Chapter 106-120 WAC
STUDENT CONDUCT CODE

WAC

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106-120-001 Rights and responsibilities. [Statutory Authority: RCW 28B.19.050 and 28B.40.120. 78-10-106 (Order 41), § 106-120-001, filed 10/4/78; Order 7, § 106-120-001, filed 8/18/72, effective 9/20/72.] Repealed by 85-07-032 (Order 58), filed 3/15/85. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11).

106-120-010 Rights and responsibilities of students. [Statutory Authority: RCW 28B.19.050 and 28B.40.120. 79-06-046 (Order 43), § 106-120-010, filed 5/16/79; 78-10-106 (Order 41), § 106-120-010, filed 10/4/78; Order 22, § 106-120-010, filed 7/29/75; Order 7, § 106-120-010, filed 8/18/72, effective 9/20/72.] Repealed by 85-07-032 (Order 58), filed 3/15/85. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11).

106-120-011 Internal solution of problems. [Statutory Authority: RCW 28B.19.050 and 28B.40.120. 78-10-106 (Order 41), § 106-120-011, filed 10/4/78; Order 22, § 106-120-011, filed 7/29/75; Order 7, § 106-120-011, filed 8/18/72, effective 9/20/72.] Repealed by 85-07-032 (Order 58), filed 3/15/85. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11).

106-120-012 Rights and responsibilities of students—Student representation in college governance. [Order 7, § 106-120-012, filed 8/18/72, effective 9/20/72.] Repealed by Order 22, filed 7/29/75.

106-120-013 Definitions. [Statutory Authority: RCW 28B.19.050 and 28B.40.120. 78-10-106 (Order 41), § 106-120-013, filed 10/4/78; Order 22, § 106-120-013, filed 7/29/75; Order 7, § 106-120-013, filed 8/18/72, effective 9/20/72.] Repealed by 85-07-032 (Order 58), filed 3/15/85. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11).

106-120-020 Proscribed conduct. [Statutory Authority: RCW 28B.19.050 and 28B.40.120. 79-06-046 (Order 43), § 106-120-020, filed 5/16/79; 78-10-106 (Order 41), § 106-120-020, filed 10/4/78; Order 22, § 106-120-020, filed 7/29/75; Order 7, § 106-120-020, filed 8/18/72, effective 9/20/72.] Repealed by 85-07-032 (Order 58), filed 3/15/85. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11).

106-120-030 Disciplinary sanctions. [Statutory Authority: RCW 28B.19.050 and 28B.40.120. 78-10-106 (Order 41), § 106-120-030, filed 10/4/78; Order 22, § 106-120-030, filed 7/29/75; Order 7, § 106-120-030, filed 8/18/72, effective 9/20/72.] Repealed by 85-07-032 (Order 58), filed 3/15/85. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11).

106-120-031 Readmission after suspension. [Statutory Authority: RCW 28B.19.050 and 28B.40.120. 78-10-106 (Order 41), § 106-120-031, filed 10/4/78; Order 22, § 106-120-031, filed 7/29/75; Order 7, § 106-120-031, filed 8/18/72, effective 9/20/72.] Repealed by 85-07-032 (Order 58), filed 3/15/85. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11).

106-120-032 Readmission after suspension—Reestablishment of academic standing. [Statutory Authority: RCW 28B.19.050 and 28B.40.120. 78-10-106 (Order 41), § 106-120-032, filed 10/4/78; Order 7, § 106-120-032, filed 8/18/72, effective 9/20/72.] Repealed by 85-07-032 (Order 58), filed 3/15/85. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11).

106-120-040 Complaints—Disposition. [Statutory Authority: RCW 28B.19.050 and 28B.40.120. 78-10-106 (Order 41), § 106-120-040, filed 10/4/78; Order 22, § 106-120-040, filed 7/29/75; Order 7, § 106-120-040, filed 8/18/72, effective 9/20/72.] Repealed by 85-07-032 (Order 58), filed 3/15/85. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11).

106-120-041 Complaints—Disposition—Pending criminal proceedings for the campus judicial council. [Statutory Authority: RCW 28B.19.050 and 28B.40.120. 78-10-106 (Order 41), § 106-120-041, filed 10/4/78; Order 7, § 106-120-041, filed 8/18/72, effective 9/20/72.] Repealed by 85-07-032 (Order 58), filed 3/15/85. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11).

106-120-042 Notice requirements. [Statutory Authority: RCW 28B.19.050 and 28B.40.120. 78-10-106 (Order 41), § 106-120-042, filed 10/4/78; Order 22, § 106-120-042, filed 7/29/75; Order 7, § 106-120-042, filed 8/18/72, effective 9/20/72.] Repealed by 85-07-032 (Order 58), filed 3/15/85. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11).

106-120-043 Meeting with the dean of student development. [Statutory Authority: RCW 28B.19.050 and 28B.40.120. 79-06-046 (Order 43), § 106-120-043, filed 5/16/79; 78-10-106 (Order 41), § 106-120-043, filed 10/4/78; Order 22, § 106-120-043, filed 7/29/75; Order 7, § 106-120-043, filed 8/18/72, effective 9/20/72.] Repealed by 85-07-032 (Order 58), filed 3/15/85. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11).

106-120-050 Campus judicial council. [Statutory Authority: RCW 28B.19.050 and 28B.40.120. 79-06-046 (Order 43), § 106-120-050, filed 5/16/79; 78-10-106 (Order 41), § 106-120-050, filed 10/4/78; Order 22, § 106-120-050, filed 7/29/75; Order 7, § 106-120-050, filed 8/18/72, effective 9/20/72.] Repealed by 85-07-032 (Order 58), filed 3/15/85. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11).

106-120-051 Membership in campus judicial council. [Statutory Authority: RCW 28B.19.050 and 28B.40.120. 79-06-046 (Order 43), § 106-120-051, filed 5/16/79; 78-10-106 (Order 41), § 106-120-051, filed 10/4/78; Order 22, § 106-120-051, filed 7/29/75; Order 7, § 106-120-051, filed 8/18/72, effective 9/20/72.] Repealed by 85-07-032 (Order 58), filed 3/15/85. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11).

106-120-052 Campus judicial council—Term of office. [Order 7, § 106-120-052, filed 8/18/72, effective 9/20/72.] Repealed by Order 22, filed 7/29/75.

106-120-053 Quorum. [Order 22, § 106-120-053, filed 7/29/75; Order 7, § 106-120-053, filed 8/18/72, effective 9/20/72.] Repealed by 85-07-032 (Order 58), filed 3/15/85. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11).

106-120-054 Extraordinary hearing boards. [Order 22, § 106-120-054, filed 7/29/75; Order 7, § 106-120-054, filed 8/18/72, effective 9/20/72.] Repealed by 78-10-106 (Order 41), filed 10/4/78. Statutory Authority: RCW 28B.19.050 and 28B.40.120.

106-120-055 Procedures for hearing. [Statutory Authority: RCW 28B.19.050 and 28B.35.120. 80-11-027 (Order 45), § 106-120-055, filed 8/14/80. Statutory Authority: RCW 28B.19.050 and 28B.40.120. 79-06-046 (Order 43), §

106-120-055, filed 5/16/79; 78-10-106 (Order 41), § 106-120-055, filed 10/4/78; Order 22, § 106-120-055, filed 7/29/75; Order 7, § 106-120-055, filed 8/18/72, effective 9/20/72.] Repealed by 85-07-032 (Order 58), filed 3/15/85. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11).

106-120-056 Procedures for hearing—Admissible evidence. [Statutory Authority: RCW 28B.19.050 and 28B.40.120. 78-10-106 (Order 41), § 106-120-056, filed 10/4/78; Order 7, § 106-120-056, filed 8/18/72, effective 9/20/72.] Repealed by 85-07-032 (Order 58), filed 3/15/85. Statutory Authority: RCW 28B.19.050 and 28B.35.120 (11).

106-120-057 Procedures for hearing—Interference with proceedings. [Statutory Authority: RCW 28B.19.050 and 28B.40.120. 78-10-106 (Order 41), § 106-120-057, filed 10/4/78; Order 7, § 106-120-057, filed 8/18/72, effective 9/20/72.] Repealed by 85-07-032 (Order 58), filed 3/15/85. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11).

106-120-058 Decision by the hearing board. [Statutory Authority: RCW 28B.19.050 and 28B.40.120. 78-10-106 (Order 41), § 106-120-058, filed 10/4/78; Order 22, § 106-120-058, filed 7/29/75; Order 7, § 106-120-058, filed 8/18/72, effective 9/20/72.] Repealed by 85-07-032 (Order 58), filed 3/15/85. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11).

106-120-059 Decision by the hearing board—Final decision regarding disciplinary sanction. [Order 7, § 106-120-059, filed 8/18/72, effective 9/20/72.] Repealed by 78-10-106 (Order 41), filed 10/4/78. Statutory Authority: RCW 28B.19.050 and 28B.40.120.

106-120-060 Initiation of summary suspension proceedings. [Statutory Authority: RCW 28B.19.050 and 28B.40.120. 78-10-106 (Order 41), § 106-120-060, filed 10/4/78; Order 22, § 106-120-060, filed 7/29/75; Order 7, § 106-120-060, filed 8/18/72, effective 9/20/72.] Repealed by 85-07-032 (Order 58), filed 3/15/85. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11).

106-120-061 Permission to enter or remain on campus. [Statutory Authority: RCW 28B.19.050 and 28B.40.120. 79-06-046 (Order 43), § 106-120-061, filed 5/16/79; 78-10-106 (Order 41), § 106-120-061, filed 10/4/78; Order 22, § 106-120-061, filed 7/29/75; Order 7, § 106-120-061, filed 8/18/72, effective 9/20/72.] Repealed by 85-07-032 (Order 58), filed 3/15/85. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11).

106-120-062 Notice of summary suspension proceedings. [Statutory Authority: RCW 28B.19.050 and 28B.40.120. 79-06-046 (Order 43), § 106-120-062, filed 5/16/79; 78-10-106 (Order 41), § 106-120-062, filed 10/4/78; Order 22, § 106-120-062, filed 7/29/75; Order 7, § 106-120-062, filed 8/18/72, effective 9/20/72.] Repealed by 85-07-032 (Order 58), filed 3/15/85. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11).

106-120-063 Notice of summary suspension proceedings—Procedures of summary suspension hearing. [Order 7, § 106-120-063, filed 8/18/72, effective 9/20/72.] Repealed by 78-10-106 (Order 41), filed 10/4/78. Statutory Authority: RCW 28B.19.050 and 28B.40.120.

106-120-064 Decision by the dean. [Statutory Authority: RCW 28B.19.050 and 28B.40.120. 79-06-046 (Order 43), § 106-120-064, filed 5/16/79; 78-10-106 (Order 41), § 106-120-064, filed 10/4/78; Order 7, § 106-120-064, filed 8/18/72, effective 9/20/72.] Repealed by 85-07-032 (Order 58), filed 3/15/85. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11).

106-120-065 Notice of summary suspension proceedings—Notice of suspension. [Order 7, § 106-120-065, filed 8/18/72, effective 9/20/72.] Repealed by 78-10-106 (Order 41), filed 10/4/78. Statutory Authority: RCW 28B.19.050 and 28B.40.120.

106-120-066 Suspension for failure to appear. [Statutory Authority: RCW 28B.19.050 and 28B.40.120. 78-10-106 (Order 41), § 106-120-066, filed 10/4/78; Order 7, § 106-120-066, filed 8/18/72, effective 9/20/72.] Repealed by 85-07-032 (Order 58), filed 3/15/85. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11).

106-120-067 Notice of summary suspension proceedings—Appeal. [Order 7, § 106-120-067, filed 8/18/72, effective 9/20/72.] Repealed by 78-10-106 (Order 41), filed 10/4/78. Statutory Authority: RCW 28B.19.050 and 28B.40.120.

106-120-068 Notice of summary suspension proceedings—Summary suspension proceedings not duplicitous. [Order 7, § 106-120-068, filed 8/18/72, effective 9/20/72.] Repealed by 78-10-106 (Order 41), filed 10/4/78. Statutory Authority: RCW 28B.19.050 and 28B.40.120.

106-120-070 Appeals. [Order 7, § 106-120-070, filed 8/18/72, effective 9/20/72.] Repealed by 78-10-106 (Order 41), filed 10/4/78. Statutory Authority: RCW 28B.19.050 and 28B.40.120.

106-120-200 Purpose of the residence hall arbitration council. [Statutory Authority: RCW 28B.19.050 and 28B.40.120. 79-06-046 (Order 43), § 106-120-200, filed 5/16/79; Order 22, § 106-120-200, filed 7/29/75.] Repealed by 85-07-032 (Order 58), filed 3/15/85. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11).

106-120-210 The residence hall arbitration council. [Statutory Authority: RCW 28B.19.050 and 28B.40.120. 79-06-046 (Order 43), § 106-120-210, filed 5/16/79; Order 22, § 106-120-210, filed 7/29/75.] Repealed by 85-07-032 (Order 58), filed 3/15/85. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11).

106-120-220 Membership of the residence hall arbitration council. [Statutory Authority: RCW 28B.19.050 and 28B.40.120. 79-06-046 (Order 43), § 106-120-220, filed 5/16/79; Order 22, § 106-120-220, filed 7/29/75.] Repealed by 85-07-032 (Order 58), filed 3/15/85. Statutory Authority: RCW 28B.19.050 and 28B.35.120 (11).

106-120-230 Hearing procedures. [Statutory Authority: RCW 28B.19.050 and 28B.40.120. 79-06-046 (Order 43), § 106-120-230, filed 5/16/79; Order 22, § 106-120-230, filed 7/29/75.] Repealed by 85-07-032 (Order 58), filed 3/15/85. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11).

106-120-240 Disruptions of a council hearing. [Statutory Authority: RCW 28B.19.050 and 28B.40.120. 79-06-046 (Order 43), § 106-120-240, filed 5/16/79; Order 22, § 106-120-240, filed 7/29/75.] Repealed by 85-07-032 (Order 58), filed 3/15/85. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11).

106-120-250 Annual review of the residence hall arbitration council. [Statutory Authority: RCW 28B.19.050 and 28B.40.120. 79-06-046 (Order 43), § 106-120-250, filed 5/16/79; Order 22, § 106-120-250, filed 7/29/75.] Repealed by 85-07-032 (Order 58), filed 3/15/85. Statutory Authority: RCW 28B.19.050 and 28B.35.120 (11).

106-120-700 Demonstrations on campus. [Statutory Authority: RCW 28B.19.050 and 28B.40.120. 79-06-046 (Order 43), § 106-120-700, filed 5/16/79; Order 7, § 106-120-700, filed 8/18/72, effective 9/20/72.] Repealed by 85-07-032 (Order 58), filed 3/15/85. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11).

106-120-800 Right to form organizations. [Statutory Authority: RCW 28B.19.050 and 28B.40.120. 79-06-046 (Order 43), § 106-120-800, filed 5/16/79; Order 7, § 106-120-800, filed 8/18/72, effective 9/20/72.] Repealed by 85-07-032 (Order 58), filed 3/15/85. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11).

106-120-900 Student government. [Statutory Authority: RCW 28B.19.050 and 28B.40.120. 79-06-046 (Order 43), § 106-120-900, filed 5/16/79; Order 7, § 106-120-900, filed 8/18/72, effective 9/20/72.] Repealed by 85-07-032 (Order 58), filed 3/15/85. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11).

106-120-910 Constitution of the associated students of Central—Preamble. [Order 20, § 106-120-910, filed 3/24/75; Order 7, § 106-120-910, filed 8/18/72, effective 9/20/72.] Repealed by 78-09-045 (Order 40), filed 8/18/78. Statutory Authority: RCW 28B.19.050 and 28B.40.120.

106-120-911 Constitution of the associated students of Central—Name. [Order 20, § 106-120-911, filed 3/24/75; Order 7, § 106-120-911, filed 8/18/72, effective 9/20/72.] Repealed by 78-09-045 (Order 40), filed 8/18/78. Statutory Authority: RCW 28B.19.050 and 28B.40.120.

106-120-912 Constitution of the associated students of Central—Membership. [Order 20, § 106-120-912, filed 3/24/75; Order 7, § 106-120-912, filed 8/18/72, effective 9/20/72.] Repealed by 78-09-045 (Order 40), filed 8/18/78. Statutory Authority: RCW 28B.19.050 and 28B.40.120.

106-120-913 Constitution of the associated students of Central—Organization. [Order 20, § 106-120-913, filed 3/24/75; Order 7, § 106-120-913, filed 8/18/72, effective

	9/20/72.] Repealed by 78-09-045 (Order 40), filed 8/18/78. Statutory Authority: RCW 28B.19.050 and 28B.40.120.
106-120-914	Constitution of the associated students of Central—The board of control. [Order 31, § 106-120-914, filed 8/17/76; Order 20, § 106-120-914, filed 3/24/75; Order 14, § 106-120-914, filed 7/23/73; Order 7, § 106-120-914, filed 8/18/72, effective 9/20/72.] Repealed by 78-09-045 (Order 40), filed 8/18/78. Statutory Authority: RCW 28B.19.050 and 28B.40.120.
106-120-915	Constitution of the associated students of Central—Executive manager. [Order 31, § 106-120-915, filed 8/17/76; Order 20, § 106-120-915, filed 3/24/75; Order 14, § 106-120-915, filed 7/23/73; Order 7, § 106-120-915, filed 8/18/72, effective 9/20/72.] Repealed by 78-09-045 (Order 40), filed 8/18/78. Statutory Authority: RCW 28B.19.050 and 28B.40.120.
106-120-916	Constitution of the associated students of Central—The judicial branch. [Order 31, § 106-120-916, filed 8/17/76; Order 20, § 106-120-916, filed 3/24/75; Order 14, § 106-120-916, filed 7/23/73; Order 7, § 106-120-916, filed 8/18/72, effective 9/20/72.] Repealed by 78-09-045 (Order 40), filed 8/18/78. Statutory Authority: RCW 28B.19.050 and 28B.40.120.
106-120-917	Constitution of the associated students of Central—Elections. [Order 20, § 106-120-917, filed 3/24/75; Order 7, § 106-120-917, filed 8/18/72, effective 9/20/72.] Repealed by 78-09-045 (Order 40), filed 8/18/78. Statutory Authority: RCW 28B.19.050 and 28B.40.120.
106-120-918	Constitution of the associated students of Central—Organization. [Order 20, § 106-120-918, filed 3/24/75; Order 14, § 106-120-918, filed 7/23/73; Order 7, § 106-120-918, filed 8/18/72, effective 9/20/72.] Repealed by 78-09-045 (Order 40), filed 8/18/78. Statutory Authority: RCW 28B.19.050 and 28B.40.120.
*106-120-919	Constitution of the associated students of Central—Publications. [Order 7, § 106-120-919, filed 8/18/72, effective 9/20/72.] Repealed by Order 22, filed 7/29/75. Repealed by 78-09-045 (Order 40), filed 8/18/78. Statutory Authority: RCW 28B.19.050 and 28B.40.120.
*106-120-920	Constitution of the associated students of Central—Initiative and referendums. [Order 20, § 106-120-919 (codified and amended as WAC 106-120-920), filed 3/24/75; Order 7, § 106-120-920, filed 8/18/72, effective 9/20/72.] Repealed by 78-09-045 (Order 40), filed 8/18/78. Statutory Authority: RCW 28B.19.050 and 28B.40.120.
*106-120-921	Constitution of the associated students of Central—Amendments. [Order 20, § 106-120-920 (codified and amended as WAC 106-120-921), filed 3/24/75; Order 7, § 106-120-921, filed 8/18/72, effective 9/20/72.] Repealed by 78-09-045 (Order 40), filed 8/18/78. Statutory Authority: RCW 28B.19.050 and 28B.40.120.
*106-120-922	Constitution of the associated students of Central—The Enabling Act. [Order 20, § 106-120-921 (codified and amended as WAC 106-120-922), filed 3/24/75; Order 7, § 106-120-922, filed 8/18/72, effective 9/20/72.] Repealed by 78-09-045 (Order 40), filed 8/18/78. Statutory Authority: RCW 28B.19.050 and 28B.40.120.
*106-120-923	Constitution of the associated students of Central—Verification. [Order 20, § 106-120-922 (codified as WAC 106-120-923), filed 3/24/75.] Repealed by 78-09-045 (Order 40), filed 8/18/78. Statutory Authority: RCW 28B.19.050 and 28B.40.120.

Reviser's note: * Order 40 (WSR 78-09-045) repeals WAC 106-120-919 through 106-120-922 by section number, however, it repeals WAC 106-120-920 through 106-120-923 by section caption. Since WAC 106-120-919 had previously been repealed by Order 22, filed July 29, 1975, it appears the intent was to repeal WAC 106-120-923 which appears in the above disposition table.

WAC 106-120-003 Purpose. The students of Central Washington University are responsible for complying with policies, standards, rules, and requirements for academic and social behavior formulated by the university for the maintenance of an orderly and responsible functioning of the university community. Students enrolled at any of the university's campuses are expected to uphold these standards both on and off campus. The student conduct code shall apply to a student's conduct even if the student withdraws from the university while a disciplinary matter is pending. At the same time, students have protection through orderly procedures against arbitrary or capricious actions or decisions by university authorities. Due process is recognized as essential to the proper enforcement of university rules. The purpose of this chapter is to provide a procedure and rules by which a student will be afforded due process in the matter of alleged violations of university standards, rules and requirements governing academic and social conduct of students.

The university recognizes a responsibility to resolve behavior problems before they escalate into serious problems requiring the application of these rules. Therefore, the vice-president for student affairs and enrollment management shall generally review and/or investigate student behavioral problems which are referred by university community members or any subsidiary conduct agencies to the student conduct council, or which otherwise come to the attention of the vice-president through the office of public safety and police services or other official university reports. The vice-president and the problem-solving team shall be as proactive as possible concerning the resolution of student behavioral problems and use reasonable arbitration and conflict resolution methods in order to prevent such problems from further interfering with the university community or the student's own education progress.

[Statutory Authority: RCW 28B.10.528 and 28B.35.120(12). 07-01-065, § 106-120-003, filed 12/18/06, effective 1/18/07; 94-21-048 (Order CWU AO 75), § 106-120-003, filed 10/12/94, effective 11/12/94. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11). 85-07-032 (Order 58), § 106-120-003, filed 3/15/85.]

WAC 106-120-004 Definitions. (1) "University" shall mean Central Washington University.

(2) "Vice-president" shall mean the vice-president for student affairs and enrollment management of the university or the vice-president's designee.

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

(4) "University community" shall include the employees and students of Central Washington University and all property and equipment of the university.

(5) "Hazing" shall include any method of initiation into a student organization or living group, or any pastime or amusement engaged in with respect to such an organization or living group 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 Central Washington University. The term does not include customary athletic events or other similar contests or competitions.

(6) "Sexual assault" occurs when the act is intentional and is committed either by:

(a) Physical force, violence, threat, or intimidation;

(b) Ignoring the objections of another person;

(c) Causing another's intoxication or impairment through the use of alcohol or drugs; or

(d) Taking advantage of another person's incapacitation, state of intimidation, helplessness, or other inability to consent.

(7) "Sexual misconduct" occurs when an act is committed without intent to harm another and where, by failing to correctly assess the circumstances, a person mistakenly believes that effective consent was given and did not meet his/her responsibility to gain effective consent.

(8) "Sexual harassment" is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. More specifically, sexually harassing behavior includes, but is not limited to the following:

(a) Gender harassment, including sexist statements and behaviors that convey insulting, degrading, or sexist attitudes;

(b) Seductive behavior encompassing unwanted, inappropriate, and offensive physical or verbal sexual advances;

(c) Sexual bribery, involving solicitation of sexual activity or other sex-linked behavior by promise of reward;

(d) Sexual coercion of sexual activity or other sex-linked behavior by threat of punishment; and

(e) Sexual assault, attempted rape, and rape. Additional examples of sexual harassment can be found in the university's sexual harassment policy. (CWU Policies Manual 2-2.2.3.2 http://www.cwu.edu/~pres/policies/Part2-2.2.pdf).

(9) "Stalking" is a legal term for repeated harassment or other forms of invasion of a person's privacy in a manner that causes fear to its target. Stalking may include such acts as repeated following; unwanted contact (by letter or other means of communication); observing a person's actions closely for an extended period of time; or contacting family members, friends, or associates of a target inappropriately.

(10) Burden of proof: In determining whether sufficient cause exists, the burden of proof shall be on the university which must establish, by a preponderance of the evidence, that the student is responsible for a violation of the student conduct code. For the purpose of this code, the phrase "preponderance of the evidence," means that it is more likely that the student charged violated the student code by engaging in the conduct for which he/she is charged than that he/she did not.

[Statutory Authority: RCW 28B.10.528 and 28B.35.120(12). 08-20-053, § 106-120-004, filed 9/24/08, effective 10/25/08; 07-01-065, § 106-120-004, filed 12/18/06, effective 1/18/07; 94-21-048 (Order CWU AO 75), § 106-120-004, filed 10/12/94, effective 11/12/94. Statutory Authority: Chapter 34.05 RCW and RCW 28B.35.120(11). 91-04-054, § 106-120-004, filed 2/4/91, effective 3/7/91. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11). 85-07-032 (Order 58), § 106-120-004, filed 3/15/85.]

WAC 106-120-005 Provision for due process. The vice-president shall provide for due process for students throughout the behavioral problem-solving intervention by following the proper steps related to the initiation, investigation, and disposition of complaints against a student as outlined in WAC 106-120-131.

[Statutory Authority: RCW 28B.10.528 and 28B.35.120(12). 07-01-065, § 106-120-005, filed 12/18/06, effective 1/18/07. Statutory Authority: Chapter 34.05 RCW and RCW 28B.35.120(11). 91-04-054, § 106-120-005, filed 2/4/91, effective 3/7/91. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11). 85-07-032 (Order 58), § 106-120-005, filed 3/15/85.]

WAC 106-120-006 Students subject to student conduct code. Any student is subject to these rules, independent of any other status the individual may have with the university. Any action taken against a student under these rules shall be independent of other actions taken by virtue of another relationship with the university in addition to that of student.

The student conduct code shall apply to a student's conduct, even if the student withdraws from school, while a disciplinary matter is pending.

[Statutory Authority: RCW 28B.10.528 and 28B.35.120(12). 08-20-053, § 106-120-006, filed 9/24/08, effective 10/25/08; 07-01-065, § 106-120-006, filed 12/18/06, effective 1/18/07. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11). 85-07-032 (Order 58), § 106-120-006, filed 3/15/85.]

WAC 106-120-007 Cooperation with law enforcement agencies. Central Washington University distinguishes its responsibility for student conduct from the controls imposed by the larger community beyond the university, and of which the university is a part. When students are charged with violations of laws of the nation or state, or ordinances of the county or city, the university will neither request nor agree to special consideration for students because of their status as students, but the university will cooperate with law enforcement agencies, courts, and any other agencies in programs for rehabilitation of students.

University disciplinary proceedings may be initiated against a student charged with conduct that potentially violates both the criminal law and this student conduct code (that is if both possible violations result from the same factual situation) without regard to the pendency of civil or criminal arrest and prosecution. Proceedings under this student conduct code may be carried out prior to, simultaneously with, or following civil or criminal proceedings.

University proceedings are not subject to challenge or dismissal referencing, as a basis, that criminal charges involving the same incident have been dismissed or reduced. Determinations made or sanctions imposed under this student conduct code shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of university rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant. The university is not bound by the rules of evidence observed by courts in this state and may exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence.

[Statutory Authority: RCW 28B.10.528 and 28B.35.120(12). 08-20-053, § 106-120-007, filed 9/24/08, effective 10/25/08; 07-01-065, § 106-120-007, filed 12/18/06, effective 1/18/07. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11). 85-07-032 (Order 58), § 106-120-007, filed 3/15/85.]

WAC 106-120-021 Student conduct council. The student conduct council shall be the principal campus-wide conduct body with jurisdiction over all students, whether graduate or undergraduate, and student organizations and authority to hear all charges of misconduct. It has authority to impose the sanctions described in WAC 106-120-028.

[Statutory Authority: RCW 28B.10.528 and 28B.35.120(12). 07-01-065, § 106-120-021, filed 12/18/06, effective 1/18/07. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11). 85-07-032 (Order 58), § 106-120-021, filed 3/15/85.]

WAC 106-120-022 Subsidiary judicial agencies. Other divisions of the university may elect to establish subsidiary conduct agencies over which the student conduct council will have appellate jurisdiction. Subsidiary conduct agencies or persons levying sanctions should devise sanctions which are in proportion to both the nature and extent of the misconduct, and which redress injury, damage, expense, inconvenience and/or grievance as far as possible. Appeal from subsidiary councils or agencies must be made within five working days from the time of publication of findings by said subsidiary conduct agency. Failure to file such an appeal will constitute and be construed as full acceptance by all parties of the findings.

[Statutory Authority: RCW 28B.10.528 and 28B.35.120(12). 07-01-065, § 106-120-022, filed 12/18/06, effective 1/18/07. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11). 85-07-032 (Order 58), § 106-120-022, filed 3/15/85.]

WAC 106-120-023 Student conduct council—Membership. The student conduct council shall consist of six faculty members holding the rank of assistant professor or above, and eight students, at least one of whom should be a graduate student if a graduate student files for appointment to the council.

(1) The faculty members of the council shall be designated in accordance with procedures established by the faculty senate.

(2) The student members of the council shall be selected in accordance with procedures established by the constitution of the associated students of Central Washington University. Eight student members shall be appointed, each student being appointed for a term of one calendar year. Terms of office for students begin with the first day of instruction of the academic year for which the student is appointed.

[Statutory Authority: RCW 28B.10.528 and 28B.35.120(12). 07-01-065, § 106-120-023, filed 12/18/06, effective 1/18/07. Statutory Authority: Chapter 34.05 RCW and RCW 28B.35.120(11). 91-04-054, § 106-120-023, filed 2/4/91, effective 3/7/91. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11). 85-07-032 (Order 58), § 106-120-023, filed 3/15/85.]

WAC 106-120-024 Student conduct council—Chair. A student conduct council chair shall be elected at the beginning of each hearing and preside over that hearing. The duties of the chair are as follows:

(1) To preside over the hearing process;

(2) To draft a letter regarding the outcome of the hearing to include all sanctions and actions required by the student appearing before the student conduct council; and

(3) After a draft is placed on university letterhead, the chair will sign the letter.

[Statutory Authority: RCW 28B.10.528 and 28B.35.120(12). 08-20-053, § 106-120-024, filed 9/24/08, effective 10/25/08; 07-01-065, § 106-120-024, filed 12/18/06, effective 1/18/07. Statutory Authority: Chapter 34.05 RCW and RCW 28B.35.120(11). 91-04-054, § 106-120-024, filed 2/4/91, effective 3/7/91. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11). 85-07-032 (Order 58), § 106-120-024, filed 3/15/85.]

WAC 106-120-025 Student conduct council—Quorum. Two of the faculty members and three of the student members of the council shall constitute a quorum.

[Statutory Authority: RCW 28B.10.528 and 28B.35.120(12). 07-01-065, § 106-120-025, filed 12/18/06, effective 1/18/07. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11). 85-07-032 (Order 58), § 106-120-025, filed 3/15/85.]

WAC 106-120-026 Student conduct council—Advisor. The vice-president shall appoint a designee as a student conduct council advisor whose duties shall be to convene the council, and advise the council during all meetings and hearings.

[Statutory Authority: RCW 28B.10.528 and 28B.35.120(12). 07-01-065, § 106-120-026, filed 12/18/06, effective 1/18/07. Statutory Authority: Chapter 34.05 RCW and RCW 28B.35.120(11). 91-04-054, § 106-120-026, filed 2/4/91, effective 3/7/91. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11). 85-07-032 (Order 58), § 106-120-026, filed 3/15/85.]

WAC 106-120-027 Proscribed conduct. A student shall be subject to disciplinary action or sanction upon violation of any of the following conduct proscriptions:

(1) Disruptive and disorderly conduct which interferes with the rights and opportunities of other students to pursue their academic studies.

(2) Academic dishonesty in all its forms including, but not limited to:

(a) Cheating on tests.

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

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

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

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

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

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

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

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

(3) Filing a formal complaint with the vice-president for student affairs and enrollment management with the intention of falsely accusing another with having violated a provision of this code.

(4) Furnishing false information to any university official, especially during the investigation of alleged violations of this code.

(5) Furnishing false information to the student conduct council with the intent to deceive, the intimidation of witnesses, the destruction of evidence with the intent to deny its presentation to the student conduct council or the vice-president when properly notified to appear.

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

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

(8) Sexual harassment including stalking, forced and/or nonconsensual sexual activity in any form, including sexual assault and sexual misconduct.

(9) Actual or attempted physical/emotional abuse of any person or conduct which threatens or endangers the health and safety of any person or which intentionally or recklessly causes a reasonable apprehension of harm to any person.

(10) Harassment of any sort or any malicious act which causes harm to any person's physical or mental well being.

(11) Recklessly engaging in conduct which creates a substantial risk of physical harm to another person.

(12) Creating noise in such a way as to interfere with university functions or using sound amplification equipment in a loud and raucous manner.

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

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

(15) Intentional disruption or obstruction of teaching, research, administration, disciplinary proceedings, or other university activities or programs whether occurring on or off campus or of activities or programs authorized or permitted by the university pursuant to the provisions of this chapter.

(16) Intentional participation in a demonstration which is in violation of rules and regulations governing demonstrations promulgated by the university pursuant to the provisions of this chapter.

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

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

(19) Possession, use, or distribution on campus of any controlled substance as defined by the laws of the United States or the state of Washington except as expressly permitted by law.

(20) Violation of the university policy on alcoholic beverages which states:

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

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

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

(21) Conduct which violates the university policies on computer use.

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

(23) Violation on or off campus of any university policy, city, county, state, or federal law. This includes participation in any university sponsored activity.

(24) Conspiracy to engage in hazing or participation in hazing of another.

(25) Failure to comply with the directive of a university official acting in the scope of authority may result in disciplinary action.

Any questions of interpretation of application or revision of the student conduct code shall be referred to the vice-president for student affairs or their designee.

[Statutory Authority: RCW 28B.10.528 and 28B.35.120(12). 08-20-053, § 106-120-027, filed 9/24/08, effective 10/25/08; 07-01-065, § 106-120-027, filed 12/18/06, effective 1/18/07; 94-21-048 and 94-21-097, (Orders CWU AO 75 and CWU AO 75A), § 106-120-027, filed 10/12/94 and 10/19/94, effective 11/12/94 and 11/19/94. Statutory Authority: Chapter 34.05 RCW and RCW 28B.35.120(11). 91-04-054, § 106-120-027, filed 2/4/91, effective 3/7/91. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11). 86-23-007 (Order 59), § 106-120-027, filed 11/7/86; 85-07-032 (Order 58), § 106-120-027, filed 3/15/85.]

WAC 106-120-028 Disciplinary sanctions. The following may be the sanctions imposed by the vice-president for student affairs and enrollment management, or the vice-president's designee, or by the student conduct council.

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

(2) Disciplinary probation. Formal action specifying the conditions under which a student may continue to be a student at the university including limitation of specified activities, movement, or presence on the CWU campus, including restricted access to any university building. The conditions specified may be in effect for a limited period of time or for the duration of the student's attendance at the university.

(3) Restitution. An individual student may be required to make restitution for damage or loss to university or other property and for injury to persons. Failure to make restitution will result in suspension until payment is made.

(4) Suspension. Dismissal from the university and from status as a student for a stated period. The notice suspending the student will state in writing the term of the suspension and any condition(s) that must be met before readmission is granted. The student so suspended must demonstrate that the conditions for readmission have been met. There is to be no refund of fees for the quarter in which the action is taken, but fees paid in advance for a subsequent quarter are to be refunded.

(5) Deferred suspension. Notice of suspension from the university with the provision that the student may remain enrolled contingent on meeting a specified condition. Not meeting the contingency shall immediately invoke the suspension for the period of time and under the conditions originally imposed.

(6) Expulsion. The surrender of all rights and privileges of membership in the university community and exclusion from the campus without any possibility for return.

(7) For the specific instance of hazing, forfeiture of any entitlement to state-funded grants, scholarships, or awards for a specified period of time.

More than one of the sanctions listed above may be imposed for any single violation.

[Statutory Authority: RCW 28B.10.528 and 28B.35.120(12). 08-20-053, § 106-120-028, filed 9/24/08, effective 10/25/08; 07-01-065, § 106-120-028, filed 12/18/06, effective 1/18/07; 94-21-048 (Order CWU AO 75), § 106-120-028, filed 10/12/94, effective 11/12/94. Statutory Authority: Chapter 34.05 RCW and RCW 28B.35.120(11). 91-04-054, § 106-120-028, filed 2/4/91, effective 3/7/91. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11). 85-07-032 (Order 58), § 106-120-028, filed 3/15/85.]

WAC 106-120-033 Readmission after suspension. Any student suspended from the university under the provisions of the student conduct code may be readmitted upon expiration of the time period specified in the document of original suspension.

If circumstances warrant reconsideration of the suspension prior to its time of expiration, the student may be readmitted following approval of a written petition submitted to the vice-president. Such petitions must state reasons which either provide new evidence concerning the situation which resulted in the suspension, or demonstrate that earlier readmission is in the best interest of the student and the university. Approval for such readmission must be given by the vice-president or by the student conduct council.

Students who have been suspended and whose suspension upon appeal is found to have been unwarranted shall be provided full opportunity to reestablish their academic and student standing to the extent possible within the abilities of the university, including an opportunity to retake examinations or otherwise complete course offerings missed by reason of such action.

[Statutory Authority: RCW 28B.10.528 and 28B.35.120(12). 07-01-065, § 106-120-033, filed 12/18/06, effective 1/18/07. Statutory Authority: Chapter 34.05 RCW and RCW 28B.35.120(11). 91-04-054, § 106-120-033, filed 2/4/91, effective 3/7/91. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11). 85-07-032 (Order 58), § 106-120-033, filed 3/15/85.]

WAC 106-120-131 Initiation, investigation, and disposition of complaints. (1) Philosophy.

The problem-solving team deals with student behaviors which constitute violations of this code. The problem-solving team meets weekly to review residence hall incident reports filed by resident assistants and building managers, as well as police reports which deal with both on- and off-campus students.

The problem-solving team works together to suggest intervention strategies which are considered to be most appropriate and effective for eliminating specific negative student behaviors. The problem-solving team is chaired by the assistant to the vice-president for student affairs and includes representatives from public safety and police services, university housing and new student programs, the center for student empowerment, counseling services, international studies and programs, and the wildcat wellness center.

(2) Process.

Incidents that come to the attention of the problem-solving team may be addressed in one of the following ways:

(a) No action;

(b) Informal meetings with relevant university officials;

(c) Referral to the residence hall arbitration council, for resolving certain disputes within the residence halls;

(d) Initiate proceedings in the office of the vice-president for student affairs and enrollment management.

Official proceedings in the vice-president's office are conducted when it becomes apparent to the problem-solving team that the initial and more informal forms of intervention with a student have been unsuccessful in positively modifying a student's behavior.

(3) Investigation and disposition of complaints. The following rules will govern the processing of alleged violations of the proscribed conduct listed in the student conduct code with one exception. Allegations of discrimination, based on race, color, creed, religion, national origin, sex (including sexual harassment), sexual orientation, gender identity and gender expression, age, marital status, disability, or status as a protected veteran will utilize a separate process in order to provide both parties their rights under the law and in accordance with Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972. Copies of the discrimination grievance process are available in the office of the vice-president for student affairs and enrollment management.

(a) A complaint alleging misconduct related to this student conduct code may be filed by anyone and reported to the office of the vice-president for student affairs and enrollment management. The report should be in standardized written form. Students, faculty members, administrators, and other employees of the university shall have concurrent authority to request the commencement of the disciplinary proceedings provided for in this chapter. A person filing a complaint shall be complainant of record and should file the complaint as soon as possible or within twenty working days.

(b) Any student charged in a complaint shall receive written notification from the vice-president. Such notice shall:

(i) Inform the student that a complaint has been filed alleging that the student violated specific provisions of the student conduct code and the date of the violation(s);

(ii) Set forth those provisions allegedly violated;

(iii) Specify a time and date the student is required to meet with the vice-president or designee; and

(iv) Inform the student that failure to appear at the appointed time at the vice-president's office may subject the student to suspension from the university.

(4) When the vice-president meets with the student, the vice-president shall:

(a) Provide for the student a copy of the student conduct code;

(b) Review the facts of the alleged violation with the student; and

(c) Conduct an investigation into the alleged violation.

(5) Upon completion of the review with the student and/or the investigation, the vice-president may:

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

(b) Issue a verbal warning;

(c) Apply any of the sanctions as outlined in WAC 106-120-028 if such sanction is warranted by the evidence;

(d) Refer the case to the student conduct council; or

(e) Invoke the summary suspension procedure as outlined in WAC 106-120-143 when deemed appropriate.

(6) The vice-president shall inform the student that only suspension and expulsion sanctions may be appealed to the student conduct council, and that if an appeal is made, the vice-president shall take no action or make any determination, except for summary suspension, in the matter other than to inform the student of the time, date, and location of the proceeding by the student conduct council.

[Statutory Authority: RCW 28B.10.528 and 28B.35.120(12). 08-20-053, § 106-120-131, filed 9/24/08, effective 10/25/08; 07-01-065, § 106-120-131, filed 12/18/06, effective 1/18/07; 94-21-048 (Order CWU AO 75), § 106-120-131, filed 10/12/94, effective 11/12/94. Statutory Authority: Chapter 34.05 RCW and RCW 28B.35.120(11). 91-04-054, § 106-120-131, filed 2/4/91, effective 3/7/91. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11). 85-07-032 (Order 58), § 106-120-131, filed 3/15/85.]

WAC 106-120-132 Procedures for proceeding before the student conduct council. (1) When a case is referred to the student conduct council the vice-president shall forward to the council:

(a) A statement describing the alleged misconduct;

(b) The name and address of the complainant;

(c) The name and address of the student charged; and

(d) All relevant facts and statements.

(2) The vice-president shall call a special meeting of the council and arrange for a proceeding in the following manner:

(a) The vice-president shall determine the time and place of the proceeding, which shall be at least five working days after delivery of written notice to the student. In the interest of timeliness and efficiency, upon the request of either the student or the vice-president, this five working day interval may be waived by the vice-president, with the student's permission. Time and place shall be set to make the least inconvenience for all interested parties.

(b) The members of the council shall be selected by the vice-president from the list of students and faculty appointed by the council based on their ability to attend the scheduled hearing. The proceedings board will consist of three students and two faculty members; and if possible, one student and one faculty will serve as alternates. Faculty and student members may be substituted for each other when faculty or student members are not available. A chair will be selected from the group assigned for each hearing and will preside over that meeting acting as the official representative of the committee.

(c) No case shall be heard unless all the hearing board is present, unless approved by the appealing student.

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

(3) The student affairs and enrollment management secretary shall send written notice by e-mail and mail of the proceeding to the student's last known address. Certified mail may be used, if appropriate. The notice shall contain:

(a) A statement of the date, time, place and nature of the proceeding;

(b) A list of witnesses who will appear, to the extent known; and

(c) A summary description of any documentary or other physical evidence that would be presented by the university.

(4) The student shall have all authority possessed by the university to obtain information he/she specifically describes in writing and tenders to the vice-president no later than two working days prior to the proceeding or to request the presence of witnesses, or the production of other evidence relevant to the proceeding. However, the university shall not be liable for information requested by the student or the presence of any witnesses when circumstances beyond the control of the university prevent the obtaining of such information or the attendance of such witnesses at the proceeding.

(5) Proceedings will ordinarily be held in closed session unless the proceeding board determines there is a compelling reason for the proceeding to be open, or the student requests an open proceeding. A closed proceeding shall include only members of the proceeding board, the vice-president, persons directly involved in the proceeding as parties and persons called as witnesses.

(6) The proceeding shall be audio tape recorded, and the tape shall be on file at the office of the vice-president for a period of three years.

(7) The university shall be represented by the vice-president who shall present the university's case against the student.

(8) The student must represent himself or herself. The student may be accompanied by counsel, or another third party, who may offer advice. If the student utilizes an attorney as advisor, the student must give to the vice-president two working days notice of intent to do so. If the student elects to be advised by an attorney, the vice-president may elect to have the university advised by an assistant attorney general.

(9) The council chair shall insure that:

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

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

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

(d) Only those materials and matters presented at the proceeding will be considered as evidence. The presiding officer shall exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence.

(10) Any person disruptive of the proceeding or any other procedure described in this document may be excluded from the process by the chair of the student conduct council or by the vice-president, using such means as are necessary to ensure an orderly process. Any student engaging in such interference shall be in contempt and may be summarily sus-

pended from the university by the student conduct council or the vice-president immediately. The student shall be subject to a suspension or any lesser sanction as may be determined by the student conduct council or the vice-president at the time the interference takes place or within fifteen working days thereafter.

(11) The student has a right to a fair and impartial proceeding, but the student's failure to cooperate with or attend a proceeding shall not preclude the council from making its finding of facts, conclusions, and recommendations. Failure by the student to cooperate may be taken into consideration by the student conduct council and the vice-president in deciding the appropriate disciplinary action.

(12) Upon conclusion of the proceeding, the proceeding board in closed session shall consider all the evidence presented and decide by majority vote to exonerate the student or to impose one of the sanctions authorized by this document.

(13) The student shall be provided with a copy of the board's findings of fact and conclusions regarding whether the student did violate any rule or rules of the student conduct code and the board's decision as to the appropriate sanction to be imposed.

(14) If a student charged with misconduct under this code has been charged with a crime for the same act or closely related acts by federal, state, or local authorities, or if it appears that such criminal charge is under consideration, the student conduct council may postpone action on the complaint until there has been a disposition of the criminal charge or of the consideration of filing such charge. However, prior to action by other agencies, the council may proceed to hear and decide the case if in the judgment of the council, the nature of the alleged misconduct and the circumstances surrounding it pose a serious risk to the health or well-being of the student or other members of the university. If there is a determination of guilt by the council and if the subsequent criminal proceedings result in a judgment of acquittal, the student may petition the student conduct council for a rehearing.

[Statutory Authority: RCW 28B.10.528 and 28B.35.120(12). 08-20-053, § 106-120-132, filed 9/24/08, effective 10/25/08; 07-01-065, § 106-120-132, filed 12/18/06, effective 1/18/07; 94-21-048 (Order CWU AO 75), § 106-120-132, filed 10/12/94, effective 11/12/94. Statutory Authority: Chapter 34.05 RCW and RCW 28B.35.120(11). 91-04-054, § 106-120-132, filed 2/4/91, effective 3/7/91. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11). 85-07-032 (Order 58), § 106-120-132, filed 3/15/85.]

WAC 106-120-143 Summary suspension proceedings. The vice-president may summarily suspend any student from the university pending investigation, action of prosecution of charges of an alleged proscribed conduct violation or violations, if the vice-president has reason to believe that the student's physical or emotional safety and well-being, or the safety and well-being of other university community members, or the protection of property requires such suspension.

(1) If the vice-president finds it necessary to exercise the authority to summarily suspend a student the vice-president shall:

(a) Give to the student an oral or written notice of intent to determine if summary suspension is an appropriate action;

(b) Give an oral or written notice of the alleged misconduct and violation(s) to the student;

(c) Give an oral or written explanation of the evidence in support of the charge(s) to the student;

(d) Determine a time for the summary suspension proceeding to be held within two working days;

(e) Give an oral or written notice of the time and place of the summary suspension proceeding before the vice-president; and

(f) Give an oral or written explanation of the summary suspension which may be imposed on the student.

(2) At the place and time designated for the summary suspension proceeding, the vice-president shall:

(a) Consider the evidence relating specifically to the probability of danger to the student, to others on the campus, or to property;

(b) Provide the student with an opportunity to show why continued presence on campus does not constitute a danger to the physical and emotional well being of self or others, or a danger to property;

(c) Give immediate oral notice of the decision to the student to be followed by written notice; and

(d) If summary suspension is warranted, summarily suspend the student for no more than fifteen working days with a student conduct council proceeding of the allegations to have commenced by the end of the suspension period.

(3) If a student has been instructed by the vice-president to appear for summary suspension proceedings and then fails to appear at the time designated, the vice-president may suspend the student from the university, and shall give written notice of suspension to the student at the last address of record on file with the university.

(4) During the period of summary suspension, the suspended student shall not enter the campus of the university other than to meet with the vice-president. However, the vice-president may grant the student special permission for the express purpose of meeting with faculty, staff, or students in preparation for a proceeding before the student conduct council.

[Statutory Authority: RCW 28B.10.528 and 28B.35.120(12). 08-20-053, § 106-120-143, filed 9/24/08, effective 10/25/08; 07-01-065, § 106-120-143, filed 12/18/06, effective 1/18/07; 94-21-048 (Order CWU AO 75), § 106-120-143, filed 10/12/94, effective 11/12/94. Statutory Authority: Chapter 34.05 RCW and RCW 28B.35.120(11). 91-04-054, § 106-120-143, filed 2/4/91, effective 3/7/91. Statutory Authority: RCW 28B.19.050 and 28B.35.120(11). 85-07-032 (Order 58), § 106-120-143, filed 3/15/85.]