

Title 132B WAC

COMMUNITY COLLEGES— GRAYS HARBOR COLLEGE

Chapters**132B-120 Student conduct code.****Chapter 132B-120 WAC****STUDENT CONDUCT CODE****WAC**

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**DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER**

132B-120-080	Classroom conduct. [Statutory Authority: RCW 28B.50.140. 04-01-100, § 132B-120-080, filed 12/16/03, effective 1/16/04. Statutory Authority: RCW 28B.50.140(13). 98-09-012, § 132B-120-080, filed 4/6/98, effective 5/7/98; 80-10-053 (Order 80-1, Resolution No. 10-80), § 132B-120-080, filed 8/6/80.] Repealed by 10-17-031, filed 8/9/10, effective 9/9/10. Statutory Authority: RCW 28B.50.140.13 [28B.50.140 (13)].
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WAC 132B-120-010 Definitions. As used in this document the following words and phrases shall mean:

- (1) "Board" shall mean the board of trustees of Community College District No. 2, state of Washington.
- (2) "College" shall mean Grays Harbor College or any additional community college hereafter established within Community College District No. 2, state of Washington.
- (3) "College facilities" shall mean and include any or all real property owned, rented, leased, controlled or operated by the college and shall include all buildings and appurtenances affixed thereon or attached thereto. College facilities extend to affiliated web sites, distance learning classroom environments and agencies or institutions that have educational agreements with Grays Harbor College.
- (4) "President" shall mean the chief executive officer of the college appointed by the board of trustees.
- (5) "Vice-president" shall mean the vice-president for student services or in his/her absence, the vice-president for instruction.
- (6) "Faculty" shall mean any person employed on a full or part-time basis as a teacher, instructor, counselor, coach or librarian for the college or an affiliated institution. Includes faculty of other colleges (whether or not employed by GHC)

that provide instruction to GHC students through distance education.

(7) "Student" shall mean and include any person who is enrolled in courses through the college or is in the process of applying for admission to the college.

(8) "Employee" shall mean any classified, faculty, administrator, exempt, student worker or volunteer person of the college or an affiliated institution.

(9) "College community" shall mean all employees and students of the college.

(10) "College official" shall mean any person employed by the college performing assigned duties.

(11) "Disciplinary action" shall mean any of the sanctions listed in WAC 132B-120-130.

(12) "Sexual harassment" shall mean unwelcome verbal or physical conduct of a sexual nature, unwelcome or unsolicited sexual advances or requests for sexual favors when:

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

(b) Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual; 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 working or educational environment.

Examples of behaviors that may constitute harassment include but are but are not limited to: Repeated, offensive and unwelcome insults and/or jokes; pressure for dates or sex, if unwelcome or repeated; repeated, unwelcome comments about an individual's body or clothing; persistent, unwelcome flirtation, advances and/or propositions of a sexual nature; deliberate and unwelcome touching, such as patting, hugging, pinching or repeated brushing against a person's body.

(13) "Hazing" shall mean any method of initiation into a student organization or association or any pastime or amusement engaged in with respect to such an organization that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm, to any student or other person attending any institution of higher education or post-secondary institution. Hazing does not include customary athletic events or other similar contests or competitions.

(14) "Trespass" shall be defined in accordance with chapter 9A.52 RCW.

(15) "Assembly" shall mean any 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.

(16) "RCW" shall mean the Revised Code of Washington.

[Statutory Authority: RCW 28B.50.140.13 [28B.50.140(13)]. 10-17-031, § 132B-120-010, filed 8/9/10, effective 9/9/10. Statutory Authority: RCW 28B.50.140. 04-01-100, § 132B-120-010, filed 12/16/03, effective 1/16/04. Statutory Authority: RCW 28B.50.140(13). 98-09-012, § 132B-120-010, filed 4/6/98, effective 5/7/98. Statutory Authority: RCW 28B.50.140(13) and 69.41.340. 91-11-102, § 132B-120-010, filed 5/22/91, effective 6/22/91. Statutory Authority: RCW 28B.50.140(13). 80-10-053 (Order 80-1, Resolution No. 10-80), § 132B-120-010, filed 8/6/80.]

WAC 132B-120-030 Jurisdiction. All rules herein adopted concerning student conduct and discipline shall apply to every student whenever said student is engaged in or present at any college-related activity whether occurring on or off of college facilities. The college may carry out disciplinary proceedings prior to, simultaneous with, or following civil or criminal proceedings in a court. The college cooperates with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators provided the conditions do not conflict with college rules or sanctions. The college is not a policing agent for students when they are not in college facilities but does reserve the right to take action if a student's behavior is determined to threaten the health, safety, and/or property of the college and the college community. The college has the sole discretion to determine what conduct occurring off campus adversely impacts the college and/or the pursuit of its objectives.

[Statutory Authority: RCW 28B.50.140.13 [28B.50.140(13)]. 10-17-031, § 132B-120-030, filed 8/9/10, effective 9/9/10. Statutory Authority: RCW 28B.50.140.04-01-100, § 132B-120-030, filed 12/16/03, effective 1/16/04. Statutory Authority: RCW 28B.50.140(13). 98-09-012, § 132B-120-030, filed 4/6/98, effective 5/7/98; 80-10-053 (Order 80-1, Resolution No. 10-80), § 132B-120-030, filed 8/6/80.]

WAC 132B-120-035 Interpretations. The vice-president for student services and the student conduct committee shall have the authority to interpret and apply the standards of conduct for students.

[Statutory Authority: RCW 28B.50.140.13 [28B.50.140(13)]. 10-17-031, § 132B-120-035, filed 8/9/10, effective 9/9/10.]

WAC 132B-120-040 Prohibited conduct. Disciplinary action may be taken for a violation of any provision of this student code or for a violation of other college rules and regulations which may from time to time be properly enacted or for specific prohibited conduct including but not limited to the following:

(1) Smoking and use of tobacco products anywhere other than designated smoking areas.

(2) Using, possessing, consuming, or being under the influence of, or distributing any liquor as defined in RCW 66.04.010, as now or hereafter amended, when present at or engaged in any college sponsored activity with the exception of sanctioned events approved by the president or designee and in compliance with state law.

(3) Using, possessing, distributing or being under the influence of any narcotic drug or controlled substance as defined in RCW 69.50.101, as now or hereafter amended, in a college facility or while participating in a college-related program.

(4) Engaging in lewd, indecent, or obscene behavior.

(5) Sexual misconduct of any kind including rape, indecent liberties, assault of a sexual nature, voyeurism or unwanted sexual contact;

(6) Where the student presents an imminent danger or causes unreasonable risk of harm to college property or to himself/herself or to others or to the education process of the college.

(7) Interference by force or violence with, or intimidation by threat of force or violence, of another student, employee or visitor who is in the peaceful discharge or con-

duct of his/her duties or studies (RCW 28B.10.570 through 28B.10.572).

(8) Disorderly or abusive behavior either physical or verbal which interferes with the rights of others or that obstructs or disrupts teaching, learning, research, services, activities or administrative functions.

(9) Classroom conduct that seriously interferes with either the instructor's ability to conduct the class or the ability of other students to profit from the instructional program.

(a) Faculty have the authority to take appropriate action to maintain proper conduct in the classroom and to maintain the effective cooperation of the class in fulfilling the objectives of the course.

(b) A faculty member may remove a student for the single class session in which disruptive conduct occurs. The instructor will report any such exclusion from the class to the vice-president for student services or designee who may initiate further conduct proceedings as provided in this procedure.

(c) The vice-president for student services or designee may set conditions for the student to meet upon return to the classroom or may enforce a continued removal from class pending an investigation. The student may appeal the disciplinary sanction according to appeal procedures.

(10) Any person, thing or object brought into college facilities, without prior approval of an appropriate college official, that causes a disruption to the classroom or campus environment or causes a safety hazard.

(11) Conducting or participating in an assembly which violates the guidelines of assembly as defined in Section II E.

(12) All forms of student academic dishonesty, including cheating, falsification, plagiarism or facilitating, aiding and abetting academic dishonesty or engaging in any conduct specifically prohibited by a faculty member in the course syllabus or class discussion.

(a) This section shall not be construed as preventing an instructor from taking immediate disciplinary action as provided herein where the instructor is required to act upon such breach of academic dishonesty in order to preserve order and prevent disruptive conduct in the classroom.

(b) This section shall also not be construed as preventing an instructor from adjusting the student's grade on a particular project, paper, test, or class grade for academic dishonesty.

(13) Forgery of or unauthorized alteration of or access to any college document, record, funds or instrument of identification, including electronic hardware, software and records.

(14) Providing false information to the college or the intentional making of false statements and/or filing of false charges against the college and/or members of the college community.

(15) Theft from college premises and/or property; theft of property of a member of the college community on college premises; or possession of property stolen from college premises and/or a member of the college community while on college premises.

(16) Causing or attempting to cause physical damage to property owned, controlled or operated by the college or to property owned, controlled or operated by another person while said property is located on college facilities.

(17) Failure to comply with the direction of college employees acting in the legitimate performance of their duties.

(18) Refusal to provide positive identification and evidence of student enrollment to any college employee in the lawful discharge of said employee's duties.

(19) Possession, transportation or storage of any firearm(s), explosives, dangerous chemicals or other weapons, devices or substances which can be used to inflict bodily harm or to damage real or personal property. Weapons may include, but are not limited to, all firearms, pellet guns, slingshots, martial arts devices, switchblade knives and clubs. This does not apply to commissioned police officers as prescribed by law.

(20) Falsely setting off or otherwise tampering with any emergency safety equipment, alarm, or other device established for the safety of individuals and/or college facilities.

(21) Computer violations which include, but are not limited to:

(a) Gaining access, without authorization, to a computer system or network, or electronic data owned, used by, or affiliated with Grays Harbor College;

(b) Unauthorized use of another individual's account, identification or password;

(c) Use of computer facilities to interfere with the work of another student, faculty member, college employee or computer network operations;

(d) Use of computer facilities and/or resources to send or solicit obscene, abusive, bothersome, threatening or harassing messages;

(e) Use of college e-mail accounts to intentionally disseminate viruses, destructive, malicious or invasive programs;

(f) Use of college computers or systems for other than educational purposes;

(g) Use of college computer equipment to participate in illegal or unauthorized activities;

(h) Use of computing facilities and resources in violation of copyright laws;

(i) Violating any of the computer use policies in effect on campus.

(22) Sexual harassment as defined in Section IB12 of another student or employee.

(23) Any repeated intentional conduct directed at another student or employee that has the purpose or effect of creating a hostile, intimidating or disruptive learning or working environment. (This may include intentional, repeated, unwelcome attempts to contact a student or employee.)

(24) Hazing in any form as described in RCW 28B.10-900.

(25) The breach of any generally recognized and published code of ethics or standards of professional practice that governs the conduct of a particular trade, skill, craft or profession for which the student is taking courses or is pursuing as their educational goal.

(26) Harassment that involves intimidation or bothersome behavior directed toward another person because of, or related to that person's race, color, religion, gender, sexual orientation, ancestry, national origin, or mental, physical or sensory disability.

(27) Harassment, (including physical, verbal, graphic, written or electronic conduct) that is sufficiently severe, persistent or pervasive so as to threaten or limit the ability of a reasonable individual to work, study or participate in the activities of the college.

(28) Entering or remaining in any closed college facility or entering after closing time of the college facility without permission of a college official.

(29) Unauthorized use of college equipment, facilities or supplies. Use of college equipment, facilities, supplies, or computer systems for personal gain without proper authority.

(30) Intentionally encouraging, compelling, attempting, aiding, abetting, conspiring, hiring or being an accessory to any act prohibited by this code may be considered to be same as completed violations.

(31) Retaliating against witnesses or accusers of prohibited conduct.

(32) Students who participate in any college sponsored or sanctioned international study program shall observe the following:

(a) The laws of the host country;

(b) The academic and disciplinary regulations of the educational institution or residential housing program where the student is studying;

(c) Any other agreements related to the student's study program in another county;

(d) The GHC standards of conduct for students.

(33) Violation of federal, state or local law in college facilities or at college-sponsored or supervised activities.

(34) Violation of other published college policies, rules or regulations.

[Statutory Authority: RCW 28B.50.140.13 [28B.50.140(13)]. 10-17-031, § 132B-120-040, filed 8/9/10, effective 9/9/10. Statutory Authority: RCW 28B.50.140.04-01-100, § 132B-120-040, filed 12/16/03, effective 1/16/04. Statutory Authority: RCW 28B.50.140(13), 98-09-012, § 132B-120-040, filed 4/6/98, effective 5/7/98; 80-10-053 (Order 80-1, Resolution No. 10-80), § 132B-120-040, filed 8/6/80.]

WAC 132B-120-055 Trespass. The president or vice-president of student services or his or her designee(s) shall have the authority and power to prohibit the entry or withdraw the license or privilege of any person or group of persons to enter into or remain on any college property or facility. Such power and authority may be exercised to halt any event or activity which is deemed to be unreasonably disruptive of order or impedes the movement of persons or vehicles or which disrupts or threatens to disrupt the ingress and/or egress of persons from facilities owned and/or operated by the college. Any person remaining on or reentering college property after receiving notice that his/her license or privilege to be on that property has been revoked shall be subject to arrest for criminal trespass under the provisions of chapter 9A.52 RCW.

[Statutory Authority: RCW 28B.50.140.13 [28B.50.140(13)]. 10-17-031, § 132B-120-055, filed 8/9/10, effective 9/9/10; 98-09-012, § 132B-120-055, filed 4/6/98, effective 5/7/98.]

WAC 132B-120-065 Student rights. The following rights are endorsed by the college for each student within the limitations of statutory law and college policy which are deemed necessary to achieve the educational goals of the college:

(1) Academic freedom.

(a) Students are guaranteed rights of free inquiry, expression and peaceful assembly upon and within college facilities that are generally open and available to the public.

(b) Students are free to pursue appropriate educational objectives from among the college's curricula, programs and services, subject to the limitations of RCW 28B.50.090 (3)(b), available space in the class, and meeting any required prerequisites.

(c) Students have the right to a learning environment which is free from unlawful discrimination and sexual harassment.

(d) Students are protected from academic evaluation which is arbitrary, prejudiced or capricious. Students are responsible for meeting the standards of academic performance established by each of their instructors.

(2) Nondiscrimination. Students have the right not to be discriminated against on the basis of age, color, creed, disability, gender, marital status, national origin or ancestry, race, religion, sexual orientation, or veteran status.

(3) Due process. Students have the right of due process. No disciplinary action may be imposed without notice to the accused of the nature of the charges. A student accused of violating the code of conduct is entitled to procedural due process as set forth in the code.

(4) Campus speakers/invited guests. Recognized student organizations shall have the right to invite outside speakers and guests to campus subject to the availability of campus facilities, funding and compliance with college procedures. Student organizations are responsible for the conduct of their invited guests on or in college facilities and at functions sponsored by the college or recognized student organization.

(5) Right to assembly. Students shall have the right of assembly upon college facilities that are generally available to the public provided such assemblies:

(a) Are conducted in an orderly manner;

(b) Do not unreasonably interfere with vehicular or pedestrian traffic;

(c) Do not unreasonably interfere with classes, scheduled meetings or ceremonies or regular functions of the college;

(d) Do not cause destruction or damage to college property;

(e) Are in compliance with procedures established in Administrative Procedure 516.03.

(6) Distribution of materials. Handbills, leaflets, newspapers and similarly related materials may be distributed free of charge by any student or students, or by members of recognized student organizations, or by college employees on or in college facilities at locations specifically designated by the vice-president for student services; and are in compliance with procedures established in Administrative Procedure 516.03 provided such distribution does not interfere with the ingress or egress of persons or interfere with the free flow of vehicular or pedestrian traffic.

Such handbills, leaflets, newspaper and related matter must bear identification as to the publishing agency and distributing organization or individual.

All nonstudents shall register with the vice-president for student services prior to the distribution of any handbill, leaflet, newspaper or related matter. Such distribution must not interfere with the free flow of vehicular or pedestrian traffic.

Any person or persons who violate any provisions of this rule relating to the distribution of materials will be subject to disciplinary action.

(7) Commercial activities. College facilities may not be used for commercial solicitation, advertising or promotional activities except when such activities clearly serve educational objectives, including but not limited to display of books of interest to the academic community or the display or demonstration of technical or research equipment, and when such commercial activities relate to educational objectives and are conducted under the sponsorship or at the request of the college, or the student government (ASGHC); provided that such solicitation does not interfere with or operate to the detriment of the conduct of college affairs or the free flow of vehicular or pedestrian traffic.

(8) Fund-raising. Students and student organizations have the right to engage in fund-raising activities subject to the approval of the vice-president for student services.

(9) Grievances. Students have the right to express and resolve misunderstandings, complaints and grievances according to the stated grievance procedures.

[Statutory Authority: RCW 28B.50.140.13 [28B.50.140(13)]. 10-17-031, § 132B-120-065, filed 8/9/10, effective 9/9/10. Statutory Authority: RCW 28B.50.140. 04-01-100, § 132B-120-065, filed 12/16/03, effective 1/16/04. Statutory Authority: RCW 28B.50.140(13). 98-09-012, § 132B-120-065, filed 4/6/98, effective 5/7/98.]

WAC 132B-120-075 Student responsibilities. Students who choose to attend Grays Harbor College also choose to participate actively in the learning process offered by the college. The college is responsible for providing its students with an educational environment rich in the high quality resources needed by students to attain their educational goals. In return, the college desires that each student assume responsibility to:

(1) Participate actively in the learning process, both in and out of the classroom;

(2) Seek timely assistance in meeting educational goals;

(3) Attend all class sessions;

(4) Prepare adequately to participate fully in class activities;

(5) Participate actively in the academic advising system;

(6) Develop skills required for learning, e.g., basic skills, time management, and study skills;

(7) Assume final responsibility for the selection of appropriate educational goals;

(8) Select courses appropriate and required for meeting chosen educational goals;

(9) Make appropriate use of services;

(10) Contribute towards improving the college;

(11) Become knowledgeable of and adhere to the college's policies, practices and procedures;

(12) Abide by the standards set forth in the code of conduct.

[Statutory Authority: RCW 28B.50.140.13 [28B.50.140(13)]. 10-17-031, § 132B-120-075, filed 8/9/10, effective 9/9/10; 98-09-012, § 132B-120-075, filed 4/6/98, effective 5/7/98.]

WAC 132B-120-130 Sanctions. Sanctions for violations of college regulations or conduct may be imposed independent of any action taken by civil authorities. In the case of

minors, misconduct may be referred to parents or legal guardians.

More than one sanction may be imposed for any single violation as appropriate. Sanctions may include, but are not limited to:

(1) Disciplinary warning. Constitutes oral or written notice of violation of college rules and regulations.

(2) Disciplinary probation. Formal action placing conditions upon the student's continued attendance. Notice will be made in writing, specifying the period of probation and the conditions of the probation. As a condition of probation, the college may specify that it will impose more severe disciplinary sanctions against the student if the student is found to have violated any standards of conduct for students during the probationary period.

(3) Restitution. Compensation for loss, damage, or injury to the appropriate party in the form of service, money, or material replacement.

(4) Discretionary sanctions. These may include but are not limited to: Work assignments, service to college or community, class/workshop attendance or other discretionary assignments such as educational interventions intended as learning experiences.

(5) Assessment. The student may be required to have an assessment (at the student's expense), such as alcohol/drug or anger management by a certified professional, which includes a recommended treatment and assessment of ability to successfully participate in college.

(6) Education. The college may require the student to complete an educational project or attend sessions, at the student's expense, which address the student's conduct such as anger management or counseling.

(7) Loss of recognition. A student organization's recognition may be withheld permanently or for a specific period of time. Loss of recognition is defined as withholding college services or administrative approval for a student organization. Support may be withdrawn for use of information technology resources, funding, college facility use and rental and involvement in organizational activities.

(8) Loss of privileges. Loss of specific college privileges for a specified period of time. These may include but are not limited to student activities, athletic events, drama or music performances, or club participation.

(9) No contact. Restriction from entering specific college areas and/or all forms of contact with certain person(s).

(10) No trespass. A student may be prohibited from entering upon or remaining upon college facilities and premises.

(11) Revocation of admission or degree. Admission to or a degree awarded from the college may be revoked for fraud, misrepresentation or for other serious violations committed by a student.

(12) Summary suspension:

(a) Temporary dismissal from the college for a period of time during which an investigation and/or formal disciplinary procedures are pending. Summary suspension is predicated upon a reasonable belief that the student presents an imminent danger to college property, to other students, to employees of the college or is of significant disruption to the educational process.

(b) During the period of summary suspension, the student may enter the college premises only to meet with the vice-president for student services or a designee; to deliver a written appeal; to attend a hearing; or otherwise with special permission from the vice-president for student services.

(c) At the end of the summary suspension period, the student shall be reinstated to prior status subject to any other disciplinary sanctions that may have been imposed. (See WAC 132B-120-130.)

(13) Suspension. Temporary dismissal from the college and termination of student status. A student suspended on the basis of conduct, which disrupted the orderly operation of the campus or any facility of the district, may be denied access to all or any part of college facilities.

(14) Expulsion. Permanent termination of student status from college.

Refund of fees for the quarter in which disciplinary action is taken shall be in accord with the college's refund policy. Fees paid in advance for subsequent quarters will be refunded.

[Statutory Authority: RCW 28B.50.140.13 [28B.50.140(13)]. 10-17-031, § 132B-120-130, filed 8/9/10, effective 9/9/10. Statutory Authority: RCW 28B.50.140. 04-01-100, § 132B-120-130, filed 12/16/03, effective 1/16/04. Statutory Authority: RCW 28B.50.140(13). 98-09-012, § 132B-120-130, filed 4/6/98, effective 5/7/98; 80-10-053 (Order 80-1, Resolution No. 10-80), § 132B-120-130, filed 8/6/80.]

WAC 132B-120-135 Summary suspension procedures. (1) Suspension may be imposed, if the vice-president for student services or his/her designee(s) has cause to believe that any student:

(a) Has committed a felony or violated any provision of the code of conduct; and

(b) Presents an immediate danger to the health, safety or welfare of members of the GHC community; or

(c) If the student poses an ongoing threat of disruption of, or interference with, the operations of the college, that student may be summarily suspended.

(2) Notice. Any student who has been summarily suspended shall be served with written notice or verbal notice of the summary suspension. If such notice is made in writing, it shall be provided by certified mail and first class mail delivered to the student's last known address.

(3) The oral or written notice to the student shall include the reasons for summary suspension, duration of the summary suspension, and any possible additional disciplinary or corrective action that may be taken. The notification shall indicate that the student must appear before the vice-president of student services for a summary suspension hearing at a time specified in the notice. If oral notice is given, written notice shall follow within two calendar days. In addition, the vice-president for student services shall set a date for informal hearing of the summary suspension as soon as practicable.

(4) The student shall be given the opportunity to present written and/or oral evidence. The issue before the vice-president for student services shall be whether reasonable cause exists to support and to continue the summary suspension.

(5) The vice-president for student services shall issue a written decision within two days of the informal hearing.

(6) If a student who has been summarily suspended fails to appear for a summary suspension hearing, the vice-president for student services may order the suspension to remain in place pending the final disposition of the disciplinary process as provided in this section.

(7) The student may request a de novo review of the informal hearing decision before the student conduct committee. Either party may request the review to be consolidated with any other disciplinary proceeding arising from the same matter.

(8) Nothing herein shall prevent faculty members from taking summary action as may be reasonably necessary to maintain order in the classroom and/or prevent substantial disruption to the educational process. Such summary action in the form of removal from the classroom may not exceed one day per episode. Any such summary action may be appealed to the vice-president for student services for an informal hearing.

[Statutory Authority: RCW 28B.50.140.13 [28B.50.140(13)]. 10-17-031, § 132B-120-135, filed 8/9/10, effective 9/9/10. Statutory Authority: RCW 28B.50.140.04-01-100, § 132B-120-135, filed 12/16/03, effective 1/16/04. Statutory Authority: RCW 28B.50.140(13). 98-09-012, § 132B-120-135, filed 4/6/98, effective 5/7/98.]

WAC 132B-120-155 Appeals of initial disciplinary action. Any disciplinary action other than warning or reprimand may be appealed. All appeals must be made in writing and addressed to the vice-president for student services within seven calendar days of the college's giving notice of the disciplinary action.

Disciplinary action by any college employee may be appealed to, and shall be reviewed by, the vice-president for student services, or in his/her absence, the vice-president for instruction or designee.

Disciplinary action by the vice-president for student services may be appealed to, and shall be reviewed by, the student conduct committee.

Disciplinary action by the student conduct committee may be appealed to and shall be reviewed by the college president or his/her designee.

[Statutory Authority: RCW 28B.50.140.13 [28B.50.140(13)]. 10-17-031, § 132B-120-155, filed 8/9/10, effective 9/9/10.]

WAC 132B-120-170 Student conduct committee. The student conduct committee, convened for that purpose, will hear, (de novo means that the matter will be considered anew as if it had not been heard before and as if no decision had been previously rendered), and make recommendations on all disciplinary cases referred to it by the appropriate authority or appealed to it by student(s). The committee will be composed of the following persons:

(1) A member appointed by the president of the college who shall serve as chair;

(2) Two members of the faculty, appointed by the president of the faculty association;

(3) Two representatives from the student body, appointed by the student government (ASGHC) president.

None of the above-named persons shall sit on any case in which he/she has a complaint or witness, in which he/she has a direct or personal interest, or in which he/she has acted previously in an advisory or official capacity. Decisions in this

regard, including the selection of alternates, shall be made by the disciplinary committee as a whole.

In hearings before the committee, an assistant attorney general may be requested to assist the committee.

[Statutory Authority: RCW 28B.50.140.13 [28B.50.140(13)]. 10-17-031, § 132B-120-170, filed 8/9/10, effective 9/9/10. Statutory Authority: RCW 28B.50.140.04-01-100, § 132B-120-170, filed 12/16/03, effective 1/16/04. Statutory Authority: RCW 28B.50.140(13). 98-09-012, § 132B-120-170, filed 4/6/98, effective 5/7/98. Statutory Authority: RCW 28B.50.140(13) and 69.41.340.91-11-102, § 132B-120-170, filed 5/22/91, effective 6/22/91. Statutory Authority: RCW 28B.50.140(13), 80-10-053 (Order 80-1, Resolution No. 10-80), § 132B-120-170, filed 8/6/80.]

WAC 132B-120-180 Student conduct committee procedures. The student has a right to a fair and impartial hearing before the committee on any charge of misconduct resulting in disciplinary action other than warning or reprimand.

The committee chair shall establish general rules of procedures for conducting hearings. All proceedings of the committee will be conducted with reasonable dispatch and terminated as soon as fairness to all parties involved permits.

(1) The committee shall issue written notice of the date, time and place of the hearing, and the charges against the student consistent with RCW 34.05.434. This notice of hearing shall be provided no later than seven days prior to the date of the hearing. The notice may be amended at any time prior to the hearing, but if such amendment is prejudicial to the student's case, the hearing shall be rescheduled to a later date if so requested in writing by the student.

(2) The vice-president for student services shall present evidence to the committee supporting the charges against the student. The vice-president for student services and the student (at his/her own expenses) have the right to be assisted by an advisor of their choice. The vice-president for student services and the student are responsible for presenting their own information. Advisors are not permitted to address the board or participate directly in the hearing. An advisor may communicate only with the person he or she is advising. The board chair may call recesses to facilitate this communication. A student should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the hearing. Delays are not normally allowed due to the scheduling conflicts of an advisor.

(3) If the student elects to choose and pay a duly licensed attorney admitted to practice in the state of Washington as the student's advisor, notice thereof must be tendered by the student to the vice-president for student services at least five calendar days prior to the hearing.

(4) The vice-president for student services, the student and the committee chair may arrange for witnesses to present pertinent information to the committee. Witnesses may provide written statements in lieu of their attendance at the hearing. The student is responsible for informing his/her witnesses of the time and place of the hearing. Witnesses provide information to, and answer questions from, the committee. To preserve the educational tone of the hearing and to avoid an adversarial environment, students may be required to direct questions to the chair, rather than to the witness directly. Questions concerning whether potential information may be received are resolved by the chair.

(5) Formal rules of process, procedure and technical rules of evidence, such as are applied in criminal or civil

court, are not used in board proceedings. The student or his/her representative shall be entitled to hear and examine the evidence against him/her and be informed of the identity of its sources; the student shall be entitled to present evidence in his/her own behalf and to question witnesses testifying against him/her as to factual matters subject to the conditions outlined above. The committee shall request the administration to provide the student a list of witnesses who will appear, and a description of any documentary or other physical evidence that will be presented at the hearing. The student shall have all authority which is possessed by the college to obtain information subject to FERPA regulations or to request the presence of witnesses or the production of other evidence relevant to the issues at the hearing.

(6) Only those matters presented at the hearing, in the presence of the student involved, will be considered in determining whether the student is guilty of the misconduct charged but the student's past record of conduct may be taken into account in formulating the committee's recommendation.

(7) Hearings are conducted in private. Admission of any persons other than the vice-president for student services, the student, and their respective advisors is at the discretion of the committee chair.

(8) Questions related to the order of the proceedings are determined by the committee chair.

(9) The chairperson shall admit matters into evidence that reasonable persons would accept as having value in the conduct of their affairs. Unduly repetitive or irrelevant evidence may be excluded.

(10) Failure on the part of the student(s) to appear or cooperate in the proceedings may result in default in accordance with RCW 34.05.440. The information in support of the complaint is presented and considered in the absence of the accused student. Failure of the student to cooperate may be taken into consideration by the committee in recommending penalties.

(11) The committee chair may accommodate concerns for the personal safety, well-being, or fears of confrontation during the hearing by providing separate facilities or by permitting participation by telephone, audio tape, written statement or other means.

(12) The committee may decide to uphold or modify sanctions in accordance with WAC 132B-120-130.

(13) There shall be a single verbatim record, such as a tape recording or transcript, of the information gathering portion of student conduct board hearings. Committee deliberations are not recorded. The record is the property of the college. Following the conclusion of the conduct proceeding, access to records of the case and hearing file will be kept in the office of the vice-president for student services and limited to those designated by the college president. The accused student may make arrangements with the vice-president to purchase a copy of the record.

(14) The burden of proof that guides the committee's decision is the preponderance of evidence, i.e., whether it is more likely than not that the accused student violated the standards of conduct for students.

(15) The student will be provided with a copy of the findings of fact and with the conclusions of the committee within ten calendar days from the final hearing date. If the college is

not in session, this period may be extended for a reasonable period of time.

[Statutory Authority: RCW 28B.50.140.13 [28B.50.140(13)]. 10-17-031, § 132B-120-180, filed 8/9/10, effective 9/9/10. Statutory Authority: RCW 28B.50.140.04-01-100, § 132B-120-180, filed 12/16/03, effective 1/16/04. Statutory Authority: RCW 28B.50.140(13). 98-09-012, § 132B-120-180, filed 4/6/98, effective 5/7/98. Statutory Authority: RCW 28B.50.140(13) and 69.41.340.91-11-102, § 132B-120-180, filed 5/22/91, effective 6/22/91. Statutory Authority: RCW 28B.50.140(13). 80-10-053 (Order 80-1, Resolution No. 10-80), § 132B-120-180, filed 8/6/80.]

WAC 132B-120-190 Appeal of the committee's decision. The student will be advised of his/her right to present within seven calendar days, a written statement of appeal to the president of the college before action is taken on the decision of the committee. In the case of a student under eighteen years of age, written notice of any action involving dismissal or disciplinary probation may be sent to the parents or guardian of the student.

If the student concludes that the action of the disciplinary committee is inappropriate, the student may appeal the matter to the president of the college. The president of the college or his/her designated representative, after reviewing the case, including the report of the committee and any statements filed by the student, shall either indicate his/her approval of the conclusions of the committee by sustaining its decision, shall give directions as to what other disciplinary action shall be taken by modifying its decision or shall nullify previous sanctions imposed by reversing its decision. The president shall then notify the official who initiated the proceedings, the student and the committee chair. The decision of the president is final.

[Statutory Authority: RCW 28B.50.140.13 [28B.50.140(13)]. 10-17-031, § 132B-120-190, filed 8/9/10, effective 9/9/10. Statutory Authority: RCW 28B.50.140.04-01-100, § 132B-120-190, filed 12/16/03, effective 1/16/04. Statutory Authority: RCW 28B.50.140(13). 98-09-012, § 132B-120-190, filed 4/6/98, effective 5/7/98. Statutory Authority: RCW 28B.50.140(13) and 69.41.340.91-11-102, § 132B-120-190, filed 5/22/91, effective 6/22/91. Statutory Authority: RCW 28B.50.140(13). 80-10-053 (Order 80-1, Resolution No. 10-80), § 132B-120-190, filed 8/6/80.]

WAC 132B-120-210 Hazing sanctions. Any student found to have violated RCW 28B.10.900 et seq. related to hazing, by virtue of a criminal conviction or by final decision of the college president or designee, shall, in lieu of or in addition to any other disciplinary action which may be imposed under this chapter, forfeit any entitlement to state-funded grants, scholarships, or awards of a period of time determined by the college.

In addition, any organization or association found to have knowingly permitted hazing to be conducted by its members or by others subject to its direction or control shall be deprived of any official recognition or approval granted by the college.

[Statutory Authority: RCW 28B.50.140.13 [28B.50.140(13)]. 10-17-031, § 132B-120-210, filed 8/9/10, effective 9/9/10; 98-09-012, § 132B-120-210, filed 4/6/98, effective 5/7/98.]

WAC 132B-120-220 Student complaint, grievance and grade appeal processes. The purpose of these procedures is to provide guidelines which enable a student to express and resolve misunderstandings, complaints, or grievances in a fair and equitable manner. Students have the right

to receive clear information and fair application of college policies, standards, rules and requirements and are responsible for complying with them in their relationships with college personnel. This grievance procedure emphasizes an informal resolution which promotes constructive dialogue and understanding.

(1) The complaint process. A complaint is any expression of dissatisfaction with the performance of a college employee or with the implementation of policy and procedure. The goal is to informally resolve the complaint with the employee most closely responsible for the policy, procedure or action. The college employee and student shall make a good faith effort to resolve the issue on a one-to-one basis. (If the complaint is about a grade, follow the grade appeal process below.) Both parties should openly discuss the concern, attempt to understand the other's perspective, explore alternatives and attempt to arrive at a satisfactory resolution.

The college recognizes that in some cases a student will be unwilling or unable to speak directly with the employee. In such cases, the student may proceed to step one of the grievance process.

In general, a student wishing to express a complaint should do so no later than three weeks from the time the student became aware of the concern.

For assistance in identifying the appropriate person a student should contact, the office of the vice-president for student services is available to assist in that determination.

The following are guidelines for determining who a student should contact with a complaint regarding:

Academic/instruction: Faculty/dean/vice-president instruction;

Accommodations: Coordinator of disability support services/vice-president student services;

Bookstore: Bookstore manager/vice-president administrative services;

Problem student conduct: Vice-president for student services;

Discrimination/harassment: Vice-president student services/human resources;

Facilities: Director of campus operations/vice-president for administrative services;

Financial aid: Director of financial aid/vice-president for student services;

Other: Vice-president for student services office for most appropriate contact.

(2) The grievance process. A grievance is a formal procedure instituted when a complaint is not resolved through the informal complaint process. It involves taking the concern to a person other than the employee involved such as a supervisor, dean or vice-president. For assistance in identifying the specific person a student should contact the vice-president for student services office. The following procedures shall be used when a student initiates the grievance process.

(a) A discussion with the dean/vice-president or supervisor who shall attempt to resolve the matter promptly and fairly. The student may be asked to express the grievance in writing. Written grievances should include an explanation of what has happened, the nature of the student's concern, what the student and/or others have done about it to date and what resolution the student seeks.

(b) The supervisor will investigate and may:

- (i) Render an immediate decision;
- (ii) Ask the staff members for a written response;
- (iii) Request a meeting of one or both parties individually or together; and/or
- (iv) Request supporting materials prior to rendering a decision. In the case of a written grievance, the supervisor will provide a written decision within fifteen instructional days of receipt of the written grievance. If an investigation requires more time, the deadline may be extended to a mutually agreed future date.

(c) If the student feels a satisfactory resolution was not achieved in step two, he/she may appeal to the president of the college within five instructional days of receipt of the written decision. The president may amend, modify, reverse or accept the recommendation of the vice-president. The decision of the president shall be final.

In general a student wishing to express a complaint should do so no later than three weeks from the time the student became aware of the concern. In any event, with the exception of discrimination and harassment, informal complaints and formal grievances must be filed within one academic quarter of the inciting event. Timely initiation of a complaint rests with the student.

The appropriate vice-president may suspend this rule under exceptional circumstances such as extended illness or leave of a party to the complaint. When either party to the complaint is no longer present at the college and does not expect to return, the vice-president will give the absent party reasonable opportunity to reply to the complaint before making a decision.

(3) The grade appeal process.

(a) Before a student can file a formal or written grade appeal, he or she should try to resolve the issue directly with the instructor. Grade appeals should occur within one quarter of issuance of the grade. In any event, appeals will not be considered beyond one year of the grade report.

(b) If direct discussion with the faculty does not resolve the grade dispute to the student's satisfaction the student, within ten instructional days after meeting with the faculty, shall take the matter to the vice-president for instruction. The student shall express the appeal in writing. The written appeal should include the course and instructor involved, an explanation of why the student believes the grade received is unfair or unwarranted, what steps the student has taken with the faculty member to resolve the issue, and what resolution the student seeks.

(c) The vice-president for instruction will attempt to investigate the appeal and will:

- (i) Review the course syllabus;
- (ii) Meet with the course instructor; and
- (iii) May request and review other supporting documentation prior to rendering a decision.

Within ten instructional days of receiving the written appeal, the vice-president of instruction will provide a written decision. If an investigation requires more time, the deadline may be extended to a mutually agreed future date.

(d) If the student feels satisfactory resolution was not achieved in step three, he/she may, within five instructional days of receipt of the written decision, notify the vice-president for instruction to request a hearing before the academic

review committee. The committee will be chaired by the vice-president for student services or designee.

(i) If anyone on the academic review committee perceives a conflict of interest, they will recuse themselves from the committee for the duration of the appeal. Students are to be given an opportunity to talk with the committee chairperson regarding any concerns about committee membership.

(ii) As soon as possible, the academic review committee (with a minimum attendance of six individuals) will meet with the student, instructor, the vice-president of instruction and relevant parties to hear the points at issue in the appeal. The committee will provide its written decision to all parties within five instructional days following the hearing. The decision is final and may not be reviewed further.

(4) Grievances excluded. The student grievance procedure described in this section is not intended to cover complaints of discrimination or sexual harassment. The college has separate, specific procedures for such complaints. See the vice-president for student services for information on those specific procedures.

A student may not use the provisions of these sections as the basis for filing a grievance based on the outcome of summary or other disciplinary proceedings described in earlier sections of this student rights and responsibilities code or for resolution of specific categories of student complaints where other procedures are required.

Federal and state laws, rules and regulations, in addition to policies, regulations and procedures adopted by the state board for community college education or the board of trustees of Community College District No. 2 shall not be grievable matters.

(5) Records. The appropriate supervisor shall keep all written statements or transcripts as follows:

(a) Complaints for one year from the initial complaint;

(b) Grievances for six years from the initial complaint;

(c) Grade appeals for five years following the last quarter attended by the student. At that time, the files shall be destroyed.

[Statutory Authority: RCW 28B.50.140.13 [28B.50.140(13)]. 10-17-031, § 132B-120-220, filed 8/9/10, effective 9/9/10. Statutory Authority: RCW 28B.50.140. 04-01-100, § 132B-120-220, filed 12/16/03, effective 1/16/04. Statutory Authority: RCW 28B.50.140(13). 98-09-012, § 132B-120-220, filed 4/6/98, effective 5/7/98.]