

Title 132V WAC
COMMUNITY COLLEGES--TACOMA
COMMUNITY COLLEGE

Chapter**132V-120 Code of student rights and responsibilities.****Chapter 132V-120 WAC****CODE OF STUDENT RIGHTS AND RESPONSIBILITIES****WAC**

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WAC 132V-120-020 Definitions. As used in this chapter the following words and phrases shall be defined as follows:

(1) "District" shall mean Community College District 22.

(2) "College" shall mean Tacoma Community College main campus and any other campus or college facility which may be created by the board.

(3) "College facilities" shall include real property, buildings and improvements thereon owned, leased, or used by or on behalf of the college or the associated students.

(4) "Board" shall mean the board of trustees of Community College District No. 22, state of Washington.

(5) "President" shall mean the duly appointed chief executive officer of any campus of the district, or in his or her absence, the acting chief executive officer.

(6) "Dean of students" shall mean the administrator responsible for student services or designee.

(7) "Chief academic affairs officer" shall mean the administrator responsible for the instructional program or designee.

(8) "Officer of the college" shall mean and include all administrative exempt employees, exclusive of the president, and any faculty member whose primary assignment is that of division chairperson.

(9) "Faculty" shall mean and include any full-time or part-time academic employee of the district whose assignment is one or a combination of instruction, counseling, or library services.

(10) "College staff" shall mean and include any classified staff employee either full-time or part-time, whose primary assignment is a job position under the jurisdiction of the Washington higher education personnel board. Also included are student employees of the district and employees whose status is either full-time or part-time "exempt-temporary."

(11) "Student" shall mean any person who is registered for classes in the college.

(12) "Associated students" shall mean the student body and such authorized groups organized under the provisions of the Constitution and bylaws of the associated students of the college.

(13) "Assembly" shall mean 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 or group of persons.

(14) "Disciplinary action" shall mean and include a written warning to, the suspension or expulsion of, or placement on probation of any student by an appropriate officer of the college for the violation of any provision of this chapter.

(15) "Instructional day" shall mean any regularly scheduled instructional day designated in the academic year calendar, including summer quarter, as a day when classes are held or during final examination week. Saturdays and Sundays are not regularly scheduled instructional days.

[Statutory Authority: RCW 28B.50.140(13). 88-23-072 (Order 88-1), § 132V-120-020, filed 11/17/88; 85-02-004 (Order 84-1), § 132V-120-020, filed 12/21/84. Formerly WAC 132V-14-020.]

WAC 132V-120-030 Jurisdiction. (1) All rules herein adopted shall apply to each student whenever said student is present upon or in any college facility or whenever said student is present at or engaged in any college sponsored activity or function.

(2) Faculty members, other college employees, students, and members of the public who violate or aid or abet another in the violation of any provision of this chapter shall be subject to prosecution under civil or criminal laws or regulations of Washington in addition to any sanctions imposed pursuant to this chapter.

(3) Provisions of the Revised Code of Washington cited in this document are on file and available in the college library.

[Statutory Authority: RCW 28B.50.140(13). 88-23-072 (Order 88-1), § 132V-120-030, filed 11/17/88; 85-02-004 (Order 84-1), § 132V-120-030, filed 12/21/84. Formerly WAC 132V-14-030.]

WAC 132V-120-040 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 educational objectives from among the college's curricula, programs and services subject to the provisions of this chapter.

(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 discriminatory, inappropriate, and disrespectful conduct and free from 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 sanctions may be imposed upon any student without notice to the accused of the nature of the charges.

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

(3) Distribution and posting. Students may distribute or post printed or published material subject to official procedures available in the office of student programs and activities.

(4) Off-campus speakers. Student organizations sanctioned by an officer of the college or faculty or authorized by the associated students shall have the right to invite outside speakers to speak on campus subject to the availability of campus facilities, funding resources, and compliance with the official college procedures available in the office of student programs and activities.

[Statutory Authority: RCW 28B.50.140(13). 88-23-072 (Order 88-1), § 132V-120-040, filed 11/17/88; 85-02-004 (Order 84-1), § 132V-120-040, filed 12/21/84. Formerly WAC 132V-14-040.]

WAC 132V-120-050 Student responsibilities. Any student who violates any provision of this chapter or who as a principal aids, abets, encourages, or procures another person to materially and substantially interfere with the personal rights or privileges of others or the educational process of the college shall be subject to disciplinary action as provided in this chapter. Grounds for disciplinary action include the following:

(1) Physical abuse of any person on college facilities or at a college sponsored event or conduct which threatens or endangers the health or safety of any such person;

(2) Disorderly or drunken conduct; lewd, indecent or obscene conduct or expression; breach of the peace on college facilities or at college sponsored events;

(3) An illegal assembly, disruption, obstruction or other act which materially and substantially interferes with vehicular or pedestrian traffic, classes, hearings,

meetings, the educational and administrative functions of the college, or the private rights and privileges of others;

(4) Refusal to comply with any lawful order to leave the college campus or any portion thereof;

(5) Knowingly filing a formal complaint falsely accusing another student or college employee with violating a provision of this code;

(6) 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;

(7) Sexual harassment which is defined as engaging in unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when such behavior offends the recipient, causes discomfort or humiliation, or interferes with job or school performance;

(8) Theft of property owned, leased or used by the college, the associated students, a member of the college community or of a visitor to the college;

(9) Intentional or grossly negligent damage or destruction of any property owned, leased or used by the college, the associated students, a member of the college community or of a visitor to the college;

(10) Unauthorized use of college or associated students' equipment or supplies;

(11) Cheating, plagiarism or tendering 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;

(12) Forgery or alteration of college documents or records, including student identification cards, or the fraudulent use thereof;

(13) Failure to comply with directions of college officials acting in the performance of their duties;

(14) Unauthorized entry or occupancy of college facilities or blocking access to or egress from such areas;

(15) Smoking in any classroom, laboratory, library, or in any college facility or office designated as "NO SMOKING";

(16) Use, possession, or distribution of alcoholic beverages on college facilities without a permit from the state liquor control board and approval by the president. Use or possession of alcoholic beverages on college facilities or at college sponsored events by minors;

(17) Using, possessing, selling or being under the influence of any narcotic drug or controlled substance as defined in RCW 69.50.101 or any dangerous drug as defined in RCW 69.50.308 while on college facilities or at any college sponsored event except when the use or possession of such a drug is specifically prescribed as medication by an authorized medical doctor or dentist. The term "sale" shall have the meaning as defined in RCW 69.04.005;

(18) Being under the influence of liquor or alcoholic beverages while on college facilities or at college sponsored events;

(19) Possession or use of firearms, explosives, dangerous chemicals or other dangerous weapons or instrumentalities.

[Statutory Authority: RCW 28B.50.140(13). 88-23-072 (Order 88-1), § 132V-120-050, filed 11/17/88; 85-02-004 (Order 84-1), § 132V-120-050, filed 12/21/84. Formerly WAC 132V-14-050.]

WAC 132V-120-060 Authority of the president to prohibit trespass. The president shall have 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 whenever the president deems any of the following conditions exist:

(1) Events or activities disruptive of the lawful business of the college.

(2) Events or activities which disrupt or threaten to disrupt the lawful movement of any person into or out of any college facility.

(3) For the purpose of determining the identity of a person as a student, where identification as a student is a prerequisite to admission or the charge for admission to any college activity or where identification as a student is required in a case of alleged violation of this code, any college employee may demand that any person on college property or at a college activity produce evidence of student enrollment at the college. Tender of a current valid student identification card will satisfy this requirement. Refusal by a student to produce identification as required shall subject the student to disciplinary action.

[Statutory Authority: RCW 28B.50.140(13). 88-23-072 (Order 88-1), § 132V-120-060, filed 11/17/88; 85-02-004 (Order 84-1), § 132V-120-060, filed 12/21/84. Formerly WAC 132V-14-060.]

WAC 132V-120-070 Summary suspension proceedings. If the dean of students (1) has cause to believe that any student has violated any provision of WAC 132V-120-050 or has committed a felony and (2) has further cause to believe that the student presents an imminent danger to himself or other persons on college facilities or to the educational process of the college, then the dean shall have, pursuant to the rules herein, authority to suspend the student from the college until such time as the dean is satisfied the student's dangerous nature has ceased. The duration of summary suspension shall not exceed ten instructional days, except that the president may continue summary suspension beyond ten instructional days in circumstances where the student continues to present an imminent danger to people, facilities, or the educational process and disciplinary proceedings provided for in the provisions of this chapter, WAC 132V-120-100 through 132V-120-180.

[Statutory Authority: RCW 28B.50.140(13). 88-23-072 (Order 88-1), § 132V-120-070, filed 11/17/88; 85-02-004 (Order 84-1), § 132V-120-070, filed 12/21/84. Formerly WAC 132V-18-010.]

WAC 132V-120-080 Notice of summary proceedings. (1) If the dean of students desires to exercise the authority to summarily suspend a student, the dean shall notify the student by regular United States mail at the student's address as shown on college records, or cause personal service of such notice upon said student.

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

(a) The charges against the student including reference to the provisions of this chapter, and

(b) That the student charged must appear before the dean of students at a time specified in the notice for a formal hearing. This hearing shall be held as soon as practicable after the summary suspension. The student may elect to be accompanied by a personal advisor at the conference with the dean.

[Statutory Authority: RCW 28B.50.140(13). 88-23-072 (Order 88-1), § 132V-120-080, filed 11/17/88; 85-02-004 (Order 84-1), § 132V-120-080, filed 12/21/84. Formerly WAC 132V-18-020.]

WAC 132V-120-090 Procedures of summary suspension hearing. (1) At the summary suspension hearing,

the student against whom the violation or violations are alleged shall have the opportunity of proving to the dean of students that there is no cause to believe that the violation stated on the notice of summary suspension proceedings to the student did occur, and that there exists no cause to believe that immediate suspension of said student is necessary.

(2) The student may offer oral testimony of any person, submit any statement or affidavit on his or her own behalf, examine any affidavit or statement and cross-examine any witness who may appear against the student, and submit any matter in extenuation or mitigation of the offense or offenses charged.

(3) The dean of students shall, at the time of the summary suspension proceeding, determine whether there is probable cause to believe that a violation of this chapter has occurred and whether there is cause to believe that continued suspension is necessary. In the course of making such a decision, the dean may only consider the affidavits or oral testimony of persons who have alleged that the student charged has committed a violation of WAC 132V-120-050 and the oral testimony and affidavits submitted by the student charged.

[Statutory Authority: RCW 28B.50.140(13). 88-23-072 (Order 88-1), § 132V-120-090, filed 11/17/88; 85-02-004 (Order 84-1), § 132V-120-090, filed 12/21/84. Formerly WAC 132V-18-030.]

WAC 132V-120-100 Decision by dean of students. If the dean of students, following the conclusion of the summary suspension proceeding, finds that there is probable cause to believe that:

(1) The student against whom specific violations of WAC 132V-120-050 are alleged has committed one or more such violations upon any college facility; and

(2) Summary suspension of said student is necessary for the safety of the student, other students or persons on college facilities, or the educational process of the institution; and

(3) Such violation or violations constitute grounds for disciplinary action as provided for in the code of student rights and responsibilities; then the dean of students may continue to enforce the suspension of the student from college until further disciplinary hearings or review proceedings are concluded.

[Statutory Authority: RCW 28B.50.140(13), 88-23-072 (Order 88-1), § 132V-120-100, filed 11/17/88; 85-02-004 (Order 84-1), § 132V-120-100, filed 12/21/84. Formerly WAC 132V-18-040.]

WAC 132V-120-110 Notice of suspension. (1) If a student is suspended pursuant to the above rules, the student will be provided with a written notice of suspension including the dean of students' findings of fact and conclusions which lead the dean to believe that the summary suspension of the student should continue in force.

(2) The student suspended pursuant to the authority of this rule shall be served a copy of the notice of suspension by personal service or by regular United States mail at the student's last known address as shown on college records within three calendar days following the conclusion of the hearing with the dean of students.

(3) The notice of suspension shall stipulate the duration of the suspension and conditions under which the suspension may be terminated.

[Statutory Authority: RCW 28B.50.140(13), 88-23-072 (Order 88-1), § 132V-120-110, filed 11/17/88; 85-02-004 (Order 84-1), § 132V-120-110, filed 12/21/84. Formerly WAC 132V-18-050.]

WAC 132V-120-120 Suspension for failure to appear. If the student against whom specific violations of this chapter have been alleged has been served pursuant to the notice required fails to appear at the time designated for the summary suspension proceeding, the dean of students is authorized to enforce the suspension of the student from college.

[Statutory Authority: RCW 28B.50.140(13), 88-23-072 (Order 88-1), § 132V-120-120, filed 11/17/88; 85-02-004 (Order 84-1), § 132V-120-120, filed 12/21/84. Formerly WAC 132V-18-060.]

WAC 132V-120-130 Appeal of summary suspension. (1) Any student aggrieved by an order issued at the summary suspension proceeding may appeal the same to the president. No such appeal shall be entertained, however, unless and until:

(a) The student has first appeared before the dean of students at the hearing called for in this chapter;

(b) The student has been officially notified of the outcome of this hearing;

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

(d) The appeal conforms to the standards set forth in this chapter.

(2) The president shall review, as soon as reasonably possible, the allegations contained within the notice of appeal, along with the findings of the dean of students, the record of the summary suspension proceeding, and determine therefrom whether the summary suspension order is justified.

(3) After completion of this review, the president shall promptly notify the appealing student by certified and regular United States mail whether the summary suspension shall be maintained, stayed, a lesser sanction imposed, or no sanction imposed. The decision of the president shall be final and not reviewable.

[Statutory Authority: RCW 28B.50.140(13), 88-23-072 (Order 88-1), § 132V-120-130, filed 11/17/88; 85-02-004 (Order 84-1), § 132V-120-130, filed 12/21/84. Formerly WAC 132V-18-070.]

WAC 132V-120-140 Summary suspension proceedings not duplicative. (1) The summary suspension proceedings shall substitute for the disciplinary proceedings provided for in this chapter (WAC 132V-120-180 through 132V-120-260). During the course of the summary suspension, the dean may refer the matter to the student rights and responsibilities committee with a recommendation for further disciplinary action. At the end of the summary suspension, the student shall be reinstated to full rights and privileges as a student, subject to whatever sanctions or conditions may have been imposed for violation of the code of student rights and responsibilities.

(2) Any disciplinary proceeding initiated against the student because of alleged violations in the course of the summary suspension proceeding provided for herein, shall be heard, *de novo*, provided, that the records made and evidence presented during the course of the student's summary suspension proceeding shall be available for the use of the parties.

[Statutory Authority: RCW 28B.50.140(13), 88-23-072 (Order 88-1), § 132V-120-140, filed 11/17/88; 85-02-004 (Order 84-1), § 132V-120-140, filed 12/21/84. Formerly WAC 132V-18-080.]

WAC 132V-120-150 Purpose of disciplinary actions. Disciplinary action, up to and including expulsion from the college, may be imposed upon a student for violation of the provisions of this chapter. Disciplinary action proceedings shall determine whether and under what conditions the violator may continue as a student at the college.

[Statutory Authority: RCW 28B.50.140(13), 88-23-072 (Order 88-1), § 132V-120-150, filed 11/17/88; 85-02-004 (Order 84-1), § 132V-120-150, filed 12/21/84. Formerly WAC 132V-16-010.]

WAC 132V-120-160 Disciplinary action. The following disciplinary actions are hereby established as the sanctions imposed upon violators of the code of student rights and responsibilities:

(1) Disciplinary warning. This is formal action censuring a student for violation of this chapter. Disciplinary warnings shall be made in writing to the student and shall state that the continuation or repetition of the specific violation involved may result in one of the more serious disciplinary actions described below.

(2) Disciplinary probation. This is formal action placing conditions upon the student's continued attendance for violation of this chapter. Notice shall be made in writing and 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 which may extend to graduation or other termination of the student's enrollment in the college.

(3) Suspension. This is temporary dismissal from the college and termination of the person's student status for violation of this chapter. Written notice shall be given which will specify the duration of the suspension and any special conditions which must be met before readmission.

(4) Expulsion. This is indefinite or permanent dismissal from the college and termination of the student status of a student for violation of this chapter. Written notice shall be given which will specify any special conditions which must be met before readmission after indefinite dismissal.

[Statutory Authority: RCW 28B.50.140(13). 88-23-072 (Order 88-1), § 132V-120-160, filed 11/17/88; 85-02-004 (Order 84-1), § 132V-120-160, filed 12/21/84. Formerly WAC 132V-16-110.]

WAC 132V-120-170 Initiation of disciplinary proceedings. Any student, officer of the college or college staff shall have the authority to request the commencement of the disciplinary proceedings provided for in this chapter if there is reasonable cause to believe that a student has violated the provisions of this code. Requests to initiate disciplinary proceedings must be submitted in writing to the dean of students within ten instructional days of the date the petitioner became aware or reasonably can be expected to have become aware of the alleged violation of the code.

[Statutory Authority: RCW 28B.50.140(13). 88-23-072 (Order 88-1), § 132V-120-170, filed 11/17/88; 85-02-004 (Order 84-1), § 132V-120-170, filed 12/21/84. Formerly WAC 132V-16-020.]

WAC 132V-120-180 Initial disciplinary proceedings. (1) All disciplinary proceedings will be initiated by the dean of students.

(2) Any student charged by the dean of students with a violation of any provision of this code will be so informed by regular United States mail or by personal service of the charges and of the time, date and place of a conference between the dean and the student. The notice shall be sent to the student's last known address as shown on college records.

(3) The student may elect to be accompanied by a personal advisor of his/her choice at the conference with the dean.

(4) After considering the evidence in the case, the dean of students may take any of the following actions:

- (a) Terminate the proceeding;
- (b) Dismiss the case after whatever counseling and advice the dean deems appropriate;
- (c) Impose minor sanctions directly (disciplinary warning, disciplinary probation) subject to the student's right of appeal described below;
- (d) Refer the matter to the student rights and responsibilities committee for a recommendation as to appropriate action.

(5) A student accused of violating any provision of this chapter shall be given prompt notice by personal service or regular United States mail of any action taken by the dean of students.

[Statutory Authority: RCW 28B.50.140(13). 88-23-072 (Order 88-1), § 132V-120-180, filed 11/17/88; 85-02-004 (Order 84-1), § 132V-120-180, filed 12/21/84. Formerly WAC 132V-16-030.]

WAC 132V-120-190 Appeals. Any disciplinary action taken by the dean of students, except summary suspension, may be appealed by the student to the student rights and responsibilities committee in the following manner:

(1) Said appeal must be in writing and clearly state the alleged errors or other matters in extenuation or mitigation which justify the appeal; and

(2) Said appeal must be filed with the dean of students within seven calendar days from the date of the notice of disciplinary action; and

(3) Said appeal must identify the name and address of the student's attorney, if an attorney is involved.

[Statutory Authority: RCW 28B.50.140(13). 88-23-072 (Order 88-1), § 132V-120-190, filed 11/17/88; 85-02-004 (Order 84-1), § 132V-120-190, filed 12/21/84. Formerly WAC 132V-16-040.]

WAC 132V-120-200 Composition of student rights and responsibilities committee. (1) The college shall have a student rights and responsibilities committee composed of six members, who shall be chosen and appointed no later than October 15 of each year. The membership of the committee shall consist of two members of the administration, excepting the dean of students, chosen by the president; two faculty members chosen by the chief academic affairs officer; and two students chosen by the student senate of the associated students.

(2) A quorum shall consist of no less than three members, provided that such quorum shall include at least one student, one faculty member and one administrator.

(3) The committee shall elect its own chairperson for each case brought before it.

(4) Any member of the committee having direct knowledge or involvement in a case under consideration may be excused from participation in the hearing or appeal and a substitute appointed.

(5) The committee may use the services of an assistant attorney general to advise it so long as the assistant attorney general has not been previously involved with the issue brought before the committee.

[Statutory Authority: RCW 28B.50.140(13). 88-23-072 (Order 88-1), § 132V-120-200, filed 11/17/88; 85-02-004 (Order 84-1), § 132V-120-200, filed 12/21/84. Formerly WAC 132V-16-050.]

WAC 132V-120-210 Hearing procedures before the student rights and responsibilities committee. (1) The student rights and responsibilities committee shall hear, *de novo*, and make recommendations to the president on all disciplinary cases appealed to the committee by the student or referred to it by the dean of students in accordance with the provisions of this chapter.

(2) The student has the right to a fair and impartial hearing before the committee. The student's failure to cooperate with the hearing procedures, however, shall not preclude a quorum of the committee from making its findings of fact, conclusions and recommendations as provided below.

(3) Written notice of the hearing before the committee shall be mailed or given to the student at least ten calendar days in advance, except in cases of summary suspension where notice shall be given at least five calendar days in advance of the hearing. Said notice shall contain:

- (a) A statement of the time and place of the hearing;

(b) A statement of the specific charges including reference to the particular sections of this chapter which are involved; and

(c) To the extent known, a list of witnesses who will appear and a summary description of any documentary or other physical evidence that will be presented by the college at the hearing.

(4) The student shall be entitled to hear and examine the evidence to be offered by the college and be informed of the identity of its source; the student shall be entitled to present evidence in his or her own behalf and to cross-examine witnesses testifying on behalf of the college.

(5) The student may be represented by counsel of his or her choice at the disciplinary hearing. If the student elects to choose a duly licensed attorney admitted to practice in the state of Washington as counsel, notice thereof must be tendered by the student to the dean of students at least five calendar days prior to the hearing.

(6) In all disciplinary proceedings, the college may be represented by the dean of students who will present the college's case against the student accused of violating provisions of this chapter; provided, that in those cases in which the student elects to be represented by a licensed attorney, the dean of students may elect to have the college represented by an assistant attorney general.

(7) The dean of students shall designate a recorder to take notes during the hearing and to prepare a written summary of all evidence, facts, and testimony presented to the committee during the course of the hearing. The proceedings of the hearing shall also be tape recorded.

(8) All records of disciplinary proceedings shall be maintained in the office of the dean of students and shall be available only during the course of the disciplinary proceedings to the committee, the student, and his/her attorney, the dean, and any other college official designated by the president.

(9) Following the final disposition and any appeals of the disciplinary proceedings, access to records of the case and hearing files will be limited to persons designated by the president.

(10) Following final disposition of the case and any appeals therefrom, the president may direct the destruction of any records of disciplinary proceedings, provided that such destruction is in conformance with the requirements of chapter 40.14 RCW.

(11) The time of the hearing may be changed by the committee at the request of any party for good cause.

[Statutory Authority: RCW 28B.50.140(13), 88-23-072 (Order 88-1), § 132V-120-210, filed 11/17/88; 85-02-004 (Order 84-1), § 132V-120-210, filed 12/21/84. Formerly WAC 132V-16-060.]

WAC 132V-120-220 Conduct of hearings. (1) Hearings will be held in closed session. The accused student may invite a personal advisor to attend the hearings. If, at any time during the conduct of a hearing, any person is disruptive of the proceedings, the chairperson of the hearing committee may exclude any such person from the hearing room.

(2) Any person attending the committee hearing who continues to disrupt said proceedings after the chairman

of the committee has asked the person to cease and desist therefrom, shall be subject to disciplinary action.

[Statutory Authority: RCW 28B.50.140(13), 88-23-072 (Order 88-1), § 132V-120-220, filed 11/17/88; 85-02-004 (Order 84-1), § 132V-120-220, filed 12/21/84. Formerly WAC 132V-16-070.]

WAC 132V-120-230 Evidence admissible in hearings. (1) Only that evidence presented at the hearing will be considered in determining whether the accused student violated the provision of this code as charged.

(2) The committee shall be the exclusive judge of the evidence and the weight to be assigned to it. Credible hearsay is admissible into evidence. The college shall bear the burden of proof by a preponderance of evidence to sustain the charges against the accused student.

(3) The chairperson of the hearing committee shall, in the course of presiding at the disciplinary hearing, give effect to the rules of privilege recognized by law and exclude incompetent, irrelevant, immaterial and unduly repetitious evidence.

(4) 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.

[Statutory Authority: RCW 28B.50.140(13), 88-23-072 (Order 88-1), § 132V-120-230, filed 11/17/88; 85-02-004 (Order 84-1), § 132V-120-230, filed 12/21/84. Formerly WAC 132V-16-080.]

WAC 132V-120-240 Decision by the committee.

(1) Upon conclusion of the disciplinary hearing, the committee or a quorum thereof shall consider all the evidence and decide by majority vote which of the following actions to recommend:

- (a) That the proceedings be terminated; or
- (b) That the president impose minor sanctions such as a written disciplinary warning or reprimand; or
- (c) That the president suspend the student from college, including a recommendation on the duration of such action; or
- (d) That the president expel the student from college.

(2) Within seven calendar days of the conclusion of the hearing, the student shall be notified of the committee's recommendations based on findings of fact and conclusions of law regarding whether the student did violate any rule or rules of this code. The committee shall also advise the student in writing of his or her right to present, within seven calendar days of the notification of the committee's recommendation, a written statement to the president of the college appealing the recommendation of the committee.

[Statutory Authority: RCW 28B.50.140(13), 88-23-072 (Order 88-1), § 132V-120-240, filed 11/17/88; 85-02-004 (Order 84-1), § 132V-120-240, filed 12/21/84. Formerly WAC 132V-16-090.]

WAC 132V-120-250 Final decision regarding disciplinary action. The president shall, after reviewing the procedure and the record made before the committee together with written arguments filed by the parties, if any, attach either a written concurrence to the recommendations of the committee or written directions as to what disciplinary action, if any, shall be taken. Evidence not in the record will not be considered by the president.

All parties shall be provided with a copy of the decision. The decision of the president shall be final and not reviewable.

[Statutory Authority: RCW 28B.50.140(13), 88-23-072 (Order 88-1), § 132V-120-250, filed 11/17/88; 85-02-004 (Order 84-1), § 132V-120-250, filed 12/21/84. Formerly WAC 132V-16-100.]

WAC 132V-120-260 Suspension--Reestablishment of academic standing. A student who has been suspended or expelled pursuant to disciplinary procedures set forth in this chapter and whose suspension or expulsion upon appeal is found to have been unwarranted shall be provided the opportunity to reestablish academic and student standing to the extent possible within the abilities of the college, including an opportunity to retake exams or otherwise complete course offerings missed by reason of such action.

[Statutory Authority: RCW 28B.50.140(13), 88-23-072 (Order 88-1), § 132V-120-260, filed 11/17/88; 85-02-004 (Order 84-1), § 132V-120-260, filed 12/21/84. Formerly WAC 132V-16-130.]

Title 132W WAC COMMUNITY COLLEGES--WENATCHEE VALLEY COLLEGE

Chapter

132W-104 Bylaws and standing orders of the board of trustees.

Chapter 132W-104 WAC

BYLAWS AND STANDING ORDERS OF THE BOARD OF TRUSTEES

WAC

132W-104-040 Meetings of the board of trustees.
132W-104-050 Order of agenda.

WAC 132W-104-040 Meetings of the board of trustees. (1) Regular meetings. A regular meeting of the board of trustees shall be held once each month on the second Wednesday of each month in Room 230 of Anderson Hall, Wenatchee Valley College at 7:00 p.m., unless dispensed with by the board of trustees, at such time and place as the board of trustees by motion from time to time may direct.

(2) Special meetings. The chairman of the board of trustees or a majority of the members of the board may call special meetings of the board of trustees.

(3) Official business. No official business shall be conducted by the board of trustees except during a regular or special meeting.

(4) Publicity. All regular and special meetings of the board of trustees shall be publicly announced prior to the meeting as required under chapter 42.30 RCW, as now or hereafter amended, and the meetings shall be open to the general public.

(5) Quorum. Three members of the board shall constitute a quorum; and no action shall be taken by less than a unanimous vote of a majority of the total board

members, except that a lesser number may adjourn, from time to time, to a definite time and place announced in open meeting, any regular or special meeting at which a quorum is not present. The secretary of the board shall in person or in writing notify the absent members of the time, date, and place set for the adjourned meeting.

(6) Voting. Normally, voting shall be *viva voce*; however, a roll call vote may be requested by any member of the board for the purposes of the record.

(7) Executive sessions. The board of trustees may convene in executive sessions during a regular or special meeting to consider matters previously announced, limited to issues affecting national security; the selection of a site or the acquisition of real estate by lease or purchase; the minimum price at which real estate will be offered for sale or lease; the negotiation of a publicly bid contract; the receipt and evaluation of complaints against public officers or employees; the evaluation of an applicant for public employment or the review of the performance of a public employee; instructions by the governing body to legal counsel relating to enforcement actions, litigation, or pending litigation. Final action on any such matters must be taken in open session. The governing body also may exclude from any such public meeting or executive session, during the examination of a witness on any such matter, any or all other witnesses in the matter being investigated by the governing body.

(8) Rules of procedure. The actions of the board shall be conducted according to *Robert's Rules of Order Newly Revised* unless specified otherwise by state law or regulation of the state board or bylaws of the board of trustees.

(9) Agenda. Information and materials pertinent to the agenda of all regular meetings of the board shall be sent to the trustees prior to each meeting. Any matter of business or correspondence must be received by the secretary of the board by 12 o'clock six working days before the meeting in order to be included on the agenda. The chairman or secretary may, however, present a matter of urgent business received too late for inclusion on the agenda when in his judgment the matter is of an emergency nature. The agenda of a special meeting will be determined at the time of the official call of such meeting. No other business shall be transacted or official action taken other than the purpose or purposes for which this meeting was called.

[Statutory Authority: RCW 28B.50.140, 87-19-050 (Resolution No. 87-126), § 132W-104-040, filed 9/14/87; 80-05-106 (Order 80-87), § 132W-104-040, filed 5/5/80; Order 77-70, § 132W-104-040, filed 12/19/77; Order 72-16, § 132W-104-040, filed 11/22/72.]

WAC 132W-104-050 Order of agenda. (1) The order of the agenda governing all regular meetings of the board of trustees shall be as follows:

- (a) Approval of minutes.
- (b) Curriculum.
- (c) Student services.
- (d) Personnel.
- (e) Policy.
- (f) Finance.