

# Chapter 132B-120 WAC

## STUDENT CONDUCT CODE

**WAC**

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132B-120-050	Civil disturbances. [Statutory Authority: RCW 28B.50.-140(13). WSR 80-10-053 (Order 80-1, Resolution No. 10-80), § 132B-120-050, filed 8/6/80.] Repealed by WSR 98-22-022, filed 10/27/98, effective 11/27/98. Statutory Authority: RCW 28B.50.140(13).
132B-120-060	Free movement on campus. [Statutory Authority: RCW 28B.50.140(13) and 69.41.340. WSR 91-11-102, § 132B-120-060, filed 5/22/91, effective 6/22/91. Statutory Authority: RCW 28B.50.140(13). WSR 80-10-053 (Order 80-1, Resolution No. 10-80), § 132B-120-060, filed 8/6/80.] Repealed by WSR 98-22-022, filed 10/27/98, effective 11/27/98. Statutory Authority: RCW 28B.50.140(13).
132B-120-070	Right to demand identification. [Statutory Authority: RCW 28B.50.140(13). WSR 80-10-053 (Order 80-1, Resolution No. 10-80), § 132B-120-070, filed 8/6/80.] Repealed by WSR 98-22-022, filed 10/27/98, effective 11/27/98. Statutory Authority: RCW 28B.50.140(13).
132B-120-080	Classroom conduct. [Statutory Authority: RCW 28B.50.140. WSR 04-01-100, § 132B-120-080, filed 12/16/03, effective 1/16/04. Statutory Authority: RCW 28B.50.140(13). WSR 98-09-012, § 132B-120-080, filed 4/6/98, effective 5/7/98; WSR 80-10-053 (Order 80-1, Resolution No. 10-80), § 132B-120-080, filed 8/6/80.] Repealed by WSR 10-17-031, filed 8/9/10, effective 9/9/10. Statutory Authority: RCW 28B.50.-140.13 [28B.50.140(13)].
132B-120-090	Campus speakers. [Statutory Authority: RCW 28B.50.-140(13) and 69.41.340. WSR 91-11-102, § 132B-120-090, filed 5/22/91, effective 6/22/91. Statutory Authority: RCW 28B.50.140(13). WSR 80-10-053 (Order 80-1, Resolution No. 10-80), § 132B-120-090, filed

**WAC 132B-120-010 Definitions.** As used in this document the following words and phrases shall mean:

- (1) "Board" shall mean the board of trustees of Community College District No. 2, state of Washington.
- (2) "College" shall mean Grays Harbor College or any additional community college hereafter established within Community College District No. 2, state of Washington.
- (3) "College facilities" shall mean and include any or all real property owned, rented, leased, controlled or operated by the college and shall include all buildings and appurtenances affixed thereon or attached thereto. College facilities extend to affiliated web sites, distance learning classroom environments and agencies or institutions that have educational agreements with Grays Harbor College.
- (4) "President" is the president of the college appointed by the board of trustees. The president is authorized to delegate any of his or her responsibilities as set forth in this chapter as may be reasonably necessary.
- (5) "Vice president for student services" is the administrator responsible for implementing and enforcing the student conduct code. The vice president is authorized to delegate any and all of his or her responsibilities as set forth in this chapter as may be reasonably necessary.

(6) "Faculty" shall mean any person employed on a full or part-time basis as a teacher, instructor, counselor, coach or librarian for the college or an affiliated institution. Includes faculty of other colleges (whether or not employed by GHC) that provide instruction to GHC students through distance education.

(7) "Student" shall mean and include any person who is enrolled in courses at or through the college, whether on a full-time or part-time basis, and whether such courses are credit courses, noncredit courses, online courses, or otherwise. Persons who withdraw after allegedly violating the code, who are not officially enrolled for a particular term but who have a continuing relationship with the college, or who have been notified of their acceptance for admission are considered "students."

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

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

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

(11) "Disciplinary action" is the process by which discipline is imposed against a student for a violation of the student conduct code by the vice president for student services.

(12) "Disciplinary appeal" is the process by which an aggrieved student can appeal the discipline imposed by the vice president for student services. Disciplinary appeals from a suspension in excess of ten instructional days or a dismissal/expulsion are heard by the student conduct committee. Appeals of all other appealable disciplinary action shall be reviewed through brief adjudicative proceedings.

(13) "Respondent" is the student against whom disciplinary action is being taken.

(14) "Service" is the process by which a document is officially delivered to a party. Unless expressly specified otherwise, service upon a party shall be accomplished by:

- (a) Hand delivery of the document to the party; or
- (b) By sending the document by email and by certified mail or first class mail to the party's last known address.

Service is deemed complete upon hand delivery of the document or upon the date the document is emailed and deposited into the mail.

(15) "Filing" is the process by which a document is officially delivered to a school official responsible for facilitating a disciplinary review or a president officer. Unless expressly specified otherwise, filing shall be accomplished by:

- (a) Hand delivery of the document to the school official or school official's assistant; or
- (b) By sending the document by email and first class mail to the recipient's college email and office address.

Papers required to be filed shall be deemed filed upon actual receipt during office hours at the office of the specified official or presiding officer.

(16) "Business day" means a week day, excluding weekends and college holidays.

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

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

[Statutory Authority: RCW 28B.50.140(13). WSR 14-15-156, § 132B-120-010, filed 7/23/14, effective 8/23/14; WSR 10-17-031, § 132B-120-010, filed 8/9/10, effective 9/9/10. Statutory Authority: RCW 28B.50.140. WSR 04-01-100, § 132B-120-010, filed 12/16/03, effective 1/16/04. Statutory Authority: RCW 28B.50.140(13). WSR 98-09-012, § 132B-120-010, filed 4/6/98, effective 5/7/98. Statutory Authority: RCW 28B.50.140(13) and 69.41.340. WSR 91-11-102, § 132B-120-010, filed 5/22/91, effective 6/22/91. Statutory Authority: RCW 28B.50.140(13). WSR 80-10-053 (Order 80-1, Resolution No. 10-80), § 132B-120-010, filed 8/6/80.]

**WAC 132B-120-020 Statement of policy and community philosophy.** (1) Grays Harbor College is maintained by the state of Washington for the provision of programs of instruction in higher education and related 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 the student will conduct himself/herself as a responsible member of the college community. This includes an expectation that the student will:

- Obey appropriate laws;
- Comply with the rules and regulations of the college;
- Practice personal and academic integrity;
- Respect the dignity of all persons;
- Respect the rights and property of others;
- Discourage bigotry, striving to learn from differences in people, ideas and opinions;
- Demonstrate concern for others' feelings and their need for conditions which support their work and development;
- Refrain from and discourage behaviors which undermine the respect all GHC community members deserve.

[Statutory Authority: RCW 28B.50.140(13). WSR 98-09-012, § 132B-120-020, filed 4/6/98, effective 5/7/98; WSR 80-10-053 (Order 80-1, Resolution No. 10-80), § 132B-120-020, filed 8/6/80.]

**WAC 132B-120-030 Jurisdiction.** The conduct code adopted herein applies to student conduct that occurs on college premises, at college-sponsored activities, and to off-campus student conduct that adversely affects the well-being of the college community and/or the pursuit of its objectives. Jurisdiction includes, but is not limited to, locations in which students are engaged in official college activities including, but not limited to, foreign or domestic travel, activities funded by the associated students, athletic events, training internships, cooperative and distance education, online education, practicums, supervised work experiences or any other college-sanctioned social or club activities.

Students are responsible for their conduct from the time of application for admission through the actual receipt of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment. These standards shall apply to a student's conduct even if the student withdraws from college while a disciplinary matter is pending. The vice president for student services has sole discretion, on a case-by-case basis, to determine whether the code

of student conduct will be applied to conduct occurring off campus.

The college may carry out disciplinary proceedings prior to, simultaneous with, or following civil or criminal proceedings in a court. The college cooperates with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators provided the conditions do not conflict with college rules or sanctions.

[Statutory Authority: RCW 28B.50.140(13). WSR 14-15-156, § 132B-120-030, filed 7/23/14, effective 8/23/14; WSR 10-17-031, § 132B-120-030, filed 8/9/10, effective 9/9/10. Statutory Authority: RCW 28B.50.140. WSR 04-01-100, § 132B-120-030, filed 12/16/03, effective 1/16/04. Statutory Authority: RCW 28B.50.140(13). WSR 98-09-012, § 132B-120-030, filed 4/6/98, effective 5/7/98; WSR 80-10-053 (Order 80-1, Resolution No. 10-80), § 132B-120-030, filed 8/6/80.]

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

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

**WAC 132B-120-040 Authority.** The board of trustees, acting pursuant to RCW 28B.50.140(14), delegates to the president of the college the authority to administer disciplinary action. Administration of the disciplinary procedures is the responsibility of the vice president for student affairs or designee. The vice president for student services shall serve as the principal investigator and administrator for alleged violations of this code.

Prohibited conduct. Prohibited student conduct for which the college may impose sanctions includes, but is not limited to, any of the following:

(1) Tobacco, electronic cigarettes and related products. The use of tobacco, electronic cigarettes and related products in any building owned, leased or operated by the college or in any location where such use is prohibited. "Related products" includes, but is not limited to, cigarettes, pipes, bidi, clove cigarettes, waterpipes, hookahs, chewing tobacco and snuff.

(2) Alcohol. The use, possession, delivery, sale, or being visibly under the influence of any alcoholic beverage, except as permitted by law or at sanctioned events approved by the president or designee and in compliance with state law.

(3) Marijuana. The use, possession, delivery, sale, or being visibly under the influence of marijuana or the psychoactive compounds found in marijuana and intended for human consumption, regardless of form. While state law permits the recreational use of marijuana, federal law prohibits such use on college premises or in connection with college activities.

(4) Being observably under the influence of any legend drug, narcotic drug or controlled substance as defined in chapters 69.41 and 69.50 RCW, as now or hereafter amended, or otherwise using, possessing, delivering, or selling any such drug or substance, except in accordance with a lawful prescription for that student by a licensed health care professional.

(5) Conduct which is disorderly, lewd, indecent, or obscene.

(6) Sexual violence. The term "sexual violence" incorporates the definition of "sexual harassment" and means a physical sexual act perpetrated without clear, knowing, and voluntary consent such as committing a sexual act against a person's will, exceeding the scope of consent, or where the person is incapable of giving consent; including, but not limited to, rape, sexual assault, sexual batter, sexual exploitation, gender- or sex-based stalking, and sexual coercion, regardless of the relationship between the perpetrator and the victim. The term further includes acts of dating or domestic violence. A person may be incapable of giving consent by reason of age, threat or intimidation, lack of opportunity to object, disability, drug or alcohol consumption or other cause.

(7) Sexual harassment. Conduct includes, but is not limited to, engaging in unwelcome sexual advances, requests for sexual favors, or other sexual conduct, including verbal, non-verbal, electronic or social media communication, or physical touching that would substantially interfere with a reasonable person's work or educational performance, or to create an intimidating, hostile or offensive educational environment.

(8) Other harassment. Unwelcome and offensive conduct, including verbal, nonverbal, or physical conduct, that is directed at a person because of such person's protected status and that is sufficiently serious as to deny or limit, and that does deny or limit, the ability of a student to participate in or benefit from the college's educational program or that creates an intimidating, hostile or offensive environment for other campus community members.

Protected status includes a person's race; color; national origin; sensory, mental or physical disability; use of a service animal; gender, including pregnancy; marital status; age (40+); religion; creed; genetic information; sexual orientation; gender identity; veteran's status; or any other legally protected classification. Harassing conduct may include, but is not limited to, physical conduct, verbal, written, social media, and electronic communications.

(9) Assault, physical abuse, verbal abuse, threat(s), intimidation, harassment, bullying, stalking or other conduct which harms, threatens, or is reasonably perceived as threatening the health or safety of another person or another person's property. For purposes of this subsection:

(a) Bullying is physical or verbal abuse, repeated over time, and involving a power imbalance between the aggressor and victim.

(b) Stalking is intentional and repeated harassment or following of another person, which places that person in reasonable fear that the stalker intends to injure the person, another person, or the property of the person or another person, and the stalker either intends to frighten, intimidate, or harass the person, or knows or reasonably should know that the person is frightened, intimidated or harassed, even if the stalker lacks such an intent.

(10) Cyberstalking, cyberbullying or online harassment. Use of electronic communications including, but not limited to, electronic mail, instant messaging, electronic bulletin boards, and social media sites, to harass, abuse, bully or engage in other conduct which harms, threatens or is reasonably perceived as threatening the health or safety of another person. Prohibited activities include, but are not limited to, unauthorized monitoring of another's email communications directly or through spyware, sending threatening emails, dis-

rupting electronic communications with spam or by sending a computer virus, sending false messages to third parties using another's email identity, nonconsensual recording of sexual activity and nonconsensual distribution of a recording of sexual activity.

(11) Participation in any activity which unreasonably disrupts the operations of the college or infringes on the rights of a member of the college community, or leads or incites another person to engage in such an activity.

(12) Obstruction or disruption of:

(a) Any instruction, learning environment, service, research, administration, disciplinary proceeding, or college activity; or

(b) Any activity that is authorized to occur on college property, whether or not actually conducted or sponsored by the college.

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

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

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

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

(14) Obstruction of the free flow of pedestrian or vehicular movement on college property or at a college activity.

(15) Breach of the peace.

(16) Discriminatory conduct which harms or adversely affects any member of the college community because of her/his race; color; national origin; sensory, mental or physical disability; use of a service animal; gender, including pregnancy; marital status; age (40+); religion; creed; genetic information; sexual orientation; gender identity; veteran's status; or any other legally protected classification.

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

(18) Conducting or participating in an assembly that violates the guidelines and procedures established in Administrative Procedure 516.03.

(19) All forms of student academic dishonesty including, but not limited to, cheating, falsification, plagiarism or facilitating, aiding and abetting academic dishonesty or engaging in any conduct specifically prohibited by a faculty member in the course syllabus or class discussion.

(a) Cheating includes any attempt to give or obtain unauthorized assistance relating to the completion of an academic assignment.

(b) Plagiarism includes taking and using as one's own, without proper attribution, the ideas, writings, or work of another person in completing an academic assignment. Pro-

hibited conduct may also include the unauthorized submission for credit of academic work that has been submitted for credit in another course.

(c) Fabrication includes falsifying data, information, or citations in completing an academic assignment and also includes providing false or deceptive information to an instructor concerning the completion of an assignment.

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

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

(20) Any other acts of dishonesty, such as, but not limited to:

(a) Forgery, alteration, submission of falsified documents or misuse of any college document, record or instrument of identification;

(b) Tampering with an election conducted by or for college students; or

(c) Furnishing false information, or failing to furnish correct information, in response to the request or requirement of a college officer or employee.

(21) Attempted or actual damage to, or theft or misuse of, real or personal property or money of the college or state; any student or college officer, employee or organization; any other person or organization; or possession of such property or money after it has been stolen.

(22) Failure to comply with the direction of college employees acting in the legitimate performance of their duties, including failure to properly identify oneself to such a person when requested to do so.

(23) Possession, holding, wearing, transporting, storage or presence of any firearm, explosive, dangerous chemical or other weapon, device or substance apparently capable of producing bodily harm or damage real or personal property, subject to the following exceptions:

(a) Commissioned law enforcement personnel or legally authorized military personnel while in performance of their duties; or

(b) A student with a valid concealed weapons permit may store a pistol in his or her vehicle parked on campus in accordance with RCW 9.41.050, provided the vehicle is locked and the weapon is concealed from view; or

(c) The president may authorize possession of a weapon on campus upon a showing that the weapon is reasonably related to a legitimate pedagogical purpose.

(24) 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.

(25) Unauthorized possession, duplication, or other use of a key, keycard, code or other restricted means of access to college property, or unauthorized entry onto or into college property.

(26) Theft or misuse of computer time or other electronic information resources of the college. Such misuse includes, but is not limited to:

(a) Unauthorized use of such resources or opening of a file, message or other item;

(b) Unauthorized duplication, transfer, or distribution of a computer program, file, message or other item;

(c) Unauthorized use or distribution of someone else's password or other identification;

(d) Use of such time or resources to interfere with someone else's work;

(e) Use of such time or resources to send, display, or print an obscene, abusive, threatening, or harassing message, text, or image;

(f) Use of such time or resources to interfere with normal operation of the college's computing system or other electronic information resources;

(g) Use of such time or resources in violation of applicable copyright or other law;

(h) Adding to or otherwise altering the infrastructure of the college's electronic information resources without authorization;

(i) Use of college electronic resources to intentionally disseminate viruses, destructive, malicious or invasive programs;

(j) Failure to comply with the college's electronic use policy; or

(k) Illegal peer-to-peer file sharing or distribution of copyrighted works using campus resources. In addition to code of conduct sanctions, students may be subject to criminal and civil penalties if they engage in such unauthorized activity.

(27) Hazing includes, but is not limited to, any 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.

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

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

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

(31) Operation of any motor vehicle on college property in an unsafe manner or in a manner which is reasonably perceived as threatening the health or safety of another person.

(32) Abuse or misuse of any of the procedures relating to student complaints or misconduct including, but not limited to:

(a) Failure to obey a subpoena;

(b) Falsification or misrepresentation of information;

(c) Disruption or interference with the orderly conduct of a proceeding;

(d) Interfering with someone else's proper participation in a proceeding;

(e) Destroying or altering potential evidence, or attempting to intimidate or otherwise improperly pressure a witness or potential witness;

(f) Attempting to influence the impartiality of, or harassing or intimidating, a student conduct committee member;

(g) Failure to comply with any disciplinary sanction(s) imposed under this student conduct code; or

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

(33) Violation of any federal, state or local law, rule or regulation or other college rules or policies, including college traffic and parking rules.

(34) Intentionally encouraging, compelling, attempting, aiding, abetting, conspiring, hiring or being an accessory to commit any of the foregoing acts of misconduct.

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

(a) The laws of the host country;

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

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

(d) The GHC standards of conduct for students.

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

[Statutory Authority: RCW 28B.50.140(13). WSR 14-15-156, § 132B-120-040, filed 7/23/14, effective 8/23/14; WSR 10-17-031, § 132B-120-040, filed 8/9/10, effective 9/9/10. Statutory Authority: RCW 28B.50.140. WSR 04-01-100, § 132B-120-040, filed 12/16/03, effective 1/16/04. Statutory Authority: RCW 28B.50.140(13). WSR 98-09-012, § 132B-120-040, filed 4/6/98, effective 5/7/98; WSR 80-10-053 (Order 80-1, Resolution No. 10-80), § 132B-120-040, filed 8/6/80.]

**WAC 132B-120-045 Loss of eligibility—Student athletic 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 shall, in lieu of or in addition to any other disciplinary action which may be imposed, be disqualified from participation in any school-sponsored athletic events or activities.

[Statutory Authority: RCW 28B.50.140(13) and 69.41.340. WSR 91-11-102, § 132B-120-045, filed 5/22/91, effective 6/22/91.]

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

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

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

(1) Academic freedom.

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

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

(c) Students have the right to a learning environment which is free from unlawful discrimination, inappropriate or disrespectful conduct, and all harassment, including sexual harassment.

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

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

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

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

(5) Right to assembly. Students shall have the right of assembly upon college facilities that are generally available to the public provided such assemblies are in compliance with procedures established in Administrative Procedure 516.03 and other behavioral expectations outlined in the code of conduct.

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

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

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

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

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

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

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

[Statutory Authority: RCW 28B.50.140(13). WSR 14-15-156, § 132B-120-065, filed 7/23/14, effective 8/23/14; WSR 10-17-031, § 132B-120-065, filed 8/9/10, effective 9/9/10. Statutory Authority: RCW 28B.50.140. WSR 04-01-100, § 132B-120-065, filed 12/16/03, effective 1/16/04. Statutory Authority: RCW 28B.50.140(13). WSR 98-09-012, § 132B-120-065, filed 4/6/98, effective 5/7/98.]

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

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

(2) Seek timely assistance in meeting educational goals;

(3) Attend all class sessions;

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

(5) Participate actively in the academic advising system;

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

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

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

(9) Make appropriate use of services;

(10) Contribute towards improving the college;

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

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

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

**WAC 132B-120-085 Groups and organizations.** Recognized student groups and organizations may be charged with violations of this code. Such a group or organization and

its officers may be held collectively or individually responsible when violations of this code by those associated with the group or organization have received the tacit or overt consent or encouragement of the organization, its leaders, officers or spokespersons.

Sanctions for group or organization misconduct may include revocation of the use of college facilities for a specified period of time or denial of recognition or funds as well as other appropriate sanctions permitted under this code. Sanctions of groups or organizations are subject to the appeal process upon request.

[Statutory Authority: RCW 28B.50.140. WSR 04-01-100, § 132B-120-085, filed 12/16/03, effective 1/16/04. Statutory Authority: RCW 28B.50.140 (13). WSR 98-09-012, § 132B-120-085, filed 4/6/98, effective 5/7/98.]

**WAC 132B-120-120 Disciplinary process. (1) Judicial authority.** The board of trustees, acting pursuant to RCW 28B.50.140(14), delegates to the president of the college the authority to administer disciplinary action. Administration of the disciplinary procedures is the responsibility of the vice president for student services or designee. The vice president for student services or designee, is responsible for initiating disciplinary proceedings for infractions of rules and regulations as outlined in the procedures. The vice president for student services, or in his/her absence, the vice president for instruction, may delegate this responsibility to members of their staff and they may also establish committees or other hearing bodies to advise or act for them in disciplinary matters.

(2) **Initiating the process.** Sexual harassment complaints or concerns may be directed to the vice president for student services or human resources office.

(3) **Initiating disciplinary action (except summary suspension).**

(a) All disciplinary actions will be initiated by the vice president for student services or designee. If that person is the subject of a complaint initiated by the respondent, the president shall, upon request and when feasible, designate another person to fulfill any such disciplinary responsibilities relative to the complaint.

(b) The vice president for student services shall initiate disciplinary action by notifying the respondent to attend a disciplinary meeting. At the meeting, the student will be presented with the allegations, the provisions of the conduct code the respondent is alleged to have violated; and the range of possible sanctions for the alleged violation. This information will be provided in writing, either at the meeting or within three business days of the meeting. The respondent shall be afforded an opportunity to explain what took place. If the respondent fails to attend the meeting, the student conduct officer may take disciplinary action based upon the available information.

(c) Within ten business days of the initial disciplinary meeting, and after considering the evidence in the case, including any facts or argument presented by the respondent, the vice president for student services shall serve the respondent with a written decision setting forth the facts and conclusions supporting his or her decision, the specific student conduct code provisions found to have been violated, the discipline imposed, if any, and a notice of any appeal rights with

an explanation of the consequences of failing to file a timely appeal.

(d) The vice president may take any of the following disciplinary actions:

(i) Exonerate the respondent and terminate the proceedings;

(ii) Impose a disciplinary sanction(s), as described in WAC 132-120-130;

(iii) Refer the matter directly to the student conduct committee for such disciplinary action as the committee deems appropriate. Such referral shall be in writing, to the attention of the chair of the student conduct committee, with a copy served on the respondent.

[Statutory Authority: RCW 28B.50.140(13). WSR 14-15-156, § 132B-120-120, filed 7/23/14, effective 8/23/14. Statutory Authority: RCW 28B.50.140. WSR 04-01-100, § 132B-120-120, filed 12/16/03, effective 1/16/04. Statutory Authority: RCW 28B.50.140(13). WSR 98-09-012, § 132B-120-120, filed 4/6/98, effective 5/7/98. Statutory Authority: RCW 28B.50.140(13) and 69.41.340. WSR 91-11-102, § 132B-120-120, filed 5/22/91, effective 6/22/91. Statutory Authority: RCW 28B.50.140(13). WSR 80-10-053 (Order 80-1, Resolution No. 10-80), § 132B-120-120, filed 8/6/80.]

**WAC 132B-120-130 Sanctions.** In addition to initiating discipline proceedings for violation of the student conduct code, the college may refer any violations of federal, state or local laws to civil and criminal authorities for disposition. The college shall proceed with student disciplinary proceedings regardless of whether the underlying conduct is subject to civil or criminal prosecution. In the case of minors, misconduct may be referred to parents or legal guardians.

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

(1) Disciplinary warning. A verbal statement to a student that there is a violation and that continued violation may be cause for further disciplinary action.

(2) Written reprimand. Notice in writing that the student has violated one or more terms of the code of conduct and that continuation of the same or similar behavior may result in more severe disciplinary action.

(3) Disciplinary probation. Formal action placing conditions and restrictions upon the student's continued attendance, depending upon the seriousness of the violation, and which may include a deferred disciplinary sanction. If the student subject to a deferred disciplinary sanction is found in violation of any college rule during the time of disciplinary probation, the deferred disciplinary sanction, which may include, but is not limited to, a suspension or dismissal from the college, shall take effect immediately without further review. Any such sanction shall be in addition to any sanction or conditions arising from the new violation. Notice will be made in writing, specifying the period of probation and the conditions of the probation. Probation may be for a limited period of time, or may be for the duration of the student's attendance at the college. A student who is on disciplinary probation may be deemed "not in good standing" with the college. If so, the student shall be subject to the following restrictions:

(a) Ineligible to hold an office in any student organization recognized by the college or to hold any elected or appointed office of the college.

(b) Ineligible to represent the college to anyone outside the college community in any way, including representing the college.

(4) Restitution. Reimbursement for damage to or misappropriation of property, or for injury to persons, or for reasonable costs incurred by the college in pursuing an investigation or disciplinary proceeding. This may take the form of monetary reimbursement, appropriate service, or other compensation.

(5) Disciplinary suspension. Dismissal from the college and termination from student status for a stated period of time. There will be no refund of tuition or fees for the quarter in which the action is taken. Access may be denied to all or part of college facilities.

(6) Professional evaluation. Referral for drug, alcohol, psychological or medical evaluation (at the student's expense) by an appropriately certified or licensed professional may be required. The student may choose the professional within the scope of practice and with the professional credentials as defined by the college. The student will sign all necessary releases to allow college access to any such evaluation. The student's return to college may be conditioned upon compliance with recommendations set forth in such a professional evaluation. If the evaluation indicates that the student is not capable of functioning within the college community, the student will remain suspended until future evaluation recommends that the student is capable of reentering the college and complying with the rules of conduct.

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

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

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

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

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

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

(13) Dismissal. The revocation of all rights and privileges of membership in the college community and exclusion from the campus and college-owned or controlled facilities without any possibility of return. There will be no refund of tuition or fees for the quarter in which the action is taken.

[Statutory Authority: RCW 28B.50.140(13). WSR 14-15-156, § 132B-120-130, filed 7/23/14, effective 8/23/14; WSR 10-17-031, § 132B-120-130, filed 8/9/10, effective 9/9/10. Statutory Authority: RCW 28B.50.140. WSR

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

**WAC 132B-120-135 Summary suspension.** (1) Summary suspension is a temporary exclusion from specified college premises or denial of access to all activities or privileges for which a respondent might otherwise be eligible, while an investigation and/or formal disciplinary procedures are pending.

(2) The vice president for student services may impose a summary suspension if there is probable cause to believe that the respondent:

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

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

(c) Poses an ongoing threat of disruption of, or interference with, the operations of the college.

(3) Notice. Any respondent who has been summarily suspended shall be served with oral or written notice of the summary suspension. If oral notice is given, a written notification shall be served on the respondent within two business days of the oral notice.

(4) The written notification shall be entitled "Notice of Summary Suspension" and shall include:

(a) The reasons for imposing the summary suspension, including a description of the conduct giving rise to the summary suspension and reference to the provisions of the student conduct code or the law allegedly violated;

(b) The date, time, and location when the respondent must appear before the vice president for student services for a hearing on the summary suspension; and

(c) The conditions, if any, under which the respondent may physically access the campus or communicate with members of the campus community. If the respondent has been trespassed from the campus, a notice against trespass shall be included that warns the student that his or her privilege to enter into or remain on college premises has been withdrawn, that the respondent shall be considered trespassing and subject to arrest for criminal trespass if the respondent enters the college campus other than to meet with the student conduct officer or conduct review officer, or to attend a disciplinary hearing.

(5)(a) The vice president for student services shall conduct a hearing on the summary suspension as soon as practicable after imposition of the summary suspension. The hearing will be conducted as a brief adjudicative proceeding.

(b) During the summary suspension hearing, the issue before the vice president for student services is whether there is probable cause to believe that the summary suspension should be continued pending the conclusion of disciplinary proceedings and/or whether the summary suspension should be less restrictive in scope.

(c) The respondent shall be afforded an opportunity to explain why summary suspension should not be continued while disciplinary proceedings are pending or why the summary suspension should be less restrictive in scope.

(d) If the student fails to appear at the designated hearing time, the conduct review officer may order that the summary



suspension remain in place pending the conclusion of the disciplinary proceedings.

(e) As soon as practicable following the hearing, the vice president for student services shall issue a written decision which shall include a brief explanation for any decision continuing and/or modifying the summary suspension and notice of any right to appeal.

(f) To the extent permissible under applicable law, the vice president for student services shall provide a copy of the decision to all persons or offices that may be bound or protected by it.

[Statutory Authority: RCW 28B.50.140(13). WSR 14-15-156, § 132B-120-135, filed 7/23/14, effective 8/23/14; WSR 10-17-031, § 132B-120-135, filed 8/9/10, effective 9/9/10. Statutory Authority: RCW 28B.50.140. WSR 04-01-100, § 132B-120-135, filed 12/16/03, effective 1/16/04. Statutory Authority: RCW 28B.50.140(13). WSR 98-09-012, § 132B-120-135, filed 4/6/98, effective 5/7/98.]

**WAC 132B-120-143 Brief adjudicative proceedings—Review of an initial decision.** (1) Brief adjudicative proceedings shall be conducted by the vice president for student services. The vice president for student services shall not participate in any case in which he or she is a complainant or witness, or in which they have direct or personal interest, prejudice, or bias, or in which they have acted previously in an advisory capacity.

(2) Before taking action, the vice president for student services shall conduct an informal hearing and provide each party:

(a) An opportunity to be informed of the college's view of the matter; and

(b) An opportunity to explain the party's view of the matter.

(3) The vice president for student services shall serve an initial decision within seven business days of consideration of the appeal. The initial decision shall contain a brief written statement of the reasons for the decision and information about how to seek administrative review of the initial decision. If no request for review is filed within twenty-one calendar days of service of the initial decision, the initial decision shall be deemed the final decision.

(4) If the vice president for student services upon review determines that the respondent's conduct may warrant imposition of a disciplinary suspension of more than ten instructional days or expulsion, the matter shall be referred to the student conduct committee for a disciplinary hearing.

[Statutory Authority: RCW 28B.50.140(13). WSR 14-15-156, § 132B-120-143, filed 7/23/14, effective 8/23/14.]

**WAC 132B-120-145 Brief adjudicative proceedings—Review of an initial decision.** (1) An initial decision is subject to review by the president, provided the respondent files a written request for review with the vice president for student services within twenty-one calendar days of service of the initial decision.

(2) The president shall not participate in any case in which he or she is a complainant or witness, or in which they have direct or personal interest, prejudice, or bias, or in which they have acted previously in an advisory capacity.

(3) During the review, the president shall give each party an opportunity to file written responses explaining their view

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of the matter and shall make any inquiries necessary to ascertain whether the sanctions should be modified or whether the proceedings should be referred to the student conduct committee for a formal adjudicative hearing.

(4) The decision on review must be in writing and must include a brief statement of the reasons for the decision and must be served on the parties within ten business days whichever is later. The decision on review will contain a notice that judicial review may be available. A request for review may be deemed to have been denied if the president does not make a disposition of the matter within ten business days after the request is submitted.

(5) If the president upon review determines that the respondent's conduct may warrant imposition of a disciplinary suspension of more than ten instructional days or expulsion, the matter shall be referred to the student conduct committee for a disciplinary hearing.

[Statutory Authority: RCW 28B.50.140(13). WSR 14-15-156, § 132B-120-145, filed 7/23/14, effective 8/23/14.]

**WAC 132B-120-155 Appeal from disciplinary action.** (1) The respondent may appeal a disciplinary action by filing a written notice of appeal with the vice president for student services within twenty-one calendar days of service of the vice president for student services' decision. Failure to timely file a notice of appeal constitutes a waiver of the right to appeal and the student conduct officer's decision shall be deemed final.

(2) The notice of appeal must include a brief statement explaining why the respondent is seeking review.

(3) The parties to an appeal shall be the respondent and the vice president for student services.

(4) A respondent, who timely appeals a disciplinary action or whose case is referred to the student conduct committee, has a right to a prompt, fair, and impartial hearing as provided for in these procedures.

(5) On appeal, the college bears the burden of establishing the evidentiary facts underlying the imposition of a disciplinary sanction by a preponderance of the evidence.

(6) Imposition of disciplinary action for violation of the student conduct code shall be stayed pending appeal, unless respondent has been summarily suspended.

(7) The student conduct committee shall hear appeals from:

(a) The imposition of disciplinary suspensions in excess of ten instructional days;

(b) Dismissals; and

(c) Discipline cases referred to the committee by the vice president for student services, or the president.

(8) Student conduct appeals from the imposition of the following disciplinary sanctions shall be reviewed through a brief adjudicative proceeding:

(a) Suspensions of ten instructional days or less;

(b) Disciplinary probation;

(c) Written reprimands; and

(d) Any conditions or terms imposed in conjunction with one of the foregoing disciplinary actions.

(9) Except as provided elsewhere in these rules, disciplinary warnings and dismissals of disciplinary actions are final action and are not subject to appeal.

[Statutory Authority: RCW 28B.50.140(13). WSR 14-15-156, § 132B-120-155, filed 7/23/14, effective 8/23/14; WSR 10-17-031, § 132B-120-155, filed 8/9/10, effective 9/9/10.]

**WAC 132B-120-170 Student conduct committee.** (1)

The student conduct committee shall consist of five members:

- (a) Two full-time students appointed by the student government;
- (b) Two faculty members appointed by the president; and
- (c) One administrative staff member (other than an administrator serving as a student conduct or conduct review officer) appointed by the president at the beginning of the academic year.

(2) The administrative staff member shall serve as the chair of the committee and may take action on preliminary hearing matters prior to convening the committee. The chair shall receive training on protecting victims and promoting accountability in cases involving allegations of sexual misconduct.

(3) Hearings may be heard by a quorum of three members of the committee so long as one faculty member and one student are included on the hearing panel. Committee action may be taken upon a majority vote of all committee members attending the hearing.

(4) Members of the student conduct committee shall not participate in any case in which they are a party, complainant, or witness, in which they have direct or personal interest, prejudice, or bias, or in which they have acted previously in an advisory capacity. Any party may petition for disqualification of a committee member pursuant to RCW 34.05.425(4).

[Statutory Authority: RCW 28B.50.140(13). WSR 14-15-156, § 132B-120-170, filed 7/23/14, effective 8/23/14; WSR 10-17-031, § 132B-120-170, filed 8/9/10, effective 9/9/10. Statutory Authority: RCW 28B.50.140. WSR 04-01-100, § 132B-120-170, filed 12/16/03, effective 1/16/04. Statutory Authority: RCW 28B.50.140(13). WSR 98-09-012, § 132B-120-170, filed 4/6/98, effective 5/7/98. Statutory Authority: RCW 28B.50.140(13) and 69.41.340. WSR 91-11-102, § 132B-120-170, filed 5/22/91, effective 6/22/91. Statutory Authority: RCW 28B.50.140(13). WSR 80-10-053 (Order 80-1, Resolution No. 10-80), § 132B-120-170, filed 8/6/80.]

**WAC 132B-120-180 Student conduct committee procedures.** (1) Proceedings of the student conduct committee shall be governed by the Administrative Procedure Act, chapter 34.05 RCW, and by the Model rules of procedure, chapter 10-08 WAC. To the extent there is a conflict between these rules and chapter 10-08 WAC, these rules shall control.

(2) The student conduct committee chair shall serve all parties with written notice of the hearing not less than seven days in advance of the hearing date, as further specified in RCW 34.05.434 and WAC 10-08-040 and 10-08-045. The chair may shorten this notice period if both parties agree, and also may continue the hearing to a later time for good cause shown.

(3) The committee chair is authorized to conduct prehearing conferences and/or to make prehearing decisions concerning the extent and form of any discovery, issuance of protective decisions, and similar procedural matters.

(4) Upon request, filed at least five business days before the hearing by any party or at the direction of the committee chair, the parties shall exchange, no later than the third business day prior to the hearing, lists of potential witnesses and

copies of potential exhibits that they reasonably expect to present to the committee. Failure to participate in good faith in such a requested exchange may be cause for exclusion from the hearing of any witness or exhibit not disclosed, absent a showing of good cause for such failure.

(5) The committee chair may provide to the committee members in advance of the hearing copies of:

- (a) The conduct officer's notification of imposition of discipline (or referral to the committee); and
- (b) The notice of appeal (or any response to referral) by the respondent. If doing so, however, the chair should remind the members that these "pleadings" are not evidence of any facts they may allege.

(6) The parties may agree before the hearing to designate specific exhibits as admissible without objection and, if they do so, whether the committee chair may provide copies of these admissible exhibits to the committee members before the hearing.

(7) The student conduct officer, upon request, shall provide reasonable assistance to the respondent in obtaining relevant and admissible evidence that is within the college's control.

(8) Communications between committee members and other hearing participants regarding any issue in the proceeding, other than procedural communications that are necessary to maintain an orderly process, are generally prohibited without notice and opportunity for all parties to participate, and any improper "ex parte" communication shall be placed on the record, as further provided in RCW 34.05.455.

(9) Each party may be accompanied at the hearing by a nonattorney assistant of his/her choice. A respondent may elect to be represented by an attorney at his or her own cost, but will be deemed to have waived that right unless, at least four business days before the hearing, written notice of the attorney's identity and participation is filed with the committee chair with a copy to the vice president for student services. The committee will ordinarily be advised by an assistant attorney general. If the respondent is represented by an attorney, the vice president for student services may also be represented by a second appropriately screened assistant attorney general.

[Statutory Authority: RCW 28B.50.140(13). WSR 14-15-156, § 132B-120-180, filed 7/23/14, effective 8/23/14; WSR 10-17-031, § 132B-120-180, filed 8/9/10, effective 9/9/10. Statutory Authority: RCW 28B.50.140. WSR 04-01-100, § 132B-120-180, filed 12/16/03, effective 1/16/04. Statutory Authority: RCW 28B.50.140(13). WSR 98-09-012, § 132B-120-180, filed 4/6/98, effective 5/7/98. Statutory Authority: RCW 28B.50.140(13) and 69.41.340. WSR 91-11-102, § 132B-120-180, filed 5/22/91, effective 6/22/91. Statutory Authority: RCW 28B.50.140(13). WSR 80-10-053 (Order 80-1, Resolution No. 10-80), § 132B-120-180, filed 8/6/80.]

**WAC 132B-120-181 Student conduct appeals committee hearings—Presentations of evidence.** (1) Upon the failure of any party to attend or participate in a hearing, the student conduct committee may either:

- (a) Proceed with the hearing and issuance of its decision; or
- (b) Serve a decision of default in accordance with RCW 34.05.440.

(2) The hearing will ordinarily be closed to the public. However, if all parties agree on the record that some or all of the proceedings be open, the chair shall determine any extent

to which the hearing will be open. If any person disrupts the proceedings, the chair may exclude that person from the hearing room.

(3) The chair shall cause the hearing to be recorded by a method that he/she selects, in accordance with RCW 34.05-449. That recording, or a copy, shall be made available to any party upon request. The chair shall assure maintenance of the record of the proceeding that is required by RCW 34.05.476, which shall also be available upon request for inspection and copying by any party. Other recording shall also be permitted, in accordance with WAC 10-08-190.

(4) The chair shall preside at the hearing and decide procedural questions that arise during the hearing, except as overridden by majority vote of the committee.

(5) The vice president for student services (unless represented by an assistant attorney general) shall present the case for imposing disciplinary sanctions.

(6) All testimony shall be given under oath or affirmation. Evidence shall be admitted or excluded in accordance with RCW 34.05.452.

[Statutory Authority: RCW 28B.50.140(13). WSR 14-15-156, § 132B-120-181, filed 7/23/14, effective 8/23/14.]

#### **WAC 132B-120-185 Student conduct committee—**

**Initial decision.** (1) At the conclusion of the hearing, the student conduct committee shall permit the parties to make closing arguments in whatever form it wishes to receive them. The committee also may permit each party to propose findings, conclusions, and/or a proposed decision for its consideration.

(2) Within twenty business days following the conclusion of the hearing or the committee's receipt of closing arguments, the committee shall issue an initial decision in accordance with RCW 34.05.461 and WAC 10-08-210. The initial decision shall include findings on all material issues of fact and conclusions on all material issues of law, including which, if any, provisions of the student conduct code were violated. Any findings based substantially on the credibility of evidence or the demeanor of witnesses shall be so identified.

(3) The committee's initial order shall also include a determination on appropriate discipline, if any. If the matter was referred to the committee by the vice president for student services, the committee shall identify and impose disciplinary sanction(s) or conditions (if any) as authorized in the student code. If the matter is an appeal by the respondent, the committee may affirm, reverse, or modify the disciplinary sanction and/or conditions imposed by the vice president for student services and/or impose additional disciplinary sanction(s) or conditions as authorized herein.

(4) The committee chair shall cause copies of the initial decision to be served on the parties and their legal counsel of record. The committee chair shall also promptly transmit a copy of the decision and the record of the committee's proceedings to the president.

[Statutory Authority: RCW 28B.50.140(13). WSR 14-15-156, § 132B-120-185, filed 7/23/14, effective 8/23/14.]

**WAC 132B-120-190 Appeal from student conduct committee's initial decision.** (1) A respondent who is aggrieved by the findings or conclusions issued by the stu-

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dent conduct committee may appeal the committee's initial decision to the president by filing a notice of appeal with the president's office within twenty-one calendar days of service of the committee's initial decision. Failure to file a timely appeal constitutes a waiver of the right and the initial decision shall be deemed final.

(2) The notice of appeal must identify the specific findings of fact and/or conclusions of law in the initial decision that are challenged and must contain argument why the appeal should be granted. The president's review shall be restricted to the hearing record made before the student conduct committee and will normally be limited to a review of those issues and arguments raised in the notice of appeal.

(3) The president shall provide a written decision to all parties within twenty business days after receipt of the notice of appeal. The president's decision shall be final and shall include a notice of any rights to request reconsideration and/or judicial review.

(4) The president may, at his or her discretion, suspend any disciplinary action pending review of the merits of the findings, conclusions, and disciplinary actions imposed.

(5) The president shall not engage in an ex parte communication with any of the parties regarding an appeal.

[Statutory Authority: RCW 28B.50.140(13). WSR 14-15-156, § 132B-120-190, filed 7/23/14, effective 8/23/14; WSR 10-17-031, § 132B-120-190, filed 8/9/10, effective 9/9/10. Statutory Authority: RCW 28B.50.140. WSR 04-01-100, § 132B-120-190, filed 12/16/03, effective 1/16/04. Statutory Authority: RCW 28B.50.140(13). WSR 98-09-012, § 132B-120-190, filed 4/6/98, effective 5/7/98. Statutory Authority: RCW 28B.50.140(13) and 69.41.340. WSR 91-11-102, § 132B-120-190, filed 5/22/91, effective 6/22/91. Statutory Authority: RCW 28B.50.140(13). WSR 80-10-053 (Order 80-1, Resolution No. 10-80), § 132B-120-190, filed 8/6/80.]

#### **WAC 132B-120-200 Reporting, recording and maintaining records.**

The office of the vice president for student services shall keep records of all disciplinary cases. Except in proceedings where the student is exonerated, all documentary or other physical evidence produced or considered in disciplinary proceedings and all recorded testimony shall be preserved; insofar as possible, for not more than six 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 six years.

[Statutory Authority: RCW 28B.50.140. WSR 04-01-100, § 132B-120-200, filed 12/16/03, effective 1/16/04. Statutory Authority: RCW 28B.50.140 (13). WSR 98-09-012, § 132B-120-200, filed 4/6/98, effective 5/7/98; WSR 80-10-053 (Order 80-1, Resolution No. 10-80), § 132B-120-200, filed 8/6/80.]

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

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

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

**WAC 132B-120-220 Student complaint, grievance and grade appeal processes.** The purpose of these procedures is to provide guidelines which enable a student to express and resolve misunderstandings, complaints, or grievances in a fair and equitable manner. Students have the right to receive clear information and fair application of college policies, standards, rules and requirements and are responsible for complying with them in their relationships with college personnel. This grievance procedure emphasizes an informal resolution which promotes constructive dialogue and understanding.

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

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

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

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

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

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

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

Bookstore: Bookstore manager/vice president administrative services;

Problem student conduct: Vice president for student services;

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

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

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

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

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

ident for student services office. The following procedures shall be used when a student initiates the grievance process.

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

(b) The supervisor will investigate and may:

(i) Render an immediate decision;

(ii) Ask the staff members for a written response;

(iii) Request a meeting of one or both parties individually or together; and/or

(iv) Request supporting materials prior to rendering a decision. In the case of a written grievance, the supervisor will provide a written decision within fifteen instructional days of receipt of the written grievance. If an investigation requires more time, the deadline may be extended to a mutually agreed future date.

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

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

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

(3) The grade appeal process.

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

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

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

(i) Review the course syllabus;

(ii) Meet with the course instructor; and

(iii) May request and review other supporting documentation prior to rendering a decision.

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

(d) If the student feels satisfactory resolution was not achieved in step three, he/she may, within five instructional days of receipt of the written decision, notify the vice president for instruction to request a hearing before the academic review committee. The committee will be chaired by the vice president for student services or designee.

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

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

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

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

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

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

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

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

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

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

### DISCIPLINE PROCEDURES FOR CASES INVOLVING ALLEGATIONS OF SEXUAL MISCONDUCT

**WAC 132B-120-300 Supplemental sexual misconduct procedures.** Both the respondent and the complainant in cases involving allegations of sexual misconduct shall be

provided the same procedural rights to participate in student discipline matters, including the right to participate in the initial disciplinary decision-making process and to appeal any disciplinary decision.

Application of the following procedures is limited to student conduct code proceedings involving allegations of sexual misconduct by a student. In such cases, these procedures shall supplement the student disciplinary procedures in WAC 132B-120-005 through 132B-120-060. In the event of conflict between the sexual misconduct procedures and the student disciplinary procedures, the sexual misconduct procedures shall prevail.

[Statutory Authority: RCW 28B.50.140(13). WSR 14-15-156, § 132B-120-300, filed 7/23/14, effective 8/23/14.]

**WAC 132B-120-305 Supplemental definitions.** The following supplemental definitions shall apply for purposes of student conduct code proceedings involving allegations of sexual misconduct by a student:

(1) A "complainant" is an alleged victim of sexual misconduct, as defined in subsection (2) of this section.

(2) "Sexual misconduct" is prohibited sexual- or gender-based conduct by a student including, but not limited to:

(a) Sexual activity for which clear and voluntary consent has not been given in advance;

(b) Sexual activity with someone who is incapable of giving valid consent because, for example, she or he is underage, sleeping or otherwise incapacitated due to alcohol or drugs;

(c) Sexual harassment;

(d) Sexual violence which includes, but is not limited to, sexual assault, domestic violence, intimate violence, and sexual- or gender-based stalking;

(e) Nonphysical conduct such as sexual- or gender-based digital media stalking, sexual- or gender-based online harassment, sexual- or gender-based cyberbullying, nonconsensual recording of a sexual activity, and nonconsensual distribution of a recording of a sexual activity.

[Statutory Authority: RCW 28B.50.140(13). WSR 14-15-156, § 132B-120-305, filed 7/23/14, effective 8/23/14.]

**WAC 132B-120-310 Supplemental complaint process (sexual misconduct).** The following supplemental procedures shall apply with respect to complaints or other reports of alleged sexual misconduct by a student.

(1) The college's Title IX compliance officer shall investigate complaints or other reports of alleged sexual misconduct by a student. Investigations will be completed in a timely manner and the results of the investigation shall be used to conduct any disciplinary proceeding conducted in accordance with this chapter.

(2) Informal dispute resolution shall not be used to resolve sexual misconduct complaints without written permission from both the complainant and the respondent. If the parties elect to mediate a dispute, either party shall be free to discontinue mediation at any time. In no event shall mediation be used to resolve complaints involving allegations of sexual violence.

(3) College personnel will honor requests to keep sexual misconduct complaints confidential to the extent this can be done without unreasonably risking the health, safety and well-

fare of the complainant or other members of the college community or compromising the college's duty to investigate and process sexual harassment and sexual violence complaints.

(4) The vice president for student services, prior to initiating disciplinary action, will make a reasonable effort to contact the complainant to discuss the results of the investigation and possible disciplinary sanctions and/or conditions (if any) that may be imposed upon the respondent if the allegations of sexual misconduct are found to have merit.

(5) The student conduct officer, on the same date that a disciplinary decision is served on the respondent, will serve a written notice informing the complainant whether the allegations of sexual misconduct were found to have merit and describing any disciplinary sanctions and/or conditions imposed upon the respondent for the complainant's protection, including disciplinary suspension or dismissal of the respondent. The notice will also inform the complainant of his or her appeal rights. If protective sanctions and/or conditions are imposed, the student conduct officer shall make a reasonable effort to contact the complainant to ensure that prompt notice of the protective disciplinary sanctions and/or conditions imposed upon the respondent for the complainant's protection is given.

[Statutory Authority: RCW 28B.50.140(13). WSR 14-15-156, § 132B-120-310, filed 7/23/14, effective 8/23/14.]

**WAC 132B-120-315 Supplemental appeal rights. (1)**

The following actions by the vice president for student services may be appealed by the complainant:

- (a) The dismissal of a sexual misconduct complaint; or
- (b) Any disciplinary sanction(s) and conditions imposed against a respondent for a sexual misconduct violation, including a disciplinary warning.

(2) A complainant may appeal a disciplinary decision by filing a notice of appeal with the vice president for student services within twenty-one days of service of the notice of the discipline. The notice of appeal may include a written statement setting forth the grounds of appeal. Failure to file a timely notice of appeal constitutes a waiver of this right and the disciplinary decision shall be deemed final.

(3) If the respondent timely appeals a decision imposing discipline for a sexual misconduct violation, the college shall notify the complainant of the appeal and provide the complainant an opportunity to intervene as a party to the appeal.

(4) Except as otherwise specified in this supplemental procedure, a complainant who timely appeals a disciplinary decision or who intervenes as a party to respondent's appeal of a disciplinary decision shall be afforded the same procedural rights as are afforded the respondent.

(5) An appeal by a complainant from the following disciplinary actions involving allegations of sexual misconduct against a student shall be handled as a brief adjudicative proceeding:

- (a) Exoneration and dismissal of the proceedings;
- (b) A disciplinary warning;
- (c) A written reprimand;
- (d) Disciplinary probation;
- (e) Suspensions of ten instructional days or less; and/or
- (f) Any conditions or terms imposed in conjunction with one of the foregoing disciplinary actions.

(6) An appeal by a complainant from disciplinary action imposing a suspension in excess of ten instructional days or an expulsion shall be reviewed by the student conduct board.

(7) In proceedings before the student conduct committee, respondent and complainant shall have the right to be accompanied by a nonattorney assistant of their choosing during the appeal process. Complainant may choose to be represented at the hearing by an attorney at his or her own expense, but will be deemed to have waived that right unless, at least four business days before the hearing, he or she files a written notice of the attorney's identity and participation with the committee chair, and with copies to the respondent and the student conduct officer.

(8) In proceedings before the student conduct committee, complainant and respondent shall not directly question or cross-examine one another. All questions shall be directed to the committee chair, who will act as an intermediary and pose questions on the parties' behalf.

(9) Student conduct hearings involving sexual misconduct allegations shall be closed to the public, unless respondent and complainant both waive this requirement in writing and request that the hearing be open to the public. Complainant, respondent and their respective nonattorney assistants and/or attorneys may attend portions of the hearing where argument, testimony and/or evidence are presented to the student conduct committee.

(10) The chair of the student conduct committee, on the same date as the initial decision is served on the respondent, will serve a written notice upon complainant informing the complainant whether the allegations of sexual misconduct were found to have merit and describing any disciplinary sanctions and/or conditions imposed upon the respondent for the complainant's protection, including suspension or dismissal of the respondent. The notice will also inform the complainant of his or her appeal rights.

(11) Complainant may appeal the student conduct committee's initial decision to the president subject to the same procedures and deadlines applicable to other parties.

(12) The president, on the same date that the final decision is served upon the respondent, shall serve a written notice informing the complainant of the final decision. This notice shall inform the complainant whether the sexual misconduct allegation was found to have merit and describe any disciplinary sanctions and/or conditions imposed upon the respondent for the complainant's protection, including suspension or dismissal of the respondent.

[Statutory Authority: RCW 28B.50.140(13). WSR 14-15-156, § 132B-120-315, filed 7/23/14, effective 8/23/14.]