

WAC 132P-33-460 Initiation of disciplinary action. (1) All disciplinary actions will be initiated by the dean of student services or designee. If that officer is the subject of a complaint initiated by the respondent, the president shall, upon request and when feasible, designate another person to fulfill any such disciplinary responsibilities relative to the complainant.

(2) The dean of student services or designee shall initiate disciplinary action by serving the respondent with written notice directing him or her to attend a disciplinary meeting. The notice shall briefly describe the factual allegations, the provision(s) of the conduct code the respondent is alleged to have violated, the range of possible sanctions for the alleged violation(s), and specify the time and location of the meeting. At the meeting, the dean of student services or designee will present the allegations to the respondent and the respondent shall be afforded an opportunity to explain what took place. If the respondent fails to attend the meeting the dean of student services or designee may take disciplinary action based upon the available information.

(3) Within ten days of the initial disciplinary meeting, and after considering the evidence in the case, including any facts or argument presented by the respondent, the dean of student services or designee shall serve the respondent with a written decision setting forth the facts and conclusions supporting his or her decision, the specific student conduct code provisions found to have been violated, the discipline imposed, if any, and a notice of any appeal rights with an explanation of the consequences of failing to file a timely appeal.

(4) The dean of student services or designee may take any of the following disciplinary actions:

(a) Exonerate the respondent and terminate the proceedings.

(b) Impose a disciplinary sanction(s), as described in WAC 132P-33-200.

(c) Refer the matter directly to the student conduct committee.

(i) Initiating the process. Student behavior that is suspected to be in violation of the student conduct code may be reported by students or employees of the college. In the event of an urgent safety concern, the person reporting the behavior is advised to first contact campus security or 911 local emergency services. If the conduct may be criminal, the student or employee reporting the incident may also report the conduct to law enforcement.

(ii) Notice requirements. The dean of students or designee shall initiate timely notification of the student accused of a violation of the student conduct code. The human resources director or designee shall initiate timely notification of allegations of sexual misconduct (WAC 132P-33-150). The notice shall not be ineffective if presented later due to the student's absence. Such notice shall:

(A) Inform the student that a report has been filed alleging that the student violated specific provisions of the code and the date of the violation;

(B) Inform the student that failure to appear at either of the appointed times at the office of the dean of student services or designee by the appointed deadline may subject the student to suspension from the institution for a stated time and a loss of access to college services for an indefinite period of time.

(5) Meeting with the dean of student services or designee.

(a) At the meeting with the dean of student services or designee the student shall be informed:

(i) Of provisions of the student conduct code that prompted that notice;

(ii) That the dean of student services or designee will make a decision as to any disciplinary sanction;

(iii) That the student may appeal any disciplinary sanction by requesting a formal hearing;

(iv) That the decision of the dean of student services or designee stands until such hearing is completed; and

(v) That if a hearing is requested the student may have that hearing open to the public.

(b) After the investigation is completed, the dean of student services or designee may take any of the following actions:

(i) Terminate the proceedings, exonerating the student or students;

(ii) Dismiss the case after whatever counseling and advice may be appropriate;

(iii) Provide a warning, verbally cautioning the student that the reported behavior constitutes violation of college rules or regulations or has otherwise failed to meet the college's standards of conduct and that further conduct of the type reported may lead to more serious disciplinary actions in the future;

(iv) In the case of a sexual misconduct allegation, that the complainant may also appeal any disciplinary sanction by requesting a formal hearing;

(v) Impose disciplinary sanctions as listed in WAC 132P-33-200 subject to the student's right of appeal described below; or

(vi) Refer the matter to the student conduct committee for a recommendation to the vice president for instruction and student services or designee as to appropriate action.

(c) Disciplinary action taken by or at the recommendation of the dean of student services or designee is final twenty-one days after notice is sent unless the student exercises the right of appeal as provided for in these rules.

(d) This process does not preclude and may occur concurrently with a Title IX sexual harassment investigation (WAC 132P-33-150). In cases of sexual misconduct, both the complainant and the accused may appeal disciplinary sanctions.

[Statutory Authority: RCW 28B.50.140. WSR 14-21-099, § 132P-33-460, filed 10/15/14, effective 1/5/15.]