

Chapter 132G-120 WAC

STUDENT CONDUCT CODE

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| 132G-120-010 | Student conduct code—Preamble. |
| 132G-120-015 | Grounds for discipline. |
| 132G-120-030 | Jurisdiction. |
| 132G-120-040 | The use of disciplinary authority. |
| 132G-120-050 | Student notification. |
| 132G-120-060 | Possible actions. |
| 132G-120-061 | Initiation of summary suspension proceedings. |
| 132G-120-062 | Permission to enter or remain on campus. |
| 132G-120-063 | Notice of summary suspension proceedings. |
| 132G-120-064 | Decision by the vice president for student services. |
| 132G-120-065 | Suspension for failure to appear. |
| 132G-120-070 | College discipline committee. |
| 132G-120-080 | Discipline committee procedural guidelines and safeguards. |
| 132G-120-090 | The president's review. |
| 132G-120-100 | Appeals. |
| 132G-120-110 | Disciplinary terms. |
| 132G-120-130 | Readmission after expulsion. |
| 132G-120-140 | Reporting, recording and maintenance of records. |

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

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| 132G-120-020 | Student conduct. [Order 1-35:72, § 132G-120-020, filed 11/29/72, effective 1/1/73.] Repealed by WSR 01-13-065, filed 6/18/01, effective 7/19/01. Statutory Authority: RCW 28B.50.140(13). |
| 132G-120-120 | Lowering of grades. [Order 1-35:72, § 132G-120-120, filed 11/29/72, effective 1/1/73.] Repealed by WSR 01-13-065, filed 6/18/01, effective 7/19/01. Statutory Authority: RCW 28B.50.140(13). |

WAC 132G-120-010 Student conduct code—Preamble. Admission to the college carries with it the expectation that students will conduct themselves as responsible members of the academic community. This includes the expectation that students will obey the law; comply with the rules and regulations of the college; maintain high standards of integrity and honesty; respect the rights, privileges, and property of other members of the college community; and will not interfere with college operations.

[Statutory Authority: RCW 28B.50.140(13). WSR 01-13-065, § 132G-120-010, filed 6/18/01, effective 7/19/01. Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 83-07-020 (Order 49:83), § 132G-120-010, filed 3/11/83; Order 1-35:72, § 132G-120-010, filed 11/29/72, effective 1/1/73.]

WAC 132G-120-015 Grounds for discipline. Student activity or behavior which violates any provision of the college conduct code is not acceptable; yet, an individual who enrolls at the college can rightfully expect that the instructors and administrators will exercise with restraint the power of the college to regulate student behavior, and that rules and regulations will be adopted only when the education process clearly and directly requires such legislation. However, restrictive rules and regulations will not be made without showing relevance to those conditions toward which they apply. The enforcement of these rules and regulations shall be fair and shall be pursued in accordance with regulations governing student conduct. Sanctions, up to and including expulsion from the college, may be imposed for failure to satisfy the expectations stated above. These sanctions will deter-

(6/18/01)

mine whether, and under what conditions, the violator may continue at the college.

(1) Upon enrollment, students assume responsibilities that include, but are not limited to:

(a) Respecting the rights, privileges, and property of other members of the campus community and refraining from any conduct that would interfere with college functions or endanger the health, welfare, or safety of other persons;

(b) Maintaining high standards of academic and personal honesty and integrity; and

(c) Complying with the rules, regulations, procedures, policies, standards of conduct, and orders of Shoreline Community College, as outlined in various college publications such as the college catalog, the student guidebook and the college policy manual. Copies of the college catalog, the student guidebook and the college policy manual are available at the college library during normal business hours.

(2) Specific instances of misconduct for which the college will impose sanctions include, but are not limited to:

(a) Acts of dishonesty, including, but not limited to:

(i) Cheating, plagiarism or other forms of academic dishonesty as outlined in college Policy 5033;

(ii) Furnishing false information to any college official, faculty member, or office;

(iii) Forgery, alteration or misuse of any college document, record or instrument of identification;

(iv) Tampering with the election process or outcome of any recognized student organization; and

(v) Violations of copyright laws.

(b) Conduct constituting a sexual offense or sexual harassment as defined by law. Sexual harassment includes, but is not limited to, unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature when:

(i) Such conduct implicitly or explicitly suggests that submission to or rejection of the conduct will be a factor in academic or employment decisions or evaluations or permission to participate in a college activity; or

(ii) Such conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance or creating an intimidating or hostile academic or work environment.

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

(d) The intentional obstruction or disruption of teaching, learning, research, administration, disciplinary proceedings, or other campus activities, including public service functions and other authorized activities on campus premises.

(e) Possession, use or furnishing on campus premises of intoxicating beverages or controlled substances or unlawful drugs (as defined in Washington State Uniform Controlled Substances Act, chapter 69.50 RCW, a copy of which may be

[Ch. 132G-120 WAC p. 1]

obtained in the office of the vice president for human resources and employee relations, room 1019 of the administration building, Shoreline Community College).

(f) Failure to comply with the direction of campus officials acting in the performance of their duties.

(g) Intentionally inciting others to engage in any unlawful activity when the incitement leads directly to such unlawful conduct on the college campus.

(h) Possession or use of unlawfully possessed firearms, explosives, dangerous chemicals or other dangerous weapons or instrumentalities on the college campus, except for authorized college purposes (legal defense sprays are exempt in this section).

(i) Conduct which is disorderly, lewd, indecent, obscene, verbally abusive or which carries a threat or perception of a threat of bodily harm.

(j) Theft or other abuse or misuse of computer account privileges, equipment, software, network resources or time, including, but not limited to:

(i) Unauthorized entry into an account, file or network, to use, read or change the contents, or for any other purpose;

(ii) Unauthorized transfer or copying of accounts, programs or files;

(iii) Unauthorized use of another individual's account, identification or password, or sending anonymous messages without clearly and correctly identifying the sender;

(iv) Use of computer facilities to interfere with the work of another student, faculty member, college official or computer network operations;

(v) Use of computer facilities to send or receive obscene, abusive, or harassing messages;

(vi) Use of college email accounts to disseminate viruses, destructive or malicious programs;

(vii) Use of college computer facilities to introduce or send viruses or other destructive or invasive software programs.

Violations of the student conduct code will lead to disciplinary action; however, nothing herein will be construed to deny students their legally and/or constitutionally protected right(s) to due process.

[Statutory Authority: RCW 28B.50.140(13). WSR 01-13-065, § 132G-120-015, filed 6/18/01, effective 7/19/01.]

WAC 132G-120-030 Jurisdiction. The vice president for student services and the division deans are responsible for initiating disciplinary proceedings for infractions of the rules and regulations of the college or for alleged misconduct in academic work.

The division dean is the primary agent for disciplinary matters arising solely out of scholarship. The vice president for student services is the primary agent for the administration of discipline for unacceptable conduct or infraction of college rules in all matters except those which are the responsibilities of divisions and instructors. Division deans shall give written notice to the vice president for student services of any disciplinary action which they take.

Instructors have the authority to take such summary actions as may be necessary to maintain order and proper conduct in the classroom and to maintain the effective cooperation of the class in fulfilling the objectives of the course, and to maintain academic integrity. Such actions may be

appealed to the dean of the division offering the course no later than the end of the next regular academic quarter, excluding summer quarter.

The provisions of these sanctions do not apply to the evaluation of a student's academic performance.

[Statutory Authority: RCW 28B.50.140(13). WSR 01-13-065, § 132G-120-030, filed 6/18/01, effective 7/19/01. Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 83-07-020 (Order 49:83), § 132G-120-030, filed 3/11/83; Order 1-35:72, § 132G-120-030, filed 11/29/72, effective 1/1/73.]

WAC 132G-120-040 The use of disciplinary authority. All disciplinary proceedings will be initiated by either the vice president for student services or a division dean. The vice president for student services or a division dean, may, however, delegate this responsibility to others. In cases appealed to it, the college discipline committee (see WAC 132G-120-070) assumes the responsibility for making a recommendation to the president of the college.

[Statutory Authority: RCW 28B.50.140(13). WSR 01-13-065, § 132G-120-040, filed 6/18/01, effective 7/19/01. Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 83-07-020 (Order 49:83), § 132G-120-040, filed 3/11/83; Order 1-35:72, § 132G-120-040, filed 11/29/72, effective 1/1/73.]

WAC 132G-120-050 Student notification. The student shall be informed at the initial conference of what appears to be the maximum penalty which might result from consideration of the disciplinary matter. In order that the informality of procedure in these instances not mislead a student as to the seriousness of the matter under consideration, the student shall be informed in writing if expulsion is involved. If further consideration reveals that more severe disciplinary action may be appropriate, the student shall be so advised as soon thereafter as possible.

[Order 1-35:72, § 132G-120-050, filed 11/29/72, effective 1/1/73.]

WAC 132G-120-060 Possible actions. The initiating authority may take one of the following actions.

(1) Terminate the proceedings, exonerating the student or students.

(2) Dismiss the case after whatever counseling and advice may be appropriate.

(3) Impose minor sanctions directly (disciplinary warning or disciplinary probation) subject to the student's right of appeal (see WAC 132G-120-100). The student shall be notified of the action taken. This notification must be in writing when a disciplinary warning or disciplinary probation is imposed.

The initiating authority will notify parent(s) or legal guardian(s) of a dependent student under the age of eighteen of the disciplinary probation. The initiating authority will notify parent(s) or legal guardian(s) of students under the age of twenty-one of any determination that the student violated college rules against the use or possession of alcohol or controlled substances.

(4) The vice president for student services, or his/her designee, will have the responsibility of imposing major sanctions such as denial of registration or expulsion. The student shall be advised of his/her rights by reference to the appropriate sections of this document. If the denial of registration or expulsion is approved, the vice president for student services, or his/her designee, shall notify the student in

writing that he/she has been denied registration or that he/she has been expelled. The vice president of student services, or his/her designee, will notify parent(s) or legal guardian(s) of a dependent student under the age of eighteen of the disciplinary action. The vice president for student services, or his/her designee, will notify parent(s) or legal guardian(s) of students under the age of twenty-one of any determination that the student violated college rules against the use or possession of alcohol or controlled substances.

[Statutory Authority: RCW 28B.50.140(13). WSR 01-13-065, § 132G-120-060, filed 6/18/01, effective 7/19/01. Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 83-07-020 (Order 49:83), § 132G-120-060, filed 3/11/83; Order 1-35:72, § 132G-120-060, filed 11/29/72, effective 1/1/73.]

WAC 132G-120-061 Initiation of summary suspension proceedings. The vice president for student services or his/her designee may summarily suspend any student from the college for not more than fourteen calendar days pending investigation, action or prosecution of charges of an alleged chapter 132G-120 WAC violation or violations, if the vice president for student services or his/her designee has probable cause to believe that the student's physical or emotional safety, health, or welfare, or the safety or welfare of other college community members, or the protection of property requires such suspension. If the emergency situation requires a lesser sanction, the vice president for student services or his/her designee shall narrowly tailor the sanction to address the emergency situation.

[Statutory Authority: RCW 28B.50.140(13). WSR 01-13-065, § 132G-120-061, filed 6/18/01, effective 7/19/01. Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 83-07-020 (Order 49:83), § 132G-120-061, filed 3/11/83.]

WAC 132G-120-062 Permission to enter or remain on campus. During the period of summary suspension, the suspended student shall not enter the campus other than to meet with the vice president for student services, or his/her designee, or to attend the summary suspension hearing. However, the vice president for student services, or his/her designee, may grant the student special permission to enter for the express purpose of meeting with faculty, staff, or students in preparation for the hearing.

[Statutory Authority: RCW 28B.50.140(13). WSR 01-13-065, § 132G-120-062, filed 6/18/01, effective 7/19/01. Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 83-07-020 (Order 49:83), § 132G-120-062, filed 3/11/83.]

WAC 132G-120-063 Notice of summary suspension proceedings. If the vice president for student services or his/her designee finds it necessary to exercise the authority to summarily suspend or restrict a student, he/she shall:

- (1) Give an oral or written notice of the alleged misconduct and violation(s) of any provision(s) of chapter 132G-120 WAC to the student;
- (2) Give an oral or written explanation of the evidence in support of the charge(s) to the student;
- (3) Give an oral or written explanation of the corrective action or punishment (up to a maximum of fourteen calendar days suspension) which may be imposed on the student; and
- (4) The student shall be provided an opportunity to present his or her explanation of the conduct alleged to be violative of the college student rights and responsibilities policy.

(6/18/01)

[Statutory Authority: RCW 28B.50.140(13). WSR 01-13-065, § 132G-120-063, filed 6/18/01, effective 7/19/01. Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 83-07-020 (Order 49:83), § 132G-120-063, filed 3/11/83.]

WAC 132G-120-064 Decision by the vice president for student services. If the vice president for student services, or his/her designee, at the conclusion of the emergency adjudicative proceedings, finds that there is cause to believe that:

- (1) The student against whom specific violations of law or of provisions of chapter 132G-120 WAC are alleged has committed one or more of such violations; and
- (2) Such violation(s) of the law or of provisions of chapter 132G-120 WAC constitute grounds of disciplinary action; and
- (3) Summary suspension of the student is necessary; then, the vice president for student services or his/her designee, may immediately suspend such student from the college for up to fourteen calendar days if summary suspension of the student or other summary action is necessary.

[Statutory Authority: RCW 28B.50.140(13). WSR 01-13-065, § 132G-120-064, filed 6/18/01, effective 7/19/01. Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 83-07-020 (Order 49:83), § 132G-120-064, filed 3/11/83.]

WAC 132G-120-065 Suspension for failure to appear. If the student against whom specific violations of provisions of chapter 132G-120 WAC have been alleged has been instructed by the vice president for student services or his/her designee to appear for summary suspension proceedings and then fails to appear at the time designated for the summary suspension proceedings, the vice president for student services or his/her designee may suspend the student from the college and shall give written notice of suspension to the student at his/her last address of record on file with the college.

[Statutory Authority: RCW 28B.50.140(13). WSR 01-13-065, § 132G-120-065, filed 6/18/01, effective 7/19/01. Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 83-07-020 (Order 49:83), § 132G-120-065, filed 3/11/83.]

WAC 132G-120-070 College discipline committee. A college discipline committee will hear all disciplinary cases appealed to it by students who have received disciplinary sanctions and shall either approve the actions of the vice president for student services or his/her designee, or give directions as to what other disciplinary action should be taken, or exonerate the student. The committee will be composed of the following persons:

- (1) A member appointed by the president of the college;
- (2) Two members of the faculty, appointed by the president of the Shoreline Community College Federation of Teachers (SCCFT); and
- (3) Two students appointed by the president of the student body association.

None of the above-named persons shall sit in any case in which he/she is a complainant or witness, in which he/she has a direct or personal interest, or in which he/she has acted previously in an advisory capacity. Decisions in this regard, including the selection of alternates, shall be made by the discipline committee as a whole.

The discipline committee chair will be elected by the members of the discipline committee.

In hearings before the discipline committee, at the discretion of the committee, an assistant attorney general will be requested to assist the committee. This action may be considered necessary in order to have a fair hearing.

[Statutory Authority: RCW 28B.50.140(13). WSR 01-13-065, § 132G-120-070, filed 6/18/01, effective 7/19/01. Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 83-07-020 (Order 49:83), § 132G-120-070, filed 3/11/83; Order 1-35:72, § 132G-120-070, filed 11/29/72, effective 1/1/73.]

WAC 132G-120-080 Discipline committee procedural guidelines and safeguards. A student has a right to a fair and impartial hearing before the discipline committee on any matter appealed to it. Failure to cooperate with the hearing procedures, however, shall not preclude the committee from making its findings of fact, conclusions and recommendations as provided below. Failure of the student to cooperate may be taken into consideration by the committee in recommending penalties.

(1) The student shall be given written notice at least seven calendar days in advance of the date, time, and place of the hearing, the charge(s) against him/her, a list of witnesses who may appear, and a description of any documentary and/or physical evidence that may be presented at the hearing. The student may waive the seven-day notice requirement by requesting a prompt hearing to contest an order of summary suspension or other summary action.

(2) The student shall be entitled to hear and examine the evidence against him/her. Also, he/she shall be entitled to present evidence in his/her own behalf.

(3) Only those matters presented at the hearing, in the presence of the student involved, will be considered in determining guilt or innocence of the alleged misconduct, but the student's past record of conduct may be taken into account in formulating the committee's determination of appropriate disciplinary action.

(4) The student may be represented by counsel and/or accompanied by an advisor of his/her choice.

(5) No one will be required to give self-incriminating evidence.

(6) Hearings conducted by the committee may be held in closed session at the discretion of the committee, the only exception being when the student involved invites particular persons or requests an open hearing. If at any time during the conduct of a hearing invited guests are disruptive of the proceedings, the chair of the committee may exclude such persons from the hearing room.

(7) All proceedings of the committee will be conducted with reasonable dispatch and terminated as soon as fairness to all parties involved permits.

(8) An adequate summary of the proceedings will be kept. As a minimum, such a summary would include a tape recording of testimony. The presiding officer or court reporter will require all witnesses and interpreters to give testimony under oath.

(9) The student will be provided with a copy of the findings of fact and with the conclusions and the recommendations of the committee, and he/she will also be advised of the right to file, within seven calendar days, a written statement

of further appeal to the president of the college before action is taken on the recommendation.

(10) If discipline is to be imposed after the review provided by this section, the officer who initiated the proceedings shall notify the student in writing of the discipline imposed. The initial order will notify the parent(s) or legal guardian(s) of a dependent student under the age of eighteen of any expulsion or disciplinary probation of a student. The initial order will also notify the parent(s) or legal guardian(s) of students under the age of twenty-one, if the discipline is for violation of college rules against the use or possession of alcohol or controlled substance.

The committee shall establish general rules of procedure consistent with the foregoing procedural safeguards. A copy of any such rules of procedure shall be given to the student in advance of his/her hearing.

[Statutory Authority: RCW 28B.50.140(13). WSR 01-13-065, § 132G-120-080, filed 6/18/01, effective 7/19/01. Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 83-07-020 (Order 49:83), § 132G-120-080, filed 3/11/83; Order 1-35:72, § 132G-120-080, filed 11/29/72, effective 1/1/73.]

WAC 132G-120-090 The president's review. The president of the college, or his/her designated representative, shall review all cases appealed by the student to the discipline committee. Upon review of the committee's report, relevant portions of the record and any statement filed by the student, the president of the college, or his/her designee, shall either approve the recommendations of the committee, give directions as to what other disciplinary action should be taken, or exonerate the student and notify the initiating authority.

[Statutory Authority: RCW 28B.50.140(13). WSR 01-13-065, § 132G-120-090, filed 6/18/01, effective 7/19/01. Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 83-07-020 (Order 49:83), § 132G-120-090, filed 3/11/83; Order 1-35:72, § 132G-120-090, filed 11/29/72, effective 1/1/73.]

WAC 132G-120-100 Appeals. Any disciplinary action may be appealed, in succession, following the steps as outlined below. An appropriate appeal shall be made in writing within fifteen days after the student has been notified of the action taken. In all proceedings wherein the student is not exonerated, there shall be one automatic review by a reviewing authority.

(1) Disciplinary action by a division dean may be appealed to, and shall be reviewed by, the vice president for student services.

(2) Disciplinary action by the vice president for student services may be appealed to, and shall be reviewed by, the discipline committee.

(3) Disciplinary action by the discipline committee may be appealed to, and shall be reviewed by, the college president, who shall have final authority in all disciplinary action.

[Statutory Authority: RCW 28B.50.140(13). WSR 01-13-065, § 132G-120-100, filed 6/18/01, effective 7/19/01. Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 83-07-020 (Order 49:83), § 132G-120-100, filed 3/11/83; Order 1-35:72, § 132G-120-100, filed 11/29/72, effective 1/1/73.]

WAC 132G-120-110 Disciplinary terms. The following definitions of disciplinary terms have been established to provide consistency in the application of penalties.

(1) **Disciplinary warning:** Formal action censuring a student for violation of college rules or regulations or for failure to satisfy the expectations of the college regarding con-

duct. Disciplinary warnings are always made in writing to the student by the officer or agency taking the action, with copies to the vice president for student services' office. A disciplinary warning indicates to the student that continuation of the specific conduct involved or other misconduct will result in one of the more serious disciplinary actions (see WAC 132G-120-110 (2) through (6)).

(2) **Hold:** Attachment of a student's academic record to encourage the fulfillment of the student's obligations to the college, particularly financial. Holds are always made in writing, including a detailed list of the obligations to be met, and are sent to the student. Requests for transcripts of the student's academic record will not be honored until the initiating authority is satisfied that the obligations have been met and provides the registrar with written notification of the release of the hold.

(3) **Registration denied:** Formal action refusing to allow a student to register for subsequent quarters for violation of college rules or regulations, failure to satisfy the expectations of the college regarding conduct, or failure to fulfill obligations to the college. The initiating authority, in his/her written notification to the student, will detail the reasons for the denial of registration and the conditions to be met before registration will be allowed. Registration may be denied for a fixed or indefinite period. Future registration will not be allowed until the initiating authority is satisfied that the conditions have been met.

(4) **Disciplinary probation:** Formal action placing conditions upon the student's continued attendance for violation of college rules or regulations or failure to satisfy the expectations of the college regarding conduct. The office placing the student on disciplinary probation will specify, in writing, the period of probation and the conditions. Disciplinary probation warns the student that any further misconduct will make him/her liable to suspension or expulsion from the college. Disciplinary probation may be for a specific term or for an indefinite period which may extend to graduation or other termination of the student's enrollment in the college.

(5) **Academic penalties:** Consequences of any breach of academic integrity may include withholding of credit, lowering of grade, and/or failure (0.0) for the assignment and/or course, or lesser sanctions. Matters involving academic dishonesty may be referred to the vice president for student services for disciplinary action(s).

(6) **Suspension:** Formal action by an authorized disciplinary agency dismissing a student temporarily from the college for unacceptable conduct or violation of college rules or regulations. Denial of registration or expulsion may be for a stated or for an indefinite period, but the implication of the action is that the student may eventually return if evidence or other assurance is presented that the unacceptable conduct will not be repeated.

[Statutory Authority: RCW 28B.50.140(13). WSR 01-13-065, § 132G-120-110, filed 6/18/01, effective 7/19/01. Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR 83-07-020 (Order 49:83), § 132G-120-110, filed 3/11/83; WSR 79-06-106 (Order 12-10:79), § 132G-120-110, filed 6/6/79; Order 1-35:72, § 132G-120-110, filed 11/29/72, effective 1/1/73.]

action resulting in his expulsion. Such petitions must indicate how specified conditions have been met and, if the term of the expulsion has not expired, any reasons which support a reconsideration of the matter.

[Statutory Authority: RCW 28B.50.140(13). WSR 01-13-065, § 132G-120-130, filed 6/18/01, effective 7/19/01; Order 1-35:72, § 132G-120-130, filed 11/29/72, effective 1/1/73.]

WAC 132G-120-140 Reporting, recording and maintenance of records. Records of all disciplinary cases shall be kept by the office taking or initiating the action. Except in proceedings wherein the student is exonerated, all documentary or other physical evidence produced or considered in disciplinary proceedings and all recorded testimony shall be preserved insofar as possible, for not more than five years in accordance with the record retention schedule. Any record of proceedings wherein the student is exonerated, except the fact of exoneration, shall be destroyed as expeditiously as possible in accordance with the appropriate record retention schedule.

[Statutory Authority: RCW 28B.50.140(13). WSR 01-13-065, § 132G-120-140, filed 6/18/01, effective 7/19/01; Order 1-35:72, § 132G-120-140, filed 11/29/72, effective 1/1/73.]

WAC 132G-120-130 Readmission after expulsion. Any student expelled from the college may be readmitted only on written petition to the office which initiated the