



..JLE-MAKING ORDER
(RCW 34.05.360)

CR-103 (7/10/97)

Agency: Clark College

- Permanent Rule
- Emergency Rule
- Expedited Adoption
- Expedited Repeal

(1) Date of adoption: July 23, 1997

(2) Purpose:

To define the rights and responsibilities of students and the appropriate disciplinary responses for infractions.

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

Repealed: Repealing 132N-20-010, 020, 030, 040, 050, 060, 070, 080, 090

Amended:

Suspended:

(4) Statutory authority for adoption: Chapters 28B.50 and 28B.10 RCW

Other authority:

PERMANENT RULE ONLY (Including EXPEDITED ADOPTION)

Adopted under notice filed as WSR 97-10-018 on April 28, 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 Rule Making

31 days after filing

Other (specify) _____ *

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

Emergency Rules

Immediately

Later (specify) _____

NAME (TYPE OR PRINT)

Tana L. Hasart

SIGNATURE

Tana L. Hasart

TITLE Interim President

DATE 7-31-97

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

AUG 8 1997

TIME 10:55 AM

WSR 97-17-013

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New _____ Amended _____ Repealed _____

The number of sections adopted on the agency's own initiative:

New 19 Amended _____ Repealed 9

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New 19 Amended _____ Repealed 9

The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

Chapter 132N-120 WAC
CODE OF STUDENT CONDUCT

NEW SECTION

WAC 132N-120-010 Code of student conduct. This chapter shall be known as the code of student conduct of Clark College. Admission to the college carries with it the presumption that students have specified rights as members of the college community. In addition, when they enroll, students assume the obligation to observe standards of conduct that are appropriate to the pursuit of educational goals.

NEW SECTION

WAC 132N-120-020 Authority. The board of trustees, acting pursuant to RCW 28B.50.140(14), has delegated to the president of the college the authority to administer disciplinary action. Pursuant to this authority, the president or designee(s) shall be responsible for the administration of the disciplinary procedures provided for herein.

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-120-030 Definitions. As used in this chapter, the following words and phrases shall be defined as follows:

- (1) "Academic dishonesty" means plagiarism, cheating on classwork, fraudulent representation of student work product, or other similar act of academic dishonesty.
- (2) "Alcoholic beverages" means liquor as defined at RCW 66.04.010(15) as now or hereafter amended.
- (3) "Assembly" means any overt activity engaged in by two or more persons, the object of which is to gain publicity, advocate a

view, petition for a cause, or disseminate information to any person, persons, or group of persons.

(4) "ASCC" means the associated students of Clark College as defined in the constitution of that body.

(5) "Board" means the board of trustees of Community College District No. 14, state of Washington.

(6) "President" means the president of Clark College and Community College District No. 14, state of Washington.

(7) "College" means Clark College and any other community college centers or facilities established within Washington state Community College District No. 14.

(8) "Designee" means a person appointed by an officer or another person designated in a rule to perform a function, to perform that function on the appointer's behalf.

(9) "College facilities" and "college facility" means and includes any and all real and personal property and real property owned, rented, leased or operated by the board of trustees of Washington state Community College District No. 14, and shall include all buildings and appurtenances attached thereto and all parking lots and other grounds.

(10) "Disciplinary action" and "discipline" means and includes a warning, reprimand, probation, suspension, dismissal/expulsion, monetary fine, restitution, and any other action taken against a student as a sanction or penalty for violation of a designated rule of student conduct.

(11) "Controlled substance" means and includes any drug or substance as defined in chapter 69.50 RCW as now law or hereafter amended.

(12) "Faculty member" and "instructor" means any employee of Community College District No. 14 who is employed on a full-time or part-time basis as a teacher, instructor, counselor or librarian.

(13) "Rules of student conduct" means those rules contained within this chapter as now exist or which may be hereafter amended, the violation of which subjects a student to disciplinary action.

(14) "Student," unless otherwise qualified, means and includes any person who is registered for classes or is formally in the process of applying for admission to the college.

(15) "Committee on student conduct" means the judicial body provided in this chapter.

(16) "Trespass" means the definition of trespass as contained within chapter 9A.52 RCW, as now law or hereafter amended.

(17) "Hazing" means any method of initiation into a student organization or any pastime or amusement engaged in with respect to such an organization that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm, to any student or other person attending Clark College.

(18) "Service," "serve," "filing" and "file" shall have the meanings in WAC 10-08-110.

NEW SECTION

WAC 132N-120-040 Jurisdiction. (1) All rules herein adopted shall apply to every student whenever said student is present upon or in any college facility and whenever said student is present at or engaged in any college-sponsored activity.

(2) Faculty members, college employees, students, and members of the public who breach or aid or abet another in the breach of any provision of this chapter shall be subject to:

(a) Possible prosecution under the state criminal law;

(b) Any other civil or criminal remedies available to the public; or

(c) Appropriate disciplinary action pursuant to the state of Washington higher education personnel board rules or the district's policies and regulations.

(3) This chapter is not exclusive, and where conduct becomes known which may also violate any other rule or provision of law, nothing herein shall limit the right or duty of any person to report elsewhere or seek another remedy for that conduct.

(4) Statutory authority of the Revised Code of Washington for this chapter is on file and available in the office of the dean of administrative services.

NEW SECTION

WAC 132N-120-050 Student rights. The following enumerated rights are guaranteed to each student within the limitations of statutory law and college policy which are deemed necessary to achieve the educational goals of the college:

(1) Academic freedom.

(a) Students are guaranteed the rights of free inquiry, expression, and assembly upon and within college facilities that are generally open and available to the public.

(b) Students are free to pursue appropriate educational objectives from among the college's curricula, programs, and services, subject to the limitations of RCW 28B.50.090 (3) (b).

(c) Students shall be protected from academic evaluation which is arbitrary, prejudiced, or capricious, but are responsible for meeting the standards of academic performance established by each of their instructors.

(d) Students have the right to a learning environment which is free from unlawful discrimination, inappropriate and disrespectful conduct, and any and all harassment, including sexual harassment.

(2) Due process.

(a) The rights of students to be secure in their persons, quarters, papers, and effects against unreasonable searches and seizures is guaranteed.

(b) No disciplinary sanction may be imposed on any student without notice to the accused of the nature of the charges.

(c) A student accused of violating this code of student conduct is entitled, upon request, to procedural due process as set forth in this chapter.

NEW SECTION

WAC 132N-120-060 Student responsibilities. Any student shall be subject to disciplinary action as provided for in this chapter who, either as a principle actor, aider, abettor, or accomplice as defined in RCW 9A.08.020 interferes with the personal rights or privileges of others or the educational process of the college; violates any provision of this chapter, or commits any of the following personal, property, or status offenses which are hereby prohibited:

(1) Personal offenses.
(a) Assault, reckless endangerment, malicious harassment, intimidation, or interference upon another person in the manner set forth in chapter 9A.36 RCW, and RCW 28B.10.570 through 28B.50.572, as now or hereafter amended.

(b) Disorderly, abusive, or bothersome conduct. Disorderly or abusive behavior which interferes with the rights of others or which obstructs or disrupts teaching, research, or administrative functions.

(c) Failure to follow instructions. Inattentiveness, inability, or failure of student to follow instructions of a duly authorized college employee or to abide by college rules, procedures and notices, thereby infringing upon the rights and privileges of other persons.

(d) Illegal assembly, obstruction, or disruption. Any assembly or other act which materially and substantially interferes with vehicular or pedestrian traffic, classes, hearings, meetings, and the educational and administrative functions of the college, or the private rights and privileges of others.

(e) False complaint. Filing a formal complaint falsely accusing another student or college employee with violating a provision of this chapter.

(f) False alarms. Falsely setting off or otherwise tampering with any emergency safety equipment, alarm, or other device established for the safety of individuals and/or college facilities.

(g) Sexual harassment. Engaging in unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where such behavior offends the recipient, causes discomfort or humiliation, or interferes with job or school performance.

(h) Hazing. Engaging in or conspiring to engage in hazing and conduct which amounts to hazing including conduct which causes embarrassment, sleep deprivation, or personal humiliation, ridicule or unprotected speech amounting to verbal abuse.

(i) Sexual offenses. Physical abuse, threats, intimidation, coercion and/or other conduct which is intended unlawfully to threaten imminent bodily harm or to endanger the health or safety of any person.

(2) Property offenses.
(a) Theft and robbery. While in any college facility or participating in a college-related program, committing theft as defined in RCW 9A.56.020 or robbery as defined in RCW 9A.56.190 or possessing stolen property as defined in RCW 9A.56.140.

(b) Malicious mischief. Malicious damage to college property, or the property of any person where such property is located on the

college campus and malicious mischief in violation of RCW 9A.48.070 through 9A.48.090.

(c) Unauthorized use of college equipment and supplies. Conversion of college equipment or supplies for personal gain or use without proper authority or permission.

(d) Other offenses. Any student who, while in any college facility or participating in a college-related program, commits any other act which is punishable as a misdemeanor or a felony under the laws of the state of Washington and/or the United States and which act is not a violation of any other provision of the rules of student conduct, shall be subject to disciplinary action.

(3) Status offenses.

(a) Cheating and plagiarism. Submitting to a faculty member any work product that the student fraudulently represents to the faculty member as the student's work product for the purpose of fulfilling or partially fulfilling any assignment or task required by the faculty member as part of the student's program of instruction.

(b) Forgery or alteration of records. Forging or tendering any forged records or instruments, as defined in RCW 9A.60.010 through 9A.60.020 as now law or hereafter amended, of any college record or instrument to an employee or agent of the college acting in his/her official capacity as such.

(c) Refusal to provide identification. Refusal to provide identification in appropriate circumstances. Refusal to provide positive identification (e.g., valid driver's license or state identification card) in appropriate circumstances to any college employee in the lawful discharge of said employee's duties.

(d) Illegal entry. Entering any administrative or other employee office or any locked or otherwise closed college facility in any manner, at any time, without permission of the college employee or agent in charge thereof.

(e) Smoking. Smoking as described in Clark College administrative procedure 510.030.

(f) Controlled substances. Using, possessing, being demonstrably under the influence of, or selling any narcotic or controlled substance as defined in chapter 69.50 RCW as now law or hereafter amended, except when the use or possession of a drug is specifically prescribed as medication by an authorized medical doctor or dentist. For the purpose of this regulation, "sale" shall include the statutory meaning defined in RCW 69.50.410 as now law or hereafter amended.

(g) Alcoholic beverages. Being demonstrably under the influence of any form of alcoholic beverage. Possessing or consuming any form of alcoholic beverage on college property, with the exception of sanctioned events, approved by the president or his/her designee(s) and in compliance with other state law or college policy.

(h) Weapons, explosives, and dangerous chemicals. Illegal or unauthorized use or possession of any device or substance which can be used to inflict bodily harm or to damage real or personal property. 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 law enforcement officers.

(i) Computers. Infractions of Clark College administrative procedures 535.035, Use of College Computing Resources.

NEW SECTION

WAC 132N-120-065 Denial of access to Clark College. The dean of students or his/her designee or president/designee shall have the authority and power to prohibit the entry or withdraw the license or privilege of any person or group of persons to enter into or remain in any college property or facility. Such power and authority may be exercised to halt any event which is deemed to be unreasonably disruptive of order or impedes the movement of persons or vehicles or which disrupts or threatens to disrupt the ingress and/or egress of persons from facilities owned and/or operated by the college. Any individual who disobeys a lawful order given by the dean of students or his/her designee or president/designee shall be subject to disciplinary action and/or charges of criminal trespass.

NEW SECTION

WAC 132N-120-070 Disciplinary action. Any college administrator, except the president or a member of the committee on student conduct, may take any of the following disciplinary actions against a student:

(1) Disciplinary warning. Notice to a student, either verbally or in writing, by the dean of students or his/her designee(s) that the student has failed to satisfy the college's expectations regarding conduct. Such warnings will include a statement that continuation or repetition of the specific conduct involved or other misconduct will result in one of the more serious disciplinary actions described below.

(2) Disciplinary reprimand. Formal action censuring a student for violating the student code of conduct. Reprimands shall be made in writing to the student by the dean of students or his/her designee(s), with copies placed on file in the office of the dean of students. A reprimand shall indicate to the student that continuing or repeating the specific conduct involved or other misconduct will result in one of the more serious disciplinary actions described below.

(3) Disciplinary probation. Formal action by the dean of students or his/her designee(s), placing conditions upon the student's continued attendance. Notice shall be made in writing and shall specify the period of probation and the conditions, such as limiting the student's participation in extracurricular activities. Disciplinary probation may be for a specific term or for an indefinite period that may extend to graduation or other termination of the student's enrollment in the college. 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.

(4) Disciplinary suspension. Temporary dismissal from the college and termination of the person's student status. Notice shall be given in writing and specify the duration of the dismissal and any special conditions that must be met before readmission.

Refund of fees or the quarter in which disciplinary action is taken shall be in accordance with the college's refund policy.

(5) Disciplinary dismissal/expulsion. Permanent termination of a student's status. Notice must be given in writing. There shall be no refund of fees for the quarter in which the action is taken but fees paid in advance for a subsequent quarter will be refunded.

(6) Disciplinary restitution. Requirement of a student to make restitution for damage or loss to college or other property. Failure to make restitution within the time limits established by the dean of students or designee will result in suspension for an indefinite period of time as set forth in subsection (4) of this section. A student may be reinstated upon payment of fee or completion of designated public service activity.

(7) Disciplinary penalties for hazing.

(a) Any organization, association or student group that knowingly permits hazing shall:

(i) Be liable for harm caused to persons or property resulting from hazing; and

(ii) Be denied recognition by Clark 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.

(b) A person who participates in hazing of another shall forfeit any entitlement to state-funded grants, scholarships, or awards for not less than one academic quarter and up to and including permanent forfeiture, based upon the seriousness of the violation(s). Other sections of the student code of conduct also may be applicable to hazing violations. Hazing violations are also misdemeanors punishable under state criminal law according to RCW 9A.20.021.

NEW SECTION

WAC 132N-120-080 Initial disciplinary proceedings. (1) Allegations of misconduct that constitute a violation of this chapter shall be filed in the office of the dean of students in writing. The allegation shall state specifically the alleged violation and summarize the supporting evidence. The dean of students or designee will be responsible for gathering information and documentation in the investigation of the allegations. Disciplinary proceedings will be initiated by the dean of students or his/her designated representative. The student may be placed on suspension pending commencement of disciplinary action, pursuant to the conditions set forth in WAC 132N-120-150(1).

(2) Any student accused of violating any provision of the rules of conduct will meet with the dean of students or his/her designee within twenty-four hours of notification, excluding nonclass days. Failure to cooperate with the meeting process may be taken into consideration and shall not preclude the dean of students from making a decision and imposing or recommending

sanctions. The student will be informed of which provision(s) of the rules of conduct he/she is charged with violating, and what appears to be the range of penalties, if any, that might result from disciplinary proceedings. The dean of students or designee will be responsible for gathering information and documentation in the investigation of the allegations.

(3) After considering the evidence in the case and interviewing the student(s) involved, the dean of students may take the following actions:

- (a) Terminate the proceedings and exonerate the student;
- (b) Dismiss after counseling; or
- (c) Impose disciplinary sanctions from WAC 132N-120-070.

(4) Within seven working days of the initial meeting, or as soon thereafter as possible, the student will be provided written notice of any disciplinary action except a verbal warning. The notice shall be delivered personally or mailed first-class to the student's last known address. The notice shall state the factual basis for the action, shall advise the student of his/her right to appeal, and indicate whether the appeal will be heard informally by the chair of the committee on student conduct or formally by the entire committee membership.

In the case of an unmarried student under eighteen years of age, written notification of the disciplinary action shall also be sent to the parents or guardian of the student at the discretion of the dean of students or designee.

NEW SECTION

WAC 132N-120-090 Appeals. A student may appeal a disciplinary action by filing with the committee on student conduct, within ten days after the earlier of personal delivery or mailing of notice of the disciplinary action, a written application for an adjudicative proceeding. The dean of students or designee has discretion to extend this deadline for good cause.

(1) A student may appeal any disciplinary action, other than a verbal warning, in the following order:

(a) Disciplinary action taken by the dean of students or his/her designee(s) may be appealed by filing a written application for an adjudicative proceeding with the committee on student conduct.

(b) Disciplinary recommendations made by the committee on student conduct may be appealed by filing a petition for administrative review with the president of the college.

(2) Any appeal by a student receiving a disciplinary sanction must be in writing, filed within ten working days from the date on which the decision is received and must state the grounds for the appeal. The following are grounds for appeal:

- (a) A procedural error which materially affected the decision;
- (b) New evidence not previously available which would have materially affected the decision;
- (c) The decision was not supported by substantial evidence; or
- (d) The severity or appropriateness of the sanction(s).

(3) All appellate decisions shall be sent from the office of the dean of students. Written decisions shall include the signature of the committee on student conduct chair.

NEW SECTION

WAC 132N-120-100 Committee on student conduct. (1) The committee on student conduct shall be convened by the dean of students no later than October 15 of each academic year. The committee shall provide a fair and impartial hearing and will make decisions on all disciplinary decisions appealed to it. Vacancies on the committee shall be filled as they arise.

(2) The committee shall include:

(a) Two full-time students and two alternates appointed by the ASCC of Clark College vice-president of elections and appointments (one-year appointments);

(b) Two faculty members and two alternates appointed by the president or designee (two-year appointments, staggered terms);

(c) One member of the administration, but not the dean of students, and one alternate appointed by the president of the college (two-year appointment).

(3) A quorum of the committee shall consist of three members with at least one student member present. All committee members shall have voting rights. The committee shall select its chair.

(4) The chair shall be responsible for making procedural decisions and ensuring that all procedural safeguards and guidelines specified in RCW 34.05.413 through 34.05.476 and chapters 10-08 and 132N-120 WAC are followed. In addition to the authority specified in WAC 10-08-200, the chair may conduct prehearing conferences in accordance with RCW 34.05.431 and WAC 10-08-130 and permit or conduct discovery in accordance with RCW 34.05.466 and WAC 10-08-060.

(5) Members of the committee on student conduct shall not participate in any case in which they are a defendant, complainant, or witness, in which they have direct or personal interest, prejudice, or bias, or in which they have acted previously in an advisory capacity. Any party may petition for disqualification of a committee member pursuant to RCW 34.05.425(4).

NEW SECTION

WAC 132N-120-110 Adjudicative proceedings before the committee on student conduct. (1) The hearing shall be conducted in accordance with chapter 34.05 RCW, chapters 10-08 and 132N-120 WAC. The committee or chair shall prepare a written opinion that shall include findings of fact, conclusions, and recommendations.

(2) The student's failure to answer the charges, appear at the hearing or cooperate in the hearing shall not preclude the committee on student conduct from making its findings of facts,

conclusions, a . . . recommendations. This shall not limit the possibility of a default pursuant to RCW 34.05.440.

(3) The committee chair shall give written notice of the time and place of the hearing to all parties in accordance with RCW 34.05.434 and WAC 10-08-040. Such notice shall be given not less than ten calendar days before the date set for the hearing.

(4) The student shall be entitled to:

(a) Hear and examine the evidence against him/her and be informed of the identity of its source; and

(b) Present evidence and argument in his/her own behalf and to cross-examine witnesses.

(5) The student may have one advisor present at the hearing. The advisor may be allowed to advise the student during the proceedings, but is not permitted to speak to the committee; conduct examinations of witnesses; or disrupt the proceeding. No attorney representative of any party may participate in a hearing unless a notice of appearance has been filed and served at least five days before the hearing, but in the event of such notice the college may be represented by an assistant attorney general.

(6) In all disciplinary proceedings, the college may be represented by a designee appointed by the dean of students; that designee may then present the college's case against the student accused of violating the rules of conduct.

(7) The presiding officer is responsible for causing the hearing to be recorded. All hearings shall be recorded by manual, electronic, or other type of recording device. Hearings shall be recorded in accordance with WAC 10-08-170.

(8) The record in an adjudicative proceeding shall consist of all documents as required by law and as specified in RCW 34.05.476 as now or hereafter amended.

(9) The time of the hearing may be continued for good cause by the committee chair upon timely request of any party.

(10) In accordance with the Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, hearings conducted by the committee on student conduct will be held in closed session; provided the student(s) involved may waive in writing this requirement and request the hearing to be held in open session. The chair may exclude from the hearing room any person who is disruptive of the proceedings and may limit the number who may attend the hearing in order to afford orderliness to the proceedings. Any person attending the disciplinary hearing who continues to disrupt the proceedings after the chair has asked him/her to cease or leave the hearing room shall be subject to disciplinary action.

NEW SECTION

WAC 132N-120-120 Recordkeeping. (1) The dean of students shall maintain for at least six years the following records of student grievance and disciplinary actions and proceedings:

(a) Only initial and final orders in cases where a student's grievance has been sustained or a disciplinary action against a student has been reversed and the student fully exonerated;

(b) The complete records, including all orders, in all other cases where adjudication has been requested;

(c) A list or other summary of all disciplinary actions reported or known to the dean and not appealed.

(2) Final disciplinary actions shall be entered into student records, provided that the dean of students shall have discretion to remove some or all of that information from a student's record upon the student's request and showing of good cause.

NEW SECTION

WAC 132N-120-130 Evidence admissible in hearings. (1) Only those matters presented at the hearing, in the presence of the accused student, except where the student fails to attend after receipt of proper notice, will be considered in determining whether the college committee on student conduct has sufficient cause to believe that the accused student is guilty of violating the rules he/she is charged with having violated. In determining the appropriate sanction that should be recommended, evidence of past misconduct that the committee chair deems relevant may be considered.

(2) The chair of the committee on student conduct shall, in the course of presiding at the disciplinary hearing, give effect to the rules of privilege recognized by the law and exclude incompetent, irrelevant, immaterial and unduly repetitious evidence. Hearsay evidence is admissible.

(3) Evidence or testimony to be offered by or on behalf of the student in extenuation or mitigation shall not be presented or considered until all substantive evidence or testimony has been presented.

NEW SECTION

WAC 132N-120-140 Initial order--Petition for administrative review--Final order. (1) The burden of proof shall be on the party seeking to uphold the discipline to establish sufficient cause by a preponderance of the evidence. Upon conclusion of the disciplinary hearing, the committee on student conduct shall consider all the evidence therein presented and decide by majority vote whether to uphold the decision of the dean of students or to recommend any of the following actions:

(a) That the college terminate the proceedings and exonerate the student; or

(b) That the college impose any of the disciplinary actions as provided in this chapter.

(2) Within ninety days specified in RCW 34.05.461, and preferably within thirty days, the chair shall serve on the parties and the president an initial order. At the same time, a full and complete record of the proceedings shall also be transmitted to the

president. The initial order shall include a statement of findings and conclusions and otherwise comply with RCW 34.05.461 and WAC 10-08-210. It shall also describe the available administrative review procedures specified in WAC 132N-120-140(3).

(3) The initial order shall become the final order without further action, unless within twenty days of service of the initial order:

(a) The president or designee upon his/her own motion, determines that the initial order should be reviewed; or

(b) A party to the proceedings files with the president a written petition for administrative review of the initial order. The president or designee shall be the reviewing officer and RCW 34.05.464 and WAC 10-08-211 shall apply to any such determination or petition.

NEW SECTION

WAC 132N-120-150 Summary action. (1) Ordinarily, disciplinary sanctions will be imposed only after the appropriate brief adjudicative proceedings or adjudicative proceedings have taken place and after the student has, if he/she so chooses, exercised his/her right to appeal. However, if the dean of students or his/her designee(s) has cause to believe that any student:

(a) Has committed a felony; or

(b) Has violated any provision of this chapter; or

(c) Presents an imminent danger either to himself or herself, other persons on the college campus, or to the educational process, that student shall be summarily suspended and shall be notified verbally and/or by writing mailed by first-class mail to the student's last known address.

Summary suspension is appropriate only where (c) of this subsection can be shown either alone or in conjunction with (a) or (b) of this subsection.

(2) The notice shall be entitled "notice of summary suspension proceedings" and shall state:

(a) The charges against the student including reference to rules of student conduct or law allegedly violated;

(b) The time period during which summary suspension is effective; and

(c) That the student charged may request the summary suspension be reviewed by the dean of students or his/her designee.

(3) After review, the dean of students shall issue a written decision continuing, modifying or rescinding the summary suspension and/or taking any further disciplinary action that he/she deems appropriate. The decision shall include a brief statement of facts, conclusions and policy reasons to justify the decision to continue the summary action.

(4) A student may appeal a summary suspension like any other disciplinary action, by filing an application for an adjudicative proceeding. This appeal may be consolidated with any related pending matter.

NEW SECTION

WAC 132N-120-160 Suspension for failure to appear. The dean of students is authorized to enforce the suspension of the summarily suspended student in the event the student has been served notice pursuant to WAC 132N-120-150 and fails to appear at the time designated for the summary suspension proceeding.

NEW SECTION

WAC 132N-120-170 Appeals from summary suspension hearing.

(1) Any student aggrieved by an order issued at the summary suspension proceeding may appeal to the committee on student conduct. No such appeal shall be entertained, however, unless:

(a) The charges have been reviewed by the dean of students; and

(b) The student has been officially notified of the outcome of the review; and

(c) Summary suspension or another disciplinary sanction has been upheld; and

(d) The appeal conforms to the standards set forth in WAC 132N-120-90.

(2) The committee on student conduct shall, within five working days, conduct a formal hearing according to the provisions of WAC 132N-120-110. Appeals from summary suspension take precedence over other matters before the committee.

NEW SECTION

WAC 132N-120-180 Final decision. The president or his/her designee(s) shall review the findings and conclusions of the dean of students in conjunction with the recommendations of the committee on student conduct and will issue a final decision within three days.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

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