

TRANSMITTAL OF RULES ADOPTED BY INSTITUTION OF HIGHER EDUCATION
(Instruction for Completion on Back of Page)

FROM: Community College District VIII
(Name of Institution)

TO: CODE REVISER
LEGISLATIVE BLDG (Southwest Corner, Ground Floor)
Olympia 98504

The enclosed Permanent rules
Emergency rules , being order No. 16

relating to (Name of rules or description of subject matter)

The Student Code of Community College District VIII.

(ALTERNATIVE A. Use only for adoption of permanent rules)

pursuant to Notice No. 3876 ① filed with the code reviser
on 2-13-73 ② were regularly adopted as permanent rules of this
(date)
institution at Bellevue Community College on 3-6-73 and are herewith
(place) (date)
filed in the office of the code reviser pursuant to chapter
28B.19 RCW (1971 1st ex.s. c 57). The effective date of such rules
shall be _____ . ③

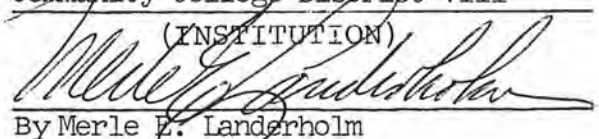
(ALTERNATIVE B. Use only for adoption of emergency rules)

pursuant to its finding that the immediate adoption of
these rules is necessary for the preservation of the public
health, safety, or general welfare and that observance of the
requirements of notice and opportunity to present views on the
proposed action would be contrary to the public interest, were
regularly adopted as emergency rules of this institution at
_____ on _____ and are herewith filed in the office
(place) (date)
of the code reviser pursuant to chapter 28B.19 RCW (1971 1st ex.s.
c 57).

The undersigned hereby certifies that the requirements of chapter
28B.19 RCW (1971 1st ex.s. ch 57) and of the Open Public Meetings
Act of 1971, chapter 42.30 RCW (1971 1st ex.s. ch 250) have been
fulfilled.

Dated this 6th day of March 1973.

Community College District VIII
(INSTITUTION)


By Merle E. Landerholm

Secretary, Board of Trustees
Title

STATE OF WASHINGTON
FILED
MAR 15 1973
CODE REVISER'S OFFICE
DOCKET # 4055 FILE # 7

Effective 9/7/71

- ① Notice number as appears on the copy of notice returned to you by reviser's office (if proceedings were continued, use no. of last notice)
- ② Stamped date as appears on the copy of notice returned to you by reviser's office (if proceedings were continued, use date of last notice)
- ③ Unless a later date is specified in this order or is prescribed in another statute, rules are effective 30 days after filing: RCW 28B.19.050(2) (1971 1st ex.s. c 57 §5 (2)).
Leave this space blank except in such special cases.

STATE OF WASHINGTON
COMMUNITY COLLEGE DISTRICT VIII
BOARD OF TRUSTEES

RESOLUTION NO. 39

Administrative Order No. 16

A RESOLUTION Relating to the adoption of permanent rules establishing a Student Code for Community College District VIII.

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF COMMUNITY COLLEGE DISTRICT VIII, STATE OF WASHINGTON.

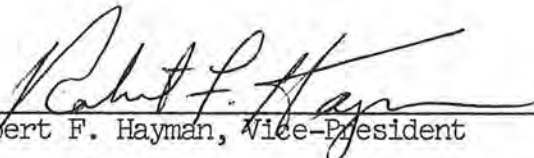
WAC 132H-120-010 through WAC 132H-120-480. THE STUDENT CODE OF COMMUNITY COLLEGE DISTRICT VIII.

APPROVED AND ADOPTED March 6, 1973.

BOARD OF TRUSTEES

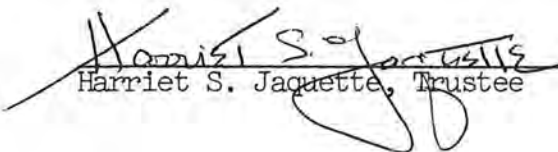
(absent)

Roy S. Peterson, Chairman
Board of Trustees

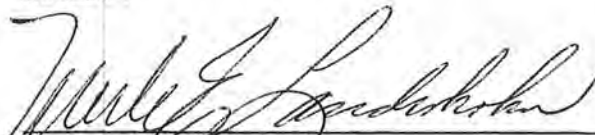

Robert F. Hayman, Vice-President


C. W. Duffy, Trustee

(absent)
Bob T. Gardner, Trustee


Harriet S. Jaquette, Trustee

ATTEST:


Merle E. Landerholm
Secretary, Board of Trustees

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: 1) students will respect the laws of the community, state, and nation; 2) adhere to college rules and regulations which assure the orderly conduct of college affairs; 3) maintain high standards of integrity and honesty; 4) 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; or 2) subsidiary responsibilities of protecting property, keeping records, providing services, and sponsoring 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.

WAC 132H.120.030 DEFINITIONS. As used in this Code of Student Rights and Responsibilities 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 group of persons.

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

(3) "College" means Bellevue Community College located within Community College District 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) "Disciplinary action" means and includes expulsion, suspension or any lesser sanction of any student by the Dean for Student Services and Development, the College Discipline Committee, the President or the Board of Trustees for the violation of any of the provisions of the Code of Student Rights and Responsibilities for which sanctions may be imposed.

(7) "District" means Community College District VIII, state of Washington.

(8) "Faculty members" 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.

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

(10) "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.

(11) A "sponsored event or activity" shall mean any activity that is scheduled by the college and supervised and controlled by the college's faculty members or college personnel. Such "sponsorship" shall continue only as long as the event is supervised and controlled by the college faculty member or 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.

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

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 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 possible prosecution under the state criminal trespass law and/or other possible civil or criminal remedies available to the public and/or appropriate disciplinary action pursuant to the state of Washington Higher Education Personnel Board, the District's tenure rules and regulations, or other applicable Board policy.

WAC 132H.120.050 STUDENT RIGHTS AND FREEDOMS. The following enumerated rights and freedoms are guaranteed to each student within the confines of the limitations set forth in this chapter which are deemed necessary to effect the educational objectives of the college: 1) Freedom of expression.

(a) Fundamental to the democratic process are the rights of free inquiry, free speech 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) Student 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: (1) Be conducted in an orderly manner; and

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

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

(4) Not unreasonably interfere with college functions.

(c) Freedom of expression in the classroom must be encouraged and protected. It is the responsibility of the instructor to assure the realization of the spirit of free inquiry. The instructor has the responsibility to maintain order, but this authority must not be used to inhibit the expression of views contrary to his own. It is not inconsistent with freedom in the classroom for the instructor to require participation in classroom discussion and/or submission of written materials relevant to the class. Fair and professional academic evaluation is a legitimate classroom experience. It is the responsibility of the student to support the instructor's efforts to assure freedom of expression and to maintain order.

WAC 132H.120.060 STUDENT GRIEVANCE APPEAL PROCEDURES. (A)

Protection Against Improper Instruction And/Or Academic Evaluation. It is recognized that students are responsible for maintaining standards of academic performance established and made known by their instructors, but that they should have protection, through orderly procedures, against prejudicial or capricious instruction and/or evaluation. If a student alleges prejudicial or capricious instruction and/or evaluation, he shall have 1 quarter in which to initiate an appeal to the Instructional Appeals Committee.

The procedures shall be as follows: (1) The student shall first consult with the instructor in an attempt to resolve the situation.

(2) If the situation remains unresolved, the student and/or the instructor shall apply by written request, for a meeting with the appropriate division chairman in an attempt to resolve the situation.

(3) In the event that the problem remains unresolved, the student and/or the instructor shall appeal for a hearing before the Instructional Appeals Committee. Such appeals shall be made in writing to the office of the Dean of Instruction. All hearings shall be closed meetings of the committee, the instructor, and the student and shall be held within 20 days of the written appeal. The committee shall, at the request of the instructor or the student call in all requested witnesses.

(4) Based on the hearing(s), the Instructional Appeals Committee shall make a written recommendation to the instructor involved. Copies of the recommendation shall be furnished to: a) the instructor; b) the student; c) the appropriate division chairman; and d) the Dean of Instruction.

(5) In the event that the instructor is not available to receive the recommendation of the committee, the recommendation shall be turned over to the Dean of Instruction for action.

(6) If the instructor fails to comply with the recommendation of the committee within 20 days, a complete report of the action shall be sent by the chairperson of the Instructional Appeals Committee to the Dean of Instruction for review. Further action shall rest with the Dean of Instruction.

(7) Should either the instructor or the student wish to appeal the actions taken by the Dean of Instruction, such appeal shall be made to the President of the college. A complete report of all recommendations and actions shall be forwarded to the President by the Dean of Instruction.

(8) An appeal to the Instructional Appeals Committee and to the President shall be considered an informal proceeding under the Higher Education Administrative Procedure Act and shall not be considered a contested case.

(B) Protection Against Improper Dismissal. It is recognized that students are responsible for maintaining standards of performance established and made known by their duly appointed college instructor, publisher, coach or advisor in any college recognized student program or activity. Students shall have protection, through orderly procedures, against prejudicial or capricious dismissal from such recognized college student programs or activities.

If a student alleges prejudicial or capricious dismissal, he/she shall have the right to appeal such action by following these procedures for redress of such grievance: (1) The student shall first consult with the instructor, publisher, coach or advisor in an attempt to resolve the situation.

(2) If the situation remains unresolved, the student and/or the instructor, publisher, coach or advisor shall apply by written request for a meeting with the Dean for Student Services and Development in an attempt to resolve the situation.

(3) If the problem remains unresolved, the student and/or the instructor, publisher, coach or advisor shall appeal for a hearing before the Student Appeals Committee. Such appeals shall be made in writing to the office of the Dean for Student Services and Development. All hearings shall be closed meetings of the committee, the instructor, publisher, coach or advisor and the student. The committee shall at the request of either party in the alleged action, call in all requested witnesses.

(4) Based on the hearing(s), the Student Appeals Committee shall make a recommendation to the instructor, publisher, coach or advisor, regarding disposition of the alleged grievance. Copies of the recommendation shall be furnished to: a) the instructor, publisher, coach or advisor; b) the student; c) the appropriate administrative person in the area of student programs or activities; d) the Director of Student Programs and Activities; and e) the Dean for Student Services and Development.

(5) If the instructor, publisher, coach or advisor fails to comply with a corrective recommendation of the committee, the recommendation shall be turned over to the Dean for Student Services and Development for action.

(6) Should either the instructor, publisher, coach or advisor or the student wish to appeal the actions taken by the Dean for Student Services and Development, such appeal shall be made to the President of the college. A complete report of all recommendations and actions shall be forwarded to the President by the Dean for Student Services and Development.

(7) An appeal to the Student Appeals Committee and the President shall be considered an informal proceeding under the Higher Education Administrative Procedure Act and shall not be considered a contested case.

continually receives requests from outside sources for information about students, both past and present. The staff and faculty of the college are reminded that, as a matter of internal policy, student records should be treated in a responsible manner with due regard to the personal nature of the information contained in these records. In order to prevent embarrassment or possible legal involvement of the college and its employees because of improper disclosure of information, it is important that college policy be implemented in the release of such information.

Bellevue Community College individual student files shall be available for inspection only upon the expressed or implied consent of the student. Exceptions to the above are: 1) those required by law, or 2) by person(s) fulfilling their Bellevue Community College employment obligations, or 3) by person(s) in accordance with their assigned responsibility as appointed by the President to serve in an official college capacity.

WAC 132H.120.080 FREEDOM OF ASSOCIATION AND ORGANIZATION.

Students bring to the campus a variety of interests previously acquired and develop many new interests as members of the college community. They are free to organize and join associations, to promote any legal purpose whether it be religious, political, educational, recreational, or social.

Student organizations must be granted a charter by the Associated Students of Bellevue Community College before they may be officially recognized. Prior to becoming chartered a student organization must submit to the Office of the Associated Students of Bellevue Community College a statement of purpose and a statement of operating rules or procedures. Student organizations must also submit a list of officers and submit minutes of all regular meetings to the Office of the Associated Students of Bellevue Community College and the Office of Student Programs and Activities.

Student organizations must be open to all students without regard to sex, race, creed or national origin except for religious qualifications which may be required by organizations whose aims are primarily sectarian, or for other reasonable justifications which are directly related to the purpose of the organization. Affiliation with a noncampus organization shall not be grounds for denial or charter provided that other conditions for charter issuance have been met.

WAC 132H.120.090 STUDENT PARTICIPATION IN COLLEGE GOVERNANCE. As

members of the college community students will be free individually and collectively to express their views on college policy and on matters of general interest to the Associated Students of Bellevue Community College. Bellevue Community College Governance Policy provides clear channels for student participation in the formulation of institutional policies. Individuals affected by a policy shall have a representative voice in the formulation of that policy.

WAC 132H.120.100 FREEDOM OF INDIVIDUAL PRIVACY. (1) The rights of students to be secure in their persons, papers, and effects against unreasonable searches and seizures is guaranteed.

(2) State law relative to public institutions restricts the use of possession of intoxicants on campus or at college functions. The use or possession of unlawful narcotics or drugs, not medically prescribed, on college property or at college functions, is prohibited. Lotteries or any other form of gambling is prohibited by state law in reference to public institutions. The use of tobacco is restricted by law and by regulations of the fire marshal to designated smoking areas. Destruction of property is also prohibited by state law in reference to public institutions.

(3) Freedom of responsible expression in student publications and radio broadcasting.

(a) STUDENT PUBLICATIONS. Bellevue Community College recognizes that student publications are a valuable aid in establishing and maintaining an atmosphere of free and responsible discussion and of intellectual exploration on the campus. The college does, therefore, subscribe to The Canons of Journalism as written by the American Society of Newspapers Editors, "The Canons of Journalism," in George L. Bird, et al., The Press and Society (New York: Prentice-Hall, Inc., 1951) pp. 108-110.

Bellevue Community College as the publisher of student publications must bear the legal responsibility for the contents of the publications. The student publication policy must protect the student's freedom to deal with any ideas and to express any opinions without fear of their censorship. Editors and managers of student publications are protected from arbitrary suspension and removal. Only for proper and stated causes should editors and managers be subject to removal and then by orderly and prescribed procedures. Student editors and managers have corollary responsibilities to be governed by the Canons of Journalism.

(b) RADIO BROADCASTING. Bellevue Community College recognizes that student participation in radio broadcasting is a valuable aid in establishing and maintaining an atmosphere of free and responsible discussion and of intellectual exploration on the campus. The college does, therefore, expect radio station KBCS to conform to Federal Communications Commissions regulations. A KBCS Broadcast Advisory Board has been established to serve as a sounding board for KBCS operational policies and to advise the station manager of any concerns with the implementation of such policies.

WAC 132H.120.110 COMMERCIAL AND PROMOTIONAL ACTIVITIES.

College facilities may be used for commercial solicitation, advertising or promotional activities only when such activities clearly serve educational objectives, and when they are conducted under the sponsorship or at the request of a college faculty member or an officially recognized student group, and so long as such use does not interfere with or operate to the detriment of the conduct of college affairs.

WAC 132H.120.120 DISTRIBUTION AND POSTING OF CAMPUS LITERATURE.

This policy provides for the distribution of any kind of literature from any source, subject to the following restrictions: (1) Literature must be distributed in established distribution locations:

- (a) Entrance to the Student Lounge
- (b) One entrance to principal college buildings
- (c) None in college classrooms (unless an individual instructor gives his permission)
- (d) None in the college Library-Media Center (unless the Associate Dean for Library-Media Center so chooses, but in no case may such choice supercede the book selection policy of the Library-Media Center)
- (2) A distribution table should be set up in one entrance lobby, foyer, or area to permit ease of and equitability of distribution.
- (3) All literature distributed on college grounds in accordance with this policy must bear some identification of the organization or individual who publishes, sponsors, or distributes same. No anonymous literature may be distributed on campus: this stricture intends to establish legal responsibility for any illegal or libelous content in such literature so that the college need assume no legal responsibility for such literature and may confiscate any anonymous literature.
- (4) Informational Items and Advertising.
 - (a) Notices may be posted on bulletin boards, kiosks, stairwells and cement surfaces. They are not to be posted on any glass, wood or painted surfaces.
 - (b) Such notices must bear identification of the organization or individual who publishes, sponsors, or distributes them.
 - (c) Notices are to be stamped with a date by the group putting them up. The date stamped is to be the date that the notices are to be taken down.
 - (d) The group which puts the notices up will be held responsible for taking them down. An end of quarter review will be conducted by the Office of Student Programs and Activities to assure that posted information is current.
 - (e) The size of notices posted on bulletin boards and marquees will not exceed 12" x 18" with the exception of 4 marquees designated for larger posters. In addition, larger notices may also be posted on the cement surfaces and in the stairwells.
 - (f) Any type of prior authorization including approval stamp, whether issued by the college or student administration, works against the principles of this policy.
 - (g) The above procedures do not pertain to registration notices and posters.

WAC 132H.120.130 CAMPUS SPEAKERS. Without freedom of inquiry, true intellectual responsibility and courage can never be realized. Therefore, in accordance with the basic principle of freedom of inquiry, the Bellevue Community College makes this specific statement with reference to the appearance of campus speakers who are not members of the college community: (1) Any student group which is recognized by the Associated Students of Bellevue Community College may invite any speaker to the campus whom it would wish to hear.

(2) The appearance of an invited speaker on the campus does not involve an endorsement, either implicit or explicit, of his views by this college, its students, its faculty, its administration, or its Board of Trustees. Bellevue Community College is not required to take a stand either for or against the ideas presented by any speaker.

(3) The college assumes no obligation to provide an audience for invited speakers.

(4) It is assumed that all invited speakers will observe the laws of the United States, the state of Washington, and the rules of Bellevue Community College.

(5) It is the intention of Bellevue Community College to present different points of view on controversial questions.

(6) In order to assure that various aspects of an issue will be critically examined, invited speakers shall submit to questions from the audience immediately following their presentations.

WAC 132H.120.200 STUDENT RESPONSIBILITIES. Any student shall be subject to disciplinary action who either as a principal actor or aid or abettor, 1) materially and substantially interferes with the personal rights or privileges of others or the educational process of the college; 2) violates any provision of this chapter; or 3) commits any of the following acts which are hereby prohibited:

(a) Possessing or consuming any form of liquor or alcoholic beverage except with the written permission of the college President or his designee.

(b) Using, possessing, or selling any narcotic drug as defined in RCW 69:33-220 (13), as now law or hereafter amended, or any dangerous drug as defined in RCW 69.40.060 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) 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) Forging, as defined in RCW 9.44.010 of any district record or instrument or tendering any forged record of instrument to an employee or agent of the district acting in his official capacity as such.

(e) Participation in an assembly which materially and substantially interferes with vehicular or pedestrian traffic, classes, hearings, meetings, the education and administrative functions of the college, or the private rights and privileges of others.

(f) Intentionally destroying or damaging any college facility or other public or private real or personal property.

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

(h) 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) Malicious damage to or malicious misuse of college property, or the property of any person where such property is located on the college campus.

(j) Possession or use of firearms, explosives, dangerous chemicals or other dangerous weapons or instrumentalities of the college campus, except for authorized college purposes or for law enforcement officers; unless written approval has been obtained from the Dean for Student Services and Development; or any other person designated by the President.

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

(1) 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.

WAC 132H.120.210 PURPOSE OF DISCIPLINARY ACTION. The college may apply sanctions or take other appropriate action as defined in WAC 132H.120.200 this document. Disciplinary action proceedings shall determine whether and under what conditions the violator may continue as a student of the college.

WAC 132H.120.220 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 Professional Association.

(3) Two representatives elected by the Student Personnel Council members.

(4) Three students. The three students will be appointed by the President of the Student Body Association.

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 Chairman 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.

WAC 132H.120.230 INITIAL PROCEEDINGS. While the primary purpose of college disciplinary actions, other than those requiring expulsion, are intended to be developmental rather than punitive, formal procedures must be specified to insure that students receive due process of law. 1) Initiation of Prosecution. Students, faculty members, administrators and other employees of the District shall have concurrent authority to report violations which will be acted upon by the Dean for Student Services and Development. All disciplinary proceedings will be initiated by the Dean for Student Services and Development or his designated representative.

(2) Requirements of Notice. Any student charged in a report filed pursuant to Section WAC 132H.120.200 with a violation of the Code of Student Rights and Responsibilities shall be notified by the Dean for Student Services and Development or his designated representative within 3 academic calendar days after the filing of such a report, if possible. The notice shall not be ineffective if presented later due to the student's absence. Such notice shall:

(a) Inform the student that a report has been filed alleging that the student violated specific provisions of the Code and the date of the violation;

(b) Set forth those provisions allegedly violated and inform the student as to what appears to be maximum penalties which might result from consideration of same;

(c) Specify the exact time and date the student is required to meet with the Dean for Student Services and Development;

(d) After considering the evidence in the case and interviewing the student accused of violating specific provisions of the Code, the Dean for Student Services and Development or his designee may take any of the following actions:

(1) Terminate the proceedings, exonerating the student.

(2) Dismiss the case after whatever counseling and advice may be appropriate.

(3) Impose the minor sanction directly (disciplinary warning) subject to the student's right of appeal described below. The student shall be notified of the action taken; this notification must be in writing. In the case of an unmarried student under 18 years of age being suspended or expelled, written notice shall also be sent to the parents or guardian of the student.

(4) Refer the matter to the College Discipline Committee. The student shall be notified in writing that the matter has been referred to the committee. In all cases, the student shall be advised of his rights by reference to the appropriate section of this document.

WAC 132H.120.240 APPEALS. Any disciplinary action taken by the Dean for Student Services and Development or his designee may be appealed to the College Discipline Committee; and disciplinary action taken by the College Discipline Committee may be appealed by the student to the college President. All appeals by a student must be made in writing to the College Discipline Committee or the President and presented within 7 days after the student has been notified of the action taken by the College Discipline Committee or the college President.

WAC 132H.120.300 DISCIPLINE COMMITTEE PROCEDURAL GUIDELINES.

(1) The College Discipline Committee will hear, de novo, and make recommendations to the President of the college on all disciplinary cases referred to it by the Dean for Student Services and Development or his designee.

(2) The student has a right to a fair and impartial hearing before the College Discipline Committee on any charge of violating specific provisions of the Student Code of Community College District VIII. The student's failure to cooperate with the hearing procedures hereinafter outlined, however, shall not preclude the College Discipline Committee from making its findings of fact, conclusions and recommendations as provided hereafter. Failure by the student to cooperate may be taken into consideration by the College Discipline Committee in recommending to the President the appropriate disciplinary action.

(3) The student shall be given written notice of the time and place of his hearing before the College Discipline Committee, and be afforded not less than 20 days' notice thereof. Said notice shall contain:

(a) A statement of the time, place and nature of the disciplinary proceeding.

(b) A statement of the charges against him including reference to the particular sections of the Student Code involved.

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

(4) The student shall be entitled to hear and examine the evidence against him and be informed of the identify of its source; he shall be entitled to present evidence in his own behalf and cross-examine witnesses testifying against him as to factual matters. The student shall have all authority possessed by the college to obtain information he specifically describes, in writing, and tenders to the Dean for Student Services and Development no later than 3 days prior to the hearings, or request the presence of witnesses or the production of other evidence relevant to the issues of the hearings. 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 for Student Services and Development at least 3 days prior to the scheduled hearing.

(5) The student may be represented by counsel of his choice at the disciplinary hearing. If the student elects to choose a duly licensed attorney as his counsel, he must tender 3 days' notice thereof to the Dean for Student Services and Development.

(6) In all disciplinary proceedings the college may be represented by the Dean for Student Services and Development or his designee who shall present the case to the College Discipline Committee. In the event the student elects to be represented by a licensed attorney, the Dean for Student Services and Development may elect to have the college represented by an Assistant Attorney General.

(7) An adequate summary of all the evidence and facts presented to the College Discipline Committee during the course of the proceeding shall be taken. A copy thereof shall be available at the office of the Dean for Student Services and Development.

(8) The chairman of the College Discipline Committee shall preside at the disciplinary hearing, and make rulings on all evidentiary procedural matters heard in the course of the disciplinary hearing.

(9) Hearings conducted by the College Disciplinary Committee generally will be held in closed session, except when a student requests that persons other than those directly involved be invited to attend. If at any time during the conduct of a hearing invited guests are disruptive of the proceedings, the chairman of the committee may exclude such persons from the hearing room.

(10) Any student attending the College Discipline Committee hearing as an invited guest who continues to disrupt said proceedings after the chairman of the committee has asked him to cease and desist thereof, shall be subject to disciplinary action.

(11) Only those matters presented at the hearing in the presence of the accused student, except where the student fails to attend after receipt of proper notice, will be considered in determining whether the College Discipline Committee has sufficient cause to believe that the accused student is guilty of violating specific provisions of the Student Code that he is charged with having violated.

(12) The chairman of the College Discipline Committee shall, in the course of presiding at the disciplinary hearing, give effect to the rules of privilege recognized by law and exclude incompetent, irrelevant, immaterial and unduly repetitious evidence.

(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 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 WAC 132H.120.350 DISCIPLINARY TERMS.

(2) The student will be provided with a copy of the College Discipline Committee's findings of fact and conclusions regarding whether the student did violate any provision of the Student Code. The committee shall also advise the student of his rights to present, within 7 calendar days, a written statement to the President of the college appealing the recommendation of the College Discipline Committee.

WAC 132H.120.320 THE PRESIDENT'S REVIEW. (1) The President of the college or his designee, except the Dean for Student Services and Development shall, after reviewing the record of the case, include in the report of the College Discipline Committee any statement filed by the student. The President or his designee shall indicate approval of the recommendations of the College Discipline Committee or give directions as to what lesser disciplinary action shall be taken.

(2) If the President decides that discipline is to be imposed after the review provided by the above section, the President or his designee shall notify the student in writing of the discipline imposed. In case of an unmarried student under 18 years of age, written notice of any action involving suspension, expulsion, or other disciplinary action shall also be sent to parents or guardian of the student.

WAC 132H.120.330 APPEALS. An appeal by a student shall be made in writing and addressed to the chairman of the College Discipline Committee within 15 days after the student has been notified of the action taken. In all proceedings where the student is not exonerated, there shall be one automatic review by a reviewing authority. (1) Disciplinary action by the Dean for Student Services and Development may be appealed to, and shall be reviewed by, the College Discipline Committee.

(2) Disciplinary action by the College Discipline Committee may be appealed to, and shall be reviewed by, the college President.

(3) Final authority in all disciplinary action shall rest with the Board of Trustees of the college.

WAC 132H.120.340 DISCIPLINARY TERMS. The following definitions of disciplinary terms have been established to provide consistency in the application of penalties: (1) Disciplinary Warning: Formal action censoring a student for violation of college rules or regulations or for failure to satisfy the college's expectations regarding conduct. Disciplinary warnings are always made in writing to the student by the Dean for Student Services and Development. A disciplinary warning

indicates to the student that continuation of the specific conduct involved or other misconduct will result in one of the more serious disciplinary actions described below.

(2) **Disciplinary Probation:** Formal action placing conditions upon the student's continued attendance for violation of college rules or regulations or failure to satisfy the college's expectations regarding conduct. The College Discipline Committee will specify, in writing, the period of probation and the conditions. Disciplinary probation warns the student that any further misconduct will make him liable to suspension or expulsion from the college. Disciplinary probation may be for a specific term or for an indefinite period which may extend to graduation or other termination of the student's enrollment in the college.

(3) **Suspension:** Formal action by an authorized disciplinary agency dismissing a student temporarily from the college for unacceptable conduct or violation of college rules or regulations. Suspension may be for an indefinite period, but the implication of the action is that the student may eventually return if evidence or other assurance is presented that the unacceptable conduct will not be repeated.

(4) **Expulsion:** Students may be expelled only on the approval of the President of the college and on the recommendation of the Dean for Student Services and Development or the College Discipline Committee. The notification expelling a student will indicate, in writing, the term of the expulsion and any conditions which must be met before readmission. There is no refund of fees for the quarter in which the action is taken, but fees paid in advance for a subsequent quarter are to be refunded.

(5) **Registration Denied:** Formal action refusing to allow a student to register for subsequent quarters, for violation of college rules or regulations, or failure to satisfy the college's expectations regarding conduct, or failure to fulfill obligations to the college. Students may be denied registration only on the approval of the President and on the recommendation of the College Discipline Committee. The initiating authority, in his written notification to the student, will detail the reasons for the denial of registration and the conditions to be met before registration will be allowed. Registration may be denied for a fixed or indefinite period. Future registration will not be allowed until the initiating authority is satisfied that the conditions have been met.

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 the President before readmission is granted.

WAC 132H.120.360 **REPORTING, RECORDING AND MAINTENANCE OF RECORDS.** Records of all disciplinary cases shall be kept by the office taking or initiating the action. Except in proceedings wherein the student is exonerated, all documentary or other physical evidence produced or

considered in disciplinary proceedings and all recorded testimony shall be preserved for not more than 5 years. No record of proceedings wherein the student is exonerated, other than the fact of exoneration, shall be maintained in the student's file or other college repository after the date of the student's graduation.

WAC 132H.120.400 INITIATION OF SUMMARY SUSPENSION PROCEEDINGS. The President or his designee may suspend any student of the college for not more than 3 academic calendar days without hearing if the President or his designee has reason to believe the student's physical or emotional safety and well-being, or the safety and well-being of the other college community members, or the safety and well-being of the college property require such suspension.

WAC 132H.120.410 PERMISSION TO ENTER OR REMAIN ON CAMPUS. During this 3 day period the student shall not enter any campus of District No. VIII other than to meet with the Dean for Student Services and Development or to attend the hearing. However, the Dean for Student Services and Development 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.

WAC 132H.120.420 NOTICE OF SUMMARY SUSPENSION PROCEEDINGS. (1) When the President or his designee exercises the authority to summarily suspend a student, he 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 Code of Student Rights and Responsibilities involved; and

(b) That the student charged must appear before the Dean for Student Services and Development at a time specified in the notice for a hearing as to whether probable cause exists to continue the summary suspension for a further period not to exceed 10 days.

WAC 132H.120.430 PROCEDURES OF SUMMARY HEARING. (1) At the summary suspension hearing, the Dean for Student Services and Development shall determine whether there is probable cause to believe the student's presence on campus would endanger the student's physical or emotional safety and well-being, or the safety and well-being of the other college community members, or the safety and well-being of the college property. In the course of making such a decision, the Dean for Student Services and Development may consider the sworn affidavits or oral testimonies of persons who have alleged that the student or students charged has committed

a violation of law or of provisions of the Student Code and the oral testimony and affidavits submitted by the student charged.

WAC 132H.120.440 DECISION BY THE DEAN FOR STUDENT SERVICES AND DEVELOPMENT. If the Dean for Student Services and Development, 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 the Code of Student Rights and Responsibilities are alleged has committed one or more of such violations upon any college facility; and

(2) That summary suspension of said student is necessary under the provisions of WAC 132H.120.400 Summary Suspension Rules; and

(3) Such violation or violations of the law or of provisions of the Code of Student Rights and Responsibilities constitute grounds for disciplinary action, then the Dean for Student Services and Development may, with the written approval of the President, suspend such student from the college.

WAC 132H.120.450 NOTICE OF SUSPENSION. (1) If a student is suspended pursuant to the above rules, he shall be provided with a written copy of the Dean for Student Services and Development'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. Notice by mail shall be sent to said student's last known address. The suspension, following the hearing shall be effective for no more than 10 days.

WAC 132H.120.460 SUSPENSION FOR FAILURE TO APPEAR. If the student against whom specific violations of provisions of the Code of Student Rights and Responsibilities have been alleged has been served pursuant to the notice required and then fails to appear at the time designated for the summary suspension proceedings, the Dean for Student Services and Development may, with the written concurrence of the President, suspend the student from college for no more than 10 days.

WAC 132H.120.470 APPEAL. (1) Any student aggrieved by an order issued at the summary suspension proceedings may appeal the same to the Board of Trustees. No such appeal shall be entertained, however, unless written notice of the appeal, specifically describing alleged errors in the proceedings of findings of the Dean for Student Services and Development and the President, is tendered at the office of the President within 72 hours following the date notice of summary suspension was

served or mailed to the student, whichever occurred first.

(2) The Board of Trustees or a committee of the Board shall, as soon as possible, examine the allegations contained within the notice of appeal, along with the findings of the Dean and President, the record of the summary suspension proceedings and determine therefrom whether the summary suspension order is justified. Following such examination, the Board may, at its discretion, stay the summary suspension pending determination of the merits of the disciplinary proceedings pursuant to the provisions of the Code Procedures.

(3) The Board of Trustees or a committee of the Board shall notify the appealing student within 48 hours following its consideration of the notice of appeal, as to whether the summary suspension shall be maintained or stayed pending disposition of the disciplinary proceedings pursuant to the provisions of the Code Procedures.

WAC 132H.120.480 SUMMARY SUSPENSION PROCEEDINGS NOT DUPLICITOUS.

(1) The summary suspension proceedings shall in no way substitute for the disciplinary proceedings provided for in provisions of the Code Procedure. At the end of the suspension, the student shall be reinstated to his full rights and privileges as a student, subject to whatever sanctions may have been or may be in the future imposed for violation of the Code of Student Rights and Responsibilities.

(2) Any disciplinary proceeding initiated against the student which led to the summary suspension proceedings shall be heard de novo, provided, that the records made and evidence presented during the course of any facet of the summary suspension proceedings brought against the student shall be available for the use of the student and of the college in the disciplinary proceeding initiated under the provisions of the Code Procedures.

(3) No summary suspension shall last more than 20 days. A student is entitled to a formal proceeding on the merits within 10 days of any determination of probable cause.