

FORM OF ORDER AND TRANSMITTAL BY INSTITUTION HAVING SINGLE HEAD

State of Washington

Central Washington University
(name of institution)

Administrative Order No. 41

I, Donald Guy, Dean of Student Development
(position)

of the Central Washington University
(institution)

do promulgate and adopt at the Dean of Students Office, on campus
(place)

the annexed rules relating to:

- Chapter 106-120 WAC Student Rights & Responsibilities
Chapter 106-136 WAC Use of Univ. Facilities (Entertainment Policy)
Chapter 106-124 WAC Financial Obligations of Students

(2) ALTERNATIVE A. Use only for Adoption of Permanent Rules.

This action is taken pursuant to Notice No. filed with the code reviser on 6/7/78. Such rules shall take effect: 78-06-120
X pursuant to RCW 28B.19.050(2).
at a later date, such date being

(2) ALTERNATIVE B. Use only for Adoption of Emergency Rules.

I, find that an emergency exists and that the foregoing order 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 public interest. A statement of the facts constituting such emergency is:

Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

(3) Pursuant to the requirements of WAC 1-13-040 that each order shall set forth an appropriate statement of state statutory authority (fill in statement (a), (b), or (c) as appropriate):

(a) This rule is promulgated pursuant to RCW 28B.19.050 & RCW 28B.40.120 and is intended to administratively implement that statute.

(b) This rule is promulgated pursuant to RCW which directs that the

(institution)

has authority to implement the provisions of

(name of act or RCW citation)

(c) This rule is promulgated under the general rule-making authority of the

(institution)

as authorized in RCW

(4) The undersigned hereby declares that he has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), as appropriate, and the State Register Act (chapter 34.08 RCW).

(5) This order after being first recorded in the order register of this institution is herewith transmitted to the Code Reviser for filing pursuant to chapter 28B.19 RCW and chapter 1-13 WAC.

APPROVED AND ADOPTED September 15 19 78
STATE OF WASHINGTON
FILED

OCT 4 1978

By

Dean of Student Development
Title

CODE REVISER'S OFFICE
WSR 78-10-106

[Form CR-9: Effective 12/1/77]

AMENDATORY SECTION (Amending Order 7, filed 3/18/72)

WAC 106-120-001 RIGHTS AND RESPONSIBILITIES. The provisions WAC 106-120-001 through WAC 106-120-999 shall constitute the Student Rights and Responsibilities Policy of Central Washington ((State-College)) University.

AMENDATORY SECTION (Amending Order 22, filed 7/29/75)

WAC 106-120-010 RIGHTS AND RESPONSIBILITIES OF STUDENTS. (1) Students at the ((College)) university neither lose the rights nor escape the obligations of citizenship. Students retain and enjoy all rights secured to citizens by the Constitution and laws of the United States, and the Constitution and laws of the State of Washington, and ordinances and laws of the County of Kittitas and City of Ellensburg. Students are obliged to obey these laws and ordinances.

(2) The ((College)) university distinguishes its responsibility for student conduct from the controls imposed by the larger community outside the ((College)) university, and of which the ((College)) university is a part. When students are charged with violations of laws of the nation or state, or ordinances of the county((7)) or city, the ((College)) university will neither request nor agree to special consideration for students because of their status as students, but the ((College)) university will cooperate with law enforcement agencies, courts, and any other agencies in programs for rehabilitation of students.

(3) The ((College)) university reserves the right to impose further sanctions after law enforcement agencies, courts, and other agencies have imposed penalties or otherwise disposed of a case.

(4) The ((College)) university does not have the responsibilities of a parent for the conduct of students, and is not responsible for law enforcement off campus.

AMENDATORY SECTION (Amending Order 22, filed 7/29/75)

WAC 106-120-011 INTERNAL SOLUTION OF PROBLEMS. It shall be a policy of the ((College)) university to solve problems internally when possible. Students and ((College)) university officials should attempt counseling and mediation procedures, using internal ((College)) university resources as far as possible in the resolution of problems and grievances.

AMENDATORY SECTION (Amending Order 22, filed 7/29/75)

WAC 106-120-013 DEFINITIONS. When used in WAC 106-120-010 through WAC 106-120-999:

(1) "((College)) University" shall mean Central Washington ((State College)) University.

(2) "President" shall mean the president of the ((College)) university.

(3) "Dean" shall mean the dean of student development of the ((College)) university, ((his-delegates7)) or his ((representative)) designee.

(4) "Student" shall mean a person enrolled at the ((College)) university either full or part time, pursuing undergraduate, graduate, or extension studies, or a person accepted for admission or readmission to the ((College)) university.

(5) "Instructor" shall mean any person employed by the ((College))

university to conduct classes as set forth in the Faculty Code of Personnel Policy and Procedure. In certain circumstances a person may be both a "student" and an "instructor." Determination of whether such a person's status as student is involved in particular situations shall be determined by the Campus Judicial Council based upon the circumstances.

(6) "Legal compulsion" shall mean a judicial or legislative order which requires some action by the person to whom it is directed.

(7) "ASC" shall mean the Associated Students of Central.

(8) "Violation of law" shall mean a violation of the laws or ordinances of the federal government or of any state or political subdivision thereof having jurisdiction over the place in which the violation occurs.

AMENDATORY SECTION (Amending Order 22, filed 7/29/75)

WAC 106-120-020 PROSCRIBED CONDUCT. A student shall be subject to disciplinary action or sanction upon violation of any of the following conduct proscriptions:

(1) Academic dishonesty in all its forms including, but without being limited to, cheating on tests, plagiarism, collusion, and submission of another's work product as the student's own.

(2) Cheating on tests.

(3) Copying from another student's test paper.

(4) Using materials during a test not authorized by the person giving the test..

(5) Collaboration with any other person during a test without authority.

(6) Knowingly obtaining, using, buying, selling, transporting, or soliciting in whole or in part the contents of an unadministered test or information about an unadministered test.

(7) Bribing any other person to obtain an unadministered test or information about an unadministered test.

(8) Substitution for another student or permitting any other person to substitute for oneself to take a test.

(9) "Plagiarism" which shall mean the appropriation of any other person's work and the unacknowledged incorporation of that work in one's own work offered for credit.

(10) "Collusion" which shall mean the unauthorized collaboration with any other person in preparing work offered for credit.

(11) Filing a formal complaint with the dean of student development or his designee with the intention of falsely accusing another with having violated a provision of this code.

(12) Furnishing false information to the Campus Judicial Council with the intent to deceive, the intimidation of witnesses, the destruction of evidence with the intent to deny its presentation to the Campus Judicial Council or the willful failure to appear before the Campus Judicial Council when properly notified to appear.

(13) Intentionally setting off a fire alarm or reporting a fire or other emergency or tampering with fire or other emergency equipment except when done with the reasonable belief in the existence of a need therefor.

(14) Forgery, alteration, or misuse of ((College)) university documents, records, or identification cards.

(15) Physically abusing or intentionally inflicting severe emotional distress upon another member of the ((College)) university community whether occurring on or off campus; or physically abusing or intentionally inflicting severe emotional distress upon a nonmember of the ((College)) university community.

(16) Theft or malicious destruction, damage or misuse of ((College)) university property or private property of another member of the ((College)) university community whether occurring on or off campus; or theft or malicious destruction, damage or misuse on campus of property of a nonmember of the ((College)) university community.

(17) Unauthorized seizure or occupation or unauthorized presence in any ((College)) university building or facility.

(18) Intentional disruption or obstruction of teaching, research, administration, disciplinary proceedings, or other ((College)) university activities or programs whether occurring on or off campus or of activities or programs authorized or permitted by the ((College)) university to be conducted on campus.

(19) Intentional participation in a demonstration which is in violation of rules and regulations governing demonstrations promulgated by the ((College)) university pursuant to the provisions of WAC 106-120-700 through WAC 106-120-799.

(20) Unauthorized entry upon the property of the ((College)) university or into a ((College)) university facility or any portion thereof which has been reserved, restricted in use, or placed off limits; unauthorized presence in any ((College)) university facility after closing hours; or unauthorized possession or use of a key to any ((College)) university facility.

(21) Possession or use on campus of any firearm or other dangerous weapon or incendiary device or explosive unless such possession or use has been authorized by the ((College)) university.

(22) Possession, use, or distribution on campus of any narcotic or dangerous or unlawful drug as defined by the laws of the United States or the State of Washington except as expressly permitted by law.

(23) Violation of the university ((CWS6)) Board of Trustees' policy on alcoholic beverages which states:

(a) Persons twenty-one years of age or older may possess and/or consume alcoholic beverages within the privacy of their residence hall rooms((;)) or apartments ((;--or--college--owned--married--student--housing--subject--to--the--following--regulations--)) Washington State law provides severe penalties for the possession or consumption of alcoholic beverages by persons under twenty-one years of age and for persons who furnish alcoholic beverages to minors. All university students should be aware of these laws and the possible consequences of violations.

~~((i))--Consumption of alcoholic beverages may take place only at private gatherings with a reasonable number of persons.~~

~~((ii))--Quantities of alcoholic beverages must not exceed reasonable amounts;--kegs and keg quantities are not reasonable.~~

~~((iii))--Alcoholic beverages in any form may not be sold in College-owned housing; money may not change hands nor may hidden charges provide for alcoholic beverages.~~

(b) The ((College)) university does not condone the consumption of alcoholic beverages at functions sponsored by Central Washington ((State College)) University organizations. Organizations are held responsible for the conduct of their members at functions sponsored by the organization and for failure to comply with Washington State law.

(c) The Campus Judicial Council may place on probation any organization or prohibit a specific campus social function when the consumption of alcoholic beverages has become a problem of concern to the ((College)) university.

~~((d))--Washington State law provides severe penalties for the possession or consumption of alcoholic beverages by persons under twenty-one years of age and for persons who furnish alcoholic beverages to minors. All College students should be aware of these laws and the possible consequences of violations.~~

(24) Violation of clearly stated proscriptions in any published rule or regulation promulgated by any official campus committee or commission or council acting within the scope of its authority.

(25) Violation on campus of any state or federal law or violation of any state or federal law off campus while participating in any ((College)) university sponsored activity.

AMENDATORY SECTION (Amending Order 22, Filed 7/29/75)

WAC 106-120-030 DISCIPLINARY SANCTIONS. The following definitions of disciplinary terms have been established and may be the sanctions imposed upon violators of Chapter WAC 106-120 by the dean of student development or

abilities of the ((College)) university, including an opportunity to retake examinations or otherwise complete course offerings missed by reason of such action.

AMENDATORY SECTION (Amending Order 22, filed 7/29/75)

WAC 106-120-040 COMPLAINTS - DISPOSITION. (1) A complaint alleging misconduct against any student at the ((College)) university may be filed by anyone at the office of the dean of student development. Students, faculty members, administrators and other employees of the ((college)) university shall have concurrent authority to request the commencement of the disciplinary proceedings provided for in this chapter. Persons filing complaints shall be complainant of record.

(2) The dean shall make preliminary investigation to determine whether the charges are significant or whether they may be disposed of informally by the dean without the initiation of disciplinary proceedings.

(3) After investigation, the dean may:

(a) drop the charges, when they appear to be invalid or without substance or capricious;

(b) discuss the situation informally with the student charged, and negotiate a suitable penalty with any student who wishes to plead guilty and/or accept such sanction as the dean may propose;

(c) refer the case to the Campus Judicial Council, in those situations when further examination of evidence is required, or when the dean and the student cannot agree on guilt or a suitable penalty.

(4) When cases are referred to the Campus Judicial Council, the information to the council shall include the nature of the alleged misconduct, name and address of the complainant, name and address of the student(s) charged, and all relevant facts and witness statements.

(5) The individuals involved shall be given a copy of the Student Rights and Responsibilities Policy. This includes but is not limited to: the ((subject-in-question-(defendant),)) student against whom the complaint is made and the person making the complaint ((and-the-subject's-counsel, if-known)).

AMENDATORY SECTION (Amending Order 7, filed 8/18/72)

WAC 106-120-041 COMPLAINTS - DISPOSITION -- PENDING CRIMINAL PROCEEDINGS FOR THE CAMPUS JUDICIAL COUNCIL. If a student charged with misconduct under this code has been charged with a crime for the same act or closely related acts by federal, state, or local authorities, or if it appears that such criminal charge is under consideration by said authorities, the Campus Judicial Council should ordinarily postpone action on the complaint until there has been a disposition of the criminal charge or of the consideration of filing such charge. However, the council may proceed to hear and decide the case prior to the disposition of pending or threatened criminal charges in either of the following instances:

(1) If the student so requests in writing.

(2) If, in the judgment of the Campus Judicial Council, the nature of the alleged misconduct and the circumstances surrounding it pose a serious risk to the health or well being of the student himself or of other members of the ((College)) university community.

If in any such proceeding before the Campus Judicial Council there is determination of guilt, and if the subsequent criminal proceeding results in a judgment of acquittal, the student may petition the Campus Judicial Council for a rehearing.

AMENDATORY SECTION (Amending Order 22, filed 7/29/75)

WAC 106-120-042 NOTICE REQUIREMENTS. Any student charged in a ~~((report))~~ complaint filed pursuant to WAC 106-120-040, with a violation of WAC 106-120-020, shall be notified by the dean of student development or his designated representative within three ~~((3))~~ work days after the filing of such a ~~((report))~~ complaint, if possible. The notice shall be effective if presented later due to the student's absence. Such notice shall:

(1) Inform the student that a ~~((report))~~ complaint has been filed alleging that the student violated specific provisions of the Student Rights and Responsibilities Policy and the date of the violation; and

(2) set forth those provisions allegedly violated; and

(3) specify ~~((the exact))~~ a time and date the student is required to meet with the dean of student development or his designee; and

~~((4) Specify the exact time, date and location of the informal hearing, if one is required; and~~

~~(5) Inform the student that he may question witnesses, that he may have anyone appear in his behalf to defend him, that he may have a maximum of three (3) character witnesses appear in his behalf; and~~

~~(6)) (4) inform the student that failure to appear at ((either of)) the appointed time((s)) at the dean of student development's office ((or at the hearing)) may subject him to suspension from the institution ((for a stated or indefinite period of time)).~~

AMENDATORY SECTION (Amending Order 22, filed 7/29/75)

WAC 106-120-043 MEETING WITH THE DEAN OF STUDENT DEVELOPMENT. (1) At the meeting with the dean of student development or his designee, the student shall be informed of provisions of the ~~((Code of))~~ Student Rights and Responsibilities Policy that are involved, that he may appeal any sanction imposed by the dean of student development or his designee to the Campus Judicial Council and that if a hearing is required, he may have the hearing open to the public. If the student requests a formal hearing, the dean of student development or his designee shall take no action nor make any determination in the matter other than to inform the student ~~((again))~~ of the time, date, and location of the formal hearing by the Campus Judicial Council.

~~((2) A student accused of violating any provisions of the Code of Student Rights and Responsibilities shall be given immediate notification of any disciplinary action taken by the Dean of Student Development or his designated representative. In case of any unemancipated minor, notification of the disciplinary action taken by the Dean of Student Development or his designated representative shall also be sent to the parents or guardians of the student.~~

~~(3) No disciplinary action taken by or at the recommendation of the Dean of Student Development or his designated representative is final unless the student fails to exercise his right of appeal as provided for in these rules. The president or his designated representative after reviewing the case, including any statement the student may file with the president, shall either give written approval of the action taken by or at the recommendation of the Dean of Student Development or his designee, or given written direction as to what lesser disciplinary action, if any, is to be taken.)~~

AMENDATORY SECTION (Amending Order 22, filed 7/29/75)

WAC 106-120-050 CAMPUS JUDICIAL COUNCIL. (1) The Campus Judicial Council shall be the principal campus wide judicial body with jurisdiction and authority to hear all charges of misconduct against ~~((individuals))~~

his designee, or by the Campus Judicial Council. (~~(; the President and/or the Board of Trustees)~~)

(1) Warning. Notice to a student in writing that he has been in violation of ((College)) university rules or regulations or has otherwise failed to meet the ((College's)) university's standard of conduct. Such warning will contain the statement that continuation or repetition of the specific conduct involved or other misconduct will normally result in one of the more serious disciplinary actions described below.

(2) Disciplinary probation. Formal action specifying the conditions under which a student may continue to be a student at the ((College)) university. The conditions specified may be in effect for a period of time or for the duration of the student's attendance at the ((College)) university.

(3) Restitution. An individual student may be required to make restitution for damage or loss to ((College)) university or other property and for injury to persons. Failure to make restitution (~~(within thirty (30) days)~~) will result in suspension for an indefinite period of time as set forth in subsection (4) below provided that a student may be reinstated upon payment.

(4) Suspension. Temporary dismissal from the ((College)) university and from status as a student, for violation of ((College)) university rules or regulations or for failure to meet ((College)) university standards of conduct. The notice suspending the student will state in writing the term of the suspension and any condition(s) that must be met before readmission is granted. The student so suspended must demonstrate (~~(in writing)~~) that the conditions for readmission have been met. In the case of an unemancipated minor who is suspended, a copy of the notification of suspension will be sent to the parents or the guardians of the student. There is to be 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) The time limits that may be imposed in (2), (3), and/or (4) may be modified because of conditions of provable duress on the affected student, including but not limited to illness and injury.

AMENDATORY SECTION (Amending Order 22, filed 7/29/75)

WAC 106-120-031 READMISSION AFTER SUSPENSION. Any student suspended from the ((College)) university for disciplinary reasons may be readmitted upon expiration of the time period specified in the document of original suspension. If the affected student feels that circumstances warrant reconsideration of his suspension prior to its time of expiration, he may be readmitted following approval of a written petition submitted to the dean of student development or his designee. Such petitions must state reasons which either provide new evidence concerning the situation which resulted in the suspension, or demonstrate that earlier readmission is in the best interest of the student and the ((College)) university. Approval for such readmission must be given by the (~~(person or agency who issued the original suspension, and by any person or agency who reviewed the suspension)~~) dean of student development, his designee or by the Campus Judicial Council.

AMENDATORY SECTION (Amending Order 22, filed 7/29/75)

WAC 106-120-032 READMISSION AFTER SUSPENSION -- REESTABLISHMENT OF ACADEMIC STANDING. Students who have been suspended pursuant to disciplinary procedures set forth in this chapter and whose suspension upon appeal is found to have been unwarranted shall be provided full opportunity to reestablish their academic and student standing to the extent possible within the

students, whether graduate or undergraduate. ~~((except as hereinafter provided, and except for these offenses and situations jurisdiction over which may be delegated to other hearing agencies, when jurisdiction over certain cases is delegated to other hearing agencies, the Campus Judicial Council shall have appellate jurisdiction.))~~ The Campus Judicial Council has authority to impose the sanctions described in WAC 106-120-030 for ~~((these))~~ acts of misconduct specified in WAC 106-120-020. ~~((with sanctions as described in WAC 106-120-030. Sanctions imposed are not final unless the student elects to waive the rights of appeal as provided in these rules. The President or a person designated by the President shall review the case, together with all materials forwarded by the Campus Judicial Council and by the defendant student, and shall give written approval or disapproval of the Council's actions. If disapproval, then the President or designee shall give written instructions regarding any changes.))~~

(2) For the purpose of these rules, any person enrolled for classes and considered a student by the definition in WAC 106-120-013 (4) is subject to these rules, independent of any other status the individual may have with the ~~((College))~~ university. Any action taken against a student under these rules shall be independent of other actions taken by virtue of another relationship with the ~~((College))~~ university in addition to that of student.

(3) The Campus Judicial Council has jurisdiction over all students and student organizations. Other divisions of the ~~((College))~~ university may elect to establish subsidiary judicial agencies, over which the Campus Judicial Council will have appellate jurisdiction. Appeals from these subsidiary councils or agencies must be made within five working days from the time of publication of findings by said subsidiary judicial agency. Failure to file such an appeal will constitute and be construed as full acceptance by all parties of the findings. Decisions made by the Campus Judicial Council will be deemed to be final decisions in a contested case and appealable only to the Superior Court.

~~((Subsidiary judicial agencies may be established by carrying out the prescribed process for adopting rules, regulations, and policies, as authorized by RCW 34.04, the Administrative Procedures Act, and will be made a part of these rules, the Policy on Student Rights and Responsibilities, WAC 106-120.~~

~~Appeals from decisions made by the Campus Judicial Council will be made to the President. Such appeals must be filed in writing within five (5) working days from the time of publication of findings by the Campus Judicial Council. Failure to file an appeal within the specified time shall constitute and be construed as acceptance by all parties of the findings as published.~~

~~The President will respond to appeals made from decisions made by the Campus Judicial Council, or by the Dean. Appeals from decisions rendered by the President in such cases may also be appealed, with this appeal being directed to the Board of Trustees of the College. Such appeals must be submitted in writing to the Office of the President within five (5) working days from the time the President has published findings. Failure to file such an appeal within the specified time shall constitute and be construed as acceptance of the findings by all concerned.~~

~~(4) Persons and agencies to whom appeals are directed will produce findings and render a decision within five (5) working days of receipt of the appeal, except for the Board of Trustees. The Board of Trustees will produce findings and render a decision within ten (10) working days after its regular meeting.~~

~~((5))~~ (4) Persons or agencies levying sanctions should devise sanctions which were in proportion to both the nature and extent of the misconduct, and which compensate as far as possible for injury, expense, and/or inconvenience. The sanction should redress injury, damage, or grievance as far as possible.

~~((6))~~ (5) Due process of law is recognized as essential to the proper enforcement of ~~((College))~~ university rules. No charges may be heard or sanctions levied in the name of the ~~((College))~~ university except in accordance with these rules.

AMENDATORY SECTION (Amending Order 22, filed 7/29/75)

WAC 106-120-051 MEMBERSHIP IN CAMPUS JUDICIAL COUNCIL. (b) The council shall consist of three (~~((3))~~) faculty members holding the rank of assistant professor or above, and six (~~((6))~~) students, at least one of whom should be a graduate student if a graduate student files for election to the council.

(2) The faculty members of the council shall be designated by the Faculty Senate. The student members of the council shall be elected according to procedures indicated by the constitution of the Associated Students of Central. The faculty members will be designated at the beginning of each academic year. Six student members shall be elected: three (~~((3))~~) during (~~((fall))~~) winter quarter registration and three (~~((3))~~) during (~~((winter))~~) spring quarter registration, each student being elected for a term of one calendar year, in accordance with the ASC (~~((Constitution, Article VII))~~) Bylaws. Terms of office for students begin with the first day of instruction of the quarter following election to office.

(3) A chairperson of the Campus Judicial Council shall be elected at the first meeting of the fall quarter, and shall continue in office until the person's term expires, the person resigns, or is recalled. (~~((according to provisions of the ASC Constitution))~~) The duties of the chairperson are as follows:

(a) To call regular and special meetings of the council by notification to members at least twenty-four hours in advance of the meeting time, except in bona fide emergency situations.

(b) To preside over all regular and special meetings.

(c) To act as hearing officer at all meetings of the hearing board.

AMENDATORY SECTION (Amending Order 22, filed 7/29/75)

WAC 106-120-055 PROCEDURES FOR HEARING. (a) When disciplinary cases have been referred for hearing, the chairperson shall call a special meeting of the council and arrange for such hearing in the following manner:

(a) The council shall determine the time and place of the hearing, which shall be at least two (~~((2))~~) working days after said special meeting of the council. Time and place shall be set to make the least inconvenience for all interested parties.

(b) The council shall draw lots to determine a hearing board, consisting of four (~~((4))~~) student members and two (~~((2))~~) faculty members of the council, and the chairperson of the council acting as hearing officer.

(c) A quorum of the hearing board shall be (~~((all-four-student-members))~~) two of the four student members and (~~((both))~~) two faculty members, as selected by lot at (~~((a))~~) the special meeting of the (~~((Campus-Judicial))~~) council, and the chairperson of the council. No case shall be heard unless the full membership of the hearing board is present.

(d) All cases will be heard de novo, whether the case be an appeal from a subsidiary judicial body or being heard as an original complaint.

(2) The chairperson of the council (~~((and-hearing-officer))~~) shall insure that:

(a) the hearing is held, in an orderly manner, giving full care that the rights of all parties to a full, fair and impartial hearing are maintained.

(b) (~~((that))~~) the charges and supporting evidence or testimony shall be presented first, and that there is full opportunity for the accused student to challenge the testimony and/or evidence, and to cross examine appropriately.

(c) (~~((that))~~) the student charged shall next present evidence or testimony to refute the charge, and that there is full opportunity for the accuser to challenge testimony and/or evidence, and to cross examine appropriately.

(d) (~~((that))~~) the hearing board, after all parties have been heard, shall (~~((then))~~) deliberate in (~~((closed))~~) executive session until a decision is reached. After the decision is reached, it shall be (~~((announced-in-open-session-of-the-hearing-board, and-then-communicated-in-writing-to-the-President-of-the-College-for-his-approval, as-elsewhere-provided-in-these~~

rules)) communicated in writing to all of the parties, including the complainant and to the dean of student development.

(3) Hearings will ordinarily be held in closed session, unless the hearing board shall determine that there is compelling reason for the hearing to be open to all those interested. A closed hearing shall include only members of the hearing board, ~~((the Dean of Student Development or his designee acting as officio as adviser on procedure, parties))~~ persons directly ((interested)) involved in the hearing ((as accuser and accused)) as parties, and persons called as ((such)) witnesses. ((as these regulations provide elsewhere.))

If at any time during the conduct of a hearing any person is disruptive of the proceedings and cannot be persuaded to observe the necessary decorum for an appropriate hearing, the hearing officer is empowered to exclude such person from the hearing room, using such means as are necessary to insure an orderly hearing.

(4) The student has a right to a fair and impartial hearing before the committee on any charge of violating a provision or provisions of WAC 106-120-020. The student's failure to cooperate with the hearing procedures hereinafter outlined, however, shall not preclude the committee from making its ~~((preposed))~~ findings of fact, conclusions and recommendations as provided below. Failure by the student to cooperate may be taken into consideration by the committee in ~~((recommending to the President))~~ deciding the appropriate disciplinary action.

(5) The student shall be given written notice from the dean of student development or his designee by certified mail to the student's last known address of the time and place of his hearing before the board. Said notice shall contain:

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

(b) a statement of the specific charges against him including reference to the particular sections of WAC 106-120 involved;

(c) to the extent known, a list of witnesses who will appear and a summary description of any documentary or other physical evidence that will be presented by the ~~((College))~~ university at the hearing.

(6) The student shall be entitled to hear and examine the evidence against him and be informed of the identity 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))~~ university to obtain information he specifically describes, in writing, and tenders to the dean of student development or his designee no later than two ~~((2))~~ days prior to the hearings or to request the presence of witnesses or the production of other evidence relevant to the hearings.

Notwithstanding the provisions of the paragraph immediately above, the ~~((College))~~ university shall not be liable for information requested by the student or the presence of witnesses when circumstances beyond the control of the ~~((College))~~ university prevent the obtaining of such information or the attendance of such witnesses at the hearing.

(7) The student may be represented by counsel of his choice at the disciplinary hearings. If the student elects to choose a duly licensed attorney admitted to practice law in the state of Washington as his counsel, he must tender two ~~((2))~~ days notice thereof to the dean of student development or his designee.

In all disciplinary proceedings the ~~((College))~~ university may be represented by the dean of student development or his designee ~~((+))~~ who may ((he may then)) present the ((College's)) university's case against the student accused of violating WAC 106-120 provided, that in those cases in which the student elects to be represented by a licensed attorney, the dean of student development or his designee may elect to have the ~~((College))~~ university represented by an assistant attorney general.

(8) The proceedings of the hearing shall be tape recorded. A copy thereof shall be on file at the office of the dean of student development. Either party at its own expense may produce a transcript of the proceedings.

(9) The hearing board may ~~((set another))~~ change the time and place of the hearing for sufficient cause.

AMENDATORY SECTION (Amending Order 7, filed 8/18/72)

WAC 106-120-056 PROCEDURES FOR HEARING -- ADMISSIBLE EVIDENCE. (1) Only those matters presented at the hearing, in the presence of the accused student, will be considered in determining whether the ~~((student))~~ hearing ~~((committee))~~ board has sufficient cause to believe that the accused student is guilty of violating the rules he is charged with having violated.

(2) In determining whether sufficient cause does exist, members of the ~~((Campus-Judicial-Council))~~ hearing board shall give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent men in the conduct of their affairs.

(3) The ~~((chairman-of-the-Campus-Judicial-Council))~~ hearing officer 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.

AMENDATORY SECTION (Amending Order 7, filed 8/18/72)

WAC 106-120-057 PROCEDURES FOR HEARING -- INTERFERENCE WITH PROCEEDINGS. Any student interfering with the proceedings of the meeting, with the dean of student development or his designee or the formal hearing or any subsequent hearing shall be in contempt of the proceedings and may be summarily suspended from the ~~((College))~~ university by the dean of student development or his designee or the Campus Judicial Council ~~((or-the-President-or-the-Board-of-Trustees))~~ at the time the interference takes place and shall be subject to suspension or any lesser sanction as may be determined by the Campus Judicial Council ~~((or-President-or-the-Board-of-Trustees))~~ at the time the interference takes place or within fifteen ~~((15))~~ academic calendar days thereafter.

AMENDATORY SECTION (Amending Order 22, filed 7/29/75)

WAC 106-120-058 DECISION BY THE HEARING BOARD. (1) Upon conclusion of the disciplinary hearing, the hearing board may consider all the evidence therein presented in closed session and decide by majority vote ~~((whether-to-recommend-to-the-President))~~ any of the following actions:

(a) That the ~~((College))~~ university terminate the proceedings and exonerate the student or students;

(b) that the ~~((College))~~ university impose minor sanctions directly, such as a warning, reprimand, fine, restitution, or disciplinary probation;

(c) that the student be suspended from ~~((College))~~ the university including a recommendation of the duration of such suspension.

(2) The student shall be provided with a copy of the board's ~~((recommended))~~ findings of fact and conclusions regarding whether the student did violate any rule or rules of the ~~((Code-of))~~ Student Rights and Responsibilities Policy and the board's decision as to the appropriate sanction to be imposed. ~~((and-the-recommendation-to-the-President.--The-Campus-Judicial-Council-shall-also-advise-the-student-in-writing-of-his-rights-to-present-a-written-statement-to-the-President-appealing-the-recommendation-of-the-committee--))~~

AMENDATORY SECTION (Amending Order 22, filed 7/29/75)

WAC 106-120-060 INITIATION OF SUMMARY SUSPENSION PROCEEDINGS. The

~~((President-or-his-designee-or-the))~~ dean of student development or his designee may summarily suspend any student ~~((of))~~ from the ~~((College))~~ university for not more than ten ~~((10))~~ academic calendar days pending investigation, action or prosecution of charges of an alleged chapter 106-120 WAC violation or violations, ~~((and))~~ if the ~~((President-or-his-designee-or-the))~~ dean of student development has reason to believe that the student's physical or emotional safety and well-being, or the safety and well-being of ~~((the))~~ other ~~((College))~~ university community members, or the ~~((safety-and-well-being-of-the-College))~~ protection of property ~~((command))~~ requires such suspension.

AMENDATORY SECTION (Amending Order 22, filed 7/29/75)

WAC 106-120-061 PERMISSION TO ENTER OR REMAIN ON CAMPUS. During the period of summary suspension, the suspended student shall not enter the campus of the ~~((College))~~ university other than to meet with the dean of student development or to attend the summary suspension hearing. However, the dean may grant the student special permission for the express purpose of meeting with faculty, staff, or students in preparation for the hearing.

AMENDATORY SECTION (Amending Order 22, filed 7/29/75)

WAC 106-120-062 NOTICE OF SUMMARY SUSPENSION PROCEEDINGS. If the ~~((President))~~ dean of student development or his designee ~~((or-the-Dean-desires))~~ finds it necessary to exercise the authority to summarily suspend a student, he shall: ~~((cause-notice-thereof-to-be-served-upon-that-student-by-registered-or-certified-mail-to-the-student's-last-known-address,-or-by-causing-personal-service-of-such-notice-upon-that-student-))~~

- (1) Give an oral or written notice of the alleged misconduct and violation(s) of any provision(s) of WAC 105-120 to the student;
- (2) give an oral or written explanation of the evidence in support of the charge(s) to the student;
- (3) given an oral or written explanation of the corrective action or punishment (up to a maximum of ten academic calendar days suspension) which may be imposed, to the student; and
- (4) the student shall be provided an opportunity to present his or her explanation of the conduct alleged to be violative of the university's Student Rights and Responsibilities Policy.

AMENDATORY SECTION (Amending Order 7, filed 8/18/72)

WAC 106-120-064 DECISION' BY THE DEAN. If the dean, ~~((following))~~ at the conclusion of the summary suspension proceedings, finds that there is ~~((probably))~~ probable cause to believe that:

- (1) The student against whom specific violations of law or of provisions of chapter WAC 106-120 are alleged has committed one or more of such

violations; ~~((upon any College facility))~~ and

~~((that summary suspension of said student is necessary, under the provisions of WAC 106-120-060 through WAC 106-120-068;))~~ such violation or violations of the law or of provisions of chapter WAC 106-120 constitute grounds for disciplinary action; and

~~((such violation or violations of the law or of provisions of Chapter WAC 106-120 constitute grounds for disciplinary action; then the dean may, with the written approval of the President, suspend such student from the College.))~~ summary suspension of the student is necessary, the dean may immediately suspend such student from the university for up to ten academic calendar days.

AMENDATORY SECTION

WAC 106-120-066 SUSPENSION FOR FAILURE TO APPEAR. If the student against whom specific violations of provisions of chapter WAC 106-120 have been alleged has been ~~((served pursuant to the notice required))~~ instructed by the dean of student development or his designee to appear for summary suspension proceedings and then fails to appear at the time designated for the summary suspension proceedings, the dean may ~~((, with the written concurrence of the President;))~~ suspend the student from ~~((College))~~ the university, and shall give written notice of suspension to the student at his last address of record on file with the university.

REPEALER

The following sections of the Washington Administrative Code are hereby repealed:

- (1) WAC 106-120-054 EXTRAORDINARY HEARING BOARDS
- (2) WAC 106-120-059 DECISION BY THE HEARING BOARD -- THE FINAL DECISION REGARDING DISCIPLINARY SANCTION
- (3) WAC 106-120-063 NOTICE OF SUMMARY SUSPENSION PROCEEDINGS -- PROCEDURES OF SUMMARY SUSPENSION HEARING
- (4) WAC 106-120-065 NOTICE OF SUMMARY SUSPENSION PROCEEDINGS -- NOTICE OF SUSPENSION
- (5) WAC 106-120-067 NOTICE OF SUMMARY SUSPENSION PROCEEDINGS -- APPEAL
- (6) WAC 106-120-068 NOTICE OF SUMMARY SUSPENSION PROCEEDINGS -- SUMMARY SUSPENSION PROCEEDINGS NOT DUPLICITOUS
- (7) WAC 106-120-070 APPEALS

AMENDATORY SECTION (Amending Order 4, filed 6/16/72)

WAC 106-124-010 FINANCIAL OBLIGATIONS OF STUDENTS. Admission to or registration with the ~~((College))~~ university, conferring of degrees and issuance of academic transcripts or grade reports may be withheld for failure to meet financial obligations to the ~~((College))~~ university.

AMENDATORY SECTION (Amending Order 4, filed 6/16/72)

WAC 106-124-011 FINANCIAL OBLIGATIONS OF STUDENTS--APPEAL PROCEDURE. Every student has the right to appeal ~~((a decision of any college department or division to assess))~~ an assessment by the university of a fee, fine, charge, debt, or other financial obligation ~~((of his or hers to the College in writing))~~ by filing a written petition with the appropriate dean or nonacademic area director, stating the student's reasons for ~~((the appeal to the division or department head for a determination of))~~ challenging the validity ~~((and legitimacy))~~ of ~~((that))~~ the assessed obligation. ~~((within))~~ The written petition must be filed not less than ten ~~((10))~~ days after the notice of assessment was sent to the student. ~~((If the student has not resolved his or her financial obligation to the College and has not requested a formal hearing pursuant to RCW chapter 28B-19 within ten (10) days after his last appeal action, the College may take any action authorized under WAC 106-124-010))~~ The dean or director, or his designee, shall review the university's decision to assess the fee, fine, charge, debt, or other financial obligation in light of the student's petition appealing the assessment and shall render a decision thereon which shall be final.

AMENDATORY SECTION (Amending Order 17, filed 7/2/74)

WAC 106-136-600 ENTERTAINMENT POLICY. The provisions of WAC 106-136-600 through 106-136-~~((699))~~680 shall constitute the entertainment policy of Central Washington ~~((State-College))~~ University.

AMENDATORY SECTION (Amending Order 17, filed 7/2/74)

WAC 106-136-601 ENTERTAINMENT DEFINED. "Entertainment" wherever used in WAC 106-136-600 through ~~((699))~~ 680 shall be defined as follows: "Any performance, dance, concert, attraction, fund raising event or other event presented on campus ~~((that))~~ which shall require the use of Central Washington ~~((State-College))~~ University facilities and is sponsored by either the Associated Students of Central, an officially recognized student organization, or private entity."

AMENDATORY SECTION (Amending Order 17, filed 7/2/74)

WAC 106-136-605 APPROVAL OF ENTERTAINMENT REQUIRED. All entertainment, except those events offered through the administering of WAC 106-136-660, 670, and 680, to be presented on the Central Washington ~~((State-College))~~ University campus must have the ~~((written))~~ signed approval of the ~~((Entertainment-Commission))~~ dean of student development or his designee. ~~((The Student-Accountant-will-study-the-financial-feasibility-reports-of-the entertainment-in-question,-and-will-make-a-written-recommendation-concerning such-financial-feasibility-to-the-Entertainment-Commission.))~~

AMENDATORY SECTION (Amending Order 17, filed 7/2/74)

WAC 106-136-620 RESPONSIBILITIES OF THE ASSOCIATED STUDENTS OF CENTRAL. The Associated Students of Central shall provide crowd control personnel for all entertainment that the Associated Students of Central sponsor. The areas may be required to assume financial responsibility and liability for any claims that may arise against the ~~((college))~~ university for damage or injuries occurring as a result of an Associated Students of Central sponsored entertainment event.

AMENDATORY SECTION (Amending Order 17, filed 7/2/74)

WAC 106-136-630 OBLIGATIONS OF OFFICIALLY RECOGNIZED STUDENT ORGANIZATIONS AND PRIVATE ENTITIES. All officially recognized student organizations and private entities presenting entertainment as determined and approved by the ~~((Entertainment-Commission))~~ dean of student development or his designee are subject to the provisions of WAC 106-136-600 through ~~((699))~~ 680 and shall be subject to the same regulations concerning responsibilities and liabilities as ~~((Entertainment-Commission-as))~~ set forth in WAC 106-136-625.

AMENDATORY SECTION (Amending Order 17, filed 7/2/74)

WAC 106-136-631 OBLIGATIONS OF OFFICIALLY RECOGNIZED STUDENT ORGANIZATIONS -- DEPOSIT OF RENTAL FEE. All recognized student organizations and private entities (~~shall~~) may be required to deposit, in advance, with the ((College)) university scheduling office in cash, certified check or money order only, the rental fee for the facilities to include set up and clean up charges.

AMENDATORY SECTION (Amending Order 17, filed 7/2/74)

WAC 106-136-632 OBLIGATIONS OF OFFICIALLY RECOGNIZED STUDENT ORGANIZATIONS -- DAMAGES BOND. All organizations as defined in WAC 106-124-105 (2) and private entities may be required to furnish Central Washington ~~((State-College))~~ University with a certificate of insurance or other satisfactory proof that such organization or private entity has purchased reasonable broad form insurance coverage (e.g., \$1,000,000 liability coverage and \$250,000 property damage coverage for use of Nicholson Pavilion) for the entertainment event presented by such organization or private entity, of which Central Washington ~~((State-College))~~ University is the sole beneficiary. ~~((t))~~ The following shall be required of all organizations and private entities presenting entertainment:

~~((a))~~ (1) Each organization or private entity shall provide the scheduling office with a complete list of all the officers, agents and representatives of the organization, including full names, local addresses and permanent addresses of each.

~~((b))~~ (2) Each organization or private entity shall be responsible for the admissions, attendance and crowd control in the ~~((college))~~ university facilities during the time reserved for their organization.

~~((c))~~ (3) Each organization or private entity assumes responsibility for all violations of ~~((college))~~ campus regulations and policies, state law, and federal law which occur in connection with the use of the facilities and shall hold the ~~((college))~~ university harmless from any claims or liability for any act or failure to act on the part of the organization.

AMENDATORY SECTION (Amending Order 17, filed 7/2/74)

WAC 106-136-640 SCHEDULING RESPONSIBILITIES, REQUIREMENTS, PRIORITIES AND PROCEDURE. Consistent with the scheduling policy, the ~~((Entertainment Commission))~~ dean of student development or his designee will be responsible for securing a facility and a date subject to calendar approval by the scheduling office. If the Pavilion, McConnell, Hertz or Hebler ~~((is))~~ are the ~~((facility-that-is))~~ facilities being requested, approval will have to be sought ~~((first-by-the-scheduling-office,-and-then-by))~~ from the ~~((chairman-of-the-Department-of-Physical-Education))~~ appropriate department chairpersons through the scheduling office. The priority of the ~~((Pavilion))~~ above mentioned facilities is first in terms of class space, second for ~~((college))~~ university sponsored ~~((athletics;))~~ events and third for ~~((intramurals,-fourth-for-Co-Recreation,-and-fifth-for))~~ entertainment sponsored by or recognized by the ~~((Entertainment-Commission))~~ dean of student development or his designee.

AMENDATORY SECTION (Amending Order 17, filed 7/2/74)

WAC 106-136-641 SCHEDULING RESPONSIBILITIES, REQUIREMENTS, PRIORITIES

AND PROCEDURE -- PROCEDURE FOR REQUEST. Initial requests for a scheduling date and approval of an entertainment event and the use of a ((college)) campus facility for that event shall be made through the scheduling office twenty ((20)) business days prior to the date requested (not including the day of the event) before the contract will be executed on the part of the ((college)) university.

AMENDATORY SECTION (Amending Order 17, filed 7/2/74)

WAC 106-136-642 SCHEDULING RESPONSIBILITIES, REQUIREMENTS, PRIORITIES AND PROCEDURE -- PROHIBITION OF ASSIGNMENTS. The privilege to use ((college)) campus facilities for entertainment is subject to the provisions of WAC 106-136-600 through ((699)) 680 and may not be assigned; if any assignment is made, the ((college)) university reserves the right to cancel the scheduling of the assigned entertainment event.

AMENDATORY SECTION (Amending Order 17, filed 7/2/74)

WAC 106-136-643 SCHEDULING RESPONSIBILITIES, REQUIREMENTS, PRIORITIES AND PROCEDURE -- REQUIREMENTS FOR SCHEDULING. No facility will be scheduled for use by recognized student organizations or private entities until a duly authorized representative of that organization has:

- (1) Signed a contract for the ((rental)) use of the facility;
- (2) paid the rental fee for the use of that facility, if required in advance;
- (3) furnished satisfactory proof of the acquisition of the insurance coverage required by this policy, ten ((10)) business days prior to the date requested.

AMENDATORY SECTION (Amending Order 17, filed 7/2/74)

WAC 106-136-644 SCHEDULING RESPONSIBILITIES, REQUIREMENTS, PRIORITIES AND PROCEDURE -- LIMITATIONS ON USE OF FACILITIES ((AND-AUTHORITY-OF SCHEDULING-OFFICER)). (1) facilities for presentation of entertainment of organizations as defined in WAC 106-124-105 (2) may not be scheduled, rented, or used on any regular series basis, daily, weekly, monthly, or in any manner that establishes a consistent pattern of usage or commitment of ((college)) campus facilities.

(2) The ((Scheduling-Officer-of-Central-Washington-State-College)) dean of student development or his designee may impose special conditions of additional requirements where necessary to meet proper health or safety standards, or to assure compliance with ((college)) campus rules, upon any organization or private entity as a condition precedent to the presentation of entertainment. The ((Scheduling-Officer-may-in-his-or-her)) dean of student development or his designee may use whatever discretion ((make)) necessary in making exceptions to the provisions of WAC 106-136-600 through ((699)) 680 where extraordinary circumstances exist.

AMENDATORY SECTION (Amending Order 17, filed 7/2/74)

WAC 106-136-645 SCHEDULING RESPONSIBILITIES, REQUIREMENTS, PRIORITIES

AND PROCEDURE -- REQUIREMENTS FOR EXECUTION OF CONTRACT AND CONTENTS. At such time as the requirements of WAC 106-136-600 through ((699)) 680 are fulfilled, a contract may be executed with the ((college)) university.

AMENDATORY SECTION (Amending Order 17, filed 7/2/74)

WAC 106-136-650 ENTERTAINMENT RESPONSIBILITIES ((OF-THE-ENTERTAINMENT COMMISSION)) The ((Entertainment-Commission)) dean of student development or his designee shall coordinate and administer the provisions of WAC 106-136-600 through ((699)) 680, process forms, and advise the scheduling ((Officer)) office on situations where special conditions should be imposed or exceptions to the provisions of WAC 106-136-600 through ((699)) 680 should be made.

AMENDATORY SECTION (Amending Order 17, filed 7/2/74)

WAC 106-136-660 AUTHORITY OF ATHLETIC DIRECTOR TO ADMINISTER ATHLETIC EVENTS. The athletic director of Central Washington ((State-College)) University shall establish reasonable admission fees, rules and regulations regarding attendance and crowd control at athletic events at Central ((Washington-State-College)). Advance notice of such admission fees, rules and regulations regarding attendance and crowd control at athletic events at Central Washington ((State-College)) University will be provided to interested parties, whenever possible, by the athletic director ((of Central-Washington-State-College)).

AMENDATORY SECTION (Amending Order 17, filed 7/2/74)

WAC 106-136-670 AUTHORITY OF DEAN OF STUDENT((S)) DEVELOPMENT TO ADMINISTER RECREATION PROGRAM. The dean of student((s)) development or his designee may establish reasonable admission charges, schedules, rules and regulations regarding uses, attendance and crowd control at Nicholson Pavilion and Pool, and admission charges will be assessed for ((college)) university employees and their immediate families during such periods. Advance notice of such charges, schedules, rules and regulations shall be provided to interested parties, whenever possible, by the dean of student((s)) development or his designee.

AMENDATORY SECTION (Amending Order 17, filed 7/2/74)

WAC 106-136-680 AUTHORITY OF ACADEMIC DEPARTMENTS TO ADMINISTER THEIR SPONSORED PUBLIC EVENTS. ((Academic-departments-after)) Following approval by the appropriate dean, academic departments may establish reasonable admission fees, rules and regulations regarding attendance and crowd control for public events which they sponsor. Such admission charges may be assessed for ((college)) university staff, faculty, student body, and the general public. ((PROVIDED, that)) However, when Central Washington ((State-College)) University student fees are allocated for the direct support of an academically related public event, Central Washington ((State

College)) University students shall (~~not be charged admission for such an event~~) normally be provided a reduced student admission charge for such event. Advance notice of such admission fees, rules and regulations shall be provided to interested parties as soon as possible after their adoption, by the respective academic departments.