

Chapter 132V-121 WAC

CODE OF STUDENT CONDUCT

WAC

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WAC 132V-121-010 Preamble. Tacoma Community College has a responsibility to create and maintain an environment that balances freedom of expression with freedom from threats to safety, both physical and emotional. Each member of the college community is obligated to act in a manner that promotes the college's mission of meaningful and relevant learning, equity and student success.

Admission to Tacoma Community College carries with it the expectation that the student will conduct himself/herself as a responsible member of the academic community and observe the principles of mutual respect, personal and academic integrity and civility. The code of student conduct establishes rules governing academic and social conduct of students, including due process rights.

[Statutory Authority: RCW 28B.50.140(13). WSR 11-24-031, § 132V-121-010, filed 12/1/11, effective 1/1/12.]

WAC 132V-121-020 Title. This chapter will be known as the code of student conduct of Tacoma Community College.

[Statutory Authority: RCW 28B.50.140(13). WSR 11-24-031, § 132V-121-020, filed 12/1/11, effective 1/1/12.]

WAC 132V-121-030 Definitions. The definitions and phrases in this section apply throughout this chapter.

Academic misconduct is the violation of college policies (e.g., tampering with grades, taking part in obtaining or distributing any part of an exam prior to the scheduled testing time).

Calendar day means all days of the month, not just instructional days. In cases where a specified due date falls on a weekend or holiday, the working day closest to the date due will be used (i.e., if the seventh day deadline falls on Saturday the document will be due on Friday).

Cheating includes, but is not limited to, when a student misrepresents that he or she mastered information on an academic exercise.

College means Tacoma Community College main campus and any other campus or college facility which may be created by the board of trustees.

College employee includes any person employed by the college performing assigned administrative or professional responsibilities.

College premises includes all land, buildings, facilities and other property in the possession of or owned, used, controlled, or leased/rented by the college, and agencies or institutions that have educational agreements with the college, extending to associated electronic communication including web sites and distance learning classroom environments.

Complainant means any person who alleges that a student violated the code of student conduct.

Conduct hold means a block prohibiting the student from registering for classes until he or she receives clearance from the student conduct administrator.

Fabrication is the use of invented information or the falsification of research or other findings with the intent to deceive or mislead.

Faculty means any person hired by the college to conduct classroom or teaching activities or who is otherwise considered by the college to be a member of its faculty.

Instructional day means any regularly scheduled instructional day designated in the instructional 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.

May is used in the permissive sense.

Member of the college community includes any person who is a student, faculty member, college employee, or volunteer. A person's status in a particular situation will be determined by the student conduct administrator.

Plagiarism includes, but is not limited to, the inclusion of someone else's words, ideas or data as one's own work.

Policy means the written regulations of the college as found in, but not limited to, the code of student conduct, college web site, college catalog, and college administrative manual.

Respondent means any student accused of violating the code of student conduct.

Student conduct administrator means a college employee authorized by the vice president for student services to impose consequences upon any student(s) found to have violated the code of student conduct.

Student conduct appeal board means members of the college community authorized by the vice president for student services to hear an appeal by a student of a student conduct administrator's determination and imposed consequences for an alleged violation of the code of student conduct.

Student means any person who is admitted to or enrolled for classes through the college, including any person in affiliated distance learning courses. Admitted or enrolled students who withdraw after allegedly violating the code are considered students.

Will is used in the imperative sense.

[Statutory Authority: RCW 28B.50.140(13). WSR 11-24-031, § 132V-121-030, filed 12/1/11, effective 1/1/12.]

WAC 132V-121-040 Code of student conduct authority. (1) The vice president for student services will develop policies for the administration of the student conduct system and procedural rules for the conduct of student conduct appeal board hearings that are consistent with provisions of the code of student conduct.

(2) Decisions made by the student conduct appeal board and/or student conduct administrator will be final.

[Statutory Authority: RCW 28B.50.140(13). WSR 11-24-031, § 132V-121-040, filed 12/1/11, effective 1/1/12.]

WAC 132V-121-050 Jurisdiction of the college code of student conduct. (1) The college code of student conduct will apply to conduct that occurs on college premises, at college sponsored activities, and to off-campus conduct that adversely affects the college community and/or the pursuit of its objectives.

(2) Each student will be responsible for his/her conduct beginning at the time of application for admission and for the duration of their enrollment through the college, even though conduct may occur before classes begin or after classes end. The code of student conduct will apply to a student's conduct even if the student withdraws from school after the alleged misconduct has occurred.

(3) The vice president for student services will decide whether the code of student conduct will be applied to conduct occurring off-campus, on a case-by-case basis.

(4) Violation of law and college discipline.

(a) College disciplinary proceedings are separate and independent of any civil or criminal proceedings.

(b) The college will cooperate with law enforcement and other agencies in the enforcement of criminal law on campus. Members of the college community, acting in their personal capacities, are free to interact with governmental representatives as they deem appropriate.

[Statutory Authority: RCW 28B.50.140(13). WSR 11-24-031, § 132V-121-050, filed 12/1/11, effective 1/1/12.]

WAC 132V-121-060 Standards for student conduct. Any student found to have committed or to have attempted to commit the following misconduct is subject to the disciplinary consequences outlined in WAC 132V-121-070, Code of student conduct procedures.

(1) Acts of dishonesty including, but not limited to, the following (see *Tacoma Community College Administrative Procedure for Academic Dishonesty*):

(a) Cheating, plagiarism, fabrication, academic misconduct or other forms of academic dishonesty.

(b) Withholding information or furnishing false information to any college official, faculty member or office.

(c) Forgery, alteration or misuse of any college document, record, or instrument of identification.

(2) Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other college activities, including its public service functions on or off campus, or of other authorized noncollege activities when the conduct occurs on college premises.

(3) Physical abuse, verbal abuse, threats, intimidation, harassment, coercion, or other conduct which threatens or endangers the health or safety of any person, including reckless driving.

(4) Stalking which is a pattern of unwanted behavior that is directed at a specific person that would cause a reasonable person alarm and/or fear.

(5) 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 school-related performance (as stated in chapter 132V-300 WAC, Grievance Procedure—Sexual Harassment, Sex Discrimination and Disability Discrimination).

(6) Attempted or actual theft of and/or damage to property of the college or property of a member of the college community on campus.

(7) Hazing which means any method of initiation into a student group or any pastime or amusement engaged in with respect to such a group 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 any institution of higher education (as stated in chapter 132V-130 WAC, Hazing policy).

(8) Failure to comply with directions of college employees acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.

(9) Unauthorized possession, duplication or use of keys to any college premises or unauthorized entry to or use of college premises.

(10) Violation of any college policy.

(11) Violation of any federal, state or local law.

(12) Being under the influence, use, possession, manufacturing or distribution of marijuana (including medical marijuana), heroin, narcotics or other controlled substances, or associated paraphernalia (pursuant to RCW 69.50.102).

(13) Being under the influence, use, possession, manufacturing or distribution of alcoholic beverages (except as expressly permitted by college regulations) at college-sponsored events. Alcoholic beverages may not, in any circumstances, be used by, possessed by or distributed to any person under twenty-one years of age.

(14) Possession of firearms, explosives, other weapons, or dangerous chemicals on college premises or use of any such item in a manner that harms, threatens or causes fear to others.

(15) Leading or inciting others to disrupt scheduled and/or normal activities on any college premises.

(16) Obstruction of the free flow of pedestrian or vehicular traffic on college premises or at college sponsored or supervised functions.

(17) 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.

(18) Conduct that is disorderly, breach of peace, or aiding, abetting or procuring another person to breach the peace on college premises or at functions sponsored by the college or members of the academic community. Disorderly conduct includes, but is not limited to, any unauthorized use of electronic or other devices to make an audio or video record of any person while on college premises without his/her prior knowledge, or with his/her effective consent when such a recording is likely to cause injury or distress. This includes,

but is not limited to, taking pictures of another person in a locker room or restroom without their permission.

(19) Theft or other abuse of computer facilities and resources including, but not limited to:

- (a) Unauthorized entry into a file for any purpose;
- (b) Use of another individual's identification and/or password without his or her permission;
- (c) Use of computing facilities and resources to interfere with the work of another student, faculty member or college official;
- (d) Interfering with normal operation of the college computing system;
- (e) Violation of copyright laws;
- (f) Any violation of the college's acceptable use of information systems and services policy.

(20) Abuse of the student conduct system including, but not limited to:

- (a) Failure to obey the notice from a student conduct appeal board or college employee to appear for a meeting or hearing as part of the student conduct system;
- (b) Falsification, distortion or misrepresentation of information before a student conduct appeal board;
- (c) Disruption or interference with the orderly conduct of a student conduct appeal board hearing;
- (d) Institution of a code of student conduct proceeding in bad faith;
- (e) Attempting to discourage an individual's participation in, or use of, the student conduct system;
- (f) Attempting to influence the impartiality of a member of a student conduct appeal board prior to and/or during the course of the student conduct appeal board proceeding;
- (g) Harassment (verbal or physical) and/or intimidation of a member of a student conduct appeal board prior to, during and/or after a code of student conduct proceeding;
- (h) Failure to comply with the consequence(s) imposed under the code of student conduct;
- (i) Influencing or attempting to influence another person to violate the code of student conduct system.

[Statutory Authority: RCW 28B.50.140(13). WSR 11-24-031, § 132V-121-060, filed 12/1/11, effective 1/1/12.]

WAC 132V-121-070 Code of student conduct procedures. (1) Purpose. The code of student conduct procedures are designed to afford complainants and respondents a fair and accessible process that educates students about their rights and responsibilities, holds students accountable for their actions, and provides due process.

(2) Complaints and student conduct appeal board hearings.

(a) Any member of the college community may submit a complaint against a student for violation of the code of student conduct. Any complaint must be submitted in writing to the student conduct administrator within ten instructional days of the date the person became aware or reasonably can be expected to have become aware of the alleged violation of the code of student conduct.

(b) All complaints will be presented to the respondent by the college in written form (i.e., by U.S. mail to the student's address of record, to the student's TCC email address, or delivered in person).

(c) The student conduct administrator will schedule an initial meeting with the respondent to discuss the complaint.

(i) During the initial meeting, the student conduct administrator will explain the process, the respondent's rights and responsibilities, and review the complaint and alleged violation(s) of the code of student conduct. The student conduct administrator will seek information from the respondent regarding the allegations and may seek additional information from other involved parties or observers.

(ii) If there is more than one respondent involved in the complaint, the student conduct administrator at sole discretion may permit the conferences concerning each respondent to be conducted either separately or jointly.

(3) The student conduct administrator will investigate to determine if the complaint has merit and will take one of the following actions:

(a) If the student conduct administrator determines that the case has no merit, the case will be dismissed;

(b) If the respondent and the student conduct administrator mutually agree to the resolution of the complaint, it will be put in writing and there will be no subsequent proceedings;

(c) If the respondent disagrees with the student conduct administrator's resolution of the complaint, the respondent may appeal the decision of the student conduct administrator to the student conduct appeal board, provided:

(i) The respondent must submit his or her appeal in writing to the student conduct administrator within seven calendar days of the date the decision is communicated to the student, either verbally or in writing, by the student conduct administrator;

(ii) A time will be set for a student conduct board appeal hearing no later than the fifteenth instructional day after the respondent's written appeal has been received by the student conduct administrator;

(d) Such other action as the student conduct administrator deems appropriate.

(4) At any time during this process, failure to meet with the student conduct administrator at the appointed time may subject the respondent to a conduct hold. If the respondent fails to meet with the student conduct administrator in a timely fashion the complaint will be determined in the respondent's absence.

(5) Student conduct appeal board hearings will be conducted according to the following guidelines:

(a) Formal rules of process, procedure, and/or rules of evidence, such as are applied in criminal or civil court, are not used in student conduct proceedings;

(b) The respondent will be notified in written form (i.e., by U.S. mail to the student's address of record, to the student's TCC email address, or delivered in person) at least seven calendar days in advance of the hearing. Such notification will include the time, date and location of the hearing; and the specific complaints against the respondent. Upon request, any documents or other physical evidence that will be presented by any party at the hearing will be provided no less than three instructional days before the hearing to all other parties. Upon request, a list of persons who may appear at the hearing or provide written testimony for any party will be provided no less than three instructional days before the hearing to all other parties;

(c) Student conduct appeal board hearings normally will be conducted in private;

(d) The student conduct appeal board will be composed of five members. The membership will consist of one member of the exempt staff, chosen by the vice president for student services; two faculty members chosen by the faculty union president; and two students chosen by the president of the associated student body;

(i) Chairperson. The student conduct appeal board will elect its own chairperson for each complaint brought before it.

(ii) Quorum. A quorum will consist of no less than three members, provided, that one exempt staff, one faculty and one student are present.

(iii) Substitutes:

(A) Any member of the student conduct appeal board who has direct knowledge or involvement in a complaint under consideration may be excused from participation in the hearing or appeal.

(B) Substitutes may be appointed to form a quorum.

(e) The complainant and respondent and their advisors, if any, will be allowed to attend the entire portion of the student conduct appeal board hearing at which information is received (excluding deliberations). Admission of any other person to the student conduct appeal board hearing and level of involvement will be at the sole discretion of the student conduct appeal board and/or the student conduct administrator;

(f) In student conduct appeal board hearings involving more than one respondent, the student conduct administrator, in his or her sole discretion, may permit the student conduct appeal board hearings concerning each student to be conducted either separately or jointly;

(g) The complainant and the respondent may be assisted by an advisor of their choice. The advisor must be a member of the college community and may not be an attorney. The complainant and/or the respondent is responsible for presenting his or her own information. Therefore, advisors are not permitted to speak or to participate directly in any hearing before a student conduct appeal board. A student should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the student conduct appeal board hearing because delays will not normally be allowed due to the scheduling conflicts of an advisor;

(h) The complainant, the respondent and the student conduct appeal board may arrange for witnesses to present pertinent information to the student conduct appeal board. The college will try to arrange the attendance of possible witnesses who are members of the college community, if reasonably possible, and who are identified by the complainant and/or respondent at least two weekdays prior to the student conduct appeal board hearing. Witnesses will provide information to and answer questions from the student conduct appeal board. Questions may be suggested by the respondent and/or complainant to be answered by each other or by other witnesses. This will be conducted by the student conduct appeal board with such questions directed to the chairperson, rather than to the witness directly. This method is used to preserve the educational tone of the hearing and to avoid creation of an adversarial environment. The chairperson of the

student conduct appeal board will determine relevancy of the questions;

(i) Pertinent records, exhibits and written statements may be accepted as information for consideration by the student conduct appeal board at the sole discretion of the chairperson;

(j) All procedural questions are subject to the final decision of the chairperson of the student conduct appeal board;

(k) After the portion of the student conduct appeal board hearing concludes in which all pertinent information has been received, the student conduct appeal board will determine which section(s) of the code of student conduct, if any, that the respondent has violated.

(6) The student conduct appeal board's determination will be made on the basis of whether it is more likely than not that the respondent violated the code. Formal rules of process, procedure, and/or rules of evidence, such as are applied in criminal or civil court, are not used in student conduct proceedings. There will be a single verbatim record, such as a tape recording, of all student conduct appeal board hearings before a student conduct appeal board (not including deliberations). Deliberations will not be recorded. The record will be the property of the college.

(7) If a respondent does not appear before a student conduct appeal board hearing, the information in support of the charges will be presented and considered even if the respondent is not present.

(8) The student conduct appeal board may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the complainant, respondent, or other witness during the hearing by providing separate facilities, by using a visual screen, or by permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, where and as determined by the vice president for student services to be appropriate.

(9) In consultation and agreement with the vice president for student services, the student conduct appeal board will issue a final determination as follows:

(a) The board determines that the case has no merit, and the case is dismissed;

(b) The board upholds the determination of responsibility and consequences imposed by the student conduct administrator;

(c) The board upholds part or all of the determination of responsibility and modifies the consequences.

(10) Consequences.

(a) Any student found to have violated the code of student conduct will be subject to one or more of the following consequences:

(i) Warning. Written notice to a student that the student has been in violation of college policy or has otherwise failed to meet the college's standards of conduct. Such warnings will include the statement that continuation or repetition of the specific conduct involved or other misconduct may result in one of the more serious consequences;

(ii) Reprimand. Written action censuring a student for violation of college policy or otherwise failing to meet the college's standards of conduct. The written reprimand will be filed in the office of the vice president for student services for the duration of the student's attendance at the college. A rep-

rimand will include the statement that continuation or repetition of the specific conduct involved or other misconduct may result in one of the more serious consequences;

(iii) Probation. Conditions placed upon the student's continued attendance for violation of this chapter. Notice will be made in writing and specify the period of probation and the conditions to be met by the student. Disciplinary probation may be for a specific term or for an indefinite period which may extend to graduation. Violation of the terms of the probation or violation of any college policy during the probation period may be grounds for additional consequences;

(iv) Loss of privileges. Denial of specified privileges for a designated period of time;

(v) Restitution. Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement;

(vi) Withholding admission or degree. Admission to or a degree awarded from the college may be withheld for a specified amount of time;

(vii) Revocation of admission or degree. Admission to or a degree awarded from the college is revoked and noted on the transcript. In general this action is reserved for conduct that includes, but is not limited to, acts of dishonesty;

(viii) Discretionary consequences. Work assignments, essays, service to the college, or other related discretionary assignments;

(ix) No contact. The student may have no contact with other stated members of the college community;

(x) Suspension. Temporary dismissal from the college and termination of the person's student status;

(xi) Expulsion. Permanent dismissal from the college and termination of the person's student status.

(b) More than one of the consequences listed in (a)(i) through (xi) of this subsection may be imposed for any single violation.

(c) Consequences for conduct in class.

(i) Each faculty member is responsible for conduct in class and is authorized to take such steps as are necessary when behavior of a student interrupts the normal class procedure. When behavior is disruptive, the faculty member may dismiss the student from class for that one class period and make reasonable effort to resolve the situation. This includes electronically removing a disruptive student from online class situations. However, if the matter becomes so serious as to result in removing the student from the class for two consecutive class periods or when a pattern of periodic misconduct occurs, the faculty member will report the incident to the student conduct administrator in order to seek resolution to the situation and allow for due process.

(ii) Consequences for academic dishonesty or abetting in academic dishonesty may be imposed at the discretion of a faculty member up to and including a failing grade for the course. Students should refer to each of their faculty's course syllabus.

(d) Disciplinary consequences will be made part of both the complainant's and the respondent's education record. The records may be expunged of disciplinary consequences, other than expulsion, seven years after the quarter in which the incident occurred.

(11) Emergency suspension.

(a) In certain circumstances, the vice president for student services, or designee, may impose an emergency suspension. Emergency suspension may be imposed only:

(i) To ensure the student's own physical or emotional safety and well-being; or

(ii) To ensure the safety and well-being of members of the college community or preservation of college property; or

(iii) If the student poses an ongoing threat of disruption or interference with the normal operations of the college.

(b) During the emergency suspension, a student will be denied access to the campus (including classes) and/or all other college activities or privileges for which the student might otherwise be eligible, as the vice president for student services or the student conduct administrator may determine to be appropriate.

(c) The student will be notified in writing of this action and the reasons for the emergency suspension. The student will also be informed in writing of the time, date and place of an initial meeting.

(d) An initial meeting will take place within five instructional days of the emergency suspension. At the initial meeting the student may show cause why his or her continued presence on the campus does not constitute a threat and may contest whether a campus policy was violated.

(e) At the initial meeting the student conduct administrator, in consultation and agreement with the vice president for student services, will decide to uphold the emergency suspension, dismiss it, or impose other consequences. The student will be informed in writing of this decision.

(f) The emergency suspension does not replace the code of student conduct procedures, which will proceed on the normal schedule, up to and through a student conduct appeal board hearing, if required.

(g) Appeals.

(i) A decision reached or a consequence imposed by the student conduct administrator may be appealed by the respondent within five instructional days of the decision. Such appeals must be in writing and delivered to the student conduct administrator who will convene a student conduct appeal board hearing as outlined in subsection (5) of this section.

(ii) The decision of the student conduct appeal board will be final.

[Statutory Authority: RCW 28B.50.140(13). WSR 11-24-031, § 132V-121-070, filed 12/1/11, effective 1/1/12.]

WAC 132V-121-080 Interpretation and revision. (1)

Any question of interpretation or application of the code of student conduct will be referred to the vice president for student services or his or her designee for final determination.

(2) The code of student conduct will be reviewed every five years under the direction of the student conduct administrator.

[Statutory Authority: RCW 28B.50.140(13). WSR 11-24-031, § 132V-121-080, filed 12/1/11, effective 1/1/12.]