating this code of student rights and responsibilities is entitled, upon request, to procedural due process as set forth in this chapter.

(3) Distribution and posting. Students may post or distribute printed or published material. Such distribution and posting is subject to college rules and procedures available in the student programs office.

(4) Outside speakers. Recognized student organizations shall have the right to invite outside speakers to speak on campus subject to the availability of campus facilities, funding, and compliance with the college procedures available in the student programs office.

(5) Commercial activities.

(a) College facilities may not be used for commercial solicitation, advertising, or promotional activities unless the activities clearly serve educational objectives and fit within the mission of the college. The commercial activities may be conducted under the sponsorship or the request of a college department or official student organization.

(b) These sponsored commercial activities must be scheduled and approved by the director of student programs conducted in a manner not to interfere with or operate to the detriment of college functions or the free flow of pedestrian or vehicular traffic.

(6) Student participation in college governance.

(a) Whatcom Community College recognizes the special role that students have in the development and maintenance of student programs.

(b) The college provides opportunities for students to participate in college governance, including the formulation of college policies and procedures relevant to students, through representation by the Associated Students of Whatcom Community College (ASWCC).

(c) Students are also appointed, according to the ASWCC constitution and bylaws, to serve on a variety of college committees.

(7) Right of assembly.

(a) Fundamental to the democratic process are the rights of free speech and peaceful assembly. Students may conduct or may participate in any assembly on college facilities provided that such assemblies:

- (i) Are conducted in an orderly manner;
- (ii) Do not unreasonably interfere with classes, scheduled meetings or ceremonies, or regular functions of the college;
- (iii) Do not unreasonably interfere with pedestrian or vehicular traffic; or
- (iv) Do not cause destruction or damage to college property, including library materials, or private property on college facilities.

(b) Any student group or student organization that intends to conduct an assembly must reserve the college "free speech area" through the office of the director of student programs.

(c) Assemblies that violate these rules may be ordered to disperse by a college official. If the college "free speech area" is available, the college official may allow the activities to move to that area. If the assembly does not respond to the instructions within a reasonable time, the college official shall call the police to handle as a civil matter.

(d) A nonstudent who violates any provision of the rule will be referred to civilian authorities for criminal prosecution.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 03-01-072, § 132U-120-040, filed 12/12/02, effective 1/12/03; WSR 88-15-005 (Order 88-03), § 132U-120-040, filed 7/8/88.]

WAC 132U-120-050 Student responsibilities. As members of the Whatcom Community College community, students have an obligation to demonstrate academic and personal honesty and integrity. Students are expected to respect individual rights, recognize their impact on others, and take responsibility for their actions.

Students shall be subject to disciplinary action for interfering with the personal rights or privileges of others or the educational process of the college. Students are prohibited from engaging in any unlawful conduct. Grounds for disciplinary action include, but are not limited to, the following:

(1) Student misconduct.

(a) Assault, reckless endangerment, intimidation or interference upon another person.

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

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

(d) Providing false information to the college, forgery, or alteration of records.

(e) Illegal assembly, disruption, obstruction or other act which materially and substantially interferes with vehicular or pedestrian traffic, classes, hearings, meetings, the educational and administrative functions of the college, or the private rights and privileges of others.

(f) Inciting others. Intentionally encouraging, preparing, or compelling others to engage in any prohibited conduct.

(g) Hazing. Hazing means any method of initiation into a student organization or any pastime or amusement engaged in with respect to such an organization that causes, or is likely to cause, bodily danger or physical, mental or emotional harm to any student or other person.

(h) False complaint. Filing a formal complaint falsely accusing another student or college employee with violating a provision of this chapter.

(i) False alarms. 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.

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

(k) Malicious harassment. Malicious harassment involves intimidation or bothersome behavior directed toward another person because of, or related to, that person's race, color, religion, gender, sexual orientation, ancestry, national origin, or mental, physical, or sensory disability.

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

(m) Damage to any college facility or equipment. Intentional or negligent damage to or destruction of any college facility, equipment, or other public or private real or personal property.

(n) Unauthorized use of college or associated students' equipment and supplies. Converting of college equipment, supplies or computer systems for personal gain or use without proper authority.

(o) Forgery or alteration of records. Forging or tendering any forged records or instruments, as defined in RCW 9A.60.010—9A.60.020 as now law or hereafter amended, of any district record or instrument to an employee or agent of the district acting in his official capacity as such.

(p) Illegal entry. Entering or remaining in any administrative office or otherwise closed college facility or entering after the closing time of college facilities without permission of an employee in charge.

(q) Possession or use of firearms, explosives, dangerous chemicals, or other dangerous weapons, instruments, or substances that can be used to inflict bodily harm or to damage real or personal property, except for authorized college purposes or law enforcement officers.

(r) Refusal to provide identification (e.g., valid driver's license, student identification, passport, or state identification card) in appropriate circumstances to any college employee in the lawful discharge of said employee's duties.

(s) Smoking. Smoking in any classroom or laboratory, the library, vehicle, or in any college facility or office posted "no smoking" or any other smoking not in compliance with chapter 70.160 RCW.

(t) Controlled substances. Using, possessing, being demonstrably under the influence of, or selling any narcotic or controlled substance as defined in chapter 69.50 RCW as now law or hereafter amended, except when the use or possession of a drug is specifically prescribed as medication by an authorized medical doctor or dentist. For the purpose of this regulation, "sale" shall include the statutory meaning defined in RCW 69.50.410 as now law or hereafter amended.

(u) Alcoholic beverages. Being demonstrably under the influence of any form of alcoholic beverage. Possessing or consuming any form of alcoholic beverage on college property, with the exception of sanctioned events, approved by the president or his or her designee and in compliance with state law.

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

(w) Computer trespass. Gaining access, without authorization, to a computer system or network, or electronic data owned, used by, or affiliated with Whatcom Community College.

(x) Ethics violation. The breach of any generally recognized and published code of ethics or standards of profes-

sional practice that governs the conduct of a particular profession for which the student is taking courses or is pursuing as an educational goal or major. These ethics codes must be distributed to students as part of an educational program, course, or sequence of courses and the student must be informed that a violation of such ethics codes may subject the student to disciplinary action by the college.

(y) Criminal law violation, illegal behavior, other violations. Students may be accountable to the civil or criminal authorities and the college for acts which constitute violations of federal, state, or local law as well as college rules where the students' behavior is determined to threaten the health, safety, and/or property of the college and its members. The college may refer any such violations to civilian or criminal authorities for disposition.

(2) **Academic dishonesty.** Academic dishonesty includes cheating, plagiarism, fabrication, and facilitating academic dishonesty.

(a) Cheating is intentionally using or attempting to use unauthorized materials, information, or study aids in any academic activity.

(b) Plagiarism includes submitting to a faculty member any work product that the student fraudulently represents to the faculty member as the student's work product for the purpose of fulfilling or partially fulfilling any assignment or task required by the faculty member as part of the student's program of instruction.

(c) Fabrication is the intentional and unauthorized falsification or invention of any information or citation in an academic activity.

(d) Facilitating academic dishonesty is intentionally or knowingly helping or attempting to help another to violate a provision of this section of the disciplinary code.

Acts of dishonesty are serious breaches of honor and shall be dealt with in the following manner:

(i) Any student who commits or aids in the accomplishment of an act of academic dishonesty shall be subject to disciplinary action.

(ii) In cases of academic dishonesty, the instructor or dean of students may adjust the student's grade. The instructor may also refer the matter to the dean of students for disciplinary action.

(3) **Classroom conduct.** Faculty have the authority to take appropriate action to maintain order and proper conduct in the classroom and to maintain the effective cooperation of the class in fulfilling the objectives of the course.

An instructor has the authority to exclude a student from any single class session during which the student is disruptive to the learning environment. The instructor shall report any such exclusion from the class to the dean of students or designee who may summarily suspend the student or initiate conduct proceedings as provided in this procedure. The dean may impose a disciplinary probation that restricts the student from the classroom until the student has met with the dean and the student agrees to comply with the specific conditions outlined by the dean for conduct in the classroom. The student may appeal the disciplinary sanction according to the disciplinary appeal procedures.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 03-01-072, § 132U-120-050, filed 12/12/02, effective 1/12/03; WSR 88-15-005 (Order 88-03), § 132U-120-050, filed 7/8/88.]

(3/1/10)

WAC 132U-120-060 Trespass. The president or designee(s) shall have the authority and power to prohibit the entry or withdraw the license or privilege of any person or group of persons to enter into or remain in any college property or facility. Such power and authority may be exercised to halt any event which is deemed to be unreasonably disruptive of order or impedes the movement of persons or vehicles or which disrupts or threatens to disrupt the movement of persons from facilities owned and/or operated by the college. Any person who disobeys a lawful order given by the president, or his or her designee(s), shall be subject to disciplinary action and/or charges of criminal trespass.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 03-01-072, § 132U-120-060, filed 12/12/02, effective 1/12/03; WSR 88-15-005 (Order 88-03), § 132U-120-060, filed 7/8/88.]

WAC 132U-120-065 Judicial authority. The dean of students or designee is responsible for the administration of the student rights and responsibility code. The dean's responsibility includes the authority to adjudicate and administer sanctions for violations of the code pursuant to the conduct proceedings in WAC 132U-120-075.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 03-01-072, § 132U-120-065, filed 12/12/02, effective 1/12/03.]

WAC 132U-120-075 Conduct proceedings. Any member of the college community may report, orally or in writing, alleged violations to the dean of students. The dean of students or designee will then proceed to investigate the accuracy of the alleged violations. If the dean of students or designee finds that there is a sufficient basis to consider the allegations, the conduct hearing process will proceed as follows:

(1) Any student accused of violating any provision of the code of conduct shall be called for an initial meeting with the dean of students. The student shall be informed of which rules of conduct the student is charged with violating, and what appears to be the range of penalties, if any, that might result from the disciplinary proceedings.

(2) After considering the evidence in the case and interviewing the accused student, the dean may take any of the following actions:

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

(b) Dismiss the case after whatever counseling and advice the dean deems appropriate.

(c) Impose verbal warning to the student directly, not subject to the student's right of appeal.

(d) Impose additional sanctions of reprimand, probation, limited dismissal, or expulsion, subject to the student's right of appeal. Following the hearing, the dean shall notify the student in writing within ten instructional days of the decision, the reasons for the decision, and information about the appeals process.

(3) If the student fails to appear at the scheduled meeting without prior notification or evidence of extenuating circumstances, the dean may impose any sanction authorized by this code in addition to placing a hold on the student records and restricting the student from further enrollment.

(4) The written decision of the dean shall become final unless appealed.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 03-01-072, § 132U-120-075, filed 12/12/02, effective 1/12/03.]

WAC 132U-120-080 Disciplinary sanctions. A primary objective of the disciplinary process is to promote the personal and social development of those students found responsible for misconduct. Charges are investigated and resolved in a forum of candor, civility, and fairness. In conjunction, students found to have committed a form of misconduct are subject to the following sanctions.

(1) **Disciplinary warning.** Verbal notice to a student by a dean or his or her designee(s) that she/he has violated the rules of conduct as outlined in this chapter or has otherwise failed to satisfy the college's expectations regarding conduct shall be considered a disciplinary warning. Such warnings imply that continuing or repeating the specific violation or engaging in other misconduct will result in one of the more serious disciplinary actions described below. Formal files or records will not be kept on informal verbal warnings.

(2) **Disciplinary reprimand.** Formal action censuring a student for violating the rules of conduct as outlined in WAC 132U-120-050. Reprimands shall be made in writing to the student by the dean of students or designee(s), with copies placed on file in the administrative office. A reprimand shall indicate to the student that continuing or repeating the specific violation involved will result in one of the more serious disciplinary actions described below.

(3) **Disciplinary probation.** Formal action by the dean placing conditions upon the student's continued attendance. Notice shall be made in writing and shall specify the period of probation and the conditions, such as limiting the student's participation in activities, fines or restitution for damage, or other possible penalties. Disciplinary probation may be for a specific term or for an indefinite period which may extend to graduation or other termination of the student's enrollment in the college.

(4) **Suspension.** Temporary dismissal from the college and termination of the person's student status for violation of WAC 132U-120-050. Notice shall be made in writing and specify the duration of the dismissal and any special conditions which must be met before readmission.

(5) **Expulsion.** Permanent termination of a student's status for violation of WAC 132U-120-050. Notice must be given in writing. There shall be no refund of fees for the quarter in which the action is taken but fees paid in advance for a subsequent quarter will be refunded.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 03-01-072, § 132U-120-080, filed 12/12/02, effective 1/12/03; WSR 88-15-005 (Order 88-03), § 132U-120-080, filed 7/8/88.]

WAC 132U-120-095 Summary suspension. The dean of students or designee may summarily suspend any student from the college if the dean has reason to believe that the student presents a danger either to self or others on the college campus, threatens campus safety, or severely disrupts the educational process. The summary suspension procedure provides an emergency method of suspension for purposes of investigation, reviewing the impact on the campus community due to a serious infraction of student behavior standards, or removing a threat to the safety and well-being of the college community.

(1) **Initial summary suspension proceedings.** If the dean of students believes it is necessary to exercise the authority to summarily suspend a student, the dean shall:

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

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

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

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

(iii) A warning that the student shall be considered trespassing and the police will be called if the student enters the college campus other than to meet with the dean of students or to attend the disciplinary hearing.

(2) **Emergency procedure.** The summary suspension procedure shall not prevent faculty members or college officials from taking reasonable summary action to maintain order if they have reason to believe that such action is necessary for the physical safety and well-being of the student or the safety and protection of other students or of college property or where the student's conduct seriously disrupts the educational process. The faculty member or college official should immediately bring the matter to the attention of the dean of students for appropriate disciplinary action.

(3) **Procedures of summary suspension hearing.**

(a) The summary suspension hearing shall be considered an informal hearing. The hearing must be conducted as soon as possible and the dean of students will preside over the meeting.

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

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

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

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

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

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

(5) **Notice of suspension.**

(a) If a student's summary suspension is upheld or if the student is otherwise disciplined, the student will be provided with a written notice including the dean's findings of fact and conclusions which lead the dean to believe that the summary suspension of the student should continue.

(b) 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 certified and regular mail at the student's last known address within three instructional days following the conclusion of the hearing with the dean.

(c) The notice of suspension shall stipulate the duration of the suspension or nature of the disciplinary action and conditions under which the suspension may be terminated.

(d) If the student submits a written appeal of the disciplinary sanction to the student rights and responsibilities committee, the student may only enter the campus to attend the appeal hearing and the suspension shall otherwise remain in effect until the student is notified of the written decision of the committee. If the student rights and responsibilities committee upholds the suspension and the student submits a written appeal to the college president, the suspension shall remain in effect until the student is notified of the final decision of the president.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 03-01-072, § 132U-120-095, filed 12/12/02, effective 1/12/03.]

WAC 132U-120-100 Appeals—Overview. (1) Student appeals contesting any disciplinary action or summary suspension shall be made in the following order:

(a) The student may appeal the disciplinary action or summary suspension imposed by the dean by submitting a written request for a hearing to the chairperson of the student rights and responsibilities committee within ten instructional days of the postmark of the written decision of the dean.

(b) The student may appeal disciplinary or summary suspension decisions of the student rights and responsibilities committee to the president of the college. The written appeal must be submitted within ten instructional days of the postmark of the written recommendation of the chairperson of the student rights and responsibilities committee.

(2) Any appeal by a student receiving a disciplinary sanction must meet the following conditions:

(a) The appeal must be in writing and must clearly state errors in fact or matters in extenuation or mitigation which justify the appeal; and

(b) The appeal must be filed within ten instructional days of the postmark of the written decision.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 03-01-072, § 132U-120-100, filed 12/12/02, effective 1/12/03; WSR 88-15-005 (Order 88-03), § 132U-120-100, filed 7/8/88.]

WAC 132U-120-110 Structure of the student rights and responsibilities committee. (1) The student rights and responsibilities committee shall be composed of a chairperson and four members. For the appeal of disciplinary sanctions, the chairperson shall be the dean of instruction, or designee, and the members shall be chosen as follows:

(a) Two students in good academic standing appointed by the ASWCC president; and

(b) One faculty member appointed by the president of the college; and

(c) One administrator appointed by the president.

(d) Members of the student rights and responsibilities committee shall be selected as needed when a written appeal has met the required conditions.

(3/1/10)

(2) If any member of the student rights and responsibilities committee is unable to consider a particular disciplinary proceeding for any reason (including but not limited to conflict of interest, matters of conscience or related reasons), such members shall abstain from considering the issues. If the chairperson abstains for any of the above reasons, the president shall appoint a temporary chairperson who will preside over the committee.

(3) A quorum for all proceedings of the student rights and responsibilities committee shall consist of a chairperson and at least three members; provided, that one student, one faculty member and one administrator are present.

[Statutory Authority: RCW 28B.50.130, [28B.50.]140, and chapter 49.60 RCW. WSR 07-19-038, § 132U-120-110, filed 9/13/07, effective 10/14/07. Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 03-01-072, § 132U-120-110, filed 12/12/02, effective 1/12/03; WSR 88-15-005 (Order 88-03), § 132U-120-110, filed 7/8/88.]

WAC 132U-120-120 Hearing procedures before the student rights and responsibilities committee. (1) The student rights and responsibilities committee shall conduct a hearing within twenty instructional days after the chairperson receives the student's written appeal of the disciplinary sanctions imposed by the dean.

(2) The chairperson shall give the student written notice of the time, date, and location of the hearing and the specific charges against the student. This notice shall be provided no less than seven instructional days prior to the hearing. Service will be regarded as complete upon deposit with the United States postal service.

(3) The student may be represented by counsel of the student's own choosing provided that the student pays the legal expenses and notifies the chairperson five instructional days prior to the hearing.

(4) The college may be represented by the dean of students, or designee, including an assistant attorney general.

(5) Hearings before the student rights and responsibilities committee shall be conducted in a manner that will bring about a prompt, fair resolution of the matter. The chairperson shall exercise control over the hearing to avoid needless consumption of time and to prevent the harassment or intimidation of witnesses.

(6) Hearings shall be closed to the public, except for immediate members of the student's family, witnesses, and the student's representative. An open hearing may be held, at the discretion of the chairperson, if requested by the student. The chairperson may choose whether or not to let witnesses remain for any part of the hearing that does not include their testimony. If at any time during the hearing a visitor disrupts the proceedings, the chairperson of the student rights and responsibilities committee may exclude that person from the hearing room.

(7) The student has a right to a fair and impartial hearing before the student rights and responsibilities committee on any charge of violating the rules of conduct. However, the student's failure to cooperate with the committee's hearing procedures shall not preclude the petition review committee from making its findings of fact, conclusions and recommendations.

(8) The dean of students, or designee, shall make the first presentation. Upon completion of the presentation by the

dean of students, or designee, the student may make a presentation and may present any witnesses. Either side may offer a rebuttal.

(9) The chairperson may allow the committee members, dean of students, or designee, student or student's representative, to ask questions of any witness.

(10) The chairperson may receive sworn written statements in lieu of oral testimony at the hearing.

(11) Formal rules of evidence and procedures shall not be applicable to disciplinary proceedings. The chairperson shall admit all matters into evidence which reasonable persons would accept as having probative value in the conduct of their affairs. Unduly repetitive or irrelevant evidence may be excluded.

(12) The administrative assistant to the chairperson shall take notes during the hearing and prepare a written summary of all evidence, facts, and testimony presented to the student rights and responsibilities committee during the course of the hearing. The proceedings of the hearing shall also be electronically recorded.

(13) All records of disciplinary proceedings shall be maintained in the office of the chairperson and shall be available only during the course of the disciplinary proceedings to the student rights and responsibilities committee, the student and the student's attorney, and any other college official designated by the chairperson.

(14) Following the conclusion of the disciplinary proceeding, access to records of the case and the hearing files will be limited to those designated by the college president.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 03-01-072, § 132U-120-120, filed 12/12/02, effective 1/12/03; WSR 88-15-005 (Order 88-03), § 132U-120-120, filed 7/8/88.]

WAC 132U-120-140 Decision by the student rights and responsibilities committee. (1) Upon conclusion of the disciplinary hearing, the student rights and responsibilities committee shall consider all the evidence therein presented and decide by majority vote whether to uphold the initial disciplinary action or to recommend institution of any of the following actions:

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

(b) That the college impose any of the disciplinary actions as provided in this chapter.

(2) Within seven instructional days of the conclusion of the hearing, the student will be mailed or otherwise served with a copy of the committee's findings of fact and conclusions regarding what occurred and whether the student did violate any rule or rules of the code of conduct. The copy shall be dated and contain a statement advising the student of the right, within ten instructional days of the postmark, to submit a written statement to the president of the college appealing the recommendation of the student rights and responsibilities committee.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 03-01-072, § 132U-120-140, filed 12/12/02, effective 1/12/03; 88-15-005 (Order 88-03), § 132U-120-140, filed 7/8/88.]

WAC 132U-120-150 Final appeal. The student may make a final appeal in writing to the president within ten instructional days following the postmark on the written noti-

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fication of the action taken by the student rights and responsibilities committee. The president may suspend any disciplinary action pending determination of the merits of the findings, conclusions and disciplinary actions imposed. The president shall base the decision on the written appeal of the student, the official written record of the case and any reports or recommendations of the student rights and responsibilities committee, and/or of the dean who conducted the original hearing. The decision of the president is final.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 03-01-072, § 132U-120-150, filed 12/12/02, effective 1/12/03; WSR 88-15-005 (Order 88-03), § 132U-120-150, filed 7/8/88.]

WAC 132U-120-160 Effective date of the rules of conduct. The rules contained within chapter 132U-120 WAC shall become effective thirty days after filing with the code reviser.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 88-15-005 (Order 88-03), § 132U-120-160, filed 7/8/88.]

WAC 132U-120-170 Prior rules. The rules contained within chapter 132U-120 WAC supersedes all former rules for which a student was subject to disciplinary action as defined by WAC 132U-120-020.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 88-15-005 (Order 88-03), § 132U-120-170, filed 7/8/88.]

WAC 132U-120-180 Severability. If any provisions of chapter 132U-120 WAC is adjudged by a court to be unconstitutional, the remaining provisions of chapter 132U-120 WAC shall continue in effect.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 88-15-005 (Order 88-03), § 132U-120-180, filed 7/8/88.]

STUDENT COMPLAINTS

WAC 132U-120-260 Purpose. Whatcom Community College is committed to providing quality service to students, including providing accessible services, accurate information, and equitable and fair application of policies and procedures, including evaluation of class performance, grading, and rules and regulations for student participation in college activities and student conduct. The college procedures pertaining to student complaints are delineated in the Whatcom Community College policy and procedures manual and published on the college web site.

[Statutory Authority: RCW 28B.50.130. WSR 10-06-090, § 132U-120-260, filed 3/1/10, effective 4/1/10. Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 03-01-072, § 132U-120-260, filed 12/12/02, effective 1/12/03; WSR 88-15-005 (Order 88-03), § 132U-120-260, filed 7/8/88.]