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HOUSE BILL 1962

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State of Washington

65th Legislature

2017 Regular Session

By Representatives Jenkins, Fey, Farrell, Sawyer, Fitzgibbon, Ortiz-Self, and Pollet

Read first time 02/06/17. Referred to Committee on Higher Education.

1 AN ACT Relating to disciplinary procedures at private  
2 institutions of higher education; adding a new section to chapter  
3 28B.85 RCW; and adding new sections to chapter 28B.77 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 28B.85  
6 RCW to read as follows:

7 (1) Each private institution of higher education operating in  
8 this state and participating in state student financial aid programs  
9 must have policies establishing disciplinary procedures for  
10 violations of the institution's student code of conduct.

11 (2) At a minimum, the policies and procedures must:

12 (a) Address whether, and to what extent, a student may be  
13 represented by counsel or be accompanied by an advocate in various  
14 stages of disciplinary proceedings;

15 (b) Provide clear time frames under which the institution will  
16 conduct proceedings and issue its findings or decisions;

17 (c) Address the standards and burdens of proof required at each  
18 level of its disciplinary proceedings;

19 (d) Establish who the decision maker is at each level of the  
20 disciplinary proceedings, including at the initial proceeding and any  
21 appellate proceedings at the institution;

1 (e) Provide clear notices of any appeal and reconsideration  
2 processes available to the student; and

3 (f) Address how long records of disciplinary actions will be  
4 retained and under what circumstances disciplinary actions become  
5 part of a student's permanent academic record.

6 (3)(a) An institution's policy must provide that any ambiguities  
7 in the policies or procedures will be resolved in favor of the  
8 student.

9 (b) Institutions must interpret their policies and procedures  
10 liberally in favor of the student.

11 (4) The institution must make its policies and procedures  
12 available to students in writing and on its web site. The institution  
13 must notify students when there is a change to its policy or  
14 procedures regarding disciplinary proceedings for violations of the  
15 student code of conduct.

16 (5) This section applies to private nonprofit and for-profit  
17 degree-granting institutions, including institutions that are  
18 exempted from state authorization under this chapter.

19 NEW SECTION. **Sec. 2.** A new section is added to chapter 28B.77  
20 RCW to read as follows:

21 (1) Beginning August 1, 2018, and every year thereafter, each  
22 degree-granting institution subject to section 1 of this act shall  
23 submit to the council a summary report of the disciplinary  
24 proceedings the institution has conducted that resulted in a student  
25 suspension, expulsion, or refusal to grant a degree or certification.

26 (2)(a) The institution's report must provide information on the  
27 types of violations that resulted in discipline and the demographics  
28 of the students disciplined.

29 (b) The institution's report must not contain personally  
30 identifying information of the students.

31 NEW SECTION. **Sec. 3.** A new section is added to chapter 28B.77  
32 RCW to read as follows:

33 (1) The council may investigate an institution's noncompliance  
34 with section 1 of this act.

35 (2) An institution that fails to comply with its own policies and  
36 procedures regarding disciplinary proceedings for student code of  
37 conduct violations may be subject to sanctions by the council,  
38 including requiring the institution to establish additional

1 disciplinary procedures and placing the institution on probationary  
2 status or eventual suspended status for participation in the state  
3 financial aid programs.

4 (3) The council may adopt rules to implement this section and  
5 section 2 of this act.

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