

WAC 132W-115-130 Procedural guidelines for hearings involving serious disciplinary violations. (1) The committee chair shall set the time, place and available seating capacity for a hearing.

(2) All committee proceedings will be conducted with reasonable dispatch and terminated as soon as fairness to all parties involved permits.

(3) The committee chair shall enforce general rules of procedures for conducting hearings consistent with these procedural guidelines.

(4) The student shall be given notice of the date, time and place of the hearing, the charges, a list of witnesses who will appear, and a description of any documentary or other physical evidence that will be presented at the hearing. This notice shall be given to the student in writing and shall be provided in sufficient time to permit him/her to prepare a defense.

(5) The student or his/her representative shall be entitled to hear and examine the evidence against him or her and be informed of the identity of its sources; and shall be entitled to present evidence in his or her own behalf and question witnesses as to factual matters. The student shall be able to obtain information or to request the presence of witnesses or the production of other evidence relevant to the issues at the hearing.

(6) Committee hearings may be held in closed session at the discretion of the council, the only exception being when the student involved invites particular persons or requests an open hearing. If at any time during the conduct of the hearing invited persons are disruptive of the proceedings, the committee chair may exclude such persons from the hearing room.

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

(8) The failure of a student to cooperate with the hearing procedures, however, shall not preclude the committee from making its findings of fact, reaching conclusions and imposing sanctions. Failure of the student to cooperate may be taken into consideration by the committee in recommending penalties.

(9) The student may be represented by counsel and/or accompanied by an advisor of his/her choice. If counsel is present for the student, the college may also have counsel present to assist the council. If the student intends to use an attorney, he or she must notify the dean of student services five days in advance of the formal hearing.

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

(11) The student will be provided with a copy of the findings of fact and the conclusions of the committee.

(12) If the council's proceedings were to hear a disciplinary matter pursuant to the request of the dean for student services, the council's recommendation shall be forwarded to the dean of student services for disposition of the matter.

(13) The dean of student services or designee shall notify the student of his or her decision.

(14) The student will also be advised of his/her right to present, within ten calendar days, a written statement of appeal to

the president of the college before action is taken on the decision of the committee.

(15) The dean of student services or designee shall notify the student of his or her decision.

(16) The student will also be advised of his/her right to present, within ten calendar days, a written statement of appeal to the president of the college before action is taken on the decision of the committee.

(17) The president of the college or his/her designated representative shall, after reviewing the case, sustain the decision, give directions as to what other disciplinary action shall be taken by modifying its decision, or nullify previous sanctions imposed by reversing the decision. The president or designee shall then notify the dean of student services, the student, and the committee. The president's decision shall be final.

[Statutory Authority: Chapter 28B.50 RCW. WSR 01-12-015, § 132W-115-130, filed 5/25/01, effective 6/25/01.]