

**Chapter 132P-33 WAC**  
**STUDENT RIGHTS AND RESPONSIBILITIES**

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**WAC**

STUDENT RIGHTS AND RESPONSIBILITIES

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- 12/21/81.] Repealed by WSR 14-21-099, filed 10/15/14, effective 1/5/15. Statutory Authority: RCW 28B.50.140.
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- 132P-33-230 Final decision regarding disciplinary sanction. [Statutory Authority: RCW 28B.50.140. WSR 99-13-140, § 132P-33-230, filed 6/18/99, effective 7/19/99; WSR 82-01-079 (Resolution No. 81-4), § 132P-33-230, filed 12/21/81.] Repealed by WSR 14-21-099, filed 10/15/14, effective 1/5/15. Statutory Authority: RCW 28B.50.140.
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- 132P-33-260 Reestablishment of academic standings. [Statutory Authority: RCW 28B.50.140. WSR 99-13-140, § 132P-33-260, filed 6/18/99, effective 7/19/99; WSR 82-01-079 (Resolution No. 81-4), § 132P-33-260, filed 12/21/81.] Repealed by WSR 14-21-099, filed 10/15/14, effective 1/5/15. Statutory Authority: RCW 28B.50.140.
- 132P-33-270 Initiation of summary suspension proceedings. [Statutory Authority: RCW 28B.50.140. WSR 99-13-140, § 132P-33-270, filed 6/18/99, effective 7/19/99; WSR 82-01-079 (Resolution No. 81-4), § 132P-33-270, filed 12/21/81.] Repealed by WSR 14-21-099, filed 10/15/14, effective 1/5/15. Statutory Authority: RCW 28B.50.140.
- 132P-33-280 Permission to enter or remain on campus. [Statutory Authority: RCW 285.50.140 [28B.50.140]. WSR 82-01-079 (Resolution No. 81-4), § 132P-33-280, filed 12/21/81.] Repealed by WSR 14-21-099, filed 10/15/14, effective 1/5/15. Statutory Authority: RCW 28B.50.140.
- 132P-33-290 Notice of summary suspension proceedings. [Statutory Authority: RCW 285.50.140 [28B.50.140]. WSR 82-01-079 (Resolution No. 81-4), § 132P-33-290, filed 12/21/81.] Repealed by WSR 14-21-099, filed 10/15/14, effective 1/5/15. Statutory Authority: RCW 28B.50.140.
- 132P-33-300 Procedures of summary suspension hearing. [Statutory Authority: RCW 285.50.140 [28B.50.140]. WSR 82-01-079 (Resolution No. 81-4), § 132P-33-300, filed 12/21/81.] Repealed by WSR 14-21-099, filed 10/15/14, effective 1/5/15. Statutory Authority: RCW 28B.50.140.
- 132P-33-310 Decision by the dean of students. [Statutory Authority: RCW 285.50.140 [28B.50.140]. WSR 82-01-079 (Resolution No. 81-4), § 132P-33-310, filed 12/21/81.] Repealed by WSR 14-21-099, filed 10/15/14, effective 1/5/15. Statutory Authority: RCW 28B.50.140.
- 132P-33-320 Notice of summary suspension. [Statutory Authority: RCW 285.50.140 [28B.50.140]. WSR 82-01-079 (Resolution No. 81-4), § 132P-33-320, filed 12/21/81.] Repealed by WSR 14-21-099, filed 10/15/14, effective 1/5/15. Statutory Authority: RCW 28B.50.140.
- 132P-33-330 Suspension for failure to appear. [Statutory Authority: RCW 285.50.140 [28B.50.140]. WSR 82-01-079 (Resolution No. 81-4), § 132P-33-330, filed 12/21/81.] Repealed by WSR 14-21-099, filed 10/15/14, effective 1/5/15. Statutory Authority: RCW 28B.50.140.
- 132P-33-340 Appeal. [Statutory Authority: RCW 285.50.140 [28B.50.140]. WSR 82-01-079 (Resolution No. 81-4), § 132P-33-340, filed 12/21/81.] Repealed by WSR 14-21-099, filed 10/15/14, effective 1/5/15. Statutory Authority: RCW 28B.50.140.
- 132P-33-350 Summary suspension proceedings not duplicitous. [Statutory Authority: RCW 285.50.140 [28B.50.140]. WSR 82-01-079 (Resolution No. 81-4), § 132P-33-350, filed 12/21/81.] Repealed by WSR 14-21-099, filed 10/15/14, effective 1/5/15. Statutory Authority: RCW 28B.50.140.

## **STUDENT RIGHTS AND RESPONSIBILITIES**

**WAC 132P-33-010 Preamble.** Yakima Valley Community College (YVCC) is dedicated not only to learning and the advancement of knowledge but also to the development of civic minded citizens. YVCC seeks to achieve these goals through a sound educational program and policies concerning conduct that encourage independence and maturity while strengthening the spirit of mutual cooperation and responsibility shared by all members of the college community. Sharing goals held in common, the students, faculty, and staff of YVCC are joined in voluntary association in an educational community.

Admission to the college carries with it the expectation that students will conduct themselves as responsible members of the college community, that they will comply with the rules and regulations of the college, maintain high standards of integrity and honesty, respect the rights, privileges and property of other members of the college community and will not interfere with legitimate college affairs.

[Statutory Authority: RCW 28B.50.140. WSR 14-21-099, § 132P-33-010, filed 10/15/14, effective 1/5/15; WSR 99-13-140, § 132P-33-010, filed 6/18/99, effective 7/19/99; WSR 82-01-079 (Resolution No. 81-4), § 132P-33-010, filed 12/21/81.]

**WAC 132P-33-020 Definitions.** As used in this code of student rights and responsibilities the following words and phrases shall mean:

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

(2) "ASYVCC" means the associated students of Yakima Valley Community College.

(3) "ASYVCC senate" means the representative governing body for students at Yakima Valley Community College recognized by the board of trustees.

(4) "Board" means the board of trustees of Community College District 16, state of Washington.

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

(6) "College" means Yakima Valley Community College located within Community College District 16, state of Washington.

(7) "College premises" shall include 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.

(8) "College personnel" refers to any person employed by Community College District 16 on a full-time or part-time basis, except those who are faculty members.

(9) "Disciplinary action" is the process by which the dean of student services or designee imposes discipline against a student for a violation of the student code.

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

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

(12) "District" means Community College District 16, state of Washington.

(13) "Faculty member(s)" means any employee of Yakima Valley Community College who is employed on a full-time or part-time basis as a teacher, counselor, librarian or other position for which the training, experience and responsibilities are comparable as determined by the appointing authority, except administrative appointments.

(14) "Filing" is the process by which a document is officially delivered to a college official responsible for facilitating a disci-

plinary 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.

(15) "The 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.

(16) "Recognized student organization" means and includes any group or organization composed of students which is recognized formally by the ASYVCC senate.

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

(18) "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 email and by certified mail or first class mail to the party's last known address. Service is deemed complete upon hand delivery of the document or upon the date the document is emailed and deposited in the mail.

(19) A "sponsored event or activity" means any activity that is scheduled by the college and is supervised and controlled by the college's faculty members or college personnel. Such sponsorship shall continue only as long as the event is supervised and controlled by the college faculty member or college personnel. When the sponsored event or activity is of a prolonged nature, and free time periods are permitted to the students participating in the event, any activity taking place during such a free time period outside of the supervision and control of the college's faculty member or college personnel responsible for the event or activity shall be deemed to be a nonsponsored activity.

(20) "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."

(21) "Student conduct code" means Yakima Valley Community College's student rights and responsibilities found in the Washington Administrative Code.

(22) "YVCC" means Yakima Valley Community College.

(23) "Vice president for instruction and student services or designee" is the vice president of student services 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 vice president for student services or designee's duties or responsibilities as set forth in this chapter as may be reasonably necessary.

[Statutory Authority: RCW 28B.50.140. WSR 14-21-099, § 132P-33-020, filed 10/15/14, effective 1/5/15; WSR 99-13-140, § 132P-33-020, filed 6/18/99, effective 7/19/99; WSR 82-01-079 (Resolution No. 81-4), § 132P-33-020, filed 12/21/81.]

**WAC 132P-33-030 Jurisdiction.** (1) All rules herein adopted shall apply to every student whenever said student is present upon or in any college facility and whenever said student is present at or engaged in any college-sponsored activity or function which is held on or in noncollege facilities or provided through web-based or interactive television (ITV) modes of delivery. In the event that a student's conduct, regardless of the location, shall be deemed to contribute to an unsafe college environment or create a disruptive atmosphere at the college, the college may also consider that conduct as basis for student discipline.

(2) Persons aiding or abetting a student's breach of this code shall be subject to having their privilege removed as to remaining on college property or engaging in college-sponsored activities. Appropriate disciplinary action may be taken pursuant to faculty and administrative rules and regulations of conduct. If the privilege to remain on campus is revoked, trespassers shall be subject to possible arrest and prosecution under the state criminal trespass law.

[Statutory Authority: RCW 28B.50.140. WSR 14-21-099, § 132P-33-030, filed 10/15/14, effective 1/5/15; WSR 82-01-079 (Resolution No. 81-4), § 132P-33-030, filed 12/21/81.]

**WAC 132P-33-040 Authority to prohibit trespass.** (1) In the instance of any event that the president or designee deems violates WAC 132P-24-050 by impeding the movement of persons or vehicles or which the president deems to disrupt or threatens to disrupt access to and from or in and out of college property or at a college-sponsored event or activity, the president or designee shall have authority and power to:

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

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

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

(2) Any student who disobeys a lawful order given by the president or designee pursuant to the requirements of subsection (1) of this section shall be subject to disciplinary action.

[Statutory Authority: RCW 28B.50.140. WSR 14-21-099, § 132P-33-040, filed 10/15/14, effective 1/5/15; WSR 82-01-079 (Resolution No. 81-4), § 132P-33-040, filed 12/21/81.]

**WAC 132P-33-050 Right to demand identification.** (1) For the purpose of determining identity of a person as a student, any faculty

member, administrator, or other college personnel authorized by the president or designee may demand that any person on college property or at a college-sponsored event or activity produce evidence of student enrollment at the college. A valid student identification card will satisfy this requirement.

(2) Refusal by a student to produce identification as required shall subject the student to disciplinary action.

[Statutory Authority: RCW 28B.50.140. WSR 14-21-099, § 132P-33-050, filed 10/15/14, effective 1/5/15; WSR 82-01-079 (Resolution No. 81-4), § 132P-33-050, filed 12/21/81.]

**WAC 132P-33-065 Statement of student rights.** 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.

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:

(1) Academic freedom.

(a) 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.

(b) Students are free to pursue appropriate educational objectives from among the college's curricula, programs, and services, subject to the limitations of RCW 28B.50.090 (3)(b).

(c) 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.

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

(2) Due process.

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

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

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

[Statutory Authority: RCW 28B.50.140. WSR 14-21-099, § 132P-33-065, filed 10/15/14, effective 1/5/15.]

**WAC 132P-33-080 Freedom of association and organization.** Students bring to the campus a variety of interests previously acquired and develop many new interests as members of the college community.

They are free to organize and join associations to promote any legal purpose, whether it be religious, political, educational, recreational, or social.

Student organizations must be granted a charter by the ASYVCC senate before they may be officially recognized. Prior to becoming chartered, a student organization must submit to the ASYVCC senate a statement of purpose, criteria for membership, a statement of operating rules or procedures, and the name of a college employee who has agreed to serve as advisor. All student organizations must also submit to the student government a list of officers and keep that list updated when changes occur. In order to qualify for issuance of a charter, a student organization must be open to all students. YVCC policy prohibits conduct that discriminates against individuals based on their race, color, creed, religion, national origin, sex, sexual orientation and/or gender identity, age, marital status, disability (including the use of a specially trained guide dog or other service animal), genetic information, honorably discharged veteran or military status, status as a disabled veteran, Vietnam era veteran, or the right of a mother to breastfeed her child. Affiliation with a noncollege organization shall not be grounds for denial of a charter provided that other conditions of the charter issuance have been met.

[Statutory Authority: RCW 28B.50.140. WSR 14-21-099, § 132P-33-080, filed 10/15/14, effective 1/5/15; WSR 99-13-140, § 132P-33-080, filed 6/18/99, effective 7/19/99; WSR 82-01-079 (Resolution No. 81-4), § 132P-33-080, filed 12/21/81.]

**WAC 132P-33-090 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 ASYVCC constitution and the college's administrative procedures provide clear channels for student participation in the formulation and application of institutional policies regarding academic and student affairs. Individuals affected by a policy shall have a representative voice in the formulation of that policy.

[Statutory Authority: RCW 28B.50.140. WSR 14-21-099, § 132P-33-090, filed 10/15/14, effective 1/5/15; WSR 82-01-079 (Resolution No. 81-4), § 132P-33-090, filed 12/21/81.]

**WAC 132P-33-100 Disclosure of student records.** The Family Educational Rights and Privacy Act (FERPA) permits a student's education records to be disclosed without consent to persons who meet the strict definition of an "education official" who has a "legitimate educational interest" in their records.

(1) **Education official.** Education official is defined as a person employed by the college in either an administrative, supervisory, academic, research, law enforcement or support staff position; persons serving on official committees such as disciplinary or grievance; an outside contractor (e.g., health or medical professional, attorney, auditor) acting as an agent for the college or the Washington state college and university systems.

The college may designate a student employee of the college as an education official, with the approval of the vice president for in-

struction and student services or designee, according to the following procedure:

(a) Supervisor establishes job description identifying specific tasks to be performed by the student employee that require access to personally identifiable confidential information about students, including enrollment records, grades, or other education records;

(b) Supervisor submits job description to dean for approval;

(c) Dean submits job description to the vice president for instruction and student services approval;

(d) Vice president for instruction and student services forwards approved job description to supervisor.

(2) **Legitimate educational interest.** Educational interest is a need for an education official to review education records in order to fulfill his or her professional responsibilities. These responsibilities may or may not be limited to the following areas:

(a) Performing a task that is specified in his/her position;

(b) Researching a matter related to student conduct;

(c) Providing a service or benefit related to a currently enrolled student or a past student for which the college is still maintaining an educational record;

(d) Maintaining safety and security on campus.

(3) **Education records.** Education records are records, files, and documents containing information directly related to a student or maintained by an educational institution; such as:

(a) Records pertaining to admission, advising, registration, grades and degree information that are maintained by the college;

(b) Testing information used for advising and counseling purposes maintained by the college;

(c) Information maintained by the college concerning payment of fees;

(d) Financial aid information as maintained by the college;

(e) Information regarding students participating in student government or athletics maintained by the college.

The following student records are not considered education records and are not subject to FERPA protection against unauthorized disclosure:

(i) Employment records when the employment is not connected to student status;

(ii) Sole possession records or private notes held by education officials that are not accessible or released to other personnel; other than a temporary substitute;

(iii) Alumni records, which do not relate to the person as a student;

(iv) Application records of students not admitted to the college;

(v) Law enforcement or campus security records that are solely for law enforcement purposes and maintained solely by campus security;

(vi) Records relating to treatment provided by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional and disclosed only to individuals providing treatment.

(4) **Directory information.** An educational institution is allowed to designate certain types of information that may be released without seeking written permission from the student. Directory information may be provided to the person requesting it either in person, by mail, or by telephone.

All requests for directory information from persons not employed by YVCC shall be referred to enrollment services. Only designated reg-

istration personnel are authorized to comply with requests for directory information.

YVCC has designated the following items as directory information:

- (a) Student's name;
- (b) Photographs;
- (c) Major field of study;
- (d) Eligibility for and participation in officially recognized activities, organizations, and sports;
- (e) Weight and height statistics for members of athletic teams;
- (f) Dates of attendance (quarters in attendance);
- (g) Enrollment status (number of credits enrolled);
- (h) Honor roll;
- (i) Degrees and awards received;
- (j) Most recent previous educational agency or institution attended by the student.

(5) **Protecting directory information from disclosure.** Students have the right to prohibit the release of directory information. A student may prevent the release of directory information by submitting in person a request in writing to the enrollment services office. This request to prevent the release of information becomes a part of the student's record and remains in effect (even after degree and certificate completion) until the student instructs the college, in writing, to remove the hold status on the record.

(6) **Disclosure exceptions.** In addition to directory information the college will, at its discretion, make disclosures from education records without the student's prior written consent to the following listed parties:

- (a) Education officials with a legitimate educational interest;
- (b) To officials of another school in which the student seeks or intends to enroll;
- (c) To authorized federal, state, or local officials as required by law;
- (d) To persons specified in a lawfully served judicial order or subpoena, provided the college makes a reasonable effort to notify the student in advance of compliance (unless in the case of grand jury or other subpoenas which prohibit notification);
- (e) In connection with financial aid for which the student has applied or received;
- (f) To accrediting organizations, or organizations conducting studies for or on behalf of the institution;
- (g) To appropriate parties in a health or safety emergency (campus security will personally relay message of an emergent nature to students);
- (h) To parents of a dependent student, upon receipt of their most recently filed tax return, that shows the student as a dependent or upon receipt of a written statement from the student approving the release of nondirectory information. The following information can be released to the parents of dependent college students:
  - (i) Tuition account balances;
  - (ii) Financial aid eligibility;
  - (iii) Reason for an account hold (not to include titles of library materials);
  - (iv) Explanation of the satisfactory academic progress policy;
  - (v) Violation of student conduct policies concerning alcohol and controlled substances.

Faculty and staff of the college may provide job references for students, and may respond to inquiries from employers regarding stu-

dents. Statements made by college personnel regarding students that are based on that person's personal observations do not require a written release from the student. However, if college personnel provide in either verbal or written form personally identifiable information about a student that is obtained from education records (grades, GPA, etc.,) the person is required to obtain prior written permission from the student. In cases where consent of the student is required for release of education records, the student shall submit a written, signed and dated statement specifying the records to be disclosed, the purpose of the disclosure, and the name of the party to whom the disclosure can be made.

When personally identifiable information is released without prior consent of the student, other than directory information and information released to education officials or the student, the education official in charge of these records will record the names of the parties who have requested information from education records and the nature of the interest in that information.

**(7) Student's rights and responsibilities regarding student records.**

(a) The student has the right to inspect and review their records by submitting a written, signed request to the enrollment services office stating the record he or she wishes to review. Charges may be assessed for reproduced copies of education records.

(b) Students have the right to seek to amend their education records. Students who believe that information contained in their education record is inaccurate, misleading, or in violation of privacy rights, may submit a written request to amend their records to the appropriate education official. The education official(s) will make every effort to settle disputes through informal meetings and discussion with the student. In instances where disputes regarding contents of education records cannot be resolved by the parties concerned, the education official(s) involved shall advise the student of the right to a hearing by the student submitting a written request, appealing the decision of the education official(s), to the registrar or dean of student services or designee. Should the registrar or dean of student services or designee deem that the education records in question are inaccurate or misleading, he or she can ask that the records be amended by the appropriate education official(s). If the education records are held to be accurate, the student shall be granted the opportunity to place within those records a personal statement commenting upon the information contained within.

(c) The student has the right to consent to disclosures of personally identifiable information contained in their education records, except to the extent that FERPA authorizes disclosure without consent.

(d) Each eligible student is afforded the right to file a complaint concerning alleged failures by the college to comply with the requirements of the act. The website of the office designated to investigate, process, and review violations and complaints is: Website: <http://www.ed.gov/offices/om/fpco/>

(e) Copies of this policy are available through the associated student body and the enrollment services office.

[Statutory Authority: RCW 28B.50.140. WSR 14-21-099, § 132P-33-100, filed 10/15/14, effective 1/5/15. Statutory Authority: RCW 28B.50.150, WAC 132P-33-100, and 20 U.S.C. § 1232g. WSR 05-16-005, § 132P-33-100, filed 7/21/05, effective 9/1/05. Statutory Authority: RCW 28B.50.140.

WSR 99-13-140, § 132P-33-100, filed 6/18/99, effective 7/19/99; WSR 82-01-079 (Resolution No. 81-4), § 132P-33-100, filed 12/21/81.]

**WAC 132P-33-110 Student publications.** The college recognizes the fact that student publications 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 opinion on various issues on the campus and in the college community at large. They may also serve as a means of journalistic and/or creative expression.

Student editors and managers of approved student publications are protected from arbitrary suspension and removal. Only for proper and stated causes, as outlined in the statement of purpose or philosophy adopted for each student publication, should editors and managers be subject to removal and then by orderly and prescribed procedures.

At the same time, student editors and managers are charged with corollary responsibilities to be governed by the canons of responsible journalism, including the avoidance of libel, indecency, harassment, innuendo, undocumented allegations, and attacks on personal integrity.

[Statutory Authority: RCW 28B.50.140. WSR 14-21-099, § 132P-33-110, filed 10/15/14, effective 1/5/15; WSR 82-01-079 (Resolution No. 81-4), § 132P-33-110, filed 12/21/81.]

**WAC 132P-33-130 Distribution and posting of materials.** The college encourages free expression. Use of college facilities as provided herein, however, does not accord users immunity from legal action.

Permission for posting of literature in the various restricted areas provided therefore, shall be obtained from the following college officials:

(1) The student life coordinator for posting on the restricted posting areas of the HUB and those areas located on the campus outside of college buildings.

(2) Deans and directors for posting on the restricted posting areas provided in the appropriate college facility.

ASYVCC campaign rules govern special poster and sign locations for elections. Information on these special policies and regulations is available in the ASYVCC office.

Posting of posters, signs, and other publicity or promotional materials is permitted only in the locations specified above. All material sought to be posted in restricted posting areas must have the identity of its sponsorship appearing on its face.

The dissemination or distribution of materials by persons on the public streets, walks and ways of the campus or off-campus college facility, shall be subject to the laws of the particular city, state of Washington, and the United States.

Permission for the dissemination or distribution of materials in other areas of the college campus, buildings and facilities shall be obtained from the student life coordinator. Persons distributing materials without permission shall be subject to the provisions of the *Code of student rights and responsibilities*.

[Statutory Authority: RCW 28B.50.140. WSR 99-13-140, § 132P-33-130, filed 6/18/99, effective 7/19/99; WSR 82-01-079 (Resolution No. 81-4), § 132P-33-130, filed 12/21/81.]

**WAC 132P-33-140 Commercial and promotional activities.** College facilities shall not be used for commercial solicitations, advertising, or promotional activities except when such activities clearly serve the district's 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 the request of a college department or the office of student life, provided that such solicitation does not interfere with or operate to the detriment of the conduct of college affairs or the free flow of pedestrian or vehicular traffic. For the purposes of regulation, the term "commercial activities" does not include handbills, leaflets, newspapers, and similarly related materials as regulated in chapters 132P-136 and 132P-142 WAC.

[Statutory Authority: RCW 28B.50.140. WSR 14-21-099, § 132P-33-140, filed 10/15/14, effective 1/5/15; WSR 82-01-079 (Resolution No. 81-4), § 132P-33-140, filed 12/21/81.]

**WAC 132P-33-150 Use of college facilities.** Please refer to chapters 132P-136 and 132P-142 WAC.

[Statutory Authority: RCW 28B.50.140. WSR 14-21-099, § 132P-33-150, filed 10/15/14, effective 1/5/15; WSR 99-13-140, § 132P-33-150, filed 6/18/99, effective 7/19/99; WSR 82-01-079 (Resolution No. 81-4), § 132P-33-150, filed 12/21/81.]

**WAC 132P-33-155 Electronic communication policy.** The following is a general policy:

(1) Computer and network use at YVCC must be consistent with the mission, policies, and procedures of the college and applicable federal, state, and local laws and regulations. YVCC computers and networking facilities are primarily designated for educational and research purposes.

(2) Users must respect the rights and property of others. Users must not improperly access, misuse, send, or misappropriate information or files. Unauthorized access to systems, software, or data is prohibited.

(3) YVCC computers and network facilities must not be used for commercial purposes or private gain.

(4) YVCC computers and network facilities must not be used to transmit or solicit the transmission of any communication in any form where the content and/or meaning of the message transmitted or distributed would violate any applicable law or regulation.

(5) Users of YVCC computers and network facilities must promote efficient use of the networks. Users must minimize and avoid unnecessary network traffic which might interfere or negatively impact the work of other users of the YVCC network or connected networks. Uses that significantly interfere with the ability of others to make effec-

tive use of the network or which disrupt the YVCC network or any connected networks, systems, services, or equipment are prohibited.

(6) Interpretation, application, and modification of this policy will be at the sole discretion of YVCC. Violations may result in loss of computer and network privileges and other penalties as applicable under YVCC policies and federal, state, and local laws and regulations.

(7) YVCC makes no warranty of any kind, expressed or implied, regarding computer resources or services, or the contents of resources or electronic messages over the YVCC campus network or connected networks. YVCC will not be liable in any event for incidental or consequential damages, direct or indirect, resulting from the use of the YVCC campus network or network services.

[Statutory Authority: RCW 28B.50.140. WSR 14-21-099, § 132P-33-155, filed 10/15/14, effective 1/5/15; WSR 99-13-140, § 132P-33-155, filed 6/18/99, effective 7/19/99.]

**WAC 132P-33-160 Noncollege speaker policy.** (1) Student organizations officially recognized by the college shall have the right to invite outside speakers to speak on campus. This right is subject to the availability of campus facilities, funding, and in compliance with college procedures available in the respective office of student life. Speakers are subject to the legal restraints imposed by the laws of the United States and the state of Washington.

(2) The appearance of an invited speaker on college facilities or at sponsored events or activities does not represent an implicit or explicit endorsement of the speaker's views or opinions by the college, its students, its faculty, its college personnel, its administration, or its board.

(3) The scheduling of facilities for events shall be made through the designated reservation clerk. Use of facilities generally requires ten calendar days notice, excluding Saturday, Sunday and holidays.

(4) The dean of students or designee may require views other than those of the invited speaker to be presented at the meeting, or at a subsequent meeting. The president may assign a college employee to preside over any meeting where a speaker has been invited.

[Statutory Authority: RCW 28B.50.140. WSR 14-21-099, § 132P-33-160, filed 10/15/14, effective 1/5/15; WSR 99-13-140, § 132P-33-160, filed 6/18/99, effective 7/19/99; WSR 82-01-079 (Resolution No. 81-4), § 132P-33-160, filed 12/21/81.]

**WAC 132P-33-165 Distribution and posting of materials.** Students may distribute or post printed or published material subject to procedures available in the office of student life. All free publications not in violation of local, state and/or federal laws, such as books, magazines, newspapers, leaflets or similar materials may be distributed on campus. The college may restrict the distribution of any publications where such distribution unreasonably interferes with college operations. Such materials may be distributed from authorized public areas consistent with the maintenance of college property, with the free flow of traffic and persons, and not in the manner that, in itself, limits the orderly operation of college affairs. Any student desiring to distribute such publications shall first register with the

office of student life so that reasonable areas and times can be assured and prevent undue interference with the activities of the institution. All publications shall bear identification as to the publishing agency and distributing organization or individual.

[Statutory Authority: RCW 28B.50.140. WSR 14-21-099, § 132P-33-165, filed 10/15/14, effective 1/5/15.]

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

**WAC 132P-33-400 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 conduct matters, including the right to participate in the initial disciplinary decision-making process and to appeal any disciplinary decision.

Application of the following procedures is limited to student conduct code proceedings involving allegations of sexual misconduct by a student. In such cases, these procedures shall supplement the student disciplinary procedures in WAC 132P-33-200 through 132P-33-310. In the event of conflict between the sexual misconduct procedures and the student disciplinary procedures, the sexual misconduct procedures shall prevail.

[Statutory Authority: RCW 28B.50.140. WSR 14-21-099, § 132P-33-400, filed 10/15/14, effective 1/5/15.]

**WAC 132P-33-410 Supplemental definitions.** The following supplemental definitions shall apply for purposes of student conduct code proceedings involving allegations of sexual misconduct by a student:

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

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

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

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

(c) Sexual harassment;

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

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

[Statutory Authority: RCW 28B.50.140. WSR 14-21-099, § 132P-33-410, filed 10/15/14, effective 1/5/15.]

**WAC 132P-33-420 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 human resources director or designee, the college's Title IX compliance officer, shall investigate complaints or other reports of alleged sexual misconduct by a student. Investigations will be completed in a timely manner and the results of the investigation shall be referred to the dean of student services or designee 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. In no event shall mediation be used to resolve complaints involving allegations of sexual violence.

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

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

(5) The dean of student services or designee, 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 dean of student services or designee shall make a reasonable effort to contact the complainant to ensure that prompt notice of the protective disciplinary sanctions and/or conditions imposed upon the respondent for the complainant's protection is given.

[Statutory Authority: RCW 28B.50.140. WSR 14-21-099, § 132P-33-420, filed 10/15/14, effective 1/5/15.]

**WAC 132P-33-430 Supplemental appeal rights.** (1) The following actions by the dean of student services or designee may be appealed by the complainant:

(a) The dismissal of a sexual misconduct complaint; or

(b) Any disciplinary sanction(s) and conditions imposed against a respondent for a sexual misconduct violation, including a disciplinary warning.

(2) A complainant may appeal a disciplinary decision by filing a notice of appeal with the vice president of instruction and student services or designee within twenty-one days of service of the notice of the discipline decision provided for in WAC 132P-33-230. 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 offered 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 dean of student services or designee with copies to the respondent.

(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 vice president for instruction and student services and designee, 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 vice president for instruction and student services' decision to the president subject to the same procedures and deadlines applicable to other parties.

(12) The vice president for instruction or designee, on the same date that the final decision is served upon the respondent, shall

serve a written notice informing the complainant of the final decision. This notice shall inform the complainant whether the sexual misconduct allegation was found to have merit and describe any disciplinary sanctions and/or conditions imposed upon the respondent for the complainant's protection, including suspension or dismissal of the respondent.

[Statutory Authority: RCW 28B.50.140. WSR 14-21-099, § 132P-33-430, filed 10/15/14, effective 1/5/15.]

## STUDENT CONDUCT CODE PROCEDURES

**WAC 132P-33-440 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, but is not limited to, any attempt to give or obtain unauthorized assistance relating to the completion of an academic assignment.

(b) Plagiarism includes, but is not limited to, 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. Assault, physical abuse, verbal abuse, threat(s), intimidation, harassment, bullying, stalking or other conduct which harms, threatens, or is reasonably perceived as threatening the health or safety of another person or another person's property. For purposes of this subsection:

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

(b) Stalking is intentional and repeated 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, sensing threatening email communications directly or through 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. Carrying, exhibiting, displaying or drawing any firearm, dagger, sword, knife or other cutting or stabbing instrument, club, or any other weapon apparently capable of producing bodily harm, in a manner, under circumstances, and at a time and place that either manifests an intent to intimidate another or that warrants alarm for the safety of other persons.

(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 and drug violations.

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

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

(c) Drugs. The use, possession, delivery, sale, or being under the influence of any legend drug, 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.

(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; 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 sexual harassment, sexual intimidation, and sexual violence.

(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 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.

(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, 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 re-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.

(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 violation includes 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 profession 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: RCW 28B.50.140. WSR 14-21-099, § 132P-33-440, filed 10/15/14, effective 1/5/15.]

**WAC 132P-33-445 Disciplinary sanctions and terms and conditions.**

The following disciplinary sanctions may be imposed upon students found to have violated the student conduct code.

- (1) Disciplinary warning. A verbal statement to a student that there is a violation and that continued violation may be cause for further disciplinary action.
- (2) Written reprimand. Notice in writing that the student has violated one or more terms of this student conduct code and that continuation of the same or similar behavior may result in more severe disciplinary action.
- (3) Disciplinary probation. Formal action placing specific conditions and restrictions upon the student's continued attendance depending upon the seriousness of the violation and which may include a de-

ferred disciplinary sanction. If the student subject to a deferred disciplinary sanction is found in violation of any college rule during the time of disciplinary probation, the deferred disciplinary sanction which may include, but is not limited to, a suspension or a dismissal from the college, shall take effect immediately without further review. Any such sanction shall be in addition to any sanction or conditions arising from the new violation. Probation may be for a limited period of time or may be for the duration of the student's attendance at the college.

(4) 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.

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

(6) Disciplinary terms and conditions that may be imposed in conjunction with the imposition of a disciplinary sanction include, but are not limited to, the following:

(a) 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.

(b) 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 the recommendations set forth in such a professional evaluation. If the evaluation indicates that the student is not capable of functioning within college community, the student will remain suspended until future evaluation recommends that the student is capable of reentering the college and complying with the rules of conduct.

(7) 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:

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

(b) Ineligible to represent 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.

[Statutory Authority: RCW 28B.50.140. WSR 14-21-099, § 132P-33-445, filed 10/15/14, effective 1/5/15.]

**WAC 132P-33-450 Purpose of disciplinary actions.** The college may apply sanctions or take other appropriate action when student conduct interferes with the college's education process:

(1) Nothing herein shall prevent faculty members from taking reasonable summary action as maybe reasonably necessary to maintain order

when they have reason to believe that such action is necessary for the physical safety and well-being of the student, the safety and protection of other students, of college property or where the student's conduct disrupts the educational process.

(2) Such summary action in the form of removal from the classroom shall be effective for a period not to exceed two scheduled classroom days.

(3) Faculty shall maintain a written record of any summary action and a copy shall be filed with the dean of student services or designee within two scheduled classroom days (excludes Saturday, Sunday, and holidays).

(4) Any summary action may be appealed to the dean of student services or designee for an informal hearing.

[Statutory Authority: RCW 28B.50.140. WSR 14-21-099, § 132P-33-450, filed 10/15/14, effective 1/5/15.]

**WAC 132P-33-460 Initiation of disciplinary action.** (1) All disciplinary actions will be initiated by the dean of student services or designee. 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 dean of student services or designee 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 dean of student services or designee 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 dean of student services or designee 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 dean of student services or designee 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 dean of student services or designee 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 132P-33-200.

(c) Refer the matter directly to the student conduct committee.

(i) Initiating the process. Student behavior that is suspected to be in violation of the student conduct code may be reported by students or employees of the college. In the event of an urgent safety concern, the person reporting the behavior is advised to first contact campus security or 911 local emergency services. If the conduct may be criminal, the student or employee reporting the incident may also report the conduct to law enforcement.

(ii) Notice requirements. The dean of students or designee shall initiate timely notification of the student accused of a violation of the student conduct code. The human resources director or designee shall initiate timely notification of allegations of sexual misconduct (WAC 132P-33-150). The notice shall not be ineffective if presented later due to the student's absence. Such notice shall:

(A) Inform the student that a report has been filed alleging that the student violated specific provisions of the code and the date of the violation;

(B) Inform the student that failure to appear at either of the appointed times at the office of the dean of student services or designee by the appointed deadline may subject the student to suspension from the institution for a stated time and a loss of access to college services for an indefinite period of time.

(5) Meeting with the dean of student services or designee.

(a) At the meeting with the dean of student services or designee the student shall be informed:

(i) Of provisions of the student conduct code that prompted that notice;

(ii) That the dean of student services or designee will make a decision as to any disciplinary sanction;

(iii) That the student may appeal any disciplinary sanction by requesting a formal hearing;

(iv) That the decision of the dean of student services or designee stands until such hearing is completed; and

(v) That if a hearing is requested the student may have that hearing open to the public.

(b) After the investigation is completed, the dean of student services or designee may take any of the following actions:

(i) Terminate the proceedings, exonerating the student or students;

(ii) Dismiss the case after whatever counseling and advice may be appropriate;

(iii) Provide a warning, verbally cautioning the student that the reported behavior constitutes violation of college rules or regulations or has otherwise failed to meet the college's standards of conduct and that further conduct of the type reported may lead to more serious disciplinary actions in the future;

(iv) In the case of a sexual misconduct allegation, that the complainant may also appeal any disciplinary sanction by requesting a formal hearing;

(v) Impose disciplinary sanctions as listed in WAC 132P-33-200 subject to the student's right of appeal described below; or

(vi) Refer the matter to the student conduct committee for a recommendation to the vice president for instruction and student services or designee as to appropriate action.

(c) Disciplinary action taken by or at the recommendation of the dean of student services or designee is final twenty-one days after notice is sent unless the student exercises the right of appeal as provided for in these rules.

(d) This process does not preclude and may occur concurrently with a Title IX sexual harassment investigation (WAC 132P-33-150). In cases of sexual misconduct, both the complainant and the accused may appeal disciplinary sanctions.

[Statutory Authority: RCW 28B.50.140. WSR 14-21-099, § 132P-33-460, filed 10/15/14, effective 1/5/15.]

**WAC 132P-33-470 Appeal from disciplinary action.** The respondent may appeal a disciplinary action by filing a written notice of appeal with the vice president of instruction and student services within twenty-one days of service of the dean of student services or designee decision. Failure to timely file a notice of appeal constitutes a waiver of the right to appeal and the dean of student services or designee's decision shall be deemed final.

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

(2) The parties to an appeal shall be the respondent and the dean of student services or designee.

(3) 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.

(4) 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.

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

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

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

(b) Dismissals; and

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

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

(a) Suspensions of ten instructional days or less;

(b) Disciplinary probation;

(c) Written reprimands; and

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

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

[Statutory Authority: RCW 28B.50.140. WSR 14-21-099, § 132P-33-470, filed 10/15/14, effective 1/5/15.]

**WAC 132P-33-480 Student conduct committee.** (1) The student conduct committee shall consist of six members:

(a) Two full-time students appointed by the student government;

(b) Two faculty members appointed by the president; and

(c) Two administrative staff members (excluding the individual who imposed the sanction) appointed by the president at the beginning of the academic year.

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

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

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

[Statutory Authority: RCW 28B.50.140. WSR 14-21-099, § 132P-33-480, filed 10/15/14, effective 1/5/15.]

**WAC 132P-33-490 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 dean of student services or designee 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 dean of student services or designee may shorten this notice period if both parties agree, and also may continue the hearing to a later time for good cause shown. If the dean of student services or designee imposed the appealed sanction the vice president of instruction and student services will designate another administrator to facilitate the process.

(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 or dean of student services or designee, 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 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 or dean of student services or designee 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 dean of student services or designee, 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 dean of student services or designee. The committee will ordinarily be advised by an assistant attorney general. If the respondent is represented by an attorney, the dean of student services or designee may also be represented by a second, appropriately screened assistant attorney general.

[Statutory Authority: RCW 28B.50.140. WSR 14-21-099, § 132P-33-490, filed 10/15/14, effective 1/5/15.]

**WAC 132P-33-500 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 or dean of student services or designee 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 or dean of student services or designee 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 dean of student services or designee (unless represented by an assistant attorney general) shall present the case for imposing disciplinary sanctions.

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

[Statutory Authority: RCW 28B.50.140. WSR 14-21-099, § 132P-33-500, filed 10/15/14, effective 1/5/15.]

**WAC 132P-33-510 Student conduct committee—Initial recommendation.** (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 days following the later of the conclusion of the hearing or the committee's receipt of closing arguments, the committee shall issue an initial recommendation to the vice president for instruction and student services or designee 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 identified.

(3) The vice president for instruction and student services or designee's initial order shall also include a determination on appropriate discipline, if any. If the matter was referred to the committee by the dean of student services or designee, the committee shall identify and impose disciplinary sanction(s) or conditions, if any, as authorized in the student conduct 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 dean of student services or designee and/or impose additional disciplinary sanction(s) or conditions as authorized herein.

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

[Statutory Authority: RCW 28B.50.140. WSR 14-21-099, § 132P-33-510, filed 10/15/14, effective 1/5/15.]

**WAC 132P-33-520 Appeal from vice president for instruction and student services initial decision.** (1) A respondent who is aggrieved by the findings or conclusions issued by the vice president for instruction and student services or designee may appeal the initial decision to the president based solely upon procedural concerns 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 procedural concerns that are challenged and must contain argument why the appeal should be granted.

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

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

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

[Statutory Authority: RCW 28B.50.140. WSR 14-21-099, § 132P-33-520, filed 10/15/14, effective 1/5/15.]

**WAC 132P-33-530 Readmission after suspension.** Any student suspended from the college for disciplinary reasons may be readmitted upon expiration of the time period for which the suspension was issued. If the student has been suspended for an indefinite period, or feels that circumstances warrant reconsideration of the temporary suspension prior to its expiration, the student may appeal in writing no more than once per quarter to the dean of student services or designee. Such petitions shall state reasons which support a reconsideration of the matter.

[Statutory Authority: RCW 28B.50.140. WSR 14-21-099, § 132P-33-530, filed 10/15/14, effective 1/5/15.]

### **SUMMARY SUSPENSION RULES**

**WAC 132P-33-540 Summary suspension.** (1) Summary suspension is a temporary exclusion from specified college premises or denial of access to all activities or privileges for which a respondent might otherwise be eligible, while an investigation and/or formal disciplinary procedures are pending.

(2) The vice president for instruction and student services or designee 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 dean of student services or designee 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 vice president for in-

struction and student services or the dean of student services, or to attend a disciplinary hearing.

(5) (a) The dean of student services or designee 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 dean of student services or designee is whether there is probable cause to believe that the summary suspension should be continued pending the conclusion of disciplinary proceeding 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 dean of student services or designee 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 dean of student services or designee 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 dean of student services or designee shall provide a copy of the decision to all persons or offices who may be bound or protected by it.

[Statutory Authority: RCW 28B.50.140. WSR 14-21-099, § 132P-33-540, filed 10/15/14, effective 1/5/15.]