

**WAC 516-28-060 Relationship to student rights and responsibilities code.** A student accused of engaging in conduct subject to disciplinary action pursuant to chapter 516-22 WAC may be diverted from that disciplinary process and withdrawn according to these standards and procedures if the student, as a result of mental disorder (1) lacks the capacity to respond to pending disciplinary charges or (2) did not know the nature of wrongfulness of the conduct at the time of the offense.

Students otherwise subject to disciplinary charges who wish to introduce relevant evidence of any mental disorder must so inform the vice president for student affairs in writing at least two business days prior to any disciplinary hearing under chapter 516-22 WAC. If the vice president for student affairs determines that the evidence may have merit, the case shall then be resolved in accordance with this chapter. If the vice president for student affairs determines that the student does not meet the criteria set forth in this chapter, the case will be returned to the disciplinary process. The determination by the vice president for student affairs shall be made within five days after the student's written submittal. Evidence of any mental disorder may not be admitted into evidence or considered by the hearing panel in any disciplinary proceeding under chapter 516-22 WAC.

[Statutory Authority: RCW 28B.35.120(12). WSR 89-11-039 (Order 89-01), § 516-28-060, filed 5/15/89.]