

FORM OF ORDER AND TRANSMITTAL BY BOARD, COMMISSION, OR COUNCIL

State of Washington

CLARK COLLEGE BOARD OF TRUSTEES

(name of governing body)

CLARK COMMUNITY COLLEGE DISTRICT NO. 14

(name of institution)

Resolution No. _____

Administrative Order No. 88-01

(1) Be it resolved by the board of Trustees
of the Clark Community College District No. 14
(institution)

acting at 1800 E. McLoughlin Blvd, Vancouver, WA 98663
(place)

that it does adopt the annexed rules relating to:
Code of Student Conduct

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. 88-11-047
filed with the code reviser on May 16, 1988. These rules shall take effect:
 thirty days after they are filed with the code reviser pursuant to RCW 28B.19.050(2).
 at a later date, such date being July 27, 1988.

Jerald R. Anderson

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

We, _____, find that
an emergency exists and that this order is necessary for the preservation of the public health, safety, or general
welfare and that observance of the requirements of notice and opportunity to present views on the proposed action
would be contrary to public interest. A statement of the facts constituting the emergency is:

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of WAC 1-13-040¹ that each order shall set forth an appropriate statement
of state statutory authority fill in statement (a), (b), or (c) as appropriate:

- (a) This rule is promulgated pursuant to RCW _____
and is intended to administratively implement that statute.
- (b) This rule is promulgated pursuant to RCW _____
which directs that the

_____ (institution)
has authority to implement the provisions of _____
(name of act or RCW citation)

(c) This rule is promulgated under the general rule-making authority of the
CLARK COLLEGE
(institution)
as authorized in RCW 28B.50, 28B.10

(4) The undersigned hereby declares that the institution has complied with the provisions of the Open Public
Meetings Act (chapter 42.30 RCW), the Higher Education Administrative Procedure Act (chapter 28B.19 RCW),
and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

(5) This order after being first recorded in the order register of this governing body is herewith transmitted to
the Code Reviser for filing pursuant to chapter 28B.19 RCW and chapter 1-13 WAC.

APPROVED AND ADOPTED July 27, 19 88

STATE OF WASHINGTON
FILED

AUG 2 1988

By Georgia-Mae Gallivan
Georgia-Mae Gallivan
Chair, Board of Trustees
Title

CODE REVISER'S OFFICE
WSR 88-16-068

NOTE:

Pursuant to WAC 1-13-040, each rule-making order adopted by an institution of higher education shall incorporate the most specific, but in no case omit all of the following language alternatives when adopting or amending rules:

(a) The most specific reference shall be to a section of law which the rule is implementing, and shall be quoted as follows: "This rule is promulgated pursuant to RCW _____ and is intended to administratively implement that statute."

(b) The next specific reference, and one which shall be used only if paragraph (a) of this subsection is not applicable, shall be to that portion of an act which directs an agency to adopt rules and regulations as necessary to implement the act, and shall be quoted as follows: "This rule is promulgated pursuant to RCW _____ which directs that the (agency) has authority to implement the provisions of (name of act or RCW citation)."

(c) The least specific reference, and one which shall be used only if paragraphs (a) and (b) of this subsection are not applicable, is one which indicates that the rule is promulgated under the agency's broad rule-making authority—either in the agency enabling legislation or chapter 34.04 RCW, and shall be quoted as follows: "This rule is promulgated under the general rule-making authority of the (agency) as authorized in RCW _____."

STATE OF WASHINGTON
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MGR

Chapter 132N-20 WAC

CODE OF STUDENT CONDUCT

WAC

132N-20-010	Student responsibilities and standards of conduct.
132N-20-020	Authority.
132N-20-030	Summary action.
132N-20-040	Student participation.
132N-20-050	Violations.
132N-20-060	Disciplinary hearing procedures.
132N-20-070	Committee on student conduct.
132N-20-080	Forms of disciplinary action.
132N-20-090	Procedure for summary suspension.

NEW SECTION

WAC 132N-20-010 STUDENT RESPONSIBILITIES AND STANDARDS OF CONDUCT. Admission to the college carries with it the presumption that students will conduct themselves as responsible members of the academic community. Thus, when they enroll in the college, students assume the obligation to observe standards of conduct which are appropriate to the pursuit of educational goals.

NEW SECTION

WAC 132N-20-020 AUTHORITY. The board of trustees, acting pursuant to RCW 28B.50.140(14), has delegated (by written order) to the president of the college the authority to administer disciplinary action. Pursuant to this authority, the president, or designee, shall be responsible for the administration of the disciplinary procedures provided for herein. However, all disciplinary action in which there is a recommendation that a student be suspended shall be reviewed by the president or acting president.

Only where the institution's interests as an academic community are distinctly and clearly involved shall the special authority of the institution be asserted. Institutional action shall be based on the facts and circumstances of each case, and shall be independent of community pressure.

NEW SECTION

WAC 132N-20-030 SUMMARY ACTION. Nothing herein shall prevent faculty members or administrators from taking reasonable summary action to maintain order when they have reason to believe that such action is necessary for the physical safety and well-being of the student, or the safety and protection of other students or of college property, or when a student materially and substantially disrupts the educational process. Such summary action in the form of removal from the classroom or campus shall be effective for a period not to exceed two scheduled class days. The procedure for summary action which would result in removal from the classroom for more than two days is contained in WAC 132N-20-090.

Faculty and administrators shall maintain a written record of any summary action and a copy shall be filed with the dean of students and dean of faculty within two scheduled class days.

Any summary action may be appealed to the dean of students or designee for an informal hearing.

NEW SECTION

WAC 132N-20-040 STUDENT PARTICIPATION. Students shall have an opportunity, through ASCC, to participate in the formulation of all policies and rules pertaining to student conduct.

Rules and sanctions affecting the conduct of men and women shall be based on general principles of equal treatment, including penalties for like violations.

NEW SECTION

WAC 132N-20-050 VIOLATIONS. Disciplinary action may result from the commission of any of the actions listed below, or any violation of civil or criminal law while on college property or on a college-sponsored activity off campus where, in the judgment of the dean of students or designee, said commission affects suitability as a member of a college community. No disciplinary action shall be imposed on a student except in accordance with this chapter:

- (1) Academic cheating or plagiarism or aiding or abetting cheating or plagiarism.
- (2) Furnishing false information to the college with intent to deceive.
- (3) Forgery or alteration or misuse of college documents, records, or identification cards.
- (4) Threatened or actual physical abuse of another person.
- (5) Malicious destruction, damage, or misuse of college or private property (including library materials).
- (6) Theft or conversion of college or private property.
- (7) Conduct which materially or substantially disrupts the educational process of the college.
- (8) Conduct prohibited as obscene or pornographic pursuant to chapter 9.68 RCW and public indecency as defined by RCW 9A.88.010.
- (9) Disorderly conduct and/or disruptive behavior, or any conduct which by its nature threatens the safety of any student, faculty, staff, or any person, or which could result in the destruction of college property.
- (10) Failure to comply with directions of college personnel acting in performance of their duties.
- (11) Interference by force or violence (or by threat of force or violence) with any administrator, faculty/staff member, or student of the college who is in the peaceful discharge or conduct of his/her duties or studies. (RCW 28B.10.570 through 28B.10.573)
- (12) Furnishing, purchasing, sale, possession, or consumption of alcoholic beverages (as defined by federal or state law) on college-owned or controlled property, or at a college or student organization supervised function. When these acts occur with the prior permission of the board of trustees or its authorized designee and under a permit issued by the state of Washington liquor control board or its designee, they shall not constitute a violation of this provision. Being demonstrably under the influence of alcoholic beverages is a violation in any case.
- (13) Possession, consumption, or furnishing of any narcotic or dangerous drug, or being demonstrably under the influence of drugs as

defined in chapter 69.41 RCW as now law or hereinafter amended, except when use or possession is prescribed by an authorized individual under that statute.

(14) A violation of the code of student conduct occurs when a student conducts or participates in a demonstration which disrupts the academic community in any of the following manners:

Is conducted in a disorderly manner; unreasonably interferes with classes, scheduled meetings or ceremonies; unreasonably interferes with vehicular or pedestrian traffic or unreasonably interferes with regular college functions.

(15) Disobedience of the notice against trespass.

(16) Failure to comply with the following regulation governing weapons:

Weapons are not permitted on the Clark College campus, any other facilities leased or operated by the college, or at any activity under the administration or sponsorship of the college. This policy includes firearms; explosives and incendiary devices; or other dangerous weapons, instruments, or facsimiles and includes but is not limited to devices specified in RCW 9.41.250.

Exceptions to this policy are permitted when the weapon is used in conjunction with a college instructional program or is carried by duly constituted federal, state, county, or city peace officers.

(17) Violations of published college regulations, including those related to entry and use of college facilities, the rules in this section, and any other regulations which may be enacted with this document.

Actions which constitute possible criminal violations will be reported immediately to the appropriate law enforcement agency.

NEW SECTION

WAC 132N-20-060 DISCIPLINARY HEARING PROCEDURES. (1) Allegations of misconduct which constitute a violation of this chapter shall be filed in the dean of students' office in writing. The notice shall state specifically the alleged violation and summarize the supporting evidence. Upon review and investigation, the dean of students or designee shall make preliminary findings regarding the alleged violation.

(2) Students charged with misconduct will meet with the dean of students or designee within twenty-four hours of notification excluding nonclass days. He/she will determine whether disciplinary action is required. The student will be informed of what provision or provisions of the code of student conduct he/she is charged with violating and what appears to be the maximum penalties, if any, which might result from a finding of violation in the disciplinary proceeding.

(3) The dean of students or designee shall be the primary person responsible for the initiation of disciplinary action for conduct which is prohibited pursuant to this code of student conduct and for violation of other college rules, except for those rules which are the responsibility of the divisions and instructors hereafter enumerated:

(a) The division chair and the faculty of each division, shall be responsible for the administration of discipline, for the infraction of any rule relating to such student's academic program in that division;

(b) The instructor of each course shall be responsible for maintenance of order, security, and proper student conduct in a classroom. Such instructor shall be authorized to take any summary steps as may be necessary to preserve order and maintain effective cooperation of the class in fulfilling the objective of the course; and

(c) The classroom instructor may, for serious violation of classroom decorum or order, refer such violation to the chair of the division involved and such chair, through the dean of faculty, may request the dean of students or designee to initiate disciplinary action. (See WAC 132N-20-090 for procedure.)

(4) After considering the evidence in the case, and interviewing the student or students accused of violating the rules of student conduct, the dean of students or designee may take any of the following actions:

- (a) Terminate the proceeding, exonerating the student or students;
- (b) Dismiss the case after whatever counseling and advice may be appropriate;
- (c) Impose minor sanctions (reprimand) directly;
- (d) Recommend major sanctions, (probation, or suspension). See subsection (5) of this section.

(5) If major sanctions (probation or suspension) are deemed necessary, the dean of students or designee may recommend that the president impose a form of disciplinary action provided for in this chapter.

(a) In the event that the student wishes to contest the proposed disciplinary action, the student may request a hearing before a committee on student conduct by filing within three class days of the receipt of the proposed disciplinary action, a written request in the office of the president together with a written response to the findings and conclusions and proposed recommendation of the vice-president or designee. The disciplinary action shall be held in abeyance until the hearing procedure is completed, unless otherwise provided in this procedure. If the request for hearing is not filed within the prescribed time, it shall be deemed that the student accepts the disciplinary action.

(b) The committee on student conduct shall be convened not later than five class days after receipt of the student's request for hearing unless the student and the college mutually agree to a different time period. The committee on student conduct shall receive evidence and submit its recommendations to the president.

(c) The hearing shall be tape recorded and written findings and conclusions, along with the recommendation of the committee on student conduct shall be reviewed by the president. If the president or acting president concludes additional evidence should be taken, he/she may remand the matter to the committee for further proceedings. If the president is satisfied that the record is complete, he/she may confirm, reverse, or modify the recommendation of the committee on student conduct. The decision of the president shall be communicated to the student in a timely manner. The decision of the president shall be final.

NEW SECTION

WAC 132N-20-070 COMMITTEE ON STUDENT CONDUCT. (1) The committee on student conduct shall conduct hearings as provided for herein regarding alleged violations of the code of student conduct. The committee will be convened whenever a student makes a written request to the president for a hearing to contest a proposed disciplinary action.

(2) The committee shall be appointed by the president. Vacancies on the committee shall be filled as they arise.

(3) The committee shall include:

- (a) Two students nominated by the ASCC;
- (b) Two persons nominated by the Clark College AHE faculty;
- (c) One administrator appointed by the president.

Faculty members shall be appointed for overlapping two-year terms so that there will be continuity on the committee.

(4) A quorum shall consist of three members with at least one student member present.

(5) All committee members shall have voting rights.

(6) The committee shall select its chair and make additional rules for conducting hearings.

NEW SECTION

WAC 132N-20-080 FORMS OF DISCIPLINARY ACTION. The following are types of disciplinary action which may be taken pursuant to this chapter.

(1) Reprimand: An official reprimand serves to place on record that conduct in a specific instance does not meet the standards expected at the college. A person receiving a reprimand is notified that any future misconduct may result in further disciplinary action. He/she is further informed that records of reprimands are confidential property of the college and are destroyed two years after the last entry has been made concerning any disciplinary action. Such records are not considered part of a student's permanent file at the college.

(2) Disciplinary probation: The president or designee may restrict the college-related activities of individual students or groups of students as he/she deems necessary and feasible by placing them on disciplinary probation. Disciplinary probation may be imposed for a period not to exceed one academic year. Repetition, during the probationary period, of the conduct which resulted in disciplinary probation or a new violation may be cause for suspension or other disciplinary action.

(3) Disciplinary suspension: Disciplinary suspension for a specified period serves as a penalty against the student who violates the code of student conduct. A suspended student may not occupy any portion of the campus (including off-campus centers) and is denied all college privileges including class attendance during the period of the suspension. Disciplinary suspension requires the approval of the college president.

(4) Summary suspension: Summary suspension may be used to protect the college from the immediate possibility of disorder or threat to the safety of students, staff, or to protect against destruction or harm to college property. A suspended student is not to occupy any portion of the campus and is denied all college privileges including class attendance. Summary suspension for the purpose of investigating the event or events in which the student or students were allegedly involved shall be for no more than two class days. However, it may be extended pending final disposition of the case if it is reasonably necessary for the safety of students or staff or for the protection of college property.

NEW SECTION

WAC 132N-20-090 PROCEDURE FOR SUMMARY SUSPENSION. (1) The appropriate dean or designee may summarily suspend a student or students when he/she deems it necessary for the safety and welfare of the college. The president must be informed immediately following a summary suspension.

(2) Notification of the reason or reasons for a summary suspension and of the specific violations with which the student is being charged shall be sent by registered mail or delivered in person to the student and the student's parents if the student is under eighteen years of age. The notice will be addressed to the last known residence of the student within one class day of the summary suspension.

(3) A copy of this notice shall be given to the president.

(4) Upon receipt of the notification of summary suspension, the student may request a meeting with the dean of students or designee, and shall have the right to have that meeting within one class day of his/her request. At that time, the student may present any defenses, explanations, and/or mitigation of why the summary suspension should not be continued until a formal hearing can be held.

(5) After the meeting with the student and the student's parents (if student is under eighteen years of age), the dean of students or

designee may make a decision to terminate the summary suspension; however, a summary suspension shall remain in full force and effect until such time as the dean of students or designee notifies the student in writing of the termination of summary suspension. A decision to terminate the summary suspension shall be made only if it appears that there are no grounds for continuing the summary suspension and no threat to the safety of persons on the campus or to college property or disruption of the educational process.

(6) The dean of students or designee shall, in any event, issue within five class days, his/her decision and proposal to the president regarding any additional disciplinary action to be taken against the student. A student shall be allowed to appeal from said proposed decision and to have a full hearing before the committee on student conduct, as provided in this chapter.