



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/22/01)

Agency: Community College District VIII

- Permanent Rule
- Emergency Rule
- Expedited Rule Making

(1) Date of adoption: April 24, 2002

(2) Purpose: The purpose of this filing is to amend the WAC sections listed below to correct typographical and unclear errors.

(3) Citation of existing rules affected by this order:

Repealed:
 Amended: WAC 132H-120-030, -050, -200, -220, -350, -410, -420, -440 and -450
 Suspended:

(4) Statutory authority for adoption: RCW 28B.50.140
Other Authority:

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 02-03-106 on Jan. 22, 2002 (date).
Describe any changes other than editing from proposed to adopted version: none

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- (b) That state or federal law or a federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?:

Yes No If Yes, explain:

(6) Effective date of rule:

Permanent Rules

- 31 days after filing
- Other (specify) _____*

Emergency Rules

- Immediately
- Later (specify) _____

*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

Name (Type or Print)

Elise J. Erickson

Signature

Title

Rules Coordinator

Date

3/7/02

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

APR 26 2002

TIME 1:34 AM/PM PM

WSR 02-10-069

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Recently enacted state statutes:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

The number of sections adopted at the request of a nongovernmental entity:

New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
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The number of sections adopted in the agency's own initiative:

New	<u>0</u>	Amended	<u>9</u>	Repealed	<u>0</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>0</u>	Amended	<u>9</u>	Repealed	<u>0</u>
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The number of sections adopted using:

Negotiated rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Pilot rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Other alternative rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

AMENDATORY SECTION (Amending WSR 92-19-047, filed 9/10/92)

WAC 132H-120-030 Definitions. As used in this Student Code of Community College District VIII, the following words and phrases shall mean: (1) "Assembly" means 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, persons, or groups of persons.

(2) "Board" means the Board of Trustees of Community College District ~~((No.))~~ No. VIII, state of Washington.

(3) "College" means Bellevue Community College located within Community College District ~~((No.))~~ No. VIII, state of Washington.

(4) "College facilities" means and includes any and all real and personal property owned or operated by the college and shall include all buildings and appurtenances affixed thereon or attached thereto.

(5) "College personnel" refers to any person employed on a full-time or part-time basis, except those who are faculty members, by Bellevue Community College.

(6) "Complaint" means any expression of dissatisfaction with the performance of a college employee or procedure.

(7) "Disciplinary action" means and includes expulsion, suspension, or any lesser sanction of any student by the ~~((dean of student services,))~~ dean of student services, the College Discipline Committee, the President, or the Board of Trustees for the violation of any of the provisions of the ~~((student code))~~ student code for which sanctions may be imposed.

(8) "District" means Community College District VIII, State of Washington.

(9) "Faculty member((s))" means any employee of Bellevue Community College who is employed on a full-time or part-time basis as a teacher, counselor, librarian, or other position for which the training, experience, and responsibilities are comparable as determined by the appointing authority, including administrative appointment.

(10) "President" means the duly appointed chief executive officer of Bellevue Community College, state of Washington, or in his/her absence, the acting chief executive officer.

(11) "Recognized student organization" shall mean and include any group or organization composed of students which is formally recognized by the Associated Students of Bellevue Community College.

(12) ~~((A))~~ ~~((s))~~ Sponsored event or activity shall mean any activity that is scheduled by the college and supervised and controlled by the college's faculty members, librarians, counselors, or other college personnel. Such "sponsorship" shall continue only as long as the event is supervised and controlled by the college faculty member, librarian, counselor or other college personnel. When the sponsored event or activity is of prolonged nature, and free time periods are permitted to the students participating in the event, any activity taking place during such a free time period outside of the supervision and control of the activity shall be deemed to a nonsponsored activity.

(13) "Student," unless otherwise qualified, means any person who is enrolled for classes or has been accepted for admission to the college.

AMENDATORY SECTION (Amending WSR 93-12-008, filed 5/19/93)

WAC 132H-120-050 Student rights and freedoms. The following enumerated rights and freedoms are guaranteed to each student within ~~((the))~~ the limitations ~~((of statutory law and college policies that))~~ of statutory law and college policies that are deemed necessary to achieve the educational goals of the college:

(1) Academic freedom.

(a) 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 and other members of the college community shall always be free to express their views or support causes by orderly means which do not disrupt the regular and essential operation of the college.

(b) Students ~~((shall))~~ shall have the right of ~~((assembly))~~ as defined in WAC 132H-120-030 upon college facilities that are generally available to the public: Provided, That such assembly shall:

(i) Be conducted in an orderly manner; and

(ii) Not unreasonably interfere with vehicular or pedestrian traffic; or

(iii) Not unreasonably interfere with classes, schedules, meetings, or ceremonies, or with the educational functions of the college; ~~((and))~~

(iv) Not unreasonably interfere with college functions ~~((:))~~ ; and

(v) Not cause damage or destruction to college property or private property on the college campus.

(c) Students are free to pursue appropriate educational objectives from among the college's curricula, programs and services, subject to the limitations of RCW ~~((26B.50.090(3)(b) [28B.50.090 (3)(b)]))~~ 28B.50.090 (3)(b).

(d) 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.

(e) Students have the right to a learning environment which is free from unlawful discrimination, inappropriate and disrespectful conduct, and sexual harassment.

(2) Due process.

(a) The right ~~((s))~~ of students to be secure in their persons, quarters, papers and effects against unreasonable searches and seizures is guaranteed.

(b) No disciplinary sanction may be imposed on any student without notice to the accused of the nature of the charges.

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

(3) Distribution and posting. Students may distribute or post printed or published material subject to official procedures printed and available in the dean of student service's office. All free publications not in violation of state and/or federal laws such as books, magazines, newspapers, handbills, leaflets, or similar materials may be distributed on campus. The college may restrict the distribution of any publications where such distribution unreasonably interferes with college operations. Such materials may be distributed from authorized public areas in the student center and at any outdoor area on campus consistent with the maintenance of college property, with the free flow of traffic and persons, and not in a manner which in itself limits the orderly operation of college

affairs. Any person desiring to distribute such publications shall first register with the director of student programs so that reasonable areas and times can be assured and the activities of the institution will not be unduly interfered with. All handbills, leaflets, newspapers, and similarly related matter must bear identification as to the publishing agency and distributing organization or individual.

(4) Off campus speakers. Recognized student organizations shall have the right to invite outside speakers to speak on campus subject to the availability of campus facilities, funding, and compliance with the college procedures available in the ~~((administrative office))~~ campus operations office.

(5) Incidental sales. Students have the right to engage in incidental sales of personal property in a private transaction provided college facilities are not explicitly used for this purpose.

(6) Commercial activities. The use of college grounds or facilities for commercial or private gain purposes is prohibited except where commercial activity such as sale of books, instructional supplies, or food contribute to the operation of the instructional program or where limited sale is specifically authorized by the dean of student services for the benefit of the approved activity.

(7) Fund raising. Students have the right to engage in fund-raising activities for nonprofit organizations as recognized by the Internal Revenue Service. All fund raising activities must be approved by the dean of student services.

(8) Sale of merchandise. All merchandise offered for commercial sale may be sold only through the college bookstore or college food services except when approved by the dean of student services.

AMENDATORY SECTION (Amending WSR93-12-008, filed 5/19/93)

WAC 132H-120-200 Student responsibilities. Any student shall be subject to disciplinary action as provided for in this chapter, who either as a ~~((principal))~~ ~~((principle))~~ principal ~~((actor or aide or abettor:))~~ actor ~~((,))~~, aider, abettor or accomplice as defined in RCW 9A.08.020:

(1) Materially and substantially interferes with the personal rights or privileges of others or the ~~((educational)-[education])~~ educational process of the college:

(2) Violates any provisions of this chapter; or

(3) Commits any of the following acts which are hereby prohibited:

(a) Alcoholic beverages. Being demonstrably under the influence of any form of alcoholic beverage. Possessing or consuming any form of liquor or alcoholic beverage except as a participant of legal age in a student program, banquet, or educational program which has the special written authorization of the college president or his/her designee.

(b) Controlled substances. Using, possessing, selling or being under the influence of any narcotic drug or controlled substance as defined in ~~((chapter 69.50 RCW 101))~~ RCW 69.50.101 as now law or hereafter amended, except when the use or possession of a drug is specifically prescribed as medication by an authorized medical doctor or dentist. For the purpose of this regulation~~((,))~~, "sale" shall include the statutory meaning defined in ~~((RCW 69.50.410) [RCW 69.04.005])~~ RCW 69.04.005 as now law or hereafter amended.

(c) ~~((Illegal entry-))~~ Illegal entry. Entering any locked or otherwise closed college facility in any manner, at any time, without permission of the college employee or agent in charge thereof.

(d) Forgery or alteration of records. Forgery, as defined in RCW 9A.60-010-9A.60.020 as now law or hereafter amended or any district record of instrument or tendering any forged record of instrument to any employee or agent of the district acting in his/her official capacity as such.

(e) Illegal assembly. Participation in an assembly 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.

(f) Malicious mischief. Intentional or negligent damage to or destruction of any college facility or other public or private real or personal property.

(g) Failure to follow instructions. Failure to comply with directions of properly identified college officials acting in performance of their duties.

(h) Physical abuse. Physical abuse of any person or conduct which is intended unlawfully to threaten imminent bodily harm or to endanger the health or safety of any person on college-owned or controlled property or at college-sponsored or supervised functions.

(i) Assault. Assault, reckless endangerment, intimidation or interference upon another person in the manner set forth in RCW 9A.36.010 - 050 or 28B.10.570 - 572 as now or hereafter amended.

(j) Disorderly, abusive, or bothersome conduct. Disorderly or abusive behavior that interferes with the rights of others or which obstructs or disrupts teaching, research, or administrative functions.

(k) Weapons. Possession or use of firearms, explosives, dangerous chemicals or other dangerous weapons or instrumentalities ~~((ef))~~ on the college campus, except for authorized college purposes or for law enforcement officers, unless written approval has been obtained from the dean of student services or any other person designated by the president.

(l) Lewd conduct. Engaging in lewd, indecent, or obscene behavior on college-owned or controlled property or at college-sponsored or supervised functions.

(m) False alarms. 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.

(n) Cheating and plagiarism. Engaging in cheating, stealing, plagiarizing, knowingly furnishing false information to the college, or submitting to a faculty member any work product that the student fraudulently represents as his or her own work for the purpose of fulfilling or partially fulfilling any assignment or task required as part of a program of instruction.

(o) Sexual harassment. Engaging in unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where such behavior knowingly offends the recipient, causes discomfort or humiliation, or interferes with job or school performance.

(p) Theft or robbery. Theft or robbery from the district or ~~((ef))~~ from another as defined in RCW 9A.56.010 - 9A.56.050 and 9A.56.100 as now law or hereafter amended.

(q) Unauthorized use of property. Converting college equipment, supplies or other property without proper authority.

(r) Refusal to provide identification. Refusal to provide positive identification (e.g., valid driver's license or state identification card) in appropriate circumstances to any college employee in the lawful discharge of said employee's duties.

(s) Smoking. Smoking in any classroom or laboratory, the library, or in any college facility or office posted "no smoking" or any other smoking not complying with chapter 70.160 RCW.

(t) False complaint. Filing a formal complaint falsely accusing another student or college employee with violating a provision of this chapter.

AMENDATORY SECTION (Amending WSR 93-12-008, filed 5/19/93)

132H-120-220 Responsibility of college discipline committee. The dean of student ~~(([programs and personnel]))~~ services is the college administrator responsible for student discipline. All discipline procedures will be initiated by the dean, who shall have the authority to administer the disciplinary action prescribed in this chapter and to convene the college discipline committee. The composition of the college discipline committee shall be as follows: The committee shall be established each fall. It will be composed of the following persons:

(1) A faculty member appointed by the president of the college.

(2) A member of the faculty appointed by the president of ~~((the))~~ the Bellevue Community College Association of Higher Education.

(3) Two representatives ~~((selected))~~ selected by the student services cabinet.

(4) ~~((Three students. The))~~ Three students ~~((will be))~~ appointed by the president of the associated students of Bellevue Community College.

None of the above-named persons shall sit in any case in which he/she has a conflict of interest, is a complainant or witness, has a direct or personal interest, or has acted previously in an advisory capacity. Decisions in this regard, including the selection of alternates, shall be made by the college discipline committee as a whole.

The college discipline committee chair will be elected by the members of the college discipline committee.

There shall be a list of alternates provided in the same manner and number in which membership was obtained.

AMENDATORY SECTION (Amending WSR 93-12-008, filed 5/19/93)

WAC 132H-120-300 Discipline committee procedure. (1) The discipline committee shall conduct a hearing within twenty calendar days after disciplinary action has been referred to the committee.

(2) When a person is charged with an offense punishable by suspension, or dismissal of his or her relationship with the institution, and where the person

(a) Waives the opportunity for a brief adjudicative proceeding, or

(b) By his/her conduct in the judgment of the hearing officer makes it impossible to conduct a brief adjudicative proceeding, or

(c) Is dissatisfied with the results of the brief adjudicative proceeding; that person is entitled to an adjudicative proceeding according to the provisions of RCW 34.05.410 and the guidelines of this chapter. Where an adjudicative proceeding is neither required by law nor requested by the student or the college, the matter may be resolved informally. Brief adjudicative proceedings before the discipline committee shall be conducted in any manner which will bring about a prompt, fair resolution of the matter.

(3) Written notice of the time and place of his hearing before the college discipline committee, shall be given to the student by personal service or certified mail not less than twenty calendar days in advance of the hearing. The notice shall be issued by the dean of student services and shall contain:

(a) A statement of the time, place and nature of the disciplinary proceedings;

(b) A statement of the charges including reference to the particular sections of the student code 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:

(a) Hear and examine the evidence against him or her and be informed of the identity of its source; (~~he shall be entitled to~~)

(b) Present evidence in his or her own behalf and to cross-examine witnesses testifying on behalf of the college as to factual matters.

(c) Take depositions upon oral examination or written interrogatories. Discovery shall be done according to the rules of civil procedure or by a less formal method where all parties agree.

(5) The student shall have all authority possessed by the college to obtain information he/she specifically describes, in writing, and tenders to the dean (~~of~~) of student services no later than three days prior to the hearings, or request the presence of witnesses or the production of other evidence relevant to the issues of the hearings.

(6) The student shall have the right to dismiss a member of the college discipline committee on prejudicial grounds if notice is tendered in writing to the dean (~~of~~) of student services at least three days prior to the scheduled hearing.

(7) 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 as his or her counsel, he or she must tender at least seven calendar days' notice thereof to the dean of student services (~~development~~)).

(8) In all disciplinary proceedings the college may be represented by the dean (~~of~~) of student services or his or her designee who shall present the (~~college's~~) college's case to the college discipline committee. (~~The~~) The dean (~~of~~) of student services may elect to have the college represented by an assistant attorney general.

(~~9~~) (9) An adequate record of (~~the~~) the hearing shall be maintained and shall include:

(a) All documents, motions, and intermediate rulings;

(b) Evidence received and considered;

(c) A statement of matters noticed; and

(d) Questions and offers of proof, objections and rulings thereon.

(10) The chair of the college discipline committee shall preside at the disciplinary hearing and shall be considered the presiding officer.

(11) The dean of student services 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 college discipline committee during the course of the hearing.

~~((12))~~ (12) Hearings conducted by the college discipline committee generally will be held in closed session, provided that the accused student may request the hearing to be held in open session.

(13) If at any time during the conduct of a hearing visitors disrupt the proceedings, the chair of the committee may exclude such persons from the hearing room.

(14) Any student attending the college discipline committee hearing who continues to disrupt the proceedings after the chair of the committee has asked him or her to cease or to leave the hearing room shall be subject to disciplinary action.

AMENDATORY SECTION (Amending WSR 92-19-047, filed 9/10/92)

WAC 132H-120-350 Readmission after expulsion. Any student expelled from the college may be readmitted only on written petition to the office which initiated the action resulting in his expulsion. Such petitions must indicate how specified conditions have been met and if the term of the expulsion has not expired, any reasons which support a reconsideration of the matter. Because the president of the college participates in all disciplinary actions expelling students from the college, decisions on such petitions for readmission must be reviewed and approved ~~((by))~~ by the president before readmission is granted. The president shall render a decision in writing to the student.

AMENDATORY SECTION (Amending WSR 92-19-047, filed 9/10/92)

WAC 132H-120-410 Permission to enter or remain on campus. During the summary suspension period, the suspended student shall not enter any campus of District No. VIII other than to meet with the dean ~~((of))~~ of student services or to attend the hearing. However, the dean ~~((of))~~ of student services or the college president may grant the student special permission to enter a campus for the express purpose of meeting with faculty, staff, or students in preparation for a probable cause hearing.

AMENDATORY SECTION (Amending WSR 92-19-047, filed 9/10/92)

WAC 132H-120-420 Notice of summary suspension proceedings. (1) When the president or his/her designee exercises the authority to summarily suspend a student, he/she shall cause notice thereof to be served upon that student by registered or certified mail at the student's last known address, or by causing personal service of such notice upon that student.

(2) The notice shall be entitled "notice of summary suspension proceedings" and shall state:
(a) The charges against the student including reference to the provisions of the student code of Bellevue Community College District VIII or the law involved; and
(b) That the student charged must appear before the dean ~~{of}~~ of student services at a time specified in the notice for a hearing as to whether probable cause exists to continue the

summary suspension (~~((f.))~~). The hearing shall be held as soon as practicable after the summary suspension.

AMENDATORY SECTION (Amending WSR 92-19-047, filed 9/10/92)

WAC 132H-120-440 Decision by the dean (~~((f.))~~) of student services. If the dean (~~((f.))~~) of student services, following the conclusion of the summary suspension proceedings, finds that there is probable cause to believe that:

- (1) The student against whom specific violations of law or of provisions of this chapter are alleged has committed one or more of such violations upon any college facility; and
- (2) That summary suspension of said student is necessary for the protection of the student, other students or persons on college facilities, college property, the educational process, or to restore order to the campus, and
- (3) Such violation or violations of the law or of provisions of this chapter constitute grounds for disciplinary action, then the dean (~~((f.))~~) of student services may, with the written approval of the president, continue to suspend such student from the college and may impose any other disciplinary action appropriate.

AMENDATORY SECTION (Amending WSR 92-19-047, filed 9/10/92)

WAC 132H-120-450 Notice of suspension. (1) A student who is suspended or otherwise disciplined pursuant to the above rules shall be provided with a written copy of the dean of student service's findings of fact and conclusions, as expressly concurred in by the president, which constituted probable cause to believe that the conditions for summary suspension existed.

(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 registered mail to said student's last known address within three working days following the conclusion of the summary suspension hearing.

~~((f.))~~ (3) The notice of suspension shall state the duration of the suspension or nature of other disciplinary action and the conditions under which the suspension may be terminated.