

- and chapter 34.05 RCW.
- 132H-160-290 Admission of former students. [Order 15, § 132H-160-290, filed 4/18/73.] Repealed by 91-20-038, filed 9/23/91, effective 10/24/91. Statutory Authority: RCW 28B.50.14 [28B.50.140] and chapter 34.05 RCW.
- 132H-160-300 Admission policy nonmatriculated status—College credit. [Order 15, § 132H-160-300, filed 4/18/73.] Repealed by 91-20-038, filed 9/23/91, effective 10/24/91. Statutory Authority: RCW 28B.50.14 [28B.50.140] and chapter 34.05 RCW.
- 132H-160-310 Definition of nonmatriculated student. [Statutory Authority: RCW 28B.50.140. 81-11-013 (Order 73, Resolution No. 136), § 132H-160-310, filed 5/13/81; Order 15, § 132H-160-310, filed 4/18/73.] Repealed by 91-20-038, filed 9/23/91, effective 10/24/91. Statutory Authority: RCW 28B.50.14 [28B.50.140] and chapter 34.05 RCW.
- 132H-160-410 Registration procedures—Statement of purpose. [Order 15, § 132H-160-410, filed 4/18/73.] Repealed by 91-20-038, filed 9/23/91, effective 10/24/91. Statutory Authority: RCW 28B.50.14 [28B.50.140] and chapter 34.05 RCW.
- 132H-160-420 Definition of student status. [Order 15, § 132H-160-420, filed 4/18/73.] Repealed by 91-20-038, filed 9/23/91, effective 10/24/91. Statutory Authority: RCW 28B.50.14 [28B.50.140] and chapter 34.05 RCW.
- 132H-160-450 Registration periods. [Order 15, § 132H-160-450, filed 4/18/73.] Repealed by 91-20-038, filed 9/23/91, effective 10/24/91. Statutory Authority: RCW 28B.50.14 [28B.50.140] and chapter 34.05 RCW.
- 132H-160-460 Late registration. [Statutory Authority: RCW 28B.50.140. 78-07-026 (Order 58, Resolution No. 112), § 132H-160-460, filed 6/15/78; Order 15, § 132H-160-460, filed 4/18/73.] Repealed by 91-20-038, filed 9/23/91, effective 10/24/91. Statutory Authority: RCW 28B.50.14 [28B.50.140] and chapter 34.05 RCW.
- 132H-160-470 Change of student registration schedule. [Statutory Authority: RCW 28B.50.140. 78-07-026 (Order 58, Resolution No. 112), § 132H-160-470, filed 6/15/78; Order 15, § 132H-160-470, filed 4/18/73.] Repealed by 91-20-038, filed 9/23/91, effective 10/24/91. Statutory Authority: RCW 28B.50.14 [28B.50.140] and chapter 34.05 RCW.
- 132H-160-490 Withdrawal from the college. [Statutory Authority: RCW 28B.50.140. 78-07-026 (Order 58, Resolution No. 112), § 132H-160-490, filed 6/15/78; Order 15, § 132H-160-490, filed 4/18/73.] Repealed by 91-20-038, filed 9/23/91, effective 10/24/91. Statutory Authority: RCW 28B.50.14 [28B.50.140] and chapter 34.05 RCW.
- 132H-160-510 Change of program major. [Order 15, § 132H-160-510, filed 4/18/73.] Repealed by 91-20-038, filed 9/23/91, effective 10/24/91. Statutory Authority: RCW 28B.50.14 [28B.50.140] and chapter 34.05 RCW.

WAC 132H-160-210 Repealed. See Disposition Table at beginning of this chapter.

WAC 132H-160-220 Repealed. See Disposition Table at beginning of this chapter.

WAC 132H-160-230 Repealed. See Disposition Table at beginning of this chapter.

WAC 132H-160-240 Repealed. See Disposition Table at beginning of this chapter.

WAC 132H-160-250 Repealed. See Disposition Ta-

ble at beginning of this chapter.

WAC 132H-160-260 Admission of foreign students. [Bellevue Community College is authorized under federal law to enroll nonimmigrant aliens. Foreign students are admitted in a selective procedure each quarter.]

[Statutory Authority: RCW 28B.50.14 [28B.50.140] and chapter 34.05 RCW. 91-20-038, § 132H-160-260, filed 9/23/91, effective 10/24/91. Statutory Authority: RCW 28B.50.140. 81-11-013 (Order 73, Resolution No. 136), § 132H-160-260, filed 5/13/81; Order 15, § 132H-160-260, filed 4/18/73.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 132H-160-290 Repealed. See Disposition Table at beginning of this chapter.

WAC 132H-160-300 Repealed. See Disposition Table at beginning of this chapter.

WAC 132H-160-310 Repealed. See Disposition Table at beginning of this chapter.

WAC 132H-160-410 Repealed. See Disposition Table at beginning of this chapter.

WAC 132H-160-420 Repealed. See Disposition Table at beginning of this chapter.

WAC 132H-160-450 Repealed. See Disposition Table at beginning of this chapter.

WAC 132H-160-460 Repealed. See Disposition Table at beginning of this chapter.

WAC 132H-160-470 Repealed. See Disposition Table at beginning of this chapter.

WAC 132H-160-490 Repealed. See Disposition Table at beginning of this chapter.

WAC 132H-160-510 Repealed. See Disposition Table at beginning of this chapter.

Title 132K WAC

COMMUNITY COLLEGES--PIERCE COLLEGE

(Formerly: Fort Steilacoom Community College)

Chapter

132K-16 Student rights and responsibilities.

Chapter 132K-16 WAC

STUDENT RIGHTS AND RESPONSIBILITIES

WAC

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WAC 132K-16-110 Introduction. Broadly stated, the purpose of Pierce College, District No. 11, is to provide opportunities for all who desire to pursue educational goals. To implement this objective, it is necessary to ensure that an environment is created wherein all students may progress in accordance with their capabilities and intensity of interest. The responsibility to create and maintain such an environment is shared by all members of the college; students, faculty and administration. (Statutory Authority: RCW 28B.50.140.)

[Statutory Authority: RCW 28B.50.140. 91-09-027 (Order 91-003), § 132K-16-110, filed 4/10/91, effective 5/11/91.]

WAC 132K-16-120 Definitions. As used in this chapter, the following words and phrases shall be defined as follows:

(1) Academic dishonesty. "Academic dishonesty" shall mean plagiarism, cheating on examinations, fraudulent representation of student work product or other similar act of academic dishonesty.

(2) Alcoholic beverages. "Alcoholic beverages" shall mean the definition of liquor as contained in RCW 66.04.010(15) as now law or hereafter amended.

(3) Assembly/demonstrations. "Assembly" shall mean any overt activity engaged in by two or more persons, the object of which is to gain publicity, advocate a view, petition for a cause, or disseminate information to any person, persons or group of persons.

(4) ASPC. "ASPC" shall mean the associated students of Pierce College as defined in the ASPC

constitution.

(5) Board. "Board" shall mean the board of trustees of Community College District No. 11, state of Washington.

(6) Chief administrative officer. "Chief administrative officer" shall mean the president of Pierce College and president of Community College District No. 11, state of Washington.

(7) College. "College" shall mean Pierce College and any other community college center or facilities established within Community College District No. 11.

(8) College facilities. "College facilities" shall mean and include any and all personal property and real property owned, rented, leased, or operated by the board of trustees of Community College District No. 11 and shall include all buildings and appurtenances affixed thereon or attached thereto.

(9) Dean of students. "Dean of students" shall mean the dean of students at Pierce College or his or her designee(s).

(10) Disciplinary action. "Disciplinary action" shall mean and include the warning, reprimand, probation, suspension, dismissal or expulsion of any student by the dean of students or the college disciplinary committee, issued pursuant to this chapter for the violation of any law or designated rule or regulation of college policy or the rules of conduct for which a student is subject to disciplinary action.

(11) Controlled substance. "Controlled substance" shall mean and include any drug or substance as defined in chapter 69.50 RCW as now law or hereafter amended.

(12) Faculty. "Faculty" shall mean and include any full-time or part-time academic employee of the district whose assignment is one or a combination of instruction, counseling, or library services.

(13) Rules of conduct. "Rules of conduct" shall mean those rules contained within this chapter as now exist or which may be hereafter amended, the violation of which subjects a student to disciplinary action.

(14) Student. "Student," unless otherwise qualified, shall mean and include any person who is registered for classes with Pierce College.

(15) College disciplinary committee. "College disciplinary committee" shall mean the judicial body provided in this chapter.

(16) Trespass. "Trespass" shall mean the definition of trespass as contained in chapter 9A.52 RCW as now law or hereafter amended.

[Statutory Authority: RCW 28B.50.140. 91-09-027 (Order 91-003), § 132K-16-120, filed 4/10/91, effective 5/11/91.]

WAC 132K-16-130 Jurisdiction. (1) These rules shall apply to every student who is present in or upon any college facility, or who is present and/or engaged in any college-sponsored activity held on or in noncollege facilities.

(2) Anyone who breaches, or who aids or abets another in breaching, any provision of this chapter shall be subject to:

(a) Possible prosecution under the state criminal law;

(b) Any other civil or criminal remedies available to the public; and/or

(c) Appropriate disciplinary action as set forth in this chapter or in other college policies and regulations.

[Statutory Authority: RCW 28B.50.140. 91-09-027 (Order 91-003), § 132K-16-130, filed 4/10/91, effective 5/11/91.]

WAC 132K-16-140 Student rights. As an institution of higher learning, Pierce College is dedicated to maintaining and expressing a spirit of free inquiry. Accordingly, the following enumerated rights are guaranteed to each student within the limits of law and college policy.

(1) Academic freedom.

(a) The right of free inquiry, expression and assembly upon and within college facilities which are generally open and available to the public.

(b) The right to pursue appropriate educational objectives, subject to applicable statutory limits, from among the college's curricula.

(c) The right to freedom from academic evaluation which is prejudiced, or arbitrary and capricious, although students are individually responsible for meeting the standards of academic performance established by each of their instructors.

(d) The right to freedom from unlawful discrimination, inappropriate and disrespectful conduct, racial and/or sexual harassment.

(e) The right to privacy and confidentiality of all student records according to the Family Education Rights and Privacy Act of 1974.

(2) Due process.

(a) The right to be secure in the student's person, quarters, papers and effects against unreasonable searches and seizures.

(b) The right to notice of the nature of any charges against the student prior to imposition of disciplinary sanctions.

(c) The right to procedural due process as described in this chapter, whenever the student is accused of violating any law or a rule or procedure of the college as set forth in the Washington Administrative Code or in other college policies and regulations.

(3) Distribution and posting.

The right to distribute or post printed or published material subject to official procedures printed and available in the office of student programs and activities.

(4) Right to assembly/demonstrate.

(a) Students shall have the right of "assembly" as defined in WAC 132K-16-120 upon college facilities that are generally available to the public. Such assembly shall:

(i) Be conducted in an orderly manner; and

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

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

(iv) Not unreasonably interfere with college functions.

(b) A student who conducts or participates in an assembly violative of any provision of this section shall be

subject to disciplinary action.

(c) Nonstudents who participate in or aid or abet any assembly or assemblies in violation of this section shall be subject to possible prosecution under the state criminal trespass law and/or any other possible civil or criminal remedies available to the college.

(5) Off-campus speakers.

The right of recognized student organizations to invite outside speakers to speak on campus subject to the availability of campus facilities, funding and in compliance with college procedures available for inspection in the office of student programs and activities.

[Statutory Authority: RCW 28B.50.140. 91-09-027 (Order 91-003), § 132K-16-140, filed 4/10/91, effective 5/11/91.]

WAC 132K-16-150 Student responsibilities. Any student may be subject to disciplinary action as described in this chapter if the student, whether as a principle actor or as an aider, abettor or accomplice as defined in RCW 9A.08.020 as now law or hereafter amended, interferes with the personal rights or privileges of others or with the college's educational process; commits any offenses described in this chapter; or otherwise violates any provision of this chapter. Offenses subject to disciplinary action include but are not limited to:

(1) Assault, reckless endangerment, etc. Any student who commits the offenses of assault, reckless endangerment, intimidation or interference upon another person in the manner set forth in RCW 9A.36.010 through 9A.36.050 and 9A.36.070, or in RCW 28B.10.570 through 28B.10.572, as now law or hereafter amended.

(2) Disorderly, abusive or bothersome conduct. Any student whose conduct interferes with the rights of others or obstructs or disrupts teaching, research or administrative functions.

(3) Inattentiveness/failure to follow instructions. A student's inattentiveness and/or failure to follow an instructor's instructions, when such behavior infringes upon the rights and privileges of other students.

(4) False complaint. Any student who files a formal complaint, falsely accusing another student or college employee of violating a provision of this chapter.

(5) False alarm. Any student who falsely sets off or otherwise tampers with any emergency safety equipment, alarm, or other device established for the safety of individuals and/or the college.

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

(7) Racial harassment. Any student who engages in racial harassment, which includes ethnic and racial jokes, racial slurs, demeaning comments, looks or gestures or other verbal or physical conduct deliberately designed to humiliate and/or cause discomfort to the recipient or which interferes with job or school performance.

(8) Theft and robbery. Any student who engages in theft or robbery, which is defined as theft of the prop-

erty of the college or of another as set forth in RCW 9A.56.010 through 9A.56.050 and 9A.56.100, as now law or hereafter amended.

(9) Malicious mischief. Any student who engages in malicious mischief, which is defined as intentional or negligent damage to or destruction of any college facility or other public or private real or personal property.

(10) Unauthorized use of college equipment and supplies. Any student who converts college equipment or supplies for personal gain or use, without proper authority.

(11) Computer trespass. Any student who, without authorization, intentionally gains access to a computer system or electronic data owned or used by the Washington State Community College District 11 shall be subject both to disciplinary action pursuant to this chapter and to criminal prosecution pursuant to any or all other statutory laws or regulations pertaining thereto.

(12) Cheating and plagiarism. Any student who, for the purpose of fulfilling or partially fulfilling any assignment or task required by a college employee as part of the student's program of instruction, shall knowingly tender any work product that the student fraudulently represented to the college employee as the student's own work product, shall be deemed to have cheated or to have committed plagiarism. Furthermore, cheating is defined as the production of a product through trickery or fraud.

(13) Forgery or alteration of college records. Forgery or alteration of college records is defined pursuant to RCW 9A.60.010 through 9A.60.020 as now law or hereafter amended, and is further defined as forging records or tendering forged records (or instruments of any college record) to any college employee or agent acting in his/her official capacity.

(14) Refusing to provide identification. Any student refusing to provide identification in appropriate circumstances is defined as refusing to provide positive identification (e.g., valid driver's license or state identification card) when requested to do so by any college employee acting in the lawful discharge of his/her duties.

(15) Illegal entry. Illegal entry is defined as entering, in any manner and at any time, any college administrative or employee's office, or any locked or otherwise closed college facility, without permission of the college employee or agent in charge.

(16) Smoking. Smoking in college facilities is prohibited.

(17) Alcohol and controlled substances.

(a) Illicit use of alcohol. Students are prohibited from being under the influence of any form of alcoholic beverage, or from possessing, consuming or distributing any form of alcoholic beverage on college facilities, with the exception of sanctioned events approved by the dean of students and in compliance with state law and the college's alcohol policy.

(b) Controlled substances. Students are prohibited from using, possessing, being under the influence of, or selling any narcotic or controlled substance as defined in chapter 69.50 RCW as now law or hereafter amended, except when the use of possession of a drug is specifi-

cally prescribed as medication by an authorized medical doctor. For the purpose of this regulation, "sale" shall include the statutory meaning set forth in RCW 69.50-.410 as now law or hereafter amended.

(c) Pierce College policy and program. Pierce College has adopted and implemented a policy and program to prevent the unlawful possession, use or distribution of illicit drugs or alcohol by students. The policy and program statement are on file in the office of the dean of students and describe criminal and other sanctions which may be imposed against students and employees for the unlawful possession, use or distribution of illicit drugs or alcohol by students and employees at Pierce College.

(18) Weapons, explosives and dangerous chemicals. Students are prohibited from the illegal or unauthorized use or possession of any device or substance which can be used to inflict bodily harm or damage to real or personal property.

(19) Trespass.

(a) Power and authority of dean of students. The dean of students has the power and authority to withdraw the license or privilege, or prohibit the entry, of any person(s) to enter into or remain in or upon any college facility.

(b) Power and authority—when exercised. The dean of students may exercise his/her power and authority to halt any event which the dean of students believes;

(i) Is unreasonably disruptive; or

(ii) Is impeding or will impede the movement of persons or vehicles; or

(iii) Is disrupting or threatening to disrupt the ingress and/or egress of persons from college facilities.

(c) Sanctions. Any individual who disobeys a lawful order of the dean of students shall be subject to disciplinary action and/or charges of criminal trespass.

(20) Violation of other laws, rules or regulations. Students are prohibited from violating any federal, state, or local law(s), rule(s) and/or regulation(s) of this institution.

[Statutory Authority: RCW 28B.50.140. 91-09-027 (Order 91-003), § 132K-16-150, filed 4/10/91, effective 5/11/91.]

WAC 132K-16-160 Purpose of disciplinary action. Disciplinary action, up to and including dismissal from the college, may be imposed upon a student for failure to abide by the rules of student conduct as described in this chapter. The form of disciplinary action imposed upon the violator will determine whether and under what conditions the violator may continue as a student at the college.

[Statutory Authority: RCW 28B.50.140. 91-09-027 (Order 91-003), § 132K-16-160, filed 4/10/91, effective 5/11/91.]

WAC 132K-16-170 Delegation of disciplinary authority. (1) The dean of students shall have authority to administer the disciplinary action prescribed in this chapter. The college disciplinary committee shall have the authority to review actions taken by the dean of students as provided in this chapter. Further administrative review may be taken by the college president.

(2) Faculty are responsible for student conduct in the

classroom and are authorized to take such steps as are necessary when behavior of the student interrupts the normal classroom procedure(s). When such behavior may be so serious as to result in expulsion from the class, the instructor must report the infraction, in writing, to the office of the dean of students within twenty-four hours of the infraction.

(3) The president shall be informed of all student dismissals, suspensions or probation proceedings undertaken by the dean of students or by the college disciplinary committee.

[Statutory Authority: RCW 28B.50.140. 91-09-027 (Order 91-003), § 132K-16-170, filed 4/10/91, effective 5/11/91.]

WAC 132K-16-180 Disciplinary action. The following disciplinary actions are hereby established—any of which shall be the sanction imposed upon violators of the rules of student conduct:

(1) **Disciplinary warning.** Notice to a student, either verbally or in writing, that the student has been in violation of a law and/or the college's established policy or rules of conduct. Such warnings will imply that continuing or repeated violations, or other misconduct, will result in one or more of the more serious disciplinary actions described in this section. Formal files or records will not be kept on disciplinary warnings.

(2) **Disciplinary reprimand.** Formal action censuring a student from violation of the rules of student conduct as outlined in this chapter. Reprimands shall be made in writing to the student by the dean of students, with copies filed in the office of the dean of students for a period of five years. A reprimand shall indicate to the student that continuation or repetition of a specific conduct involved or other misconduct will result in one of the more serious disciplinary actions described in this section.

(3) **Disciplinary probation.** Formal action placing conditions upon the student's continued attendance for violations of rules of student conduct. Notice shall be made in writing and specify the period of probation and the conditions such as limiting the student participation in extracurricular activities. Disciplinary probation may be for a specific term or for an indefinite period which may extend to graduation or other termination of the student's enrollment in the college. Copies of the written notifications of disciplinary probation shall be placed in the office of the dean of students for a period of five years.

(4) **Suspension.** Temporary dismissal from the college and termination of the person's student status for violation of the rules of student conduct. Notice shall be made in writing and specify the duration of the dismissal and any special conditions which must be met before readmission. Copies of the written notification of suspension shall be placed on file in the office of the dean of students.

(5) **Expulsion.** Indefinite or permanent dismissal from the college and termination of the person's student status for violation of rules of student conduct. Written notice shall be given which will specify any special conditions which must be met before readmission. There shall be no refund of fees for the quarter in which the action is

taken, but fees paid in advance for a subsequent quarter will be refunded.

(6) **Restitution.** An individual student may be required to make restitution for damage or loss to college or other property. Failure to make restitution within the time limits established by the dean of students or the college disciplinary committee will result in suspension for an indefinite period of time as set forth in subsection (4) of this section. Student(s) may be reinstated upon payment.

[Statutory Authority: RCW 28B.50.140. 91-09-027 (Order 91-003), § 132K-16-180, filed 4/10/91, effective 5/11/91.]

WAC 132K-16-190 Initiation of disciplinary proceedings. A request for disciplinary action for violating the rules of student conduct may be referred in writing to the dean of students within twenty days of discovery of the facts given rise to the request. Such a request may be made by any member of the administration, faculty, or college personnel or any student. All requests must be in writing and signed by the individual making the request.

[Statutory Authority: RCW 28B.50.140. 91-09-027 (Order 91-003), § 132K-16-190, filed 4/10/91, effective 5/11/91.]

WAC 132K-16-200 Initial disciplinary proceedings. (1) All disciplinary proceedings will be initiated by the dean of students. The student may be placed on suspension pending commencement of disciplinary action, pursuant to the conditions set forth in WAC 132K-16-330 and shall be notified according to the provision of WAC 132K-16-340. The dean of students shall conduct an initial conference with the student within ten working days after the initial request for disciplinary action has been referred to the dean of students.

(2) **Initial meeting with the dean of students.** Any student accused of violating any provision of law, college policy, or rules of conduct may be called for an initial conference with the dean of students, and shall be informed of the charges and what appear to be the range of penalties, if any, which might result from disciplinary proceedings.

(3) **Action to be taken by the dean of students.** If the accused student has appeared at the scheduled conference, after interviewing the accused student and considering the evidence in the case, the dean of students may take any of the following actions:

(a) Terminate the proceeding, exonerating the student;

(b) Dismiss the case after whatever counseling and advice the dean of students deems appropriate;

(c) Impose verbal warning to the 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 expulsion, subject to the student's right to appeal as provided in this chapter; or

(e) Refer the matter to the college disciplinary committee for appropriate action. The student shall be notified, in writing, when such a referral is made.

(4) A student accused of violating any provisions of

this chapter shall be given immediate notification of any disciplinary action taken by the dean of students.

(5) Initial order and notice of opportunity for review.

(a) Within ten days of the decision taken at the initial disciplinary proceeding, the dean of students shall give the parties a brief written statement of reasons for the decision whether the student violated any law or college policy, rules or regulations, and the imposition of applicable penalties. Such written decision shall constitute an initial order.

(b) The initial order shall also advise the student of his/her right to appeal pursuant to WAC 132K-16-220.

(6) No disciplinary action taken by, or at the recommendation of, the dean of students is final unless the student fails to exercise his/her right of appeal as provided in WAC 132K-16-220.

(7) Expulsion. If an action is commenced as a lesser disciplinary action in an initial disciplinary proceeding, and it becomes apparent that the recommended discipline will be expulsion from the college, the student shall be entitled to a formal disciplinary hearing before the college disciplinary committee. In such case, the dean of students shall, pursuant to the requirements of RCW 34.05.410 *et seq.* and subject to the notice provisions of WAC 10-08-040 and 132K-16-210, reschedule another hearing before the college disciplinary committee for a formal disciplinary hearing.

[Statutory Authority: RCW 28B.50.140. 91-09-027 (Order 91-003), § 132K-16-200, filed 4/10/91, effective 5/11/91.]

WAC 132K-16-210 Notice to parties. Notice to the parties of disciplinary proceedings, other than verbal warnings or an informal conference with the dean of students, shall be served in accord with the requirements of WAC 10-08-040, and not less than seven days before the date set for hearing. Said notice shall contain:

(1) A statement of the time, place and nature of the disciplinary proceeding;

(2) A statement of the charges, including reference to the particular sections of the law, college policy, or rules or regulations of student conduct involved;

(3) To the extent known, a list of witnesses who will appear and a summary description of any documentary or other physical evidence that will be presented by the college at the proceeding.

[Statutory Authority: RCW 28B.50.140. 91-09-027 (Order 91-003), § 132K-16-210, filed 4/10/91, effective 5/11/91.]

WAC 132K-16-220 Appeals. Appeals contesting any disciplinary action may be made by the student(s) involved. Such appeals shall be made in the following order:

(1) Appeals from disciplinary action by faculty may be appealed to the dean of students within five working days after the contested action(s), and shall be reviewed *de novo* and informally by the dean of students within five working days after the request is submitted. Depending on the penalty involved, the decision may be further appealed as provided in this chapter.

(2) Appeals from summary disciplinary action by the dean of students. Summary disciplinary actions by the

dean of students may be appealed, in writing, to the college president within twenty-one calendar days of the initial order, pursuant to WAC 132K-16-370.

(3) Appeal to the college disciplinary committee. Action taken at the disciplinary proceedings by the dean of students, except for summary suspensions, may be appealed, in writing, to the college disciplinary committee within twenty-one calendar days of service of the initial order.

(4) Appeals to the college president. Actions taken by the college disciplinary committee may be appealed, in writing, to the college president within ten calendar days of the decision of said committee. The president shall review, as soon as reasonably possible, the allegations contained within the notice of appeal, the records of the proceedings which gave rise to the appeal, as well as the recommendations made by the dean of students and the college disciplinary committee. The president's decision shall be final.

(5) 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 the alleged error or other matters in extenuation or mitigation which justify the appeal; and

(b) The appeal must be filed with the dean of students within the time limits pursuant to WAC 132K-16-220, sections 1-4.

(6) All appellant decisions will be sent from the office of the dean of students to the president. Written decisions shall include the signature of the dean of students, or the college disciplinary committee chairperson, or the college president.

[Statutory Authority: RCW 28B.50.140. 91-09-027 (Order 91-003), § 132K-16-220, filed 4/10/91, effective 5/11/91.]

WAC 132K-16-230 Failure to appear. Students who fail to appear after proper notice before the dean of students, or the college disciplinary committee, or on appeal to the president, shall be deemed to have pled guilty to the charges pending against them. The dean of students shall give written notice of the disciplinary action to be taken to the student at his/her last address of record on file with the college.

[Statutory Authority: RCW 28B.50.140. 91-09-027 (Order 91-003), § 132K-16-230, filed 4/10/91, effective 5/11/91.]

WAC 132K-16-240 Composition of the college disciplinary committee. (1) Membership—how selected. The college shall have a college disciplinary committee composed of six members who shall be chosen no later than October 15 of each academic year. Members of the college disciplinary committee shall be selected in the following manner:

(a) Two student members and two alternates, each of whom shall be a full-time student who is in good academic standing, appointed by the ASPC student senate to serve a one academic year term;

(b) Two faculty members and an alternate chosen by the faculty association to serve a two year, nonconcurrent term;

(c) One staff member chosen by the classified staff

executive committee to serve a two year term;

(d) One (a) administrator appointed by the president to serve for a one year term.

(2) Presiding officer. The presiding officer of the college disciplinary committee shall be selected from the committee members.

(3) Vacancies. A vacancy in the college disciplinary committee membership shall be filled by the group affected by the vacancy.

(4) Voting. Each committee member, excluding the presiding officer, shall cast one vote. In case of a tie, the presiding officer shall cast the deciding vote.

(5) Abstaining. If any member of the college disciplinary committee is unable to consider the matters raised in a particular disciplinary proceeding for any reason (including but not limited to conflict of interest and matters of conscience or related reason), such member(s) shall abstain from participation. The presiding officer of the college disciplinary committee shall make temporary appointments where members abstain.

(6) Quorum. A quorum consisting of a majority shall be required for all proceedings. For purposes of establishing a quorum, the college disciplinary committee shall consist of the presiding officer and at least three committee members.

[Statutory Authority: RCW 28B.50.140. 91-09-027 (Order 91-003), § 132K-16-240, filed 4/10/91, effective 5/11/91.]

WAC 132K-16-250 Review by the college disciplinary committee. (1) Voluntary review. A decision of the dean of students may be reviewed by the college disciplinary committee on the committee's own motion within twenty days of the date of an initial order entered by the dean of students. However, the college disciplinary committee may not take any action on review less favorable to any party than the original order without giving that party notice and an opportunity to explain that party's view of the matter.

(2) Mandatory review. A decision by the dean of students must be reviewed by the college disciplinary committee upon the accused student's written request, where such request is received by the committee within twenty-one days after service of the dean of students' initial order. The college disciplinary committee must conduct a review proceeding and enter a written order on review within twenty days after the request is submitted to the committee, subject to the notice requirements of WAC 10-08-040 and 132K-16-210.

(3) Conduct of review proceedings. Pursuant to the requirements of this chapter and RCW 34.05.491, the presiding officer of the college disciplinary committee shall give each party an opportunity to explain the party's view of the matter and shall make any inquiries necessary to ascertain whether the proceeding must be converted to a formal disciplinary hearing.

[Statutory Authority: RCW 28B.50.140. 91-09-027 (Order 91-003), § 132K-16-250, filed 4/10/91, effective 5/11/91.]

WAC 132K-16-260 Formal hearing procedures before the college disciplinary committee. (1) The college disciplinary committee shall hear, de novo, all disciplin-

ary cases appealed after a decision by the dean of students in accordance with the provisions of this chapter.

(2) The student has the right to a fair and impartial hearing before this committee. The student's failure to cooperate with the hearing procedures, however, shall not preclude the committee from making its findings of fact, conclusions and recommendations as provided below. Failure by the student to cooperate may be taken into consideration by the committee.

(3) The student shall be given written notice pursuant to WAC 132K-16-210. In the case of proceedings conducted by the dean of students or the college disciplinary committee, the time of the hearing may be advanced by the presiding officer, in his/her discretion, at the request of the student, or may be continued for good cause.

(4) Hearings generally will be held in closed session except when a student who is directly involved request that persons other than those directly involved be invited to attend.

(5) The student shall be entitled to hear and examine the evidence to be offered by the college and be informed of the identity of its source; the student shall be entitled to present evidence in his/her own behalf and cross-examine witnesses testifying against him/her as to factual matters.

(6) The student may be represented by counsel of choice at hearing proceedings. If the student elects to choose a duly licensed attorney admitted to practice in the United States as counsel, the student must tender four working days notice to the dean of students prior to the proceeding. The time period begins to run on the day following receipt of such notice by the dean of students.

(7) In all disciplinary proceedings, the college may be represented by a designee appointed by the dean of students, provided that in those cases in which the student chooses to be represented by a licensed attorney, the dean of students may elect to have the college represented by an assistant attorney general.

(8) Recording of facts.

(a) The presiding officer shall designate a recorder to take notes during the proceedings and to prepare a written summary of all evidence, facts, and testimony presented to the committee during the hearing. A copy of such summary shall be available at the office of the dean of students. The recorder will be a nonvoting member.

(b) The disciplinary proceeding shall be tape-recorded.

(c) Any documents considered or prepared by the committee's presiding officer for the disciplinary hearing shall be maintained as a part of the official records of the proceeding.

(d) The records in a formal hearing shall contain:

- (i) All documents, motions, and intermediate rulings;
- (ii) Evidence received and considered;
- (iii) A statement of matters officially noticed; and
- (iv) Questions and offers of proof, objections, and rulings thereon.

(9) Unless otherwise required by a provision of law, the documentary record in disciplinary hearings need not constitute the exclusive basis for action of the dean of students or of the college disciplinary committee.

(10) Following final disposition of the case and any appeals of the disciplinary proceedings, access to records of the case and hearing files will be limited to persons designated by the president.

(11) Following final disposition of the case and any appeal therefrom, the president may direct the destruction of any records of any disciplinary proceeding, provided that such destruction is in conformance with the requirements of chapter 40.14 RCW.

[Statutory Authority: RCW 28B.50.140. 91-09-027 (Order 91-003), § 132K-16-260, filed 4/10/91, effective 5/11/91.]

WAC 132K-16-270 Conduct of hearings. (1) If at any time during the conduct of any disciplinary proceeding invited guest(s) are disruptive, the dean of students or the presiding officer at the college disciplinary committee may ask such persons to cease and desist or may exclude any such person from the hearing room.

(2) Any person attending the committee hearing who continues to disrupt said proceedings after the cease and desist request by the dean of students or by the presiding officer of the college disciplinary committee, shall be subject to disciplinary action.

[Statutory Authority: RCW 28B.50.140. 91-09-027 (Order 91-003), § 132K-16-270, filed 4/10/91, effective 5/11/91.]

WAC 132K-16-280 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 college disciplinary committee has sufficient cause to believe that the accused student is guilty of violating the rules the student is charge[d] with having violated.

(2) In determining the existence of reasonable cause, the dean of students or the college disciplinary committee shall give probative effect to evidence on which reasonably prudent persons are accustomed to rely in the conduct of their affairs.

(3) The dean of students or the presiding officer of the college disciplinary committee, as the case may be, shall make rulings on all evidentiary and procedural matters heard in the course of disciplinary proceedings.

(4) The dean of students or the presiding officer of the college disciplinary committee shall give effect to the rules of privilege recognized by law and exclude incompetent, irrelevant, immaterial and unduly repetitious evidence.

(5) 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.

[Statutory Authority: RCW 28B.50.140. 91-09-027 (Order 91-003), § 132K-16-280, filed 4/10/91, effective 5/11/91.]

WAC 132K-16-290 Decision by the college disciplinary committee. (1) Upon conclusion of the disciplinary hearing, the college disciplinary committee shall consider all the evidence therein presented and decide by majority vote whether to uphold the initial disciplinary action or to recommend institution of any of the follow-

ing actions:

(a) Terminate the proceedings, exonerating the student; or

(b) Dismiss the case after whatever counseling and advice the committee deems appropriate; or

(c) Impose any disciplinary measure as provided in this chapter.

(2) The student will be provided with a copy of the committee's findings of fact and conclusions regarding whether the student did violate the rule or rules of the code of student conduct. The committee shall also advise the student of the right to present within ten calendar days a written statement to the college president.

[Statutory Authority: RCW 28B.50.140. 91-09-027 (Order 91-003), § 132K-16-290, filed 4/10/91, effective 5/11/91.]

WAC 132K-16-300 Final decision regarding disciplinary action. (1) The college president shall, after reviewing the procedure and record before the committee, together with written arguments filed by the parties, if any, attach either a written concurrence to the recommendations of the disciplinary committee or written directions as to what disciplinary action, if any, shall be taken. Evidence not in the record will not be considered by the president.

(2) All parties will be notified, in writing, of the president's decision.

(3) The decision of the president will be final and not reviewable.

[Statutory Authority: RCW 28B.50.140. 91-09-027 (Order 91-003), § 132K-16-300, filed 4/10/91, effective 5/11/91.]

WAC 132K-16-310 Readmission after dismissal.

Any student dismissed from the college for disciplinary reasons may be readmitted only on written petition to the office which initiated the action resulting in the dismissal. Such petitions must indicate how specified conditions have been met and, if the term of the dismissal has not expired, any reasons which support a reconsideration of the matter. Because the college president participates in all disciplinary actions dismissing students from the college, decisions on such petitions of readmission must be reviewed and approved by the president before admission is granted.

[Statutory Authority: RCW 28B.50.140. 91-09-027 (Order 91-003), § 132K-16-310, filed 4/10/91, effective 5/11/91.]

WAC 132K-16-320 Reporting, recording and maintenance of records. (1) Records of all disciplinary cases shall be kept by the office of the dean of students. 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 insofar as possible for at least five years. No record of proceedings where in 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.

(2) The office of the dean of students shall keep accurate records of all disciplinary actions taken by, or reported to, that office. All disciplinary action will be

entered on the student's record and may be removed at the time of graduation or earlier, at the discretion of the office initiating the action, if special terms and conditions have been met or if other circumstances warrant the removal. The office which initiated the action is responsible for ordering the removal of temporary notations of any disciplinary action on the student's record. A student may petition to that office for removal of such a notation at any time.

[Statutory Authority: RCW 28B.50.140. 91-09-027 (Order 91-003), § 132K-16-320, filed 4/10/91, effective 5/11/91.]

WAC 132K-16-330 Summary suspension proceedings. (1) The dean of students is authorized, in his/her discretion, to summarily suspend any student under the provisions of this chapter when the dean of students has reasonable cause to believe that immediate action is required because the student presents an immediate danger to the public health, safety or welfare, including danger to the student personally, to others on the college campus, the college property, or to the educational process. The college may take only such action as is necessary to prevent or avoid the immediate danger to the public health, safety or welfare that justifies use of the summary suspension.

(2) Permission to enter or remain on campus. During the period of summary suspension, suspended students shall not enter the campus of the college other than to meet with the dean of students or to attend the disciplinary hearings. However, the dean of students may grant the student special permission to enter for the express purpose of meeting with faculty, staff, or students in preparation for the disciplinary proceedings.

[Statutory Authority: RCW 28B.50.140. 91-09-027 (Order 91-003), § 132K-16-330, filed 4/10/91, effective 5/11/91.]

WAC 132K-16-340 Notice of summary proceedings. (1) If the dean of students desires to exercise the authority to summarily suspend a student, the student should be notified by certified mail at the student's last known address or, if available, shall be personally served with a written notification.

(2) The notice shall be entitled "notice of summary suspension proceeding" constituting a written order and shall state:

(i) A brief statement of charges against the student including reference to the law or a provision of this chapter;

(ii) A brief statement of the evidence in support of the charges;

(iii) A brief statement of policy reasons which justify the determination of an immediate danger;

(iv) A brief statement of the corrective action or punishment which may/will be imposed against the student;

(v) A brief statement of the duration of the suspension and conditions under which the suspension may be terminated.

(3) When effective. The disciplinary sanction(s) is effective when signed by the dean of students.

(4) Following summary suspension, the dean of students shall give the person required to comply with the

order such notice of the order as is practicable. Where possible, the dean of students shall provide such person with a copy of the written order.

[Statutory Authority: RCW 28B.50.140. 91-09-027 (Order 91-003), § 132K-16-340, filed 4/10/91, effective 5/11/91.]

WAC 132K-16-350 Procedures of summary suspension hearing. (1) The summary suspension hearing shall be considered an informal proceedings. The hearing must be conducted as soon as possible and the dean of students will preside.

(2) The record to be considered at the summary suspension hearing shall consist of any documents regarding the matter that were considered or prepared in connection with the notice of summary suspension. These documents shall be maintained as part of an official record of the proceedings. However, such record need not constitute the exclusive basis for action in proceedings or for any review thereof.

(3) The dean of students shall, at a summary suspension hearing, determine whether there is probable cause to believe that continued suspension is necessary and/or whether some other disciplinary action is appropriate.

(4) Within ten days of the decision taken at the summary suspension hearing, the dean of students shall give the student(s) a brief written statement of reasons for the decision regarding whether continued suspension is necessary or whether some other disciplinary action is appropriate. Such written decision shall constitute an initial order, which shall become a final order if no review is taken. The initial order shall also advise the student of his/her right to present, within twenty-one calendar days, a written request to the college president appealing the decision of the dean of students.

[Statutory Authority: RCW 28B.50.140. 91-09-027 (Order 91-003), § 132K-16-350, filed 4/10/91, effective 5/11/91.]

WAC 132K-16-360 Suspension for failure to appear. The dean of students is authorized to enforce the summary suspension decision pursuant to WAC 132K-16-230.

[Statutory Authority: RCW 28B.50.140. 91-09-027 (Order 91-003), § 132K-16-360, filed 4/10/91, effective 5/11/91.]

WAC 132K-16-370 Appeals from summary suspension. (1) Appeals to college president. Following an order of summary suspension and a subsequent decision taken by the dean of students at a summary suspension hearing, any student aggrieved by such decision may appeal to the college president under the provisions of this chapter, provided the following conditions are met:

(a) The student must first have appeared before the dean of students at the summary suspension hearing;

(b) The student must have been officially notified of the outcome of the summary suspension hearing;

(c) The dean of students must have upheld the initial summary suspension or must have imposed some other disciplinary sanction; and

(d) The appeal conforms to the standards as set forth in WAC 132K-16-220(5).

(2) The president shall review, as soon as reasonably

possible, the allegations contained within the notice of appeal, along with the findings of the dean of students, the record of summary suspension proceeding, and determine therefrom whether the summary suspension order is justified. Evidence not in the record will not be considered.

(3) After completion of this review, the president shall promptly notify the appealing student, by certified mail, whether the summary suspension shall be maintained, stayed, a lesser sanction imposed, or no sanction imposed. The decision of the president shall be final and not reviewable.

[Statutory Authority: RCW 28B.50.140. 91-09-027 (Order 91-003), § 132K-16-370, filed 4/10/91, effective 5/11/91.]

WAC 132K-16-380 Student grievances--Generally.

(1) Statement of purpose. The purpose of this section is to protect each student's freedom of expression in the classroom; to protect each student against improper disclosure of the student's views, beliefs and political associations; to protect each student from improper, arbitrary or capricious academic evaluation as evidenced by the student's final course grade; and to afford each student reasonable protection against arbitrary or capricious actions taken outside the classroom by other members of the college community.

(2) Prohibition against discrimination. Pierce College is committed to protecting the rights and dignity of each individual in the campus community. Therefore, the college will not tolerate any kind of discrimination which may include but is not limited to: Age, culture, gender, mental/physical abilities, race, religious affiliation [affiliation], and sexual preference.

(3) Prohibition against sexual harassment. It is the policy of Pierce College to provide an environment in which students can work and study free from sexual harassment or sexual intimidation. Sexual harassment occurs in a context of unequal power and is a form of sexual discrimination. As such, it is a violation of Title VII of the 1964 Civil Rights Act and Title IX of the 1972 education amendments. Sexual harassment of or by a student is defined as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct when:

(a) Submission to the conduct is either explicitly or implicitly a term or condition of an individual's academic standing;

(b) Submission or rejection of such conduct by an individual is used as the basis for academic discussions affecting that individual; and/or

(c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive environment.

[Statutory Authority: RCW 28B.50.140. 91-09-027 (Order 91-003), § 132K-16-380, filed 4/10/91, effective 5/11/91.]

WAC 132K-16-390 Matters not grievable. (1) Outcome of summary or other disciplinary proceedings. The outcome of summary or other disciplinary proceedings described in earlier sections of this chapter shall not

constitute the basis for filing a grievance as described in this chapter.

(7) Federal and state laws and college policies. In addition, the following matters shall not constitute the basis for filing a grievance:

(a) Federal, state and local laws, rules and regulations; and

(b) Policies, regulations and procedures adopted by the state board for community college education or the board of trustees.

[Statutory Authority: RCW 28B.50.140. 91-09-027 (Order 91-003), § 132K-16-390, filed 4/10/91, effective 5/11/91.]

WAC 132K-16-400 Administrative, faculty and student grievances. Any administrator, faculty member or staff member who is the subject of a student's grievance and who is dissatisfied with the results of any level of a student grievance proceeding may file a grievance under the appropriate grievance procedure established by Pierce College.

[Statutory Authority: RCW 28B.50.140. 91-09-027 (Order 91-003), § 132K-16-400, filed 4/10/91, effective 5/11/91.]

WAC 132K-16-410 Types of grievances. (1) If any student believes that he/she has been unfairly treated by an official of the college, the student may pursue the matter on two levels as follows:

(a) First, the student may follow an informal procedure.

(b) Second, if the informal procedure fails to satisfy the grievant, or if the student waives his/her right to have the matter resolved informally, he/she may file an official grievance and request a hearing before the grievance review committee.

(2) In either case, the student must initiate grievance proceedings within twenty-one days of the occurrence which gave rise to the grievance pertaining to grading issues or within one quarter of the occurrence on other student grievance matters.

[Statutory Authority: RCW 28B.50.140. 91-09-027 (Order 91-003), § 132K-16-410, filed 4/10/91, effective 5/11/91.]

WAC 132K-16-420 Student grievance procedures--Informal. A grievant wishing to pursue an informal resolution shall take the following steps:

(1) First level—direct discussion. As a first step, the student shall:

(a) Contact the faculty or staff member with whom the student has a grievance and attempt to resolve the matter through direct discussion; or

(b) At this step, and all subsequent steps in this grievance procedure, the student may elect to utilize the ombudsman or an advocate to aid in preparing and presenting the grievance.

(2) Second level—mediation by supervisor. If direct discussion does not resolve the grievance to the student's satisfaction, the student shall take the matter to the accused immediate supervisor (director, department head or division chair), who shall serve as a mediator and shall attempt to resolve the matter promptly and fairly.

(3) Third level—decision by division chair or dean. If

the efforts of the supervisor also fail to satisfy the grievant, the supervisor shall forward the complaint to the appropriate division chair or dean who shall within three working days, decide how best to resolve the grievance and shall issue a written opinion to all parties involved.

(4) Fourth level—appeal to grievance review committee. The informal grievance procedure shall be completed in fifteen working days unless all parties agree to more time. The student shall be informed of his/her right to file a petition to have the grievance heard before the grievance review committee.

(5) The student must initiate grievance proceedings pursuant to WAC 132K-16-410(2).

[Statutory Authority: RCW 28B.50.140. 91-09-027 (Order 91-003), § 132K-16-420, filed 4/10/91, effective 5/11/91.]

WAC 132K-16-430 Student grievance procedures—Informal. (1) First level—consultation with affirmative action officer or the dean of students. Any student alleging sexual harassment, sexual preference, sex, racial and/or handicapped discrimination shall, as a first step in the informal grievance procedure, contact the dean of students, the affirmative action officer or his/her designee. If needed, the student may contact the office of the college ombudsman. The dean of students, the affirmative action officer or his/her designee shall:

(a) Provide information about informal and formal options within and outside the college; and/or

(b) Intervene, if requested by either party, in order to resolve the problem to the satisfaction of all.

(2) Second level—hearing before grievance review committee. If the affirmative action officer or the dean of students is unable to resolve the grievance, the student may file an official grievance requesting a hearing before the grievance review committee, and is entitled to appeal the decision of that committee.

[Statutory Authority: RCW 28B.50.140. 91-09-027 (Order 91-003), § 132K-16-430, filed 4/10/91, effective 5/11/91.]

WAC 132K-16-440 Composition of grievance review committee. The executive dean of instruction or the dean of students shall chair the grievance review committee. Members of the committee shall be chosen as follows:

(1) Two faculty members appointed by the faculty association; and

(2) Two students appointed by the president of the associated students of Pierce College;

(3) One administrative staff member appointed by the president.

[Statutory Authority: RCW 28B.50.140. 91-09-027 (Order 91-003), § 132K-16-440, filed 4/10/91, effective 5/11/91.]

WAC 132K-16-450 Hearing procedures before the grievance review committee. (1) Any grievance not resolved informally may be appealed to the grievance review committee for a hearing.

(2) The appeal must be filed within five working days of any appealable decision taken in informal proceedings. The student must initiate the grievance proceeding within twenty-one days pursuant to WAC 132K-16-

410(2).

(3) The grievant shall present his/her grievance, in writing, to the executive dean of instruction or the dean of students and shall include:

(a) A statement specifying the nature of the grievance;

(b) A summary of actions taken by the student to resolve the grievance up to that point; and

(c) Any proposed solution to the problem the grievant may wish to offer.

(4) The operational dean conducting the hearing shall distribute a copy of the petition to all members of the grievance review committee.

(5) If the grievance is lodged against the executive dean of instruction or the dean of students, the president shall designate another operational administrator as the hearing officer.

(6) The grievance review committee may call any witnesses and hear any testimony needed to reach a prompt, fair resolution of the grievance. The grievance hearing before the committee shall not be considered a formal hearing. However, where requested by the student and approved by the college president, a formal hearing may be granted and conducted by the grievance review committee in accordance with the provision of WAC 132K-16-260.

(7) Decision. Within three working days of the conclusion of the hearing, the grievance review committee shall issue a written recommendation. All parties shall receive a copy of such recommendations.

(8) Closed session. All hearings growing out of a student-initiated grievance, including appeals to the office of the college President, shall remain closed unless all parties to the grievance agree to an open hearing pursuant to WAC 132K-16-270.

(9) Withdrawal of grievance. At any time during the grievance procedure, the grievant may officially withdraw the grievance in writing. In addition, a failure by the grievant or appellant to appear for any scheduled hearing, without prior notification or evidence of extenuating circumstances shall constitute withdrawal of the grievance or appeal.

[Statutory Authority: RCW 28B.50.140. 91-09-027 (Order 91-003), § 132K-16-450, filed 4/10/91, effective 5/11/91.]

WAC 132K-16-460 Review of committee's decision.

(1) Review by the college president.

(a) Where the student is not satisfied with the grievance review committee's decision, he/she may appeal that decision to the president of the college, in writing, provided that such appeal is made within five working days of the student's receipt of notice of the decision.

(b) Within ten working days after receiving the written request for appeal, the president shall review the record of the case prepared by the committee, together with any appeal statement, and shall deliver to both the grievance review committee members and the student a written acceptance of the grievance review committee's decision or directions as to what other course of action shall be taken. The president's decision shall constitute final agency action by the college.

(2) Formal investigation of sexual, racial or handicapped discrimination cases. For formal investigation of sexual, racial, or handicapped discrimination cases, the grievant may send appeals or inquiries to:

- (a) Regional director, office of civil rights;
- (b) The equal opportunity commission; and/or the
- (c) Human rights commission.

Grievants are advised to contact the college personnel office for the current mailing addresses and phone numbers of these organizations.

[Statutory Authority: RCW 28B.50.140. 91-09-027 (Order 91-003), § 132K-16-460, filed 4/10/91, effective 5/11/91.]

WAC 132K-16-470 Prior rules. The rules contained in this chapter supersede all former rules relating to student conduct and student grievances.

[Statutory Authority: RCW 28B.50.140. 91-09-027 (Order 91-003), § 132K-16-470, filed 4/10/91, effective 5/11/91.]

WAC 132K-16-480 Severability. If any provision of this chapter is adjudged by a court of law to be unconstitutional, the remaining provisions shall continue in effect.

[Statutory Authority: RCW 28B.50.140. 91-09-027 (Order 91-003), § 132K-16-480, filed 4/10/91, effective 5/11/91.]

Title 132N WAC COMMUNITY COLLEGES—CLARK COLLEGE

Chapters

- 132N-128 Faculty tenure
- 132N-156 Parking and traffic rules and regulations.
- 132N-168 Suspended operations.

Chapter 132N-128 WAC FACULTY TENURE

WAC

- 132N-128-010 Repealed.
- 132N-128-020 Repealed.
- 132N-128-030 Repealed.
- 132N-128-040 Repealed.
- 132N-128-050 Repealed.
- 132N-128-060 Repealed.
- 132N-128-070 Repealed.
- 132N-128-080 Repealed.
- 132N-128-085 Repealed.
- 132N-128-090 Repealed.
- 132N-128-100 Repealed.
- 132N-128-110 Repealed.
- 132N-128-112 Repealed.
- 132N-128-114 Repealed.
- 132N-128-116 Repealed.
- 132N-128-118 Repealed.
- 132N-128-120 Repealed.
- 132N-128-122 General statement of policy.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 132N-128-010 Purpose. [Order 74-6, § 132N-128-010, filed 5/23/74.] Repealed by 91-23-004, filed 11/7/91, effective 12/8/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.

- 132N-128-020 Definitions. [Order 76-3, § 132N-128-020, filed 2/18/77; Order 74-6, § 132N-128-020, filed 5/23/74.] Repealed by 91-23-004, filed 11/7/91, effective 12/8/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
- 132N-128-030 Selection of the tenure review committee. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 78-10-068 (Order 78-01, Resolution No. 78-01), § 132N-128-030, filed 9/27/78; Order 76-3, § 132N-128-030, filed 2/18/77; Order 74-6, § 132N-128-030, filed 5/23/74.] Repealed by 91-23-004, filed 11/7/91, effective 12/8/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
- 132N-128-040 Duties of tenure review committee. [Order 76-3, § 132N-128-040, filed 2/18/77; Order 74-6, § 132N-128-040, filed 5/23/74.] Repealed by 91-23-004, filed 11/7/91, effective 12/8/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
- 132N-128-050 Dismissal for cause. [Order 74-6, § 132N-128-050, filed 5/23/74.] Repealed by 91-23-004, filed 11/7/91, effective 12/8/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
- 132N-128-060 Selection of review committee—Dismissal for sufficient cause. [Order 76-3, § 132N-128-060, filed 2/10/77; Order 74-6, § 132N-128-060, filed 5/23/74.] Repealed by 91-23-004, filed 11/7/91, effective 12/8/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
- 132N-128-070 Dismissal for sufficient cause. [Order 76-3, § 132N-128-070, filed 2/18/77; Order 74-6, § 132N-128-070, filed 5/23/74.] Repealed by 91-23-004, filed 11/7/91, effective 12/8/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
- 132N-128-080 Procedures. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 87-16-036 (Order 87-01, Resolution No. 87-01), § 132N-128-080, filed 7/27/87; Order 74-6, § 132N-128-080, filed 5/23/74.] Repealed by 91-23-004, filed 11/7/91, effective 12/8/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
- 132N-128-085 Reduction in force units. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 87-16-036 (Order 87-01, Resolution No. 87-01), § 132N-128-085, filed 7/27/87.] Repealed by 91-23-004, filed 11/7/91, effective 12/8/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
- 132N-128-090 The need for reduction in force. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 87-16-036 (Order 87-01, Resolution No. 87-01), § 132N-128-090, filed 7/27/87; Order 77-2, § 132N-128-090, filed 5/5/77; Order 74-6, § 132N-128-090, filed 5/23/74.] Repealed by 91-23-004, filed 11/7/91, effective 12/8/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
- 132N-128-100 Specific implementation. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 87-16-036 (Order 87-01, Resolution No. 87-01), § 132N-128-100, filed 7/27/87; Order 77-2, § 132N-128-100, filed 5/5/77; Order 74-6, § 132N-128-100, filed 5/23/74.] Repealed by 91-23-004, filed 11/7/91, effective 12/8/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
- 132N-128-110 Reduction in force review committee. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 87-16-036 (Order 87-01, Resolution No. 87-01), § 132N-128-110, filed 7/27/87; Order 76-3, § 132N-128-110, filed 2/18/77; Order 74-6, § 132N-128-110, filed 5/23/74.] Repealed by 91-23-004, filed 11/7/91, effective 12/8/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.
- 132N-128-112 Hearing officer—Appointment. [Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 87-16-036 (Order 87-01, Resolution No. 87-01), § 132N-128-112, filed 7/27/87.] Repealed by 91-23-004, filed 11/7/91, effective 12/8/91. Statutory Authority: Chapters 28B.50 and 28B.10 RCW.