

Chapter 132D-120 WAC

STUDENT RIGHTS AND RESPONSIBILITIES

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

132D-120-055	Antihazang. [Statutory Authority: RCW 28B.50.140. WSR 97-01-049, § 132D-120-055, filed 12/12/96, effective 1/12/97.] Repealed by WSR 02-24-062, filed 12/3/02, effective 1/3/03. Statutory Authority: RCW 28B.50.140, WSR 88-24-014.
132D-120-130	Evidence admissible in hearings. [Statutory Authority: RCW 28B.50.140. WSR 88-24-014 (Order 88-01), § 132D-120-130, filed 12/1/88, effective 1/1/89.] Repealed by WSR 02-24-062, filed 12/3/02, effective 1/3/03. Statutory Authority: RCW 28B.50.140, WSR 88-24-014.
132D-120-140	Decision by the college disciplinary court. [Statutory Authority: RCW 28B.50.140. WSR 88-24-014 (Order 88-01), § 132D-120-140, filed 12/1/88, effective 1/1/89.] Repealed by WSR 02-24-062, filed 12/3/02, effective 1/3/03. Statutory Authority: RCW 28B.50-140, WSR 88-24-014.
132D-120-150	Final appeal. [Statutory Authority: RCW 28B.50.140. WSR 88-24-014 (Order 88-01), § 132D-120-150, filed 12/1/88, effective 1/1/89.] Repealed by WSR 02-24-062, filed 12/3/02, effective 1/3/03. Statutory Authority: RCW 28B.50.140, WSR 88-24-014.
132D-120-160	Summary suspension proceedings. [Statutory Authority: RCW 28B.50.140. WSR 88-24-014 (Order 88-01), § 132D-120-160, filed 12/1/88, effective 1/1/89.] Repealed by WSR 02-24-062, filed 12/3/02, effective 1/3/03. Statutory Authority: RCW 28B.50.140, WSR 88-24-014.
132D-120-170	Procedures of summary suspension hearing. [Statutory Authority: RCW 28B.50.140. WSR 88-24-014 (Order 88-01), § 132D-120-170, filed 12/1/88, effective 1/1/89.] Repealed by WSR 02-24-062, filed 12/3/02, effective 1/3/03. Statutory Authority: RCW 28B.50-140, WSR 88-24-014.
132D-120-180	Decision by the dean of administrative and student services. [Statutory Authority: RCW 28B.50.140. WSR 88-24-014 (Order 88-01), § 132D-120-180, filed 12/1/88, effective 1/1/89.] Repealed by WSR 02-24-062, filed 12/3/02, effective 1/3/03. Statutory Authority: RCW 28B.50.140, WSR 88-24-014.

132D-120-190	Notice of suspension. [Statutory Authority: RCW 28B.50.140. WSR 88-24-014 (Order 88-01), § 132D-120-190, filed 12/1/88, effective 1/1/89.] Repealed by WSR 02-24-062, filed 12/3/02, effective 1/3/03. Statutory Authority: RCW 28B.50.140, WSR 88-24-014.
132D-120-200	Suspension for failure to appear. [Statutory Authority: RCW 28B.50.140. WSR 88-24-014 (Order 88-01), § 132D-120-200, filed 12/1/88, effective 1/1/89.] Repealed by WSR 02-24-062, filed 12/3/02, effective 1/3/03. Statutory Authority: RCW 28B.50.140, WSR 88-24-014.
132D-120-210	Appeals from summary suspension hearing. [Statutory Authority: RCW 28B.50.140. WSR 88-24-014 (Order 88-01), § 132D-120-210, filed 12/1/88, effective 1/1/89.] Repealed by WSR 02-24-062, filed 12/3/02, effective 1/3/03. Statutory Authority: RCW 28B.50-140, WSR 88-24-014.
132D-120-220	Final decision. [Statutory Authority: RCW 28B.50.140. WSR 88-24-014 (Order 88-01), § 132D-120-220, filed 12/1/88, effective 1/1/89.] Repealed by WSR 02-24-062, filed 12/3/02, effective 1/3/03. Statutory Authority: RCW 28B.50.140, WSR 88-24-014.

WAC 132D-120-010 Title. This chapter shall be known as the code of student conduct of Skagit Valley College.

[Statutory Authority: RCW 28B.50.140, WSR 88-24-014. WSR 02-24-062, § 132D-120-010, filed 12/3/02, effective 1/3/03. Statutory Authority: RCW 28B.50.140. WSR 88-24-014 (Order 88-01), § 132D-120-010, filed 12/1/88, effective 1/1/89.]

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

(1) "Academic dishonesty" means cheating, plagiarism, fabrication, lying, bribery, threat, aid of academic dishonesty, and other dishonesty in relation to academic work both in onground and online courses.

(a) Plagiarism: Presenting as one's own, intentionally or not, someone else's words, ideas, conclusions, images, or data, without specific acknowledgment. This includes, but is not limited to, presenting the source's language without quotation marks (with or without citation); paraphrased language that is not cited; and/or language that is cited, but insufficiently paraphrased.

(b) Cheating:

(i) Using unauthorized assistance, notes or study aids in completing assignments, taking quizzes, tests, or exams;

(ii) Allowing another party to do one's work/exam and turning in the work/exam as one's own;

(iii) Submitting the same or similar work in more than one course or while repeating the same course without permission from the course instructors;

(iv) The acquisition, without permission, of a test or other academic material belonging to the college.

(c) Fabrication: Falsification or creation of data, research, or resources, or altering a graded work without the prior consent of the course instructor.

(d) Lying: Deliberate falsification in written or verbal form.

(e) Bribery: Providing, offering, or taking rewards in exchange for a grade, an assignment, or the aid of academic dishonesty.

(f) Threat: An attempt to intimidate a student, staff, or faculty member for the purpose of receiving an unearned grade or in an effort to prevent the reporting of a conduct violation.

(g) Abetting academic dishonesty: Intentionally facilitating any of the above behaviors.

(2) "Alcoholic beverages" are beer, wine and hard liquor as defined in RCW 66.04.010(15) as now law or hereafter amended.

(3) "College" means Skagit Valley College, and any other community college centers or facilities established within Community College District No. 4.

(4) The term "college official" includes any person employed by the college or any member of the college board of trustees, performing administrative or professional responsibilities.

(5) The term "college premises" includes all land, buildings, facilities and other property in the possession of, or owned, used or controlled by the college (including adjacent streets and sidewalks).

(6) "Controlled substance" includes any illegal drug or substance as defined in chapter 69.50 RCW as now law or hereafter amended.

(7) "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.

(8) The dean of students is that person designated by the college president to be responsible for the administration of the code of conduct.

(9) "Faculty" includes any full-time or part-time academic employee of the district whose assignment is one of a combination of instruction, counseling or library services.

(10) A "student conduct administrator" is a college official authorized on a case-by-case basis to impose sanctions upon students found to have violated this code of conduct. The dean of students will serve as the student conduct administrator or may appoint another college official to perform that function if he/she perceives that it would be in the best interest of any of the parties involved in a case. A student conduct administrator may serve as the sole member, or one of the members, of a judicial body. Nothing shall prevent the dean of students from authorizing the same student conduct administrator to impose sanctions in all cases.

(11) The term "student conduct board" means any person or persons authorized to determine whether a student has violated the code of conduct and to recommend imposition of sanctions. Student conduct boards will be selected annually through the college's authorized committee selection process.

(12) The term "may" is used in the permissive sense.

(13) The term "member of the college community" includes any person who is a student, faculty member, college official, or any other person employed by the college. A person's status in a particular situation shall be determined by a student conduct administrator.

(14) The term "organization" means any number of persons who have complied with the formal requirements for college recognition.

(15) The term "respondent" means any student accused of violating this code of conduct.

(16) The term "sexual harassment" includes, but is not limited to, unwanted sexual advances; requests for sexual favors; and other verbal and physical conduct which interferes with learning, or creates a hostile or offensive environment for one of the parties.

(17) The term "shall" is used in the imperative sense.

(18) "Student," unless otherwise qualified, shall mean and include any person who is registered for classes at the college. Persons who are not officially enrolled for a particular term, but who have a continuing relationship with the college, are considered "students."

[Statutory Authority: RCW 28B.50.140. WSR 09-19-135, § 132D-120-020, filed 9/22/09, effective 11/1/09. Statutory Authority: RCW 28B.50.140, WSR 88-24-014. WSR 02-24-062, § 132D-120-020, filed 12/3/02, effective 1/3/03. Statutory Authority: RCW 28B.50.140. WSR 88-24-014 (Order 88-01), § 132D-120-020, filed 12/1/88, effective 1/1/89.]

WAC 132D-120-030 Jurisdiction of the college. (1)

Scope. This code shall apply to every student whenever the student is present upon or in any college premises and whenever the student is present at or engaged in any college-sponsored activity held on or in noncollege facilities.

(2) Remedies not exclusive. The remedies provided for in this code are not exclusive. Seeking or obtaining any remedies under this code is not intended to bar the college, the complainant, or any other person or entity from seeking or obtaining such other remedies as may be available under other college policies, or in any other forum under applicable civil or criminal law.

(3) Trespass. The dean of students or his or her 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 an 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 ingress and/or egress of persons from facilities owned and/or operated by the college. Any individual who disobeys a lawful order given by the dean of students, or his or her designee(s), shall be subject to disciplinary action and/or charges of criminal trespass.

[Statutory Authority: RCW 28B.50.140. WSR 09-19-135, § 132D-120-030, filed 9/22/09, effective 11/1/09. Statutory Authority: RCW 28B.50.140, WSR 88-24-014. WSR 02-24-062, § 132D-120-030, filed 12/3/02, effective 1/3/03. Statutory Authority: RCW 28B.50.140. WSR 88-24-014 (Order 88-01), § 132D-120-030, filed 12/1/88, effective 1/1/89.]

WAC 132D-120-040 Disciplinary authority. (1)

Student conduct boards shall be selected annually via the standing committee selection process and approved by the college president. The dean of students shall determine which conduct board or student conduct administrator shall be authorized to hear each case.

(2) The dean of students may develop policies and procedures for the administration of the student conduct program and for the conduct of hearings which are consistent with the provisions of the Skagit Valley College code of student con-

duct. Each complainant and respondent shall be given a copy of any written procedural rules prior to any student conduct hearing.

(3) Decisions made by a student conduct board and/or student conduct administrator shall be final, pending the appeal process provided within this code.

[Statutory Authority: RCW 28B.50.140. WSR 09-19-135, § 132D-120-040, filed 9/22/09, effective 11/1/09. Statutory Authority: RCW 28B.50.140, WSR 88-24-014. WSR 02-24-062, § 132D-120-040, filed 12/3/02, effective 1/3/03. Statutory Authority: RCW 28B.50.140. WSR 94-01-028, § 132D-120-040, filed 12/6/93, effective 1/6/94; WSR 88-24-014 (Order 88-01), § 132D-120-040, filed 12/1/88, effective 1/1/89.]

WAC 132D-120-050 Violations. Any student found to have committed, or aided or abetted others to commit, any of the following violations is subject to the disciplinary sanctions outlined in this chapter:

(1) Assault, reckless endangerment, physical abuse, harassment, coercion and/or other conduct which threatens or endangers the health or safety of any person.

(2) Disorderly, lewd, indecent or other behavior which breaches the peace, interferes with the rights of others or which obstructs or disrupts teaching, research, administrative functions or other college-authorized activities.

(3) Failure to comply with orders or directions of college officials or law enforcement officers acting in performance of their duties, and/or failure to identify oneself to these persons when requested to do so.

(4) Participation in a campus demonstration or other activity which disrupts the normal operations of the college and infringes on the rights of other members of the college community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area; intentional obstruction which unreasonably interferes with freedom of movement, either pedestrian or vehicular, on campus or at college-sponsored activities.

(5) Acts of dishonesty in onground and online courses including, but not limited to, the following:

(a) Cheating, plagiarism, fabrication, lying, bribery, threat, aid of academic dishonesty, and other dishonesty relating to academic work.

(b) Furnishing false information to any college official, faculty member or office.

(c) Forgery, alteration or misuse of any college document, record or instrument of identification.

(d) Tampering with the election of any college-recognized student organization.

(6) Attempted or actual theft of, and/or damage to, property of the college or property of a member of the college community or other personal or public property.

(7) Failure to follow the reasonable instructions of faculty members, thereby infringing upon the rights and privileges of other members of the college community.

(8) Possession or unauthorized use of college equipment and supplies including, but not limited to, converting college equipment or supplies for personal gain or use without proper authority.

(9) Abuse of the student conduct system including, but not limited to:

(a) Failure to obey the summons of a student conduct board or college official.

(b) Falsification, distortion, or misrepresentation of information before a student conduct board.

(c) Disruption of, or interference with, the orderly conduct of a student conduct proceeding.

(d) Knowingly initiating a student conduct proceeding without cause (i.e., filing a false report).

(e) Attempting to discourage an individual's proper participation in, or use of, the student conduct system.

(f) Attempting to influence improperly the impartiality of a member of a student conduct board prior to, and/or during, the course of a student conduct proceeding.

(g) Harassment (verbal or physical) and/or intimidation of a member of a student conduct board prior to, during, or after the course of a student conduct proceeding.

(h) Failure to comply with the sanction(s) imposed under the code of conduct.

(i) Influencing or attempting to influence another person to abuse the student conduct system.

(10) 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.

(11) Unlawful discrimination based on, but not limited to, race, ethnicity, national origin, ancestry, creed, color, gender (including sexual harassment), marital/parental status, sexual orientation, age, religion, and sensory, mental, or physical disability.

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

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

(14) Smoking in college vehicles or on college premises outside of designated smoking areas.

(15) Use, possession, distribution or being demonstrably under the influence of narcotics or other controlled substances, except as expressly permitted by law.

(16) Use, possession, distribution or being under the influence of alcoholic beverages, except as expressly permitted by law and college regulations.

(17) Possession of firearms, explosives, other weapons, or dangerous chemicals on college premises or at college-sponsored or supervised activities, unless approved by the president of the college or his/her designee.

(18) Theft or other abuse of computer time including, but not limited to:

(a) Unauthorized entry into a file to use, read, or change contents, or for any other purpose.

(b) Unauthorized transfer of a file.

(c) Unauthorized use of another individual's identification and/or passwords.

(d) Use of computing facilities to interfere with the work of another student or college official.

(e) Use of computing facilities to send obscene or abusive messages.

(f) Use of computing facilities that interferes with normal operation of the college computing system including, but not limited to, unsolicited e-mail.

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

(20) Violation of federal, state or local law on college premises or at college-sponsored or supervised activities.

[Statutory Authority: RCW 28B.50.140, WSR 09-19-135, § 132D-120-050, filed 9/22/09, effective 11/1/09. Statutory Authority: RCW 28B.50.140, WSR 88-24-014, WSR 02-24-062, § 132D-120-050, filed 12/3/02, effective 1/3/03. Statutory Authority: RCW 28B.50.140, WSR 88-24-014 (Order 88-01), § 132D-120-050, filed 12/1/88, effective 1/1/89.]

WAC 132D-120-060 Violation of law and college discipline. (1) College disciplinary proceedings may be initiated against a student charged with violation of a law that is also a violation of the code of student conduct. This would apply if both violations result from the same factual situation, without regard to pending civil litigation in court, or criminal arrest and prosecution. Proceedings under the code of conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings.

(2) When a student is charged by federal, state or local authorities with a violation of law, the college may advise off-campus authorities of the existence of the code of student conduct and of how such matters will be handled internally within the college community. The college will cooperate fully with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators. Individual students and staff members acting in their personal capacities remain free to interact with governmental representatives as they deem appropriate.

[Statutory Authority: RCW 28B.50.140, WSR 88-24-014, WSR 02-24-062, § 132D-120-060, filed 12/3/02, effective 1/3/03. Statutory Authority: RCW 28B.50.140, WSR 88-24-014 (Order 88-01), § 132D-120-060, filed 12/1/88, effective 1/1/89.]

WAC 132D-120-070 Disciplinary proceedings. (1) **Complaints.** Any member of the college community may file a complaint against any student for misconduct. Complaints shall be submitted within ninety days after the incident. Complaints shall be prepared in writing and directed to the office of the student conduct administrator.

(2) **Notice to accused student.** When a complaint is filed against a student, the student conduct administrator will, within five school days, serve written notice on the accused student, including a copy of the code of student conduct advising the student of the charges against him or her.

(3) **Informal process.** The student conduct administrator may, but is not required to, conduct an investigation to determine the merit of the complaint and if it can be disposed of informally by mutual consent of the parties involved. For adverse parties who agree to settle the complaint informally, the student conduct administrator will facilitate communication between the complainant(s) and the student(s) accused (respondent(s)). The student conduct administrator will determine the best means of conducting the informal process, the purpose of which is to reach an agreement that is mutually satisfactory to the parties, if possible. Interim sanctions may be imposed at any time during the informal process with good reason (see WAC 132D-120-090 Interim sanctions). If it is determined that the matter cannot be resolved by mutual consent, a summary disciplinary conference will be initiated by the student conduct administrator.

(4) **Summary proceedings.**

(a) **Disposition.** After considering the evidence in the case and interviewing the respondent in a summary hearing (if the respondent has appeared at the scheduled conference), the student conduct administrator may:

(i) Terminate the proceeding exonerating the student(s);

(ii) Dismiss the case after whatever counseling and advice the student conduct administrator deems appropriate; or

(iii) Impose any of the sanctions listed in this code.

The decision shall be in writing and shall be served on both the respondent and the complainant.

(b) **Request for formal hearing.** After the student conduct administrator's decision, the respondent and/or the complainant may request a formal hearing to challenge a decision reached, or a sanction imposed, by the student conduct administrator pursuant to the informal disciplinary hearing. Such requests shall be in writing and shall be delivered to the dean of students or designated student conduct administrator within five school days of the student conduct administrator's decision. A time shall be set for a formal hearing not less than five, nor more than fifteen, calendar days after the request for a formal hearing. If there is good reason and the complainant(s) and the respondent(s) agree, time limits for scheduling a hearing may be extended at the discretion of the student conduct administrator.

(5) **Formal hearings.** Formal hearings shall be convened by the student conduct administrator and conducted by a judicial body according to the following guidelines:

(a) Hearings shall be conducted in private. Hearings will be chaired by the student conduct administrator or his/her designee.

(b) The complainant(s) and the respondent(s) shall be expected to attend the formal hearing. Admission of any person to the hearing shall be at the discretion of the student conduct administrator.

(c) In hearings involving more than one accused student, the student conduct administrator, at his or her discretion, may permit separate hearings for each respondent.

(d) The complainant and the respondent have the right to be assisted by any advisor they choose, at their own expense. The advisor may be an attorney, but advisors are not permitted to speak or participate directly in any hearing before a student conduct board, except as permitted by the student conduct administrator. If the student chooses to be advised by a licensed attorney in the state of Washington, he/she must notify the student conduct administrator at least five working days prior to the hearing.

(e) The complainant, the respondent and the student conduct administrator shall have the right of presenting witnesses and evidence, subject to the right of questioning by the student conduct board, the complainant or the respondent. The student conduct administrator may limit the scope and number of questions to witnesses.

(f) Pertinent records, exhibits and written statements may be accepted for consideration as evidence prior to, or during, a hearing by a student conduct board at the discretion of the student conduct administrator.

(g) All procedural questions are subject to the final decision of the student conduct administrator.

(h) After the hearing, the judicial body shall determine whether the student has violated the code of conduct as charged.

(i) The student conduct board's determination shall be made on the basis of whether it is more likely than not that the respondent violated the code of conduct.

(j) If the student conduct board determines that a student has violated the code of conduct, the body will determine whether the sanction(s) imposed pursuant to the informal disciplinary conference were appropriate for the violation of the code of conduct which the student was found to have committed.

(k) A student conduct board may reduce or increase the sanctions imposed by the student conduct administrator pursuant to the informal disciplinary conference or remand the case to a student conduct administrator.

(6) There shall be a single verbatim record, such as a tape recording, of all hearings before a judicial body. The record shall be the property of the college and shall be preserved until the decision is final after the time for appeals has passed.

[Statutory Authority: RCW 28B.50.140. WSR 09-19-135, § 132D-120-070, filed 9/22/09, effective 11/1/09. Statutory Authority: RCW 28B.50.140, WSR 88-24-014. WSR 02-24-062, § 132D-120-070, filed 12/3/02, effective 1/3/03. Statutory Authority: RCW 28B.50.140. WSR 88-24-014 (Order 88-01), § 132D-120-070, filed 12/1/88, effective 1/1/89.]

WAC 132D-120-080 Sanctions. (1) The following sanctions may be imposed by the student conduct administrator upon any student, group or organization found to have violated the code of conduct:

(a) Warning—A notice in writing to the student that the student has violated this code and that further violation may result in additional disciplinary proceedings and sanctions.

(b) Probation—A written reprimand placing conditions upon the student's continued attendance. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to be violating the code during the probationary period. Notice will be made in writing and shall specify the period of probation and the conditions, such as limiting the student's participation in extracurricular activities.

(c) Loss of privileges—Denial of specified privileges for a designated period of time.

(d) Fines—Fines may be imposed.

(e) Restitution—Compensation for loss, damage or injury. This may take the form of appropriate service and/or monetary or material replacement.

(f) Discretionary sanctions—Work assignments, service to the college or other related discretionary assignments.

(g) Deactivation—(Applies to student groups or organizations). Loss of all privileges, including college recognition, for a specified period of time.

(h) College suspension—Separation of the student from the college for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.

(i) College expulsion—Permanent separation of the student from the college. 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.

(9/22/09)

(2) More than one of the sanctions listed above may be imposed for any single violation.

(3) Disciplinary sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's confidential record. Upon graduation and application to the student conduct administrator, the student's confidential record may be expunged of disciplinary actions other than college suspension or expulsion consistent with the college's schedule of record disposition.

(4) In each case in which a judicial body determines that a student has violated the code of conduct, the sanction(s) shall be determined by the student conduct administrator. In cases in which persons other than, or in addition to, the student conduct administrator have been authorized to serve as the student conduct administrator, the recommendation of all members of the student conduct board shall be considered by the student conduct administrator in determining and imposing sanctions. The student conduct administrator is not limited to sanctions recommended by members of the student conduct board. Following the hearing, the student conduct board and the student conduct administrator shall advise the respondent in writing of its determination and any sanction(s) imposed.

[Statutory Authority: RCW 28B.50.140. WSR 09-19-135, § 132D-120-080, filed 9/22/09, effective 11/1/09. Statutory Authority: RCW 28B.50.140, WSR 88-24-014. WSR 02-24-062, § 132D-120-080, filed 12/3/02, effective 1/3/03. Statutory Authority: RCW 28B.50.140. WSR 88-24-014 (Order 88-01), § 132D-120-080, filed 12/1/88, effective 1/1/89.]

WAC 132D-120-090 Interim sanctions. In certain circumstances, the student conduct administrator may impose any of the above sanctions pending a hearing before, or decision by, a student conduct board.

(1) Interim sanctions may be imposed only:

(a) To ensure the safety and well-being of members of the college community or the preservation of college property;

(b) To ensure the student's own physical or emotional safety and well-being; or

(c) If the student poses a threat of disruption to, or interference with, the educational process or other normal operations of the college.

(2) Notice of interim sanctions will be made in writing and will state:

(a) The charges against the student, including reference to the provisions of this code that were allegedly violated; and

(b) That the student charged has the right to an informal hearing before the student conduct administrator to challenge the interim sanctions.

(3) If such a hearing is requested, it shall be held as soon as practicable after the interim sanctions have been imposed. The student conduct administrator will decide whether there is probable cause to believe that continuation of the sanctions is necessary, and/or whether some other disciplinary action is appropriate.

(4) The student conduct administrator may continue to enforce the interim sanctions if, following the informal hearing, he or she finds that there is probable cause to believe that interim sanctioning of that 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. The result of the informal hearing will be given to the student in writing.

(5) If sanctions are continued, the written notice shall stipulate the duration of the sanctions and conditions under which they may be terminated.

[Statutory Authority: RCW 28B.50.140. WSR 09-19-135, § 132D-120-090, filed 9/22/09, effective 11/1/09. Statutory Authority: RCW 28B.50.140, WSR 88-24-014. WSR 02-24-062, § 132D-120-090, filed 12/3/02, effective 1/3/03. Statutory Authority: RCW 28B.50.140. WSR 88-24-014 (Order 88-01), § 132D-120-090, filed 12/1/88, effective 1/1/89.]

WAC 132D-120-100 Appeals. (1) Following a formal hearing, a decision reached by a student conduct board, or a sanction imposed by the student conduct administrator, may be appealed by the respondent or complainant to the executive vice-president of instruction and student services within ten school days of the date of the written decision. Such appeals shall be in writing and shall be delivered to the dean of students or designated student conduct administrator. The notice of appeal is deemed delivered on the date it is postmarked or the date it is hand-delivered to the office of the dean.

(2) Appeals shall be limited to review of the record of the formal hearing (see disciplinary proceedings section) and supporting documents, except as required to explain the basis of new evidence, for any of the following:

(a) To determine whether the formal hearing was conducted fairly in light of the charges and evidence presented and in conformity with the prescribed procedures, giving the complaining party a reasonable opportunity to prepare and present evidence that the student code of conduct was violated, and giving the respondent a reasonable opportunity to prepare and to present a rebuttal of those allegations.

(b) To determine whether the decision reached regarding the respondent was based on substantial evidence; that is, whether the facts in the case were sufficient to establish the fact that a violation of the student code of conduct had occurred.

(c) To determine whether the sanction(s) imposed were appropriate for the violation committed.

(d) To consider new evidence, sufficient to alter a decision or other relevant facts not brought out in the formal hearing, because such evidence and/or facts were not known to the person appealing at the time of the original hearing.

(3) The executive vice-president of instruction and student services may, upon review of the case, reduce or increase the sanctions imposed by the student conduct administrator or remand the case to the student conduct board and student conduct administrator.

(4) **Final appeal.** Following an appeal to the executive vice-president of instruction and student services, a decision reached by the vice-president may be appealed by the respondent or complainant to the college president within ten school days of the date of the written decision. Such appeals shall be in writing and shall be delivered to the dean of students or designated student conduct administrator. Appeals to the college president will be conducted in the same manner as those made to the executive vice-president of instruction and student services. The notice of appeal is deemed delivered on

the date it is postmarked or the date it is hand-delivered to the office of the dean.

(5) The college president's decision shall be final.

[Statutory Authority: RCW 28B.50.140. WSR 09-19-135, § 132D-120-100, filed 9/22/09, effective 11/1/09. Statutory Authority: RCW 28B.50.140, WSR 88-24-014. WSR 02-24-062, § 132D-120-100, filed 12/3/02, effective 1/3/03. Statutory Authority: RCW 28B.50.140. WSR 88-24-014 (Order 88-01), § 132D-120-100, filed 12/1/88, effective 1/1/89.]

WAC 132D-120-110 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 that 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 that is free from unlawful discrimination, inappropriate and disrespectful conduct, and any and all harassment, including 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 distribute or post printed or published material subject to official procedures printed and available in the office of student life.

(4) Off-campus 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 office of student life.

[Statutory Authority: RCW 28B.50.140. WSR 09-19-135, § 132D-120-110, filed 9/22/09, effective 11/1/09. Statutory Authority: RCW 28B.50.140, WSR 88-24-014. WSR 02-24-062, § 132D-120-110, filed 12/3/02, effective 1/3/03. Statutory Authority: RCW 28B.50.140. WSR 88-24-014 (Order 88-01), § 132D-120-110, filed 12/1/88, effective 1/1/89.]

WAC 132D-120-120 Interpretation and revision. (1) **Code interpretation.** Any question of interpretation regarding the code of conduct shall be referred to the dean of students or designee for final interpretation.

(2) **Code revision.** The code of conduct shall be reviewed at least every five years under the direction of the dean of students.

[Statutory Authority: RCW 28B.50.140. WSR 09-19-135, § 132D-120-120, filed 9/22/09, effective 11/1/09. Statutory Authority: RCW 28B.50.140, WSR 88-24-014. WSR 02-24-062, § 132D-120-120, filed 12/3/02, effective 1/3/03. Statutory Authority: RCW 28B.50.140. WSR 88-24-014 (Order 88-01), § 132D-120-120, filed 12/1/88, effective 1/1/89.]

WAC 132D-120-230 Student complaints. The purpose of this section is to protect each student's freedom of expression in the classroom; to protect each student against improper disclosure of the students' views, beliefs and political associations; to protect each student from improper, arbitrary or capricious academic evaluation as evidenced by the student's course grade; and to afford each student reasonable protection against arbitrary or capricious actions taken outside the classroom by other members of the college community.

Skagit Valley College is committed to protecting the rights and dignity of each individual in the campus community. Therefore, the college will not tolerate discrimination of any kind, at any level.

Students may follow the college policy on sexual harassment and/or may file complaints with outside agencies, as referenced in WAC 132D-305-005(10). Students should determine the time deadlines that apply to the filing of complaints with such outside agencies, as the college's internal processing of student complaints may not recognize such time periods.

[Statutory Authority: RCW 28B.50.140. WSR 09-19-135, § 132D-120-230, filed 9/22/09, effective 11/1/09; WSR 05-24-059, § 132D-120-230, filed 12/2/05, effective 1/2/06; WSR 94-01-028, § 132D-120-230, filed 12/6/93, effective 1/6/94; WSR 88-24-014 (Order 88-01), § 132D-120-230, filed 12/1/88, effective 1/1/89.]

WAC 132D-120-240 Complaints excluded from this section. (1) A student may not use the provisions of this section as the basis for filing a complaint based on the outcome of disciplinary proceedings described in sections of the code of student conduct.

(2) Federal and state laws, rules and regulations, in addition to policies, regulations and procedures adopted by the state board for community and technical colleges or the board of trustees of Community College District No. 4 shall not be grievable matters. College personnel actions are considered confidential. Results may not be made available for review.

[Statutory Authority: RCW 28B.50.140. WSR 09-19-135, § 132D-120-240, filed 9/22/09, effective 11/1/09; WSR 05-24-059, § 132D-120-240, filed 12/2/05, effective 1/2/06; WSR 88-24-014 (Order 88-01), § 132D-120-240, filed 12/1/88, effective 1/1/89.]

WAC 132D-120-250 Initial complaint. If a student believes he or she has been unfairly treated by an officer of the college, faculty member or a member of the college staff, the student may follow the complaint procedures in the order outlined below. The student must initiate proceedings with the college within thirty working days of the occurrence that gave rise to the complaint. The college may choose to take appropriate corrective action at any time based on a student report whether or not the student chooses to pursue the complaint process.

[Statutory Authority: RCW 28B.50.140. WSR 09-19-135, § 132D-120-250, filed 9/22/09, effective 11/1/09; WSR 05-24-059, § 132D-120-250, filed 12/2/05, effective 1/2/06; WSR 88-24-014 (Order 88-01), § 132D-120-250, filed 12/1/88, effective 1/1/89.]

(9/22/09)

WAC 132D-120-260 Complaint procedure. (1) The complaint procedures set forth in this section concern only those complaints that do not involve violation of Title IX of the Education Amendments of 1972 (sex discrimination) or section 504 of the Rehabilitation Act of 1973 (disability discrimination).

(2) A student wishing to pursue a resolution to his or her concern may contact the office where counseling services are provided. That office will serve as a source of information and direction for complainants.

(3) A student shall contact the faculty or staff member with whom he or she has a concern and attempt to resolve the matter through direct discussion. A student may ask a support person to accompany him or her in this discussion.

(4) If direct discussion does not resolve the concern to the student's satisfaction, the student shall take the matter to the faculty/staff member's immediate supervisor. The supervisor shall attempt to resolve the matter promptly and fairly.

(5) If the issue is not resolved, the supervisor shall forward the complaint to the appropriate administrator who shall meet with the student and, within three working days, write a letter to the student involved, copied to the faculty or staff member involved that details the resolution proposed. In appropriate cases, the student shall also be informed of his or her right to file a petition to have the complaint heard before the grievance review committee.

(6) The procedure outlined in steps one through four shall be completed in twenty working days unless all parties agree to more time.

(7) In order to have his/her complaint heard by the grievance review committee:

(a) The student must submit this request to the office of the registrar within five days of his/her receipt of the administrator's letter;

(b) The student's complaint must fall into one of the following categories:

(i) Alleged deviation from course grading policies as specified in the syllabus;

(ii) Alleged errors in applying grading procedures;

(iii) Alleged lowering of grades for nonacademic reasons, including discrimination;

(iv) Alleged sex and/or disability discrimination in accordance with procedures described in WAC 132D-120-270.

Other complaints about college employees will be considered and acted upon at the discretion of the appropriate administrator and will not be heard by the grievance review committee.

[Statutory Authority: RCW 28B.50.140. WSR 09-19-135, § 132D-120-260, filed 9/22/09, effective 11/1/09; WSR 05-24-059, § 132D-120-260, filed 12/2/05, effective 1/2/06; WSR 94-01-028, § 132D-120-260, filed 12/6/93, effective 1/6/94; WSR 88-24-014 (Order 88-01), § 132D-120-260, filed 12/1/88, effective 1/1/89.]

WAC 132D-120-270 Grievance procedure—Sex and disability discrimination. (1) Any student alleging a violation of Title IX of the Education Amendments of 1972 (sex discrimination) or section 504 of the Rehabilitation Act of 1973 (disability discrimination) shall, as a first step in the grievance procedure, contact the Title IX officer or disabled student services coordinator. The student may contact the

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office where counseling services are provided for the name and location of the Title IX officer or disabled student services coordinator. Any student alleging a violation of Title IX of the 1972 Education Amendments concerning sexual harassment by a college faculty or staff member may avail himself or herself of the college's sexual harassment complaint procedures.

(2) The Title IX officer or disabled student services coordinator shall:

(a) Provide information about informal and formal options within and outside the college.

(b) Intervene, if requested by either party, in order to resolve the problem to the satisfaction of all.

(3) If the Title IX officer or disabled student services coordinator is unable to resolve the complaint, the student may request a hearing before the grievance review committee and is entitled to all appeals beyond that committee.

(4) Consultations with the Title IX officer and the disabled student services coordinator shall be strictly confidential.

[Statutory Authority: RCW 28B.50.140, WSR 09-19-135, § 132D-120-270, filed 9/22/09, effective 11/1/09; WSR 05-24-059, § 132D-120-270, filed 12/2/05, effective 1/2/06; WSR 94-01-028, § 132D-120-270, filed 12/6/93, effective 1/6/94; WSR 88-24-014 (Order 88-01), § 132D-120-270, filed 12/1/88, effective 1/1/89.]

WAC 132D-120-280 Grievance review committee procedures. (1) Any complaint meeting the criteria listed in WAC 132D-120-260 not resolved by an administrator or the Title IX officer or disabled student services coordinator may be appealed to the grievance review committee for a hearing. The complainant or respondent shall petition the committee by obtaining an official complaint form from the office where counseling services are provided. That petition shall be made within five working days of the notice of decision in the previous proceedings.

(2) When a petition for review is filed, the student shall either:

(a) Be assigned a process advisor by the college or choose an advisor of his/her own; or

(b) Waive his or her right to an advisor; or

(c) Notify the college of his or her retention of an attorney at least one week prior to a scheduled grievance hearing. Where the student is accompanied by an attorney, the college may be represented by an assistant attorney general.

(3) The student's completed official complaint form shall be distributed to all members of the grievance review committee.

(4) The registrar shall chair the grievance review committee and its members shall be chosen as follows:

(a) Two faculty members appointed by the vice-president of instruction and student services; and

(b) Two students appointed by the president of the associated students of Skagit Valley College; and

(c) Two classified staff members appointed by the classified staff designated leadership.

(5) The grievance review committee may call any witnesses and hear any testimony needed to reach a prompt, fair resolution of the complaint. The proceedings before the committee shall not be considered a formal trial-type hearing.

(6) Within three working days of the conclusion of the hearing, the committee shall issue a written decision to all involved in the case.

(7) If a student feels that his/her case was not handled according to the procedures set forth in this section, he/she may request that it be reviewed by the appropriate vice-president. The vice-president's review will be limited to the process used in decision making. In the case of instructional grievances, the request for review shall be sent to the executive vice-president of instruction and student services. In all other cases, the request shall be forwarded to the vice-president responsible for the area in which the faculty or staff member is employed. The appropriate vice-president shall, within five working days, review the process used by administrators and the grievance review committee and notify all parties if the process is to be corrected in any way.

[Statutory Authority: RCW 28B.50.140, WSR 09-19-135, § 132D-120-280, filed 9/22/09, effective 11/1/09; WSR 05-24-059, § 132D-120-280, filed 12/2/05, effective 1/2/06; WSR 88-24-014 (Order 88-01), § 132D-120-280, filed 12/1/88, effective 1/1/89.]

WAC 132D-120-290 Final decision regarding process review—Extra-institutional appeals. (1) Where the student is not satisfied by the vice-president's decision, he or she may appeal that decision to the president of the college provided that such appeal is made within five working days of the student's receipt of notice of the decision.

(2) The president will review the process carried out by administrators and the grievance review committee together with any appeal statement and will deliver a written acceptance of the vice-president's decision or directions as to what other course of action shall be taken, within ten instructional days after receiving the appeal.

(3) This decision shall constitute final agency action by the college.

(4) A student who feels aggrieved by the institution's final decision, may petition for judicial review of that decision according to the provisions of RCW 28B.19.150.

(5) For further review in sexual or disability discrimination cases, the grievant may send appeals or inquiries to:

(a) U.S. Department of Education
Office for Civil Rights Region X
915 Second Avenue, Room 3310
Seattle, WA 98174
206-220-7900

(b) Washington State Human Rights Commission
Third Avenue
Seattle, Washington 98101
206-464-6500

(c) Department of Justice Civil Rights Division
1424 New York Avenue, Room 5041
Washington, D.C. 20005
202-307-0818 (TTD), or 800-514-0383 (voice)

[Statutory Authority: RCW 28B.50.140, WSR 09-19-135, § 132D-120-290, filed 9/22/09, effective 11/1/09; WSR 05-24-059, § 132D-120-290, filed 12/2/05, effective 1/2/06; WSR 88-24-014 (Order 88-01), § 132D-120-290, filed 12/1/88, effective 1/1/89.]

WAC 132D-120-300 Nature of grievance proceedings. All hearings growing out of a student-initiated com-

plaint, including appeals to the office of the president, shall remain closed unless all parties to the grievance agree on an open hearing.

[Statutory Authority: RCW 28B.50.140, WSR 09-19-135, § 132D-120-300, filed 9/22/09, effective 11/1/09; WSR 88-24-014 (Order 88-01), § 132D-120-300, filed 12/1/88, effective 1/1/89.]

WAC 132D-120-310 Withdrawal of grievance. (1) At any time during the complaint or grievance procedure, the complainant may officially withdraw the grievance in writing.

(2) In the event the complainant or appellant fails to appear for any scheduled hearing without prior notification or evidence of extenuating circumstances, this shall be considered to constitute withdrawal of the grievance or appeal.

[Statutory Authority: RCW 28B.50.140, WSR 09-19-135, § 132D-120-310, filed 9/22/09, effective 11/1/09; WSR 88-24-014 (Order 88-01), § 132D-120-310, filed 12/1/88, effective 1/1/89.]

WAC 132D-120-320 Administrative, faculty and staff grievances. Any administrator, faculty member or staff member who is the subject of a student's complaint and who is dissatisfied with the results of any level of the student complaint proceedings may file a grievance under the appropriate grievance procedure established by Skagit Valley College.

[Statutory Authority: RCW 28B.50.140, WSR 09-19-135, § 132D-120-320, filed 9/22/09, effective 11/1/09; WSR 05-24-059, § 132D-120-320, filed 12/2/05, effective 1/2/06; WSR 88-24-014 (Order 88-01), § 132D-120-320, filed 12/1/88, effective 1/1/89.]

WAC 132D-120-330 Prior rules. The rules contained within this chapter supersede all former rules relating to student grievances.

[Statutory Authority: RCW 28B.50.140, WSR 05-24-059, § 132D-120-330, filed 12/2/05, effective 1/2/06; WSR 88-24-014 (Order 88-01), § 132D-120-330, filed 12/1/88, effective 1/1/89.]

WAC 132D-120-340 Severability. If any provision of this chapter is adjudged by a court to be unconstitutional, the remaining provisions shall continue in effect.

[Statutory Authority: RCW 28B.50.140, WSR 88-24-014 (Order 88-01), § 132D-120-340, filed 12/1/88, effective 1/1/89.]

WAC 132D-120-350 Effective date of the rules of conduct. The rules contained within this chapter shall become effective November 1, 2009.

[Statutory Authority: RCW 28B.50.140, WSR 09-19-135, § 132D-120-350, filed 9/22/09, effective 11/1/09; WSR 05-24-059, § 132D-120-350, filed 12/2/05, effective 1/2/06; WSR 88-24-014 (Order 88-01), § 132D-120-350, filed 12/1/88, effective 1/1/89.]