

WAC 132Q-10-320 Interim suspension and other restrictions. (1)

In certain circumstances, the chief student services officer/Title IX coordinator, or his/her designee may impose an interim suspension from college or other restrictions prior to the proceedings being conducted pursuant to WAC 132Q-10-310 or being conducted pursuant to WAC 132Q-10-502. Interim suspension or other restrictions may be imposed only if there is reasonable cause to believe that the accused student:

(a) Has violated a provision of the standards of conduct for students;

(b) In situations involving an immediate danger to the health, safety, or welfare of members of CCS or the public at large;

(c) To ensure the student's own physical safety and well-being;

or

(d) If the student poses an ongoing threat of disruption to, or interference with, the operations of the college.

(2) During the interim period, a student may be denied access to classes, activities and privileges, as the student conduct officer determines while an investigation and/or formal disciplinary procedures are pending.

(3) Notice.

(a) Any student who has been suspended on an interim basis based on general misconduct or sexual misconduct under these standards of conduct for students shall be served with written notice or oral notice of the interim suspension by the chief student services officer/Title IX coordinator, or his/her designee. If oral notice is given, a written notification shall be provided to the student within two business days of the oral notice in person, by regular mail or electronic mail. Written notice by mail is sent to the student's last known address. The student is responsible for providing the college the current address.

(b) The notice shall be entitled "Notice of Interim Suspension" and shall include the reasons for imposing the interim suspension, including reference to the provisions of the standards of conduct for students that have been allegedly violated, the date, time and location where student must appear for a hearing on the interim suspension; and the conditions, if any, under which the student may physically access the campus or communicate with members of the campus community.

(4) The student conduct officer shall conduct a hearing on the interim suspension as soon as practicable after imposition of the interim suspension. If the student 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 accused student shall be considered trespassing and subject to arrest for criminal trespass if the accused student enters the college campus other than to meet with the student conduct officer, or to attend a disciplinary hearing. The interim suspension shall not replace the regular discipline process, which shall proceed as quickly as feasible in light of the interim suspension. A full hearing before the student conduct officer, the student conduct board or the student conduct administrative panel may be convened in a timely manner which may negate the need for an interim suspension hearing.

(5) In the event the alleged misconduct which is the basis for interim suspension involves claims of sexually violent conduct, both the accused student and the complainant shall be notified of the interim suspension. Please refer to WAC 132Q-10-501 and 132Q-10-502

which outline additional and supplemental procedural requirements for sexually violent conduct allegations and matters. In no event shall mediation be used to resolve complaints involving allegation of sexual violence.

(6) The issue before the student conduct officer during the interim suspension hearing is whether there is probable cause to believe that interim suspension is necessary and/or whether other less severe interim restrictions are appropriate. For the purpose of this section, probable cause means sufficient facts to lead a reasonable person to believe that the elements necessary for imposing an interim suspension have been satisfied. The student shall be given an opportunity to explain why interim suspension is or is not necessary either through oral or written statement or a combination of oral and written statements.

(7) If the notice of interim suspension proceedings has been served upon the accused student in accordance with these rules and the student fails to appear at the designated hearing time, the student conduct officer may order that the interim suspension remain in place pending imposition of final disciplinary action.

(8) The student conduct officer shall issue a written order within two instructional days of the hearing, which shall include a brief statement of findings of fact and conclusions, the policy reasons justifying imposition of the interim suspension, and setting forth the student conduct officer's decision in the matter. If the interim suspension is upheld and/or other restrictions are imposed, the order shall inform the student of the duration of the interim suspension or the nature of the restrictions, conditions under which the interim suspension may be terminated or modified, and procedures by which the order may be appealed.

(9) To the extent permissible under law, the student conduct officer shall provide a copy of the order to all persons or offices that may be bound or protected by it including the complainant.

[Statutory Authority: RCW 25B.50.140. WSR 17-11-076, § 132Q-10-320, filed 5/18/17, effective 6/18/17. Statutory Authority: RCW 28B.50.140. WSR 15-15-161, § 132Q-10-320, filed 7/21/15, effective 8/21/15.]