

# Chapter 132E-120 WAC

## STUDENT RIGHTS AND RESPONSIBILITIES

<p><b>WAC</b></p> <p>132E-120-110</p> <p>132E-120-120</p> <p>132E-120-130</p> <p>132E-120-140</p> <p>132E-120-150</p> <p>132E-120-160</p> <p>132E-120-170</p> <p>132E-120-180</p> <p>132E-120-190</p> <p>132E-120-200</p> <p>132E-120-210</p> <p>132E-120-220</p> <p>132E-120-230</p> <p>132E-120-240</p> <p>132E-120-250</p> <p>132E-120-260</p> <p>132E-120-270</p> <p>132E-120-280</p> <p>132E-120-290</p> <p>132E-120-300</p> <p>132E-120-310</p> <p>132E-120-320</p> <p>132E-120-330</p> <p>132E-120-340</p> <p>132E-120-350</p> <p>132E-120-360</p> <p>132E-120-370</p> <p>132E-120-380</p> <p>132E-120-385</p> <p>132E-120-390</p> <p>132E-120-400</p> <p>132E-120-410</p>	<p>Everett Community College student rights and responsibilities.</p> <p>Academic affairs.</p> <p>Students as research subjects.</p> <p>Right to due process.</p> <p>Student affairs.</p> <p>Disclosure of student information.</p> <p>Everett Community College distribution of literature procedures.</p> <p>Everett Community College—Student conduct code—Statement of purpose.</p> <p>Everett Community College—General policies concerning student conduct.</p> <p>Authority to request identification.</p> <p>Everett Community College student conduct—Authority and responsibility.</p> <p>Student conduct code—Violations.</p> <p>Everett Community College—Student conduct code—Sanctions for violations.</p> <p>Student conduct—Initial disciplinary procedures.</p> <p>Summary suspension—Purpose and proceedings.</p> <p>Notice of summary suspension.</p> <p>Summary suspension for failure to appear.</p> <p>Appeals from summary suspension hearing.</p> <p>Student conduct committee.</p> <p>Appeals of disciplinary action—General.</p> <p>Student conduct committee hearing procedures.</p> <p>Evidence admissible in hearings.</p> <p>Decision by student conduct committee.</p> <p>Final appeal.</p> <p>Readmission after dismissal.</p> <p>Academic grievance procedure.</p> <p>Student affairs grievance procedure.</p> <p>Illegal discrimination and sexual harassment policy statement.</p> <p>Illegal discrimination and sexual harassment complaint procedures.</p> <p>Antihazing policy.</p> <p>Drug-free campus policy.</p> <p>Tobacco use policy.</p>
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<p>132E-120-060</p> <p>132E-120-070</p> <p>132E-120-080</p>	<p>Edmonds Community College student rights and responsibilities code—Student freedoms. [Order 74-1, § 132E-120-060, filed 3/12/74, effective 4/15/74.] Repealed by 88-17-082 (Order 88-8-1, Resolution No. 88-8-1), filed 8/22/88. Statutory Authority: RCW 28B.50.040 and chapter 28B.19 RCW.</p> <p>Edmonds Community College student rights and responsibilities code—Student responsibilities. [Order 74-1, § 132E-120-070, filed 3/12/74, effective 4/15/74.] Repealed by 88-17-082 (Order 88-8-1, Resolution No. 88-8-1), filed 8/22/88. Statutory Authority: RCW 28B.50.040 and chapter 28B.19 RCW.</p> <p>Edmonds Community College student rights and responsibilities code—Disciplinary procedures. [Order 76-11-1, § 132E-120-080, filed 12/17/76; Order 74-1, § 132E-120-080, filed 3/12/74, effective 4/15/74.] Repealed by 88-17-082 (Order 88-8-1, Resolution No. 88-8-1), filed 8/22/88. Statutory Authority: RCW 28B.50.040 and chapter 28B.19 RCW.</p>
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**WAC 132E-120-110 Everett Community College student rights and responsibilities.** Everett Community College exists as an institution for the transmission of knowledge, the pursuit of truth, and the development of its students. The responsibility to secure and to respect general conditions conducive to the freedom to learn is shared by all members of this educational community. The college has a responsibility to the students and society at large to develop policies and procedures which provide for and safeguard such freedom. This is a statement of essential rights, responsibilities, and freedoms of students enrolled at Everett Community College.

[Statutory Authority: RCW 28B.50.140. 00-17-015, § 132E-120-110, filed 8/3/00, effective 9/3/00.]

**WAC 132E-120-120 Academic affairs.** Students' scholastic performance shall be evaluated on the basis of educational performance, not on opinions or conduct in matters unrelated to scholastic standards.

(1) Protection of freedom of expression.

Students shall be free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion, but they are responsible for learning the content of any course for which they are enrolled.

(2) Right to pursue educational goals.

Students are free to pursue appropriate educational goals from among the college's curricula, programs, and services, subject to the limitations of RCW 28B.50.090 (3)(b).

(3) Protection against improper academic evaluation.

Students shall have protection, through orderly procedures, against prejudice or capricious academic evaluation. At the same time, they are responsible for maintaining the standards of academic performance established for each course in which they are enrolled (see academic grievance procedure in the student handbook, WAC 132E-120-360).

(4) Rights and responsibilities regarding final examinations.

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

<p>132E-120-010</p> <p>132E-120-020</p> <p>132E-120-030</p> <p>132E-120-040</p> <p>132E-120-050</p>	<p>Everett Community College—Student conduct code—Statement of purpose. [Order 72-1, § 132E-120-010, filed 2/1/73, effective 3/9/73.] Decodified by 00-17-015, filed 8/3/00, effective 9/3/00. Statutory Authority: RCW 28B.50.140. Recodified as WAC 132E-120-180.</p> <p>Everett Community College—General policies. [Order 72-1, § 132E-120-020, filed 2/1/73, effective 3/9/73.] Decodified and amended by 00-17-015, filed 8/3/00, effective 9/3/00. Statutory Authority: RCW 28B.50.140. Recodified as WAC 132E-120-190.</p> <p>Everett Community College—Violations. [Order 76-11-1, § 132E-120-030, filed 12/17/76; Order 72-1, § 132E-120-030, filed 2/1/73, effective 3/9/73.] Decodified and amended by 00-17-015, filed 8/3/00, effective 9/3/00. Statutory Authority: RCW 28B.50.140. Recodified as WAC 132E-120-220.</p> <p>Everett Community College—Sanctions. [Order 72-1, § 132E-120-040, filed 2/1/73, effective 3/9/73.] Decodified and amended by 00-17-015, filed 8/3/00, effective 9/3/00. Statutory Authority: RCW 28B.50.140. Recodified as WAC 132E-120-230.</p> <p>Edmonds Community College student rights and responsibilities code—Purpose. [Order 74-1, § 132E-120-050, filed 3/12/74, effective 4/15/74.] Repealed by 88-17-082 (Order 88-8-1, Resolution No. 88-8-1), filed 8/22/88. Statutory Authority: RCW 28B.50.040 and chapter 28B.19 RCW.</p>
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Students have the right to have course comprehensive final examinations scheduled per the college's final exam schedule and are expected to take these examinations as scheduled by the final exam schedule. A comprehensive final examination is that which includes material covered throughout the entire course. The exception to this rule applies during summer quarter when there is not a scheduled final examination week.

(5) Right to attend classes as regularly scheduled.

Students have the right to expect classes to be held as regularly scheduled and are expected to attend such classes per the class instructor's attendance expectations as stated in the syllabus for the course.

(6) Rights and responsibilities regarding course syllabi.

Students have the right to expect the class instructor to follow his/her course syllabus and if any changes are made to the grading system and/or course requirements during the quarter, the students must be promptly notified. If a different instructor is assigned to the class during the quarter, the original course syllabus shall be followed; however, if the new instructor determines a need to modify the syllabus for the portion of the course he/she is teaching, the students must be promptly notified. The students are responsible for reading and understanding the information provided in the course syllabus and any changes made to it during the quarter.

(7) Protection against improper disclosure.

Information about student views, beliefs, and political associations acquired by faculty members in the course of their work as instructors, advisers, and counselors will be considered as privileged and confidential.

[Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 07-11-165, § 132E-120-120, filed 5/23/07, effective 6/23/07. Statutory Authority: RCW 28B.50.140. 00-17-015, § 132E-120-120, filed 8/3/00, effective 9/3/00.]

**WAC 132E-120-130 Students as research subjects.**

(1) Permission may be granted for conduct of research involving students for such purposes as the pursuit of advanced degrees, classroom research, independent student research, and research for off-campus individuals and agencies. Participation therein is the choice of the individual student. Persons planning research utilizing students as subjects must secure permission in advance of the project from the vice-president for student services. Minimally such approval will entail:

(a) Assurance that the project does not conflict with examinations or require a major loss of classroom time;

(b) Assurance that students know they have the alternative of choosing to participate or not;

(c) Explanation of the purpose of the research and disclosure of any possible negative consequence of any procedure to which students might be exposed in the research;

(d) Provision for students to have the opportunity to see the results of the research;

(e) Evidence that the research method is appropriate for the subject to be studied;

(f) Guarantee of confidentiality of student records and responses.

(2) Prior to the initiation of such a project, the researcher shall submit a report of the research covering the points listed above to the vice-president for student services. Written permission may be given with or without college endorsement of

the project. In such instances where the vice-president for student services deems appropriate, assistance may be sought from others with related knowledge before permission to proceed is granted or denied.

[Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 07-11-165, § 132E-120-130, filed 5/23/07, effective 6/23/07. Statutory Authority: RCW 28B.50.140. 00-17-015, § 132E-120-130, filed 8/3/00, effective 9/3/00.]

**WAC 132E-120-140 Right to due process.** (1) Students are guaranteed against unreasonable searches and seizures of their persons, lodgings, papers, and possessions.

(2) No disciplinary action/sanction may be imposed on any student without the student being apprised of the nature of the charges.

(3) A student accused of violating the college's student conduct code shall be entitled to procedural due process as established in this chapter, WAC 132E-120-200 through 132E-120-350.

[Statutory Authority: RCW 28B.50.140. 00-17-015, § 132E-120-140, filed 8/3/00, effective 9/3/00.]

**WAC 132E-120-150 Student affairs.** (1) Freedom of association - Students are free to organize and join associations to promote their common interests, provided such organizations or associations do not disrupt or interfere with the mission of the college.

(a) The membership, policies, and actions of a student organization will be determined by vote of only those persons who hold bona fide membership in the student body as determined by current enrollment in the college.

(b) Affiliation with an extramural organization shall not of itself disqualify a student organization from institutional recognition.

(c) An organization is free to nominate its own adviser from the campus faculty and staff. Campus advisers shall advise organizations in the exercise of the rights and responsibilities as an organization, but they will not have authority to control the policies of such organizations.

(d) Student organizations shall be required to submit a constitution to the office of student activities which includes a statement of purpose, criteria for membership, rules or procedures, and a current list of officers to the student government recognized by the college.

(e) Campus organizations, including those affiliated with an extramural organization, shall be open to all students.

(2) Right of assembly.

(a) Students have the right to conduct or may participate in any assembly on facilities that are generally available to the public provided that such assemblies:

(i) Are conducted in an orderly manner;

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

(iii) Do not unreasonably interfere with pedestrian or vehicular travel; or

(iv) Do not cause destruction or damage to college property.

(b) Any student group or student organization/club which wishes to schedule an assembly must reserve the college facilities per the appropriate procedures (see commercial and promotional activities in the student handbook).

(c) Assemblies which violate these rules and other college policies and rules may be ordered to disperse by the college.

(d) A nonstudent who violates any provision of the rule will be referred to civilian authorities.

(3) Student participation in institutional government - As constituents of the educational community, students shall be free, individually and collectively, to express their views on issues of institutional policy and matters of general interest to the student body. The student body shall have a clearly defined means to participate in the formulation and application of institutional policy affecting academic and student affairs. The role of student government will be made explicit. The actions of the student government within the areas of jurisdiction shall be reviewed by the director of student activities and by the vice-president for student services through orderly procedures.

(4) Right of ownership of works - Employees of the college shall not use students' published and unpublished works for personal gain without written consent of the student.

(5) Right to be interviewed.

(a) Every student has the right to be interviewed on campus by any organization that is legal desiring to recruit at the college.

(b) Any student, student group, or student organization/club may assemble in protest against any such organization provided that such protest does not interfere with any other student's rights to have such an interview, and provided that such protest is in accordance with subsection (2) of this section.

[Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 07-11-165, § 132E-120-150, filed 5/23/07, effective 6/23/07. Statutory Authority: RCW 28B.50.140. 00-17-015, § 132E-120-150, filed 8/3/00, effective 9/3/00.]

**WAC 132E-120-160 Disclosure of student information.** (1) Unless the student has provided the office of enrollment services with written notice which specifically requests otherwise, designated officials of the college may routinely respond to requests for the following directory information about a student:

- (a) Student's name;
- (b) Major field of study;
- (c) Extracurricular activities;
- (d) Height and weight of athletic team members;
- (e) Quarters of attendance;
- (f) Degrees and awards received;
- (g) The most recent previous educational agency or institutions attended;
- (h) Date of birth;
- (i) E-mail address.

(2) Recognized college student organizations, such as scholastic and service clubs, may obtain information relating to a student's academic record and status; requests of this nature are handled on an individual basis and only through the organization's appointed advisor. Pursuant to the National Defense Authorization Act for Fiscal Year 1995, the college must release directory information to military recruiters unless the student specifically denies permission. The college shares selected records with organizations with which the college has a contractual agreement for services. The college may also release enrollment data for loan processing, enroll-

ment and degree verification, and records archiving purposes through contractual arrangements, and to another school in which a student seeks or intends to enroll. The college releases Social Security and enrollment data to the Federal Government for Financial Aid and Veterans' eligibility evaluation and for Hope Scholarship/Lifetime Learning tax credit programs. The college may release records following the receipt of a lawfully issued subpoena, attempting to notify the student beforehand. The college does not disclose records to family members without student consent.

(3) No other information is to be given without the prior consent of the student or parent/guardian as appropriate. The vice-president for enrollment management will be responsible for reviewing unusual requests for information and assisting in the interpretation of the provisions of the Federal Family Education Rights and Privacy Act/Buckley Amendment. See Family Educational Rights and Privacy Act of 1974 in the Student Handbook for more information on confidentiality of student information and records.

[Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 07-11-165, § 132E-120-160, filed 5/23/07, effective 6/23/07. Statutory Authority: RCW 28B.50.140. 00-17-015, amended and recodified as § 132E-120-160, filed 8/3/00, effective 9/3/00. Statutory Authority: Chapter 28B.50 RCW and 34 CFR 99FERPA. 97-24-056, § 132E-121-010, filed 12/1/97, effective 1/1/98. Statutory Authority: Chapter 28B.19 RCW. 88-18-028 (Order 88-8-3, Resolution No. 88-8-1), § 132E-121-010, filed 8/30/88.]

**WAC 132E-120-170 Everett Community College distribution of literature procedures.** In order to insure an atmosphere in which the discussion of diverse points of view and ideas may exist, the following policy with regard to the distribution of printed matter will be implemented.

(1) Printed matter by students and student organizations may be distributed in an orderly and nonforceful manner in only such areas as may be designated by the vice-president for student services or designee except that:

(a) Noninstructional printed matter shall not be distributed in the classroom during regularly scheduled class time unless otherwise approved by the class instructor. Exceptions to this procedure may be made for special educational purposes and/or emergencies by the president, executive vice-president, vice-president for instruction or designee, and/or vice-president for student services or designee. If and when this occurs, the class instructor, appropriate academic dean, and students in the class shall be notified in a timely fashion;

(b) Printed matter shall not be distributed in college buildings other than in specifically designated areas or in any area where the distribution of printed matter would restrict the physical passage of students or interfere with the instructional program and administrative and student support functions unless otherwise approved on a temporary basis for a specific informational purpose by the vice-president for student services or designee;

(c) Printed matter shall not be placed on any vehicle parked on the campus;

(d) Posters and advertising bulletins must be approved before they may be posted on campus, and they shall be posted only on informational display boards/areas designated for this purpose. In general, students have the right to display posters and advertising bulletins and are expected to do so per the campus posting procedures. Class projects by students to

be displayed outside the classroom must be on designated boards or areas designed for this purpose and approved by the class instructor. Posters and advertising generated for student activity related events and programs must be approved for posting by the office of student activities. Posting rules and guidelines may change periodically and in some cases be specific to a building and/or area of the campus. In general, material concerning off-campus activities will not be approved unless it is determined to be special service to EvCC students;

(e) In addition, designated points of distribution will be made available on campus.

(2) As to content of printed matter, the college will be guided by state and federal laws and principles regarding free speech.

(3) A system of prior censorship is to be avoided if at all possible. Therefore, maximum cooperation of students, faculty and administration will be necessary. Matters of interpretation regarding these procedures and questions as to content of any displayed material will be handled by the vice-president for student services.

(4) Printed matter originating with an off-campus individual(s) or organization must be registered with the director of student activities before distribution will be permitted.

[Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 07-11-165, § 132E-120-170, filed 5/23/07, effective 6/23/07. Statutory Authority: RCW 28B.50.140. 00-17-015, amended and recodified as § 132E-120-170, filed 8/3/00, effective 9/3/00; Order 72-1, § 132E-124-020, filed 2/1/73, effective 3/9/73.]

**WAC 132E-120-180 Everett Community College—Student conduct code—Statement of purpose.** Everett Community College is dedicated not only to learning and the advancement of knowledge but also to the development of ethically sensitive and responsible persons. It seeks to achieve these goals through a sound educational program and policies governing student conduct that encourage independence and maturity.

[Statutory Authority: RCW 28B.50.140. 00-17-015, recodified as § 132E-120-180, filed 8/3/00, effective 9/3/00; Order 72-1, § 132E-120-010, filed 2/1/73, effective 3/9/73.]

**WAC 132E-120-190 Everett Community College—General policies concerning student conduct.** (1) Everett Community College distinguishes its responsibility for student conduct from the control functions of the wider community. When a student has been apprehended for the violation of a local, state or federal law, the college will not request or agree to special consideration for the student because of his/her status as a student. The college will cooperate fully, however, with the law enforcement agencies.

(2) Everett Community College may apply sanctions or take other appropriate action only when student conduct directly and significantly interferes with the college's:

(a) Primary educational responsibility of ensuring the opportunity of all members of the college's community to attain their educational objectives,

(b) Subsidiary responsibilities of protecting the health and safety of persons in the college community, maintaining and protecting property, keeping records and other services, and sponsoring nonclassroom activities such as lectures, cul-

tural events, concerts, athletic and other recreational activity events, social functions, and other special activities/events, or

(c) When a student commits any of the offenses listed in WAC 132E-120-220.

(3) Procedural fairness is basic to the proper enforcement of all college rules. In particular, no disciplinary sanction as serious as expulsion, suspension, summary suspension or disciplinary probation, written warning, or restitution shall be imposed unless the student has been notified in writing of the charges against him/her and has had the opportunity:

(a) To appear alone or with another to advise and assist him/her as he/she appears before an appropriate college official and/or the student conduct committee. Any person who accompanies the student may provide support or guidance to the student, but may not speak, represent, or advocate for the student before the college official or student conduct committee. An accommodation of a spokesperson (a person who would address the college official, or assist the person in addressing the college official) may be approved if a person's disability warrants such an accommodation. Other circumstances regarding a request by the student for the use of a spokesperson would be considered by the vice-president for student services or designee;

(b) To know the nature and source of the evidence against him/her and to present evidence in his/her behalf; and

(c) To have his/her case reviewed by the student conduct committee.

(4) Students shall have an opportunity to participate fully in the formulation of all policies and rules pertaining to student conduct.

(5) Rules and sanctions affecting the conduct of students shall be based on principles of equal treatment, including like penalties for like violations.

(6) The general policies, violations and sanctions shall be printed and made available to students of the college.

[Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 07-11-165, § 132E-120-190, filed 5/23/07, effective 6/23/07. Statutory Authority: RCW 28B.50.140. 00-17-015, amended and recodified as § 132E-120-190, filed 8/3/00, effective 9/3/00; Order 72-1, § 132E-120-020, filed 2/1/73, effective 3/9/73.]

**WAC 132E-120-200 Authority to request identification.** In situations of suspected misconduct or suspected unauthorized presence in a college facility, it may be necessary for properly identified college personnel to ask a person to produce evidence of being a currently enrolled student at the college. Failure to comply with a legitimate request for identification from a properly identified college personnel is a violation of this chapter and may result in disciplinary action if the person is found to be a student. In emergency situations or in cases of serious misconduct where there is a substantial danger to the college community or college property, failure to produce identification by a student may result in the assumption by college personnel that the person questioned is not a student and may result in direct civil or criminal action.

[Statutory Authority: RCW 28B.50.140. 00-17-015, § 132E-120-200, filed 8/3/00, effective 9/3/00.]

**WAC 132E-120-210 Everett Community College student conduct—Authority and responsibility.** (1) The board

of trustees acting in accordance with RCW 28B.050.140(14) does by written order delegate to the president of the college authority to administer disciplinary action.

(2) The vice-president for student services is directed by the president to represent the college with regard to student affairs including discipline. He/she is responsible for assembling facts regarding incidents referred to his/her office, making provisions for suitable hearings, convening the designated student conduct committee when requested, notifying students and others concerned, determining and imposing appropriate disciplinary action, keeping confidential files and reports regarding incidents following each disciplinary case until it is closed, and destroying out-of-date files related to student disciplinary cases as may be permitted under state law.

(3) The instructor is responsible for the management of student conduct in the classroom. Instructors may remove a student from class on a daily basis if the student is being disruptive to the learning environment for students and/or the teaching environment for the instructor and fails to abide by the instructor's behavioral expectations. The vice-president for student services or designee may through the appropriate disciplinary proceedings as set forth in this chapter permanently remove a student from a class for disruptive behavior.

The student has the right to appeal any disciplinary action taken against him/her by the vice-president for student services or designee in accordance with the procedures set forth in this chapter.

[Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 07-11-165, § 132E-120-210, filed 5/23/07, effective 6/23/07. Statutory Authority: RCW 28B.50.140. 00-17-015, § 132E-120-210, filed 8/3/00, effective 9/3/00.]

**WAC 132E-120-220 Student conduct code—Violations.** (1) As members of Everett Community College, students are expected to abide by all college rules and regulations. Students shall be subject to disciplinary action as provided for by this code who, either as a principal actor, aider, abettor, or accomplice interferes with the personal rights or privileges of others or the educational process of the college; violates the provisions as set forth in this chapter; or commits any of the offenses as defined in this section.

(2) No sanction or other disciplinary action shall be imposed on a student by or in the name of the college except in accordance with this chapter.

(3) Disciplinary actions and/or sanctions may be imposed on a student for the commission of any of the following offenses:

(a) Academic cheating or plagiarism.

(b) Furnishing false information to the college with the intent to deceive including but not limited to the filing of a formal complaint that falsely accuses another student of violating the student conduct code or a college employee with violating college rules/procedures.

(c) Forgery, alteration, or misuse of college documents, records or identification cards.

(d) Verbal abuse, physical abuse, sexual misconduct, sexual harassment, sexual assault, reckless endangerment, intimidation, or interference of another person in the college community on college owned or controlled property or at functions sponsored or supervised by the college or its student organizations/clubs.

(e) Unlawful discrimination including hate crimes and/or bias incidents. A hate crime includes but is not limited to a criminal offense committed against a person who is motivated, in whole or in part, by the offender's bias against a race, religion, disability, age, status, ethnicity/national origin, sex, or sexual orientation. A bias incident includes but is not limited to an act of conduct, speech, or expression to which a bias motive is evident as a contributing factor, such as racist leaflets or offensive printed materials that exhibit a bias against a race, religion, disability, age, status, ethnicity/national origin, sex, or sexual orientation; verbal, written, cyber/electronic, or physical contact resulting or intending to result in intimidation, harassment, fear, personal assault and/or other violence.

(f) Vandalism of college property, theft or conversion of another's property on college owned or controlled property or at functions sponsored or supervised by the college or its student organizations or clubs.

(g) Lewd or indecent conduct occurring on college owned or controlled property or at functions sponsored or supervised by the college or its student organizations or clubs.

(h) Possession or consuming any form of liquor or alcoholic beverage on college property or at off-campus college events is prohibited except as a participant of legal age at a college sponsored program which has the special written permission of the college president.

(i) Illegal possession, consumption, selling, or distributing, or being demonstrably under the influence of any narcotic or controlled substance as defined by RCW 69.50.101 as now or hereafter amended on property owned or controlled by the college or at functions sponsored or supervised by the college except when the use or possession of a drug is specifically prescribed as medication by an authorized doctor or dentist. For the purpose of this rule, "sale" shall include the statutory meaning defined in RCW 69.50.410 as now or hereafter amended.

(j) Disorderly or abusive conduct, including conduct resulting from being under the influence of drugs or alcohol on college owned or controlled property or at functions sponsored or supervised by the college. Disorderly or abusive conduct also includes interfering with the right of others or obstructing or disrupting teaching, research, or administrative functions including failure to abide by the directive(s) of a member of the college faculty, or exempt, administrative, or classified staff who is acting in their capacity as an agent of the college.

(k) Gambling on property owned or controlled by the college or at functions sponsored or supervised by the college or its student organizations/clubs.

(l) Violation of any condition imposed by the vice-president for student services or designee or recommended by the student conduct committee for an infraction of which sanctions may be imposed under this code.

(m) Refusal to provide positive identification (e.g., valid driver's license or state identification card) in appropriate circumstances to any college employee in the lawful discharge of said employee's duties.

(n) Entering any administrative or other employee office that is normally not accessible to the public or any locked or otherwise closed college facility in any manner, at any time,

without permission of the college employee or agent in charge thereof.

(o) Smoking in or on any college facility except those areas which have been identified as designated smoking areas.

(p) Failure to comply with the following rules governing firearms and weapons on campus or at college sponsored events in facilities leased or rented by the college:

(i) Carrying, exhibiting, displaying, or drawing any weapon, such as a slung shot, sling shot, and club, metal knuckles, dagger, sword, or swing blade knife, or any knife of which is automatically released by a spring mechanism or other mechanical device, or any knife having a blade which opens, or falls, or is ejected into position by force of gravity, or by outward, downward, or centrifugal thrust or movement, or any other cutting or stabbing instrument or club or any other weapon apparently capable of inflicting bodily harm and/or property damage is prohibited.

(ii) Explosives, incendiary devices, or any weapon fac-simile are prohibited.

(iii) Carrying firearms is prohibited.

(iv) The regulations in (p)(i) through (iii) of this subsection shall not apply to equipment or material owned, or maintained by the college nor will they apply to law enforcement officers.

[Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 07-11-165, § 132E-120-220, filed 5/23/07, effective 6/23/07. Statutory Authority: RCW 28B.50.140. 00-17-015, amended and recodified as § 132E-120-220, filed 8/3/00, effective 9/3/00; Order 76-11-1, § 132E-120-030, filed 12/17/76; Order 72-1, § 132E-120-030, filed 2/1/73, effective 3/9/73.]

**WAC 132E-120-230 Everett Community College—Student conduct code—Sanctions for violations.** Sanctions which may be imposed for the commission of college offenses shall include the following:

(1) Expulsion or disciplinary dismissal from the college: Termination of student status for an indefinite period of time. Disciplinary dismissal may be placed on the student's transcript indefinitely at the discretion of the vice-president for student services. Conditions, if any, of restitution readmission, and/or removal of disciplinary dismissal from the student's transcript shall be stated in the order of expulsion.

(2) Suspension from the college: Suspension from student status for a definite period of time.

(3) Summary suspension: Exclusion from classes or other privileges, services or activities.

(4) Disciplinary probation with or without loss of designated privileges for a definite period of time. The violation of the terms of disciplinary probation or the infraction of any college rule during the period of disciplinary probation may be grounds for suspension or expulsion from the college. The parents of any student under eighteen years of age who is placed on disciplinary probation, suspended, or expelled shall be so notified.

(5) Restitution: Reimbursement for damage to or misappropriation of property. The restitution may be in the form of appropriate service or monetary compensation.

(6) Warning: Notice in writing that continuation or repetition of conduct deemed wrongful, within a period of time stated in the warning, may be cause for more severe disciplinary action.

(7) Admonition: An oral admonition shall not be considered a formal disciplinary action, and shall not be subject to appeal to the student conduct code.

(8) The parents of any student under eighteen years of age who is placed on disciplinary probation, suspension, or expulsion may be notified at the discretion of the vice-president for student services pursuant to FERPA guidelines.

[Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 07-11-165, § 132E-120-230, filed 5/23/07, effective 6/23/07. Statutory Authority: RCW 28B.50.140. 00-17-015, amended and recodified as § 132E-120-230, filed 8/3/00, effective 9/3/00; Order 72-1, § 132E-120-040, filed 2/1/73, effective 3/9/73.]

**WAC 132E-120-240 Student conduct—Initial disciplinary procedures.** Allegations of misconduct shall be filed in the vice-president for student services office in writing. Upon investigation, the vice-president for student services shall initiate action as described below.

(1) Students alleged to have committed an act of misconduct shall be notified to meet with the vice-president for student services or designee for possible disciplinary action. The notice must be given at least one school day prior to the scheduled appointment. The notice will be delivered to the student on-campus and/or by first class mail to the student's last known address. The notice shall identify the provision or provisions of the student conduct code that he/she is alleged to have violated, and the range of penalties, if any, which might result from the disciplinary proceedings.

(2) After a careful review of the circumstances surrounding the alleged misconduct and after interviewing the accused student, if he/she appears at the initial meeting, the vice-president for student services or designee may take one of the following actions:

(a) Take no further action and terminate the proceeding, exonerating the student or students;

(b) Provide whatever counseling and/or advice may be appropriate;

(c) Impose verbal admonition to the student directly which is not subject to the student's right of appeal as provided in this chapter; or

(d) Impose appropriate disciplinary action, subject to the student's right of appeal as described in this chapter. The student shall be notified in writing of such an action.

(3) The student may be placed on summary suspension pending the commencement of disciplinary action, pursuant to the conditions set forth in WAC 132E-120-250.

[Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 07-11-165, § 132E-120-240, filed 5/23/07, effective 6/23/07. Statutory Authority: RCW 28B.50.140. 00-17-015, § 132E-120-240, filed 8/3/00, effective 9/3/00.]

**WAC 132E-120-250 Summary suspension—Purpose and proceedings.** (1) As defined in WAC 132E-120-230, summary suspension is exclusion from classes or other privileges, services and activities. A student shall be summarily suspended if the vice-president for student services or designee has cause to believe that the student:

(a) Has violated any provision of this chapter; and/or

(b) Presents an imminent danger either to himself or herself, other persons on the campus, or to the educational process.

(2) Summary suspension is appropriate only where subsection (1)(b) of this section can be shown, either alone or in conjunction with subsection (1)(a) of this section. The vice-president for student services or designee shall enter an order as provided by law if the student is to be suspended. Written notice shall be served by certified and regular mail at the student's last known address, or shall be personally served on the student.

(3) The procedures for a summary suspension hearing shall be considered an emergency adjudicative proceeding and shall be conducted as soon as possible and, if feasible, within five working days. The vice-president for student services may, upon the request of the student, schedule the hearing at a time later than five working days. The vice-president for student services and/or his/her designee shall preside over the meeting. The student may appear alone or with another to advise and assist him/her as he/she appears before the appropriate college official(s). Any person who accompanies the student may provide support or guidance to the student, but may not speak, represent, or advocate for the student before the college official. An accommodation of a spokesperson (a person who would address the college official(s)) may be approved if a person's disability warrants such an accommodation. Other circumstances regarding a request by the student for the use of a spokesperson would be considered by the vice-president for student services or designee. The vice-president for student services or designee shall, at the summary suspension proceeding, determine whether there is probable cause to believe that continued suspension is necessary and/or whether other disciplinary action is appropriate.

(4) The vice-president for student services or designee may continue to enforce the suspension of the student from the college and/or may impose other disciplinary action if, after the summary suspension hearing, the vice-president for student services or designee finds that the student against whom the specific violations are alleged has in fact committed one or more of said violations and:

(a) Summary suspension is necessary for the safety of the student, other campus community members, or to restore order to the campus; and

(b) The violation(s) by the student are grounds for disciplinary action per WAC 132E-120-020 and 132E-120-040.

[Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 07-11-165, § 132E-120-250, filed 5/23/07, effective 6/23/07. Statutory Authority: RCW 28B.50.140. 00-17-015, § 132E-120-250, filed 8/3/00, effective 9/3/00.]

#### **WAC 132E-120-260 Notice of summary suspension.**

(1) If, after the summary suspension hearing a student's summary suspension is upheld or if the student is disciplined in another way, the vice-president for student services or designee will provide to the student written findings of fact and conclusions which lead the vice-president for student services or designee to conclude that the summary suspension of the student should be affirmed.

(2) The student shall be served a copy, if applicable, of the findings and conclusions by certified and regular mail to the student's last known address or by personal services within three working days following the summary suspension hearing. The notice shall state the terms for which the student is suspended and any conditions imposed on the student's return.

(5/23/07)

[Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 07-11-165, § 132E-120-260, filed 5/23/07, effective 6/23/07. Statutory Authority: RCW 28B.50.140. 00-17-015, § 132E-120-260, filed 8/3/00, effective 9/3/00.]

**WAC 132E-120-270 Summary suspension for failure to appear.** The vice-president for student services or designee has the authority to enforce the suspension of a student if the student fails to appear at the time designated for the summary suspension hearing.

[Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 07-11-165, § 132E-120-270, filed 5/23/07, effective 6/23/07. Statutory Authority: RCW 28B.50.140. 00-17-015, § 132E-120-270, filed 8/3/00, effective 9/3/00.]

**WAC 132E-120-280 Appeals from summary suspension hearing.** (1) A student has the right to appeal a summary suspension to the student conduct committee and may do so if:

(a) The student has been officially notified in writing of the outcome of the summary suspension hearing;

(b) Summary suspension or other disciplinary action has been upheld; and

(c) The student's appeal conforms to the procedures prescribed in this chapter.

(2) The student conduct committee shall conduct a formal hearing as expeditiously as possible and appropriate.

[Statutory Authority: RCW 28B.50.140. 00-17-015, § 132E-120-280, filed 8/3/00, effective 9/3/00.]

**WAC 132E-120-290 Student conduct committee.** (1) The college's student conduct committee will hear and make recommendations on all disciplinary cases referred to it by the vice-president for student services or designee or appealed to it by students who have been disciplined by the vice-president for student services or designee.

(2) The student conduct committee will be comprised of the following members:

(a) A chair designated by the president of the college for a period of one year. The chair will be a nonvoting member, except in the case of a tie vote by committee members, and will normally be a faculty member. It shall be his/her responsibility to ensure that all procedures prescribed in this chapter are followed. The chair will also take appropriate action to ensure that the hearing is conducted in a safe and orderly manner, advise the committee members of the precedents and guidelines concerning the case, and inform the student in writing of the action taken/recommended by the committee following the hearing.

(b) Three faculty members appointed by the president. Three alternates shall also be appointed by the president in the event an appointee(s) is unable to complete his/her term or unable to serve on a particular case.

(c) Three full-time (at least ten credits) student representatives shall be recommended by the associated students' executive council to the president of the college. Three alternates will also be appointed to serve in the event that a member(s) is unable to complete his/her term or is unable to serve on a particular case.

(d) A quorum shall consist of at least two of the above named faculty, and two of the above named students and the chair.

(e) Committee members will be appointed to serve for one year but are eligible to serve as many as three consecutive terms.

[Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 07-11-165, § 132E-120-290, filed 5/23/07, effective 6/23/07. Statutory Authority: RCW 28B.50.140. 00-17-015, § 132E-120-290, filed 8/3/00, effective 9/3/00.]

**WAC 132E-120-300 Appeals of disciplinary action—General.** (1) Disciplinary action imposed by the vice-president for student services or designee may be appealed to the student conduct committee.

(2) An appeal by a student of disciplinary action must meet the following conditions:

(a) The appeal must be in writing and must clearly state the student's position and errors in fact, if any, and compelling reasons which support the appeal; and

(b) The appeal must be filed in the president's office within twenty-one working days from the date that the student was served notice that disciplinary action had been taken or recommended against him/her.

(3) All recommendation(s) from the student conduct committee shall include the signature of the chair. Copies of the committee's recommendation(s) shall be sent to the student, vice-president for student services or designee, and president.

(4) Recommendations made by the student conduct committee may be appealed by the student to the president of the college. The president shall review the report of the proceedings which give rise to the appeal and the disciplinary action taken by the vice-president for student services or designee and the recommendation(s) of the student conduct committee. The president's decision shall be final.

[Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 07-11-165, § 132E-120-300, filed 5/23/07, effective 6/23/07. Statutory Authority: RCW 28B.50.140. 00-17-015, § 132E-120-300, filed 8/3/00, effective 9/3/00.]

**WAC 132E-120-310 Student conduct committee hearing procedures.** (1) The student conduct committee shall conduct a hearing within fourteen working days after disciplinary action has been referred to it. Proceedings shall be governed by chapter 34.05 RCW.

(2) Proceedings before the student conduct committee shall be conducted in a manner that will bring about a prompt and fair resolution.

(3) The student has a right to a fair and impartial hearing before the student conduct committee on any allegation of violating the student conduct code and shall be provided notice of the hearing at least seven days in advance. If the student fails to attend the hearing held by the student conduct committee, the committee may proceed with the findings of fact, conclusions and recommendations.

(4) The student may appear with another to advise and assist him/her as he/she appears before the student conduct committee. Any person who accompanies the student may provide support or guidance to the student, but may not speak, represent, or advocate for the student before the college official or student conduct committee. An accommodation of a spokesperson (a person who would address the college official, or assist the person in addressing the college official) may be approved if a person's disability warrants such an accommodation. Other circumstances regarding a

request by the student for the use of a spokesperson would be considered by the vice-president for student services or designee.

(5) The student may have a duly licensed attorney, admitted to practice in the state of Washington, present at the hearing to advise the student in the presentation of his/her appeal. The attorney may not address the student conduct committee unless he/she is called as a material witness in the case. An accommodation of the student's attorney addressing the college official, or assisting the person in addressing the college official may be approved if the student's disability warrants such an accommodation. Other circumstances regarding a request by the student for the use of a spokesperson will be considered by the vice-president for student services or designee. If the student chooses to have an attorney present to advise him/her, the student shall notify the chair at least five days prior to the hearing.

(6) The vice-president for student services or designated representative(s) shall make the first presentation. Each witness may be cross-examined by the student; and after cross-examination is completed, any committee member who wishes may ask questions of the witness but only after both direct examination and cross-examination of the witness have been completed. Upon completion of the presentation by the student, both sides shall then be permitted to make any closing arguments after which the committee may ask questions.

(7) The hearing will then be closed and the committee will retire to executive session for deliberation. At the conclusion of the executive session, the proceeding will be adjourned and the student conduct committee shall, within seven working days, make findings of facts, conclusions, and recommend disciplinary action/sanctions as appropriate, if any.

(8) The record in a formal hearing shall consist of all documents as required by law and as specified in RCW 34.05.476.

(9) All records of disciplinary proceedings shall be maintained in the appropriate administrative office and shall be available only during the course of the disciplinary proceedings to the student conduct committee, the student, and his/her attorney, and any other college official designated by the president.

(10) Following the conclusion of the disciplinary proceedings, access to records of the case and the hearing files will be limited to the student and to those designated by the college president.

(11) The time of the hearing may be advanced by the student conduct committee at the request of the student or continued for good cause.

(12) If at any time during the hearing a visitor disrupts the proceedings, the chair of the student conduct committee may exclude that person from the hearing room.

(13) A recorder shall be present at the hearing to record the proceedings.

[Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 07-11-165, § 132E-120-310, filed 5/23/07, effective 6/23/07. Statutory Authority: RCW 28B.50.140. 00-17-015, § 132E-120-310, filed 8/3/00, effective 9/3/00.]

**WAC 132E-120-320 Evidence admissible in hearings.** (1) The student shall be entitled to hear and examine the evidence against him/her and be informed of the identity of



its sources. The student shall have all authority as may be conferred by law to obtain information or to request the presence of witnesses or the production of other evidence relevant to the issues of the hearing.

(2) Only those matters presented at the hearing will be considered in determining whether the student is guilty of the misconduct charged. The student's past history of college conduct, if relevant to the case at hand as determined by the chair of the student conduct committee, may be taken into account in formulating the committee's recommendation for disciplinary action.

(3) The chair of the student conduct committee shall give effect to the rules of privilege recognized by law and rule on the competency, relevancy, and materiality of testimony, and any other evidence. Technical rules of evidence shall not apply.

(4) Extenuating or mitigating evidence on behalf of the student will not be permitted until all substantive evidence or testimony is presented.

[Statutory Authority: RCW 28B.50.140. 00-17-015, § 132E-120-320, filed 8/3/00, effective 9/3/00.]

**WAC 132E-120-330 Decision by student conduct committee.** (1) At the conclusion of the hearing, the student conduct committee shall, within seven working days, make findings of facts, conclusions, and recommend disciplinary action/sanctions as appropriate, if any. In deciding upon its recommendation, the committee shall consider the following:

(a) Does the alleged act or acts constitute misconduct?

(b) Did the student involved commit the acts with which he/she was charged?

(c) Were there any extenuating or mitigating circumstances?

(2) The committee's recommendation(s) shall be written and the student will be provided a copy of the committee's findings of fact and conclusions. The copy shall be dated and signed by the committee chair and contain a statement advising the student of his/her right to appeal the committee's recommendation(s) to the president of the college.

[Statutory Authority: RCW 28B.50.140. 00-17-015, § 132E-120-330, filed 8/3/00, effective 9/3/00.]

**WAC 132E-120-340 Final appeal.** (1) Any student who disagrees with the findings, conclusions and recommendation(s) of an appeal to the student conduct committee may appeal the same in writing to the president of the college within twenty-one working days of being served notice of the recommendation(s) made by the committee. The president may, at his/her discretion, suspend any disciplinary action pending determination of the merits of the findings, conclusions and any disciplinary action imposed. In consideration of such an appeal, the president shall base his/her findings and decision only on the official written record of the case.

(2) If no appeal is requested within twenty-one working days of service on the student, the findings, conclusions and recommendations of the student conduct committee shall become final, and shall not be subject to further review or appeal.

[Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 07-11-165, § 132E-120-340, filed 5/23/07, effective 6/23/07. Statutory Authority: RCW 28B.50.140. 00-17-015, § 132E-120-340, filed 8/3/00, effective 9/3/00.]

(5/23/07)

**WAC 132E-120-350 Readmission after dismissal.**

Any student expelled from the college may submit a written petition to the vice-president for student services requesting readmission. Such petition must include how any conditions imposed by the vice-president for student services or student conduct committee have been met. Decisions by the vice-president for student services regarding a petition for readmission shall be reviewed by the president.

If the vice-president for student services suspends or expels a student from a college program that has a readmission policy and procedure, the program's readmission policy and procedures will be followed and the readmission committee will review, as part of their deliberations, the vice-president for student services' recommendation/conditions of readmission concerning the student's readmission to the program.

[Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 07-11-165, § 132E-120-350, filed 5/23/07, effective 6/23/07. Statutory Authority: RCW 28B.50.140. 00-17-015, § 132E-120-350, filed 8/3/00, effective 9/3/00.]

**WAC 132E-120-360 Academic grievance procedure.**

(1) Definition of an academic grievance - If a student has evidence that he/she has been: Unfairly treated in matters related to grading, course policies or expectation; falsely accused of cheating; or inappropriately penalized for alleged cheating, he/she may be said to have an academic grievance. Students who feel that such unfair treatment has transpired should feel free to raise the question of how such a grievance may be resolved with the office of the vice-president of instruction or designee which will provide information (without judgment) regarding the procedure for filing an academic grievance. Students should also feel free to contact any member of the campus community who they trust who may assist the student and/or refer the student to the appropriate resource. In addition to the office of the vice-president for instruction, the offices/centers that can generally be of the most assistance in terms of advice, support, and referral regarding these matters are the office of the vice-president for student services, the offices of the academic deans, the office of the vice-president for human resources, diversity and equity center, counseling/advising and career center, center for disability services, Rainier learning center, student activities office, student support services program, and campus safety and security.

(2) Informal procedure resolution - Informal complaints should be made to the appropriate division dean or other supervising administrator. Upon receipt of a student complaint by the division dean, the following steps may be taken:

(a) The student will be encouraged to discuss the alleged problem with the involved instructor; or if the complaint involves a program, the student will be encouraged to speak to the director/dean of the involved program.

(b) If the student is not satisfied as a result of such discussion, he/she should then meet with the director/dean or supervising administrator to resolve the complaint.

(c) If the complaint is not resolved at this level, the student, the instructor and the director/dean should meet with the vice-president of instruction or designee to attempt resolution.

(d) If the complaint is not resolved at this level the student may institute formal grievance procedures.

(e) During any meetings that occur in (a) through (c) of this subsection, the student may invite another person or two to be with them in the meeting. The other person(s) are present to assist and advise the student although an accommodation of a spokesperson (a person who would address the college official, or assist the person in addressing the college official) may be approved if a person's disability warrants such an accommodation. Other circumstances regarding a request by the student for the use of a spokesperson would be considered by the director/dean or supervising administrator facilitating the meeting.

(3) Formal grievance procedure - To assure an atmosphere free from unfair treatment in academic matters, the following procedures are established to respond to an unresolved academic complaint registered by a student. It is understood, however, that this procedure should be employed only after efforts have been made by the student to resolve the issue through the previously described informal procedure. A student who feels an academic grievance has not been resolved through the informal resolution process may file a formal grievance with the vice-president of instruction prior to the tenth (10th) day of the quarter following the alleged grievance. Within ten working days of the receipt of the signed written grievance, the vice-president of instruction or designee will appoint a grievance committee for the purpose of reviewing the complaint and recommending a resolution.

(4) The grievance committee will be composed of seven voting members including:

(a) An administrator who will serve as the chair but will only vote in the event of a tie vote.

(b) Three faculty members, including one from the division of the involved faculty member.

(c) Three students to be selected as provided for in the associated students constitution and by-laws. All matters shall be discussed in closed meetings and shall be treated with strict confidence by committee members.

(d) A quorum of the grievance shall be four members.

(5) Formal resolution.

(a) Parties affected by the grievance will provide the grievance committee with all requested information in order to bring about full understanding and a speedy resolution to the grievance.

(b) In order to ensure due process, the aggrieved student shall have:

(i) The right to respond to the grievance, submitting appropriate evidence to support such response;

(ii) The opportunity to call as a witness any member of the college community who can provide information relevant to the allegation and interview the aggrieved student or any witness presented by the student(s) involved.

(c) The instructor against whom the grievance is filed shall have:

(i) The right to respond to the grievance, submitting appropriate evidence to support such response;

(ii) The opportunity to call as a witness any members of the college community who can provide information relevant to the allegation and interview the aggrieved student or any witness presented by the student(s) involved.

(d) Once the aggrieved student and the faculty member have had sufficient opportunity to present their points of

view, the grievance committee will deliberate and reach a decision by a simple majority vote. The committee will provide the vice-president of instruction or designee its written recommendation within ten working days of its organizational meeting. The vice-president or designee will notify the parties in the grievance of his/her decision, and the resolution within forty-eight hours of having received the committee recommendation.

(e) If the grievance committee establishes that an aggrieved student has been treated unfairly, the committee will recommend corrective steps to the vice-president of instruction or designee.

(f) Either party shall have the right to present a written appeal of the decision of the vice-president of instruction or designee to the president of the college. Within one week of having received the appeal, the president shall review the case and render a decision which will be transmitted to both parties.

(g) An accommodation of a spokesperson (a person who would address the grievance committee, or assist the person in addressing the grievance committee) may be approved if a person's disability warrants such an accommodation. Other circumstances regarding a request by the student for the use of a spokesperson would be considered by the administrator chairing the committee.

[Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 07-11-165, § 132E-120-360, filed 5/23/07, effective 6/23/07. Statutory Authority: RCW 28B.50.140. 00-17-015, § 132E-120-360, filed 8/3/00, effective 9/3/00.]

#### **WAC 132E-120-370 Student affairs grievance procedure.**

(1) Definition of a student affairs grievance - If a student has evidence that he/she has been: Unfairly treated in matters related to student services/student auxiliary services, policies, procedures, or expectations, he/she may be said to have a student affairs grievance. Students who feel that such unfair treatment has transpired should feel free to raise the question of how such a grievance may be resolved with the associated student executive council which will provide information (without judgment) regarding the procedure for filing a grievance. Students should also feel free to contact any member of the campus community who they trust that may assist the student and/or refer the student to the appropriate resource. In addition to the office of the vice-president for student services, the offices/centers that can generally be of the most assistance in terms of advice, support, and referral regarding these matters are the office of the vice-president for instruction, the offices of the academic deans, and the office of the vice-president for human resources, diversity and equity center, counseling/advising and career center, center for disability services, Rainier learning center, student activities office, student support services program, and campus safety and security.

(2) Informal procedure for resolution - Informal complaints should be made to the appropriate administrator. Upon receipt of a student complaint by the administrator, the following steps will be taken:

(a) The student will be encouraged to discuss the alleged problem with the party concerned; or if the complaint involves a program, the student will be encouraged to speak to the appropriate supervisor.

(b) If the student is not satisfied as a result of such discussion, he/she should then meet with the immediate administrator to resolve the complaint.

(c) If the complaint is not resolved at this level, the student, the respondent and the administrator should meet with the vice-president for student services or the vice-president under which the program/service is administratively aligned to attempt resolution.

(d) If the complaint is not resolved at this level, the student may institute formal grievance procedures.

(3) Formal grievance procedure - To assure an atmosphere free from unfair treatment, the following procedures are established to respond to an unresolved complaint registered by a student. It is understood, however, that this procedure should be employed only after efforts have been made by the student to resolve the issue through the previously described informal procedure. A student who feels a grievance has not been resolved through the informal resolution process may file a formal grievance with the appropriate vice-president or designee prior to the tenth (10th) instructional day of the quarter following the alleged grievance. Within ten working days of the receipt of the signed written grievance, the appropriate vice-president or designee will appoint a grievance committee for the purpose of reviewing the complaint and recommending a resolution.

(4) The grievance committee will be composed of seven voting members including:

(a) An administrator (other than the appropriate vice-president) who shall serve as chair and vote only in the case of a tie;

(b) One faculty and two from classified staff;

(c) Three students to be selected randomly and not active members of student activities, or the involved program. All matters shall be discussed in closed meetings and shall be treated with strict confidence by committee members;

(d) A quorum consists of four members of the grievance committee.

(5) Formal resolution.

(a) Parties affected by the grievance will provide the grievance committee with all requested information in order to bring about full understanding and a speedy resolution to the grievance.

(b) In order to ensure due process, the aggrieved student shall have:

(i) The right to respond to the grievance, submitting appropriate evidence to support such response.

(ii) The opportunity to call as a witness any member of the college community who can provide information relevant to the allegation and interview the aggrieved student or any witness presented by the student(s) involved.

(c) The party against whom the grievance is filed shall have:

(i) The right to respond to the grievance, submitting appropriate evidence to support such response;

(ii) The opportunity to call as a witness any member of the college community who can provide information relevant to the allegation and interview the aggrieved student or any witness presented by the student(s) involved.

(d) Once the aggrieved student and the respondent have had sufficient opportunity to present their points of view, the grievance committee will deliberate and reach a decision by a

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simple majority vote. The committee will provide the appropriate vice-president or designee its written recommendation within ten working days of its organizational meeting.

(e) The appropriate vice-president or designee will notify the parties in the grievance of the resolution within two school days of having received the committee recommendation. If the grievance committee establishes that aggrieved student has been treated unfairly, the committee will recommend corrective steps to the appropriate vice-president.

(f) Either party shall have the right to present a written appeal of the decision to the president of the college. Within one week of having received the appeal, the president shall review the case and render a decision which will be transmitted to both parties.

(g) During any meetings that occur in (a) through (f) of this subsection, the student may invite another person or two to be with them in the meeting. The other person(s) are present to assist and advise the student although an accommodation of a spokesperson (a person who would address the college official, or assist the person in addressing the college official) may be approved if a person's disability warrants such an accommodation. Other circumstances regarding a request by the student for the use of a spokesperson would be considered by the director/dean or supervising administrator facilitating the meeting.

[Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 07-11-165, § 132E-120-370, filed 5/23/07, effective 6/23/07. Statutory Authority: RCW 28B.50.140. 00-17-015, § 132E-120-370, filed 8/3/00, effective 9/3/00.]

**WAC 132E-120-380 Illegal discrimination and sexual harassment policy statement.** Everett Community College affirms its commitment to equal educational opportunity for all its students, and its commitment to assure that there is no discrimination against any student, or those who apply for student status, on the basis of race, religion, creed, color, national origin, age, sex, sexual orientation, marital status, the presence of any physical, sensory or mental disability, or status as a disabled or Vietnam era veteran in accordance with state and federal laws.

Everett Community College is also committed to maintaining an educational environment that is free of sexual harassment and all forms of sexual intimidation and exploitation. Sexual harassment is a form of illegal sex discrimination and as such will not be tolerated. All staff, faculty and students should be aware that the college is prepared to take action to prevent and correct such behavior, and that individuals who engage in such behavior are subject to disciplinary action. The determination of what constitutes sexual harassment, sexual intimidation, and sexual exploitation will vary with the particular circumstances, but it may be described generally as repeated and unwanted/uninvited sexual behavior, such as physical contact, cyber/electronic communication, and verbal comments or suggestions, which adversely affects the learning environment.

[Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 07-11-165, § 132E-120-380, filed 5/23/07, effective 6/23/07. Statutory Authority: RCW 28B.50.140. 00-17-015, § 132E-120-380, filed 8/3/00, effective 9/3/00.]

**WAC 132E-120-385 Illegal discrimination and sexual harassment complaint procedures.** (1) Informal complaints.

Discrimination and/or sexual harassment may take many forms and the perpetrator may not understand that his/her behavior is being perceived as discriminatory or that it constitutes sexual harassment. Therefore, any student who feels that she/he is being subjected to discriminatory behavior and/or sexual harassment is encouraged to discuss the offensive behavior directly with the person involved. If direct communication is either impractical or feels too intimidating to the complainant, there are others on campus who can either intercede or assist with this conversation. Students may contact any member of the campus community who they trust that may assist the student and/or refer the student to the appropriate resource. Generally, the offices/centers that can be of the most assistance in terms of advice, support, and referral regarding these matters are the offices of the vice-president for student services, and vice-president for human resources, the office of the vice-president for instruction and the offices of the academic deans, diversity and equity center, counseling/advising and career center, center for disability services, Rainier learning center, student activities office, student support services program, and campus safety and security.

If the situation cannot be settled informally, the complainant may file a formal internal complaint. Students are not required to utilize informal procedures, but may go directly to the following formal internal complaint procedure.

(2) Formal internal complaints.

(a) Without feeling constrained by specific definitions of discrimination, or by reporting relationships, written complaints concerning allegations of discrimination may be directed to the vice-president for student services or the vice-president of human resources. The two vice-presidents will confer and determine who will act as the investigator on the complaint.

(b) Complaints will be held in confidence to the extent possible, however, discrimination is an illegal activity requiring an active response from the college. Parties to the complaint will become directly involved, and any subsequent legal actions may result in discovery or public disclosure requests. Complainants have the right to bring an advocate to all subsequent meetings with college officials.

(c) The investigator shall assure that both the person making a formal complaint, and the accused, have been provided copies of the *Sexual Harassment* and/or the *Equal Opportunity/Anti-Discrimination* policies and this procedure.

(d) The investigator will determine the extent of the investigation. Since discrimination represents an illegal activity, the college may elect to investigate even those cases where the complainant has withdrawn the complaint, or otherwise refuses to cooperate in the investigation.

(e) A draft or preliminary report shall be produced at the end of the investigation and copies provided to the accused, and to the complainant. The two parties shall each have ten calendar days to prepare a response to the report before any action is taken. Once responses have been received, the investigator shall, within five days, produce a final report. Copies will be distributed to the complainant, the accused, and the college president.

(f) The investigator shall make a recommendation for action based on the final report to the president within ten days of its completion.

(g) If the complainant, the accused, and the investigator agree, informal meetings may be held in lieu of an investigation. Any such informal meetings shall occur with the investigator present, who will subsequently make a written recommendation for action on the complaint to the president within ten days following the last meeting regarding the complaint.

(h) The decision regarding what action to take on the complaint, including appropriate corrective or discipline measures, shall be made by the president in conjunction with the vice-president of human resources, and the vice-president for student services.

(i) If any disciplinary action is imposed, the disciplined student may appeal the action through established grievance or appeal channels.

(3) External complaints.

Inquiries or appeals beyond the institutional level may be filed with the following agencies, or any other agency with the jurisdiction to hear such complaints:

Equal Employment Opportunity Commission (a federal agency)

909 First Avenue  
Seattle, WA 98104  
800-669-4000

Human Rights Commission (a state agency)

1511 Third Avenue  
Seattle, WA 98101  
206-464-6500

Department of Education (a federal agency)

Office for Civil Rights  
915 - 2nd Ave., Room 3310  
Seattle, WA 98174  
206-220-7900

[Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 07-11-165, § 132E-120-385, filed 5/23/07, effective 6/23/07.]

**WAC 132E-120-390 Antihazing policy.** (1) Hazing is prohibited on Everett Community College (EvCC) property and at all EvCC functions, including club and organization activities, whether on EvCC property or not.

(2) Hazing is defined as any method of initiation into a student organization, club or association, or any pastime or amusement engaged in with respect to such an organization, club or association that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm, to any student or other person. Excluded from this definition are customary athletic events or other similar contests or competitions.

(3) Any allegations of hazing shall be submitted to the vice-president for student services or designee and action shall be taken as appropriate per Article IV (Disciplinary Procedures) of Student Rights and Responsibilities with the following additional disciplinary provisions:

(a) Any EvCC student organization, club or association that knowingly permits hazing shall be denied recognition by EvCC as an official organization, club or association. Any group so disbarred may apply to be reinstated as an official organization, club or association after waiting a period of one quarter and providing a written statement of their intent to

follow hazing policies as set forth herein. Repeat offenses by student organizations/clubs will be submitted to the vice-president for student services or designee for possible further action under the guidelines for disciplinary procedures.

(b) A person who participates in the hazing of another shall forfeit any entitlement to state funded grants, scholarships or awards for one full quarter for a first-time offense, and for a period to be determined via the processes for disciplinary procedures for repeat violations. Additional sanctions which may include expulsion from the college may be recommended by the vice-president for student services or designee per the guidelines for disciplinary procedures.

(c) Hazing violations are misdemeanors punishable under state criminal law (RCW 28B.10.901 and 9A.20.021).

[Statutory Authority: Chapters 28B.50 and 28B.10 RCW, 07-11-165, § 132E-120-390, filed 5/23/07, effective 6/23/07. Statutory Authority: RCW 28B.50.140, 00-17-015, § 132E-120-390, filed 8/3/00, effective 9/3/00.]

**WAC 132E-120-400 Drug-free campus policy.** Everett Community College's board of trustees have adopted a policy for the maintenance of a drug-free campus. The provisions of this policy as it relates to students are as follows:

(1) Students who report to class or work must do so unimpaired due to the use of alcohol or other drugs.

(2) Unlawful use, possession, delivery, dispensation, distribution, manufacture or sale of drugs on college property, in state vehicles or on official business is strictly prohibited. Documented evidence of illegal drug involvement will be given to law enforcement agencies.

(3) Possession or consuming any form of liquor or alcoholic beverage on college property or at off-campus college events is prohibited except as a participant of legal age at a college sponsored program which has the special written permission of the college president.

(4) Students found in violation of this policy will be subject to formal disciplinary action, which could include completion of an appropriate rehabilitation program up to and/or including dismissal/expulsion.

(5) Students needing assistance with problems related to alcohol or drug abuse are encouraged to seek referral from a counselor in the counseling, advising and career center and/or appropriate off campus substance abuse agencies.

(6) Students must report any criminal drug statute conviction to the vice-president for student services within five school days after such conviction.

(7) The college will report the conviction to the appropriate federal or state agency within ten working days after having received notice that a student employed under a federally funded grant or contract or receiving grant funds has any drug statute conviction occurring on campus.

(8) All students, regardless of status, shall comply with this policy regarding a drug-free campus.

[Statutory Authority: Chapters 28B.50 and 28B.10 RCW, 07-11-165, § 132E-120-400, filed 5/23/07, effective 6/23/07. Statutory Authority: RCW 28B.50.140, 00-17-015, § 132E-120-400, filed 8/3/00, effective 9/3/00.]

**WAC 132E-120-410 Tobacco use policy.** The college's board of trustees has adopted the following tobacco use policy:

(5/23/07)

(1) Use of tobacco in any form shall not be allowed in college buildings, enclosures or state-owned vehicles and will not be sold or distributed on campus grounds.

(2) The president shall sponsor and/or assist in the establishment of tobacco cessation programs.

(3) Students who willfully violate this policy will be subject to disciplinary procedures.

(4) The success of this policy depends upon the thoughtfulness, consideration, and cooperation of both smokers and nonsmokers. All college community members and visitors share in the responsibility for adhering to and enforcing the policy. Any problems should be brought to the attention of a college administrator, program supervisor, or campus security and handled through the normal chain of authority.

(5) The college has designated specific areas outside on college grounds as smoking areas. These are the only areas on campus where smoking is permitted.

[Statutory Authority: RCW 28B.50.140, 00-17-015, § 132E-120-410, filed 8/3/00, effective 9/3/00.]