

WAC 132S-100-405 Student conduct board process. The SCB will hear, de novo, all disciplinary cases referred to the committee by the SCO.

(1) The respondent and the SCO will be sent written notification within fifteen instructional days from the date the committee received the referral from the SCO. The notification will contain the following:

- (a) The time, date, and location of the hearing;
- (b) The specific violation(s) alleged against the student;
- (c) The SCB procedures;
- (d) The names of the members of the acting SCB.

(2) The respondent and complainant has the right to be assisted by one advisor or representative of their choice and at their own expense. The advisor must be someone who is not employed by the college. If the respondent chooses to have an attorney serve as their advisor, the student must provide notice to the SCB no less than five instructional days prior to the hearing. The SCB hearing will not be delayed due to the scheduling conflicts of an advisor and such requests will be subject to the discretion of the SCB chairperson.

The respondent and/or complainant are responsible for presenting their own information, and therefore, during the hearing, advisors are not permitted to address the SCB, witnesses, the SCO, or any party or representative invited by the parties to the hearing, or to participate directly in any college conduct hearing. An advisor may communicate with their advisee and recesses may be allowed for this purpose at the discretion of the SCB chair.

(3) The SCB and respondent will be accorded reasonable access to the case file that will be retained by the SCO.

(4) Any SCB member who has a personal relationship, personal interest, or other interest which would prevent that person from rendering a fair and impartial decision must recuse themselves from the case. They will be replaced by another SCB member if possible.

A respondent may request in writing to the SCB chairperson no less than five instructional days prior to the hearing that a SCB member recuse or disqualify themselves. The request must be for good cause, which must be shown by the respondent. In the event of such a request, the SCB will consider the request prior to the time schedule for the hearing and will decide whether the SCB member should be disqualified for that hearing.

(5) The parties involved in the hearing will be requested to submit their witness list and any documentary evidence to be discussed at the hearing to the SCB chairperson no less than five instructional days prior to the hearing. The respondent is allowed a maximum of three character witnesses to appear on their behalf. A written statement from each witness regarding their involvement with the case must be turned in with the witness list submitted by the respondent or the witness will not be allowed to participate.

(6) Hearings will be closed to the public except if requested by the respondent and at the discretion of the SCB chairperson. At all times, however, all parties, their advisors, the witnesses, and the public will be excluded during the deliberations of the SCB.

(7) The SCO may request a special presiding officer to the SCB in complex cases. In these circumstances the special presiding officer will act as the chairperson of the hearing. The president must approve this request.

(8) The chairperson will exercise control over the hearing to avoid needless consumption of time and to prevent the harassment or

intimidation of witnesses. Any person, including the respondent who disrupts a hearing or who fails to adhere to the rulings of the chairperson may be excluded from the proceedings and may be subject to disciplinary action.

(9) Questions suggested by the respondent and/or complainant to be answered by each other or by other witnesses must be made in writing to the SCB chair. The chair, if appropriate and at their sole discretion, will read the question to the individual it is directed to. Questions related to the order of the proceedings are subject to the final decision of the chair and the SCB.

(10) Formal rules of evidence and procedure will not be applicable in disciplinary proceedings conducted pursuant to this student code of conduct. The chairperson will admit all matters into evidence which reasonable persons would accept as having probative value in the conduct of their affairs. Unduly repetitious or irrelevant evidence may be excluded.

(11) In order that a complete record of the proceeding can be made to include all evidence presented, hearings will be recorded or transcribed except for the deliberations of the SCB. The record will be the property of the college.

(12) After considering the evidence in the case, the SCB will decide by majority vote whether to terminate the proceedings, thereby exonerating the respondent, or impose disciplinary sanctions as set forth herein.

(13) The SCB's decision is made on the basis of a "preponderance of the evidence" standard of proof, that is, whether it is more likely than not that the respondent violated the student code of conduct.

(14) If the respondent is found responsible for any of the charges brought against them, the SCB may, at that time consider the student's past disciplinary record in determining an appropriate sanction.

(15) The decision of the SCB must include a written summary in sufficient detail to permit appellate review of the violations alleged, testimony and evidence, and conclusions. Decisions of the SCB will be delivered, within thirty instructional days, to the respondent personally or sent by mail to the student's most recent address on file with the college, and a copy filed with the office of the SCO.

(16) Disciplinary action taken by the SCB is final unless the respondent exercises the right of appeal as provided herein.

[Statutory Authority: RCW 28B.50.140. WSR 16-12-039, § 132S-100-405, filed 5/25/16, effective 6/25/16.]