



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: June 18, 2003

(2) Purpose: The Student Code of Bellevue Community College identifies the rights, responsibilities and potential consequences for inappropriate actions for students attending Bellevue Community College. It has been amended to include new definitions and instructions pertaining to electronic media, distance education and property.

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

Repealed:
 Amended: WAC 132H-120-020 through WAC 132H-120-310
 Suspended:

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

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 03-08-021 on 3/26/03 (date).
 Describe any changes other than editing from proposed to adopted version: ~~A new section, WAC 132H-120-205, was added.~~ Language was stricken from WAC 132H-120-020 (5). A line was added at WAC 132H-120-050 (vi). Language was amended on WAC 132H-120-300 (5).

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 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
6/18/03

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

JUN 19 2003

TIME

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WSR

03-14-015

AM
PM

(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>1</u>	Amended	<u>8</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>1</u>	Amended	<u>8</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>
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STATE OF WASHINGTON
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TIME 1132 AM

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Name (Type or Print)

Elise J. Erickson

Signature

Title
Rules Coordinator

Date
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The number of sections adopted in the agency's own initiative:

New	<u>21</u>	Amended	<u>8</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>21</u>	Amended	<u>8</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>
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Other alternative rule making:	New	<u>21</u>	Amended	<u>8</u>	Repealed	<u>0</u>

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

(q) Unauthorized use of property. Converting or using 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 college facility or on campus grounds except where specifically posted as permitted, ((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.

(u) Improper use of computer, telephone or other electronic devices. Conduct that violates WAC 132H-120-210. Trespassing or gaining access, without authorization, to a computer, system, network, or electronic data owned, used by, or affiliated with the college.

(v) Ethics violation. The breach of any generally recognized and published code of ethics or standards of professional practice that governs the conduct of a particular profession for which the student is taking courses or is pursuing as an educational goal or major. These ethics codes must be distributed to students as part of an educational program, course, or sequence of courses and the student must be informed that a violation of such ethics may subject the student to disciplinary action by the college.

(w) Criminal law violation, illegal behavior, other unlawful violations. Students can be reported to proper authorities for acts which constitute violations to applicable local, state and federal laws. When the student's behavior is determined to threaten the health, safety and/or property of the college and its members, the college may immediately and summarily suspend the student and refer any such violation to the proper authorities for disposition.

NEW SECTION

WAC 132H-120-205 Acceptable use of the college network and data management systems.

(1) Use of the college network and data management systems shall be for the purpose of facilitating the exchange and storage of information, which may include information on students and/or employees, and compliance with and furtherance of, the education, research, and administrative missions of the college. The use of the network and data management systems will be consistent with the purposes and objectives of the college and the State Board for Community and Technical Colleges (see Washington State Executive Order 91-10, Sec. III [A]) and RCW 42.52). Users shall also apply this policy when using the college network to navigate through networks beyond the local systems.

(2) Students may:

(a) Use college-owned networks, computers, programs and data to which each individual has authorized access;

(b) Use college-provided networking, including access to the Internet;

(c) Use these computing and networking facilities and resources in a manner that is consistent with the mission and educational purpose of the college.

(3) Utilizing the college network and the data management systems for uses and/or communications which violate any State and Federal rule or law is strictly prohibited. Specifically prohibited uses of the college network and data management systems include:

- (a) Subverting, attempting to subvert, or assisting others to subvert or breach the security of any college data, network, or technology resource, or to facilitate unauthorized access;
- (b) Use of any college network or data management system to create, disseminate or execute self-replicating or destructive programs (e.g., viruses, worms, Trojan horses);
- (c) Participating in activities involving disclosure or masquerading;
- (d) Viewing, copying, altering or destroying data, software, documentation or data communications belonging to the college or to another individual without permission;
- (e) Allowing another individual (whether they might otherwise be authorized to use the college network and/or data management systems or not) to use their login account password.
- (f) Accessing data or information for any purpose other than to perform the official duties of a college position.
- (g) Unauthorized disclosure of information to a third party.
- (h) Bypassing the data management system's "time-out" feature, unless specifically authorized by the dean of information resources.

AMENDATORY SECTION (Amending WSR 02-10-069, filed 4/26/02)

WAC 132H-120-220 Responsibility of college discipline committee. The dean of student services is the college administrator responsible for student discipline. All discipline procedures will be initiated by the dean or his/her designee. The dean((~~is 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 Bellevue Community College Association of Higher Education.
- (3) Two representatives selected by the student services cabinet.
- (4) Three students 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. The quorum required for a hearing is the chair, one faculty member, one representative of the student services cabinet and one student.

AMENDATORY SECTION (Amending WSR 932-129-00847, 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

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

WAC 132H-120-020 Preamble. Bellevue Community College is maintained by the state of Washington for the purpose of providing its students with appropriate learning programs which will facilitate the orderly pursuit and achievement of their educational objectives. The college is dedicated not only to learning and the advancement of knowledge but also to the development of ethically sensitive and responsible persons through policies which encourage independence and maturity.

The student is in the unique position of being a member of the college community and the community at large. Admission to the college carries with it the expectation that students:

- (1) Will (~~((Students will))~~) respect and abide by the laws of the community, state, and nation;
- (2) Will adhere (~~((Adhere))~~) to college rules and regulations which assure the orderly conduct of college affairs;
- (3) Will maintain (~~((Maintain))~~) high standards of integrity and honesty;
- (4) Will respect the rights, privileges, and property of other members of the college community; and
- (5) Will not interfere with legitimate college affairs.

Bellevue Community College may apply sanctions or take other appropriate action only when student conduct (~~((directly and significantly))~~) interferes with the college's:

- (1) Primary educational responsibility of ensuring the opportunity of all members of the college community to attain their educational objectives;
- (2) Subsidiary responsibilities of protecting property, keeping records, providing services, and sponsoring (~~((nonclassroom))~~) non-classroom activities, such as lectures, concerts, athletic events and social functions.

An atmosphere of learning and self-development is created by appropriate conditions in the college community. The rights, freedoms and responsibilities in this document are critical ingredients toward the free, creative and spirited educational environment to which the students, faculty, and staff of Bellevue Community College are committed

AMENDATORY SECTION (Amending WSR 02-10-069, filed 4/26/02)

WAC 132H-120-030 Definitions. As used in this Student Code of Community College District VIII the following words and phrases shall mean:

(1) "Alcoholic beverages" are any beverages as defined in RCW 66.04.010(15), as now law or hereafter amended.

~~((1))~~ (2) "Assembly" (~~((means))~~) is 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.

(3) "Associated students" is the student body and such authorized groups organized under the provisions of the constitution and bylaws of the associated students of the college.

~~((2))~~ (4) "Board" means the board of trustees of Community College District (~~((No-))~~) VIII, state of Washington.

~~((3))~~ (5) "College" means Bellevue Community College located within Community College District (~~((No-))~~) VIII, state of Washington.

~~((4))~~ (6) "College property or facilities" (~~((means and includes))~~) are any and all real and personal property that the college owns, uses, controls or operates, (~~((owned or operated by the~~

~~college and shall include~~) including all equipment, buildings and appurtenances affixed thereon or attached thereto. College property and facilities extend to affiliated websites, distance education classroom environments, and agencies or institutions that have educational agreements with the college.

~~((5))~~ (7) "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))~~ (8) "Complaint" means any expression of dissatisfaction with the performance of a student, ~~(college)~~ employee or procedure.

(9) "Controlled substance" is any drug or substance as defined in RCW 69.50 as now law or hereafter amended.

~~((7))~~ (10) "Disciplinary action" ~~(means and)~~ includes warning, reprimand, probation, expulsion, suspension~~((7))~~, or any ~~(lesser)~~ sanction of any student by the dean of student services, the college discipline committee, the president~~((7))~~, or the board of trustees for the violation of any of the provisions of the student code for which sanctions may be imposed.

(11) "Distance education" means various methods of instructional delivery that include, but are not limited to, online courses, telecourses and interactive video courses.

~~((8))~~(12) "District" means Community College District VIII, state of Washington.

~~((9))~~(13) "Faculty member" means any employee of Bellevue Community College who is employed on a full-time or part-time basis as a teacher, counselor, librarian~~((7))~~, or other position for which the training, experience~~((7))~~ and responsibilities are comparable as determined by the appointing authority, including administrative appointment.

(14) "Free speech area" means an area that shall be designated by the college president which can be reserved by student groups through the office of student programs.

~~((10))~~ (15) "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))~~ (16) "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))~~ (17) "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)~~ non-sponsored activity.

~~((13))~~ (18) "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 92-19-047, filed 9/10/92)

WAC 132H-120-040 Jurisdiction. (1) All rules herein adopted concerning student conduct and discipline shall apply to every student ~~(attending a community college within the district)~~ whenever said student is participating in a distance education class or event, or is attending a class, or is present ~~((upon or))~~ in any college facility, or whenever said student is

engaged in or present at any college-related activity whether occurring on or off college facilities.

(2) Faculty members, other college employees, and members of the public who breach or aid or abet another in the breach of any provision of this chapter shall be subject to

(a) Possible prosecution under the state criminal law;

(b) Any other civil or criminal liability for which remedies are available to the public; or

(c) Appropriate disciplinary action pursuant to the state of Washington higher education personnel board or the district's policies and regulations.

(d) Restriction from entry to any college property or facilities, the violation of which could result in criminal trespass;

(3) The college may carry out any disciplinary proceedings prior to, simultaneously, or following civil or criminal proceedings in a court of law.

AMENDATORY SECTION (Amending WSR 02-10-069, filed 4/26/02)

WAC 132H-120-050 Student rights and freedoms. The following enumerated rights and freedoms are guaranteed to each student within the limitations 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 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;

(iv) Not unreasonably interfere with college functions; and

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

(vi) The president reserves the right to direct students assembling under this subsection to relocate to the free speech area designated in WAC 132H-120-030 (14), to prevent interference with college classes or other college activities.

(c) Students are free to pursue appropriate educational objectives from among the college's curricula, programs and services, subject to the limitations of RCW 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 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))~~ office of student programs. 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))~~ office 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 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 WSR 02-10-069, filed 4/26/02)

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 actor, aide~~((#))~~, 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 process of the college~~((:))~~;

(2) Engages in unlawful conduct;

~~((2))~~ (3) Violates any provisions of this chapter; or

~~((3))~~ (4) Commits any prohibited act, including but not limited to the following: ~~((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 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 69.04.005 as now law or hereafter amended.

(c) Illegal entry. (~~Entering~~) Unauthorized entry into or onto any locked or otherwise closed college property or 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 (~~(-9A.36.))~~ through RCW 9A.36.050 or RCW 28B.10.570 (~~(-28B.10.))~~ through RCW 28B.10.572 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 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 from another as defined in RCW 9A.56.010 ((-)) through RCW 9A.56.050 and RCW 9A.56.100 as now law or hereafter amended.

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

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NEW SECTION

WAC 132H-120-205 Acceptable use of the college network and data management systems.

(1) Use of the college network and data management systems shall be for the purpose of facilitating the exchange and storage of information, which may include information on students and/or employees, and compliance with and furtherance of, the education, research, and administrative missions of the college. The use of the network and data management systems will be consistent with the purposes and objectives of the college and the State Board for Community and Technical Colleges (see Washington State Executive Order 91-10, Sec. III [A]) and RCW 42.52). Users shall also apply this policy when using the college network to navigate through networks beyond the local systems.

(2) Students may:

(a) Use college-owned networks, computers, programs and data to which each individual has authorized access;

(b) Use college-provided networking, including access to the Internet;

(c) Use these computing and networking facilities and resources in a manner that is consistent with the mission and educational purpose of the college.

(3) Utilizing the college network and the data management systems for uses and/or communications which violate any State and Federal rule or law is strictly prohibited.

Specifically prohibited uses of the college network and data management systems include:

- (a) Subverting, attempting to subvert, or assisting others to subvert or breach the security of any college data, network, or technology resource, or to facilitate unauthorized access;
- (b) Use of any college network or data management system to create, disseminate or execute self-replicating or destructive programs (e.g., viruses, worms, Trojan horses);
- (c) Participating in activities involving disclosure or masquerading;
- (d) Viewing, copying, altering or destroying data, software, documentation or data communications belonging to the college or to another individual without permission;
- (e) Allowing another individual (whether they might otherwise be authorized to use the college network and/or data management systems or not) to use their login account password.
- (f) Accessing data or information for any purpose other than to perform the official duties of a college position.
- (g) Unauthorized disclosure of information to a third party.
- (h) Bypassing the data management system's "time-out" feature, unless specifically authorized by the dean of information resources.

AMENDATORY SECTION (Amending WSR 02-10-069, filed 4/26/02)

WAC 132H-120-220 Responsibility of college discipline committee. The dean of student services is the college administrator responsible for student discipline. All discipline procedures will be initiated by the dean or his/her designee. 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 Bellevue Community College Association of Higher Education.
- (3) Two representatives selected by the student services cabinet.
- (4) Three students 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. The quorum required for a hearing is the chair, one faculty member, one representative of the student services cabinet and one student.

AMENDATORY SECTION (Amending WSR 932-129-00847, 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 this hearing before the college discipline committee, shall be given to the student by personal service or certified mail not less than ~~((twenty))~~ fifteen 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;

(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 relevant to the issues of the hearings, he/she specifically describes, in writing, and tenders to the dean of student services no later than three days prior to the hearings, or requests the presence of witnesses or the production of other relevant 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 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.

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

(9) An adequate record of 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) 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 (({ef})) 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-120-310 Decision by the college discipline committee. (1) Upon conclusion of the disciplinary hearing, the college discipline committee shall consider all the evidence therein presented and decide by majority vote whether to uphold the decision of the dean of student services or to recommend to the president any of the following actions:

(a) That the college terminate the proceedings and exonerate the student or students:

(b) That the college impose any of the disciplinary actions as provided in this chapter.

(2) Within seven calendar days, the student will be provided with a copy of the college discipline committee's findings of fact and conclusions regarding what occurred, whether the student violated any provision of the student (({eode})) code and recommendation for the final disposition of the matter at issue. The committee shall also advise the student of his/her rights to present, within twenty-one calendar days, a written statement to the president of the college appealing the recommendation of the college discipline committee.