



RULE-MAKING ORDER (RCW 34.05.360)

CR-103 (4/25/96)

Agency: BATES TECHNICAL COLLEGE

- Permanent Rule
- Emergency Rule
- Expedited Repeal

(1) Date of adoption: May 21, 1997

(2) Purpose:
To implement state statute prohibiting hazing by a student, organization or living group.

(3) Citation of existing rules affected by this order:

Repealed:
Amended: None
Suspended:

(4) Statutory authority for adoption: RCW28B.10.902(3) RCW28B.50.140(13)
Other authority:

PERMANENT RULE ONLY

Adopted under notice filed as WSR 97-07-003 on March 7, 1997 (date).
Describe any changes other than editing from proposed to adopted version:

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

EXPEDITED REPEAL ONLY

Under Preproposal Statement of Inquiry filed as WSR _____ on _____ (date).

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain:

(6) Effective date of rule:

**Permanent Rules
or Expedited Repeal**

- 31 days after filing
- Other (specify) _____ *

Emergency Rules

- Immediately
- Later (specify) _____

*If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

NAME (TYPE OR PRINT)

Jon G. Thorpe

SIGNATURE

TITLE Senior Vice President

DATE 9/26/97

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

SEP 29 1997

TIME 9:30 AM
WSR 97-20-081 PM

NEW SECTION

WAC 495A-120-041 Hazing. (1) Hazing, as defined by state law and this policy, is prohibited at Bates Technical College.

(2) Consistent with state law, RCW 28B.10.900, hazing at Bates Technical College means any method of initiation into a student organization or living group, or any pastime or amusement engaged in with respect to such an organization or living group that causes, or is likely to cause bodily danger or physical harm, or serious mental or emotional harm, to any student or person attending a public or private institution of higher education or other postsecondary educational institution in this state. "Hazing" does not include customary athletic events or other similar contests or competitions. For example, athletic activity such as playing soccer or baseball is not considered hazing. However, team initiation rituals could involve hazing and are prohibited.

(3) At Bates Technical College a student organization includes a student association or educational program. Examples of prohibited activities regardless of the location, include, but are not limited to: forced consumption of alcohol or drugs, excessive exercise, activities which may threaten the health of the individual or compelling individuals to engage in activities which violate the Bates Technical College *Student Code of Rights and Responsibilities*.

(4) No student at Bates Technical College may conspire to engage in hazing. Conspire means to plan for or otherwise engage in hazing.

NEW SECTION

WAC 495A-120-042 Penalties for hazing. (1) Any organization, association or student group that knowingly permits hazing shall, according to RCW 28B.10.901, (a) be liable for harm caused to persons or property resulting from hazing and (b) be denied recognition by Bates Technical College as an official organization, association or student group on this campus. If the organization, association or student group is a corporation, whether for profit or nonprofit, the individual directors of the corporation may be held individually liable for damages.

(2) A person who participates in the hazing of another shall forfeit any entitlement to state-funded grants, scholarships or awards for a period of at least one full quarter.

(3) Forfeiture of state-funded grants, scholarship or awards to recipients engaged in hazing activities or impermissible conduct not amounting to hazing may continue for additional quarters, up to and including permanent forfeiture, based upon the seriousness of the violations.

(4) Violation of the state hazing law is punishable in a court of law. Hazing violations are misdemeanors punishable under state criminal law according to RCW 9A.20.021. The maximum sentence for a misdemeanor is imprisonment in the county jail for ninety days or a \$1000 fine or both.

(5) Violations of the hazing policy are also enforced through the *Student Code of Rights and Responsibilities - Grievance and Appeals Process*. Hazing incidents should be reported to the Vice President for Student Services.

NEW SECTION

WAC 495A-120-043 Sanctions for impermissible conduct not amounting to hazing. (1) Impermissible conduct which may not be defined as hazing includes, but is not limited to conduct which causes embarrassment, sleep deprivation or personal humiliation, or may include ridicule or unprotected speech amounting to verbal abuse.

(2) Impermissible conduct associated with initiation into a student organization, association, program, or any pastime or amusement engaged in, with respect to the organization association or program will not be tolerated at Bates Technical College.

(3) Impermissible conduct not amounting to hazing is subject to sanctions available under the *Student Code of Conduct*, depending upon the seriousness of the violation.