

Chapter 495C-120 WAC

STUDENT CONDUCT CODE

WAC

495C-120-010	Definitions.
495C-120-020	Statement of purpose.
495C-120-030	Jurisdiction.
495C-120-040	Student misconduct.
495C-120-041	Hazing policy.
495C-120-045	Loss of eligibility—Student participation.
495C-120-050	Civil disturbances.
495C-120-060	Free movement on campus.
495C-120-070	Right to demand identification.
495C-120-080	Dishonesty/classroom conduct.
495C-120-090	Campus speakers.
495C-120-100	Distribution of information.
495C-120-110	Commercial activities.
495C-120-120	Disciplinary process.
495C-120-125	Summary suspension.
495C-120-130	Disciplinary terms.
495C-120-135	Refunds and access.
495C-120-140	Readmission after suspension or expulsion.
495C-120-150	Readmission into instructional program.
495C-120-160	Hearing procedures.
495C-120-170	Appeals.
495C-120-180	Reporting, recording and maintaining records.

WAC 495C-120-010 Definitions. The definitions set forth in this section apply throughout this chapter.

(1) "Board" means the board of trustees of Clover Park Technical College.

(2) "College" means Clover Park Technical College.

(3) "Liquor" means the definition of liquor as contained within RCW 66.04.010.

(4) "Drugs" means a narcotic drug as defined in RCW 69.50.101, a controlled substance as defined in RCW 69.50.-201 through 69.50.212, or a legend drug as defined in RCW 69.41.010.

(5) "College facilities" means the real property controlled or operated by the college and includes all buildings and appurtenances affixed thereon or attached thereto.

(6) "President" means the chief executive officer of the college appointed by the board of trustees.

(7) "Hazing" means any method of initiation into a student organization or any pastime or amusement engaged in with respect to such an organization that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm, to any student or other person attending any institution of higher education or postsecondary institution. Excluded from this definition are "customary athletic events or other similar contests or competitions."

(8) "Student" means a person who is enrolled at the college.

(9) "Disciplinary officials" means the president or designee, including, but not limited to, vice-presidents and directors.

(10) "Disciplinary action" means the reprimand, probation, expulsion, suspension, or summary suspension of a student under WAC 495C-120-120 for the violation of a rule adopted in this chapter.

[Statutory Authority: RCW 28B.50.140(13). WSR 00-12-019, § 495C-120-010, filed 5/26/00, effective 6/26/00. Statutory Authority: RCW 28B.50.140,

(1/24/02)

42.30.075 and 1991 c 238. WSR 92-19-091, § 495C-120-010, filed 9/16/92, effective 10/17/92.]

WAC 495C-120-020 Statement of purpose. (1) Clover Park Technical College is maintained by the state of Washington for the provision of programs of vocational instruction for adults and qualified high school students, including necessary related instruction and community services. Like any other institution having its own special purposes, the college must maintain conditions conducive to the effective performance of its functions. Consequently, it has special expectations regarding the conduct of the various participants in the college community.

(2) Admission to the college carries with it the prescription that students will conduct themselves as responsible members of the college community. This includes an expectation that students will obey appropriate laws, will comply with the rules of the college and its departments, and will maintain a high standard of integrity and honesty.

(3) Sanctions for violations of college rules or conduct that interfere with the operation of college affairs will be dealt with by the college, and the college may impose sanctions independently of any action taken by civil or criminal authorities. Parents or legal guardians may be notified of any sanctions imposed on unemancipated minors.

[Statutory Authority: RCW 28B.50.140(13). WSR 00-12-019, § 495C-120-020, filed 5/26/00, effective 6/26/00. Statutory Authority: RCW 28B.50.140, 42.30.075 and 1991 c 238. WSR 92-19-091, § 495C-120-020, filed 9/16/92, effective 10/17/92.]

WAC 495C-120-030 Jurisdiction. All rules in this chapter concerning student conduct and discipline apply to every student enrolled at the college whenever the student is engaged in or present at a college-related activity, whether occurring on or off college facilities.

[Statutory Authority: RCW 28B.50.140, 42.30.075 and 1991 c 238. WSR 92-19-091, § 495C-120-030, filed 9/16/92, effective 10/17/92.]

WAC 495C-120-040 Student misconduct. Disciplinary action may be taken for a violation of any provision of this student code, for a violation of other college rules which may from time to time be properly adopted, or for any of the following types of misconduct:

(1) Possession, use, sale, or distribution of any illegal drug on the college campus. The use of illegal drugs by any student attending a college-sponsored event is also prohibited, even though the event does not take place at the college. The use of alcohol by any student attending such events on college or noncollege property shall conform to state law;

(2) Behavior in the classroom or at a college function that is disruptive to the teaching and learning environment;

(3) Engaging in lewd, indecent, or obscene behavior;

(4) Where the student presents an imminent danger to college property or to himself or herself or other students or

[Ch. 495C-120 WAC p. 1]

persons in college facilities on or off campus, or to the education process of the college;

(5) Dishonesty, including cheating, plagiarism, or knowingly furnishing false information to the college;

(6) The intentional making of false statements or filing of false charges against the college and members of the college community;

(7) Forgery, alteration, or misuse of college documents, records, funds, or instruments of identification with the intent to defraud;

(8) Theft from, damage to, or misuse of college premises or property, or theft of or damage to property of a member of the college community or college premises;

(9) Failure to comply with the direction of college officials acting in the legitimate performance of their duties;

(10) Possession of firearms, except where approved by state statute;

(11) Engaging in unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of sexual nature where such behavior knowingly offends the recipient, causes discomfort, or humiliates or interferes with job performance;

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

(13) Actions and/or language directed to others that incites disruptive behavior;

(14) Verbal or written threats and intimidation;

(15) Malicious damage to or malicious misuse of college property, or the property of any person where such property is located on the college campus;

(16) Entering any administrative office or any locked or otherwise closed college facility in any manner, at any time, without permission of the college employee or agent in charge thereof;

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

(18) Violation of any rules or policies pertaining to the use of computer and technology resources.

[Statutory Authority: RCW 28B.50.140(13). WSR 02-04-022, § 495C-120-040, filed 1/24/02, effective 2/24/02; WSR 00-12-019, § 495C-120-040, filed 5/26/00, effective 6/26/00. Statutory Authority: RCW 28B.50.140, 42.30.075 and 1991 c 238. WSR 92-19-091, § 495C-120-040, filed 9/16/92, effective 10/17/92.]

WAC 495C-120-041 Hazing policy. (1) No student, or other person in attendance at Clover Park Technical College, may conspire to engage in hazing or participate in hazing of another. Hazing is defined as any activity that includes one or more of the following:

(a) Activities that expose personal values to compromise or ridicule.

(b) Stunts which have no meaningful relationship to the objectives of the organization.

(c) Activities that abuse the trust an organization is striving to build between its members and prospective members.

(d) Activities that humiliate or subject individuals to circumstances with which they are not comfortable or of which they are fearful.

(e) Activities which are illegal or violate college policy.

(f) Activities which interfere with educational pursuits or normal life functions.

(2) Penalties.

(a) Any organization or association that knowingly permits hazing shall:

(i) Be liable for harm caused to persons or property resulting from hazing; and

(ii) Be denied recognition by Clover Park Technical College as an official organization or association on this campus.

If the organization or association is a corporation, whether for profit or nonprofit, the individual directors of the corporation may be held individually liable for damages.

(b) A person who participates in the hazing of another shall forfeit any entitlement to state-funded grants, scholarships or awards for ninety calendar days.

(c) Forfeiture of state-funded grants, scholarships or awards shall continue for ninety calendar days, up to and including permanent forfeiture, based upon the seriousness of the violations.

(3) Disciplinary action may be taken under this chapter for hazing violations.

(4) Hazing violations are also misdemeanors punishable under state criminal law according to RCW 9A.20.021.

(5) Conduct which causes embarrassment, ridicule, sleep deprivation, verbal abuse, or personal humiliation, not amounting to hazing, shall be subject to disciplinary action under this chapter.

[Statutory Authority: RCW 28B.50.140(13). WSR 02-04-022, § 495C-120-041, filed 1/24/02, effective 2/24/02; WSR 00-12-019, § 495C-120-041, filed 5/26/00, effective 6/26/00.]

WAC 495C-120-045 Loss of eligibility—Student participation. Any student found to have violated chapter 69.41 RCW, legend drugs, by virtue of a criminal conviction or by final decision of the college president or designee shall, in lieu of or in addition to any other disciplinary action which may be imposed, be disqualified from participation in any school-sponsored events or activities.

[Statutory Authority: RCW 28B.50.140(13). WSR 00-12-019, § 495C-120-045, filed 5/26/00, effective 6/26/00. Statutory Authority: RCW 28B.50.140, 42.30.075 and 1991 c 238. WSR 92-19-091, § 495C-120-045, filed 9/16/92, effective 10/17/92.]

WAC 495C-120-050 Civil disturbances. In accordance with provisions contained in RCW 28B.10.571 and 28B.10.572:

(1) It shall be unlawful for any person, singly or in concert with others, to interfere by force or violence with any employee or student of the college who is in the peaceful discharge or conduct of his or her duties or studies.

(2) It shall be unlawful for any person, singly or in concert with others, to intimidate by threat of force or violence any employee or student of the college who is in the peaceful discharge of his or her duties or studies.

(3) The crimes described in RCW 28B.10.571 and 28B.10.572 shall not apply to any employee who is engaged in the reasonable exercise of their disciplinary authority.

(4) Any person or persons who violate the provisions of subsections (1) and (2) of this section will be subject to disciplinary action and referred to the authorities for prosecution.

[Statutory Authority: RCW 28B.50.140(13). WSR 00-12-019, § 495C-120-050, filed 5/26/00, effective 6/26/00. Statutory Authority: RCW 28B.50.140, 42.30.075 and 1991 c 238. WSR 92-19-091, § 495C-120-050, filed 9/16/92, effective 10/17/92.]

WAC 495C-120-060 Free movement on campus. The president or designee is authorized in the instance of any event that he or she deems impedes the movement of persons or vehicles or which he or she deems to disrupt the ingress or egress of persons from the college facilities, to prohibit the entry of, or withdraw the license of, or privileges of a person or persons or any group of persons to enter onto or remain upon any portion of the college facilities.

[Statutory Authority: RCW 28B.50.140, 42.30.075 and 1991 c 238. WSR 92-19-091, § 495C-120-060, filed 9/16/92, effective 10/17/92.]

WAC 495C-120-070 Right to demand identification. For the purpose of determining whether probable cause exists for the application of any section of this code to any behavior by any person on a college facility, any college personnel or other authorized personnel may demand that any person on college facilities produce identification.

[Statutory Authority: RCW 28B.50.140, 42.30.075 and 1991 c 238. WSR 92-19-091, § 495C-120-070, filed 9/16/92, effective 10/17/92.]

WAC 495C-120-080 Dishonesty/classroom conduct. (1) Dishonesty: Honest assessment of student performance is of crucial importance to all members of the college community. Acts of dishonesty are serious breaches of honor and shall be dealt with in the following manner:

(a) It is the responsibility of the college administration and instructional staff to provide reasonable and prudent security measures designed to minimize opportunities for acts of dishonesty which occur at the college.

(b) Any student who, for the purpose of fulfilling any assignment or task required by a staff member as part of the student's program of instruction, shall knowingly tender any work product that the student fraudulently represents to the staff member as the student's work product, shall be deemed to have committed an act of dishonesty. Acts of dishonesty shall be cause for disciplinary action.

(c) Any student who aids or abets the accomplishment of an act of dishonesty, as described in subparagraph (b) above, shall be subject to disciplinary action.

(d) This section shall not be construed as preventing an instructor from taking immediate disciplinary action when the instructor is required to act upon such breach of dishonesty in order to preserve order and prevent disruptive conduct in the classroom. This section shall also not be construed as preventing an instructor from adjusting the student's grade on a particular project, paper, test, or class grade for dishonesty.

(2) Classroom conduct: Instructors have the authority to take whatever summary actions may be necessary to maintain order and proper conduct in the classroom and to maintain the effective cooperation of the class in fulfilling the objectives of the course.

(a) Any student who, by any act of misconduct, substantially disrupts any college class by engaging in conduct that

renders it difficult or impossible to maintain the decorum of the class shall be subject to disciplinary action.

(b) The instructor of each program offered by the college is authorized to take such steps as may be necessary to preserve order and to maintain the effective cooperation of the class in fulfilling the objectives of the program; provided that; a student shall have the right to appeal such disciplinary action.

[Statutory Authority: RCW 28B.50.140(13). WSR 00-12-019, § 495C-120-080, filed 5/26/00, effective 6/26/00. Statutory Authority: RCW 28B.50.140, 42.30.075 and 1991 c 238. WSR 92-19-091, § 495C-120-080, filed 9/16/92, effective 10/17/92.]

WAC 495C-120-090 Campus speakers. (1) Student organizations officially recognized by the college may invite speakers to the campus to address their own membership and other interested students and staff if suitable space is available and there is no interference with the regularly scheduled program of the college. Although properly allowed by the college, the appearance of such speakers on the campus implies neither approval nor disapproval of them or their viewpoints. In case of speakers who are candidates for political office, equal opportunities shall be available to opposing candidates if desired by them. Speakers are subject to the normal considerations for law and order and to the specific limitations imposed by the state constitution which prohibits religious worship, exercise or instruction on state property.

(2) In order to insure an atmosphere of open exchange and to insure that the educational objectives of the college are not obscured, the president or designee, in a case attended by strong emotional feeling, may prescribe conditions for the conduct of the meeting, such as requiring a designated member of the staff as moderator, or requiring permission for comments and questions from the floor. Likewise, the president or designee may encourage the appearance of one or more additional speakers at any meeting or at a subsequent meeting so that other points of view may be expressed. The president or designee may designate representatives to recommend conditions such as time, manner, and place for the conduct of particular meetings.

[Statutory Authority: RCW 28B.50.140(13). WSR 00-12-019, § 495C-120-090, filed 5/26/00, effective 6/26/00. Statutory Authority: RCW 28B.50.140, 42.30.075 and 1991 c 238. WSR 92-19-091, § 495C-120-090, filed 9/16/92, effective 10/17/92.]

WAC 495C-120-100 Distribution of information. (1) Handbills, leaflets, newspapers and similar materials may be sold or distributed free of charge by any student or students, or by members of recognized student organizations, or by college employees on or in college facilities at locations specifically designated by the president or designee; provided such distribution or sale does not interfere with the ingress or egress of persons or interfere with the free flow of vehicular or pedestrian traffic.

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

(3) All nonstudents shall register with the president or designee prior to the distribution of any handbill, leaflet, newspaper or related matter. Such distribution or sale must

not interfere with the free flow of vehicular or pedestrian traffic.

(4) Any person or persons who violate provisions of subparagraphs (1) and (2) above will be subject to disciplinary action.

[Statutory Authority: RCW 28B.50.140(13). WSR 00-12-019, § 495C-120-100, filed 5/26/00, effective 6/26/00. Statutory Authority: RCW 28B.50.140, 42.30.075 and 1991 c 238. WSR 92-19-091, § 495C-120-100, filed 9/16/92, effective 10/17/92.]

WAC 495C-120-110 Commercial activities. (1) College facilities will not be used for a commercial solicitation, advertising or promotional activities except when such activities clearly serve educational objectives, including but not limited to display of books of interest to the staff or the display or demonstration of technical or research equipment, and when such commercial activities relate to educational objectives and are conducted under the sponsorship or at the request of the college.

(2) For the purpose of this regulation, the term "commercial activities" does not include handbills, leaflets, newspapers and similarly related materials as regulated in WAC 495C-120-100.

[Statutory Authority: RCW 28B.50.140, 42.30.075 and 1991 c 238. WSR 92-19-091, § 495C-120-110, filed 9/16/92, effective 10/17/92.]

WAC 495C-120-120 Disciplinary process. (1) Infractions of college rules may be referred by any college staff member to the appropriate director or designee.

(2) A student alleged to have violated a provision of this chapter shall be notified to meet with the director or designee for possible disciplinary action.

(3) After a careful review of the circumstances surrounding the alleged misconduct, the director or designee may take any of the following actions:

- (a) Terminate the proceeding;
- (b) Dismiss the case after whatever counseling and advice the director or designee deems appropriate;
- (c) Impose appropriate disciplinary action (reprimand, probation, suspension, expulsion), subject to student's right of appeal.

(4) The student will be notified in writing of the determination made by the director or designee.

(5) If, after consideration of the alleged misconduct, the recommendation of the director or designee is for disciplinary action, the student may:

- (a) Accept the disciplinary action; or
- (b) File, within fifteen calendar days following receipt of the notification of disciplinary action, a written request for a formal hearing pursuant to the provisions of WAC 495C-120-160. If the request is not filed within the prescribed time, the right to do so is waived.

(6) If a hearing is requested, notice of the hearing shall be given to all parties at least seven days before the hearing. The notice will indicate the names and addresses of all parties, the names and addresses of their representatives, a statement of the time, place, and nature of the proceeding, a short and plain statement of the matters asserted, and the legal authority and jurisdiction under which the hearing is to be held.

[Statutory Authority: RCW 28B.50.140(13). WSR 00-12-019, § 495C-120-120, filed 5/26/00, effective 6/26/00. Statutory Authority: RCW 28B.50.140, 42.30.075 and 1991 c 238. WSR 92-19-091, § 495C-120-120, filed 9/16/92, effective 10/17/92.]

WAC 495C-120-125 Summary suspension. If any college staff member has cause to believe that a student presents an imminent danger to himself or herself or other persons on college facilities or to the educational process of the college, then the staff member shall have authority to immediately remove the student from the college premises. The college staff member shall notify, as soon as possible, the vice-president for student services or designee who may initiate summary suspension until such time as the college staff is satisfied the student's dangerous nature has ceased. The duration of summary suspension shall not exceed ten instructional days except that the vice-president for student services or designee may continue summary suspension beyond ten instructional days in circumstances where the student continues to present an imminent danger to the people, facilities, or the educational process pending the disciplinary proceedings provided for in this code.

(1) If the vice-president for student services desires to exercise the authority to summarily suspend a student, the vice-president or designee will cause the student to be notified of the summary suspension.

(2) A formal hearing, pursuant to the provisions of WAC 495C-120-160 will be scheduled and held as quickly as feasible.

[Statutory Authority: RCW 28B.50.140(13). WSR 00-12-019, § 495C-120-125, filed 5/26/00, effective 6/26/00.]

WAC 495C-120-130 Disciplinary terms. The definitions set forth in this section apply throughout WAC 495C-120-180.

(1) Disciplinary warning means oral notice of violation of college rules.

(2) Reprimand means formal action after censuring a student for violation of college rules or failure to satisfy the college's expectations regarding conduct. Reprimands are made in writing to the student by the disciplinary official. A reprimand indicates to the student that continuation or repetition of the specific conduct involved or other misconduct will result in one or more serious disciplinary actions described below.

(3) Disciplinary probation means formal action placing conditions upon the student's continued attendance because of his or her violation of college rules or failure to satisfy the college's expectations regarding conduct. The disciplinary official placing the student on probation will specify, in writing, the period of probation and the conditions, such as limiting the student's participation in extra-curricular activities. Disciplinary probation warns the student that any further misconduct will automatically raise the question of dismissal from the college. Disciplinary probation may be for a specific term or for an indefinite period which may extend to graduation or other termination of the student's enrollment in the college.

(4) Suspension means temporary dismissal from the college and temporary termination of student status for violation

of college rules or for failure to meet college standards of conduct.

(5) Expulsion means dismissal from the college and termination of student status for violation of college rules or for failure to meet the college standards of conduct for an indefinite period of time or permanently.

(6) Summary suspension means temporary dismissal from the college and temporary termination of a student's status for a period of time not to exceed ten instructional days unless extended as provided in this chapter which occurs prior to invocation of the formal hearing procedures specified in these rules due to a necessity to take immediate disciplinary action, where a student presents an imminent danger to the college property, or to himself or herself, or other students or persons in college facilities on or off campus, or to the educational process of the college.

[Statutory Authority: RCW 28B.50.140(13). WSR 00-12-019, § 495C-120-130, filed 5/26/00, effective 6/26/00. Statutory Authority: RCW 28B.50.140, 42.30.075 and 1991 c 238. WSR 92-19-091, § 495C-120-130, filed 9/16/92, effective 10/17/92.]

WAC 495C-120-135 Refunds and access. (1) Refund of fees for the period in which disciplinary action is taken shall be in accordance with the college's refund policy.

(2) A student suspended or expelled on the basis of conduct which disrupted the orderly operation of the campus or any facility of the district, may be denied access to all or any part of the campus or other facility.

[Statutory Authority: RCW 28B.50.140, 42.30.075 and 1991 c 238. WSR 92-19-091, § 495C-120-135, filed 9/16/92, effective 10/17/92.]

WAC 495C-120-140 Readmission after suspension or expulsion. Any student suspended from the college for disciplinary reasons will normally be readmitted upon expiration of the time period for which the suspension was issued. If the student has been expelled or feels that circumstances warrant reconsideration of a temporary suspension prior to its expiration, or if the student was suspended with conditions imposed for readmission, the student may be readmitted following approval of a written petition submitted to the vice-president for student services or designee. Such petition must state reasons which support a reconsideration of the matter. Before readmission may be granted, such petition must be reviewed and approved by the vice-president for student services.

[Statutory Authority: RCW 28B.50.140(13). WSR 00-12-019, § 495C-120-140, filed 5/26/00, effective 6/26/00. Statutory Authority: RCW 28B.50.140, 42.30.075 and 1991 c 238. WSR 92-19-091, § 495C-120-140, filed 9/16/92, effective 10/17/92.]

WAC 495C-120-150 Readmission into instructional program. Students who have been suspended pursuant to disciplinary procedures set forth in WAC 495C-120-120 and 495C-120-125 and whose suspension upon appeal is found to have been unwarranted shall be provided the opportunity to reenter their instructional program, including an opportunity to retake examinations or otherwise complete course offerings missed by reason of such action.

[Statutory Authority: RCW 28B.50.140(13). WSR 00-12-019, § 495C-120-150, filed 5/26/00, effective 6/26/00. Statutory Authority: RCW 28B.50.140, 42.30.075 and 1991 c 238. WSR 92-19-091, § 495C-120-150, filed 9/16/92, effective 10/17/92.]

(1/24/02)

WAC 495C-120-160 Hearing procedures. (1) A student, if he or she wishes to appeal, has a right to a fair and impartial hearing before the vice-president for student services or designee on any charge of misconduct. The failure of a student to cooperate with the hearing procedures, however, shall not preclude the vice-president for student services or designee from making his or her findings of fact, reaching conclusions and imposing sanctions. Failure of the student to cooperate may be taken into consideration by the vice-president for student services or designee in recommending penalties.

(2) If a hearing is requested, notice of the hearing shall be given to all parties at least seven days before the hearing. The notice will indicate the names and addresses of all parties, the names and addresses of their representatives, a statement of the time, place, and nature of the proceeding, a short and plain statement of the matters asserted, and the legal authority and jurisdiction under which the hearing is to be held.

(3) The student, his or her representative, or both, shall be entitled to hear and examine the evidence against him or her and be informed of the identity of its sources; and shall be entitled to present evidence in his or her own behalf and question witnesses as to factual matters. The student shall have all authority which is possessed by the college to obtain information or to request the presence of witnesses or the production of other evidence relevant to the issues at the hearing.

(4) Only those matters presented at the hearing, in the presence of the student involved, will be considered in determining whether the student is guilty of the misconduct charged but the student's past record of conduct may be taken into account in formulating the vice-president for student services or designee's recommendation for disciplinary action.

(5) The student may be represented by counsel and/or accompanied by an advisor of his or her choice, who shall not be a college employee.

(6) Hearings may be held in closed session at the discretion of the vice-president for student services or designee, the only exception being when the student involved invites particular persons or requests an open hearing. If at any time during the conduct of the hearing invited persons are disruptive of the proceedings, the vice-president for student services or designee may exclude such persons from the hearing room.

(7) The vice-president for student services or designee shall set the time, place and available seating capacity for a hearing.

(8) All proceedings of the vice-president for student services or designee will be conducted with reasonable dispatch and terminated as soon as fairness to all parties involved permits.

(9) An adequate summary of the proceedings will be kept. As a minimum, such summary would include a tape recording of testimony. Such record will be available for inspection and copying in the office of student services during regular business hours.

(10) The student will be provided with a copy of the findings of fact and the conclusions of the vice-president for student services or designee as well as a statement of the available procedures and time limits for seeking reconsideration or other administrative relief. The student will be advised of

his or her right to present, within fifteen calendar days, a written statement of appeal to the president of the college before action is taken on the decision of the vice-president for student services or designee. In the case of an unemancipated minor, written notice of any action involving dismissal or disciplinary probation may be sent to the parents or guardian of the student.

(11) The vice-president for student services or designee shall establish general rules of procedure for conducting hearings consistent with these guidelines, the college's rules of practice and procedure set forth in chapter 495C-108 WAC and the Administrative Procedure Act, chapter 34.05 RCW.

(12) If no timely appeal is filed in writing from the findings and conclusions of the vice-president for student services or designee, the action taken shall be final.

[Statutory Authority: RCW 28B.50.140(13). WSR 00-12-019, § 495C-120-160, filed 5/26/00, effective 6/26/00. Statutory Authority: RCW 28B.50.140, 42.30.075 and 1991 c 238. WSR 92-19-091, § 495C-120-160, filed 9/16/92, effective 10/17/92.]

WAC 495C-120-170 Appeals. The outcome of any disciplinary hearing may be appealed.

(1) Notice of an appeal by a student shall be made in writing and addressed to the president of the college within fifteen calendar days of receiving the formal notification of the hearing outcome.

(2) Review of appeals.

(a) The president must review the whole record or such portions of it as may be cited by the parties.

(b) The president must afford each party the opportunity to present written argument and may afford each party the opportunity to present oral argument.

(c) The president must enter a final order disposing of the proceedings or remand the matter for further proceedings, with instructions.

(d) The final order must include a statement of findings and conclusions, and the basis and reasons therefor, on all material issues of fact, law, or discretion presented on the record, including the remedy or sanction.

(3) The president, after reviewing the case, shall either indicate his or her approval of the conclusions of the vice-president for student services or designee by sustaining the decision, shall give directions as to what other disciplinary action shall be taken by modifying his or her decision, or shall nullify previous sanctions imposed by reversing the decision and shall then notify the official who initiated the proceedings, the student and the vice-president for student services.

(4) The president will cause copies of the final order or remand order to be served on each party.

(5) All appeals to the president shall be final.

[Statutory Authority: RCW 28B.50.140(13). WSR 00-12-019, § 495C-120-170, filed 5/26/00, effective 6/26/00. Statutory Authority: RCW 28B.50.140, 42.30.075 and 1991 c 238. WSR 92-19-091, § 495C-120-170, filed 9/16/92, effective 10/17/92.]

WAC 495C-120-180 Reporting, recording and maintaining records. Records of all disciplinary cases shall be kept by the appropriate disciplinary official and in the student's official college file. Except in proceedings where the student is exonerated, all documentary or other physical evi-

dence produced or considered in disciplinary proceedings and all recorded testimony shall be preserved, insofar as possible, for not more than five years. No other records of proceedings wherein the student is exonerated, other than the fact of exoneration, shall be maintained in the student's file or other college repository after the date of the student's graduation or not more than five years.

[Statutory Authority: RCW 28B.50.140(13). WSR 00-12-019, § 495C-120-180, filed 5/26/00, effective 6/26/00. Statutory Authority: RCW 28B.50.140, 42.30.075 and 1991 c 238. WSR 92-19-091, § 495C-120-180, filed 9/16/92, effective 10/17/92.]