

TRANSMITTAL OF RULES ADOPTED

FROM: Columbia Basin College
(Name of Agency)

TO: CODE REVISER
LEGISLATIVE BLDG (Southwest Corner, Ground Floor)
Olympia 98501

The enclosed Permanent rules , being order No. 70-2
Emergency rules

relating to (Name of rules or description of subject matter)

Rules of student conduct, providing a method of enforcement therefor

(ALTERNATIVE A. Use only for adoption of permanent rules)

pursuant to Notice No. 2550 ① filed with the code reviser
on 2/10/70 ② were regularly adopted as permanent rules of this
(date)
agency at Columbia Basin College on 3/2/70 and are herewith
(place) (date)
filed in the office of the code reviser pursuant to chapter 34.04
RCW. The effective date of such rules shall be 3/4/70 ③

(ALTERNATIVE B. Use only for adoption of emergency rules)

pursuant to its finding that the immediate adoption of
these rules 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 the public interest,
were regularly adopted as emergency rules of this agency at
_____ on _____ and are herewith filed in
(place) (date)
the office of the code reviser pursuant to chapter 34.04 RCW.

Dated this 2nd day of March 1970.

STATE OF WASHINGTON
FILED
MAR - 5 1970
CODE REVISER'S OFFICE
KET #2791 FILE # 1

Columbia Basin College
(AGENCY)
F. L. Esvelt
By F. L. ESVELT
Secretary, Board of Trustees
Title

① NOTICE NUMBER AS APPEARS ON THE COPY OF NOTICE RETURNED TO YOU BY RE-
VISER'S OFFICE (IF PROCEEDINGS WERE CONTINUED, USE NO. OF LAST NOTICE)
② STAMPED DATE AS APPEARS ON THE COPY OF NOTICE RETURNED TO YOU BY REVIS-
ER'S OFFICE (IF PROCEEDINGS WERE CONTINUED, USE DATE OF LAST NOTICE)
③ UNLESS A LATER DATE IS SPECIFIED IN THIS ORDER OR IS PRESCRIBED
IN ANOTHER STATUTE, RULES ARE EFFECTIVE 30 DAYS AFTER FILING:
RCW 34.04.040. LEAVE THIS SPACE BLANK EXCEPT IN SUCH SPECIAL CASES.

BOARD OF TRUSTEES

COMMUNITY COLLEGE DISTRICT NO. 19

RESOLUTION No. 70-2

BE IT RESOLVED by the Board of Trustees of Community College District No. 19, State of Washington:

1. The annexed Regulations, to-wit: the adoption of the new Rules relating to conduct of students at Columbia Basin Community College and providing a method of enforcement therefor, are approved and adopted as permanent Rules of Community College District No. 19, State of Washington.
2. This Resolution and annexed Regulations, to-wit: Chapter 132S-12 WAC, after being first recorded at Columbia Basin Community College, Pasco, Washington, shall be forwarded to the Code Reviser for filing pursuant to Chapter 34.04 RCW and WAC 1-12-050. The annexed Regulations were adopted at a meeting of the Board of Trustees of Community College District No. 19, State of Washington, held at Pasco, Washington, on March 2, 1970 with a quorum of such trustees duly present after notice of such meeting at which meeting the annexed Regulations were to be adopted was duly and regularly given as required by law.

BOARD OF TRUSTEES,
COMMUNITY COLLEGE DISTRICT NO. 19

By: Terrill Davis
TERRILL DAVIS
Chairman, Board of Trustees

ATTEST:

H. Sewell
Secretary, Board of Trustees

Chapter 132S-12
Code of Conduct

Washington State Community College

District No. 19

Columbia Basin Community College

NEW

WAC 132S-12-010 DEFINITION. As used in this chapter 132S-12 WAC, the following words and phrases shall mean:

(1) "Board" shall mean the Board of Trustees of Community College District No. 19, State of Washington.

(2) "College" shall mean Columbia Basin Community College or any additional community college hereafter established within Community College District No. 19, State of Washington.

(3) "Liquor" shall mean the definition of liquor as contained within RCW 66.04.010(16) as now law or hereafter amended.

(4) "Drugs" shall mean and include any narcotic drug as defined in RCW 69.33.230(14) as now law or hereafter amended and shall include any dangerous drug as defined in RCW 69.40.060 as now law or hereafter amended.

(5) "College facilities" shall mean and include any or all real property controlled or operated by the college and shall include all buildings and appurtenances affixed thereon or attached thereto.

(6) "Assembly" shall mean any overt activity engaged in by one 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.

(7) "Disciplinary action" shall mean and include the expulsion, suspension or reprimand of any student by the college president pursuant to WAC 132S-12-160 for the violation of any designated rule or regulation of the rules of student conduct for which a student is subject to disciplinary action.

(8) "Student" shall mean and include any person who is regularly enrolled at the college.

(9) "President" shall mean the president appointed by the board of trustees or in such president's absence, the acting president.

(10) "Rules of Student Conduct" shall mean the rules contained within chapter WAC 132S-12 as now exist or which may be hereafter amended, the violation of which subject a student to disciplinary action.

(11) "Hearing Panel" shall mean the hearing panel as denominated in WAC 132S-12-130.

NEW

WAC 132S-12-020 LIQUOR. The possession, consumption, or being demonstrably under the influence of any form of liquor by any student on college facilities or at college related activities shall be cause for disciplinary action.

NEW

WAC 132S-12-130 DRUGS. Any student who shall use, possess or sell any drug as defined in WAC 132S-12-010 on college facilities or at college related activities shall be subject to disciplinary action except when the use or possession of a drug is specifically prescribed as medication by an authorized medical doctor or dentist. For purposes of this regulation, "sell" shall include the statutory meaning defined in RCW 69.04.005.

NEW

WAC 132S-12-040 ASSEMBLY RIGHTS.

(1) The college believes that it is best to resolve differences that may exist in the campus community in an atmosphere of calm and reasoned dialogue which is consistent with an academic setting. The right of free speech and peaceful assembly is a fundamental tenet of a democratic society and the college subscribes to the viewpoint that the college community shall always be free to express its views and to support causes by

orderly means. Further, in order to maintain this right for all faculty and students, it is essential that dissent be conducted in a mature and responsible manner. Infringement upon the rights of others by interfering with the orderly and basic processes of the institution is not consistent with the ideals of academic freedom.

(2) Students may conduct or may participate in any assembly as defined in WAC 132S-12-010 on college facilities which are generally available to the public provided such demonstrations:

- (a) Are conducted in an orderly manner; and
- (b) Do not unreasonably interfere with vehicular or pedestrian traffic; or
- (c) Do not unreasonably interfere with classes, scheduled meetings or ceremonies, or with the general educational processes of the college; or
- (d) Do not unreasonably interfere with regular college functions.

(3) A student who conducts or participates in a demonstration which violates any provision of this rule shall be subject to disciplinary action. A nonstudent who violates any provision of the rule will be referred to civilian authorities for criminal prosecution.

REP WAC 132S-17-010 is repealed.

NEW WAC 132S-12-050 CRIMINAL VIOLATIONS.

(1) Any student who shall commit larceny of the property of another, as defined in RCW 9.54.010 upon college facilities shall, in addition to possible criminal penalties, be subject to disciplinary action.

(2) Any student who shall assault another in the manner prohibited by RCW 9.11.010, RCW 9.11.020 or RCW 9.11.030 upon college facilities, shall, in addition to possible criminal penalties, be subject to disciplinary action.

(3) Any student who engages in acts of forgery as defined by RCW 9.44.010 upon college facilities shall, in addition to possible criminal penalties, be subject to disciplinary action.

(4) Any student who commits any other act on college facilities which act is punishable as a gross misdemeanor or a felony under the laws of the State of Washington and which act is not a violation of any other provision of the rules of student conduct, shall be subject to disciplinary action.

NEW WAC 132S-12-060 CHEATING.

(1) Any student who, for the purpose of fulfilling or partially fulfilling any assignment or task required as part of the student's program of instruction at the college, shall knowingly tender any work product that the student fraudulently represents as the student's work product, shall be deemed to have cheated. Cheating shall be cause for disciplinary action.

(2) Any student who aids or abets the accomplishment of cheating as defined in sub-paragraph (1) above, shall also be subject to disciplinary action.

NEW WAC 132S-12-070 COMMERCIAL ACTIVITIES.

(1) College facilities shall not be used for commercial solicitation, advertising or promotional activities except when

such activities clearly serve educational objectives as determined by the president, including but not limited to, display of books of interest to the academic community or the display or demonstration of technical or research equipment, and when such commercial activities as determined by the president relate to educational objectives and are conducted under the sponsorship or at the request of a college department or office of the associated student body, provided that such solicitation does not interfere with or operate to the detriment of the conduct of the college affairs or the free flow of pedestrian or vehicular traffic.

(2) For the purpose of this section, the term "commercial activities" does not include handbills, leaflets, newspapers and similarly related materials as regulated in WAC 132S-12-100.

NEW

WAC 132S-12-030 OUTSIDE SPEAKERS.

(1) The board, the administration, and faculty of the college subscribe to the proposition that an important aspect of the education of college students is the opportunity to listen to speakers representing a wide variety of opinions and beliefs, therefore in conformity with the American traditions of free speech and free inquiry, it is provided that any faculty group or student organization recognized and established pursuant to such other college rules may invite to the college any speaker subject to any legal restraints imposed by the laws or the constitutions of the United States and/or the State of Washington.

(2) The appearance of an invited speaker at the college does not represent an endorsement, either implicit or explicit, of his views by the college, its students, its faculty, its administration or its board.

(3) No student, faculty member or member of the administrative staff of the college has an inherent right to speak at the college or to utilize college facilities for such purposes unless such speaker has been invited by a faculty group or by a recognized student organization as heretofore designated, and additionally, no person who is not a student, faculty member or member of the administrative staff of the college shall have a right to demand to listen to an address of an invited speaker.

(4) The scheduling of facilities for hearing invited speakers shall be made through the office of the dean of instruction, by the inviting campus student organization.

(5) The dean of students will be notified at least four days prior to the appearance of an invited speaker, at which time a proper form (available in the office of the dean of students) must be completed with all particulars regarding speaker, time, place, etc., signed by the sponsoring organization advisor, and filed with the dean of students. Exceptions to the four day ruling may be made by the director of activities with the approval of the dean of students.

(6) The dean of students may require and arrange to have views other than those of the invited speaker represented at the meeting, or at a subsequent meeting. The college president may, at his discretion, assign a faculty member to preside over any meeting where a speaker has been invited.

REP

WAC 132S-16-181 is repealed.

NEW

WAC 132S-12-090 TRESPASS.

(1) The president of the college, or, in such president's

absence, the acting president, is authorized in the instance of any event that the president deems to be disruptive of order or which the president deems impedes the movement of persons or vehicles or which the president deems to disrupt or threatens to disrupt the ingress and/or egress of persons from facilities owned and/or operated by the college, then the president acting through the dean of students or such other person designated by the president, shall have the power and authority to:

(2) Prohibit the entry of, or withdraw the license or privilege of any person or persons or any group of persons to enter onto or remain upon all or any portion of a college facility which is owned and/or operated by the college; or

(b) To give notice against trespass by any manner specified in Section 1 (2), Chapter 7, Laws of 1969 to any person, persons, or group of persons against whom the license or privilege has been withdrawn or who have been prohibited from entering onto or remaining upon all or any portion of a college facility, which college facility is owned and/or operated by the college; or

(c) To order any person, persons or group of persons to leave or vacate all or any portion of a college facility which is owned and/or operated by the college.

(2) Any student who shall disobey a lawful order given by the president or his designee pursuant to the requirements of section 1 of this rule, shall in addition to violating criminal law also be subject to disciplinary action.

NEW WAC 132S-12-100 DISTRIBUTION OF MATERIALS.

(1) Handbills, leaflets, newspapers and similar related matter may be sold or distributed free of charge by any student or students or by members of recognized student organizations or by college employees on or in college facilities at locations specifically designated by the director of activities; provided such distribution or sale does not interfere with the ingress and egress of persons, or interfere with the free flow of vehicle or pedestrian traffic.

(2) Such handbills, leaflets, newspapers and related matter must bear identification as to the publishing agency and distributing organization or individual.

(3) All nonstudents shall be required to register with the director of activities prior to the distribution of any handbill, leaflet, newspaper or related matter. Nonstudents shall not be allowed to sell handbills, leaflets, newspapers or related matter.

(4) Permission for the posting or display of handbills, leaflets, newspapers, posters and similar related matter on college facilities must be granted by the dean of students or in such dean's absence by the director of student activities. Permission for such posting or display will be given only if such material is:

(a) Written and presented in good taste; and

(b) Designed to attract attention rather than incite emotion; and

(c) Consistent and factual in content.

NEW WAC 132S-12-110 DELEGATION OF DISCIPLINARY AUTHORITY.

The board, acting pursuant to RCW 28.85.140(14), do by written order delegate to the president of the college authority to administer the disciplinary action prescribed in WAC 132S-12-160. All disciplinary actions in which there is a recommendation that a student be suspended or expelled, shall be acted upon by the

president. The president shall have no authority to delegate this decision.

NEW WAC 132S-12-120 DISCIPLINARY ACTION.

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

(a) The division chairman, 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; and

(b) The instructor of each course shall be responsible for the maintenance of order 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 to maintain effective cooperation of the class in fulfilling the objective of the course; and

(c) The classroom instructor may, for a serious violation of classroom decorum or order, refer such violation to the chairman of the division involved and such chairman, through the dean of instruction may request the dean of students to initiate disciplinary action.

(2) Any student accused of violating any provision of the rules of student conduct will be called for an initial conference with the dean of students or his designated representative, and will be informed of what provision or provisions of the rules of student conduct he is charged with violating, and what appears to be the maximum penalties which might result from consideration of the disciplinary proceeding.

(3) 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 his designated representative may take any of the following actions:

(a) Terminate the proceeding, exonerating the student or students;

(b) Dismiss the case after whatever counselling and advice may be appropriate;

(c) Impose minor sanctions directly (warning or reprimand).

(d) If major sanctions are deemed necessary, the dean of students may recommend that the president impose disciplinary action pursuant to WAC 132S-12-160 after a hearing before the hearing panel as denominated in WAC 132S-12-130 unless the student waives the right to a hearing in writing, in which case the president shall interview the student and consider all evidence including the examination of any witnesses and impose disciplinary action pursuant to WAC 132S-12-160.

NEW WAC 132S-12-130 HEARING PANEL.

(1) If disciplinary action is initiated by the dean of students and the student does not waive his right to a hearing in writing, the said dean of students shall appoint a hearing panel of three persons to be composed of a member of the administrative staff, a faculty member chosen from a list of three faculty members nominated by the faculty senate, and a regularly enrolled student chosen from a list of three students nominated by the associated student body president. The hearing panel so chosen will designate the chairman of the hearing panel who shall be a voting member of such hearing panel.

(2) The hearing panel shall conduct such hearing within 25 days after appointment and shall give the student charged with violation of the rules of student conduct a minimum of 20 days notice as specified within WAC 132S-12-140.

NEW

WAC 132S-12-140 HEARING PANEL PROCEDURES.

(1) The hearing panel will hear, do novo, and make recommendations to the president of the college on all disciplinary cases referred to it by the dean of students.

(2) The student has a right to a fair and impartial hearing before the hearing panel on any charge of violating the rules of student conduct. The student's failure to cooperate with the hearing procedures hereinafter outlined, however, shall not preclude the hearing panel from making its findings of fact, conclusions and recommendations as provided in WAC 132S-12-150. Failure by the student to cooperate may be taken into consideration by the committee in recommending to the president the appropriate disciplinary action.

(3) The student shall be given written notice of the time and place of the hearing before the hearing panel by personal service or registered mail. Said notice shall contain:

(a) A statement of the time, place and nature of the disciplinary proceeding.

(b) A statement of the charges against him including reference to the particular sections of the rules of student conduct involved.

(4) At the hearing, the student shall be entitled to hear and examine the evidence against him and be informed of the identity of its source; he shall be entitled to present evidence in his own behalf and cross examine witnesses testifying against him as to factual matters.

(5) If the student elects to choose a duly licensed attorney admitted to practice in any state in the United States as his counsel, he must tender three days notice thereof to the dean of students.

(6) In all disciplinary proceedings, the college may be represented by a designee appointed by the dean of students; said designee may then present the college's case against the student accused of violating the rules of student conduct, provided that in those cases in which the student elects to be represented by a licensed attorney, the dean of students may request the college to be represented by an assistant attorney general.

(7) An adequate summary of all the evidence and facts presented to the hearing panel during the course of the proceedings will be taken. A copy thereof shall be available at the office of the dean of students.

NEW

WAC 132S-12-150 HEARING PANEL DECISION.

(1) Upon conclusion of the disciplinary hearing, the hearing panel shall consider all the evidence therein presented, enter appropriate findings of fact and conclusions of law and decide by majority vote whether to recommend to the president either of the following actions:

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

(b) That the president impose any of the disciplinary actions as provided in WAC 132S-12-160.

(2) The student will be provided with a copy of the committee's findings of fact and conclusions as to whether the student did violate any rules of student conduct, and such

student shall also be provided with a copy of the recommendations of disciplinary action.

NEW WAC 132S-12-160 IMPOSITION OF DISCIPLINE.

(1) The college president shall review all actions for which the hearing panel has recommended disciplinary action and determine whether or not disciplinary action shall be imposed against the said student. The college president shall have no authority to impose any disciplinary action on a student unless disciplinary action has been recommended by the hearing panel against such student or unless the student has waived his right to a hearing before such hearing panel; PROVIDED, that nothing contained within this section shall prohibit the college president from imposing disciplinary action against such student which disciplinary action exceeds the recommendations of the hearing panel.

(2) In determining whether or not to impose disciplinary action against a student, the president shall review the summary of the evidence and facts presented to the hearing panel and the hearing panel's findings and conclusions and recommendations, and the college president shall then determine whether or not to impose disciplinary action in any form.

(3) If the college president determines to impose disciplinary action for a violation of the rules of conduct for which disciplinary action has been recommended by the hearing panel unless such student waives his right to such hearing, the college president shall have authority to:

(a) Expell such student permanently from the college; or

(b) Suspend the right of such student to attend the college for a maximum of three consecutive academic quarters; or

(c) Reprimand such student in writing and forward a copy of such reprimand to the guardian or parents of such student.

NEW WAC 132S-12-170 STUDENT APPEAL. Any student feeling aggrieved by the findings or conclusions of the hearing panel or the order of the college president imposing disciplinary action may appeal the same in writing by directing an appeal to the chairman of the board within 15 days following receipt of the order of the president imposing disciplinary action. The board may, at their discretion, suspend any disciplinary action pending determination of the merits of the findings, conclusions and disciplinary action imposed.

NEW WAC 132S-12-180 DAMAGING PROPERTY. Any student who shall willfully attempt to damage or destroy or who in fact does willfully damage or destroy any property owned, controlled or operated by the college shall be subject to disciplinary action.

NEW WAC 132S-12-190 CIVILIAN PROSECUTION. The board acting through the college president may refer any violations of the rules of student conduct which involve violations of federal or state law to civilian authorities for disposition.

NEW WAC 132S-12-200 EXCLUSIVENESS. The rules contained within chapter 132S-12 WAC are exclusive and are deemed to supercede all former related rules and policies that are inconsistent therewith.

NEW

WAC 132S-12-210 SEVERABILITY. If any provision or part of these rules of student conduct are deemed unconstitutional by a court of law, the remainder of such rules shall continue in effect.

NEW

WAC 132S-12-220 EFFECTIVE DATE. The rules contained within chapter 132S-12 WAC shall become effective upon the date the same are filed with the code reviser.