

Chapter 132E-120 WAC

STUDENT RIGHTS AND RESPONSIBILITIES

WAC

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	Repealed by WSR 88-17-082 (Order 88-8-1, Resolution No. 88-8-1), filed 8/22/88. Statutory Authority: RCW 28B.50.040 and chapter 28B.19 RCW.
132E-120-070	Edmonds Community College student rights and responsibilities code—Student responsibilities. [Order 74-1, § 132E-120-070, filed 3/12/74, effective 4/15/74.] Repealed by WSR 88-17-082 (Order 88-8-1, Resolution No. 88-8-1), filed 8/22/88. Statutory Authority: RCW 28B.50.040 and chapter 28B.19 RCW.
132E-120-080	Edmonds Community College student rights and responsibilities code—Disciplinary procedures. [Order 76-11-1, § 132E-120-080, filed 12/17/76; Order 74-1, § 132E-120-080, filed 3/12/74, effective 4/15/74.] Repealed by WSR 88-17-082 (Order 88-8-1, Resolution No. 88-8-1), filed 8/22/88. Statutory Authority: RCW 28B.50.040 and chapter 28B.19 RCW.

WAC 132E-120-110 Everett Community College student rights and responsibilities. Everett Community College exists as an institution for the transmission of knowledge, the pursuit of truth, and the development of its students. The responsibility to secure and to respect general conditions conducive to the freedom to learn is shared by all members of this educational community. The college has a responsibility to the students and society at large to develop policies and procedures which provide for and safeguard such freedom. This is a statement of essential rights, responsibilities, and freedoms of students enrolled at Everett Community College.

[Statutory Authority: RCW 28B.50.140. WSR 00-17-015, § 132E-120-110, filed 8/3/00, effective 9/3/00.]

WAC 132E-120-120 Academic affairs. Students' scholastic performance shall be evaluated on the basis of educational performance, not on opinions or conduct in matters unrelated to scholastic standards.

(1) Protection of freedom of expression.

Students shall be free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion, but they are responsible for learning the content of any course for which they are enrolled.

(2) Right to pursue educational goals.

Students are free to pursue appropriate educational goals from among the college's curricula, programs, and services, subject to the limitations of RCW 28B.50.090 (3)(b).

(3) Protection against improper academic evaluation.

Students shall have protection, through orderly procedures, against prejudice or capricious academic evaluation. At the same time, they are responsible for maintaining the standards of academic performance established for each course in which they are enrolled (see academic grievance procedure in the student handbook, WAC 132E-120-360).

(4) Rights and responsibilities regarding final examinations.

Students have the right to have course comprehensive final examinations scheduled per the college's final exam schedule and are expected to take these examinations as

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

132E-120-010	Everett Community College—Student conduct code—Statement of purpose. [Order 72-1, § 132E-120-010, filed 2/1/73, effective 3/9/73.] Decodified by WSR 00-17-015, filed 8/3/00, effective 9/3/00. Statutory Authority: RCW 28B.50.140. Recodified as § 132E-120-180.
132E-120-020	Everett Community College—General policies. [Order 72-1, § 132E-120-020, filed 2/1/73, effective 3/9/73.] Decodified and amended by WSR 00-17-015, filed 8/3/00, effective 9/3/00. Statutory Authority: RCW 28B.50.140. Recodified as § 132E-120-190.
132E-120-030	Everett Community College—Violations. [Order 76-11-1, § 132E-120-030, filed 12/17/76; Order 72-1, § 132E-120-030, filed 2/1/73, effective 3/9/73.] Decodified and amended by WSR 00-17-015, filed 8/3/00, effective 9/3/00. Statutory Authority: RCW 28B.50.140. Recodified as § 132E-120-220.
132E-120-040	Everett Community College—Sanctions. [Order 72-1, § 132E-120-040, filed 2/1/73, effective 3/9/73.] Decodified and amended by WSR 00-17-015, filed 8/3/00, effective 9/3/00. Statutory Authority: RCW 28B.50.140. Recodified as § 132E-120-230.
132E-120-050	Edmonds Community College student rights and responsibilities code—Purpose. [Order 74-1, § 132E-120-050, filed 3/12/74, effective 4/15/74.] Repealed by WSR 88-17-082 (Order 88-8-1, Resolution No. 88-8-1), filed 8/22/88. Statutory Authority: RCW 28B.50.040 and chapter 28B.19 RCW.
132E-120-060	Edmonds Community College student rights and responsibilities code—Student freedoms. [Order 74-1, § 132E-120-060, filed 3/12/74, effective 4/15/74.]

scheduled by the final exam schedule. A comprehensive final examination is that which includes material covered throughout the entire course. The exception to this rule applies during summer quarter when there is not a scheduled final examination week.

(5) Right to attend classes as regularly scheduled.

Students have the right to expect classes to be held as regularly scheduled and are expected to attend such classes per the class instructor's attendance expectations as stated in the syllabus for the course.

(6) Rights and responsibilities regarding course syllabi.

Students have the right to expect the class instructor to follow his/her course syllabus and if any changes are made to the grading system and/or course requirements during the quarter, the students must be promptly notified. If a different instructor is assigned to the class during the quarter, the original course syllabus shall be followed; however, if the new instructor determines a need to modify the syllabus for the portion of the course he/she is teaching, the students must be promptly notified. The students are responsible for reading and understanding the information provided in the course syllabus and any changes made to it during the quarter.

(7) Protection against improper disclosure.

Information about student views, beliefs, and political associations acquired by faculty members in the course of their work as instructors, advisers, and counselors will be considered as privileged and confidential.

[Statutory Authority: Chapters 28B.50 and 28B.10 RCW. WSR 07-11-165, § 132E-120-120, filed 5/23/07, effective 6/23/07. Statutory Authority: RCW 28B.50.140. WSR 00-17-015, § 132E-120-120, filed 8/3/00, effective 9/3/00.]

WAC 132E-120-130 Students as research subjects.

(1) Permission may be granted for conduct of research involving students for such purposes as the pursuit of advanced degrees, classroom research, independent student research, and research for off-campus individuals and on human subjects must secure permission in advance of agencies. Participation therein is the choice of the individual student. Persons planning research the project from the institutional review board (IRB). Minimally such approval will entail:

(a) Assurance that the project does not conflict with examinations or require a major loss of classroom time;

(b) Assurance that students know they have the alternative of choosing to participate or not;

(c) Explanation of the purpose of the research and disclosure of all possible risks to which students might be exposed in the research and a thorough explanation of efforts that will be employed to reduce those risks;

(d) Provision for students to have the opportunity to see the results of the research;

(e) Evidence that the research method is appropriate for the subject to be studied;

(f) Guarantee of confidentiality of student records and responses.

(2) Prior to the initiation of such a project, the researcher shall complete the IRB application and submit it to the institutional review board. Written permission may be given with or without college endorsement of the project. In such instances where the institutional review board deems appropriate,

assistance may be sought from others with related knowledge before permission to proceed is granted or denied.

[Statutory Authority: RCW 28B.50.140. WSR 14-04-048, § 132E-120-130, filed 1/27/14, effective 2/27/14. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. WSR 07-11-165, § 132E-120-130, filed 5/23/07, effective 6/23/07. Statutory Authority: RCW 28B.50.140. WSR 00-17-015, § 132E-120-130, filed 8/3/00, effective 9/3/00.]

WAC 132E-120-140 Right to due process. (1) Students are guaranteed against unreasonable searches and seizures of their persons, lodgings, papers, and possessions.

(2) No disciplinary action/sanction may be imposed on any student without the student being apprised of the nature of the charges.

(3) A student accused of violating the college's student conduct code shall be entitled to procedural due process as established in this chapter, WAC 132E-120-200 through 132E-120-350.

[Statutory Authority: RCW 28B.50.140. WSR 00-17-015, § 132E-120-140, filed 8/3/00, effective 9/3/00.]

WAC 132E-120-150 Student affairs. (1) Freedom of association - Students are free to organize and join associations to promote their common interests, provided such organizations or associations do not disrupt or interfere with the mission of the college.

(a) The membership, policies, and actions of a student organization will be determined by vote of only those persons who hold bona fide membership in the student body as determined by current enrollment in the college.

(b) Affiliation with an extramural organization shall not of itself disqualify a student organization from institutional recognition.

(c) An organization is free to nominate its own adviser from the campus faculty and staff. Campus advisers shall advise organizations in the exercise of the rights and responsibilities as an organization, but they will not have authority to control the policies of such organizations.

(d) Student organizations shall be required to submit a constitution to the office of student activities which includes a statement of purpose, criteria for membership, rules or procedures, and a current list of officers to the student government recognized by the college.

(e) Campus organizations, including those affiliated with an extramural organization, shall be open to all students.

(2) Right of assembly.

(a) Students have the right to conduct or may participate in any assembly on facilities that are generally available to the public 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 travel; or

(iv) Do not cause destruction or damage to college property.

(b) Any student group or student organization/club which wishes to schedule an assembly must reserve the college facilities per the appropriate procedures.

(c) Assemblies which violate these rules and other college policies and rules may be ordered to disperse by the college.

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

(3) Student participation in institutional government - As constituents of the educational community, students shall be free, individually and collectively, to express their views on issues of institutional policy and matters of general interest to the student body. The student body shall have a clearly defined means to participate in the formulation and application of institutional policy affecting academic and student affairs. The role of student government will be made explicit. The actions of the student government within the areas of jurisdiction shall be reviewed by the director of student activities and by the chief student affairs officer through orderly procedures.

(4) Right of ownership of works - Employees of the college shall not use students' published and unpublished works for personal gain without written consent of the student.

(5) Editorial independence of student publications policy - The college recognizes and affirms the editorial independence and press freedom of all student-edited campus media. The *Clipper* student newspaper and other student-produced media are therefore designated as public forums.

(6) Right to be interviewed.

(a) Every student has the right to be interviewed on campus by any legal organization desiring to recruit at the college.

(b) Any student, student group, or student organization/club may assemble in protest against any such organization provided that such protest does not interfere with any other student's rights to have such an interview, and provided that such protest is in accordance with subsection (2) of this section.

[Statutory Authority: RCW 28B.50.140. WSR 14-04-048, § 132E-120-150, filed 1/27/14, effective 2/27/14. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. WSR 07-11-165, § 132E-120-150, filed 5/23/07, effective 6/23/07. Statutory Authority: RCW 28B.50.140. WSR 00-17-015, § 132E-120-150, filed 8/3/00, effective 9/3/00.]

WAC 132E-120-160 Disclosure of student information. (1) Unless the student has provided the office of enrollment services with written notice which specifically requests otherwise, designated officials of the college may routinely respond to requests for the following directory information about a student:

- (a) Student's name;
- (b) Major field of study;
- (c) Extracurricular activities;
- (d) Height and weight of athletic team members;
- (e) Quarters of attendance;
- (f) Degrees and awards received;
- (g) The most recent previous educational agency or institutions attended;
- (h) Date of birth;
- (i) Email address;
- (j) Student enrollment status.

(2) Recognized college student organizations, such as scholastic and service clubs, may obtain information relating to a student's academic record and status; requests of this

nature are handled on an individual basis and only through the organization's appointed advisor. Pursuant to the National Defense Authorization Act for Fiscal Year 1995, the college must release directory information to military recruiters unless the student specifically denies permission. The college shares selected records with organizations with which the college has a contractual agreement for services. The college may also release enrollment data for loan processing, enrollment and degree verification, and records archiving purposes through contractual arrangements, and to another school in which a student seeks or intends to enroll. The college releases Social Security and enrollment data to the Federal Government for Financial Aid and Veterans' eligibility evaluation and for Hope Scholarship/Lifetime Learning tax credit programs. The college may release records following the receipt of a lawfully issued subpoena, attempting to notify the student beforehand. The college does not disclose records to family members without student consent.

(3) No other information is to be given without the prior consent of the student or parent/guardian as appropriate. The college registrar or his/her designee will be responsible for reviewing unusual requests for information and assisting in the interpretation of the provisions of the Federal Family Education Rights and Privacy Act/Buckley Amendment. See Family Educational Rights and Privacy Act of 1974 in the Student Handbook for more information on confidentiality of student information and records.

[Statutory Authority: RCW 28B.50.140. WSR 14-04-048, § 132E-120-160, filed 1/27/14, effective 2/27/14. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. WSR 07-11-165, § 132E-120-160, filed 5/23/07, effective 6/23/07. Statutory Authority: RCW 28B.50.140. WSR 00-17-015, amended and recodified as § 132E-120-160, filed 8/3/00, effective 9/3/00. Statutory Authority: Chapter 28B.50 RCW and 34 C.F.R. 99FERPA. WSR 97-24-056, § 132E-121-010, filed 12/1/97, effective 1/1/98. Statutory Authority: Chapter 28B.19 RCW. WSR 88-18-028 (Order 88-8-3, Resolution No. 88-8-1), § 132E-121-010, filed 8/30/88.]

WAC 132E-120-170 Everett Community College distribution of literature procedures. In order to insure an atmosphere in which the discussion of diverse points of view and ideas may exist, the following policy with regard to the distribution of printed matter will be implemented.

(1) Printed matter by students and student organizations may be distributed in an orderly and nonforceful manner in only such areas as may be designated by the chief student affairs officer or designee except that:

(a) Noninstructional printed matter shall not be distributed in the classroom during regularly scheduled class time unless otherwise approved by the class instructor. Exceptions to this procedure may be made for special educational purposes and/or emergencies by the president, chief student affairs officer or designee. If and when this occurs, the class instructor, appropriate academic dean, and students in the class shall be notified in a timely fashion;

(b) Printed matter shall not be distributed in college buildings other than in specifically designated areas or in any area where the distribution of printed matter would restrict the physical passage of students or interfere with the instructional program and administrative and student support functions unless otherwise approved on a temporary basis for a specific informational purpose by the chief student affairs officer or designee;

(c) Printed matter shall not be placed on any vehicle parked on the campus;

(d) Posters and advertising bulletins must be approved before they may be posted on campus, and they shall be posted only on informational display boards/areas designated for this purpose. In general, students have the right to display posters and advertising bulletins and are expected to do so per the campus posting procedures. Class projects by students to be displayed outside the classroom must be on designated boards or areas designed for this purpose and approved by the class instructor. Posters and advertising generated for student activity related events and programs must be approved for posting by the office of student activities. Posting rules and guidelines may change periodically and in some cases be specific to a building and/or area of the campus. In general, material concerning off-campus activities will not be approved unless it is determined to be special service to EvCC students;

(e) In addition, designated points of distribution will be made available on campus.

(2) As to content of printed matter, the college will be guided by state and federal laws and principles regarding free speech.

(3) A system of prior censorship is to be avoided if at all possible. Therefore, maximum cooperation of students, faculty and administration will be necessary. Matters of interpretation regarding these procedures and questions as to content of any displayed material will be handled by the chief student affairs officer.

(4) Printed matter originating with an off-campus individual(s) or organization must be registered with the director of student activities before distribution will be permitted.

[Statutory Authority: RCW 28B.50.140. WSR 14-04-048, § 132E-120-170, filed 1/27/14, effective 2/27/14. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. WSR 07-11-165, § 132E-120-170, filed 5/23/07, effective 6/23/07. Statutory Authority: RCW 28B.50.140. WSR 00-17-015, amended and recodified as § 132E-120-170, filed 8/3/00, effective 9/3/00; Order 72-1, § 132E-124-020, filed 2/1/73, effective 3/9/73.]

WAC 132E-120-180 Everett Community College—Student conduct code—Statement of purpose. Everett Community College is dedicated not only to learning and the advancement of knowledge but also to the development of ethically sensitive and responsible persons. It seeks to achieve these goals through a sound educational program and policies governing student conduct that encourage independence and maturity.

[Statutory Authority: RCW 28B.50.140. WSR 00-17-015, recodified as § 132E-120-180, filed 8/3/00, effective 9/3/00; Order 72-1, § 132E-120-010, filed 2/1/73, effective 3/9/73.]

WAC 132E-120-190 Everett Community College—General policies concerning student conduct. (1) Everett Community College distinguishes its responsibility for student conduct from the control functions of the wider community. When a student has been apprehended for the violation of a local, state or federal law, the college will not request or agree to special consideration for the student because of his/her status as a student. The college will cooperate with the law enforcement agencies.

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(2) Everett Community College may apply sanctions or take other appropriate action only when student conduct directly and significantly interferes with the college's:

(a) Primary educational responsibility of ensuring the opportunity of all members of the college's community to attain their educational objectives;

(b) Subsidiary responsibilities of protecting the health and safety of persons in the college community, maintaining and protecting property, keeping records and other services, and sponsoring nonclassroom activities such as lectures, cultural events, concerts, athletic and other recreational activity events, social functions, and other special activities/events; or

(c) When a student commits any of the offenses listed in WAC 132E-120-220.

(3) Procedural fairness is basic to the proper enforcement of all college rules. In particular, no disciplinary sanction as serious as expulsion, suspension, summary suspension or disciplinary probation, written warning, or restitution shall be imposed unless the student has been notified in writing of the charges against him/her and has had the opportunity:

(a) To appear alone or with another to advise and assist him/her as he/she appears before an appropriate college official and/or the student conduct committee. Any person who accompanies the student may provide support or guidance to the student, but may not speak, represent, or advocate for the student before the college official or student conduct committee. An accommodation of a spokesperson (a person who would address the college official, or assist the person in addressing the college official) may be approved if a person's disability warrants such an accommodation. Other circumstances regarding a request by the student for the use of a spokesperson would be considered by the chief student affairs officer or designee;

(b) To know the nature and source of the evidence against him/her and to present evidence in his/her behalf; and

(c) To have his/her case reviewed by the student conduct committee.

(4) Students shall have an opportunity to participate fully in the formulation of all policies and rules pertaining to student conduct.

(5) Rules and sanctions affecting the conduct of students shall be based on principles of equal treatment, including like penalties for like violations.

(6) The general policies, violations and sanctions shall be made available to students of the college.

[Statutory Authority: RCW 28B.50.140. WSR 14-04-048, § 132E-120-190, filed 1/27/14, effective 2/27/14. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. WSR 07-11-165, § 132E-120-190, filed 5/23/07, effective 6/23/07. Statutory Authority: RCW 28B.50.140. WSR 00-17-015, amended and recodified as § 132E-120-190, filed 8/3/00, effective 9/3/00; Order 72-1, § 132E-120-020, filed 2/1/73, effective 3/9/73.]

WAC 132E-120-200 Authority to request identification. In situations of suspected misconduct or suspected unauthorized presence in a college facility, it may be necessary for properly identified college personnel to ask a person to produce evidence of being a currently enrolled student at the college. Failure to comply with a legitimate request for identification from a properly identified college personnel is a violation of this chapter and may result in disciplinary action if the person is found to be a student. In emergency sit-

uations or in cases of serious misconduct where there is a substantial danger to the college community or college property, failure to produce identification by a student may result in the assumption by college personnel that the person questioned is not a student and may result in direct civil or criminal action.

[Statutory Authority: RCW 28B.50.140. WSR 00-17-015, § 132E-120-200, filed 8/3/00, effective 9/3/00.]

WAC 132E-120-210 Everett Community College student conduct—Authority and responsibility. (1) The board of trustees acting in accordance with RCW 28B.050.140(14) does by written order delegate to the president of the college authority to administer disciplinary action.

(2) The chief student affairs officer is directed by the president to represent the college with regard to student affairs including discipline. He/she or his/her designee is responsible for assembling facts regarding incidents referred to his/her office, making provisions for suitable hearings, convening the designated student conduct committee when requested, notifying students and others concerned, determining and imposing appropriate disciplinary action, keeping confidential files and reports regarding incidents following each disciplinary case until it is closed, and destroying out-of-date files related to student disciplinary cases as may be permitted under state law.

(3) The instructor is responsible for the management of student conduct in the classroom. Instructors may remove a student from class on a daily basis if the student is being disruptive to the learning environment for students and/or the teaching environment for the instructor and fails to abide by the instructor's behavioral expectations. The chief student affairs officer or designee may through the appropriate disciplinary proceedings as set forth in this chapter permanently remove a student from a class for disruptive behavior.

(4) Any college administrator or security personnel member may remove a disruptive student from the college facilities. If the safety of the student or others is jeopardized, the student can be summarily suspended by the chief student affairs officer or designee until disciplinary proceedings can be completed. The chief student affairs officer or designee may through the appropriate disciplinary proceedings as set forth in this chapter permanently remove a student from the college campus for disruptive behavior.

The student has the right to appeal any disciplinary action taken against him/her by the chief student affairs officer or designee in accordance with the procedures set forth in this chapter.

[Statutory Authority: RCW 28B.50.140. WSR 14-04-048, § 132E-120-210, filed 1/27/14, effective 2/27/14. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. WSR 07-11-165, § 132E-120-210, filed 5/23/07, effective 6/23/07. Statutory Authority: RCW 28B.50.140. WSR 00-17-015, § 132E-120-210, filed 8/3/00, effective 9/3/00.]

WAC 132E-120-220 Student conduct code—Violations. (1) As members of Everett Community College, students are expected to abide by all college rules and regulations. Students shall be subject to disciplinary action as provided for by this code who, either as a principal actor, aider, abettor, or accomplice interferes with the personal rights or privileges of others or the educational process of the college;

violates the provisions as set forth in this chapter; or commits any of the offenses as defined in this section.

(2) No sanction or other disciplinary action shall be imposed on a student by or in the name of the college except in accordance with this chapter.

(3) Disciplinary actions and/or sanctions may be imposed on a student for the commission of any of the following offenses:

(a) Academic cheating, fabrication, facilitating academic dishonesty, or plagiarism.

(b) Furnishing false information to the college with the intent to deceive including but not limited to the filing of a formal complaint that falsely accuses another student of violating the student conduct code or a college employee with violating college rules/procedures.

(c) Forgery, alteration, or misuse of college documents, records or identification cards.

(d) Assault, threat, verbal abuse, physical abuse, sexual misconduct, sexual harassment, sexual assault, reckless endangerment, intimidation, bullying, stalking, or interference of another person in the college community on college owned or controlled property, college housing or at functions sponsored or supervised by the college or its student organizations/clubs.

(e) Unlawful discrimination including hate crimes and/or bias incidents.

(f) Vandalism of college property, theft or conversion of another's property on college owned or controlled property, in college housing or at functions sponsored or supervised by the college or its student organizations or clubs.

(g) Lewd or indecent conduct occurring on college owned or controlled property, in college housing, or at functions sponsored or supervised by the college or its student organizations or clubs.

(h) Possession or consuming any form of liquor or alcoholic beverage on college property, in college housing or at off-campus college events is prohibited except as a participant of legal age at a program which has the special written permission of the college president.

(i) Illegal possession, consumption, selling, or distributing, or being demonstrably under the influence of any substance (including marijuana) as defined by RCW 69.50.101 as now or hereafter amended on property owned or controlled by the college, in college housing or at functions sponsored or supervised by the college except when the use or possession of a drug is specifically prescribed as medication by an authorized doctor or dentist. For the purpose of this rule, "sale" shall include the statutory meaning defined in RCW 69.50.410 as now or hereafter amended.

(j) Disorderly or abusive conduct, including conduct resulting from being under the influence of drugs or alcohol on college owned or controlled property, in college housing or at functions sponsored or supervised by the college. Disorderly or abusive conduct also includes interfering with the right of others or obstructing or disrupting teaching, research, or administrative functions including failure to abide by the directive(s) of a member of the college faculty, or exempt, administrative, or classified staff who is acting in their capacity as an agent of the college.

(k) Gambling on property owned or controlled by the college, in college housing or at functions sponsored or supervised by the college or its student organizations/clubs.

(l) Violation of any condition imposed by the chief student affairs officer or designee or recommended by the student conduct committee for an infraction of which sanctions may be imposed under this code.

(m) 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 said employee's duties.

(n) Entering any administrative or other employee office that is normally not accessible to the public or any locked or otherwise closed college facility in any manner, at any time, without permission of the college employee or agent in charge thereof.

(o) Tobacco use is prohibited in or on any college facility or property. Everett Community College (EvCC) is a tobacco free campus as described in WAC 132E-120-410.

(p) Failure to comply with the following rules governing firearms and weapons on campus, in campus housing or at college sponsored events in facilities leased or rented by the college:

(i) Carrying, exhibiting, displaying, or drawing any weapon, such as a slung shot, sling shot, and club, metal knuckles, dagger, sword, stun gun, or swing blade knife, or any knife of which is automatically released by a spring mechanism or other mechanical device, or any knife having a blade which opens, or falls, or is ejected into position by force of gravity, or by outward, downward, or centrifugal thrust or movement, or any other cutting or stabbing instrument or club or any other weapon apparently capable of inflicting bodily harm and/or property damage is prohibited.

(ii) Explosives, incendiary devices, or any weapon facsimile are prohibited.

(iii) Carrying firearms is prohibited.

(iv) The regulations in (p)(i) through (iii) of this subsection shall not apply to equipment or material owned, or maintained by the college nor will they apply to law enforcement officers.

(q) Pets are prohibited on campus with certain exceptions for service animals as per pets and service animals on campus policy.

(r) False alarms. Falsely setting off or otherwise tampering with emergency safety equipment, alarm, or other device established for the safety of individuals and/or college owned or controlled facilities, or in college housing, is prohibited.

[Statutory Authority: RCW 28B.50.140. WSR 14-04-048, § 132E-120-220, filed 1/27/14, effective 2/27/14. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. WSR 07-11-165, § 132E-120-220, filed 5/23/07, effective 6/23/07. Statutory Authority: RCW 28B.50.140. WSR 00-17-015, amended and recodified as § 132E-120-220, filed 8/3/00, effective 9/3/00; Order 76-11-1, § 132E-120-030, filed 12/17/76; Order 72-1, § 132E-120-030, filed 2/1/73, effective 3/9/73.]

WAC 132E-120-230 Everett Community College—Student conduct code—Sanctions for violations. Sanctions which may be imposed by the chief student affairs officer or designee for the commission of college offenses shall include the following:

(1) Expulsion or disciplinary dismissal from the college: Termination of student status for an indefinite period of time.

[Ch. 132E-120 WAC p. 6]

Disciplinary dismissal may be placed on the student's transcript indefinitely at the discretion of the chief student affairs officer or designee. Conditions, if any, of restitution readmission, and/or removal of disciplinary dismissal from the student's transcript shall be stated in the order of expulsion.

(2) Suspension from the college: Suspension from student status for a definite period of time.

(3) Summary suspension: Exclusion from classes or other privileges, services or activities.

(4) Disciplinary probation with or without loss of designated privileges for a definite period of time. The violation of the terms of disciplinary probation or the infraction of any college rule during the period of disciplinary probation may be grounds for suspension or expulsion from the college.

(5) Restitution: Reimbursement for damage to or misappropriation of property. The restitution may be in the form of appropriate service or monetary compensation.

(6) Warning: Notice in writing that continuation or repetition of conduct deemed wrongful, within a period of time stated in the warning, may be cause for more severe disciplinary action.

(7) Admonition: An oral admonition shall not be considered a formal disciplinary action, and shall not be subject to appeal to the student conduct code.

(8) The parents of any student under eighteen years of age who is placed on disciplinary probation, suspension, or expulsion may be notified at the discretion of the chief student affairs officer or designee pursuant to FERPA guidelines.

[Statutory Authority: RCW 28B.50.140. WSR 14-04-048, § 132E-120-230, filed 1/27/14, effective 2/27/14. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. WSR 07-11-165, § 132E-120-230, filed 5/23/07, effective 6/23/07. Statutory Authority: RCW 28B.50.140. WSR 00-17-015, amended and recodified as § 132E-120-230, filed 8/3/00, effective 9/3/00; Order 72-1, § 132E-120-040, filed 2/1/73, effective 3/9/73.]

WAC 132E-120-240 Student conduct—Initial disciplinary procedures. Allegations of misconduct shall be filed in the chief student affairs officer or designee's office in writing. Upon investigation, the chief student affairs officer or designee shall initiate action as described below.

(1) Students alleged to have committed an act of misconduct shall be notified to meet with the chief student affairs officer or designee for possible disciplinary action. The notice must be given at least one school day prior to the scheduled appointment. The notice will be delivered to the student on-campus and/or by first class mail to the student's last known address. The notice shall identify the provision or provisions of the student conduct code that he/she is alleged to have violated, and the range of penalties, if any, which might result from the disciplinary proceedings.

(2) After a careful review of the circumstances surrounding the alleged misconduct and after interviewing the accused student, if he/she appears at the initial meeting, the chief student affairs officer or designee may take one of the following actions:

(a) Take no further action and terminate the proceeding, exonerating the student or students;

(b) Provide whatever counseling and/or advice may be appropriate;

(c) Impose verbal admonition to the student directly which is not subject to the student's right of appeal as provided in this chapter; or

(d) Impose appropriate disciplinary action, subject to the student's right of appeal as described in this chapter. The student shall be notified in writing of such an action.

(3) The student may be placed on summary suspension pending the commencement of disciplinary action, pursuant to the conditions set forth in WAC 132E-120-250.

[Statutory Authority: RCW 28B.50.140. WSR 14-04-048, § 132E-120-240, filed 1/27/14, effective 2/27/14. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. WSR 07-11-165, § 132E-120-240, filed 5/23/07, effective 6/23/07. Statutory Authority: RCW 28B.50.140. WSR 00-17-015, § 132E-120-240, filed 8/3/00, effective 9/3/00.]

WAC 132E-120-250 Summary suspension—Purpose and proceedings. (1) As defined in WAC 132E-120-230, summary suspension is exclusion from classes or other privileges, services and activities. A student shall be summarily suspended if the chief student affairs officer or designee has cause to believe that the student:

(a) Has violated any provision of this chapter; and/or

(b) Presents an imminent danger either to himself or herself, other persons on the campus, or to the educational process.

(2) Summary suspension is appropriate only where subsection (1)(b) of this section can be shown, either alone or in conjunction with subsection (1)(a) of this section. The chief student affairs officer or designee shall enter an order as provided by law if the student is to be suspended. Written notice shall be served by certified and regular mail at the student's last known address, or shall be personally served on the student.

(3) The procedures for a summary suspension hearing shall be considered an emergency adjudicative proceeding and shall be conducted as soon as possible and, if feasible, within five working days. It is the student's responsibility to schedule the hearing. The chief student affairs officer or designee may, upon the request of the student, schedule the hearing at a time later than five working days. The chief student affairs officer or designee shall preside over the meeting. The student may appear alone or with another to advise and assist him/her as he/she appears before the appropriate college official(s). Any person who accompanies the student may provide support or guidance to the student, but may not speak, represent, or advocate for the student before the college official. An accommodation of a spokesperson (a person who would address the college official(s)) may be approved if a person's disability warrants such an accommodation. Other circumstances regarding a request by the student for the use of a spokesperson would be considered by the vice president for student services or designee. The chief student affairs officer or designee shall, at the summary suspension proceeding, determine whether there is probable cause to believe that continued suspension is necessary and/or whether other disciplinary action is appropriate.

(4) The chief student affairs officer or designee may continue to enforce the suspension of the student from the college and/or may impose other disciplinary action if, after the summary suspension hearing, the chief student affairs officer or designee finds that the student against whom the specific

violations are alleged has in fact committed one or more of said violations and:

(a) Summary suspension is necessary for the safety of the student, other campus community members, or to restore order to the campus; and

(b) The violation(s) by the student are grounds for disciplinary action per WAC 132E-120-020 and 132E-120-040.

[Statutory Authority: RCW 28B.50.140. WSR 14-04-048, § 132E-120-250, filed 1/27/14, effective 2/27/14. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. WSR 07-11-165, § 132E-120-250, filed 5/23/07, effective 6/23/07. Statutory Authority: RCW 28B.50.140. WSR 00-17-015, § 132E-120-250, filed 8/3/00, effective 9/3/00.]

WAC 132E-120-260 Notice of summary suspension.

(1) If, after the summary suspension hearing a student's summary suspension is upheld or if the student is disciplined in another way, the chief student affairs officer or designee will provide to the student written findings of fact and conclusions which lead the chief student affairs officer or designee to conclude that the summary suspension of the student should be affirmed.

(2) The student shall be served a copy, if applicable, of the findings and conclusions by certified and regular mail to the student's last known address or by personal services within ten working days following the summary suspension hearing. The notice shall state the terms for which the student is suspended and any conditions imposed on the student's return.

[Statutory Authority: RCW 28B.50.140. WSR 14-04-048, § 132E-120-260, filed 1/27/14, effective 2/27/14. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. WSR 07-11-165, § 132E-120-260, filed 5/23/07, effective 6/23/07. Statutory Authority: RCW 28B.50.140. WSR 00-17-015, § 132E-120-260, filed 8/3/00, effective 9/3/00.]

WAC 132E-120-270 Summary suspension for failure to appear. The chief student affairs officer or designee has the authority to enforce the suspension of a student if the student fails to appear at the time designated for the summary suspension hearing.

[Statutory Authority: RCW 28B.50.140. WSR 14-04-048, § 132E-120-270, filed 1/27/14, effective 2/27/14. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. WSR 07-11-165, § 132E-120-270, filed 5/23/07, effective 6/23/07. Statutory Authority: RCW 28B.50.140. WSR 00-17-015, § 132E-120-270, filed 8/3/00, effective 9/3/00.]

WAC 132E-120-280 Appeals from summary suspension hearing. (1) A student has the right to appeal a summary suspension to the student conduct committee and may do so if:

(a) The student has been officially notified in writing of the outcome of the summary suspension hearing;

(b) Summary suspension or other disciplinary action has been upheld; and

(c) The student's appeal conforms to the procedures prescribed in this chapter.

(2) The student conduct committee shall conduct a formal hearing as expeditiously as possible and appropriate.

[Statutory Authority: RCW 28B.50.140. WSR 00-17-015, § 132E-120-280, filed 8/3/00, effective 9/3/00.]

WAC 132E-120-290 Student conduct committee. (1)

The college's student conduct committee will hear and make recommendations on all disciplinary cases, with the exception of harassment and/or discrimination complaints, referred to it by the chief student affairs officer or designee or appealed to it by students who have been disciplined by the chief student affairs officer or designee.

(2) The student conduct committee will be comprised of the following members:

(a) A chair designated by the president of the college for a period of one year. The chair will be a nonvoting member, except in the case of a tie vote by committee members, and will normally be a faculty member. It shall be his/her responsibility to ensure that all procedures prescribed in this chapter are followed. The chair will also take appropriate action to ensure that the hearing is conducted in a safe and orderly manner, advise the committee members of the precedents and guidelines concerning the case, and inform the student in writing of the action taken/recommended by the committee following the hearing.

(b) Three faculty members appointed by the president. Three alternates shall also be appointed by the president in the event an appointee(s) is unable to complete his/her term or unable to serve on a particular case.

(c) Three full-time (at least ten credits) student representatives shall be recommended by the associated students' executive council to the president of the college. Three alternates will also be appointed to serve in the event that a member(s) is unable to complete his/her term or is unable to serve on a particular case.

(d) A quorum shall consist of at least two of the above named faculty, and two of the above named students and the chair.

(e) Committee members will be appointed to serve for one year but are eligible to serve as many as three consecutive terms.

[Statutory Authority: RCW 28B.50.140. WSR 14-04-048, § 132E-120-290, filed 1/27/14, effective 2/27/14. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. WSR 07-11-165, § 132E-120-290, filed 5/23/07, effective 6/23/07. Statutory Authority: RCW 28B.50.140. WSR 00-17-015, § 132E-120-290, filed 8/3/00, effective 9/3/00.]

WAC 132E-120-300 Appeals of disciplinary action—

General. (1) Disciplinary action imposed by the chief student affairs officer or designee, with the exception of harassment and/or discrimination complaints, may be appealed to the student conduct committee. All harassment and/or discrimination complaints shall follow the appeal process described in WAC 132E-120-385.

(2) An appeal by a student of disciplinary action must meet the following conditions:

(a) The appeal must be in writing and must clearly state the student's position and errors in fact, if any, and compelling reasons which support the appeal; and

(b) The appeal must be filed in the president's office within twenty-one working days from the date that the student was served notice that disciplinary action had been taken or recommended against him/her.

(3) All recommendation(s) from the student conduct committee shall include the signature of the chair. Copies of

the committee's recommendation(s) shall be sent to the student, chief student affairs officer or designee, and president.

(4) Recommendations made by the student conduct committee may be appealed by the student to the president of the college. The president shall review the report of the proceedings which give rise to the appeal and the disciplinary action taken by the chief student affairs officer or designee and the recommendation(s) of the student conduct committee. The president's decision shall be final.

[Statutory Authority: RCW 28B.50.140. WSR 14-04-048, § 132E-120-300, filed 1/27/14, effective 2/27/14. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. WSR 07-11-165, § 132E-120-300, filed 5/23/07, effective 6/23/07. Statutory Authority: RCW 28B.50.140. WSR 00-17-015, § 132E-120-300, filed 8/3/00, effective 9/3/00.]

WAC 132E-120-310 Student conduct committee hearing procedures. (1)

The student conduct committee shall conduct a hearing within fourteen working days after disciplinary action has been referred to it. Proceedings shall be governed by chapter 34.05 RCW.

(2) Proceedings before the student conduct committee shall be conducted in a manner that will bring about a prompt and fair resolution.

(3) The student has a right to a fair and impartial hearing before the student conduct committee on any allegation of violating the student conduct code and shall be provided notice of the hearing at least seven days in advance. If the student fails to attend the hearing held by the student conduct committee, the committee may proceed with the findings of fact, conclusions and recommendations.

(4) The student may appear with another to advise and assist him/her as he/she appears before the student conduct committee. Any person who accompanies the student may provide support or guidance to the student, but may not speak, represent, or advocate for the student before the college official or student conduct committee. An accommodation of a spokesperson (a person who would address the college official, or assist the person in addressing the college official) may be approved if a person's disability warrants such an accommodation. Other circumstances regarding a request by the student for the use of a spokesperson would be considered by the chief student affairs officer or designee.

(5) The student may have a duly licensed attorney, admitted to practice in the state of Washington, present at the hearing to advise the student in the presentation of his/her appeal. The attorney may not address the student conduct committee unless he/she is called as a material witness in the case. An accommodation of the student's attorney addressing the college official, or assisting the person in addressing the college official may be approved if the student's disability warrants such an accommodation. Other circumstances regarding a request by the student for the use of a spokesperson will be considered by the chief student affairs officer or designee. If the student chooses to have an attorney present to advise him/her, the student shall notify the chair at least five days prior to the hearing.

(6) The chief student affairs officer or designated representative(s) shall make the first presentation. Each witness may be cross-examined by the student; and after cross-examination is completed, any committee member who wishes may ask questions of the witness but only after both direct

examination and cross-examination of the witness have been completed. Upon completion of the presentation by the student, both sides shall then be permitted to make any closing arguments after which the committee may ask questions.

(7) The hearing will then be closed and the committee will retire to executive session for deliberation. At the conclusion of the executive session, the proceeding will be adjourned and the student conduct committee shall, within ten working days, make findings of facts, conclusions, and recommend disciplinary action/sanctions as appropriate, if any.

(8) The record in a formal hearing shall consist of all documents as required by law and as specified in RCW 34.05.476.

(9) All records of disciplinary proceedings shall be maintained in the appropriate administrative office and shall be available only during the course of the disciplinary proceedings to the student conduct committee, the student, and his/her attorney, and any other college official designated by the president.

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

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

(12) If at any time during the hearing a visitor disrupts the proceedings, the chair of the student conduct committee may exclude that person from the hearing room.

(13) A recorder shall be present at the hearing to record the proceedings.

[Statutory Authority: RCW 28B.50.140. WSR 14-04-048, § 132E-120-310, filed 1/27/14, effective 2/27/14. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. WSR 07-11-165, § 132E-120-310, filed 5/23/07, effective 6/23/07. Statutory Authority: RCW 28B.50.140. WSR 00-17-015, § 132E-120-310, filed 8/3/00, effective 9/3/00.]

WAC 132E-120-320 Evidence admissible in hearings. (1) The student shall be entitled to hear and examine the evidence against him/her and be informed of the identity of its sources. The student shall have all authority as may be conferred by law to obtain information or to request the presence of witnesses or the production of other evidence relevant to the issues of the hearing.

(2) Only those matters presented at the hearing will be considered in determining whether the student is guilty of the misconduct charged. The student's past history of college conduct, if relevant to the case at hand as determined by the chair of the student conduct committee, may be taken into account in formulating the committee's recommendation for disciplinary action.

(3) The chair of the student conduct committee shall give effect to the rules of privilege recognized by law and rule on the competency, relevancy, and materiality of testimony, and any other evidence. Technical rules of evidence shall not apply.

(4) Extenuating or mitigating evidence on behalf of the student will not be permitted until all substantive evidence or testimony is presented.

[Statutory Authority: RCW 28B.50.140. WSR 00-17-015, § 132E-120-320, filed 8/3/00, effective 9/3/00.]

WAC 132E-120-330 Decision by student conduct committee. (1) At the conclusion of the hearing, the student conduct committee shall, within ten working days, make findings of facts, conclusions, and recommend disciplinary action/sanctions as appropriate, if any. In deciding upon its recommendation, the committee shall consider the following:

(a) Does the alleged act or acts constitute misconduct?

(b) Did the student involved commit the acts with which he/she was charged?

(c) Were there any extenuating or mitigating circumstances?

(2) The committee's recommendation(s) shall be written and the student will be provided a copy of the committee's findings of fact and conclusions. The copy shall be dated and signed by the committee chair and contain a statement advising the student of his/her right to appeal the committee's recommendation(s) to the president of the college.

[Statutory Authority: RCW 28B.50.140. WSR 14-04-048, § 132E-120-330, filed 1/27/14, effective 2/27/14; WSR 00-17-015, § 132E-120-330, filed 8/3/00, effective 9/3/00.]

WAC 132E-120-340 Final appeal. (1) Any student who disagrees with the findings, conclusions and recommendation(s) of an appeal to the student conduct committee may appeal the same in writing to the president of the college within twenty-one working days of being served notice of the recommendation(s) made by the committee. The president may, at his/her discretion, suspend any disciplinary action pending determination of the merits of the findings, conclusions and any disciplinary action imposed. In consideration of such an appeal, the president shall base his/her findings and decision only on the official written record of the case.

(2) If no appeal is requested within twenty-one working days of service on the student, the findings, conclusions and recommendations of the student conduct committee shall become final, and shall not be subject to further review or appeal.

[Statutory Authority: Chapters 28B.50 and 28B.10 RCW. WSR 07-11-165, § 132E-120-340, filed 5/23/07, effective 6/23/07. Statutory Authority: RCW 28B.50.140. WSR 00-17-015, § 132E-120-340, filed 8/3/00, effective 9/3/00.]

WAC 132E-120-350 Readmission after dismissal. Any student expelled from the college may submit a written petition to the chief student affairs officer or designee requesting readmission. Such petition must include how any conditions imposed by the chief student affairs officer or designee or student conduct committee have been met. Decisions by the chief student affairs officer or designee regarding a petition for readmission shall be reviewed by the president.

If the chief student affairs officer or designee suspends or expels a student from a college program that has a readmission policy and procedure, the program's readmission policy and procedures will be followed and the readmission committee will review, as part of their deliberations, the chief student affairs officer's or designee's recommendation/conditions of readmission concerning the student's readmission to the program.

[Statutory Authority: RCW 28B.50.140. WSR 14-04-048, § 132E-120-350, filed 1/27/14, effective 2/27/14. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. WSR 07-11-165, § 132E-120-350, filed 5/23/07, effective 6/23/07. Statutory Authority: RCW 28B.50.140. WSR 00-17-015, § 132E-120-350, filed 8/3/00, effective 9/3/00.]

WAC 132E-120-360 Academic grievance procedure.

(1) Definition of an academic grievance - If a student has evidence that he/she has been: Unfairly treated in matters related to grading, course policies or expectation; falsely accused of cheating; or inappropriately penalized for alleged cheating, he/she may be said to have an academic grievance. Students who feel that such unfair treatment has transpired should feel free to raise the question of how such a grievance may be resolved with the office of the chief academic affairs officer or designee which will provide information (without judgment) regarding the procedure for filing an academic grievance. Students should also feel free to contact any member of the campus community who they trust who may assist the student and/or refer the student to the appropriate resource. In addition to the office of the chief academic affairs officer, the offices/centers that can generally be of the most assistance in terms of advice, support, and referral regarding these matters are the office of the chief student affairs officer, the offices of the academic deans, the office of the chief human resources officer, outreach, diversity and equity center, counseling and career center, center for disability services, Rainier learning center, student activities office, and campus safety and security.

(2) Informal procedure resolution - Informal complaints should be made to the appropriate division dean or other supervising administrator. Upon receipt of a student complaint by the division dean, the following steps may be taken:

(a) The student will be encouraged to discuss the alleged problem with the involved instructor; or if the complaint involves a program, the student will be encouraged to speak to the director/dean of the involved program.

(b) If the student is not satisfied as a result of such discussion, he/she should then meet with the director/dean or supervising administrator.

(c) If the complaint is not resolved at this level, the student, the instructor and the director/dean should meet with the chief academic officer or designee to attempt resolution.

(d) If the complaint is not resolved at this level the student may institute formal grievance procedures.

(e) During any meetings that occur in (a) through (c) of this subsection, the student may invite another person or two to be with them in the meeting. The other person(s) are present to assist and advise the student although an accommodation of a spokesperson (a person who would address the college official, or assist the person in addressing the college official) may be approved if a person's disability warrants such an accommodation. Other circumstances regarding a request by the student for the use of a spokesperson would be considered by the director/dean or supervising administrator facilitating the meeting.

(3) Formal grievance procedure - To assure an atmosphere free from unfair treatment in academic matters, the following procedures are established to respond to an unresolved academic complaint registered by a student. It is understood, however, that this procedure should be employed only after efforts have been made by the student to resolve

the issue through the previously described informal procedure. A student who feels an academic grievance has not been resolved through the informal resolution process may file a formal grievance with the chief academic officer or designee prior to the last day of the quarter (not including summer) following the alleged grievance. Within ten working days of the receipt of the signed written grievance, the chief academic officer or designee will appoint a grievance committee for the purpose of reviewing the complaint and recommending a resolution.

(4) The grievance committee will be composed of seven voting members including:

(a) An administrator who will serve as the chair but will only vote in the event of a tie vote.

(b) Three faculty members, including one from the division of the involved faculty member.

(c) Three students to be selected as provided for in the associated students constitution and by-laws.

(d) A quorum of the grievance shall be four members.

(e) All matters shall be discussed in closed meetings and shall be treated with strict confidence by the committee members.

(5) Formal resolution.

(a) Parties affected by the grievance will provide the grievance committee with all requested information in order to bring about full understanding and a speedy resolution to the grievance.

(b) In order to ensure due process, the aggrieved student shall have:

(i) The right to respond to the grievance, submitting appropriate evidence to support such response;

(ii) The opportunity to call as a witness any member of the college community who can provide information relevant to the allegation and interview the aggrieved student or any witness presented by the student(s) involved.

(c) The instructor against whom the grievance is filed shall have:

(i) The right to respond to the grievance, submitting appropriate evidence to support such response;

(ii) The opportunity to call as a witness any members of the college community who can provide information relevant to the allegation and interview the aggrieved student or any witness presented by the student(s) involved.

(d) Once the aggrieved student and the faculty member have had sufficient opportunity to present their points of view, the grievance committee will deliberate and reach a decision by a simple majority vote. The committee will provide the chief academic officer or designee its written recommendation within ten working days of its organizational meeting. The chief academic officer or designee will notify the parties in the grievance of his/her decision, and the resolution within forty-eight hours of having received the committee recommendation.

(e) If the grievance committee establishes that an aggrieved student has been treated unfairly, the committee will recommend corrective steps to the chief academic officer or designee.

(f) Either party shall have the right to present a written appeal of the decision of the chief academic officer or designee to the president of the college. Within one week of having

received the appeal, the president shall review the case and render a decision which will be transmitted to both parties.

(g) An accommodation of a spokesperson (a person who would address the grievance committee, or assist the person in addressing the grievance committee) may be approved if a person's disability warrants such an accommodation. Other circumstances regarding a request by the student for the use of a spokesperson would be considered by the administrator chairing the committee.

[Statutory Authority: RCW 28B.50.140. WSR 14-04-048, § 132E-120-360, filed 1/27/14, effective 2/27/14. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. WSR 07-11-165, § 132E-120-360, filed 5/23/07, effective 6/23/07. Statutory Authority: RCW 28B.50.140. WSR 00-17-015, § 132E-120-360, filed 8/3/00, effective 9/3/00.]

WAC 132E-120-370 Student affairs grievance procedure.

(1) Definition of a student affairs grievance - If a student has evidence that he/she has been: Unfairly treated in matters related to student services/student auxiliary services, policies, procedures, or expectations, he/she may be said to have a student affairs grievance. Students who feel that such unfair treatment has transpired should feel free to raise the question of how such a grievance may be resolved with the associated student executive council which will provide information (without judgment) regarding the procedure for filing a grievance. Students should also feel free to contact any member of the campus community who they trust that may assist the student and/or refer the student to the appropriate resource. In addition to the office of the chief student affairs officer, the offices/centers that can generally be of the most assistance in terms of advice, support, and referral regarding these matters are the office of the chief academic affairs officer, the offices of the academic deans, and the office of the chief human resources officer, outreach, diversity and equity center, counseling and career center, center for disability services, Rainier learning center, student activities office, and campus safety and security.

(2) Informal procedure for resolution - Informal complaints should be made to the appropriate administrator. Upon receipt of a student complaint by the administrator, the following steps will be taken:

(a) The student will be encouraged to discuss the alleged problem with the party concerned; or if the complaint involves a program, the student will be encouraged to speak to the appropriate supervisor.

(b) If the student is not satisfied as a result of such discussion, he/she should then meet with the immediate administrator to resolve the complaint.

(c) If the complaint is not resolved at this level, the student, the respondent and the administrator should meet with the chief student affairs officer or the vice president under which the program/service is administratively aligned.

(d) If the complaint is not resolved at this level, the student may institute formal grievance procedures.

(3) Formal grievance procedure - To assure an atmosphere free from unfair treatment, the following procedures are established to respond to an unresolved complaint registered by a student. It is understood, however, that this procedure should be employed only after efforts have been made by the student to resolve the issue through the previously described informal procedure. A student who feels a griev-

ance has not been resolved through the informal resolution process may file a formal grievance with the appropriate vice president or designee prior to the last instructional day of the quarter (not including summer) following the alleged grievance. Within ten working days of the receipt of the signed written grievance, the appropriate vice president or designee will appoint a grievance committee for the purpose of reviewing the complaint and recommending a resolution.

(4) The grievance committee will be composed of seven voting members including:

(a) An administrator (other than the appropriate vice president) who shall serve as chair and vote only in the case of a tie;

(b) One faculty and two from classified staff;

(c) Three students to be selected randomly and not active members of student activities, or the involved program;

(d) A quorum consists of four members of the grievance committee;

(e) All matters shall be discussed in closed meetings and shall be treated with strict confidence by the committee members.

(5) Formal resolution.

(a) Parties affected by the grievance will provide the grievance committee with all requested information in order to bring about full understanding and a speedy resolution to the grievance.

(b) In order to ensure due process, the aggrieved student shall have:

(i) The right to respond to the grievance, submitting appropriate evidence to support such response.

(ii) The opportunity to call as a witness any member of the college community who can provide information relevant to the allegation and interview the aggrieved student or any witness presented by the student(s) involved.

(c) The party against whom the grievance is filed shall have:

(i) The right to respond to the grievance, submitting appropriate evidence to support such response;

(ii) The opportunity to call as a witness any member of the college community who can provide information relevant to the allegation and interview the aggrieved student or any witness presented by the student(s) involved.

(d) Once the aggrieved student and the respondent have had sufficient opportunity to present their points of view, the grievance committee will deliberate and reach a decision by a simple majority vote. The committee will provide the appropriate vice president or designee its written recommendation within ten working days of its meeting.

(e) The appropriate vice president or designee will notify the parties in the grievance of the resolution within two school days of having received the committee recommendation. If the grievance committee establishes that aggrieved student has been treated unfairly, the committee will recommend corrective steps to the appropriate vice president or designee.

(f) Either party shall have the right to present a written appeal of the decision to the president of the college. Within one week of having received the appeal, the president shall review the case and render a decision which will be transmitted to both parties.

(g) During any meetings that occur in (a) through (f) of this subsection, the student may invite another person or two to be with them in the meeting. The other person(s) are present to assist and advise the student although an accommodation of a spokesperson (a person who would address the college official, or assist the person in addressing the college official) may be approved if a person's disability warrants such an accommodation. Other circumstances regarding a request by the student for the use of a spokesperson would be considered by the director/dean or supervising administrator facilitating the meeting.

[Statutory Authority: RCW 28B.50.140. WSR 14-04-048, § 132E-120-370, filed 1/27/14, effective 2/27/14. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. WSR 07-11-165, § 132E-120-370, filed 5/23/07, effective 6/23/07. Statutory Authority: RCW 28B.50.140. WSR 00-17-015, § 132E-120-370, filed 8/3/00, effective 9/3/00.]

WAC 132E-120-380 Equal opportunity—Title IX.

(1) Everett Community College is committed to providing a safe and inclusive environment for all students, employees, and patrons.

(2) The college provides equal opportunity in program activities and employment and does not discriminate on the basis of race, religion, creed, color, national origin, age, sex, sexual orientation, gender identity or gender expression, marital status, disability, genetic information, or status as a veteran of war as required by law.

(3) Prohibited sex discrimination includes sexual harassment.

(4) Harassment is defined, for the purpose of this policy, as unwelcome and unauthorized incidents and/or patterns of conduct and/or speech that are severe, persistent, or pervasive. When such conduct or action is based on a person's or persons'

- (a) race,
- (b) color,
- (c) religious belief,
- (d) sex,
- (e) marital status,
- (f) sexual orientation,
- (g) gender identity or expression,
- (h) national or ethnic origin,
- (i) disability,
- (j) genetic information,
- (k) veteran status, or
- (l) age,

and which:

(i) The harasser either knows, or should know, will have the effect of making the college environment hostile, intimidating, or demeaning to the victim; and

(ii) In fact renders the college environment (including the environment for employees, students, and patrons) hostile, intimidating, or demeaning for the victim.

(5) Sexual harassment is defined, for the purposes of this policy, as unwelcome sexual advances, requests, and other unwelcome conduct of a sexual nature where:

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

(b) Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual; or

(c) Such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance; or

(d) The conduct creates an intimidating, hostile, or demeaning employment or educational environment.

(6) Sexual harassment is a form of sex discrimination. It occurs in a variety of situations which share a common element: The inappropriate introduction of sexual activities or comments into the work or learning situation, the creation of relationships of unequal power and/or elements of coercion, and sexual assault. In addition, third parties may submit claims if a sexual relationship unfairly confers preferential treatment to participant(s) in the relationship.

(7) The college is committed to responding to complaints and will take immediate and appropriate steps to investigate what occurred and take prompt and effective action to end the harassment, remedy the effects, and prevent it from occurring again.

[Statutory Authority: RCW 28B.50.140. WSR 14-04-048, § 132E-120-380, filed 1/27/14, effective 2/27/14. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. WSR 07-11-165, § 132E-120-380, filed 5/23/07, effective 6/23/07. Statutory Authority: RCW 28B.50.140. WSR 00-17-015, § 132E-120-380, filed 8/3/00, effective 9/3/00.]

WAC 132E-120-385 Equal opportunity—Title IX procedures.

(1) The procedures regarding complaints of discrimination shall be published and distributed as determined by the president or president's designee. Any person who believes he or she has been subjected to discrimination and/or harassment, including sexual harassment and reports such activity will be provided a copy of this procedure.

(2) The following procedures are established to meet the requirements for implementing EvCC3090: Equal Opportunity/Title IX policy.

(3) Everett Community College recognizes its responsibility for investigation, resolution, implementation of corrective measures, and monitoring the educational environment and workplace to stop, remediate, and prevent discrimination on the basis of race, color, national origin, age, disability, sex, sexual orientation, marital status, creed, religion, or status as a veteran of war as required by Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title VII of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, RCW 49.60.030 and their implementing regulations. This responsibility extends to activity on campus, including student housing, at all college-sponsored events, and off campus when the behavior impacts the campus such that an individual's employment, education, or access to college programs, activities, and opportunities are limited because of the behavior.

(4) Prohibited sex discrimination includes sexual harassment. Everett Community College has enacted policies prohibiting discrimination and harassment, including sexual harassment.

(5) Any individual found to be in violation of college discrimination and/or harassment, including sexual harassment policies and procedures will be subject to disciplinary

action up to and including dismissal from the college or from employment.

(6) The college will follow the procedures contained herein for all discrimination and harassment, including sexual harassment complaints brought by employees, students, or visitors to the campus.

(7) Any employee, student, or visitor who believes that he or she has been the subject of discrimination and/or harassment, including sexual harassment should report the incident or incidents to the following college official listed below.

(a) If the complaint is against that official, the complainant should report the matter to the president's office for referral to an alternate designee.

(b) The college encourages the timely reporting of any incidents of discrimination or sexual harassment.

Title: Title IX Coordinator

Contact info: titleix@everettcc.edu

(8) Role of Title IX coordinator/designee.

(a) Will accept all complaints and referrals from college employees, students, and visitors.

(b) Will keep accurate records of all complaints and referrals for the required time period.

(c) Will communicate with complainant and respondent regarding outcomes.

(d) May conduct investigations.

(e) May impose interim remedial measures to protect parties during investigations of sexual misconduct.

(f) Will make findings of fact on investigations completed.

(g) May recommend specific corrective measures to stop, remediate, and prevent the recurrence of inappropriate action.

(9) Definition of terms.

(a) Complainant: Employee(s), student(s), or visitor(s) of Everett Community College who alleges that she or he has been subjected to discrimination and/or harassment, including sexual harassment.

(b) Respondent: Person or persons who are members of the campus community who allegedly discriminated against or harassed another person or persons.

(c) Complaint: A description of facts that allege violation of the college's policy against discrimination or sexual misconduct.

(i) The college has an official formal complaint form for documenting alleged discrimination or harassment.

(ii) This form is available online under policies and procedures on the Everett Community College web page.

(iii) Hard copies of the form are located in the human resources office, student activities, security, and the counseling and career services center.

(d) Investigation: The Title IX coordinator may appoint a designee to investigate the complaint. The officer shall inform the complainant and respondent of the appointment. The college representative shall conduct an investigation based upon the submitted complaint from the complainant or prepared by the officer.

(e) Resolution: A process that attempts a complaint resolution agreeable to a complainant using methods which may include counseling, supporting, mediating, discipline, or otherwise facilitating the resolution of the complaint. No Title

IX complainant will be required to have face-to-face interaction with an alleged perpetrator in any informal resolution or mediation.

(f) Harassment:

(i) A form of discrimination consisting of physical or verbal conduct that:

(A) Denigrates or shows hostility toward an individual because of their race, creed, color, religion, national or ethnic origin, parental status or families with children, marital status, sex (gender), sexual orientation, gender identity or expression, age, genetic information, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a person with a disability, or any other prohibited basis; and

(B) Is sufficiently severe or pervasive so as to substantially interfere with the individual's employment, education, or access to college programs, activities, and opportunities.

(ii) Examples of behaviors that may rise to the level of harassment include, but are not limited to, the following:

(A) Racial epithets, "jokes," offensive or derogatory comments, or other verbal or physical conduct based on an individual's race/color.

(B) Ethnic slurs, workplace graffiti, or other offensive conduct directed towards an individual's birthplace, ethnicity, culture, or foreign accent.

(C) Verbal or physical abuse, "jokes" or offensive comments based on an individual's age, gender, disability, or sexual orientation.

(D) Making, posting, emailing, or circulating demeaning or offensive pictures, cartoons, or other materials in the workplace that relate to race, ethnic origin, gender, or one of the other protected categories listed above.

(g) Discrimination:

(i) Unfavorable treatment of another person:

(A) Based on that person's race, creed, color, religion, national or ethnic origin, parental status or families with children, marital status, sex (gender), sexual orientation, gender identity or expression, age, genetic information, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a person with a disability, or any other prohibited basis.

(B) That is sufficiently severe or pervasive so as to substantially deny or limit that person's ability to benefit from or fully participate in educational programs or activities or employment opportunities.

(ii) Examples of behaviors that may rise to the level of discrimination include, but are not limited to:

(A) Treating one person differently than another based on their status as described above.

(B) Denying any aid, benefits, or services or providing aid, benefits, or services in a different manner on the basis of their status as described above.

(C) Subjecting any person to separate or different rules of behavior, sanctions, or other treatment based on their status as described above.

(D) Otherwise limiting any person in the enjoyment of any right, privilege, or opportunity based on their status as described above.

(h) Sexual misconduct: A range of behaviors including sexual harassment, sexual assault, and sexual violence.

(i) Sexual harassment:

(i) For the purposes of this policy, sexual harassment is defined as unwelcome verbal or physical conduct of a sexual nature:

(A) That is sufficiently severe, persistent, or pervasive;

(B) That it substantially interferes with, limits, or deprives the victim of the ability to participate in, or benefit from the college's educational program or activities or employment benefits or opportunities;

(ii) Sexual harassment may be either "quid pro quo" when being asked to subject oneself to unwelcome advances in exchange for something else; or

(iii) "Hostile environment" which may occur when another's unwelcome conduct of a sexual nature is sufficiently severe, persistent, or pervasive such that it substantially limits one's ability to work or participate in an educational program;

(iv) Examples of behaviors that may rise to the level of sexual harassment include, but are not limited to:

(A) Physical assault.

(B) Direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades, or letters of recommendation.

(C) A pattern of behaviors that is unwelcome and severe or pervasive, resulting in unreasonable interference with the work or educational environment, and may include, but is not limited to, the following:

(I) Comments of a sexual nature.

(II) Sexually explicit statements, questions, jokes, or anecdotes.

(III) Unnecessary or undesirable touching, patting, hugging, kissing, or brushing against an individual's body.

(IV) Remarks of a sexual nature about an individual's clothing, body, or speculations about previous sexual experiences.

(V) Persistent, unwanted attempts to change a professional relationship to an amorous relationship.

(VI) Subtle propositions for sexual activity or direct propositions of a sexual nature.

(VII) Uninvited letters, emails, telephone calls, or other correspondence referring to or depicting sexual activities.

(10) How to file a complaint. Any employee, student, or visitor of the college may file a complaint. If an individual provides notice to the college of an incident, the college may investigate the complaint whether or not the individual providing notice is the victim.

(a) Confidentiality and the right to privacy. Everett Community College will seek to protect the privacy of all the parties involved to the fullest extent possible, consistent with the legal obligation to investigate, take appropriate remedial and/or disciplinary action, and comply with the federal and state law, as well as Everett Community College policies and procedures. Everett Community College cannot guarantee complete confidentiality.

(b) Reporting the incident.

(i) Any person who believes that he or she has been the subject of discrimination or sexual harassment should report the incident or incidents to the Title IX coordinator, the chief

student affairs officer, security, counseling and career services office, or student activities.

(ii) If the complaint is against that official, the complainant should report the matter to the president's office for referral to an alternate designee.

(iii) The college encourages the timely reporting of any incident(s) of discrimination or sexual harassment.

(iv) All reports of incident(s) will be forwarded to the Title IX coordinator or designee for coordination and a determination on how to process the complaint.

(c) Filing the complaint.

(i) The complainant alleging discrimination or sexual harassment may submit a brief written statement of allegations to the Title IX coordinator or designee.

(ii) Complaints shall be signed, dated, include names, description and date of the incident, and the remedy sought.

(iii) If the complainant does not submit a written statement, the Title IX coordinator or designee shall prepare a statement of facts which is reviewed by the complainant.

(d) Investigating the complaint.

(i) The Title IX coordinator or chief student judicial officer may appoint a designee to investigate the complaint.

(ii) The Title IX coordinator or chief student judicial officer shall inform the complainant and respondent(s) of the identity of the investigator.

(iii) The investigator shall conduct a thorough investigation.

(A) The investigation shall include, but is not limited to, interviewing the complainant and the respondent, relevant witnesses, and reviewing relevant documents.

(B) The investigation shall be concluded within a reasonable time, normally sixty days, barring exigent circumstances. In cases of complaints of sexual misconduct, the Title IX coordinator or chief student judicial officer or designee may impose interim measures to protect the parties pending the conclusion of the investigation.

(C) At the conclusion of the investigation the investigator shall set forth his or her findings and recommendations in writing.

(D) The investigator shall send a copy of the findings and recommendations to the Title IX coordinator or chief student judicial officer or designee.

(iv) The Title IX coordinator or chief student judicial officer or designee shall consider the findings and recommendations and determine, based on a preponderance of the evidence, whether a violation of the discrimination and/or harassment, including sexual harassment policy occurred, and if so, what steps will be taken to resolve the complaint, remedy the effects on any victim(s), and prevent its recurrence.

(v) The Title IX coordinator or chief student judicial officer or designee will issue a decision in writing to each party.

(vi) Possible remedial steps may include, but are not limited to, referral for voluntary training/counseling, development of a remediation plan, limited contact orders, and referral and recommendation for formal disciplinary action.

(vii) Referrals for disciplinary action will be made to the appropriate student services administrator or appointing authority, consistent with the student conduct code, college policies, and collective bargaining agreements.

(e) Outcome of complaint.

(i) The complainant shall be informed of the decision and of actions taken or recommended to resolve the complaint, if any, that are directly related to the complainant, such as a recommendation that the accused not contact the complainant.

(ii) The complainant shall be informed of the recommended disciplinary action.

(iii) The respondent shall be informed of the decision and of actions taken or recommended to resolve the complaint and shall be notified of referrals for disciplinary action and recommended disciplinary action. Both the complainant and the respondent are entitled to review any final findings, conclusions, and recommendations subject to applicable privacy laws.

(f) Appeal of the decision. Either the complainant or the respondent may seek reconsideration of the decision by the appropriate administrator.

(i) Complaints involving students only.

(A) Requests for reconsideration relating to student issues shall be submitted in writing to the chief student affairs administrator within fourteen calendar days of receiving the decision.

(B) Requests must specify which portion of the decision should be reconsidered and the basis for reconsideration.

(C) If no request for reconsideration is received within fourteen calendar days, the decision becomes final.

(D) If a request for reconsideration is received, the chief student affairs administrator or designee shall respond within fourteen calendar days.

(E) The appropriate administrator shall either deny the request or, if the appropriate administrator determines that the request for reconsideration has merit, issue an amended decision.

(F) Any amended decision is final and no further reconsideration is available.

(ii) Complaints involving employees and/or visitors.

(A) Requests for reconsideration relating to student issues shall be submitted in writing to the college president within fourteen calendar days of receiving the decision.

(B) Requests must specify which portion of the decision should be reconsidered and the basis for reconsideration.

(C) If no request for reconsideration is received within fourteen calendar days, the decision becomes final.

(D) If a request for reconsideration is received, the college president or designee shall respond within fourteen calendar days.

(E) The appropriate administrator shall either deny the request or, if the appropriate administrator determines that the request for reconsideration has merit, issue an amended decision.

(F) Any amended decision is final and no further reconsideration is available.

(g) Authority to take immediate action. Nothing in this procedure shall prevent the college president or designee from taking immediate disciplinary action in accordance with Everett Community College policies and procedures, and federal, state, and municipal rules and regulations.

(h) Retaliation prohibited. Retaliation by, for, or against any participant (complainant, respondent, or witness) is expressly prohibited. Retaliatory action of any kind taken

against individuals as a result of seeking redress under the applicable procedures or serving as a witness in a subsequent investigation dealing with harassment/discrimination is prohibited and is conduct subject to discipline. Any person who thinks he/she has been the victim of retaliation should contact the Title IX coordinator immediately.

(11) Other complaint options. An employee or student may always file a complaint with: Washington State Human Rights Commission at 800-233-3247 or TDD 800-300-7525, or U.S. Department of Education Office for Civil Rights at 800-421-3481 or TDD 877-521-2172 or Equal Employment Opportunity Commission at 800-669-4000 or TDD 800-669-6820.

[Statutory Authority: RCW 28B.50.140. WSR 14-04-048, § 132E-120-385, filed 1/27/14, effective 2/27/14. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. WSR 07-11-165, § 132E-120-385, filed 5/23/07, effective 6/23/07.]

WAC 132E-120-390 Hazing policy. (1) Hazing is prohibited on Everett Community College (EvCC) property, college housing and at all EvCC functions, including club and organization activities, whether on EvCC property or not. No individual, recognized student organization, club, team, or association is permitted to plan, engage in, or condone hazing on or off Everett Community College owned or controlled property or in college housing. All incidents of hazing will be investigated. Any individual planning or intentionally assisting in a hazing incident is determined to be involved, regardless of whether that individual was present or not when the hazing activity occurred. An individual's consent, whether implied or expressed, to be hazed, is not a defense to any alleged hazing violation.

(2) Hazing is defined as any activity done in connection with a student organization, club or association, or any pastime or amusement engaged in with respect to such an organization, club or association that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm, to any student or other person.

(3) Any student organization, club, team, or association that knowingly permits hazing is strictly liable for harm caused to persons or property resulting from hazing.

(4) Any allegations of hazing shall be submitted to the chief student affairs officer or designee and action shall be taken as appropriate per Article IV (Disciplinary Procedures) of Student Rights and Responsibilities with the following additional disciplinary provisions:

(a) Any EvCC student organization, club or association that knowingly permits hazing shall be denied recognition by EvCC as an official organization, club or association. Any group so disbarred may apply to be reinstated as an official organization, club or association after waiting a period of one quarter and providing a written statement of their intent to follow hazing policies as set forth herein. Repeat offenses by student organizations/clubs will be submitted to the chief student affairs officer or designee for possible further action under the guidelines for disciplinary procedures.

(b) A person who participates in the hazing of another shall forfeit any entitlement to state funded grants, scholarships or awards for one full quarter for a first-time offense, and for a period to be determined via the processes for disciplinary procedures for repeat violations. Additional sanctions

which may include expulsion from the college may be recommended by the chief student affairs officer or designee per the guidelines for disciplinary procedures.

(c) Hazing violations are misdemeanors punishable under state criminal law (RCW 28B.10.901 and 9A.20.021).

[Statutory Authority: RCW 28B.50.140. WSR 14-04-048, § 132E-120-390, filed 1/27/14, effective 2/27/14. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. WSR 07-11-165, § 132E-120-390, filed 5/23/07, effective 6/23/07. Statutory Authority: RCW 28B.50.140. WSR 00-17-015, § 132E-120-390, filed 8/3/00, effective 9/3/00.]

WAC 132E-120-400 Drug-free campus policy. It is the responsibility of the college to provide a safe and healthy educational and work environment. A motivated and healthy work force and student body are the college's greatest assets.

Fit for participation.

It is essential that all employees and students report to work and class both mentally and physically able to perform their duties and learn in a satisfactory manner.

All employees and students who report to work or class must be in a condition fit to perform their duties, fit to learn, unimpaired due to the use of alcohol or other drugs.

Possession/use guidelines.

Possession or consuming any form of liquor or alcoholic beverage on college property, in college housing or at off-campus college events is prohibited.

Illegal possession, consumption, selling, or distributing, or being demonstrably under the influence of marijuana or any substance as defined by RCW 69.50.101 on property owned or controlled by the college, in college housing or at functions sponsored or supervised by the college is prohibited.

For the purpose of this rule, "sale" shall include the statutory meaning defined in RCW 69.50.410.

Disorderly or abusive conduct resulting from being under the influence of drugs or alcohol on college owned or controlled property, in college housing or at functions sponsored or supervised by the college is prohibited. Disorderly or abusive conduct includes, but is not limited to, interfering with the right of others or obstructing or disrupting teaching, research, or administrative functions including failure to abide by the directive(s) of a college employee who is acting in their capacity as an agent of the college.

Allowable use.

Medication

Prescription and over-the-counter drugs are not prohibited when taken in standard dosage and/or according to a physician's prescription. Any employee or student taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to learn about the effects of a medication. If the use of a medication could compromise the safety of the employee or student, other employees and/or other students or the public, it is the individual's responsibility to use appropriate procedures (e.g., call in sick, use leave, request change of duty, notify supervisor, notify instructor) to avoid unsafe practices.

The illegal or unauthorized use of prescription drugs is prohibited. It is a violation of this policy to intentionally misuse and/or abuse prescription medications.

Events

Alcohol use is prohibited as described above except for participants of legal age at programs which have the special written permission of the college president.

Employees representing the college at official functions in the scope of their employment including, but not limited to, attendance at conferences and events, should exercise prudence in consuming alcohol and should refrain from driving after consuming alcohol.

Violations.

Any employee or student found in violation of this policy will be subject to formal disciplinary action, which may include completion of an appropriate rehabilitation program up to and/or including dismissal/expulsion, as per the applicable collective bargaining agreement/student handbook.

Other legal penalties may be enforced by state and local law enforcement officials.

Abuse assistance.

Everett Community College recognizes that alcohol and drug abuse and addiction are treatable illnesses. We also realize that early intervention and support improve the success of rehabilitation and may prevent those whose problems have yet to reach the level of addiction from progressing.

Employees needing assistance with problems related to alcohol or drug abuse are encouraged to seek assistance utilizing employee medical insurance programs or the employee assistance program (EAP).

Students are encouraged to seek referral assistance from the college's counseling center and/or appropriate off-campus substance abuse agencies.

Federal law.

The college will continue to comply with the federal Drug-Free Work Place Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989.

(1) All employees must, as a condition of continued employment, notify the chief human resources officer of any criminal drug statute conviction for a violation occurring during the course of the employee's work duties no later than five days after such conviction.

(2) Students must report any such conviction to the dean of students within five days after such conviction. Students may lose federal funding as well as be subject to the student disciplinary process.

(3) Everett Community College will report any conviction to the appropriate federal or state agency within ten days after having received notice that a person employed under a federally funded grant or contract or receiving grant funds has any drug statute conviction occurring on the campus.

All employees and students, regardless of status, shall comply with this policy regarding a drug-free campus.

[Statutory Authority: RCW 28B.50.140. WSR 16-08-120, § 132E-120-400, filed 4/6/16, effective 5/7/16; WSR 14-04-048, § 132E-120-400, filed 1/27/14, effective 2/27/14. Statutory Authority: Chapters 28B.50 and 28B.10 RCW. WSR 07-11-165, § 132E-120-400, filed 5/23/07, effective 6/23/07. Statutory Authority: RCW 28B.50.140. WSR 00-17-015, § 132E-120-400, filed 8/3/00, effective 9/3/00.]

WAC 132E-120-410 Tobacco use policy. The college's board of trustees has adopted the following tobacco use policy:

Everett Community College acknowledges and supports the findings of the Surgeon General that tobacco use in any form, active and passive, is a significant health hazard. The college further recognizes that environmental tobacco smoke has been classified as a Class A carcinogen.

In accordance with the Washington Clean Indoor Air Act of 1985 (chapter 70.160 RCW) and in recognition of the executive order establishing governor's policy on smoking in state facilities, and in support of a safe and healthy learning and working environment, smoking or other tobacco usage is not permitted within the perimeter of Everett Community College property, including usage in any vehicle parked on college property.

To achieve the goal of a healthy, tobacco-free environment, the following are also prohibited:

- (1) The use of other tobacco products, such as smokeless or chewing tobacco.
- (2) The use of electronic cigarettes.
- (3) The sale of tobacco products or tobacco related merchandise.
- (4) The free distribution (sampling) of tobacco products and associated products.
- (5) Sponsorship of campus events by organizations that promote tobacco use.
- (6) Advertisement of tobacco products at campus events regardless of sponsorship.

Tobacco cessation aids including, but not limited, to nicotine patches and nicotine gum are permissible.

Smoking may be permitted in a theatrical production when it is required in the script. In these circumstances, there must be an appropriate safe method of extinguishing any resultant fire readily available. Audiences must be notified that there will be smoking on stage.

Violations of the above policy may result in a fine and/or disciplinary action.

Definitions

"College property" includes all college sidewalks, parking lots, landscaped areas, recreational areas and buildings on Everett Community College property; the interior of all buildings located on the college property; and in any and all vehicles owned or operated by Everett Community College regardless of location.

"Improper disposal" includes, but is not limited to, spitting smokeless tobacco product, littering (i.e., discarded cigarette butts, throwing cigarette butts out of windows), leaving spit container, or anything that creates fire hazards.

"Smoking" includes the inhaling, exhaling, burning, or carrying of any lighted smoking material, including cigarettes, cigars, or pipes.

[Statutory Authority: RCW 28B.50.140. WSR 12-16-005, § 132E-120-410, filed 7/19/12, effective 8/19/12; WSR 00-17-015, § 132E-120-410, filed 8/3/00, effective 9/3/00.]