Chapter 132X-60 WAC

SOUTH PUGET SOUND CODE OF STUDENT RIGHTS AND RESPONSIBILITIES

WAC

132X-60-010 Preamble.
132X-60-015 Definitions.
132X-60-020 Jurisdiction.
132X-60-030 Right to demand identification.
132X-60-035 Trespass regulations.
132X-60-037 Freedom of access to higher education.
132X-60-040 Freedom of association and organization.
132X-60-045 Freedom of expression.
132X-60-046 Student participation in college governance.
132X-60-050 Student records.
132X-60-060 Student publications.
132X-60-065 Posting of materials.
132X-60-070 Use of college facilities.
132X-60-080 Student complaints.
132X-60-090 Violations.
132X-60-100 Disciplinary proceedings.
132X-60-105 Student judicial board appeals process.
132X-60-120 Disciplinary sanctions.
132X-60-130 Readmission after suspension/dismissal.
132X-60-140 Summary suspension procedures.
132X-60-150 Emergency procedures.

LOSS OF ELIGIBILITY—STUDENT ATHLETIC PARTICIPATION

132X-60-160 Athletics—Grounds for ineligibility.
132X-60-170 Initiation of athletic ineligibility proceedings.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

132X-60-075 Commercial and promotional activities. [Statutory Authority: RCW 28B.50.140(13). 00-05-023, § 132X-60-075, filed 2/8/00, effective 3/10/00.] Repealed by 12-03-093, filed 1/17/12, effective 2/17/12. Statutory Authority: Chapter 28B.50 RCW and RCW 42.56.040.

132X-60-110 Appeals of disciplinary action. [Statutory Authority: RCW 28B.50.140(13). 00-05-023, § 132X-60-110, filed 2/8/00, effective 3/10/00. Statutory Authority: RCW 28B.50.140. 88-21-071 (Order 88-1), § 132X-60-110, filed 10/18/88.] Repealed by 12-03-093, filed 1/17/12, effective 2/17/12. Statutory Authority: Chapter 28B.50 RCW and RCW 42.56.040.

132X-60-178 Noncollege speaker policy. [Statutory Authority: RCW 28B.50.140(13). 00-05-023, § 132X-60-178, filed 2/8/00, effective 3/10/00.] Repealed by 12-03-093, filed 1/17/12, effective 2/17/12. Statutory Authority: Chapter 28B.50 RCW and RCW 42.56.040.

132X-60-180 Ineligibility proceedings. [Statutory Authority: RCW 28B.50.140(13). 00-05-023, § 132X-60-180, filed 2/8/00, effective 3/10/00; 90-13-064, § 132X-60-180, filed 6/18/90, effective 7/19/90.] Repealed by 12-03-093, filed 1/17/12, effective 2/17/12. Statutory Authority: Chapter 28B.50 RCW and RCW 42.56.040.

WAC 132X-60-010 Preamble. South Puget Sound Community College is dedicated not only to learning and the advancement of knowledge but also the development of ethically sensitive and responsible persons. It seeks to achieve these goals through a sound educational program and policies concerning conduct that encourage independence and maturity while strengthening the spirit of mutual cooperation and responsibility shared by all members of the college community. Sharing goals held in common, the students, faculty, and staff of South Puget Sound Community College are joined in voluntary association in an educational community.

Admission to the college carries with it the expectation that students will conduct themselves as responsible members of the college community, that they will comply with the rules and regulations of the college, maintain high standards of integrity and honesty, respect the rights, privileges and property of other members of the college community and will not interfere with legitimate college affairs.

[Statutory Authority: Chapter 28B.50 RCW and RCW 42.56.040. 12-03-093, § 132X-60-010, filed 1/17/12, effective 2/17/12. Statutory Authority: RCW 28B.50.140(13). 00-05-023, § 132X-60-010, filed 2/8/00, effective 3/10/00. Statutory Authority: RCW 28B.50.140. 88-21-071 (Order 88-1), § 132X-60-010, filed 10/18/88.]

WAC 132X-60-015 Definitions. As used in this *Code of Student Rights and Responsibilities* the following words and phrases shall mean:

(1) **Associated student body (ASB) SPSCC senate** means the representative governing body for students, also referred to as student government, at South Puget Sound Community College recognized by the board of trustees.

(2) **Assembly** means any overt activity engaged in by two or more persons, the object of which is to gain publicity, advocate a view, petition for a cause or disseminate information to any person, persons or group of persons.

(3) **Board** means the board of trustees of South Puget Sound Community College District 24, state of Washington.

(4) **College** means South Puget Sound Community College, District 24.

(5) **College facilities** means and includes any or all real and personal property owned or operated by the college and shall include all buildings and appurtenances affixed thereon or attached thereto.

(6) **College personnel** refers to any person employed by Community College District 24 on a full-time or part-time basis.

(7) **Disciplinary action** means and includes dismissal or any lesser sanction of any student by the vice-president for student services, the student judicial board, or the college president for the violation of any of the provisions of the code of student rights and responsibilities for which such sanctions may be imposed.

(a) The college president or designee shall have the authority to take any disciplinary action including the authority to suspend any student of the college for a period not to exceed ten academic calendar days.

(b) The college president or designee shall have the authority to take any disciplinary action including the authority to dismiss any student of the college.

(8) **District** means Community College District 24, state of Washington.

(9) **Hazing** includes any method of initiation into a student organization or living group, or any pastime or amuse-

ment 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 the college. Hazing does not include customary athletic events or other similar contests or competitions.

(10) **Initiation** means the ceremonies or rites by which a person is admitted into a club, organization, or living group not amounting to hazing. Initiation conduct may include embarrassments, ridicule, sleep deprivation, verbal abuse or personal humiliation.

(11) **President** means the duly appointed chief executive officer of South Puget Sound Community College, District 24, state of Washington, or in his/her absence, the designee.

(12) **Recognized student organization** means and includes any group or organization composed of students which is recognized formally by the college.

(13) **A sponsored event or activity** means any activity that is scheduled by the college or a recognized student organization and is supervised and controlled by college personnel. Such sponsorship shall continue only as long as the event is supervised and controlled by college personnel. When the sponsored event or activity is of a prolonged nature, and free time periods are permitted to the students participating in the event, any activity taking place during such a free time period outside of the supervision and control of college personnel responsible for the event or activity shall be deemed to be a nonsponsored activity.

(14) **Student,** unless otherwise qualified, means and includes any person who is enrolled for classes.

[Statutory Authority: Chapter 28B.50 RCW and RCW 42.56.040. 12-03-093, § 132X-60-015, filed 1/17/12, effective 2/17/12. Statutory Authority: RCW 28B.50.140(13). 00-05-023, § 132X-60-015, filed 2/8/00, effective 3/10/00.]

WAC 132X-60-020 Jurisdiction. All rules herein adopted shall apply to every student whenever said student is present upon or in any college facility and whenever said student is present at or engaged in any college or recognized student organization sponsored activity or function which is held on or in noncollege facilities.

Persons aiding or abetting a student's breach of this code shall be subject to having their privilege removed as to remaining on college property or engaging in college-sponsored activities, and/or appropriate disciplinary action pursuant to this code, college policies and procedures, and/or state civil or criminal law. If the privilege to remain on campus is revoked, trespassers shall be subject to possible arrest and prosecution under the state criminal trespass law.

[Statutory Authority: Chapter 28B.50 RCW and RCW 42.56.040. 12-03-093, § 132X-60-020, filed 1/17/12, effective 2/17/12. Statutory Authority: RCW 28B.50.140(13). 00-05-023, § 132X-60-020, filed 2/8/00, effective 3/10/00. Statutory Authority: RCW 28B.50.140. 88-21-071 (Order 88-1), § 132X-60-020, filed 10/18/88.]

WAC 132X-60-030 Right to demand identification. College personnel may demand that any person on college facilities produce evidence of student enrollment.

[Statutory Authority: RCW 28B.50.140. 88-21-071 (Order 88-1), § 132X-60-030, filed 10/18/88.]

WAC 132X-60-035 Trespass regulations. (1) The college president or designee, acting through campus security, shall have the authority and power to:

(a) Prohibit the entry of, or withdraw the license or privilege of, any individual to enter onto or remain upon any portion of a college facility; or

(b) Give notice against trespass to any individual against whom the license or privilege has been withdrawn or who have been prohibited from entering onto or remaining upon all or any portion of a college facility; or

(c) Order any individual to leave or vacate all or any portion of a college facility.

(2) Authority under subsection (1) of this section may be exercised when:

(a) An individual who violates these regulations persists in the violation after notice of the specific nature of the violation has been given;

(b) Or an individual or event is deemed to be substantial and material physical disruption of the peaceful functioning of the campus;

(c) An individual or event threatens to disrupt the movement of persons within or to or from facilities owned and/or operated by the college; or

(d) An individual threatens the safety or well-being of another person on campus or college activity.

Students, faculty, and staff of the college may only be ejected pursuant to this protocol where the duration of the ejection is for no more than a single day or where the ejection applies to a portion of the college facilities that the student or employee does not need to access in order to perform his or her studies or work.

(3) Students who violate WAC 132X-30-020 will be disciplined under chapter 132X-60 WAC.

(4) Faculty and staff members who violate WAC 132X-30-020 will be disciplined in accordance with established college policies.

(5) Individuals who are not students, faculty members, or college staff and who violate WAC 132X-30-020 will be given notice of violation, and if the individuals persist in the violation, the college president or designee, acting through campus security, shall ask them to leave the college property.

This request to leave college property revokes any license or privilege the individuals may have had to enter onto or remain upon any portion of the college campus.

(6) Individuals who fail to leave campus after receiving notices of the violation shall be subject to arrest for criminal trespass under RCW 9A.52.070 or 9A.52.080.

[Statutory Authority: Chapter 28B.50 RCW and RCW 42.56.040. 12-03-093, § 132X-60-035, filed 1/17/12, effective 2/17/12. Statutory Authority: RCW 28B.50.140(13). 00-05-023, § 132X-60-035, filed 2/8/00, effective 3/10/00.]

WAC 132X-60-037 Freedom of access to higher education. Students are free to pursue their educational goals; appropriate opportunities for learning in the classroom and on the campus shall be provided by the district. The college shall maintain an open-door-policy, to the end that no student will be denied admission because of the location of the student's residence, or because of the student's educational background or ability; that, insofar as is practical in the judgment of the board, curriculum offerings shall be provided to meet

the educational and training needs of the community generally and the students thereof; and that all students, regardless of their differing courses of study, will be considered, known and recognized equally as members of the student body: Provided, That the administrative officers of the college may deny admission to a prospective student or attendance to an enrolled student, if, in their judgment, the student would not be competent to profit from the curriculum offerings of the community college, or would, by the student's presence or conduct, create a disruptive atmosphere within the community college inconsistent with the purposes of the institution.

[Statutory Authority: RCW 28B.50.140(13). 00-05-023, § 132X-60-037, filed 2/8/00, effective 3/10/00.]

WAC 132X-60-040 Freedom of association and organization. Students are free to organize and join associations to promote any legal purpose. Student organizations must be granted a charter by the associated students of South Puget Sound Community College senate before they may be officially recognized. Prior to becoming chartered, a student organization must submit to the associated students of South Puget Sound Community College senate a statement of purpose, criteria for membership, a statement of operating rules or procedure, and the names of college personnel who have agreed to serve as an advisor. All chartered student organizations must also submit to the associated students of South Puget Sound Community College senate a list of officers and keep that list updated when changes occur. In order to qualify for issuance of a charter, a student organization must be open to all students without respect to race, gender, religion, age, nationality, or sexual orientation. Affiliation with a noncampus organization shall not be grounds for denial of charter provided that other conditions for charter issuance have been met.

[Statutory Authority: RCW 28B.50.140(13). 00-05-023, § 132X-60-040, filed 2/8/00, effective 3/10/00. Statutory Authority: RCW 28B.50.140. 88-21-071 (Order 88-1), § 132X-60-040, filed 10/18/88.]

WAC 132X-60-045 Freedom of expression. Fundamental to the democratic process are the rights of free speech and peaceful assembly. Students and other members of the college community shall always be free to express their views or support causes by orderly means which do not disrupt the regular and essential operations of the college.

Concomitantly, while supporting the rights of students and other members of the college community, the college recognizes the responsibility to maintain an atmosphere on campus conducive to a sound educational endeavor.

Persons expressing their opinion may not interfere with vehicular or pedestrian traffic or interfere with or disrupt the processes of the college.

[Statutory Authority: RCW 28B.50.140(13). 00-05-023, § 132X-60-045, filed 2/8/00, effective 3/10/00.]

WAC 132X-60-046 Student participation in college governance. As members of the college community, students will be free, individually and collectively, to express their views on college rules, and on matters of general interest to the student body. The ASB-SPSCC constitution and the college's administrative procedures provide clear channels for student participation in the formulation and application of institutional policies regarding academic and student affairs. Individuals affected by a rule shall have a representative voice in the formulation of that rule.

[Statutory Authority: Chapter 28B.50 RCW and RCW 42.56.040. 12-03-093, § 132X-60-046, filed 1/17/12, effective 2/17/12. Statutory Authority: RCW 28B.50.140(13). 00-05-023, § 132X-60-046, filed 2/8/00, effective 3/10/00.]

WAC 132X-60-050 Student records. In compliance with the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. §1232g and its implementing regulations, 34 C.F.R. § 99, this rule has been created to provide confidentiality of student records at the college and govern the release of personally identifiable information contained within.

(1) Education records. Education records are defined as those records, files, documents and other materials containing information directly related to a student and which records are maintained by the college or by a person acting for the college.

(2) Access to education records. Students who are or have attended the college have the right to examine or review their education records, as defined above, by submitting to the registrar a written request indicating education records to which access is desired.

(3) Directory information. The following information is considered "directory information" and thus may be disclosed without consent of the student, unless otherwise directed by the student at any time, in writing, to the registrar: The student's name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities, organizations, and sports, weight and height of members of athletic teams, dates of attendance, academic honors, degrees and awards received, and the most recent previous educational agency or institution attended by the student.

(4) Disclosure from education records. In addition to directory information the college will, at its discretion, make disclosures from education records of students to the following listed parties without the consent of the student:

(a) To other college officials who have legitimate educational interests in the information, including the educational interests of the student for whom consent would otherwise be required;

(b) To officials of other schools or school systems in which the student seeks or intends to enroll, upon condition that the student receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record;

(c) To authorized federal, state, or local officials as required or authorized by law;

(d) In connection with financial aid for which the student has applied or received;

(e) To accrediting organizations, or organizations conducting studies of or on behalf of the college as qualified by FERPA;

(f) To appropriate parties in a health or safety emergency if the knowledge of such information is necessary to protect the health or safety of the student or other persons;

(g) To persons in compliance with a judicial order or a lawfully issued subpoena provided that the college first noti-

fies the student before complying with the subpoena or court order;

(h) To parents of a dependent student as defined in 26 U.S.C. section 152, upon receipt of a written affidavit stating that the student is a dependent for income tax purposes; and

(i) To other parties authorized by FERPA to receive such information without the student's consent.

In cases where consent of the student is required for release of education records, the student shall in writing, signed and dated by the student, specify: The records to be disclosed, the purpose or purposes of the disclosure, and the name of the party or parties to whom the disclosure can be made.

When personally identifiable information is released without prior consent of the student, other than directory information and information released to college officials or the student, the college official in charge of these records will record the names of the parties who have requested information from educational records and the nature of the interest in that information.

Education records released to third parties shall be accompanied by a statement indicating that the information cannot be subsequently released in a personally identifiable form to other parties without obtaining the written consent of the student. The college is not precluded from permitting third party disclosures to other parties as permitted by law.

(5) Challenge of education records. Students who believe that information contained in their education records is inaccurate, misleading or violates the privacy of the student may request in writing to the appropriate college official that the college amend their record(s). The college official(s) will make every effort to settle disputes through informal meetings and discussion with the student.

In instances where disputes regarding contents of education records cannot be resolved by the parties concerned, the college official involved shall advise the student of the right to a brief adjudicative procedure.

Students are afforded the right to file a written complaint concerning alleged violations under FERPA by the college. The address of the office designated to investigate, process, and review violations and complaints which are filed is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue S.W.
Washington, D.C. 20202

Copies of the Federal Register pertaining to the Family Educational Rights and Privacy Act may be obtained from:

Superintendent of Documents
U.S. Government Printing Office
732 N. Capitol Street N.W.
Washington, D.C. 20402

[Statutory Authority: Chapter 28B.50 RCW and RCW 42.56.040. 12-03-093, § 132X-60-050, filed 1/17/12, effective 2/17/12. Statutory Authority: RCW 28B.50.140(13). 00-05-023, § 132X-60-050, filed 2/8/00, effective 3/10/00. Statutory Authority: RCW 28B.50.140. 88-21-071 (Order 88-1), § 132X-60-050, filed 10/18/88.]

WAC 132X-60-060 Student publications. The college will establish a student publications code relating to officially sponsored publications and create a student publications board charged with the enforcement of the code. The publications board shall be composed of an administrator and three faculty appointed by the college president, and three students appointed by the associated student body president. These students shall not, while serving on the board, hold any student publications position appointed by the student publications board and shall not serve on any superior budgetary body.

The student publications code shall protect the students' freedom to deal with any ideas and to express any opinions in the student publications without fear of their censorship. Editors and managers of student publications are protected from arbitrary suspension and removal. Only for proper and stated causes, as outlined in the statement of purpose or philosophy adopted for each student publication, or for violation of responsible journalism practices should editors and managers be subject to removal and then by orderly and prescribed procedures.

The student editors and managers must practice responsible journalism and have freedom of expression as outlined in the "South Puget Sound Community College Student Publications Code."

[Statutory Authority: Chapter 28B.50 RCW and RCW 42.56.040. 12-03-093, § 132X-60-060, filed 1/17/12, effective 2/17/12. Statutory Authority: RCW 28B.50.140(13). 00-05-023, § 132X-60-060, filed 2/8/00, effective 3/10/00. Statutory Authority: RCW 28B.50.140. 88-21-071 (Order 88-1), § 132X-60-060, filed 10/18/88.]

WAC 132X-60-065 Posting of materials. Permission for the posting of materials and literature on college property is not required in designated public posting areas on the campus.

Permission for the posting of materials and literature on nondesignated public posting areas shall be obtained from the following college officials:

(1) The dean of student life for the posting of materials in nondesignated areas in the student union building, the college center, hallways, within buildings and those areas located on campus outside of college buildings.

(2) No posting will be allowed on railings unless paint protection devices are used. Permission for any such postings must have the prior approval of the dean of student life.

(3) The appropriate college vice-president for permission for the posting of materials in other areas of the college campus, buildings, or facilities.

In addition, the following apply to the posting of materials:

(4) No posting of obscene materials.

(5) No materials will be posted or tacked on trees or the covered walkway gazebo(s).

[Statutory Authority: Chapter 28B.50 RCW and RCW 42.56.040. 12-03-093, § 132X-60-065, filed 1/17/12, effective 2/17/12. Statutory Authority: RCW 28B.50.140(13). 03-03-089, § 132X-60-065, filed 1/16/03, effective 2/16/03; 00-05-023, § 132X-60-065, filed 2/8/00, effective 3/10/00.]

WAC 132X-60-070 Use of college facilities. Any chartered student club or organization may request use of available college facilities for authorized activities. Facilities may be provided free of charge to the student club or organization except when such use necessitates staffing and services

beyond regular college requirements. College fees will be charged in these cases.

Use of facilities for purposes other than those approved or in an irresponsible manner may result in withdrawal of this privilege for the student club or organization.

Use of college facilities by noncollege organizations or individuals is addressed separately under chapter 132X-30 WAC.

[Statutory Authority: Chapter 28B.50 RCW and RCW 42.56.040. 12-03-093, § 132X-60-070, filed 1/17/12, effective 2/17/12. Statutory Authority: RCW 28B.50.140. 88-21-071 (Order 88-1), § 132X-60-070, filed 10/18/88.]

WAC 132X-60-080 Student complaints. The purpose of these procedures is to establish a process where a student may express and resolve misunderstandings or complaints with any college employee or procedure in a fair and equitable manner.

A complaint is any expression of dissatisfaction with the performance of a college employee or procedure. The student who has a complaint about an action of a college employee should use the following procedure:

Nonacademic complaints

(1) Initiating an informal nonacademic complaint:

(a) The student complainant and the college employee should make a good faith effort to resolve the complaint on a one to one basis within fifteen calendar days from the date of the complaint. In the event of absence from campus by the employee or if the student feels that he/she cannot meet face-to-face with the employee, the student may contact the organizational unit administrator for advice on how to proceed with the complaint.

(b) If the student determines that a complaint cannot be resolved appropriately with the employee concerned, the student may contact the organizational unit administrator of the employee to facilitate a solution to the complaint.

(c) If a complaint filed with the appropriate organizational unit administrator has not been resolved, the student may proceed with a formal complaint.

(2) Proceeding with a formal nonacademic complaint:

(a) Office to address: Complaints regarding an instructional employee, procedure or rule shall be addressed to the vice-president for instruction or designee. Complaints regarding an administrative services employee, procedure or rule shall be addressed to the vice-president for administrative services or designee. Complaints regarding a student services employee, procedure or rule shall be addressed to the vice-president for student services or designee. Complaints regarding all other employees, procedures or rules shall be addressed to the chief human resources officer.

(b) The vice-president/chief human resources officer/designee shall discuss with the student the concerns and options available to resolve the concern. If the student should elect to proceed with the formal complaint the student must outline in writing the complaint, identifying dates and persons involved.

(c) The student's written complaint shall be forwarded to the employee concerned who shall provide a written response to the vice-president/chief human resources officer within ten calendar days.

(d) The vice-president/chief human resources officer/designee shall provide a written response to the student within ten calendar days of the receipt of the employee response or the complaint concerning a procedure or rule.

(e) Action taken by the vice-president/chief human resources officer/designee may be appealed to the president in writing within ten calendar days. The decision of the president is final.

(3) Academic complaints: Students with an academic complaint including, but not limited to, grade disputes, should contact the faculty member within ten calendar days of the incident and attempt to resolve the issue(s). If unable to resolve the issue(s), the student should contact the appropriate dean or director within ten calendar days of contact with the faculty. If still unable to resolve the issue(s), the student should contact the supervising vice-president within ten calendar days within contacting the dean or director. The decision of the vice-president shall be final.

(4) Discrimination complaints: Students who believe they have been discriminated against, including sexual harassment, may pursue an institutional complaint under the procedures outlined in the South Puget Sound Community College nondiscrimination policy and discrimination complaint/grievance procedures and/or may pursue other remedies provided by law. Procedures for filing discrimination complaints, other than those related to disability discrimination or denial of accommodations, may be found at http://www.spscc.ctc.edu/getting-to-know-us/policies.

Procedures for filing disability discrimination complaints or denial of accommodations are addressed by the South Puget Sound Community College procedures and appeals process for accommodating students with disabilities and disability discrimination complaints. Those procedures may be found at http://www.spscc.ctc.edu/getting-to-know-us/policies.

[Statutory Authority: Chapter 28B.50 RCW and RCW 42.56.040. 12-03-093, § 132X-60-080, filed 1/17/12, effective 2/17/12. Statutory Authority: RCW 28B.50.140(13). 00-05-023, § 132X-60-080, filed 2/8/00, effective 3/10/00. Statutory Authority: RCW 28B.50.140. 88-21-071 (Order 88-1), § 132X-60-080, filed 10/18/88.]

WAC 132X-60-090 Violations. Any student found to have committed or to have attempted to commit any of the following violations on college-owned or controlled property or at college-sponsored or supervised functions is subject to the disciplinary sanctions outlined in WAC 132X-60-120:

(1) Abusive conduct: Physical and/or verbal abuse of any person or conduct, including hazing and initiations which is intended to threaten imminent bodily harm or to endanger the health or safety of any person.

(2) Destroying or damaging property: Malicious damage to or malicious misuse of college property, or the property of any person.

(3) Dishonesty: All forms of dishonesty including: Cheating; plagiarism; knowingly furnishing false information to the college; intentionally initiating or causing to be initiated any false report, warning, or threat of fire, explosion, or other emergency,; forgery; alteration or use of college documents or instruments of identification with intent to defraud.

(4) Disorderly conduct: Materially and substantially interferes with the personal rights or privileges of others or the educational process of the college.

(5) Drugs: Using, possessing, furnishing, or selling any narcotic or dangerous drug as those terms are used in Washington statutes, except when the use or possession of a drug is specifically prescribed to the student as medication by an authorized medical practitioner.

(6) Inciting others: Intentionally inciting others to engage in any prohibited conduct as defined herein, which incitement directly leads to such conduct. Inciting is the advocacy which prepares the group or individual addressed for immediate action and compels that individual or group to engage in the prohibited conduct.

(7) Insubordination: Failure to comply with lawful directions of college personnel acting in performance of their official duties.

(8) Liquor: Possessing, consuming, or furnishing of alcoholic beverages where prohibited by law or college rules.

(9) Theft: Theft or conversion of college property or private property.

(10) Trespass/unauthorized presence: Entering or remaining unlawfully, as defined by state law, or using college premises, facilities, or property, without authority.

(11) Sexual harassment: Unwelcome sexual advances, requests for sexual favors, other conduct soliciting sexual favors, or other conduct of a sexual nature which conduct objectively and subjectively creates a hostile environment that substantially interferes with a student's educational performance, or substantially interferes with an individual's work, regardless of whom is initiating or receiving that conduct. That is, sexual harassment conduct of employees toward students, supervisors toward supervisees, students toward students, students toward employees. Sexual harassment complaints are covered by the college's Nondiscrimination Policy and Discrimination Complaint/Grievance Procedures at http://www.spscc.ctc.edu/getting-to-know-us/policies.

(12) Weapons: Carrying, exhibiting, displaying or drawing any firearm, dagger, sword, knife or other cutting or stabbing instrument, club, or any other weapon apparently capable of producing bodily harm, in a manner, under circumstances, and at a time and place that either manifests an intent to intimidate another or that warrants alarm for the safety of other persons.

(13) Computers - Misuse of technology: Use of college computers and/or computer programs for any purpose other than legitimate college business.

(14) Other violations: Students may be accountable to civil and criminal authorities and to the college for acts which constitute violations of federal, state, or local law as well as college rules and policy. The college may refer any such violation to civil and criminal authorities for disposition.

[Statutory Authority: Chapter 28B.50 RCW and RCW 42.56.040. 12-03-093, § 132X-60-090, filed 1/17/12, effective 2/17/12. Statutory Authority: RCW 28B.50.140(13). 00-05-023, § 132X-60-090, filed 2/8/00, effective 3/10/00. Statutory Authority: RCW 28B.50.140. 88-21-071 (Order 88-1), § 132X-60-090, filed 10/18/88.]

WAC 132X-60-100 Disciplinary proceedings. (1) Initiation of disciplinary action. Alleged violations shall be reported in writing to the vice-president for student services within ten calendar days of occurrence.

(2) Notice requirements. Any student charged with an alleged violation shall receive written notice from the office of the vice-president for student services delivered to the student personally or by registered or certified mail to the student's last known address no later than two calendar weeks after a reported violation. The notice shall not be ineffective if presented later due to student's absence. The notice to the accused student shall:

(a) Inform the student what provision(s) of the student code he/she is charged with allegedly violating; and

(b) Specify the exact time and date the student is required to meet with the vice-president for student services; and

(c) Inform the student that failure to appear at the appointed time to meet with the vice-president for student services may subject the student to suspension from the institution for a stated or indefinite period of time.

(3) Meeting with the vice-president for student services.

(a) At the meeting with the vice-president for student services the student shall be reinformed of the provision(s) of the code of student rights and responsibilities that are involved, and that the student may appeal any sanction imposed by the vice-president for student services as outlined in WAC 132X-60-105.

(b) After considering the evidence in the case and, as appropriate, interviewing the student or students involved, the vice-president for student services may take any of the following actions:

(i) Terminate the proceedings exonerating the student or students; or

(ii) Impose disciplinary sanctions as provided for in WAC 132X-60-120.

(c) A student accused and found guilty of violating any provision of this code shall, within ten calendar days, be given notification of any disciplinary action taken by the vice-president for student services, including a brief statement of the reasons for the decision and notice of their right to appeal to the student judicial board within ten calendar days of the disciplinary action taken by the vice-president.

(d) Disciplinary action taken by the vice-president for student services is final unless the student exercises the right of appeal to the student judicial board.

[Statutory Authority: Chapter 28B.50 RCW and RCW 42.56.040. 12-03-093, § 132X-60-100, filed 1/17/12, effective 2/17/12. Statutory Authority: RCW 28B.50.140(13). 00-05-023, § 132X-60-100, filed 2/8/00, effective 3/10/00. Statutory Authority: RCW 28B.50.140. 88-21-071 (Order 88-1), § 132X-60-100, filed 10/18/88.]

WAC 132X-60-105 Student judicial board appeals process. (1) Composition. The college shall have a student judicial board composed of six members, who shall be chosen and appointed to serve until their successors are appointed. The membership of the board shall consist of two members of the exempt staff, excepting the vice-president for student services, appointed by the president; two faculty members appointed by the faculty senate; and two students appointed by the associated student body president. Any student entitled to a hearing before the student judicial board shall choose, in writing, three members of the board to hear and decide the appeal, provided the student must choose at least one student, one faculty member and one exempt staff

from the six-member board. In the event that unforeseen circumstances prevent a previously selected board member from attending the hearing, the student must choose a replacement from among the balance of the board.

(2) Disciplinary hearing procedures.

(a) The three members of the student judicial board will hear the appeal within ten days of receipt of the appeal from the student.

(b) The three members of the student judicial board shall elect from among themselves a chairperson for the purpose of presiding at the disciplinary hearing.

(c) At least seven calendar days in advance, the student shall be given written notice of the time, date, and location of the hearing; the specific charges against him/her; and shall be given reasonable access to a list of witnesses who will appear with a brief summary of the witness expected testimony and other evidence. The evidence will be retained by the vice-president for student services.

(d) Student judicial board hearings shall be held in closed session. The complainant, accused student and their representative/advocate, if any, the vice-president for student services, college counsel, counsel for the judicial board, and a court reporter or person operating audio recording equipment shall be allowed to attend the entire portion of the student judicial board hearing, excluding deliberation. Admission of any other person to the student judicial board hearing shall be at the election of the accused student.

(e) The chairperson shall exercise control over the hearing to avoid needless consumption of time and to prevent the harassment or intimidation of witnesses. Any person, including the accused student, who disrupts a hearing or who fails to adhere to the rulings of the chairperson or board may be excluded from the proceedings and may be subject to disciplinary action as set forth in this code.

(f) The accused student has the right to be assisted by any person they choose, at their own expense. The chosen person is not permitted to speak or participate directly in any hearing before the judicial board. If the accused student chooses a licensed attorney, the accused student must notify the vice-president for student services at least five calendar days prior to the hearing, of the attorney's intended appearance.

(g) The accused student, vice-president for student services and/or their counsel may arrange for witnesses to present pertinent information to the student judicial board. Witnesses will provide information under oath and answer questions.

(h) Formal rules of evidence and procedure shall not be applicable in disciplinary proceedings conducted under this code. Pertinent records, exhibits, and written statements may be accepted as information for consideration by the student judicial board at the discretion of the chairperson. All procedural questions are subject to the final decision of the chairperson of the student judicial board.

(i) There shall be a single verbatim record, such as a tape recording or transcript, of all student judicial board hearings, excluding deliberations. The record shall be the property of the college.

(3) Hearing conclusions. After considering the evidence in the case, the student judicial board shall decide by majority vote whether to:

(a) Affirm the disciplinary sanctions imposed by the vice-president for student services; or

(b) Terminate the proceedings exonerating the student(s); or

(c) Impose other appropriate disciplinary sanctions as provided in WAC 132X-60-120.

Final decisions of the student judicial board, reasons for the decision, including findings of fact, and conclusions of law, shall be delivered within ten calendar days of the hearing by return receipt requested mail to the student's last known address and a copy filed with the office of the vice-president for student services.

The decision of the student judicial board is final.

[Statutory Authority: Chapter 28B.50 RCW and RCW 42.56.040. 12-03-093, § 132X-60-105, filed 1/17/12, effective 2/17/12.]

WAC 132X-60-120 Disciplinary sanctions. The following sanctions may be imposed by the vice-president for student services or the student judicial board upon any student found to have violated the code of student rights and responsibilities:

(1) Warning. Notice to a student, either verbally or in writing. Such warnings will include the statement that continuation or repetition of the specific conduct involved or other misconduct will normally result in one of the more serious disciplinary sanctions described below.

(2) Reprimand. Formal action censuring a student for violation of the college code. Reprimands shall be made in writing to the student with copies filed in the office of the vice-president for student services. A reprimand will include the statement that continuation or repetition of the specific conduct involved or other misconduct will normally result in one of the more serious disciplinary sanctions described below.

(3) Fines. Assess monetary fines against individual students for violation of the college code. The fines imposed will be deposited in the appropriate college account. Failure to pay such fines within thirty days may, at the discretion of the vice-president for student services, result in suspension for an indefinite period of time as set forth in subsection (6) of this section, provided that a student may be reinstated upon payment of the fine.

(4) Restitution. An individual student may be required to make restitution for damage or loss to college or other property and for injury to persons. Failure to make restitution within thirty days may, at the discretion of the vice-president for student services, result in suspension for an indefinite period of time as set forth in subsection (8) of this section, provided that a student may be reinstated upon payment.

(5) Forfeit of state-funded grants, scholarships or awards. A person who participates in the hazing of another shall forfeit any entitlement to state-funded grants, scholarships, or awards for a period of time determined by the college.

(6) Deprivation of official recognition of organization, association, student living group or club. Any organization, association, student living group or club that knowingly permits hazing to be conducted by its members or by others subject to its direction or control shall be deprived of any official recognition or approval granted by the college.

(7) Disciplinary probation. Formal action placing conditions upon the student's continued attendance for violations of the college code. Written notice of disciplinary probation will specify the period of probation and any conditions, such as limiting the student's participation in extracurricular activities or access to specific areas of the college's facilities. Copies of the notice shall be kept on file in the office of the vice-president for student services and, at the discretion of the vice-president for student services, in the student's official educational records. Disciplinary probation will be for a specified term.

(8) Suspension/dismissal. Temporary, summary or permanent dismissal of a student from the college for violation of college code. The written notification suspending a student will state the term of the suspension, any special conditions which must be met before readmission, and the provision for appeal for readmission as outlined in WAC 132X-60-130. Notice shall be on file in the office of the vice-president for student services and in the student's official education record.

Students who are suspended from the college may be denied access to all or any part of the campus or other facility during the duration of the period of suspension.

Refund of tuition and fees for the quarter in which disciplinary action is taken shall be in accordance with the college's refund rules.

(9) Withholding transcripts and/or degree. The college may withhold issuing transcripts or awarding a degree otherwise earned until completion of the process set forth in this code.

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

[Statutory Authority: Chapter 28B.50 RCW and RCW 42.56.040. 12-03-093, § 132X-60-120, filed 1/17/12, effective 2/17/12. Statutory Authority: RCW 28B.50.140(13). 00-05-023, § 132X-60-120, filed 2/8/00, effective 3/10/00. Statutory Authority: RCW 28B.50.140. 88-21-071 (Order 88-1), § 132X-60-120, filed 10/18/88.]

WAC 132X-60-130 Readmission after suspension/dismissal. If the student has been suspended/dismissed, or feels that circumstances warrant reconsideration of the suspension/dismissal prior to its expiration, the student may be readmitted following approval of a written petition submitted to the vice-president for student services. Such petition must state reasons, including appropriate documentation, which support a reconsideration of the matter. The vice-president for student services will respond in writing within ten calendar days of receiving the written petition for readmission.

[Statutory Authority: Chapter 28B.50 RCW and RCW 42.56.040. 12-03-093, § 132X-60-130, filed 1/17/12, effective 2/17/12. Statutory Authority: RCW 28B.50.140(13). 00-05-023, § 132X-60-130, filed 2/8/00, effective 3/10/00. Statutory Authority: RCW 28B.50.140. 88-21-071 (Order 88-1), § 132X-60-130, filed 10/18/88.]

WAC 132X-60-140 Summary suspension procedures. (1) Initiation of summary suspension procedures. The vice-president for student services, or designee, may suspend any student of the college for not more than ten calendar days pending investigation, action or initiating disciplinary proceedings of alleged violation(s) of the college code, if the vice-president for student services has reason to believe the student's presence presents an immediate danger to the public health, safety or welfare requiring immediate action.

(2) Permission to enter or remain on campus. During the period of summary suspension, the suspended student shall not enter the campus of the college or any facility under the operation of the college other than to meet with the vice-president for student services or to attend the disciplinary hearing. However, the vice-president for student services may grant the student special permission to enter a campus for the express purpose of meeting with faculty, staff, or students in preparation for the disciplinary hearing.

(3) Notice of order of summary suspension proceedings.

(a) If the vice-president for student services or designee finds it necessary to exercise the authority to summarily suspend a student, he/she shall:

(i) Send a notice including a brief statement of reason for the decision (findings of fact and conclusions of law); and

(ii) The corrective action or punishment which may be imposed against the student; that anything the student says to the vice-president may be used against the student; and that the student may either accept the disciplinary action or, within forty-eight hours or two academic days following receipt of the notice, file at the office of the vice-president for student services, an appeal to the student judicial board. If the appeal is not filed within the prescribed time, it will be deemed waived. The college shall maintain its official record all documents considered or prepared regarding the matter.

(b) Appeal and disciplinary hearing. The hearing shall be held according to the process set forth in WAC 132X-60-105. Failure by the student to appear at the hearing with the student judicial board may result in the vice-president for student services or designee suspending the student from the college.

(4) Classroom summary suspension and appeal process. Nothing herein shall prevent faculty members from taking summary action as may be reasonably necessary to maintain order when they have reason to believe that such action is necessary for the public health, safety or welfare requiring immediate college action or where the student's conduct materially and substantially disrupts the educational process.

(a) Such summary action in the form of removal from the classroom shall be effective for a period not to exceed three scheduled classroom days.

(b) The faculty member must immediately report such suspension to the vice-president for student services who will follow the process in subsections (1), (2) and (3) of this section.

(c) Any summary action may be appealed immediately in writing by the student to the vice-president for student services.

(d) The vice-president for student services must decide the appeal within twenty-four hours' receipt of the appeal and their decision is final.

[Statutory Authority: Chapter 28B.50 RCW and RCW 42.56.040. 12-03-093, § 132X-60-140, filed 1/17/12, effective 2/17/12. Statutory Authority: RCW 28B.50.140(13). 00-05-023, § 132X-60-140, filed 2/8/00, effective 3/10/00. Statutory Authority: RCW 28B.50.140. 88-21-071 (Order 88-1), § 132X-60-140, filed 10/18/88.]

WAC 132X-60-150 Emergency procedures. In the event of activities which interfere with the orderly operation of the college, the vice-president for student services or the president, or their designees shall determine the course of action which appears to offer the best possibility for resolution of the problem. The emergency procedures outlined below will be followed if deemed essential:

(1) Inform those involved in such activities that they are in violation of college code or civil/criminal laws or regulations.

(2) Inform them that they should cease and desist. Indicate an area on campus where they are able to conduct their activities without interfering with the operation of the college, if such an area is available.

(3) If they do not respond within a reasonable time, call campus security.

[Statutory Authority: Chapter 28B.50 RCW and RCW 42.56.040. 12-03-093, § 132X-60-150, filed 1/17/12, effective 2/17/12. Statutory Authority: RCW 28B.50.140(13). 00-05-023, § 132X-60-150, filed 2/8/00, effective 3/10/00. Statutory Authority: RCW 28B.50.140. 88-21-071 (Order 88-1), § 132X-60-150, filed 10/18/88.]

LOSS OF ELIGIBILITY—STUDENT ATHLETIC PARTICIPATION

WAC 132X-60-160 Athletics—Grounds for ineligibility. Any student found to have violated chapter 69.41 RCW, which prohibits the unlawful sale, delivery or possession of prescription drugs, shall, after hearing and any appeals, be disqualified from participation in any college-sponsored athletic events or activities.

[Statutory Authority: Chapter 28B.50 RCW and RCW 42.56.040. 12-03-093, § 132X-60-160, filed 1/17/12, effective 2/17/12. Statutory Authority: RCW 28B.50.140(13). 00-05-023, § 132X-60-160, filed 2/8/00, effective 3/10/00; 90-13-064, § 132X-60-160, filed 6/18/90, effective 7/19/90.]

WAC 132X-60-170 Initiation of athletic ineligibility proceedings. The vice-president for student services or designee can initiate athletic ineligibility proceedings whenever he or she has reasonable cause to believe that the student has violated chapter 69.41 RCW or been advised that the student has been convicted of a crime involving the violation of chapter 69.41 RCW. A notice of the alleged violations, proposed disqualification from participation and the opportunity for a brief adjudicative proceeding shall be given to the student at least ten calendar days before the hearing. Should the student desire not to go forward with the hearing, the disqualification for participation in athletic events or activities shall be imposed as set forth in the notice of hearing to the student.

[Statutory Authority: Chapter 28B.50 RCW and RCW 42.56.040. 12-03-093, § 132X-60-170, filed 1/17/12, effective 2/17/12. Statutory Authority: RCW 28B.50.140(13). 00-05-023, § 132X-60-170, filed 2/8/00, effective 3/10/00; 90-13-064, § 132X-60-170, filed 6/18/90, effective 7/19/90.]