

Chapter 132C-120 WAC STUDENT CONDUCT CODE

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WAC

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132C-120-030	Student records. [Statutory Authority: Chapter 28B.50 RCW. WSR 85-13-067 (Order 24, Resolution No. 52-0585), § 132C-120-030, filed 6/18/85; WSR 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-030, filed 4/4/80.] Repealed by WSR 05-10-052, filed 4/29/05, effective 5/30/05. Statutory Authority: Chapter 28B.50 RCW.
132C-120-070	Investigation of student conduct. [Statutory Authority: Chapter 28B.50 RCW. WSR 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-070, filed 4/4/80.] Repealed by WSR 85-13-067 (Order 24, Resolution No. 52-0585), filed 6/18/85. Statutory Authority: Chapter 28B.50 RCW.
132C-120-071	Academic dishonesty. [Statutory Authority: Chapter 28B.50 RCW. WSR 05-10-052, § 132C-120-071, filed 4/29/05, effective 5/30/05.] Repealed by WSR 15-03-078, filed 1/16/15, effective 2/16/15. Statutory Authority: Chapter 28B.50 RCW.
132C-120-075	Status of student pending final action. [Statutory Authority: Chapter 28B.50 RCW. WSR 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-075, filed 4/4/80.] Repealed by WSR 85-13-067 (Order 24, Resolution No. 52-0585), filed 6/18/85. Statutory Authority: Chapter 28B.50 RCW.
132C-120-080	Purpose of adoption of student conduct code. [Statutory Authority: Chapter 28B.50 RCW. WSR 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-080, filed 4/4/80.] Repealed by WSR 85-13-067 (Order 24, Resolution No. 52-0585), filed 6/18/85. Statutory Authority: Chapter 28B.50 RCW.
132C-120-085	Definitions. [Statutory Authority: Chapter 28B.50 RCW. WSR 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-085, filed 4/4/80.] Repealed by WSR 85-13-067 (Order 24, Resolution No. 52-0585), filed 6/18/85. Statutory Authority: Chapter 28B.50 RCW.
132C-120-090	Jurisdiction. [Statutory Authority: Chapter 28B.50 RCW. WSR 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-090, filed 4/4/80.] Repealed by WSR 85-13-067 (Order 24, Resolution No. 52-0585), filed 6/18/85. Statutory Authority: Chapter 28B.50 RCW.
132C-120-095	Right of assembly. [Statutory Authority: Chapter 28B.50 RCW. WSR 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-095, filed 4/4/80.] Repealed by WSR 85-13-067 (Order 24, Resolution No. 52-0585), filed 6/18/85. Statutory Authority: Chapter 28B.50 RCW.

132C-120-105 Procedural standards in disciplinary proceedings. [Statutory Authority: Chapter 28B.50 RCW. WSR 85-13-067 (Order 24, Resolution No. 52-0585), § 132C-120-105, filed 6/18/85; WSR 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-105, filed 4/4/80.] Repealed by WSR 15-03-078, filed 1/16/15, effective 2/16/15. Statutory Authority: Chapter 28B.50 RCW.

132C-120-130 Conduct of disciplinary hearings. [Statutory Authority: Chapter 28B.50 RCW. WSR 05-10-052, § 132C-120-130, filed 4/29/05, effective 5/30/05; WSR 85-13-067 (Order 24, Resolution No. 52-0585), § 132C-120-130, filed 6/18/85; WSR 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-130, filed 4/4/80.] Repealed by WSR 15-03-078, filed 1/16/15, effective 2/16/15. Statutory Authority: Chapter 28B.50 RCW.

132C-120-140 Final decision on disciplinary appeals. [Statutory Authority: Chapter 28B.50 RCW. WSR 05-10-052, § 132C-120-140, filed 4/29/05, effective 5/30/05; WSR 85-13-067 (Order 24, Resolution No. 52-0585), § 132C-120-140, filed 6/18/85; WSR 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-140, filed 4/4/80.] Repealed by WSR 15-03-078, filed 1/16/15, effective 2/16/15. Statutory Authority: Chapter 28B.50 RCW.

132C-120-150 Readmission after dismissal. [Statutory Authority: Chapter 28B.50 RCW. WSR 05-10-052, § 132C-120-150, filed 4/29/05, effective 5/30/05; WSR 85-13-067 (Order 24, Resolution No. 52-0585), § 132C-120-150, filed 6/18/85; WSR 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-150, filed 4/4/80.] Repealed by WSR 15-03-078, filed 1/16/15, effective 2/16/15. Statutory Authority: Chapter 28B.50 RCW.

132C-120-155 Evidence admissible in hearings. [Statutory Authority: Chapter 28B.50 RCW. WSR 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-155, filed 4/4/80.] Repealed by WSR 85-13-067 (Order 24, Resolution No. 52-0585), filed 6/18/85. Statutory Authority: Chapter 28B.50 RCW.

132C-120-160 Decision by the student conduct board. [Statutory Authority: Chapter 28B.50 RCW. WSR 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-160, filed 4/4/80.] Repealed by WSR 85-13-067 (Order 24, Resolution No. 52-0585), filed 6/18/85. Statutory Authority: Chapter 28B.50 RCW.

132C-120-165 Final decision regarding disciplinary action. [Statutory Authority: Chapter 28B.50 RCW. WSR 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-165, filed 4/4/80.] Repealed by WSR 85-13-067 (Order 24, Resolution No. 52-0585), filed 6/18/85. Statutory Authority: Chapter 28B.50 RCW.

132C-120-170 Disciplinary action. [Statutory Authority: Chapter 28B.50 RCW. WSR 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-170, filed 4/4/80.] Repealed by WSR 85-13-067 (Order 24, Resolution No. 52-0585), filed 6/18/85. Statutory Authority: Chapter 28B.50 RCW.

132C-120-175 Readmission after dismissal. [Statutory Authority: Chapter 28B.50 RCW. WSR 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-175, filed 4/4/80.] Repealed by WSR 85-13-067 (Order 24, Resolution No. 52-0585), filed 6/18/85. Statutory Authority: Chapter 28B.50 RCW.

132C-120-180 Summary suspension rules. [Statutory Authority: Chapter 28B.50 RCW. WSR 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-180, filed 4/4/80.] Repealed by WSR 85-13-067 (Order 24, Resolution No. 52-0585), filed 6/18/85. Statutory Authority: Chapter 28B.50 RCW.

132C-120-185 Initiation of summary suspension proceedings. [Statutory Authority: Chapter 28B.50 RCW. WSR 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-185, filed 4/4/80.] Repealed by WSR 85-13-067 (Order 24, Resolution No. 52-0585), filed 6/18/85. Statutory Authority: Chapter 28B.50 RCW.

132C-120-190 Notice of summary proceedings. [Statutory Authority: Chapter 28B.50 RCW. WSR 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-190, filed 4/4/80.] Repealed by WSR 85-13-067 (Order 24, Resolution No. 52-0585), filed 6/18/85. Statutory Authority: Chapter 28B.50 RCW.

132C-120-195 Procedures of summary suspension hearing. [Statutory Authority: Chapter 28B.50 RCW. WSR 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-195, filed 4/4/80.] Repealed by WSR 85-13-067 (Order 24, Resolution No. 52-0585), filed 6/18/85. Statutory Authority: Chapter 28B.50 RCW.

132C-120-205 Initiation of summary suspension proceedings. [Statutory Authority: Chapter 28B.50 RCW. WSR 85-13-067 (Order 24, Resolution No. 52-0585), § 132C-120-205, filed 6/18/85; WSR 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-205, filed 4/4/80.] Repealed by WSR 15-03-078, filed 1/16/15, effective 2/16/15. Statutory Authority: Chapter 28B.50 RCW.

132C-120-210 Notice of summary suspension. [Statutory Authority: Chapter 28B.50 RCW. WSR 05-10-052, § 132C-120-210, filed 4/29/05, effective 5/30/05; WSR 85-13-067 (Order 24, Resolution No. 52-0585), § 132C-120-210, filed 6/18/85; WSR 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-210, filed 4/4/80.] Repealed by WSR 15-03-078, filed 1/16/15, effective 2/16/15. Statutory Authority: Chapter 28B.50 RCW.

132C-120-215 Permission to enter or remain on campus. [Statutory Authority: Chapter 28B.50 RCW. WSR 05-10-052, § 132C-120-215, filed 4/29/05, effective 5/30/05; WSR 85-13-067 (Order 24, Resolution No. 52-0585), § 132C-120-215, filed 6/18/85; WSR 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-215, filed 4/4/80.] Repealed by WSR 15-03-078, filed 1/16/15, effective 2/16/15. Statutory Authority: Chapter 28B.50 RCW.

132C-120-220 Procedures for summary suspension hearing. [Statutory Authority: Chapter 28B.50 RCW. WSR 05-10-052, § 132C-120-220, filed 4/29/05, effective 5/30/05; WSR 85-13-067 (Order 24, Resolution No. 52-0585), § 132C-120-220, filed 6/18/85; WSR 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-220, filed 4/4/80.] Repealed by WSR 15-03-078, filed 1/16/15, effective 2/16/15. Statutory Authority: Chapter 28B.50 RCW.

132C-120-225 Decision by vice president of student services. [Statutory Authority: Chapter 28B.50 RCW. WSR 05-10-052, § 132C-120-225, filed 4/29/05, effective 5/30/05; WSR 85-13-067 (Order 24, Resolution No. 52-0585), § 132C-120-225, filed 6/18/85; WSR 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-225, filed 4/4/80.] Repealed by WSR 15-03-078, filed 1/16/15, effective 2/16/15. Statutory Authority: Chapter 28B.50 RCW.

132C-120-230 Failure to appear for summary suspension hearing. [Statutory Authority: Chapter 28B.50 RCW. WSR 05-10-052, § 132C-120-230, filed 4/29/05, effective 5/30/05; WSR 85-13-067 (Or-

der 24, Resolution No. 52-0585), § 132C-120-230, filed 6/18/85.] Repealed by WSR 15-03-078, filed 1/16/15, effective 2/16/15. Statutory Authority: Chapter 28B.50 RCW. Summary suspension proceedings not duplicitous. [Statutory Authority: Chapter 28B.50 RCW. WSR 85-13-067 (Order 24, Resolution No. 52-0585), § 132C-120-235, filed 6/18/85.] Repealed by WSR 15-03-078, filed 1/16/15, effective 2/16/15. Statutory Authority: Chapter 28B.50 RCW.

132C-120-235

WAC 132C-120-010 Preamble. Olympic College, as a state supported institution of higher education, has a mission of providing excellence of instruction, responsiveness to community and individual needs, and open communication in a collegiate atmosphere to citizens of Kitsap and Mason counties. Sharing responsibility for this common mission, students and college personnel are joined in a voluntary college community.

Olympic College students are both citizens and members of the college community. As citizens, students shall enjoy the same freedoms that other citizens enjoy. As members of the college community, they are subject to those responsibilities which accrue to them by virtue of this membership.

Admission to Olympic College carries with it the expectation that students will conduct themselves as responsible members of the college community, that they will comply with established rules and regulations of the college, maintain high standards of honesty and integrity, and respect the rights, privileges, and property of other members of the college community.

Olympic College expects that students will conform to the laws of the greater society and regulations established to assure the orderly conduct of the affairs of the college.

The student is at once a member of the community at large and the college community. As such, the student is subject to the rights, responsibilities, laws, and regulations of each community and accountable to both.

To accomplish these purposes the college is governed by rules, regulations, and procedures designed to safeguard its functions and protect the rights and freedoms of all members of the college community.

[Statutory Authority: Chapter 28B.50 RCW. WSR 85-13-067 (Order 24, Resolution No. 52-0585), § 132C-120-010, filed 6/18/85; WSR 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-010, filed 4/4/80.]

WAC 132C-120-015 Freedom of expression. Fundamental to the democratic process are the rights of free speech and peaceful assembly. Students and student organizations shall be free to examine and to discuss all questions of interest to them and to express opinions publicly and privately. They shall always be free to support causes by orderly means which do not disrupt the regular and essential operation of the institution. At the same time, it should be made clear to the academic and the larger community that in their public expressions, students or student organizations speak only for themselves.

Any recognized student organization may invite to the campus any speaker a group wishes to hear, providing suitable space is available and there is no interference with the regular scheduled program of the college and officially sanctioned procedure is followed. It is understood that the appearance of such speakers on the campus implies neither approval nor disapproval of them or their viewpoints by this col-

lege, its students, its employees, or the board of trustees. In the 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 normal considerations for law and order.

In order to insure an atmosphere of open exchange and to insure that the educational objectives of the college are not obscured, the president may prescribe reasonable time, place and manner restrictions for the conduct of the meeting, such as requiring a designated member of the faculty as chair, or requiring permission for comments and questions from the floor. Likewise, the president may encourage the appearance of one or more additional speakers at the meeting in question or at a subsequent meeting so that other points of view may be expressed.

[Statutory Authority: Chapter 28B.50 RCW. WSR 05-10-052, § 132C-120-015, filed 4/29/05, effective 5/30/05; WSR 85-13-067 (Order 24, Resolution No. 52-0585), § 132C-120-015, filed 6/18/85; WSR 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-015, filed 4/4/80.]

WAC 132C-120-020 Freedom of association and organization. Students bring to the college a variety of interests previously acquired and develop new interests as members of the college community. They are free to organize and join associations to promote any legal purpose or common interest.

Student organizations must be granted a charter by the college student government before they may be officially recognized. Prior to becoming chartered, a student organization must submit to the student government a statement of purpose, criteria for membership, a statement of operating rules or procedures, the name of a faculty member who has agreed to serve as advisor, and otherwise meet all student government requirements for charter. All student organizations must also submit to the student government a list of officers and renew a granted charter as required. In order to qualify for issuance of a charter, membership in a student organization must be open to all students. Affiliation with a noncollege organization shall not be grounds for denial of charter provided that other conditions for charter issuance have been met. The charter of a student organization may be withdrawn by the student government for nonconformity to provisions of its charter, the student conduct code, or student government requirements.

[Statutory Authority: Chapter 28B.50 RCW. WSR 85-13-067 (Order 24, Resolution No. 52-0585), § 132C-120-020, filed 6/18/85; WSR 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-020, filed 4/4/80.]

WAC 132C-120-022 Statement of student rights. (1) As members of the academic community, students are encouraged to develop the capacity for critical judgment and to engage in an independent search for truth. Freedom to teach and freedom to learn are inseparable facets of academic freedom. The freedom to learn depends upon appropriate opportunities and conditions in the classroom, on the campus, and in the larger community. Students should exercise their freedom with responsibility. The responsibility to secure and to respect general conditions conducive to the freedom to learn is shared by all members of the college community.

(2) The following enumerated rights are guaranteed to each student within the limitations of statutory law and college policy which are deemed necessary to achieve the educational goals of the college:

(a) Academic freedom.

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

(ii) 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).

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

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

(b) Due process.

(i) The rights of students to be secure in their persons, quarters, papers, and effects against unreasonable searches and seizures is guaranteed.

(ii) No disciplinary sanction may be imposed on any student without notice to the accused of the nature of the charges.

(iii) A student accused of violating this code of student conduct is entitled, upon request, to procedural due process as set forth in this chapter.

[Statutory Authority: Chapter 28B.50 RCW. WSR 15-03-078, § 132C-120-022, filed 1/16/15, effective 2/16/15.]

WAC 132C-120-025 Student participation in college governance.

As members of the college community, students will be free, individually and collectively, to express their views on college policy and on matters of general interest to the student body. The constitution of the associated students of Olympic College and the college's administrative procedures provide clear channels for student participation in the formulation and application of institutional policy.

[Statutory Authority: Chapter 28B.50 RCW. WSR 85-13-067 (Order 24, Resolution No. 52-0585), § 132C-120-025, filed 6/18/85; WSR 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-025, filed 4/4/80.]

WAC 132C-120-035 Student publications.

Student publications and the student press are a valuable aid in establishing and maintaining an atmosphere of free and responsible discussion and of intellectual exploration on the campus. They are a means of bringing student concerns to the attention of the faculty and institutional authorities and of formulating student opinion on various issues on the campus and in the world at large. Financial and legal autonomy is not possible, therefore, Olympic College, as the publisher of student publications, may have to bear the legal responsibility for the contents of the publications. In the delegation of editorial responsibility to students, the institution must provide sufficient editorial freedom and financial autonomy for student publications to maintain their integrity of purpose as vehicles for free inquiry and free expression in an academ-

ic community. At the same time, the editorial freedom of student editors and managers entails corollary responsibilities to be governed by the canons of responsibilities such as the avoidance of libel, indecency, undocumented allegations, attacks on personal integrity, and the techniques of harassment and innuendo. As safeguards for the editorial freedom of student publications, the following provisions are necessary:

(1) The student press should be free of censorship and advance approval of copy, and its editors and managers shall be free to develop their own editorial policies and news coverage consistent with *Canons of Journalism*.

(2) Editors and managers of student publications shall be protected from arbitrary suspension and removal because of student, faculty, administration, or public disapproval of editorial policy or content. Only for proper and stated causes should editors and managers be subject to removal and then by orderly and prescribed procedures of the publishing organization.

(3) It is expected that campus student publications shall have a written editorial policy consistent with the above.

[Statutory Authority: Chapter 28B.50 RCW. WSR 85-13-067 (Order 24, Resolution No. 52-0585), § 132C-120-035, filed 6/18/85; WSR 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-035, filed 4/4/80.]

WAC 132C-120-040 Distribution of printed material on campus.

Publications, handbills, leaflets, statements, and similar materials except those which are commercial, obscene, or unlawful in character may be distributed without review or approval by any enrolled student or recognized group of students enrolled at Olympic College. It is to be understood that such materials do not necessarily represent the views of the college or the board of trustees. Such materials may be distributed from authorized public areas in the student center and at any outdoor area on campus consistent with the maintenance of college property, with the free flow of traffic and persons, and not in a manner which in itself limits the orderly operation of college affairs.

[Statutory Authority: Chapter 28B.50 RCW. WSR 10-20-152, § 132C-120-040, filed 10/6/10, effective 11/6/10; WSR 05-10-052, § 132C-120-040, filed 4/29/05, effective 5/30/05; WSR 85-13-067 (Order 24, Resolution No. 52-0585), § 132C-120-040, filed 6/18/85; WSR 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-040, filed 4/4/80.]

WAC 132C-120-045 Commercial activities. College facilities will not be used for commercial solicitation, advertising, or promotional activities except when such activities clearly serve Olympic College 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 a college division or the office of student programs and activities of the college, provided that such solicitation does not interfere with or operate to the detriment of the conduct of college affairs.

[Statutory Authority: Chapter 28B.50 RCW. WSR 85-13-067 (Order 24, Resolution No. 52-0585), § 132C-120-045, filed 6/18/85; WSR 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-045, filed 4/4/80.]

WAC 132C-120-050 Authority to prohibit trespass. The president or designee, acting through the vice president for the student services area or such other designated person shall have authority and power to:

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

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

(3) Order any person, persons, or group of persons to leave or vacate all or any portion of a college facility.

Such authority and power may be exercised to halt any event that is deemed to be unreasonably disruptive of order or threatens to disrupt the movement of persons from facilities owned and/or operated by the college. Any student or person who shall disobey a lawful order given by the college president or designee pursuant to the requirements of this rule shall be subject to disciplinary and/or legal action.

[Statutory Authority: Chapter 28B.50 RCW. WSR 15-03-078, § 132C-120-050, filed 1/16/15, effective 2/16/15; WSR 05-10-052, § 132C-120-050, filed 4/29/05, effective 5/30/05; WSR 85-13-067 (Order 24, Resolution No. 52-0585), § 132C-120-050, filed 6/18/85; WSR 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-050, filed 4/4/80.]

WAC 132C-120-055 Emergency procedures. In the event of activities or situations which interfere with the orderly operation of the college, the vice president for the student services area or college president or their designees shall determine the course of action which appears to offer the best possibility for resolution of the problem. The emergency procedures outlined below will be followed if deemed essential:

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

(2) Inform them that they should cease and desist.

(3) If they do not respond within a reasonable time, call the civil authorities.

[Statutory Authority: Chapter 28B.50 RCW. WSR 15-03-078, § 132C-120-055, filed 1/16/15, effective 2/16/15; WSR 85-13-067 (Order 24, Resolution No. 52-0585), § 132C-120-055, filed 6/18/85; WSR 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-055, filed 4/4/80.]

WAC 132C-120-060 Right to demand identification. Olympic College identification is required for the purpose of determining the

identity of a person as a student, where identification as a student is a prerequisite to admission or the charge for admission to any college activity, or where identification as a student is required in a case of alleged violation of this code, any college employee may demand that any person on college property or at a college activity produce evidence of student enrollment at the college. Failure of the student to produce identification as required shall subject the student to disciplinary action.

[Statutory Authority: Chapter 28B.50 RCW. WSR 15-03-078, § 132C-120-060, filed 1/16/15, effective 2/16/15; WSR 05-10-052, § 132C-120-060, filed 4/29/05, effective 5/30/05; WSR 85-13-067 (Order 24, Resolution No. 52-0585), § 132C-120-060, filed 6/18/85; WSR 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-060, filed 4/4/80.]

WAC 132C-120-065 Prohibited student conduct. The college may impose disciplinary sanctions against a student who commits, or aids, abets, incites, encourages or assists another person to commit, an act(s) of misconduct, which include, but are not limited to, the following:

(1) **Academic dishonesty.** Any act of academic dishonesty including, but not limited to, cheating, plagiarism, and fabrication.

(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. Prohibited 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.

(2) **Other dishonesty.** Any other acts of dishonesty. Such acts include, but are 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.

(3) **Obstruction or disruption.** Obstruction or disruption of:

(a) Any instruction, research, administration, disciplinary proceeding, or other college activity, including the obstruction of the free flow of pedestrian or vehicular movement on college property or at a college activity; or

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

(4) **Assault, abuse, threats, intimidation, harassment and stalking.** 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 severe, persistent, or pervasive physical or verbal abuse and involving a power imbalance between the aggressor and victim.

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

(5) **Cyber misconduct.** 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, disrupting 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.

(6) **Property violation.** Damage to, or theft or misuse of, real or personal property or money of:

(a) The college or state;

(b) Any student or college officer, employee, or organization;

(c) Any other member of the college community or organization; or

(d) Possession of such property or money after it has been stolen.

(7) **Failure to comply with directive.** Failure to comply with the direction of a college officer or employee who is acting in the legitimate performance of his or her duties, including failure to properly identify oneself to such a person when requested to do so.

(8) **Weapons.** Possession, holding, wearing, transporting, storage or presence of any firearm, dagger, sword, knife or other cutting or stabbing instrument, club, explosive device, or any other weapon apparently capable of producing bodily harm is prohibited on the college campus, subject to the following exceptions:

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

(b) A student with a valid concealed weapons permit may store a firearm 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 or his delegee may authorize possession of a weapon on campus upon a showing that the weapon is reasonably related to a legitimate pedagogical purpose. Such permission shall be in writing and shall be subject to such terms or conditions incorporated therein.

(9) **Hazing.** 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.

(10) **Alcohol, drug, and tobacco violations.**

(a) **Alcohol.** The use, possession, delivery, or sale of any alcoholic beverage, except as permitted by law and applicable college policies.

(b) **Marijuana.** The use, possession, delivery, or sale 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.

(c) **Drugs.** The use, possession, delivery, or sale of any legend drug (any drug that requires a prescription including both controlled substances and nonnarcotic drugs), including anabolic steroids, androgens, or human growth hormones as defined in chapter 69.41 RCW, or any other controlled substance under chapter 69.50 RCW, except as prescribed for a student's use by a licensed practitioner.

(d) **Tobacco, electronic cigarettes, and related products.** Use of tobacco, electronic cigarettes, and related products is prohibited in all buildings owned or controlled by the college, in all college vehicles, and on all college property, except in designated areas. All smoking materials are to be lit, smoked and extinguished in designated areas only. "Related products" include, but are not limited to, cigarettes, pipes, bidi, clove cigarettes, waterpipes, hookahs, chewing tobacco, and snuff.

(11) **Lewd conduct.** Conduct which is lewd or obscene.

(12) **Discriminatory conduct.** 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/family status; marital status; age (40+); religion; creed; genetic information; sexual orientation; gender identity; veteran's status; or any other legally protected classification.

(13) **Sexual misconduct.** The term "sexual misconduct" includes, but is not limited to, sexual harassment, sexual intimidation, and sexual violence. Use of alcohol or other drugs will not function as a defense to a violation of college policies regarding sexual misconduct. Cases involving allegations of sexual misconduct are subject to special discipline procedures; see WAC 132C-120-300 through 132C-120-315.

(a) **Sexual harassment.** The term "sexual harassment" means unwelcome conduct of a sexual nature, including unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature that is sufficiently serious as to deny or limit, and that does deny or limit, based on sex, the ability of a person to participate in or benefit from the college's educational programs/activities or that creates an intimidating, hostile, or offensive environment for other campus community members.

(b) **Sexual intimidation.** The term "sexual intimidation" incorporates the definition of "sexual harassment" and means threatening or emotionally distressing conduct based on sex including, but not limited to, nonconsensual recording of sexual activity or the distribution of such recording.

(c) **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 rape, sexual assault, sexual battery, sexual coercion, sexual exploitation, or gender- or sex-based stalking. 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.

(14) **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. See "Sexual misconduct" for the definition of "sexual harassment." Harassing conduct may include, but is not limited to, physical conduct, verbal, written, social media and electronic communications.

(15) **Retaliation.** Retaliation against any individual for reporting, providing information, exercising one's rights or responsibilities, or otherwise being involved in the process of responding to, investigating, or addressing allegations or violations of federal, state or local law, or college policies including, but not limited to, student conduct code provisions prohibiting discrimination and harassment. Retaliation is considered a separate offense, regardless of the outcome of the original complaint.

(16) **Misuse of electronic resources.** Theft or other 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 or abusive 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; or
- (i) Failure to comply with the college's electronic use policy.

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

(18) **Safety violations.** Safety violations include any nonaccidental conduct that interferes with or otherwise compromises any college policy, equipment, or procedure relating to the safety and security of the campus community, including tampering with fire safety equipment and triggering false alarms or other emergency response systems.

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

(20) **Ethical violation.** The breach of any generally recognized and published code of ethics or standards of professional practice that governs the conduct of a particular profession for which the student is taking a course or is pursuing as an educational goal or major.

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.

[Statutory Authority: Chapter 28B.50 RCW. WSR 15-03-078, § 132C-120-065, filed 1/16/15, effective 2/16/15; WSR 05-10-052, § 132C-120-065, filed 4/29/05, effective 5/30/05; WSR 85-13-067 (Order 24, Resolution No. 52-0585), § 132C-120-065, filed 6/18/85; WSR 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-065, filed 4/4/80.]

WAC 132C-120-076 Classroom conduct. Faculty have the authority to take appropriate action 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.

An instructor has the authority to exclude a student from up to three class sessions if the student is disruptive to the learning environment pending a meeting with the vice president for the student services area or a designee. The instructor shall report any such exclusion from the class to the vice president for the student services area or designee who may at his or her discretion initiate disciplinary proceedings as provided in this procedure. The vice president for the student services area may impose a disciplinary probation that restricts the student from the classroom until the student has met with the vice president for the student services area and the student agrees to comply with the specific conditions outlined by the vice president for the student services area for conduct in the classroom. The student may appeal the disciplinary sanction according to the disciplinary appeal procedures.

[Statutory Authority: Chapter 28B.50 RCW. WSR 15-03-078, § 132C-120-076, filed 1/16/15, effective 2/16/15; WSR 05-10-052, § 132C-120-076, filed 4/29/05, effective 5/30/05.]

WAC 132C-120-100 Statement of jurisdiction. The student conduct code shall apply to student conduct that occurs on college premises, to conduct that occurs at or in connection with college sponsored activities, or to off-campus conduct that in the judgment of the college adversely affects the college community or the pursuit of its objectives. Jurisdiction extends to, 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, campus housing, cooperative and distance education, online education, practi-

cums, 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 college has sole discretion, on a case-by-case basis, to determine whether the student conduct code will be applied to conduct that occurs off campus.

[Statutory Authority: Chapter 28B.50 RCW. WSR 15-03-078, § 132C-120-100, filed 1/16/15, effective 2/16/15; WSR 05-10-052, § 132C-120-100, filed 4/29/05, effective 5/30/05; WSR 85-13-067 (Order 24, Resolution No. 52-0585), § 132C-120-100, filed 6/18/85; WSR 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-100, filed 4/4/80.]

WAC 132C-120-101 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 of the student services area or designee. The student conduct officer shall serve as the principal investigator and administrator for alleged violations of this code.

[Statutory Authority: Chapter 28B.50 RCW. WSR 15-03-078, § 132C-120-101, filed 1/16/15, effective 2/16/15.]

WAC 132C-120-102 Brief adjudicative proceeding authorized. This rule is adopted in accordance with RCW 34.05.482 through 34.05.494. Brief adjudicative proceedings shall be used, unless provided otherwise by another rule or determined otherwise in a particular case by the president, or a designee, in regard to:

- (1) Parking violations.
- (2) Outstanding debts owed by students.
- (3) Use of college facilities.
- (4) Residency determinations.
- (5) Use of library - Fines.
- (6) Challenges to contents of education records.
- (7) Loss of eligibility for participation in institution sponsored athletic events.
- (8) Student conduct appeals involving the following disciplinary actions:
 - (a) Suspensions of ten instructional days or less;
 - (b) Disciplinary probation;
 - (c) Written reprimands;
 - (d) Any conditions or terms imposed in conjunction with one of the foregoing disciplinary actions; and
 - (e) Appeals by a complainant in student disciplinary proceedings involving allegations of sexual misconduct in which the student conduct officer:
 - (i) Dismisses disciplinary proceedings based upon a finding that the allegations of sexual misconduct have no merit; or
 - (ii) Issues a verbal warning to respondent.

(9) Appeals of decisions regarding mandatory tuition and fee waivers.

Brief adjudicative proceedings are informal hearings and shall be conducted in a manner which will bring about a prompt fair resolution of the matter.

[Statutory Authority: Chapter 28B.50 RCW. WSR 15-03-078, § 132C-120-102, filed 1/16/15, effective 2/16/15.]

WAC 132C-120-103 Brief adjudicative proceedings—Agency record.

The agency record for brief adjudicative proceedings shall consist of any documents regarding the matter that were considered or prepared by the presiding officer for the brief adjudicative proceeding or by the reviewing officer for any review. These records shall be maintained as the official record of the proceedings.

[Statutory Authority: Chapter 28B.50 RCW. WSR 15-03-078, § 132C-120-103, filed 1/16/15, effective 2/16/15.]

WAC 132C-120-104 Definitions. The following definitions shall apply for the purposes of this student conduct code:

(1) "Student conduct officer" is a college administrator designated by the president or vice president for the student services area to be responsible for implementing and enforcing the student conduct code. The president or vice president for the student services area is authorized to reassign any and all of the student conduct officer's duties or responsibilities as set forth in this chapter as may be reasonably necessary.

(2) "Conduct review officer" is the vice president for the student services area or other college administrator designated by the president to be responsible for receiving and for reviewing or referring appeals of student disciplinary actions in accordance with the procedures of this code. The president is authorized to reassign any and all of the conduct review officer's duties or responsibilities as set forth in this chapter as may be reasonably necessary.

(3) "President" is the president of the college. The president is authorized to delegate any and all of his or her responsibilities as set forth in this chapter as may be reasonably necessary.

(4) "Disciplinary action" is the process by which the student conduct officer imposes discipline against a student for a violation of the student conduct code.

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

(6) "Respondent" is the student against whom disciplinary action is initiated.

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

(a) Hand delivery of the document to the party; or

(b) By sending the document by 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 deposited in the mail.

(8) "Filing" is the process by which a document is officially delivered to a college official responsible for facilitating a disciplinary review. Unless otherwise provided, filing shall be accomplished by:

(a) Hand delivery of the document to the specified college official or college official's assistant; or

(b) By sending the document by email and first class mail to the specified college official's office and college email address.

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

(9) "College premises" includes all campuses of the college, wherever located, and includes all land, buildings, facilities, vehicles, equipment, and other property owned, used, or controlled by the college.

(10) "Student" includes all persons taking 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."

(11) "Business day" means a weekday, excluding weekends and college holidays.

[Statutory Authority: Chapter 28B.50 RCW. WSR 15-03-078, § 132C-120-104, filed 1/16/15, effective 2/16/15.]

WAC 132C-120-110 Initiation of disciplinary action. (1) All disciplinary actions will be initiated by the student conduct officer. If that officer 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 complainant.

(2) The student conduct officer shall initiate disciplinary action by serving the respondent with written notice directing him or her to attend a disciplinary meeting. The notice shall briefly describe the factual allegations, the provision(s) of the conduct code the respondent is alleged to have violated, the range of possible sanctions for the alleged violation(s), and specify the time and location of the meeting. At the meeting, the student conduct officer will present the allegations to the respondent and 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.

(3) Within ten days of the initial disciplinary meeting, and after considering the evidence in the case, including any facts or argument presented by the respondent, the student conduct officer 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.

(4) The student conduct officer may take any of the following disciplinary actions:

(a) Exonerate the respondent and terminate the proceedings.

(b) Impose a disciplinary sanction(s), as described in WAC 132C-120-145.

(c) 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: Chapter 28B.50 RCW. WSR 15-03-078, § 132C-120-110, filed 1/16/15, effective 2/16/15; WSR 05-10-052, § 132C-120-110, filed 4/29/05, effective 5/30/05; WSR 85-13-067 (Order 24, Resolution No. 52-0585), § 132C-120-110, filed 6/18/85; WSR 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-110, filed 4/4/80.]

WAC 132C-120-115 Appeal from disciplinary action. (1) The respondent may appeal a disciplinary action by filing a written notice of appeal with the conduct review officer within twenty-one days of service of the student conduct officer's 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 student conduct officer.

(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 sanction for violation of the student conduct code shall be stayed pending appeal, unless respondent has been summarily suspended. Protective measures which have been imposed to protect the health, safety and welfare of an individual or the campus community, such as no contact orders, will not be stayed.

(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 student conduct officer, the conduct review officer, 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 disciplinary actions listed in (8)(a) through (c) of this subsection.

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

[Statutory Authority: Chapter 28B.50 RCW. WSR 15-03-078, § 132C-120-115, filed 1/16/15, effective 2/16/15; WSR 05-10-052, § 132C-120-115, filed 4/29/05, effective 5/30/05; WSR 85-13-067 (Order 24, Resolution No. 52-0585), § 132C-120-115, filed 6/18/85; WSR 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-115, filed 4/4/80.]

WAC 132C-120-116 Brief adjudicative proceedings—Initial hearing.

(1) Brief adjudicative proceedings shall be conducted by a conduct review officer designated by the president. The conduct review officer 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 conduct review officer shall conduct an informal hearing and provide each party:

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

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

(3) The conduct review officer shall serve an initial decision upon both parties within ten 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 days of service of the initial decision, the initial decision shall be deemed the final decision.

(4) If the conduct review officer 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: Chapter 28B.50 RCW. WSR 15-03-078, § 132C-120-116, filed 1/16/15, effective 2/16/15.]

WAC 132C-120-117 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 conduct review officer within twenty-one 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 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 twenty-one days of the initial decision or of the request for review, 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 twenty-one 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: Chapter 28B.50 RCW. WSR 15-03-078, § 132C-120-117, filed 1/16/15, effective 2/16/15.]

WAC 132C-120-120 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 administrator (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 administrator 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 annual 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 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: Chapter 28B.50 RCW. WSR 15-03-078, § 132C-120-120, filed 1/16/15, effective 2/16/15; WSR 05-10-052, § 132C-120-120, filed 4/29/05, effective 5/30/05; WSR 85-13-067 (Order 24, Resolution No. 52-0585), § 132C-120-120, filed 6/18/85; WSR 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-120, filed 4/4/80.]

WAC 132C-120-122 Appeal—Student conduct committee. (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 days before the hearing by any party or at the direction of the committee chair, the parties shall exchange, no later than the third 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 student conduct officer. The committee will ordinarily be advised by an assistant attorney general. If the respondent is represented by an attorney, the student conduct officer may also be represented by an appropriately screened assistant attorney general.

[Statutory Authority: Chapter 28B.50 RCW. WSR 15-03-078, § 132C-120-122, filed 1/16/15, effective 2/16/15.]

WAC 132C-120-125 Student conduct 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 student conduct officer (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: Chapter 28B.50 RCW. WSR 15-03-078, § 132C-120-125, filed 1/16/15, effective 2/16/15; WSR 05-10-052, § 132C-120-125, filed 4/29/05, effective 5/30/05; WSR 85-13-067 (Order 24, Resolution No. 52-0585), § 132C-120-125, filed 6/18/85; WSR 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-125, filed 4/4/80.]

WAC 132C-120-135 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-one days following the later of 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 student conduct officer, 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 student conduct officer 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: Chapter 28B.50 RCW. WSR 15-03-078, § 132C-120-135, filed 1/16/15, effective 2/16/15; WSR 05-10-052, § 132C-120-135, filed 4/29/05, effective 5/30/05; WSR 85-13-067 (Order 24, Resolution No. 52-0585), § 132C-120-135, filed 6/18/85; WSR 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-135, filed 4/4/80.]

WAC 132C-120-139 Appeal from student conduct committee initial decision. (1) A respondent who is aggrieved by the findings or conclusions issued by the student 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 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-one 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: Chapter 28B.50 RCW. WSR 15-03-078, § 132C-120-139, filed 1/16/15, effective 2/16/15.]

WAC 132C-120-145 Disciplinary sanctions and terms and conditions. The following disciplinary sanctions may be imposed upon students found to have violated the student conduct code.

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

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

Disciplinary probation: Formal action placing specific conditions and restrictions upon the student's continued attendance depending upon the seriousness of the violation. Probation may be for a limited time or may be for the duration of the student's attendance at the college.

Disciplinary suspension: Dismissal from the college and from the 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.

Dismissal: The revocation of all rights and privileges of membership in the college community and exclusion from the campus and col-

lege-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.

Disciplinary terms and conditions that may be imposed alone or in conjunction with a disciplinary sanction include, but are not limited to, the following:

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.

Professional evaluation: Referral for drug, alcohol, psychological or medical evaluation 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 the 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.

Not in good standing: A student may be deemed "not in good standing" with the college. If so, the student shall be subject to the following restrictions:

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

(2) Ineligible to represent the college to anyone outside the college community in any way, including representing the college at any official function, or any forms of intercollegiate competition or representation.

Other terms and conditions: The vice president for the student services area may impose other terms and conditions, such as a no-contact order, as necessary to protect the health, safety and welfare of the campus community.

[Statutory Authority: Chapter 28B.50 RCW. WSR 15-03-078, § 132C-120-145, filed 1/16/15, effective 2/16/15; WSR 05-10-052, § 132C-120-145, filed 4/29/05, effective 5/30/05; WSR 85-13-067 (Order 24, Resolution No. 52-0585), § 132C-120-145, filed 6/18/85; WSR 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-145, filed 4/4/80.]

WAC 132C-120-200 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 student conduct officer 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 substantial 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 conduct review officer 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 conduct review officer shall conduct a hearing on the summary suspension as soon as practicable after imposition of the summary suspension.

(b) During the summary suspension hearing, the issue before the conduct review officer 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 conduct review officer 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 conduct review officer shall provide a copy of the decision to all persons or offices who may be bound or protected by it.

[Statutory Authority: Chapter 28B.50 RCW. WSR 15-03-078, § 132C-120-200, filed 1/16/15, effective 2/16/15; WSR 85-13-067 (Order 24, Resolution No. 52-0585), § 132C-120-200, filed 6/18/85; WSR 80-05-004 (Order 21, Resolution No. 49-0280), § 132C-120-200, filed 4/4/80.]

WAC 132C-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.

The college reserves the right to take whatever protective measures it deems necessary in response to an allegation of sexual misconduct in order to protect the rights and personal safety of our campus community members. Such measures include, but are not limited to, reasonable changes to academic/housing arrangements, no-contact orders, counseling, interim suspension from campus pending a proceeding, and reporting the matter to local police. The college will consider the concerns and rights of both the recipient of and the person accused of the sexual misconduct. Not all forms of sexual misconduct will be deemed to be equally serious offenses, and the college reserves the right to impose different sanctions, from warning to dismissal, depending on the severity of the offense.

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 132C-120-010 through 132C-120-200. In the event of conflict between the sexual misconduct procedures and the student disciplinary procedures, the sexual misconduct procedures shall prevail.

[Statutory Authority: Chapter 28B.50 RCW. WSR 15-03-078, § 132C-120-300, filed 1/16/15, effective 2/16/15.]

WAC 132C-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) "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: Chapter 28B.50 RCW. WSR 15-03-078, § 132C-120-305, filed 1/16/15, effective 2/16/15.]

WAC 132C-120-310 Supplemental complaint process. 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 or designee 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 referred to the vice president for the student services area for disciplinary action.

(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.

(3) In no event shall mediation be used to resolve complaints involving allegations of sexual violence.

(4) 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 welfare 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.

(5) The student conduct officer, 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.

(6) 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 prompt notice of the protective disciplinary sanctions and/or conditions.

[Statutory Authority: Chapter 28B.50 RCW. WSR 15-03-078, § 132C-120-310, filed 1/16/15, effective 2/16/15.]

WAC 132C-120-315 Supplemental appeal rights. (1) The following actions by the student conduct officer 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 conduct review officer within twenty-one days of service of the notice of the discipline decision provided for in WAC 132C-120-310(5). 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 committee.

(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: Chapter 28B.50 RCW. WSR 15-03-078, § 132C-120-315, filed 1/16/15, effective 2/16/15.]

SUPPLEMENTAL TITLE IX STUDENT CONDUCT PROCEDURES

WAC 132C-120-320 Order of precedence. These supplemental procedures apply to allegations of sexual harassment subject to Title IX jurisdiction pursuant to regulations promulgated by the United States Department of Education. See 34 C.F.R. Part 106. To the extent these supplemental hearing procedures conflict with Olympic College's standard disciplinary procedures, WAC 132C-120-010 through 132C-120-315 these supplemental procedures shall take precedence.

[Statutory Authority: RCW 28B.50.14 [28B.50.140]. WSR 21-07-094, § 132C-120-320, filed 3/19/21, effective 4/19/21.]

WAC 132C-120-325 Prohibited conduct under Title IX. Pursuant to RCW 28B.50.140(13) and Title IX of the Education Amendments Act of 1972, 20 U.S.C. Sec. 1681, the college may impose disciplinary sanctions against a student who commits, attempts to commit, or aids, abets, incites, encourages, or assists another person to commit, an act(s) of "sexual harassment."

For purposes of these supplemental procedures, "sexual harassment" encompasses the following conduct:

(1) Quid pro quo harassment. A college employee conditioning the provision of an aid, benefit, or service of the college on an individual's participation in unwelcome sexual conduct.

(2) Hostile environment. Unwelcome conduct that a reasonable person would find to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the college's educational programs or activities, or employment.

(3) Sexual assault. Sexual assault includes the following conduct:

(a) Nonconsensual sexual intercourse. Any actual or attempted sexual intercourse (anal, oral, or vaginal), however slight, with any object or body part, by a person upon another person, that is without consent and/or by force. Sexual intercourse includes anal or vaginal penetration by a penis, tongue, finger, or object, or oral copulation by mouth to genital contact or genital to mouth contact.

(b) Nonconsensual sexual contact. Any actual or attempted sexual touching, however slight, with any body part or object, by a person upon another person that is without consent and/or by force. Sexual touching includes any bodily contact with the breasts, groin, mouth, or other bodily orifice of another individual, or any other bodily contact in a sexual manner.

(c) Incest. Sexual intercourse or sexual contact with a person known to be related to them, either legitimately or illegitimately, as an ancestor, descendant, brother, or sister of either wholly or half related. Descendant includes stepchildren and adopted children under the age of eighteen.

(d) Statutory rape. Consensual sexual intercourse between someone who is eighteen years of age or older and someone who is under the age of sixteen.

(4) Domestic violence. Physical violence, bodily injury, assault, the infliction of fear of imminent physical harm, sexual assault, or stalking committed by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the state of Washington, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the state of Washington, RCW 26.50.010.

(5) Dating violence. Physical violence, bodily injury, assault, the infliction of fear of imminent physical harm, sexual assault, or stalking committed by a person:

(a) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(b) Where the existence of such a relationship shall be determined based on a consideration of the following factors:

(i) The length of the relationship;

(ii) The type of relationship; and

(iii) The frequency of interaction between the persons involved in the relationship.

(6) Stalking. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress.

[Statutory Authority: RCW 28B.50.14 [28B.50.140]. WSR 21-07-094, § 132C-120-325, filed 3/19/21, effective 4/19/21.]

WAC 132C-120-330 Title IX jurisdiction. (1) These supplemental procedures apply only if the alleged misconduct:

(a) Occurred in the United States;

(b) Occurred during a college educational program or activity; and

(c) Meets the definition of sexual harassment as that term is defined in these supplemental procedures.

(2) For purposes of these supplemental procedures, an "educational program or activity" is defined as locations, events, or circumstances over which the college exercised substantial control over both the respondent and the context in which the alleged sexual harassment occurred. This definition includes any building owned or controlled by a student organization that is officially recognized by the college.

(3) Proceedings under this supplemental procedure must be dismissed if the decision maker determines that one or all of the requirements of subsection (1)(a) through (c) of this section have not been met. Dismissal under this supplemental procedure does not prohibit the college from pursuing other disciplinary action based on allegations that the respondent violated other provisions of the college's student conduct code, WAC 132C-120-065.

(4) If the student conduct officer determines the facts in the investigation report are not sufficient to support Title IX jurisdiction and/or pursuit of a Title IX violation, the student conduct officer will issue a notice of dismissal in whole or part to both parties explaining why some or all of the Title IX claims have been dismissed.

[Statutory Authority: RCW 28B.50.14 [28B.50.140]. WSR 21-07-094, § 132C-120-330, filed 3/19/21, effective 4/19/21.]

WAC 132C-120-335 Initiation of discipline. (1) Upon receiving the Title IX investigation report from the Title IX coordinator, the student conduct officer will independently review the report to determine whether there are sufficient grounds to pursue a disciplinary action against the respondent for engaging in prohibited conduct under Title IX.

(2) If the student conduct officer determines that there are sufficient grounds to proceed under these supplemental procedures, the student conduct officer will initiate a Title IX disciplinary proceeding by filing a written disciplinary notice with the chair of the student conduct committee and serving the notice on the respondent and the complainant, and their respective advisors. The notice must:

- (a) Set forth the basis for Title IX jurisdiction;
- (b) Identify the alleged Title IX violation(s);
- (c) Set forth the facts underlying the allegation(s);
- (d) Identify the range of possible sanctions that may be imposed if the respondent is found responsible for the alleged violation(s);
- (e) Explain that the complainant and the respondent are entitled to be accompanied by their chosen advisors during the hearing and that:

- (i) The advisors will be responsible for questioning all witnesses on the party's behalf;
- (ii) An advisor may be an attorney; and
- (iii) The college will appoint the party an advisor of the college's choosing at no cost to the party, if the party fails to do so.

(3) Explain that if a party fails to appear at the hearing, a decision of responsibility may be made in their absence.

[Statutory Authority: RCW 28B.50.14 [28B.50.140]. WSR 21-07-094, § 132C-120-335, filed 3/19/21, effective 4/19/21.]

WAC 132C-120-340 Prehearing procedure. (1) Upon receiving the disciplinary notice, the chair of the student conduct committee will send a hearing notice to all parties, in compliance with WAC 132C-120-122. In no event will the hearing date be set less than ten days after the Title IX coordinator provided the final investigation report to the parties.

(2) A party may choose to have an attorney serve as their advisor at the party's own expense. This right will be waived unless, at least five days before the hearing, the attorney files a notice of appearance with the committee chair with copies to all parties and the student conduct officer.

(3) In preparation for the hearing, the parties will have equal access to all evidence gathered by the investigator during the investigation, regardless of whether the college intends to offer the evidence at the hearing.

[Statutory Authority: RCW 28B.50.14 [28B.50.140]. WSR 21-07-094, § 132C-120-340, filed 3/19/21, effective 4/19/21.]

WAC 132C-120-345 Rights of parties. (1) The college's student conduct procedures, WAC 132C-120-010 through 132C-120-315 and these supplemental procedures shall apply equally to all parties.

(2) The college bears the burden of offering and presenting sufficient testimony and evidence to establish that the respondent is responsible for a Title IX violation by a preponderance of the evidence.

(3) The respondent will be presumed not responsible until such time as the disciplinary process has been finally resolved.

(4) During the hearing, each party shall be represented by an advisor. The parties are entitled to an advisor of their own choosing and the advisor may be an attorney. If a party does not choose an advisor, then the Title IX coordinator will appoint an advisor of the college's choosing on the party's behalf at no expense to the party.

[Statutory Authority: RCW 28B.50.14 [28B.50.140]. WSR 21-07-094, § 132C-120-345, filed 3/19/21, effective 4/19/21.]

WAC 132C-120-350 Evidence. The introduction and consideration of evidence during the hearing is subject to the following procedures and restrictions:

(1) Relevance: The committee chair shall review all questions for relevance and shall explain on the record their reasons for excluding any question based on lack of relevance.

(2) Relevance means that information elicited by the question makes facts in dispute more or less likely to be true.

(3) Questions or evidence about a complainant's sexual predisposition or prior sexual behavior are not relevant and must be excluded, unless such question or evidence:

(a) Is asked or offered to prove someone other than the respondent committed the alleged misconduct; or

(b) Concerns specific incidents of prior sexual behavior between the complainant and the respondent, which are asked or offered on the issue of consent.

(4) Cross-examination required: If a party or witness does not submit to cross-examination during the live hearing, the committee must not rely on any statement by that party or witness in reaching a determination of responsibility.

(5) No negative inference: The committee may not make an inference regarding responsibility solely on a witness's or party's absence from the hearing or refusal to answer questions.

(6) Privileged evidence: The committee shall not consider legally privileged information unless the holder has effectively waived the privilege. Privileged information includes, but is not limited to, information protected by the following:

(a) Spousal/domestic partner privilege;

(b) Attorney-client and attorney work product privileges;

(c) Privileges applicable to members of the clergy and priests;

(d) Privileges applicable to medical providers, mental health therapists, and counselors;

(e) Privileges applicable to sexual assault and domestic violence advocates; and

(f) Other legal privileges identified in RCW 5.60.060.

[Statutory Authority: RCW 28B.50.14 [28B.50.140]. WSR 21-07-094, § 132C-120-350, filed 3/19/21, effective 4/19/21.]

WAC 132C-120-355 Initial order. (1) In addition to complying with WAC 132C-120-122, the student conduct committee will be responsible for conferring and drafting an initial order that:

- (a) Identifies the allegations of sexual harassment;
 - (b) Describes the grievance and disciplinary procedures, starting with filing of the formal complaint through the determination of responsibility, including notices to parties, interviews with witnesses and parties, site visits, methods used to gather evidence, and hearings held;
 - (c) Makes findings of fact supporting the determination of responsibility;
 - (d) Reaches conclusions as to whether the facts establish whether the respondent is responsible for engaging in sexual harassment in violation of Title IX;
 - (e) Contains a statement of, and rationale for, the committee's determination of responsibility for each allegation;
 - (f) Describes any disciplinary sanction or conditions imposed against the respondent, if any;
 - (g) Describes to what extent, if any, complainant is entitled to remedies designed to restore or preserve complainant's equal access to the college's education programs or activities; and
 - (h) Describes the process for appealing the initial order to the college president.
- (2) The committee chair will serve the initial order on the parties simultaneously.

[Statutory Authority: RCW 28B.50.14 [28B.50.140]. WSR 21-07-094, § 132C-120-355, filed 3/19/21, effective 4/19/21.]

WAC 132C-120-360 Appeals. (1) The parties shall have the right to appeal from the initial order's determination of responsibility and/or dismissal of an allegation(s) of sexual harassment in a formal complaint. The right to appeal will be subject to the same procedures and time frames set forth in WAC 132C-120-139.

(2) The president or their delegate will determine whether the grounds for appeal have merit, provide the rationale for this conclusion, and state whether the disciplinary sanction and condition(s) imposed in the initial order are affirmed, vacated, or amended, and, if amended, set forth any new disciplinary sanction and/or condition(s).

(3) President's office shall serve the final decision on the parties simultaneously.

[Statutory Authority: RCW 28B.50.14 [28B.50.140]. WSR 21-07-094, § 132C-120-360, filed 3/19/21, effective 4/19/21.]