

WAC 132S-100-400 Student conduct process. (1) As an agency of the state of Washington, the college's SCO, SCB, SAB, or president may be advised or represented by an assistant attorney general in any student code of conduct proceeding.

(2) Initiation of disciplinary action.

(a) Any member of the college community may file a complaint against a student or student group for possible violations of the student code of conduct.

(b) The student conduct officer, or designee, may review and investigate any complaint to determine whether it appears to state a violation of the student code of conduct.

(i) Sex discrimination, including sex-based harassment - The college's Title IX coordinator or designee shall review, process, and, if applicable, investigate complaints or other reports of sex discrimination, including sex-based harassment. Allegations of sex discrimination, including sex-based harassment, by a student shall be addressed through the student code of conduct. Allegations involving employees or third parties associated with the college will be handled in accordance with college policies.

(ii) Hazing by student groups - A student conduct officer, or designee, may review and investigate any complaint or allegation of hazing by a student group. A student group will be notified through its named officer(s) and address on file with the college. A student group may designate one representative who may speak on behalf of a student group during any investigation and/or disciplinary proceeding. A student group will have the rights of a respondent as set forth below.

(c) Investigations will be completed in a timely manner and the results of the investigation shall be referred to the student conduct officer for disciplinary action.

(d) If a student conduct officer determines that a complaint appears to state a violation of the student code of conduct, the student conduct officer will consider whether the matter might be resolved through agreement with the respondent or through alternative dispute resolution proceedings involving the complainant and the reporting party.

(i) Informal dispute resolution shall not be used to resolve sex-based harassment complaints without written permission from both the complainant and the respondent.

(ii) If the parties elect to mediate a dispute through informal dispute resolution, either party shall be free to discontinue mediation at any time.

(e) If the student conduct officer has determined that a complaint has merit and if the matter is not resolved through agreement or informal dispute resolution, the student conduct officer may initiate disciplinary action against the respondent.

(f) Both the respondent and the complainant in cases involving allegations of sex discrimination shall be provided the same procedural rights to participate in student discipline matters, including the right to participate in the disciplinary process and to appeal any disciplinary decision.

(g) All disciplinary actions will be initiated by the student conduct officer. If that student conduct officer is the subject of a complaint, the president shall, upon request and when feasible, designate another person to fulfill any such disciplinary responsibilities relative to the complaint.

(h) The student conduct officer 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 student code of conduct 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.

(i) At the meeting, the student conduct officer will present the allegation to the respondent and the respondent shall be afforded an opportunity to explain what took place. If the respondent fails to attend the meeting after proper service of notice, the student conduct officer may take disciplinary action based upon the available information.

(j) Within 10 calendar days of the initial disciplinary meeting, and after considering the evidence in the case, including any facts or argument presented by the respondent, the student conduct officer shall serve the respondent with a written decision setting forth the facts and conclusions supporting their decision, the specific student code of conduct 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. This period may be extended at the sole discretion of the student conduct officer, if additional information is necessary to reach a determination. The student conduct officer will notify the parties of any extension period and the reason therefore.

(k) The student conduct officer may take any of the following disciplinary actions:

(i) Exonerate the respondent and terminate the proceedings;

(ii) Impose a disciplinary sanction(s), with or without conditions, as describe in WAC 132S-100-XXX; or

(iii) Refer the matter directly to the student conduct board for such disciplinary action as the committee deems appropriate. Such referral shall be in writing, to the attention of the chairperson of the student conduct board, with a copy served on the respondent.

(l) In cases involving allegations of sex discrimination, the student conduct officer shall review the investigation report provided by the Title IX coordinator, and determine whether, by the preponderance of the evidence, there was a violation of the student code of conduct; and if so, what disciplinary sanction(s) and/or remedies will be recommended. The student conduct officer shall, within five business days of receiving the investigation report, serve respondent, complainant, and the Title IX coordinator with a written recommendation, setting forth the facts and conclusions supporting their recommendation. The time for serving a written recommendation may be extended by the student conduct officer for good cause.

(i) The complainant and respondent may either accept the student conduct officer's recommended disciplinary sanction(s) or request a hearing before the student conduct board.

(ii) The complainant and respondent shall have 21 calendar days from the date of the written recommendation to request a hearing before a student conduct board.

(iii) The request for a hearing may be verbal or written, but must be clearly communicated to the student conduct officer.

(iv) The student conduct officer shall promptly notify the other party of the request.

(v) In cases involving sex discrimination, the student conduct officer may recommend dismissal of the complaint if:

(A) The college is unable to identify respondent after taking reasonable steps to do so;

(B) Respondent is not participating in the College's educational programs or activities;

(C) The complainant has voluntarily withdrawn any or all of the allegations in the complaint, and the Title IX coordinator has declined to initiate their own complaint;

(D) The college determines that, even if proven, the conduct alleged by the complainant would not constitute sex discrimination; or

(E) The conduct alleged by the complainant falls outside the college's disciplinary jurisdiction.

(vi) In cases involving allegations of sex-based harassment, the college must obtain the complainant's voluntary withdrawal in writing before the matter can be dismissed.

(vii) If no request for a full hearing is provided to the student conduct officer, the student conduct officer's written recommendation shall be final and implemented immediately following the expiration of 21 calendar days from the date of the written recommendation.

(viii) Upon receipt of the student conduct officer's written recommendation, the Title IX coordinator or their designee shall review all supportive measures and, within five business days, provide written direction to the complainant and respondent as to any supportive measures that will be implemented, continued, modified, or terminated. If either party is dissatisfied with the supportive measures, the party may seek review in accordance with the college's Title IX investigation procedure.

(ix) If the respondent is found responsible for engaging in sex discrimination, the Title IX coordinator shall also take prompt steps to coordinate and implement any necessary remedies to ensure that sex discrimination does not recur and that the complainant has equal access to the college's programs and activities.

[Statutory Authority: RCW 28B.50.140. WSR 24-23-066, s 132S-100-400, filed 11/18/24, effective 12/19/24. Statutory Authority: RCW 28B.50.140 and 20 U.S.C. § 1092(f) and Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. WSR 20-23-031, § 132S-100-400, filed 11/10/20, effective 12/11/20. Statutory Authority: RCW 28B.50.140. WSR 20-03-046, § 132S-100-400, filed 1/9/20, effective 2/9/20; WSR 16-12-039, § 132S-100-400, filed 5/25/16, effective 6/25/16.]