

# Chapter 132Z-112 WAC

## STUDENT RIGHTS AND RESPONSIBILITIES

### WAC

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**WAC 132Z-112-010 Values pursuant to student rights and responsibilities.** Cascadia Community College, a state supported institution of higher education is a learning-centered college, maintained for the purpose of providing all learners knowledge and skills for the achievement of their academic, professional, technical, and personal goals. As a public institution of higher education, the college also exists to provide students with the capacity for critical judgment and an independent search for truth toward both optimal individual development and the well being of the entire learning community.

Inherent in the college's mission, vision, and goals are certain rights and freedoms which provide to students the support and respect needed for learning and personal development. Admission to Cascadia Community College provides these rights to students but also assumes that students accept the responsibility to conduct themselves in a manner that does not interfere with the purposes of the college in providing education for all of its learners.

[Statutory Authority: Executive Order 97-02, RCW 28B.10.902 and 28B.20.903. WSR 05-06-003, § 132Z-112-010, filed 2/17/05, effective 3/20/05. Statutory Authority: RCW 28B.50.140. WSR 00-20-037, § 132Z-112-010, filed 9/28/00, effective 10/29/00.]

**WAC 132Z-112-020 Freedom of inquiry and expression.** As a public institution of higher education in the state of Washington, Cascadia Community College recognizes and supports the following principles regarding freedom of expression.

Individual freedom of expression is a fundamental tenet of any free and democratic society.

Freedom of expression shall be interpreted to include all forms of written and oral expression, and all forms of dramatic and artistic expression.

The college is dedicated to upholding the individual freedom of expression as it is protected by the First Amendment to the Constitution of the United States and that no act shall be undertaken by the college to abridge that freedom.

As an institution dedicated to freedom of thought and expression, the college shall support expression of divergent viewpoints in order to foster broad-mindedness and a willingness to learn from others.

(2/17/05)

In keeping with these principles and the college's right to place reasonable restraints on the time, place and manner of expression, the college shall observe the following general guidelines and appropriate general procedures to ensure the responsible exercise of freedom of expression.

(1) **Freedom of expression.** It is the right of any member of the college community to express any point of view and to be free from harassment in such expression. It is the responsibility of those expressing opinions to respect the rights and property of others, to refrain from disrupting the normal operations of the college and to maintain lawful conduct.

The right of free speech and expression does not include activity that may endanger the safety of any member of this college community or visitors, or damage any of the facilities. Moreover, modes of expression (including electronic transmissions) that are unlawful or indecent or that are grossly offensive on matters such as race, color, national and ethnic origin, religion, sexual orientation, gender, age, disability, or veteran status are inconsistent with accepted norms of conduct of the college and are subject to the sanctions described in the Code of student conduct and disciplinary procedures (chapter 132Z-115 WAC).

(2) **Sponsoring organizations.** It is the right of all recognized college organizations and units to sponsor lecturers, entertainers, or exhibitions of their choice as approved by the college. It is the responsibility of the sponsoring organization or unit to make adequate preparation as deemed necessary by the college for the orderly conduct of such events.

(3) **Campus speakers.** Student organizations officially recognized by the college may invite speakers to the campus to address their own membership and other interested students and employees if suitable space is available and there is no interference with the regularly scheduled program of the college. Although properly allowed by the college, the appearance of such speakers on the campus implies neither approval nor disapproval of them or their viewpoints. In the case of speakers who are candidates for political office, equal opportunities shall be available to opposing candidates if desired by them. Political candidates seeking to use facilities to discuss campaign issues with nonstudents shall pay normal facility rental fees. Speakers are subject to the normal considerations for law and order and to the specific limitations imposed by the state constitution, which prohibits state support for religious worship, exercise or instruction.

In order to ensure an atmosphere of open exchange and to ensure that the educational objectives of the college are not obscured, the president, in a case attended by strong emotional feeling, may prescribe conditions for the conduct of the meeting, such as requiring that a designated member of the faculty serve as chair, or requiring permission for comments and questions from the floor. Likewise, the president may encourage the appearance of one or more additional speakers at any meeting or at a subsequent meeting so that other points

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of view may be expressed. The president may designate representatives to recommend conditions such as time, manner, and place for the conduct of particular meetings.

(4) **Audiences.** It is the right of all members of the college community to attend any public event sponsored by any recognized campus organization or unit, once applicable admission fees have been paid. It is the responsibility of all who attend such events to respect the rights and property of others.

(5) **Facilities.** It is the right of any recognized campus organization or unit to schedule the use of appropriate college facilities free from discrimination on the basis of viewpoints to be expressed at the event; it is the responsibility of such an organization or unit to provide sufficient evidence to the college administration that adequate provision has been made for the health, safety and welfare of the general public.

(6) **Distribution of information.** Handbills, leaflets, newspapers and similar materials may be sold or distributed free of charge by any student or students, or by members of recognized student organizations, or by college employees during their off-work hours on or in college facilities at locations specifically designated by the director of communications and marketing provided such distribution or sale does not interfere with the ingress or egress of persons or interfere with the free flow of vehicular or pedestrian traffic.

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

All nonstudents shall register with the director of communications and marketing prior to the distribution of any handbill, leaflet, newspaper or related matter. Such distribution or sale must not interfere with the free flow of vehicular or pedestrian traffic.

Any person or persons who violates these provisions will be subject to disciplinary action.

[Statutory Authority: Executive Order 97-02, RCW 28B.10.902 and 28B.20.903. WSR 05-06-003, § 132Z-112-020, filed 2/17/05, effective 3/20/05. Statutory Authority: RCW 28B.50.140. WSR 00-20-037, § 132Z-112-020, filed 9/28/00, effective 10/29/00.]

**WAC 132Z-112-030 Student records—Family educational rights and privacy.** Cascadia Community College implements this policy in compliance with the Family Educational Rights and Privacy Act (20 U.S.C. & 1232g) and its implementing regulation (34 C.F.R. § 99). The act requires Cascadia Community College to provide students with access to their own education records, to permit students to challenge their records on the grounds that they are inaccurate, misleading, or otherwise in violation of the student's privacy or other right, to obtain written consent before releasing certain information and to notify the student of these rights.

(1) **Definitions.** For the purposes of this policy, the following definitions of terms apply:

(a) "Student" means any individual who is or has been in attendance at Cascadia Community College and for whom the college maintains education records.

(b) "Education records" are defined as those records, files and documents (in handwriting, print, tapes, film, microfiche or other medium) maintained by Cascadia Community College, which contain information directly related to the

individual student. Education records include only the following:

(i) Records pertaining to admission, advisement, registration, grading, and progress toward a degree.

(ii) Assessment information used for advisement purposes.

(iii) Information concerning payment of fees.

(iv) Financial aid information.

(v) Information regarding students participating in student government or athletics.

(c) "Directory Information" means the student's name, address, telephone number, date and place of birth, major field of study, eligibility for and participation in officially recognized activities, organizations, and sports, weight and height of members of athletic teams, dates of attendance, honor roll, degrees and awards received, and the most recent previous educational agency or institution attended by the student. Directory information may be disclosed at the discretion of the college and without the consent of the student unless he or she elects to prevent disclosure as provided for in this chapter.

(d) "Written consent" means a written authorization for disclosure of student education records which:

(i) Is signed;

(ii) Is dated;

(iii) Specifies the records to be disclosed; and

(iv) Specifies to whom disclosure is authorized.

(e) "Personally identifiable" means data or information which includes: The name of the student, the student's parent(s), or other family members; a personal identifier such as the student's Social Security number or student number; or a list of personal characteristics which would make the student's identity easily traceable.

(2) **Annual notification of rights.** Cascadia Community College will notify students of their rights under the Family Educational Rights and Privacy Act of 1974 by publication in the college catalog and schedule of classes. The college shall make available upon request a copy of the policy governing release of student records.

(3) **Procedure to inspect education records.**

(a) Students may inspect and review their education records upon request to the vice president for student success.

(b) Students must submit to the vice president a written request which identifies as precisely as possible the record or records he or she wishes to inspect.

(c) The vice president for student success or designee will make the needed arrangements for access as promptly as possible and notify the student of the time and place where the records may be inspected. Access must be given within forty-five days or less from the receipt of the request.

(4) **Disclosure of education records.**

(a) In addition to "directory information," the college may, at its discretion, make disclosures from education records of students to the following listed parties:

(i) College officials, including administrative, clerical staff and faculty. Access or release of records to the above is permissible only when the information is required for advisement, counseling, recordkeeping, reporting, or other legitimate educational interest consistent with their specific duties and responsibilities;

(ii) Officials of another school in which the student seeks or intends to enroll;

(iii) Authorized federal, state, or local officials as required by law;

(iv) Authorized parties in connection with financial aid for which the student has applied or received;

(v) Appropriate parties in a health or safety emergency;

(vi) Accrediting organizations to carry out their functions; and

(vii) To comply with a judicial order or a lawfully issued subpoena.

(b) The college shall not permit access to or the release of education records or personally identifiable information contained therein, other than "directory information," without the written consent of the student, to any party other than the above.

(c) Education records released to third parties shall be accompanied by a statement indicating that the information cannot be subsequently released in a personally identifiable form to other parties without obtaining the consent of the student. The college is not precluded from permitting third-party disclosure to other parties listed in (a)(i) through (vii) of this subsection.

(5) Limits on rights to review and inspect and obtain copies of education records.

(a) When a record contains information about more than one student, the student may inspect and review only the records which relate to him or her.

(b) Cascadia Community College reserves the right to refuse to permit a student to inspect the following records:

(i) The financial statement of the student's parents;

(ii) Letters and statements of recommendation for which the student has waived his or her right of access, or which were placed in file before January 1, 1975;

(iii) Records connected with an application to attend Cascadia Community College if that application was denied; and

(iv) Those records which are excluded from the Federal Rights and Privacy Act definition of education records.

(c) Cascadia Community College reserves the right to deny transcripts or copies of records not required to be made available by the Federal Educational Rights and Privacy Act in any of the following situations:

(i) The student has an unpaid financial obligation to the college;

(ii) There is an unresolved disciplinary action against the student.

(6) Record of request and disclosures.

(a) The college shall maintain a record of requests for and disclosures of personally identifiable information in the education records of each student. The record maintained under this section shall be available for inspection and review.

(b) The college shall maintain the record with the education records of the student as long as the records are maintained.

(c) The disclosure record must include:

(i) The names of parties who have received personally identifiable information;

(ii) The interest the parties had in requesting or obtaining the information; and

(iii) The names and interests of additional parties to which the reviewing educational agency or institution may disclose or redisclose the information.

(d) The following parties may inspect the record of requests and disclosures relating to a student:

(i) The student;

(ii) The college officials who are responsible for the custody of the records; and

(iii) Persons authorized to audit the recordkeeping procedures of the college.

(e) The college is not required to maintain a record if the request was from, or the disclosure was to:

(i) The student;

(ii) A school official;

(iii) A party with written consent from the student; or

(iv) A party seeking directory information.

(7) Disclosure of directory information. Directory information may be disclosed at the discretion of the college and without the consent of the student unless the student elects to prevent disclosure by filing a written request to prevent disclosure. The request continues in effect according to its terms unless it is revoked in writing by the student.

(8) Requests for corrections, hearings, adding statements to education records. Students have the right to request to have records corrected that they believe are inaccurate, misleading, or in violation of their privacy rights. Following are the procedures for the correction of records:

(a) A student must submit a written request to amend his or her education record to the vice president for student success or designee. The request must identify the part of the record he/she wants changed and specify why the record is believed to be inaccurate, misleading or in violation of his or her privacy or other rights.

(b) The vice president for student success or designee will forward the request to the appropriate college official for determination.

(c) A student whose request for amendment of his or her education record has been denied may request a hearing by submitting a written request to the vice president for student success within ten days following the denial. The written request must be signed by the student and shall indicate the reasons why the records should be amended. The vice president for student success or designee shall convene a hearing to include the student and the appropriate college official, and shall notify the student of the hearing within thirty days after receipt of a properly filed request. In no case will the notification be less than ten days in advance of the date, time and place of the hearing.

(d) The hearing shall be a brief adjudicative proceeding as provided in RCW 34.05.482 and 34.05.485 through RCW 34.05.494 and shall be conducted by the vice president for student success or designee. At the hearing, the student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student's education records.

(e) The vice president for student success or designee will prepare a written decision, within thirty days after the conclusion of the hearing, based solely on the evidence presented at the hearing. The decision will include a summary of the evidence presented and the reasons for the decision. A copy of the decision shall be made available to the student.

(f) If the vice president for student success or designee decides the information is inaccurate, misleading, or in violation of the student's right of privacy, the custodian of the record will amend the record and notify the student, in writing, that the record has been amended.

(g) If the vice president for student success or designee decides that the challenged information is not inaccurate, misleading, or in violation of the student's right of privacy, he/she will notify the student in writing that the student has a right to place in the record a rebuttal statement commenting on the challenged information and/or a statement setting forth reasons for disagreeing with the decision.

(h) The student's rebuttal statement will be maintained as part of the student's education records as long as the contested portion is maintained. If the contested portion of the education record is disclosed, the statement will also be disclosed.

(9) Fees for copies. Copies of student records shall be made at the expense of the requesting party at actual cost for copying as posted at the admissions/records office.

(10) Waiver. A student may waive any of his or her rights under this chapter by submitting a written, signed, and dated waiver to the office of the vice president for student success. Such a waiver shall be specific as to the records and persons or institutions covered. A waiver continues in effect according to its terms unless revoked in writing which is signed and dated.

(11) Type and location of education records.

Types	Custodian
Admission records	Vice president for student success or designee
Cumulative academic records, testing records, registration and payment of tuition records	Vice president for student success or designee
Student government	Vice president for student learning or designee
Participation records in student government	Vice president for student learning or designee
Financial aid records	Vice president for student success or designee
Student employment records	Director of human resources
Athletic participation records	Vice president for student success or designee

[Statutory Authority: Executive Order 97-02, RCW 28B.10.902 and 28B.20.903. WSR 05-06-003, § 132Z-112-030, filed 2/17/05, effective 3/20/05. Statutory Authority: RCW 28B.50.140. WSR 00-20-037, § 132Z-112-030, filed 9/28/00, effective 10/29/00.]

**WAC 132Z-112-040 Financial assistance for students—Scholarships.** Detailed information concerning the criteria, eligibility, procedures for application, and other information regarding scholarships at Cascadia Community College is located in the office of student financial services on the Cascadia Community College campus.

[Statutory Authority: Executive Order 97-02, RCW 28B.10.902 and 28B.20.903. WSR 05-06-003, § 132Z-112-040, filed 2/17/05, effective

3/20/05. Statutory Authority: RCW 28B.50.140. WSR 00-20-037, § 132Z-112-040, filed 9/28/00, effective 10/29/00.]

**WAC 132Z-112-050 Financial assistance for students—Financial aid.** Federal, state, and private financial aid applications and information may be obtained at the following address:

Student Financial Services Office  
 Cascadia Community College  
 18345 Campus Way N.E.  
 Bothell, WA 98011

[Statutory Authority: Executive Order 97-02, RCW 28B.10.902 and 28B.20.903. WSR 05-06-003, § 132Z-112-050, filed 2/17/05, effective 3/20/05. Statutory Authority: RCW 28B.50.140. WSR 00-20-037, § 132Z-112-050, filed 9/28/00, effective 10/29/00.]

**WAC 132Z-112-060 Student rights.** Cascadia Community College endorses the following rights for each student within the limitations of statutory law and college policy, which are deemed necessary to achieve the mission, values and learning outcomes of the college.

[Statutory Authority: Executive Order 97-02, RCW 28B.10.902 and 28B.20.903. WSR 05-06-003, § 132Z-112-060, filed 2/17/05, effective 3/20/05.]

**WAC 132Z-112-070 Academic freedom.** Students are guaranteed rights of free inquiry, expression and peaceful assembly upon and within college facilities that are generally open and available to the public.

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

Students have the right to a learning environment, which is free from unlawful discrimination and sexual harassment.

Students are protected from academic evaluation, which is arbitrary, prejudice or capricious, and are responsible for meeting the standards of academic performance established by each of their instructors.

[Statutory Authority: Executive Order 97-02, RCW 28B.10.902 and 28B.20.903. WSR 05-06-003, § 132Z-112-070, filed 2/17/05, effective 3/20/05.]

**WAC 132Z-112-080 Nondiscrimination.** Students have the right not to be discriminated against on the basis of age, color, creed, disability, gender, marital status, national origin or ancestry, race, religion, sexual orientation or veteran status.

Students who believe they have been discriminated against are encouraged to follow the Cascadia conflict resolution procedure described herein.

[Statutory Authority: Executive Order 97-02, RCW 28B.10.902 and 28B.20.903. WSR 05-06-003, § 132Z-112-080, filed 2/17/05, effective 3/20/05.]

**WAC 132Z-112-090 Due process.** Students have the right to due process. No disciplinary action may be imposed without notice to the accused of the nature of the charges. A student accused of violating code of conduct is entitled to procedural due process as set forth in these provisions.

[Statutory Authority: Executive Order 97-02, RCW 28B.10.902 and 28B.20.903. WSR 05-06-003, § 132Z-112-090, filed 2/17/05, effective 3/20/05.]

**WAC 132Z-112-100 Right of assembly.** Students have the right of assembly upon college facilities that are generally available to the public provided such assemblies:

- (1) Are conducted in an orderly manner;
- (2) Do not unreasonably interfere with vehicular or pedestrian traffic;
- (3) Do not unreasonably interfere with classes, scheduled meetings or ceremonies, or regular functions of the college;
- (4) Do not cause destruction or damage to college property.

[Statutory Authority: Executive Order 97-02, RCW 28B.10.902 and 28B.20.903. WSR 05-06-003, § 132Z-112-100, filed 2/17/05, effective 3/20/05.]

**WAC 132Z-112-110 Conflict resolution.** Students have the right to express and resolve misunderstandings, alleged violation of a college policy, procedure or regulation or alleged inequitable treatment, or retaliation according to the stated conflict resolution procedures set forth in these provisions.

Conflict resolution procedure.

The purpose of the student conflict resolution procedure is to provide each student with an informal or formal option to express and resolve any misunderstanding and to address the perception of unfair treatment by a faculty member, or member of the college staff. First, the student may follow an informal procedure. Second, if the informal procedure does not resolve the issue/concern, the student may initiate a formal procedure and request a hearing before the conflict resolution council.

The student may waive his or her right to have the matter resolved informally. In either case, the student must initiate proceedings with the college within twenty days of the occurrence which gave rise to the concern/issue. The conflict resolution procedure promotes constructive dialogue and understanding. Most concerns/issues are resolved by direct, courteous and respectful communication.

Concerns/issues excluded: Students may not use this process for resolving disciplinary outcomes of summary suspension or other disciplinary procedures; grade appeals; for challenging federal and state laws; or those rules and regulations, policies and procedures adopted by the college, and/or the state board for community and technical colleges.

Students should follow the following conflict resolution procedure to resolve concerns/issues as described in the purpose section:

Informal conflict resolution procedure.

A student who believes a college faculty or staff member has treated him or her unfairly or has a concern/issue shall first discuss it directly with the individual. The purpose of this discussion should be to clarify the perceived concern/issue and request specific action.

If the concern/issue is not resolved or if the student is apprehensive about talking directly with the staff or faculty member involved, the student may request an appointment with the appropriate dean for student learning for issues relat-

ing to classroom instruction, or administrator or designee for issues relating to staff. The dean or administrator may act as a mediator to resolve the concern/issue in a prompt and fair manner.

Formal conflict resolution procedure.

(1) In the event resolution is not achieved through the informal procedure, the student may initiate a formal procedure by writing a letter to the appropriate dean for student learning for issues related to classroom instruction or the appropriate unit administrator or designee for issues related to staff within twenty working days after the incident. The letter must include a:

- Detailed description of the issue/concern, including dates and times;
- Summary of the actions taken by the student to resolve the concern/issue; and
- Proposed solution.

(2) The appropriate unit administrator or designee shall attempt to resolve the concern/issue by:

Serving as an intermediary between the student and the faculty or staff member and after a review of the facts of the situation and talking with the appropriate faculty or staff involved, the unit administrator or designee will decide how to best resolve the issue/concern promptly and fairly.

The unit administrator or designee handling the case will notify the student in writing of the decision within ten working days.

[Statutory Authority: Executive Order 97-02, RCW 28B.10.902 and 28B.20.903. WSR 05-06-003, § 132Z-112-110, filed 2/17/05, effective 3/20/05.]

**WAC 132Z-112-120 Student responsibilities.** Students who choose to attend Cascadia Community College also choose to actively participate in the learning process offered by the college. The college is responsible for providing an educational environment rich in the high quality resources needed by students to attain their learning outcomes and achieve their educational goals. In return, the college has the expectation that each student will assume the responsibility to:

- Become knowledgeable of the college's mission, values and vision; adhere to policies, practices, procedures, and rules of the college and its departments;
- Practice personal and academic integrity;
- Respect the dignity, rights and property of all persons;
- Strive to learn from difference in people, ideas and opinions;
- Participate actively in the learning process, both in and out of the classroom;
- Participate actively in the advising process;
- Refrain from and discourage behaviors that undermine the respect all Cascadia community members deserve;
- Abide by the standards set forth in the student right and responsibilities.

[Statutory Authority: Executive Order 97-02, RCW 28B.10.902 and 28B.20.903. WSR 05-06-003, § 132Z-112-120, filed 2/17/05, effective 3/20/05.]