



RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (10/1/89)

Agency:	Bellevue Community College Community College District VIII	<input type="checkbox"/> Permanent Rule <input checked="" type="checkbox"/> Emergency Rule
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(1) **Date of adoption:** 6-11-92

(2) **Purpose:**
Amend WAC 132H-120
The Student Code of Community College District VIII

(3) **Citation of existing rules affected by this order:**
 Repealed:
 Amended: WAC 132H-120
 Suspended:

(4) **Authority for adoption:**
 Statute: RCW.34.05
 Other Authority: 28B.50.140.RCW

(5.1) **PERMANENT RULE ONLY**
 Pursuant to notice filed as WSR _____ on _____ (date).
 Describe any changes other than editing from proposed to adopted version:

(5.2) **EMERGENCY RULE ONLY**
 Pursuant to 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: It is necessary for the preservation of the general welfare because current practices are inconsistent with WAC as filed.

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

Emergency Rules
 Immediately
 Later (specify) _____

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

JUN 26 1992

TIME 4:31

WSR 72-14-075

NAME (TYPE OR PRINT) Phyllis C. Hudson

SIGNATURE

TITLE Secretary, Board of Trustees DATE 6-12-92

BOARD OF TRUSTEES
COMMUNITY COLLEGE DISTRICT VIII
BELLEVUE, WASHINGTON

RESOLUTION NO. 201

ADMINISTRATIVE ORDER NO. 110

A RESOLUTION amending Chapter WAC 132H-120 as Emergency Rules.

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

Chapter WAC 132H-120 The Student Code of Community College District VIII is hereby amended.

WAC 132H-120 is being filed as emergency rules of this institution in order to provide in a timely manner current operating procedures to the faculty, staff, and students at Bellevue Community College and the citizens of Community College District VIII.

APPROVED AND ADOPTED June 11, 1992.

BOARD OF TRUSTEES

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Carol James, Vice-Chair

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Sally Jarvis, Trustee

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Dennis Uyemura, Trustee

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R. C. "Joe" Strauss

ATTEST:

Phyllis C. Hudson
Phyllis C. Hudson
Secretary, Board of Trustees
Community College District VIII

AMENDATORY SECTION (Amending Order 16, filed 3/15/73)

WAC 132H-120-010 Title. This chapter shall (~~WAC 132H-120-010 through 132H-120-490 will~~) be known as the Student Code (~~student code~~) of Community College District VIII.

AMENDATORY SECTION (Amending Order 16, filed 3/15/73)

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 nonclassroom activities, such as lectures, concerts, athletic events and social functions (~~; or (3) responsibility to protect the health and safety of persons on college property~~).

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 Order 16, filed 3/15/73)

WAC 132H-120-030 Definitions. As used in this Student Code of Community College District VIII (~~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 groups of persons.

(2) "Board" means the board of trustees of Community College District VIII, state of Washington.

(3) "College" means Bellevue Community College located within Community College District 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) ~~((6))~~ "Disciplinary action" means and includes expulsion, suspension or any lesser sanction of any student by the dean of student services, ~~((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 student code ~~((code of student rights and responsibilities))~~ for which sanctions may be imposed.

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

(9) ~~((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.

(10) ~~((9))~~ "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) ~~((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.

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

AMENDATORY SECTION (Amending Order 16, filed 3/15/73)

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 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. ~~((the state criminal trespass law and/or other possible civil or criminal remedies available to the public and/or appropriate action pursuant to the state of Washington higher education personnel board, the district's tenure rules and regulations, or other applicable board policy.))~~

AMENDATORY SECTION Amending Order 16, filed 3/15/73)

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

(1) Academic freedom ((of expression)).

(a) Students are guaranteed((Fundamental to the democratic process are the)) rights of free inquiry, expression ((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) Students 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) ~~((1))~~ Be conducted in an orderly manner; and
- (ii) ~~((2))~~ Not unreasonably interfere with vehicular or pedestrian traffic; or
- (iii) ~~((3))~~ Not unreasonably interfere with classes, schedules, meetings, or ceremonies, or with the educational functions of the college; and
- (iv) ~~((4))~~ Not unreasonably interfere with college functions.

(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).

(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 rights 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.

(5) Incidental sales. Students have the right to engage 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. Student 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.

~~((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.)~~

AMENDATORY SECTION (Amending Order 91, filed 12/16/85)

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 ~~((or aide)),~~ aider, ~~((or))~~ 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 education 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 ~~((his))~~ designee. (See WAC 132H-200-490)

(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 69.50)) RCW 101 ((101)) as now law or hereafter amended, ((or any dangerous drug as defined in RCW 69.50.308 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))~~ as now law or hereafter amended.

(c) 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 ((RCW 91.44.010 of)) 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 education and administrative functions of the college, or the private rights and privileges of others.

(f) Malicious Mischief. Intentional ((Intentionally)) or negligent damage to or destruction of ((destroying or damaging)) 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.

~~((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) 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 of 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 ~~((dean of student programs and personnel 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.

~~((m) Being under the influence of liquor or alcoholic beverages or narcotic drugs while on college property or while participating in any college program, class or event or while in attendance in any class or college sponsored or supervised activity.))~~

(n) Cheating and Plagiarism. Engaging in cheating, stealing, plagiarizing, ~~((o))~~ 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 of 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 Order 91, filed 12/16/85)

WAC 132H-120-220 Responsibility/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. ~~((and he/she is responsible for assembling all facts on cases referred to his/her office, making provisions for suitable hearings, convening the college discipline committee, notifying students and others concerned, keeping confidential files and reports on cases, following up each discipline case until it is closed, and destroying out of date files on discipline cases.))~~

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 Bellevue Community College Association of Higher Education. ~~((professional association.))~~
- (3) Two representatives selected by the student services cabinet. ~~((council.))~~
- (4) Three students. The three students will be appointed by the President of the Associated Students of Bellevue Community College. ~~((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 chair ~~((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.

NEW SECTION

WAC 132H-120-225 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 of student services. 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. Disciplinary probation warns the student that any further misconduct will make him/her liable

to suspension or expulsion from the college. Disciplinary probation may be for a specific term or for an indefinite period.

(3) Suspension: Formal action 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) Summary Suspension: Exclusion from college property and/or classes and other privileges or activities in accordance with WAC-132H-120-404.

(5) Expulsion: Students may be expelled only on the approval of the president of the college and on the recommendation of the dean of student services 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.

(6) 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 dean of student services or college discipline committee. The initiating authority, in his/her 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.

(7) Restitution: Reimbursement for damage to or misappropriation of property. This may take the form of appropriate service or other compensation.

NEW SECTION

WAC 132H-120-235 Initial disciplinary proceedings. (1) All disciplinary proceedings will be initiated by the dean of student services or his or her designated representative. The student may be placed on suspension pending commencement of disciplinary action, pursuant to the conditions set forth in WAC 132H-120-405.

(2) Any student accused of violating any provision of the rules of conduct shall be called for an initial meeting with the dean of student services or his or her designated representative. The student will be informed in writing of what provision or provisions of the rules of conduct he/she is charged with violating, and what appears to be the range of penalties, if any, which might result from initiation of disciplinary proceedings.

(3) After considering the evidence in the case and interviewing the accused student, if the accused student has appeared at the scheduled conference, the dean may take any of the following actions:

- (a) Terminate the proceeding, exonerating the student or students;
- (b) dismiss the case after whatever counseling and advice the dean deems appropriate;

- (c) impose verbal warning to student directly, not subject to the student's right of appeal as provided in this chapter;
- (d) impose additional sanctions of reprimand, probation, suspension or dismissal, subject to the student's right of appeal as provided in the following provisions.

NEW SECTION

WAC 132H-120-245 Appeals of disciplinary action - generally. (1) Appeals contesting any disciplinary action may be made by the student(s) involved. Such appeals shall be made in the following order:

- (a) Disciplinary action taken by the dean of student services or his or her designee(s) may be appealed to the discipline committee, which may, at the request of the dean, hear the case de novo.
- (b) Disciplinary recommendations made by the discipline committee may be appealed by the student to the president of the college. The president shall review the record of the proceedings which give rise to the appeal, as well as the recommendations made by the dean and the discipline committee. The president's decision shall be final.

(2) Any appeal by a student receiving a disciplinary sanction must meet the following conditions:

- (a) The appeal must be in writing and must clearly state errors in fact or matters in extenuation or mitigation which justify the appeal; and
- (b) the appeal must be filed with twenty-one (21) calendar days from the date on which the student was notified that disciplinary action was being taken.
- (3) All decisions shall be sent from the office of the dean to the president. Written decisions shall include the signature of the discipline committee chair. Copies shall be sent to the president of the college or his or her designee and the student involved in the proceeding.

AMENDATORY SECTION (Amending Order 16, filed 3/15/73)

WAC 132H-120-300 Discipline committee procedure. ((procedural guidelines))

- (1) The discipline committee shall conduct a hearing within twenty (20) 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. ~~((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 on violating specific provisions of the student code of Community College District VIII. The student's failure to cooperate with the hearing procedures herein after 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 cation.)~~

~~(3) ((The student shall be given))~~ Written notice of the time and place of his hearing before the college discipline committee, shall ((and)) be given to the student by personal service or certified mail ((afforded)) not less than twenty (20) calendar days ((^)) in advance of the hearing. The ((notice thereof, said)) 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; ((proceeding.))

(b) A statement of the charges ((against him)) including reference to the particular sections of the student code involved; and ((-))

(c) To the extent known, a ((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 ((against him)) 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 ~~((for))~~ student services ~~((and development))~~ no later than three 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.

(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 ~~((for))~~ student services ~~((and development))~~ at least three 3 days prior to the scheduled hearing.

(7) ~~((5))~~ 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 (7) calendar ~~((3))~~ days' notice thereof to the dean of ~~((for))~~ student services ~~((and development)).~~

(8) ~~((6))~~ In all disciplinary proceedings the college may be represented by the dean of ~~((for))~~ student services ~~((and development))~~ or his or her designee who shall present the college's case to the college discipline committee. ~~((In the event the student elects to be represented by a licensed attorney, the))~~ The dean of ~~((for))~~ student services ~~((and development))~~ may

elect to have the college represented by an assistant attorney general.

(9) ~~((7))~~ An adequate record ~~((summary))~~ 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. ~~((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.))~~

(10) ((8)) The chair ((chairman)) of the college discipline committee shall preside at the disciplinary hearing and shall be considered the presiding officer. ~~((, and make rulings on all evidentiary procedural matters heard in the course of the disciplinary hearing.))~~

(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) ((9)) Hearings conducted by the college disciplinary committee generally will be held in closed session, provided that the accused ((except when a) student may request the hearing to be held in open session. ~~((requests that persons other than those directly involved be invited to attend.))~~

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

(14) ((10)) Any student attending the hearing ((as an invited guest)) who continues to disrupt the ((said)) proceedings after the chair ((chairman)) of the committee has asked him or her to cease or to leave the hearing room. ~~((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.))~~

NEW SECTION

WAC 132H-120-305 Evidence admissible in hearings. (1) 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 discipline committee has sufficient cause to believe that the accused student is guilty of violating the rules he or she is charged with having violated. Hearsay evidence is admissible in the hearing.

(2) The presiding officer of the 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.

(3) Evidence or testimony to be offered by or on behalf of the student in extenuation or mitigation shall not be presented or considered until all substantive evidence or testimony has been presented.

AMENDATORY SECTION (Amending Order 16, filed 3/15/73)

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. ((WAC 132H 120 350 disciplinary terms.))

(2) Within seven calendar days, the ((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 ((did violate)) violated any provision of the student code)) and recommendation for the final disposition of the matter at issue. ((code-)) The committee shall also advise the student of his/her rights to present, within twenty-one (21) ((7)) calendar days, a written statement to the president of the college appealing the recommendation of the college discipline committee.

NEW SECTION

WAC 132H-120-335 Final appeal. Any student who is aggrieved by the finding or conclusions of an appeal to the discipline committee may appeal the same in writing to the president within twenty-one (21) days following notification to the student of the action taken by the committee. The president may, at his or her discretion, suspend the disciplinary actions imposed. In the consideration of such an appeal, the president shall base his or her findings and decision solely on the official written record of the case and on any reports or recommendations of the discipline committee and/or the dean who conducted the original hearing.

AMENDATORY SECTION (Amending Order 91, filed 3/15/73)

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 the president before readmission is granted. The president shall render a decision in writing to the student.

AMENDATORY SECTION (Amending Order 91, filed 12/16/85)

WAC 132H-120-360 Reporting, recording and maintenance of records. Records of all disciplinary cases shall be kept in the office of the dean of ((~~for~~)) student ((~~programs and personnel~~)) services. 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 five (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.

NEW SECTION

WAC 132H-120-405 Summary suspension proceedings. (1) If a dean or his or her designee(s) has cause to believe that any student (a) has committed a felony; or (b) has violated any provision of this chapter; and (c) presents an imminent danger either to himself or herself, other persons on the college campus or to the educational process; that student shall be summarily suspended and shall be notified by certified and regular mail at the student's last known address, or shall be personally served. Summary suspension is appropriate only where (c) of this subsection can be shown, either alone or in conjunction with (a) or (b) of this subsection.

AMENDATORY SECTION (Amending Order 16, filed 3/15/73)

WAC 132H-120-410 Permission to enter or remain on campus. During the summary suspension period, ((~~this 3 day period~~)) the suspended student shall not enter any campus of District No. VIII other than to meet with the dean of ((~~for~~)) student services ((~~and development~~)) or to attend the hearing. However, the dean of ((~~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.

AMENDATORY SECTION (Amending Order 16, filed 3/15/73)

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 (~~code of student rights and responsibilities~~) involved; and

(b) That the student charged must appear before the dean of (~~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. The hearing shall be held as soon as practicable after the summary suspension (~~for a further period not to exceed 10 days~~).

AMENDATORY SECTION (Amending Order 16, filed 3/15/73)

WAC 132H-120-430 Procedures of summary suspension hearing. (1) The summary suspension hearing shall be considered an emergency adjudicative proceeding. The proceeding must be conducted as soon as practicable with the dean of student services presiding.

(2) (~~1~~) At the summary suspension hearing, the dean of student services (~~dean for student services and development~~) shall determine whether there is probable cause to believe that continued suspension is necessary and/or whether some other disciplinary action is appropriate. (~~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.~~)

AMENDATORY SECTION (Amending Order 16, filed 3/15/73)

WAC 132H-120-440 Decision by the dean of (~~for~~) student services (~~and development~~). If the dean of (~~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 this chapter (~~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 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 ((under the provisions of WAC 132H 120 400 summary suspension rules; and))

(3) Such violation or violations of the law or of provisions of this chapter ((the code of student rights and responsibilities)) constitute grounds for disciplinary action, then the dean of ((for)) student services ((and development)) may, with the written approval of the president ((president)), continue to suspend such student from the college ((college)) and may impose any other disciplinary action appropriate.

AMENDATORY SECTION (Amending Order 16, filed 3/15/73)

WAC 132H-120-450 Notice of suspension. (1) A ((If a)) student who is suspended or otherwise disciplined pursuant to the above rules ((,he)) shall be provided with a written copy of the dean of ((for)) student service's ((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((~~to~~)) within three (3) working days following the conclusion of the summary suspension hearing. ((The suspension, following the hearing shall be effective for no more than 10 days.))

(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.

AMENDATORY SECTION (Amending Order 16, filed 3/1/5/73)

WAC 132H-120-460 Suspension for failure to appear. The dean of student services is authorized to enforce the suspension of the summarily suspended student in the event the student has been served pursuant to the notice requirement and fails to appear at the time designated for the summary suspension proceeding. ((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.))

NEW SECTION

WAC 132H-120-475 Appeals from summary suspension hearing. Any student aggrieved by an order issued at the summary suspension proceeding may appeal to the discipline committee. No such appeal shall be entertained, however, unless (a) the student has first appeared at the student hearing in accordance with WAC 132H-120-430; (1) the student has been officially notified of the outcome of the hearing;

- (2) summary suspension or other disciplinary sanction has been upheld; and
- (3) the appeal conforms to the standards set forth in WAC-132H-120-245(2).

The discipline committee shall, within five (5) working days, conduct a formal hearing in the manner described in WAC-132H-120-300.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 132H-120-062	STUDENT GRIEVANCE PROCEDURES--PURPOSE AND SCOPE
WAC 132H-120-070	CONFIDENTIALITY OF STUDENT RECORDS
WAC 132H-120-072	DEFINITION OF A STUDENT
WAC 132H-120-073	EDUCATION RECORDS--STUDENT'S RIGHT TO INSPECT
WAC 132H-120-075	REQUESTS AND APPEAL PROCEDURES
WAC 132H-120-077	RELEASE OF PERSONALLY IDENTIFIABLE RECORDS.
WAC 132H-120-078	COLLEGE RECORDS
WAC 132H-120-079	RECORDS COMMITTEE
WAC 132H-120-080	FREEDOM OF ASSOCIATION AND ORGANIZATION
WAC 132H-120-090	STUDENT PARTICIPATION IN COLLEGE GOVERNANCE
WAC 132H-120-100	FREEDOM OF INDIVIDUAL PRIVACY
WAC 132H-120-110	COMMERCIAL AND PROMOTIONAL ACTIVITIES
WAC 132H-120-120	DISTRIBUTION AND POSTING OF CAMPUS LITERATURE
WAC 132H-120-130	CAMPUS SPEAKERS
WAC 132H-120-205	APPLICATION FOR UTILIZATION OF ALCOHOLIC BEVERAGES
WAC 132H-120-240	INITIAL PROCEEDINGS
WAC 132H-120-240	APPEALS
WAC 132H-120-320	THE PRESIDENT'S REVIEW
WAC 132H-120-330	APPEALS
WAC 132H-120-340	DISCIPLINARY TERMS
WAC 132H-120-400	INITIATION OF SUMMARY SUSPENSION PROCEEDINGS
WAC 132H-120-470	APPEAL
WAC 132H-120-480	SUMMARY SUSPENSION PROCEEDINGS NOT DUPLICITOUS
WAC 132H-120-490	PROCEDURAL GUIDELINES FOR LIQUOR POLICY IMPLEMENTATION