

**BOARD OF TRUSTEES**

**Meeting Agenda**

**Wednesday, December 11 2013, 2:00 p.m.**

**Laidlaw Center Boardroom, #143**

237 W. Kellogg Road  
Bellingham, WA 98226

**MEMBERS:**

- **Sue Cole**  
Chair
- **Tim Douglas**  
Vice Chair
- **Barbara Rofkar**
- **Chuck Robinson**
- **Steve Adelstein**

*Reasonable accommodations will be made for persons with disabilities if requests are made at least seven days in advance. Efforts will be made to accommodate late requests. Please contact the President's Office at 360.383.3330 (or TDD at 360.647.3279)*

- I. Call to Order, Approval of Agenda, and Notice of Public Comment Time
- II. Strategic Conversations
  - High School Collaborative Efforts (*Goal 3: Contribute actively to the vitality of Whatcom County*) – Trish Onion, Ron Leatherbarrow, Carla Gelwicks, Janice Walker
- III. Consent Agenda (Calendar)
  - a. Minutes of November 21, 2013 Board of Trustees Meeting (Attachment A)
- IV. Action Items
  - TAB A – Policy Review
    - 1. 3010 Student Rights and Responsibilities (1<sup>st</sup> reading)
    - 2. Proposed New 505 Policy on Credit Hour (1<sup>st</sup> reading)
  - TAB B -- Board of Trustees 2014 Calendar (2<sup>nd</sup> reading, possible Action)
- V. Report from the President
- VI. Reports
  - ASWCC –Lucas Nydam President
  - WCCFT – Kim Reeves, President
  - WFSE – Michelle North, Representative
  - Administrative Services –Vice President Nate Langstraat
  - Educational Services – Vice President Trish Onion
  - Instruction – Vice President Ron Leatherbarrow
  - Advancement/Foundation – Anne Bowen, Executive Director
- VII. Discussion / Items of the Board
  - TACTC Legislative Dinner January 20, 2014
  - Facility Naming Procedures
- VIII. Public Comment
- IX. Executive Session
  - (i) to discuss with legal counsel representing the agency matters relating to agency enforcement actions... or... litigation or potential litigation...; (g) RCW 42.30.140 (4)(a), to discuss collective bargaining; (g)... or to review the performance of a public employee...;
- X. Adjournment

**\*The Board of Trustees may adjourn to a closed Executive Session to discuss items provided for in RCW 42.30.110 (1):**

- (b) to consider the selection of a site or the acquisition of real estate by lease or purchase...;
  - (c) to consider the minimum price at which real estate will be offered for sale or lease...;
  - (d) to review negotiations on the performance of a publicly bid contract...;
  - (f) to receive and evaluate complaints or charges brought against a public officer or employee...;
  - (g) to evaluate the qualifications of an applicant for public employment or to review the performance of a public employee...; or as provided in RCW 42.30.140 (4)(a), to discuss collective bargaining
  - (h) to evaluate the qualifications of a candidate for appointment to elective office...;
  - (i) to discuss with legal counsel representing the agency matters relating to agency enforcement actions... or... litigation or potential litigation...
- Action from the Executive Session may be taken, if necessary, as a result of items discussed in Executive Session.**



## CONSENT AGENDA

- a. Minutes of November 21, 2013 meeting of the Board of Trustees (Attachment A)

### **SUGGESTED RESPONSE**

*The chair reads out the letters of the consent items. Then the chair states: “**If there are no objections, these items will be adopted**”. After pausing for any objections, the chair states, “**As there are no objections, these items are adopted.**”*

# Whatcom

## COMMUNITY COLLEGE

### MINUTES

#### BOARD OF TRUSTEES MEETING

Laidlaw Center Board Room

Thursday, November 21, 2013

12:00 p.m. Work Session

1:30 p.m. Board Meeting

Lunch was served from 12:00 noon – 12:30 pm.

**WORK SESSION CALL TO ORDER** Chair Sue Cole officially called the Board of Trustees work session to order at 12:30 p.m. Present in addition to the chair were trustees Barbara Rofkar, Chuck Robinson, Steve Adelstein, and Tim Douglas, constituting a quorum. Others present included President Hiyane-Brown; Ron Leatherbarrow, Vice President for Instruction; Nate Langstraat, Vice President for Administrative Services; Trish Onion, Vice President for Educational Services; Anne Bowen, Executive Director for Advancement; Melissa Nelson, Assistant Attorney General; Guests: Margaret Gude, presenters Anne Marie Karlberg, Jason Babcock, Carla Gelwicks, Heidi Ypma, Meg Delzell, Bob Winters, Lee Singleton; and Keri Parriera, Executive Assistant to the President.

#### WORK SESSION

President Kathi made two announcements to the Board:

- The beautiful china service used today was donated to Whatcom Community College by Dr. Karen Morse, retired President of WWU.
- Margaret Gude was introduced to the Board of Trustees. She has accepted the position of Executive Assistant to the President, and will begin on December 9.
- Student Achievement Presentation – Led by Dr. Anne Marie Karlberg, of Director of Assessment And Institutional Research, and faculty members Jason Babcock, Carla Gelwicks, Heidi Ypma, Meg Delzell, Bob Winters, and Lee Singleton (*Goal 2: Strengthen the culture of learning*)
  - A PowerPoint presentation was shared, and representatives from each of the areas involved discussed the data analyses with the Board.

#### BREAK

- The work session was adjourned at 1:35, and a 5-minute break was announced.

**MEETING CALL TO ORDER** Chair Sue Cole officially called the Board of Trustees meeting to order at 1:40 p.m. Present in addition to the chair were trustees Barbara Rofkar, Chuck Robinson, Steve Adelstein, and Tim Douglas, constituting a quorum. Others present included President Hiyane-Brown; Ron Leatherbarrow, Vice President for Instruction; Nate Langstraat, Vice President for Administrative Services; Trish Onion, Vice President for Educational Services; Anne Bowen, Executive Director for Advancement; Ed Harri, Dean for Instruction; Melissa Nelson, Assistant Attorney General; Guests: Rodrigo Garcia-Berguecio, Ian Stacy, Anita Harker-Armstrong, Melanie Sehman, Nathan Franklin, Tealia Slagle, and Yumiko (Yumi) Watanabe; and Executive Assistant to the President.

#### ACTION TO ACCEPT AGENDA

- Trustee Steve Adelstein moved to approve the meeting agenda as proposed. It was seconded by Trustee Tim Douglas, and the **motion was approved unanimously**.

Trustee Sue Cole announced that there is a designated time for public comment on the agenda.

### INTRODUCTIONS

- The TACTC Transforming Lives Award nominee selected by our trustees, Rodrigo Garcia-Berguecio, was introduced to the Board.
- The new full-time faculty who joined Whatcom in September were also introduced to the Board: Anita Harker-Armstrong, Melanie Sehman, Nathan Franklin, Tealia Slagle, Yumiko (Yumi) Watanabe and Jada Ginnett.

### CONSENT AGENDA

#### ➤ Consent Agenda (Calendar)

- a. Minutes of the October 9, 2013 Board of Trustees Meeting (Attachment A)

Chair Cole stated: "If there are no objections, this item will be adopted." As there were no objections, **this item was adopted.**

### ACTION

- **TAB A** -- Policy Review – 4020 (1st reading, possible Action)
  - Trustee Tim Douglas moved to approve the amends to Policy 4020 as submitted, and assign the new number 615. The motion was seconded by Trustee Chuck Robinson and the **motion was approved unanimously.**
- **TAB B** – Board of Trustees 2014 Calendar of Meetings
  - After some discussion, this item was tabled for the next meeting of the Board.

### PRESIDENT'S REPORT

- President Kathi spoke about the busy November schedule during which she attended AACC in DC and was involved in the hiring process for her assistant's position. Trustees were invited to attend a retirement reception for Keri on December 12, 2-4 pm in the WCC Foundation Building.
- A note of thanks was send to all who assisted in the numerous HPEC building opening tours and celebrations, which were numerous.
- President Kathi recently met with Betsy Hasegawa to discuss working with students and community connections regarding diversity.
- President Kathi was on a Presidents' panel presentation at Everett Community College during their diversity career fair. The event was well attended.
- President Kathi asked Vice President Nate Langstraat to provide an update on the Learning Commons project, and he shared a handout and discussed the predesign work.

### REPORTS

- **WSEA** – Michelle North, Representative
  - Nothing to add.
- **Administrative Services** – Nate Langstraat, Vice President
  - The Student Rec Center proposal is being forwarded to the City of Bellingham, and a call for artists has been initiated for the building project.
  - Brian Keeley spoke about Whatcom's future construction projects and the possible impacts to campus operations.

- **Educational Services** – Trish Onion, Vice President
  - Nothing to add.
- **Instruction Office** – Ron Leatherbarrow, Vice President
  - Nothing to add.
- **Advancement/Foundation Office** – Anne Bowen, Executive Director
  - Anne shared a draft proposal of the naming of buildings' process, and discussions ensued.

#### DISCUSSION/TACTC/ITEMS OF THE BOARD

- **TACTC Update**
  - Trustee Tim Douglas provided an update on the TACTC Legislative Action Committee's recent meeting.
- **Joint Board Meeting**
  - An invitation to hold a joint meeting with the BTC and WCC boards was discussed. It was agreed that trustee chairs and the presidents will meet to discuss agenda items and select a date and location.

#### PUBLIC COMMENT

- Chair Cole called for public comment. Linda Lambert, Library Director, presented *Wild* by Cheryl Strayed from the Whatcom Reads program. This author will be featured in Whatcom County on February 24, at the Mt Baker Theater, and the following morning at the Bellingham Ferry Terminal.

#### BREAK

- The meeting was adjourned for a 5-minute break at 2:30 p.m.
- The meeting reconvened into open session at 2:35 p.m.

#### EXECUTIVE SESSION

- At 2:35 p.m. the meeting was adjourned for a closed Executive Session of the Board for approximately 2 ½ hours “(b) to consider the selection of a site or the acquisition of real estate by lease or purchase...; (g) to review the performance of a public employee, and to discuss collective bargaining; and (i) to discuss with legal counsel representing the agency matters relating to ... litigation or potential litigation...”
- Chair Cole announced that no action was anticipated. Guests included President Kathi Hiyane-Brown, Anne Bowen, John Pedlow, Nate Langstraat, Ron Leatherbarrow, and Assistant Attorney General Melissa Nelson.
- The Executive Session adjourned at 5:02 p.m. and the Board reconvened into open session at 5:02 p.m.

#### ADJOURNMENT

- There being no further business, the meeting was adjourned at 5:02 p.m.



## MEMORANDUM

Office of the President

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**TO:** Board of Trustees  
**FROM:** Kathi Hiyane-Brown, President  
**DATE:** December 2, 2013  
**RE:** Proposed Policy Action Items for Board Consideration

Whatcom Community College is pleased to bring these policies forward to the Board of Trustees for first readings.

### BOARD ACTION

#### ➔ TAB A – Policy Review

**1)--Policy 3010**(WAC Chapter 132U-120) WCC Student Rights and Responsibilities. This is a major overhaul to our current student conduct code because it has additional appeal processes required by the recent changes to the Violence Against Women Act (VAWA). The revised WCC student conduct code is based upon the “model” code that was developed by an AAG last month for adoption by all the WA community and technical colleges. The VAWA requires these revised policies to be in place by March 4, 2014. Please note that the Student Complaint Process is not included in the revised document. A new policy will be proposed for this portion of 3010.

*Move to table action on Policy 3010 until the next meeting of the Board—OR-- Move to approve the rewrite of policy 3010 as submitted, and assign new number 620*

**2)--New Policy Proposed 505** Policy on Credit Hour. This policy is being proposed to be in compliance with our accreditation requisites.

*Move to table action on Proposed policy 505 until the next meeting of the Board—OR-- Move to approve the new policy 505 as submitted.*

POLICY

3010

TITLE: **STUDENT RIGHTS AND RESPONSIBILITIES POLICY  
(STUDENT CONDUCT CODE)**  
 NUMBER: 3010 (proposed new 620)  
 APPROVED BY THE BOARD OF TRUSTEES: 6/14/88  
 AMENDED BY THE BOARD OF TRUSTEES: 09/23/09; 07/11/07; 12/10/02

**TABLE OF CONTENTS**

- WAC 132U-125-001- AUTHORITY
- WAC 132U-125-003 - PURPOSE
- WAC 132U -125-005 - STATEMENT OF JURISDICTION
- WAC 132U -125-010 - DEFINITIONS
- WAC 132U -125-015 - STATEMENT OF STUDENT RIGHTS
- WAC 132U -125-020 - STUDENT RESPONSIBILITIES AND PROHIBITED CONDUCT
- WAC 132U- 125-025 CLASSROOM CONDUCT
- WAC 132U-125-030 TRESPASS
- WAC 132U-125- 035 - DISCIPLINARY SANCTIONS
- WAC 132U-125-040 - INITIATION OF DISCIPLINARY ACTION
- WAC 132U-125-045 - APPEAL FROM DISCIPLINARY ACTION
- WAC 132U-125-050 - BRIEF ADJUDICATIVE PROCEEDINGS AUTHORIZED
- WAC 132U-125-055 - BRIEF ADJUDICATIVE PROCEEDINGS – INITIAL HEARING
- WAC 132U-125-060 - BRIEF ADJUDICATIVE PROCEEDINGS - REVIEW OF AN INITIAL ORDER
- WAC 132U-125-065 - BRIEF ADJUDICATIVE PROCEEDINGS - AGENCY RECORD
- WAC 132U-125-070 - STUDENT CONDUCT COMMITTEE
- WAC 132U-125-075 - APPEAL - STUDENT CONDUCT COMMITTEE
- WAC 132U-125-080 - STUDENT CONDUCT APPEALS COMMITTEE HEARINGS —  
PRESENTATIONS OF EVIDENCE.
- WAC 132U-125-085 - STUDENT CONDUCT COMMITTEE - INITIAL DECISION
- WAC 132U-125-090 - APPEAL FROM STUDENT CONDUCT COMMITTEE INITIAL ORDER
- WAC 132U-125-095 - SUMMARY SUSPENSION
- WAC 132U-125-100 - SUPPLEMENTAL SEXUAL MISCONDUCT PROCEDURES
- WAC 132U-125-105 - SUPPLEMENTAL DEFINITIONS
- WAC 132U-125-110 - SUPPLEMENTAL COMPLAINT PROCESS
- WAC 132U-125-115 - SUPPLEMENTAL APPEAL RIGHTS

**WAC 132U-125-001 AUTHORITY.** The board of trustees, acting pursuant to RCW [28B.50.140](#)(14), delegates to the president of the college the authority to administer disciplinary action. Administration of the disciplinary procedures is the responsibility of the vice-president of student affairs or designee. The student conduct officer shall serve as the principal investigator and administrator for alleged violations of this code.

**WAC 132U-125-003 – PURPOSE.** Whatcom Community College, as a state supported institution of higher education, has a primary mission to contribute to the vitality of its communities by providing quality education and preparing students for active citizenship in a global society. Students and college personnel share the responsibility of contributing to a learning environment that promotes academic integrity, social justice, civility, and nonviolence within a safe and supportive college community.

Enrollment in Whatcom Community College carries with it the obligation to be a responsible citizen of the college community and to treat others with respect and dignity. Each student is expected to abide by college policies and regulations along with local, state, and federal laws. The student conduct code and disciplinary procedures are implemented to support the college mission and to assist in the protection of the rights and freedoms of all members of the college community.

**WAC 132U -125-005 - STATEMENT OF JURISDICTION.** The student conduct code shall apply to student conduct that occurs on college premises, to conduct that occurs at or in connection with college sponsored activities, or to off-campus conduct that in the judgment of the college adversely affects the college community or the pursuit of its objectives. Jurisdiction extends to, but is not limited to, locations in which students are engaged in official college activities including, but not limited to, foreign or domestic travel, activities funded by the associated students, athletic events, training internships, cooperative and distance education, on-line education, practicums, supervised work experiences, study abroad, or any other college-sanctioned social or club activities. Students are responsible for their conduct from the time of application for admission through the actual receipt of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment. These standards shall apply to a student's conduct even if the student withdraws from college while a disciplinary matter is pending.

**WAC 132U -125-010 – DEFINITIONS.** The following definitions shall apply for purpose of this student conduct code:

- (1) “Business day” means a week-day, excluding weekends and college holidays.
- (2) “College premises” shall include all campuses of the college, wherever located, and includes all land, buildings, facilities, vehicles, equipment, and other property owned, used, leased, or controlled by the college.
- (3) “Conduct review officer” 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 conduct review officer’s duties or responsibilities as set forth in this Chapter as may be reasonably necessary.
- (4) “Disciplinary action” is the process by which the student conduct officer imposes discipline against a student for a violation of the student conduct code.
- (5) “Disciplinary appeal” is the process by which an aggrieved student can appeal the discipline imposed by the student conduct officer. Disciplinary appeals from a suspension in excess

of ten (10) business days or an expulsion are heard by the student conduct appeals board. Appeals of all other appealable disciplinary action shall be reviewed through brief adjudicative proceedings.

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

- a) Hand delivery of the document to the specified college official or college official’s assistant; or
- b) by sending the document by email and first class mail to the specified college official’s office and college email address

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

(7) “Respondent” is the student against whom disciplinary action is initiated.

(8) “Service” is the process by which a document is officially delivered to a person. Unless otherwise provided, service upon a person shall be accomplished by:

- a) Hand-delivery of the document to a person; or
- b) Sending the document by email, by certified or first class mail to the person’s last known address.

Service is deemed complete upon the hand-delivery of the document, or upon the date the document is emailed or post-marked by the mail service.

(9) “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, non-credit courses, on-line courses, or otherwise. Persons who withdraw after allegedly violating the code, who are not officially enrolled for particular term but who have a continuing relationship with the college, or who have been notified of their acceptance for admission are considered “students.”

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

(11) “Summons” is the contact by the college to arrange the disciplinary meeting or hearing. This contact may be by telephone, email, in-person, or by certified mail.

(12) “The president” is the president of the college. The president is authorized to delegate any and of his or her responsibilities as set forth in this Chapter as may be reasonably necessary.

**WAC 132U -125-015 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 code of student conduct is entitled, upon request, to procedural due process as set forth in this chapter.

(3) **Student participation in college governance.**

a) Whatcom Community College recognizes the special role that students have in the development and maintenance of student programs.

b) The college provides opportunities for students to participate in college governance, including the formulation of college policies and procedures relevant to students, through representation by the Associated Students of Whatcom Community College (ASWCC).

c) Students are also appointed, according to the ASWCC constitution and bylaws, to serve on a variety of college committees.

**WAC 132U-125-020 STUDENT RESPONSIBILITIES AND PROHIBITED CONDUCT.** As members of the Whatcom Community College community, students have an obligation to demonstrate academic and personal honesty and integrity. Students are expected to respect individual rights, recognize their impact on others, and take responsibility for their actions.

Students shall be subject to disciplinary action for interfering with the personal rights or privileges of others or the educational process of the college. Students are prohibited from engaging in any unlawful conduct.

Prohibited student conduct for which the college may impose sanctions includes, but is not limited to, any of the following:

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

a) Cheating includes any attempt to give or obtain unauthorized assistance relating to the completion of an academic assignment.

b) Plagiarism includes taking and using as one's own, without proper attribution, the ideas, writings, or work of another person in completing an academic assignment. Prohibited conduct may also include the unauthorized submission for credit of academic work that has been submitted for credit in another course.

c) Fabrication includes falsifying data, information, or citations in completing an academic assignment and also includes providing false or deceptive information to an instructor concerning the completion of an assignment.

(2) 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 of (a) any instruction, services, research, administration, disciplinary proceeding, or other college activity or (b) any activity that is authorized to occur on college property or under college jurisdiction, whether or not actually conducted or sponsored by the college.

(4) 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 paragraph:

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

b) Stalking is intentional and repeated harassment or repeated following of another person, which places that person in reasonable fear that the stalker intends to injure the person, another person, or the property of the person or another person, and the stalker either intends to frighten, intimidate, or harass the person, or knows or reasonably should know that the person is frightened, intimidated or harassed, even if the stalker lacks such an intent.

(5) Cyber-stalking, cyber-bullying or on-line harassment. Use of electronic communications, including, but not limited to, electronic mail, instant messaging, electronic bulletin boards, and social media sites, to harass, abuse, bully or engage in other conduct which harms,

threatens, or is reasonably perceived as threatening the health or safety of another person. Prohibited activities include, but are not limited to, unauthorized monitoring of another's email communications directly or through spyware, sending threatening emails, disrupting electronic communications with spam or by sending a computer virus, sending false messages to third parties using another's email identity, non-consensual recording of sexual activity, and non-consensual distribution of a recording of sexual activity.

(6) Attempted or actual 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, or (c) any other person or organization, or possession of such property or money after it has been stolen.

(7) 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) Participation in any activity which unreasonably disrupts the operations of the college or infringes on the rights of another member of the college community, or leads or incites another person to engage in such an activity.

(9) Weapons: Possession of any firearm, dagger, sword, knife or other cutting or stabbing instrument, club, explosive device or any other weapon capable of producing bodily harm or damage to real or personal property. No person or group may use or enter onto Whatcom Community College grounds or facilities, owned or leased, while having in their possession firearms or other dangerous weapons, even if licensed to do so. An exception shall be made for commissioned police officers and other law enforcement officers as permitted by law.

(10) 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.

(11) Tobacco, electronic cigarettes, and related products: The use of tobacco, electronic cigarettes, and related products in any building owned, leased or operated by the college or in any location where such use is prohibited, including twenty-five feet from entrances, exits, windows that open, and ventilation intakes of any building owned, leased or operated by the college. "Related products" include, but are not limited to cigarettes, pipes, bidi, clove cigarettes, water pipes, hookahs, chewing tobacco, and snuff.

(12) Alcohol: Being observably under the influence of any alcoholic beverage, or otherwise using, possessing, selling or delivering any alcoholic beverage, except as permitted by law and authorized by the college president.

(13) Marijuana: Being observably under the influence of marijuana or the psychoactive compounds found in marijuana, or otherwise using, possessing, selling or delivering any product containing marijuana or the psychoactive compounds found in marijuana and intended for human consumption, regardless of form.

(14) Being observably under the influence of any legend drug, narcotic drug or controlled substance as defined in chapters 69.41 and 69.50 RCW, or otherwise using, possessing, delivering, or selling any such drug or substance, except in accordance with a lawful prescription for that student by a licensed health care professional.

(15) Obstruction of the free flow of pedestrian or vehicular movement on college property or at a college activity.

(16) Conduct which is disorderly, lewd, or obscene.

(17) Breach of the peace.

(18) Discriminatory action which harms or adversely affects any student or college employee because of her/his race, color, national origin, mental or physical disability, gender, sexual orientation, age, creed, or religion.

(19) Sexual violence: Sexual or gender-based misconduct perpetrated against a person's will or where a person is incapable of giving consent; including, but not limited to, rape, sexual assault, sexual battery, gender-based stalking, and sexual coercion, regardless of the relationship between the perpetrator and the victim.

(20) Sexual harassment. Conduct includes, but is not limited to, engaging in unwelcome sexual advances, requests for sexual favors, or other sexual conduct, including verbal, nonverbal, electronic or social media communication, or physical touching that would substantially interfere with a reasonable person's work or educational performance, or to create an intimidating, hostile, or offensive educational environment.

(21) Other harassment. Conduct that has the purpose or effect of substantially interfering with a reasonable person's work or educational performance or creating an intimidating, hostile or offensive working or educational environment, when such conduct is directed at an individual because of race, national origin, disability, age, religion, sexual orientation or any other legally protected classification. Harassing conduct may include, but is not limited to, physical conduct, verbal, written, social media and electronic communications.

(22) 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;
- i) Failure to comply with the college's electronic use policy.
- (23) 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.
- (24) Abuse or misuse of any of the procedures relating to student complaints or misconduct, including but not limited to:
  - j) Failure to obey a verbal or written directive from a college official;
  - k) Falsification or misrepresentation of information;
  - l) Disruption, or interference with the orderly conduct, of a proceeding;
  - m) Interfering with someone else's proper participation in a proceeding;
  - n) Destroying or altering potential evidence, or attempting to intimidate or otherwise improperly pressure a witness or potential witness;
  - o) Attempting to influence the impartiality of, or harassing or intimidating, a student conduct committee member; or
  - p) Failure to comply with any disciplinary sanction(s) imposed under this student conduct code.
- (25) Operation of any motor vehicle on college property in an unsafe manner or in a manner which is reasonably perceived as threatening the health or safety of another person.
- (26) Violation of any federal, state, or local law, rule, or regulation or other college rules or policies, including college traffic and parking rules.
- (27) Ethical Violation. The breach of any generally recognized and published code of ethics or standards of professional practice that governs the conduct of a particular profession for which the student is taking a course or is pursuing as an educational goal or major.
- (28) Aiding, abetting, inciting, encouraging, or assisting another person to commit any of the foregoing acts of misconduct.

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.

**WAC 132U- 125-025 CLASSROOM CONDUCT.** Faculty have the authority to take appropriate action to maintain order and proper conduct in the classroom and to maintain the effective cooperation of the class in fulfilling the objectives of the course.

An instructor has the authority to exclude a student from any single class session during which the student is disruptive to the learning environment. The instructor shall report any such exclusion from the class to the vice president of student services, or designee, who may summarily suspend the student or initiate conduct proceedings as provided in this procedure. The vice president of student services, or designee, may impose a disciplinary probation that restricts the student from

the classroom until the student has met with the student conduct officer and the student agrees to comply with the specific conditions outlined by the student conduct officer for behavior in the classroom. The student may appeal the disciplinary sanction according to the disciplinary appeal procedures.

**WAC 132U-125-030 TRESPASS.** The Vice President or designee(s) shall have the authority and power to prohibit the entry or withdraw the license or privilege of any person or group of persons to enter into or remain in any college property or facility. Such power and authority may be exercised to halt any event which is deemed to be unreasonably disruptive of order or impedes the movement of persons or vehicles or which disrupts or threatens to disrupt the movement of persons from facilities owned and/or operated by the college. Any person who disobeys a lawful order given by the vice president, or designee(s), shall be subject to disciplinary action and/or charges of criminal trespass.

**WAC 132U-125-035 – DISCIPLINARY SANCTIONS.** A primary objective of the disciplinary process is to promote the personal and social development of those students found responsible for misconduct. Charges are investigated and resolved in a forum of candor, civility, and fairness.

Disciplinary actions include, but are not limited to, the following sanctions that may be imposed:

(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 code of conduct 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 deferred 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. A student who is on disciplinary probation 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 the college to anyone outside the college community in any way, including representing the college at any official function, or any forms of intercollegiate competition or representation.

(4) 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.

(5) 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.

(6) Professional evaluation: Referral for drug, alcohol, psychological or medical evaluation by an appropriately certified or licensed professional may be required. The student may choose the professional within the scope of practice and with the professional credentials as defined by the college. The student will sign all necessary releases to allow the college access to any such evaluation. The student's return to college may be conditioned upon compliance with recommendations set forth in such a professional evaluation. If the evaluation indicates that the student is not capable of functioning within the college community, the student will remain suspended until future evaluation recommends that the student is capable of reentering the college and complying with the rules of conduct.

(7) 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.

#### **WAC 132U -125-040 - INITIATION OF DISCIPLINARY ACTION.**

(1) All disciplinary actions will be initiated by the student conduct officer or designee. If that officer is the subject of a complaint initiated by the respondent, the vice president for student services shall, upon request and when feasible, designate another person to fulfill any such disciplinary responsibilities relative to the complainant.

(2) The student conduct officer shall initiate disciplinary action by contacting the respondent by telephone, email, or in-person to schedule a conduct hearing.

(3) If the respondent is unable to be reached by phone, email, or in-person, a written notice will be sent by certified mail 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.

(4) At the meeting, the student conduct officer will present the allegations to the respondent and the respondent shall be afforded an opportunity to explain what took place. If the respondent fails to attend the meeting the student conduct officer may take disciplinary action based upon the available information.

(5) After considering the evidence in the case, including any facts or argument presented by the respondent, the student conduct officer shall notify the student in writing within ten (10) business days of the 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.

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

- a) Exonerate the respondent and terminate the proceedings.
- b) Impose a disciplinary sanction(s), as described in WAC 132U- 125 -035
- c) Refer the matter directly to the student conduct committee for such disciplinary action as the committee deems appropriate. Such referral shall be in writing, to the attention of the chair of the student conduct committee, with a copy served on the respondent.

(7) If the student fails to appear at the scheduled meeting without prior notification or evidence of extenuating circumstances, the conduct officer may impose a sanction consistent with the existing evidence, as authorized by this code. In addition, a hold may be placed on the student's records restricting the student from further enrollment.

#### **WAC 132U -125-045 - APPEAL FROM DISCIPLINARY ACTION.**

(1) The respondent may appeal a disciplinary action by filing a written notice of appeal with the conduct review officer within ten (10) business days of hand delivery and/or postmark of the student conduct officer's decision. Failure to timely file a notice of appeal constitutes a waiver of the right to appeal and the student conduct officer's decision shall be deemed final.

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

(3) The individuals involved in an appeal shall be the respondent and the conduct review officer.

(4) A respondent, who timely appeals a disciplinary action or whose case is referred to the student conduct committee, has a right to a prompt, fair, and impartial hearing as provided for in these procedures.

(5) On appeal, the college bears the burden of establishing the evidentiary facts underlying the imposition of a disciplinary sanction by a preponderance of the evidence.

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

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

- a) suspensions of ten business 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) The student **conduct committee** shall hear appeals from:

- a) the imposition of disciplinary suspensions in excess of ten (10) business days;
- b) dismissals; and

c) discipline cases referred to the committee by the student conduct officer, the conduct review officer, the president or designee.

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

**WAC 132U-125-050 - BRIEF ADJUDICATIVE PROCEEDINGS AUTHORIZED.** This rule is adopted in accordance with [RCW 34.05.482](#) through [34.05.494](#). Brief adjudicative proceedings shall be used, unless provided otherwise by another rule or determined otherwise in a particular case by the president, or a designee, in regard to:

- (1) Parking violations.
- (2) Outstanding debts owed by students or employees.
- (3) Use of college facilities.
- (4) Residency determinations.
- (5) Use of library—Fines.
- (6) Challenges to contents of education records.
- (7) Loss of eligibility for participation in institution sponsored athletic events.
- (8) Student conduct appeals involving the following disciplinary actions:
  - a) Suspensions of ten (10) business days or less;
  - b) Disciplinary probation;
  - c) Written reprimands;
  - d) Any conditions or terms imposed in conjunction with one of the foregoing disciplinary actions;
  - e) Summary suspensions; and
  - f) Appeals by a complainant in student disciplinary proceedings involving allegations of sexual misconduct in which the student conduct officer:
    - g) Dismisses disciplinary proceedings based upon a finding that the allegations of sexual misconduct have no merit; or
    - h) Issues a verbal warning to respondent.
- (9) Appeals of decisions regarding mandatory tuition and fee waivers.

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

**WAC 132U-125-055 - BRIEF ADJUDICATIVE PROCEEDINGS – INITIAL HEARING.**

(1) Brief adjudicative proceedings shall be conducted by a conduct review officer or designee. The conduct review officer shall not participate in any case in which the conduct officer is a complainant or witness; has direct or personal interest, prejudice, or bias; or has acted previously in an advisory capacity.

(2) Before taking action, the conduct review officer shall conduct an informal hearing and provide each person (a) an opportunity to be informed of the colleges' view of the matter and (b) an opportunity to explain the person's view of the matter.

(3) The conduct review officer shall serve an initial decision upon both the parties within ten (10) business days of consideration of the appeal. The initial decision shall contain a brief written statement of the reasons for the decision and information about how to seek administrative review of the initial decision. If no request for review is filed within ten (10) business days of service of the initial decision, the initial decision shall be deemed the final decision.

(4) If the conduct review officer upon review determines that the respondent's conduct may warrant imposition of a disciplinary suspension of more than ten (10) business days or expulsion, the matter shall be referred to the student conduct committee for a disciplinary hearing.

#### **WAC 132U-125-060 - BRIEF ADJUDICATIVE PROCEEDINGS - REVIEW OF AN INITIAL DECISION.**

(1) An initial decision is subject to review by the president or designee, provided the respondent files a written request for review with the conduct review officer within ten (10) business days of service of the initial decision.

(2) The president shall not participate in any case in which the president or designee, is a complainant or witness; has direct or personal interest, prejudice, or bias; or have acted previously in an advisory capacity.

(3) During the review, the president or designee shall give each party an opportunity to file written responses explaining their view of the matter and shall make any inquiries necessary to ascertain whether the sanctions should be modified or whether the proceedings should be referred to the student conduct committee for a formal adjudicative hearing.

(4) The decision on review must be in writing and must include a brief statement of the reasons for the decision and must be served on the parties within twenty (20) business days of the initial decision or of the request for review, whichever is later. ~~The decision on review will contain a notice that judicial review may be available.~~ A request for review may be deemed to have been denied if the president does not make a disposition of the matter within twenty (20) business days after the request is submitted.

(5) If the president or designee, upon review determines that the respondent's conduct may warrant imposition of a disciplinary suspension of more than ten (10) business days or expulsion, the matter shall be referred to the student conduct committee for a disciplinary hearing.

#### **WAC 132U-125-065 - BRIEF ADJUDICATIVE PROCEEDINGS - COLLEGE RECORD.**

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

**WAC 132U-125-070 - STUDENT CONDUCT COMMITTEE.**

- (1) The student conduct committee shall consist of five members:
  - a) Two full-time students appointed by the student government;
  - b) Two faculty members appointed by the president;
  - c) One administrative staff member (other than an administrator serving as a student conduct or conduct review officer) appointed by the president at the beginning of the academic year.
- (2) The 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 may be heard by a quorum of three members of the committee so long as one faculty member and one student are included on the hearing panel. Committee action may be taken upon a majority vote of all committee members attending the hearing.
- (4) Members of the student conduct committee shall not participate in any case in which they are a party, 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\(4\)](#).

**WAC 132U-125-075 - APPEAL - STUDENT CONDUCT COMMITTEE.**

- (1) Proceedings of the student conduct committee shall be governed by the Administrative Procedures Act, Chapter 34.05 RCW, and by the Model Rules of Procedure, Chapter 10-08 WAC. To the extent there is a conflict between these rules and Chapter 10-08 WAC, these rules shall control.
- (2) The student conduct committee chair shall serve all parties with written notice of the hearing not less than seven business days in advance of the hearing date, as further specified in [RCW 34.05.434](#) and [WAC 10-08-040](#) and [10-08-045](#). The chair may shorten this notice period if both parties agree, and also may continue the hearing to a later time for good cause shown.
- (3) The committee chair is authorized to conduct prehearing conferences and/or to make prehearing decisions concerning the extent and form of any discovery, issuance of protective decisions, and similar procedural matters.
- (4) Upon request filed at least five business days before the hearing by any party or at the direction of the committee chair, the parties shall exchange, no later than the third business day prior to the hearing, lists of potential witnesses and copies of potential exhibits that they reasonably expect to present to the committee. Failure to participate in good faith in such a requested exchange may be cause for exclusion from the hearing of any witness or exhibit not disclosed, absent a showing of good cause for such failure.
- (5) The committee chair may provide to the committee members in advance of the hearing copies of (a) the conduct officer's notification of imposition of discipline (or referral to the

committee) and (b) the notice of appeal (or any response to referral) by the respondent. If doing so, however, the chair should remind the members that these "pleadings" are not evidence of any facts they may allege.

(6) The parties may agree before the hearing to designate specific exhibits as admissible without objection and, if they do so, whether the committee chair may provide copies of these admissible exhibits to the committee members before the hearing.

(7) The student conduct officer, upon request, shall provide reasonable assistance to the respondent in obtaining relevant and admissible evidence that is within the college's control.

(8) Communications between committee members and other hearing participants regarding any issue in the proceeding, other than procedural communications that are necessary to maintain an orderly process, are generally prohibited without notice and opportunity for all parties to participate, and any improper "ex parte" communication shall be placed on the record, as further provided in RCW 34.05.455.

(9) Each party may be accompanied at the hearing by a non-attorney assistant of their 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 (4) business days before the hearing, written notice of the attorney's identity and participation is filed with the committee chair with a copy to the student conduct officer. The committee will ordinarily be advised by an assistant attorney general. If the respondent is represented by an attorney, the student conduct officer may also be represented by a second, appropriately screened assistant attorney general.

#### **WAC 132U-125-080 - STUDENT CONDUCT APPEALS COMMITTEE HEARINGS — PRESENTATIONS OF EVIDENCE.**

(1) Upon the failure of any party to attend or participate in a hearing, the student conduct committee may either (a) proceed with the hearing and issuance of its decision or (b) serve a decision of default in accordance with [RCW 34.05.440](#).

(2) The hearing will ordinarily be closed to the public. However, if all parties agree on the record that some or all of the proceedings be open, the chair shall determine any extent to which the hearing will be open. If any person disrupts the proceedings, the chair may exclude that person from the hearing room.

(3) The chair shall cause the hearing to be recorded by a method that they select in accordance with [RCW 34.05.449](#). That recording, or a copy, shall be made available to any party upon request. The chair shall assure maintenance of the record of the proceeding that is required by [RCW 34.05.476](#), which shall also be available upon request for inspection and copying by any party. Other recording shall also be permitted, in accordance with [WAC 10-08-190](#).

(4) The chair shall preside at the hearing and decide procedural questions that arise during the hearing, except as overridden by majority vote of the committee.

(5) The student conduct officer (unless represented by an assistant attorney general) shall present the case for imposing disciplinary sanctions.

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

**WAC 132U-125-085 - STUDENT CONDUCT COMMITTEE—INITIAL DECISION.**

(1) At the conclusion of the hearing, the student conduct committee shall permit the parties to make closing arguments in whatever form it wishes to receive them. The committee also may permit each party to propose findings, conclusions, and/or a proposed decision for its consideration.

(2) Within twenty business days following the later of the conclusion of the hearing or the committee's receipt of closing arguments, the committee shall issue an initial decision in accordance with [RCW 34.05.461](#) and [WAC 10-08-210](#). The initial decision shall include findings on all material issues of fact and conclusions on all material issues of law, including which, if any, provisions of the student conduct code were violated. Any findings based substantially on the credibility of evidence or the demeanor of witnesses shall be so identified.

(3) The committee's initial order shall also include a determination on appropriate discipline, if any. If the matter was referred to the committee by the student conduct officer, the committee shall identify and impose disciplinary sanction(s) or conditions (if any) as authorized in the student code. If the matter is an appeal by the respondent, the committee may affirm, reverse, or modify the disciplinary sanction and/or conditions imposed by the student conduct officer and/or impose additional disciplinary sanction(s) or conditions as authorized herein.

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

**WAC 132U-125-090 - APPEAL FROM STUDENT CONDUCT COMMITTEE INITIAL DECISION.**

(1) A respondent who is aggrieved by the findings or conclusions issued by the student conduct committee may appeal the committee's initial decision to the president or designee by filing a notice of appeal with the president's office within ten (10) business days of service of the committee's initial decision. Failure to file a timely appeal constitutes a waiver of the right and the initial decision shall be deemed final.

(2) The notice of appeal must identify the specific findings of fact and/or conclusions of law in the initial decision that are challenged and must contain argument why the appeal should be granted. The president or designee's review shall be restricted to the hearing record made before the student conduct committee and will normally be limited to a review of those issues and arguments raised in the notice of appeal.

(3) The president or designee shall provide a written decision to all parties within forty-five (45) business 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 or designee may suspend any disciplinary action pending review of the merits of the findings, conclusions, and disciplinary actions imposed.

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

**WAC 132U-125-095 - SUMMARY SUSPENSION.**

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

(2) The student conduct officer may impose a summary suspension if there is probable cause to believe that the respondent:

- a) Has violated any provision of the code of conduct; and
- b) Presents an immediate danger to the health, safety or welfare of members of the college community; or
- c) Poses an ongoing threat of disruption of, or interference with, the operations of the college.

(3) Notice. Any respondent who has been summarily suspended shall be served with oral or written notice of the summary suspension. If oral notice is given, a written notification shall be served on the respondent within two business days of the oral notice.

(4) The written notification shall be entitled "Notice of Summary Suspension" and shall include:

- a) The reasons for imposing the summary suspension, including a description of the conduct giving rise to the summary suspension and reference to the provisions of the student conduct code or the law allegedly violated;
- b) The date, time, and location when the respondent must appear before the conduct review officer for a hearing on the summary suspension; and
- c) The conditions, if any, under which the respondent may physically access the campus or communicate with members of the campus community. If the respondent has been trespassed from the campus, a notice against trespass shall be included that warns the student that the student's privilege to enter into or remain on college premises has been withdrawn, that the respondent shall be considered trespassing and subject to arrest for criminal trespass if the respondent enters the college campus other than to meet with the student conduct officer or conduct review officer, or to attend a disciplinary hearing.

(5) The conduct review officer shall conduct a hearing on the summary suspension as soon as practicable after imposition of the summary suspension. The hearing will be conducted as a brief adjudicative proceeding.

a) During the summary suspension hearing, the issue before the conduct review officer is whether there is probable cause to believe that the summary suspension should be continued pending the conclusion of disciplinary proceedings and/or whether the summary suspension should be less restrictive in scope.

b) 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.

c) If the student fails to appear at the designated hearing time, the conduct review officer may order that the summary suspension remain in place pending the conclusion of the disciplinary proceedings.

d) As soon as practicable following the hearing, the conduct review officer shall issue a written decision which shall include a brief explanation for any decision continuing and/or modifying the summary suspension and notice of any right to appeal.

e) To the extent permissible under applicable law, the conduct review officer shall provide a copy of the decision to all persons or offices who may be bound or protected by it.

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

**WAC 132U-125-100 - SUPPLEMENTAL SEXUAL MISCONDUCT PROCEDURES.** Both the respondent and the complainant in cases involving allegations of sexual misconduct shall be provided the same procedural rights to participate in student discipline matters, including the right to participate in the initial disciplinary decision-making process and to appeal any disciplinary decision.

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 132U-125-005 through -095](#). In the event of conflict between the sexual misconduct procedures and the student disciplinary procedures, the sexual misconduct procedures shall prevail.

**WAC 132U-125-105 - 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, they are 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) non-physical conduct such as sexual or gender-based digital media stalking, sexual or gender based on-line harassment, sexual or gender-based cyber-bullying, nonconsensual recording of a sexual activity, and nonconsensual distribution of a recording of a sexual activity.

**WAC 132U-125-110 - SUPPLEMENTAL COMPLAINT PROCESS.** The following supplemental procedures shall apply with respect to complaints or other reports of alleged sexual misconduct by a student.

1) The college's Title IX compliance officer 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 student conduct officer 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 student conduct officer, prior to initiating disciplinary action, will make a reasonable effort to contact the complainant to discuss the results of the investigation and possible disciplinary sanctions and/or conditions (if any) that may be imposed upon the respondent if the allegations of sexual misconduct are found to have merit.

5) The student conduct officer, on the same date that a disciplinary decision is served on the respondent, will serve a written notice informing the complainant whether the allegations of sexual misconduct were found to have merit and describing any disciplinary sanctions and/or conditions imposed upon the respondent for the complainant's protection, including disciplinary suspension or dismissal of the respondent. The notice will also inform the complainant of the complainant's appeal rights. If protective sanctions and/or conditions are imposed, the student conduct officer shall make a reasonable effort to contact the complainant to ensure that prompt notice of the protective disciplinary sanctions and/or conditions.

**WAC 132U-125-115 - SUPPLEMENTAL APPEAL RIGHTS.**

1) The following actions by the student conduct officer may be appealed by the complainant:

- a) the dismissal of a sexual misconduct complaint; or
- b) any disciplinary sanction(s) and conditions imposed against a respondent for a sexual misconduct violation, including a disciplinary warning.

2) A complainant may appeal a disciplinary decision by filing a notice of appeal with the conduct review officer within ten (10) business days of service of the notice of the discipline decision provided for in WAC 132U-125-110(5). The notice of appeal may include a written statement setting forth the grounds of appeal. Failure to file a timely notice of appeal constitutes a waiver of this right and the disciplinary decision shall be deemed final.

3) If the respondent timely appeals a decision imposing discipline for a sexual misconduct violation, the college shall notify the complainant of the appeal and provide the complainant an opportunity to intervene as a party to the appeal.

4) Except as otherwise specified in this supplemental procedure, a complainant who timely appeals a disciplinary decision or who intervenes as a party to respondent's appeal of a disciplinary decision shall be afforded the same procedural rights as are afforded the respondent.

5) An appeal by a complainant from the following disciplinary actions involving allegations of sexual misconduct against a student shall be handled as a brief adjudicative proceeding:

- a) exoneration and dismissal of the proceedings;
- b) a disciplinary warning;
- c) a written reprimand;
- d) disciplinary probation;
- e) suspensions of ten (10) business 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 (10) business days or an expulsion shall be reviewed by the student conduct board.

7) In proceedings before the student conduct committee, respondent and complainant shall have the right to be accompanied by a non-attorney assistant of their choosing during the appeal process. Complainant may choose to be represented at the hearing by an attorney at the complainant's own expense, but will be deemed to have waived that right unless, at least four (4) business days before the hearing, they file a written notice of the attorney's identity and participation with the committee chair, and with copies to the respondent and the student conduct officer.

8) In proceedings before the student conduct committee, complainant and respondent shall not directly question or cross examine one another. All questions shall be directed to the committee chair, who will act as an intermediary and pose questions on the parties' behalf.

9) Student conduct hearings involving sexual misconduct allegations shall be closed to the public, unless respondent and complainant both waive this requirement in writing and request that the hearing be open to the public. Complainant, respondent and their respective non-attorney assistants and/or attorneys may attend portions of the hearing where argument, testimony and/or evidence are presented to the student conduct committee.

10) The chair of the student conduct committee, on the same date as the initial decision is served on the respondent, will serve a written notice upon complainant informing the complainant whether the allegations of sexual misconduct were found to have merit and describing any disciplinary sanctions and/or conditions imposed upon the respondent for the complainant's protection, including suspension or dismissal of the respondent. The notice will also inform the complainant of the complainant's appeal rights.

11) Complainant may appeal the student conduct committee's initial decision to the president subject to the same procedures and deadlines applicable to other parties.

12) The president 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.

**POLICY**

**3010**

**Page 1 of 14**

**Current Policy 3010**

<i>TITLE:</i>	<del>Whateom Community College Student Rights and Responsibilities</del>
WAC:	<del>(Chapter 132U 120)</del>
NUMBER:	3010
APPROVED BY BOARD OF TRUSTEES:	6/14/88
AMENDED BY BOARD OF TRUSTEES:	09/23/09; 07/11/07; 12/10/02

**WAC**

- ~~132U 120 010 Title.~~
- ~~132U 120 015 Purpose.~~
- ~~132U 120 020 Definitions.~~
- ~~132U 120 030 Jurisdiction.~~
- ~~132U 120 040 Student rights.~~
- ~~132U 120 050 Student responsibilities.~~
- ~~132U 120 060 Trespass.~~
- ~~132U 120 065 Judicial authority.~~
- ~~132U 120 075 Conduct proceedings.~~
- ~~132U 120 080 Disciplinary sanctions.~~
- ~~132U 120 095 Summary suspension.~~
- ~~132U 120 100 Appeals Overview.~~
- ~~132U 120 110 Structure of the student rights and responsibilities committee.~~
- ~~132U 120 120 Hearing procedures before the student rights and responsibilities committee.~~
- ~~132U 120 140 Decision by the student rights and responsibilities committee.~~
- ~~132U 120 150 Final appeal.~~
- ~~132U 120 160 Effective date of the rules of conduct.~~
- ~~132U 120 170 Prior rules.~~
- ~~132U 120 180 Severability.~~

**STUDENT COMPLAINT PROCEDURE**

- ~~132U 120 260 Purpose.~~

**~~132U-120-010 Title.~~** This chapter shall be known as the student rights and responsibilities code of Whatcom Community College.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 03-01-072, § 132U-120-010, filed 12/12/02, effective 1/12/03; 88-15-005 (Order 88-03), § 132U-120-010, filed 7/8/88.]

**~~132U-120-015 Purpose.~~** Whatcom Community College, as a state supported institution of higher education, has a primary mission to provide effective quality education designed to foster the development of students' knowledge, communication and critical thinking skills, personal integrity, global understanding, and appreciation of diversity. Students and college personnel share responsibility for this common mission by contributing to a learning environment that promotes academic honesty, social justice, understanding, civility, and nonviolence within a safe and supportive college community.

Enrollment in Whatcom Community College carries with it the obligation to be a responsible citizen of the college community and to treat others with respect and dignity. Students have obligations to fulfill both their particular roles within the academic community and those obligations as citizens of their larger community. Each student is expected to abide by college policies and regulations along with local, state, and federal laws. Any student charged with a violation of college policies or regulations is guaranteed fair judicial process and when found in violation, appropriate disciplinary action.

The student's rights and responsibilities code is implemented to support the aforementioned purpose to assist in the protection of the rights and freedoms of all members of the college community.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 03-01-072, § 132U-120-015, filed 12/12/02, effective 1/12/03.]

**~~132U-120-020 Definitions.~~** As used in this chapter, the following words and phrases shall be defined as follows:

"Academic dishonesty" shall mean plagiarism, cheating on examinations, fraudulent representation of student work product or other similar acts of dishonesty.

"Alcoholic beverages" shall mean the definition of liquor as contained within RCW 66.04.010(15) as now law or hereafter amended.

"Assembly" shall mean 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.

"Associated students" shall mean the student body and such authorized groups organized under the provisions of the constitution and bylaws of the associated students of the college.

"ASWCC" shall mean the associated students of Whatcom Community College as defined in the constitution of that body.

"Board" shall mean the board of trustees of Community College District No. 21, state of Washington.

"Code of conduct" refers to the Whatcom Community College code of student rights and responsibilities.

"College" shall mean Whatcom Community College, and any other community college centers or facilities established within Community College District No. 21.

"College community" shall mean trustees, students, employees, and guests on college owned or controlled facilities, including distance learning environments.

"College facilities" shall mean and include any and all personal property and real property that the college owns, uses, or controls including all buildings and appurtenances affixed thereon or attached thereto district wide. College facilities extend to affiliated websites, distance learning classroom environments, and agencies or institutions that have educational agreements with Whatcom Community College.

— "College official" shall mean any person who is employed by the college or authorized to act as an agent of the college in performing assigned administrative or professional responsibilities.

— "Controlled substance" shall mean and include any drug or substance as defined in chapter 69.50 RCW as now law or hereafter amended.

— "Dean of students" shall mean the chief student affairs officer who is the administrator responsible for student services or designee.

— "Dean of instruction" shall mean the chief officer who is the administrator responsible for instruction or designee.

— "Demonstrations" shall mean any overt activity engaged in by one 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.

— "Director of student programs" shall mean the administrator responsible for student programs and activities or designee.

— "Disciplinary sanctions" shall mean and include a warning, reprimand, probation, suspension, or dismissal of any student by a dean, or designee, or the president issued pursuant to this chapter where that student has violated any designated rule or regulation of the rules of conduct for which a student is subject to disciplinary action.

— "Distance learning" shall mean various methods of instructional delivery that include, but are not limited to, online courses, telecourses, and interactive video courses.

— "Faculty" or "instructor" shall mean any full-time or part-time academic employee of the college or an affiliated institution whose assignment is one of a combination of instruction, counseling or library services.

— "Free speech area" shall be designated by the college president and can be reserved by student groups and organizations through the office of student programs and activities.

— "Instructional day" shall mean any regularly scheduled day of instruction designated in the academic year calendar, including summer quarter, as a day when classes are held. Saturdays and Sundays are not regularly scheduled instructional days.

— "President" shall mean the president of Whatcom Community College and president of Community College District No. 21, state of Washington.

— "Rules of conduct" shall mean those rules contained within this chapter as now exist or which may be hereafter amended, the violation of which subjects a student to disciplinary action.

— "Student," unless otherwise qualified, shall mean and include any person who is enrolled for classes at the college, including any person enrolled in distance learning courses.

— "Student rights and responsibilities committee" shall mean the judicial body provided in this chapter.

— "Trespass" shall mean the definition of trespass as contained within chapter 9A.52 RCW, as now law or hereafter amended.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. WSR § 132U-120-020 filed 9/12/07, effective 10/12/07 amending WSR 03-01-072, § 132U-120-020, filed 12/12/02, effective 1/11/03 amending WSR 88-15-005 (Order 88-03), § 132U-120-020, filed 7/8/88, effective 8/7/88.]

**132U-120-030 Jurisdiction.** The student rights and responsibilities code is a guideline for expected student behavior at the college. All rules and provisions in the code apply to every student on campus or in a college facility. Such rules and provisions also apply to students while they are present at or engaged in college-sponsored activities held in noncollege facilities. The college is not a policing agent for students when they are off campus but does reserve the right to take action if a student's behavior is determined to threaten the health, safety, and/or property of the college and its members.

Students, college employees, or members of the public who violate, or aid or abet another in violation of this chapter shall be subject to:

- (1) Criminal and civil prosecution;
- (2) Restriction from any college property or facilities, the violation of which could result in criminal trespass;
- (3) Any other civil or criminal remedies available to the public;
- (4) Appropriate disciplinary action pursuant to the state of Washington higher education personnel board rules or the district's policies and regulations.

The college may carry out disciplinary proceedings prior to, simultaneous, or following civil or criminal proceedings in the court.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140, 03-01-072, § 132U-120-030, filed 12/12/02, effective 1/12/03; 88-15-005 (Order 88-03), § 132U-120-030, filed 7/8/88.]

**132U-120-040 Student rights.** 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 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 code of student rights and responsibilities is entitled, upon request, to procedural due process as set forth in this chapter.
- (3) Distribution and posting. Students may post or distribute printed or published material. Such distribution and posting is subject to college rules and procedures available in the student programs office.
- (4) Outside speakers. Recognized student organizations shall have the right to invite outside speakers to speak on campus subject to the availability of campus facilities, funding, and compliance with the college procedures available in the student programs office.
- (5) Commercial activities.
  - (a) College facilities may not be used for commercial solicitation, advertising, or promotional activities unless the activities clearly serve educational objectives and fit within the mission of the college. The commercial activities may be conducted under the sponsorship or the request of a college department or official student organization.
  - (b) These sponsored commercial activities must be scheduled and approved by the director of student programs conducted in a manner not to interfere with or operate to the detriment of college functions or the free flow of pedestrian or vehicular traffic.
- (6) Student participation in college governance.

- ~~\_\_\_\_\_ (a) Whatcom Community College recognizes the special role that students have in the development and maintenance of student programs.~~
- ~~\_\_\_\_\_ (b) The college provides opportunities for students to participate in college governance, including the formulation of college policies and procedures relevant to students, through representation by the Associated Students of Whatcom Community College (ASWCC).~~
- ~~\_\_\_\_\_ (c) Students are also appointed, according to the ASWCC constitution and bylaws, to serve on a variety of college committees.~~
- ~~\_\_\_\_\_ (7) Right of assembly.~~
- ~~\_\_\_\_\_ (a) Fundamental to the democratic process are the rights of free speech and peaceful assembly. Students may conduct or may participate in any assembly on college facilities provided that such assemblies:~~
- ~~\_\_\_\_\_ (i) Are conducted in an orderly manner;~~
- ~~\_\_\_\_\_ (ii) Do not unreasonably interfere with classes, scheduled meetings or ceremonies, or regular functions of the college;~~
- ~~\_\_\_\_\_ (iii) Do not unreasonably interfere with pedestrian or vehicular traffic; or~~
- ~~\_\_\_\_\_ (iv) Do not cause destruction or damage to college property, including library materials, or private property on college facilities.~~
- ~~\_\_\_\_\_ (b) Any student group or student organization that intends to conduct an assembly must reserve the college "free speech area" through the office of the director of student programs.~~
- ~~\_\_\_\_\_ (c) Assemblies that violate these rules may be ordered to disperse by a college official. If the college "free speech area" is available, the college official may allow the activities to move to that area. If the assembly does not respond to the instructions within a reasonable time, the college official shall call the police to handle as a civil matter.~~
- ~~\_\_\_\_\_ (d) A nonstudent who violates any provision of the rule will be referred to civilian authorities for criminal prosecution.~~

~~[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 03-01-072, § 132U-120-040, filed 12/12/02, effective 1/12/03; 88-15-005 (Order 88-03), § 132U-120-040, filed 7/8/88.]~~

~~**132U-120-050 Student responsibilities.** As members of the Whatcom Community College community, students have an obligation to demonstrate academic and personal honesty and integrity. Students are expected to respect individual rights, recognize their impact on others, and take responsibility for their actions.~~

~~\_\_\_\_\_ Students shall be subject to disciplinary action for interfering with the personal rights or privileges of others or the educational process of the college. Students are prohibited from engaging in any unlawful conduct. Grounds for disciplinary action include, but are not limited to, the following:~~

- ~~\_\_\_\_\_ (1) **Student misconduct.**~~
- ~~\_\_\_\_\_ (a) Assault, reckless endangerment, intimidation or interference upon another person.~~
- ~~\_\_\_\_\_ (b) Disorderly, abusive, or bothersome conduct. Disorderly or abusive behavior that interferes with the rights of others or obstructs or disrupts teaching, research, or administrative functions.~~
- ~~\_\_\_\_\_ (c) Failure to follow instructions. Inattentiveness, inability, or failure of student to follow the instructions of a college official, thereby infringing upon the rights and privileges of others.~~
- ~~\_\_\_\_\_ (d) Providing false information to the college, forgery, or alteration of records.~~
- ~~\_\_\_\_\_ (e) Illegal assembly, disruption, obstruction or other act which materially and substantially interferes with vehicular or pedestrian traffic, classes, hearings, meetings, the educational and administrative functions of the college, or the private rights and privileges of others.~~
- ~~\_\_\_\_\_ (f) Inciting others. Intentionally encouraging, preparing, or compelling others to engage in any prohibited conduct.~~

~~\_\_\_\_\_ (g) Hazing. Hazing means any method of 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, mental or emotional harm to any student or other person.~~

~~\_\_\_\_\_ (h) False complaint. Filing a formal complaint falsely accusing another student or college employee with violating a provision of this chapter.~~

~~\_\_\_\_\_ (i) False alarms. Falsely setting off or otherwise tampering with any emergency safety equipment, alarm, or other device established for the safety of individuals and/or college facilities.~~

~~\_\_\_\_\_ (j) Sexual harassment. Engaging in unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where such behavior offends the recipient, causes discomfort or humiliation, or interferes with job or school performance.~~

~~\_\_\_\_\_ (k) Malicious harassment. Malicious harassment involves intimidation or bothersome behavior directed toward another person because of, or related to, that person's race, color, religion, gender, sexual orientation, ancestry, national origin, or mental, physical, or sensory disability.~~

~~\_\_\_\_\_ (l) Theft and robbery. Theft of the property of the district or of another as defined in RCW 9A.56.010–9A.56.050 and 9A.56.100 as now law or hereafter amended. Includes theft of the property of the district or of another; actual or attempted theft of property or services belonging to the college, any member of its community or any campus visitor; or knowingly possessing stolen property.~~

~~\_\_\_\_\_ (m) Damage to any college facility or equipment. Intentional or negligent damage to or destruction of any college facility, equipment, or other public or private real or personal property.~~

~~\_\_\_\_\_ (n) Unauthorized use of college or associated students' equipment and supplies. Converting of college equipment, supplies or computer systems for personal gain or use without proper authority.~~

~~\_\_\_\_\_ (o) Forgery or alteration of records. Forging or tendering any forged records or instruments, as defined in RCW 9A.60.010–9A.60.020 as now law or hereafter amended, of any district record or instrument to an employee or agent of the district acting in his official capacity as such.~~

~~\_\_\_\_\_ (p) Illegal entry. Entering or remaining in any administrative office or otherwise closed college facility or entering after the closing time of college facilities without permission of an employee in charge.~~

~~\_\_\_\_\_ (q) Possession or use of firearms, explosives, dangerous chemicals, or other dangerous weapons, instruments, or substances that can be used to inflict bodily harm or to damage real or personal property, except for authorized college purposes or law enforcement officers.~~

~~\_\_\_\_\_ (r) Refusal to provide identification (e.g., valid driver's license, student identification, passport, or state identification card) in appropriate circumstances to any college employee in the lawful discharge of said employee's duties.~~

~~\_\_\_\_\_ (s) Smoking. Smoking in any classroom or laboratory, the library, vehicle, or in any college facility or office posted "no smoking" or any other smoking not in compliance with chapter 70.160 RCW.~~

~~\_\_\_\_\_ (t) Controlled substances. Using, possessing, being demonstrably under the influence of, or selling any narcotic or controlled substance as defined in chapter 69.50 RCW as now law or hereafter amended, except when the use or possession of a drug is specifically prescribed as medication by an authorized medical doctor or dentist. For the purpose of this regulation, "sale" shall include the statutory meaning defined in RCW 69.50.410 as now law or hereafter amended.~~

~~\_\_\_\_\_ (u) Alcoholic beverages. Being demonstrably under the influence of any form of alcoholic beverage. Possessing or consuming any form of alcoholic beverage on college property, with the exception of sanctioned events, approved by the president or his or her designee and in compliance with state law.~~

~~\_\_\_\_\_ (v) Computer, telephone, or electronic technology violation. Conduct that violates the college published acceptable use rules on computer, telephone, or electronic technology use, including electronic mail and the internet.~~

~~\_\_\_\_\_ (w) Computer trespass. Gaining access, without authorization, to a computer system or network, or electronic data owned, used by, or affiliated with Whatcom Community College.~~

~~\_\_\_\_\_ (x) Ethics violation. The breach of any generally recognized and published code of ethics or standards of professional practice that governs the conduct of a particular profession for which the student is taking courses or is pursuing as an educational goal or major. These ethics codes must be distributed to~~

students as part of an educational program, course, or sequence of courses and the student must be informed that a violation of such ethics codes may subject the student to disciplinary action by the college.

~~———— (y) Criminal law violation, illegal behavior, other violations. Students may be accountable to the civil or criminal authorities and the college for acts which constitute violations of federal, state, or local law as well as college rules where the students' behavior is determined to threaten the health, safety, and/or property of the college and its members. The college may refer any such violations to civilian or criminal authorities for disposition.~~

~~———— (2) **Academic dishonesty.** Academic dishonesty includes cheating, plagiarism, fabrication, and facilitating academic dishonesty.~~

~~———— (a) Cheating is intentionally using or attempting to use unauthorized materials, information, or study aids in any academic activity.~~

~~———— (b) Plagiarism includes submitting to a faculty member any work product that the student fraudulently represents to the faculty member as the student's work product for the purpose of fulfilling or partially fulfilling any assignment or task required by the faculty member as part of the student's program of instruction.~~

~~———— (c) Fabrication is the intentional and unauthorized falsification or invention of any information or citation in an academic activity.~~

~~———— (d) Facilitating academic dishonesty is intentionally or knowingly helping or attempting to help another to violate a provision of this section of the disciplinary code.~~

~~———— Acts of dishonesty are serious breaches of honor and shall be dealt with in the following manner:~~

~~———— (i) Any student who commits or aids in the accomplishment of an act of academic dishonesty shall be subject to disciplinary action.~~

~~———— (ii) In cases of academic dishonesty, the instructor or dean of students may adjust the student's grade. The instructor may also refer the matter to the dean of students for disciplinary action.~~

~~———— (3) **Classroom conduct.** Faculty have the authority to take appropriate action to maintain order and proper conduct in the classroom and to maintain the effective cooperation of the class in fulfilling the objectives of the course.~~

~~———— An instructor has the authority to exclude a student from any single class session during which the student is disruptive to the learning environment. The instructor shall report any such exclusion from the class to the dean of students or designee who may summarily suspend the student or initiate conduct proceedings as provided in this procedure. The dean may impose a disciplinary probation that restricts the student from the classroom until the student has met with the dean and the student agrees to comply with the specific conditions outlined by the dean for conduct in the classroom. The student may appeal the disciplinary sanction according to the disciplinary appeal procedures.~~

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 03-01-072, § 132U-120-050, filed 12/12/02, effective 1/12/03; 88-15-005 (Order 88-03), § 132U-120-050, filed 7/8/88.]

**132U-120-060 Trespass.** The president or designee(s) shall have the authority and power to prohibit the entry or withdraw the license or privilege of any person or group of persons to enter into or remain in any college property or facility. Such power and authority may be exercised to halt any event which is deemed to be unreasonably disruptive of order or impedes the movement of persons or vehicles or which disrupts or threatens to disrupt the movement of persons from facilities owned and/or operated by the college. Any person who disobeys a lawful order given by the president, or his or her designee(s), shall be subject to disciplinary action and/or charges of criminal trespass.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 03-01-072, § 132U-120-060, filed 12/12/02, effective 1/12/03; 88-15-005 (Order 88-03), § 132U-120-060, filed 7/8/88.]

~~**132U-120-065 Judicial authority.** The dean of students or designee is responsible for the administration of the student rights and responsibility code. The dean's responsibility includes the authority to adjudicate and administer sanctions for violations of the code pursuant to the conduct proceedings in WAC 132U-120-075.~~

~~[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 03-01-072, § 132U-120-065, filed 12/12/02, effective 1/12/03.]~~

~~**132U-120-075 Conduct proceedings.** Any member of the college community may report, orally or in writing, alleged violations to the dean of students. The dean of students or designee will then proceed to investigate the accuracy of the alleged violations. If the dean of students or designee finds that there is a sufficient basis to consider the allegations, the conduct hearing process will proceed as follows:~~

~~—— (1) Any student accused of violating any provision of the code of conduct shall be called for an initial meeting with the dean of students. The student shall be informed of which rules of conduct the student is charged with violating, and what appears to be the range of penalties, if any, that might result from the disciplinary proceedings.~~

~~—— (2) After considering the evidence in the case and interviewing the accused student, the dean may take any of the following actions:~~

~~—— (a) Terminate the proceeding, exonerating the student or students.~~

~~—— (b) Dismiss the case after whatever counseling and advice the dean deems appropriate.~~

~~—— (c) Impose verbal warning to the student directly, not subject to the student's right of appeal.~~

~~—— (d) Impose additional sanctions of reprimand, probation, limited dismissal, or expulsion, subject to the student's right of appeal. Following the hearing, the dean shall notify the student in writing within ten instructional days of the decision, the reasons for the decision, and information about the appeals process.~~

~~—— (3) If the student fails to appear at the scheduled meeting without prior notification or evidence of extenuating circumstances, the dean may impose any sanction authorized by this code in addition to placing a hold on the student records and restricting the student from further enrollment.~~

~~—— (4) The written decision of the dean shall become final unless appealed.~~

~~[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 03-01-072, § 132U-120-075, filed 12/12/02, effective 1/12/03.]~~

~~**132U-120-080 Disciplinary sanctions.** A primary objective of the disciplinary process is to promote the personal and social development of those students found responsible for misconduct. Charges are investigated and resolved in a forum of candor, civility, and fairness. In conjunction, students found to have committed a form of misconduct are subject to the following sanctions:~~

~~—— (1) Disciplinary warning. Verbal notice to a student by a dean or his or her designee(s) that she/he has violated the rules of conduct as outlined in this chapter or has otherwise failed to satisfy the college's expectations regarding conduct shall be considered a disciplinary warning. Such warnings imply that continuing or repeating the specific violation or engaging in other misconduct will result in one of the more serious disciplinary actions described below. Formal files or records will not be kept on informal verbal warnings.~~

~~—— (2) Disciplinary reprimand. Formal action censuring a student for violating the rules of conduct as outlined in WAC 132U-120-050. Reprimands shall be made in writing to the student by the dean of students or designee(s), with copies placed on file in the administrative office. A reprimand shall indicate to the~~

student that continuing or repeating the specific violation involved will result in one of the more serious disciplinary actions described below.

——— (3) ~~Disciplinary probation.~~ Formal action by the dean placing conditions upon the student's continued attendance. Notice shall be made in writing and shall specify the period of probation and the conditions, such as limiting the student's participation in activities, fines or restitution for damage, or other possible penalties. ~~Disciplinary probation may be for a specific term or for an indefinite period which may extend to graduation or other termination of the student's enrollment in the college.~~

——— (4) ~~Suspension.~~ Temporary dismissal from the college and termination of the person's student status for violation of WAC 132U 120 050. Notice shall be made in writing and specify the duration of the dismissal and any special conditions which must be met before readmission.

——— (5) ~~Expulsion.~~ Permanent termination of a student's status for violation of WAC 132U 120 050. Notice must be given in writing. ~~There shall be no refund of fees for the quarter in which the action is taken but fees paid in advance for a subsequent quarter will be refunded.~~

[Statutory Authority: RCW 28B.50.130 and 28B.50.140, 03-01-072, § 132U 120 080, filed 12/12/02, effective 1/12/03; 88-15-005 (Order 88-03), § 132U 120 080, filed 7/8/88.]

~~**132U 120 095 Summary suspension.**~~ The dean of students or designee may summarily suspend any student from the college if the dean has reason to believe that the student presents a danger either to self or others on the college campus, threatens campus safety, or severely disrupts the educational process. ~~The summary suspension procedure provides an emergency method of suspension for purposes of investigation, reviewing the impact on the campus community due to a serious infraction of student behavior standards, or removing a threat to the safety and well being of the college community.~~

——— (1) ~~**Initial summary suspension proceedings.**~~ If the dean of students believes it is necessary to exercise the authority to summarily suspend a student, the dean shall:

——— (a) Notify the student of the alleged misconduct and violation(s) of the code of student conduct. This notification may initially be given orally, but written notification shall be sent by certified and regular mail to the student's last known address, or shall be personally served.

——— (b) The notice shall be entitled, "notice of summary suspension proceedings" and shall state:

——— (i) The charges against the student including the reference to the law and/or code of conduct.

——— (ii) The specified date, time, and location that the student must appear before the dean for a hearing.

The hearing shall be held as soon as practical after the summary suspension.

——— (iii) A warning that the student shall be considered trespassing and the police will be called if the student enters the college campus other than to meet with the dean of students or to attend the disciplinary hearing.

——— (2) ~~**Emergency procedure.**~~ The summary suspension procedure shall not prevent faculty members or college officials from taking reasonable summary action to maintain order if they have reason to believe that such action is necessary for the physical safety and well being of the student or the safety and protection of other students or of college property or where the student's conduct seriously disrupts the educational process. The faculty member or college official should immediately bring the matter to the attention of the dean of students for appropriate disciplinary action.

——— (3) ~~**Procedures of summary suspension hearing.**~~

——— (a) The summary suspension hearing shall be considered an informal hearing. The hearing must be conducted as soon as possible and the dean of students will preside over the meeting.

——— (b) The dean shall, at a summary suspension proceeding, determine whether there is probable cause to believe that continued suspension is necessary and/or whether some other disciplinary action is appropriate.

~~———— (4) **Decision by the dean.** The dean may continue to enforce the suspension of the student from college and may impose any other disciplinary action that is appropriate, if the dean finds probable cause to believe that:~~

~~———— (a) The student against whom specific violations are alleged has actually committed one or more such violations; and~~

~~———— (b) Summary suspension of the student is necessary for the safety of the student, other students or persons on college facilities, the educational process of the institution, or to restore order to the campus; and~~

~~———— (c) The violation or violations constitute grounds for disciplinary action.~~

~~———— The dean is authorized to enforce the suspension in the event the student has been served according to the notice requirement and fails to appear at the time designated for the summary suspension proceeding.~~

~~———— (5) **Notice of suspension.**~~

~~———— (a) If a student's summary suspension is upheld or if the student is otherwise disciplined, the student will be provided with a written notice including the dean's findings of fact and conclusions which lead the dean to believe that the summary suspension of the student should continue.~~

~~———— (b) The student suspended pursuant to the authority of this rule shall be served a copy of the notice of suspension by personal service or by certified and regular mail at the student's last known address within three instructional days following the conclusion of the hearing with the dean.~~

~~———— (c) The notice of suspension shall stipulate the duration of the suspension or nature of the disciplinary action and conditions under which the suspension may be terminated.~~

~~———— (d) If the student submits a written appeal of the disciplinary sanction to the student rights and responsibilities committee, the student may only enter the campus to attend the appeal hearing and the suspension shall otherwise remain in effect until the student is notified of the written decision of the committee. If the student rights and responsibilities committee upholds the suspension and the student submits a written appeal to the college president, the suspension shall remain in effect until the student is notified of the final decision of the president.~~

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 03-01-072, § 132U-120-095, filed 12/12/02, effective 1/12/03.]

~~**132U-120-100 Appeals--Overview.** (1) Student appeals contesting any disciplinary action or summary suspension shall be made in the following order:~~

~~———— (a) The student may appeal the disciplinary action or summary suspension imposed by the dean by submitting a written request for a hearing to the chairperson of the student rights and responsibilities committee within ten instructional days of the postmark of the written decision of the dean.~~

~~———— (b) The student may appeal disciplinary or summary suspension decisions of the student rights and responsibilities committee to the president of the college. The written appeal must be submitted within ten instructional days of the postmark of the written recommendation of the chairperson of the student rights and responsibilities committee.~~

~~———— (2) Any appeal by a student receiving a disciplinary sanction must meet the following conditions:~~

~~———— (a) The appeal must be in writing and must clearly state errors in fact or matters in extenuation or mitigation which justify the appeal; and~~

~~———— (b) The appeal must be filed within ten instructional days of the postmark of the written decision.~~

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 03-01-072, § 132U-120-100, filed 12/12/02, effective 1/12/03; 88-15-005 (Order 88-03), § 132U-120-100, filed 7/8/88.]

**~~132U-120-110 Structure of the student rights and responsibilities committee.~~** (1) The student rights and responsibilities committee shall be composed of a chairperson and four members. For the appeal of disciplinary sanctions, the chairperson shall be the dean of instruction, or designee, and the members shall be chosen as follows:

- ~~\_\_\_\_\_ (a) Two students in good academic standing appointed by the ASWCC president; and~~
- ~~\_\_\_\_\_ (b) One faculty member appointed by the president of the college; and~~
- ~~\_\_\_\_\_ (c) One administrator appointed by the president.~~
- ~~\_\_\_\_\_ (d) Members of the student rights and responsibilities committee shall be selected as needed when a written appeal has met the required conditions.~~

~~\_\_\_\_\_ (2) If any member of the student rights and responsibilities committee is unable to consider a particular disciplinary proceeding for any reason (including but not limited to conflict of interest, matters of conscience or related reasons), such members shall abstain from considering the issues. If the chairperson abstains for any of the above reasons, the president shall appoint a temporary chairperson who will preside over the committee.~~

~~\_\_\_\_\_ (3) A quorum for all proceedings of the student rights and responsibilities committee shall consist of a chairperson and at least three members; provided, that one student, one faculty member and one administrator are present.~~

[Statutory Authority: RCW 28B.50.130 and 28B.50.140, WSR § 132U-120-110 filed 9/12/07, effective 10/12/07 amending WSR 03-01-072, § 132U-120-110, filed 12/12/02, effective 1/11/03 amending WSR 88-15-005 (Order 88-03), § 132U-120-110, filed 7/8/88, effective 8/7/88.]

**~~132U-120-120 Hearing procedures before the student rights and responsibilities committee.~~** (1) The student rights and responsibilities committee shall conduct a hearing within twenty instructional days after the chairperson receives the student's written appeal of the disciplinary sanctions imposed by the dean.

~~\_\_\_\_\_ (2) The chairperson shall give the student written notice of the time, date, and location of the hearing and the specific charges against the student. This notice shall be provided no less than seven instructional days prior to the hearing. Service will be regarded as complete upon deposit with the United States postal service.~~

~~\_\_\_\_\_ (3) The student may be represented by counsel of the student's own choosing provided that the student pays the legal expenses and notifies the chairperson five instructional days prior to the hearing.~~

~~\_\_\_\_\_ (4) The college may be represented by the dean of students, or designee, including an assistant attorney general.~~

~~\_\_\_\_\_ (5) Hearings before the student rights and responsibilities committee shall be conducted in a manner that will bring about a prompt, fair resolution of the matter. The chairperson shall exercise control over the hearing to avoid needless consumption of time and to prevent the harassment or intimidation of witnesses.~~

~~\_\_\_\_\_ (6) Hearings shall be closed to the public, except for immediate members of the student's family, witnesses, and the student's representative. An open hearing may be held, at the discretion of the chairperson, if requested by the student. The chairperson may choose whether or not to let witnesses remain for any part of the hearing that does not include their testimony. If at any time during the hearing a visitor disrupts the proceedings, the chairperson of the student rights and responsibilities committee may exclude that person from the hearing room.~~

~~\_\_\_\_\_ (7) The student has a right to a fair and impartial hearing before the student rights and responsibilities committee on any charge of violating the rules of conduct. However, the student's failure to cooperate with the committee's hearing procedures shall not preclude the petition review committee from making its findings of fact, conclusions and recommendations.~~

~~\_\_\_\_\_ (8) The dean of students, or designee, shall make the first presentation. Upon completion of the presentation by the dean of students, or designee, the student may make a presentation and may present any witnesses. Either side may offer a rebuttal.~~

~~\_\_\_\_\_ (9) The chairperson may allow the committee members, dean of students, or designee, student or student's representative, to ask questions of any witness.~~

~~\_\_\_\_\_ (10) The chairperson may receive sworn written statements in lieu of oral testimony at the hearing.~~

~~\_\_\_\_\_ (11) Formal rules of evidence and procedures shall not be applicable to disciplinary proceedings. The chairperson shall admit all matters into evidence which reasonable persons would accept as having probative value in the conduct of their affairs. Unduly repetitive or irrelevant evidence may be excluded.~~

~~\_\_\_\_\_ (12) The administrative assistant to the chairperson shall take notes during the hearing and prepare a written summary of all evidence, facts, and testimony presented to the student rights and responsibilities committee during the course of the hearing. The proceedings of the hearing shall also be electronically recorded.~~

~~\_\_\_\_\_ (13) All records of disciplinary proceedings shall be maintained in the office of the chairperson and shall be available only during the course of the disciplinary proceedings to the student rights and responsibilities committee, the student and the student's attorney, and any other college official designated by the chairperson.~~

~~\_\_\_\_\_ (14) Following the conclusion of the disciplinary proceeding, access to records of the case and the hearing files will be limited to those designated by the college president.~~

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 03-01-072, § 132U-120-120, filed 12/12/02, effective 1/12/03; 88-15-005 (Order 88-03), § 132U-120-120, filed 7/8/88.]

**~~132U-120-140 Decision by the student rights and responsibilities committee.~~** ~~(1) Upon conclusion of the disciplinary hearing, the student rights and responsibilities committee shall consider all the evidence therein presented and decide by majority vote whether to uphold the initial disciplinary action or to recommend institution of any of the following actions:~~

~~\_\_\_\_\_ (a) That the college terminate the proceedings and exonerate the student; or~~

~~\_\_\_\_\_ (b) That the college impose any of the disciplinary actions as provided in this chapter.~~

~~\_\_\_\_\_ (2) Within seven instructional days of the conclusion of the hearing, the student will be mailed or otherwise served with a copy of the committee's findings of fact and conclusions regarding what occurred and whether the student did violate any rule or rules of the code of conduct. The copy shall be dated and contain a statement advising the student of the right, within ten instructional days of the postmark, to submit a written statement to the president of the college appealing the recommendation of the student rights and responsibilities committee.~~

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 03-01-072, § 132U-120-140, filed 12/12/02, effective 1/12/03; 88-15-005 (Order 88-03), § 132U-120-140, filed 7/8/88.]

**~~132U-120-150 Final appeal.~~** ~~The student may make a final appeal in writing to the president within ten instructional days following the postmark on the written notification of the action taken by the student rights and responsibilities committee. The president may suspend any disciplinary action pending determination of the merits of the findings, conclusions and disciplinary actions imposed. The president shall base the decision on the written appeal of the student, the official written record of the case and any reports or recommendations of the student rights and responsibilities committee, and/or of the dean who conducted the original hearing. The decision of the president is final.~~

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 03-01-072, § 132U-120-150, filed 12/12/02, effective 1/12/03; 88-15-005 (Order 88-03), § 132U-120-150, filed 7/8/88.]

~~**132U-120-160 Effective date of the rules of conduct.** The rules contained within chapter 132U-120 WAC shall become effective thirty days after filing with the code reviser.~~

~~[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-120-160, filed 7/8/88.]~~

~~**132U-120-170 Prior rules.** The rules contained within chapter 132U-120 WAC supersedes all former rules for which a student was subject to disciplinary action as defined by WAC 132U-120-020.~~

~~[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-120-170, filed 7/8/88.]~~

~~**132U-120-180 Severability.** If any provisions of chapter 132U-120 WAC is adjudged by a court to be unconstitutional, the remaining provisions of chapter 132U-120 WAC shall continue in effect.~~

~~[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-120-180, filed 7/8/88.]~~

#### **STUDENT COMPLAINT PROCEDURE**~~132U-120-260 Purpose.~~

~~Whatcom Community College is committed to providing quality service to students, including providing accessible services, accurate information, and equitable and fair application of policies and procedures, including evaluation of class performance, grading, and rules and regulations for student participation in college activities and student conduct. The college procedures pertaining to student complaints are delineated in the Whatcom Community College policy and procedures manual and published on the college web site.~~

~~[Statutory Authority: RCW 28B.50.130. 10-06-090, § 132U-120-260, filed 3/1/10, effective 4/1/10. Statutory Authority: RCW 28B.50.130 and 28B.50.140. 03-01-072, § 132U-120-260, filed 12/12/02, effective 1/12/03; 88-15-005 (Order 88-03), § 132U-120-260, filed 7/8/88.]~~

#### **DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

~~132U-120-070 Delegation of disciplinary authority. [Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-120-070, filed 7/8/88.] Repealed by 03-01-072, filed 12/12/02, effective 1/12/03. Statutory Authority: RCW 28B.50.130 and 28B.50.140.~~

~~132U-120-090 Initial disciplinary proceedings. [Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-120-090, filed 7/8/88.] Repealed by 03-01-072, filed 12/12/02, effective 1/12/03. Statutory Authority: RCW 28B.50.130 and 28B.50.140.~~

~~132U-120-130 Evidence admissible in hearings. [Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-120-130, filed 7/8/88.] Repealed by 03-01-072, filed 12/12/02, effective 1/12/03. Statutory Authority: RCW 28B.50.130 and 28B.50.140.~~

~~132U-120-190 Summary suspension proceedings. [Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-120-190, filed 7/8/88.] Repealed by 03-01-~~

- ~~072, filed 12/12/02, effective 1/12/03. Statutory Authority: RCW 28B.50.130 and 28B.50.140.~~
- ~~132U 120 200 Procedures of summary suspension hearing. [Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88 15 005 (Order 88 03), § 132U 120 200, filed 7/8/88.] Repealed by 03 01 072, filed 12/12/02, effective 1/12/03. Statutory Authority: RCW 28B.50.130 and 28B.50.140.~~
- ~~132U 120 210 Decision by the dean. [Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88 15 005 (Order 88 03), § 132U 120 210, filed 7/8/88.] Repealed by 03 01 072, filed 12/12/02, effective 1/12/03. Statutory Authority: RCW 28B.50.130 and 28B.50.140.~~
- ~~132U 120 220 Notice of suspension. [Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88 15 005 (Order 88 03), § 132U 120 220, filed 7/8/88.] Repealed by 03 01 072, filed 12/12/02, effective 1/12/03. Statutory Authority: RCW 28B.50.130 and 28B.50.140.~~
- ~~132U 120 230 Suspension for failure to appear. [Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88 15 005 (Order 88 03), § 132U 120 230, filed 7/8/88.] Repealed by 03 01 072, filed 12/12/02, effective 1/12/03. Statutory Authority: RCW 28B.50.130 and 28B.50.140.~~
- ~~132U 120 240 Appeals from summary suspension hearing. [Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88 15 005 (Order 88 03), § 132U 120 240, filed 7/8/88.] Repealed by 03 01 072, filed 12/12/02, effective 1/12/03. Statutory Authority: RCW 28B.50.130 and 28B.50.140.~~
- ~~132U 120 250 Final decision. [Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88 15 005 (Order 88 03), § 132U 120 250, filed 7/8/88.] Repealed by 03 01 072, filed 12/12/02, effective 1/12/03. Statutory Authority: RCW 28B.50.130 and 28B.50.140.~~
- ~~132U 120 280 Grievance procedures. [Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88 15 005 (Order 88 03), § 132U 120 280, filed 7/8/88.] Repealed by 03 01 072, filed 12/12/02, effective 1/12/03. Statutory Authority: RCW 28B.50.130 and 28B.50.140.~~
- ~~132U 120 290 Appeals. [Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88 15 005 (Order 88 03), § 132U 120 290, filed 7/8/88.] Repealed by 03 01 072, filed 12/12/02, effective 1/12/03. Statutory Authority: RCW 28B.50.130 and 28B.50.140.~~
- ~~132U 120 300 Final decision regarding student grievances. [Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88 15 005 (Order 88 03), § 132U 120 300, filed 7/8/88.] Repealed by 03 01 072, filed 12/12/02, effective 1/12/03. Statutory Authority: RCW 28B.50.130 and 28B.50.140.~~
- ~~132U 120 310 Nature of grievance proceedings. [Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88 15 005 (Order 88 03), § 132U 120 310, filed 7/8/88.] Repealed by 03 01 072, filed 12/12/02, effective 1/12/03. Statutory Authority: RCW 28B.50.130 and 28B.50.140.~~

**POLICY****PROPOSED NEW 505**

TITLE: Policy on Credit Hour  
 NUMBER: new proposed 505  
 APPROVED BY THE BOARD OF TRUSTEES:

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**Criteria**

The Northwest Commission on Colleges and Universities has established policy “in accordance with federal regulations mandating that all candidate and accredited institutions comply with the definition of the credit hour as set forth in Section 600.2\*. As required by Section 600.24, the NWCCU will evaluate as part of the Resources and Capacity (Year Three) evaluation, the extent to which the institution meets the federal regulation by reviewing: (1) the adoption of a policy on credit hour for all courses and programs at the institution; (2) the processes the institution employs to review periodically the application of its policy on credit hour across the institution to ensure that credit hour assignments are accurate and reliable; and (3) any variations in the assignment of credit hours to ensure that these variations conform to accepted practices in higher education.”

**Accordingly, Whatcom Community College adopts the definition of the credit hour as set forth in Section 600.2\*:**

*Except as provided in 34 CFR 668.8(k) and (l)\*\*, a credit hour is an amount of work represented in intended learning outcomes and verified by evidence of student achievement that is an institutionally established equivalency that reasonably approximates not less than:*

- 1) *One hour of classroom or direct faculty instruction and a minimum of two hours of out-of-class student work each week for approximately fifteen weeks for one semester or trimester hour of credit, or ten to twelve weeks for one quarter hour of credit, or the equivalent amount of work over a different amount of time; or*
- 2) *At least an equivalent amount of work as required in paragraph (1) of this definition for other academic activities as established by the institution, including laboratory work, internships, practica, studio work, and other academic work leading to the award of credit hours.*

**Institutional Fulfillment of this Policy**

As required by Section 600.24, the Commission will evaluate as part of the *Resources and Capacity* (Year

Three) evaluation the extent to which the institution meets the federal definition by reviewing:

- (1) The adoption of a policy on credit hour for all courses and programs at the institution;

- (2) The processes the institution employs to review periodically the application of its policy on credit hour across the institution to assure that credit hour assignments are accurate and reliable; and
- (3) Any variations in the assignment of credit hours to assure that these variations conform to commonly accepted practices in higher education.

Further, the College will monitor application of the credit hour policy based on the regulations in # 688.8 (k) and (l) delineated below under the heading, "Eligible Program."

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**§ 668.8 Eligible Program.**

- (k) *Undergraduate educational program in credit hours.* (1) Except as provided in paragraph (k)(2) of this section, if an institution offers an undergraduate educational program in credit hours, the institution must use the formula contained in paragraph (l) of this section to determine whether that program satisfies the requirements contained in paragraph (c)(3) or (d) of this section, and the number of credit hours in that educational program for purposes of the title IV, HEA programs, unless—
  - (i) The program is at least two academic years in length and provides an associate degree, a bachelor's degree, a professional degree, or an equivalent degree as determined by the Secretary; or
  - (ii) Each course within the program is acceptable for full credit toward that institution's associate degree, bachelor's degree, professional degree, or equivalent degree as determined by the Secretary provided that—
    - (A) The institution's degree requires at least two academic years of study; and
    - (B) The institution demonstrates that students enroll in, and graduate from, the degree program.
- (2) A program is considered to be a clock-hour program for purposes of the title IV, HEA programs if—
  - (i) Except as provided in paragraph (k)(3) of this section, a program is required to measure student progress in clock hours when—
    - (A) Receiving Federal or State approval or licensure to offer the program; or
    - (B) Completing clock hours is a requirement for graduates to apply for licensure or the authorization to practice the occupation that the student is intending to pursue;
  - (ii) The credit hours awarded for the program are not in compliance with the definition of a credit hour in 34 CFR 600.2; or
  - (iii) The institution does not provide the clock hours that are the basis for the credit hours awarded for the program or each course in the program and, except as provided in § 668.4(e), requires attendance in the clock hours that are the basis for the credit hours awarded.
- (3) The requirements of paragraph (k)(2)(i) of this section do not apply to a program if there is a State or Federal approval or licensure requirement that a limited component of the

program must include a practicum, internship, or clinical experience component of the program that must include a minimum number of clock hours.

- (l) *Formula.* (1) Except as provided in paragraph (l)(2) of this section, for purposes of determining whether a program described in paragraph (k) of this section satisfies the requirements contained in paragraph (c)(3) or (d) of this section, and of determining the number of credit hours in that educational program with regard to the title IV, HEA programs—
  - (i) A semester hour must include at least 37.5 clock hours of instruction;
  - (ii) A trimester hour must include at least 37.5 clock hours of instruction; and
  - (iii) A quarter hour must include at least 25 clock hours of instruction.
 (2) The institution's conversions to establish a minimum number of clock hours of instruction per credit may be less than those specified in paragraph (l)(1) of this section, if the institution's designated accrediting agency, or recognized State agency for the approval of public postsecondary vocational institutions, for participation in the title IV, HEA programs has not identified any deficiencies with the institution's policies and procedures, or their implementation, for determining the credit hours, as defined in 34 CFR 600.2, that the institution awards for programs and courses, in accordance with 34 CFR 602.24(f), or, if applicable, 34 CFR 603.24(c), so long as—
  - (i) The institution's student work outside of class combined with the clock-hours of instruction meet or exceed the numeric requirements in paragraph (l)(1) of this section; and
  - (ii)
    - (A) A semester hour must include at least 30 clock hours of instruction;
    - (B) A trimester hour must include at least 30 clock hours of instruction; and
    - (C) A quarter hour must include at least 20 hours of instruction.
- (m) An otherwise eligible program that is offered in whole or in part through telecommunications is eligible for title IV, HEA program purposes if the program is offered by an institution, other than a foreign institution, that has been evaluated and is accredited for its effective delivery of distance education programs by an accrediting agency or association that—
  - (1) Is recognized by the Secretary under subpart 2 of part H of the HEA; and
  - (2) Has accreditation of distance education within the scope of its recognition.
- (n) For Title IV, HEA program purposes, *eligible program* includes a direct assessment program approved by the Secretary under § 668.10 and a comprehensive transition and postsecondary program approved by the Secretary under § 668.232.

(Authority: 20 U.S.C. 1070a, 1070a-1, 1070b, 1070c-1, 1070c-2, 1070g, 1085, 1087aa-1087hh, 1088, 1091; 42 U.S.C. 2753) [59 FR 22421, Apr. 29, 1994]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 668.8, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at [www.fdsys.gov](http://www.fdsys.gov).



***DRAFT Version 5***  
***Proposed 2014 Meeting Schedule of***  
***The Board of Trustees***

Second Wednesday of the Month (per WAC 132U-104)  
2:00 p.m. (unless otherwise noted with an \*)

Whatcom Community College  
Laidlaw Center Board Room (LDC 143), 237 W Kellogg Road  
Bellingham, WA 98226

**Tuesday, January 14\***

(Chuck will not be able to attend but may phone in. No other dates available on poll for everyone to attend)

**Tuesday, February 18\***

**Tuesday, March 18\***

(Chuck will not be able to attend but may phone in. No other dates available on poll for everyone to attend)

**Tuesday, April 9 (work session; start at 12 noon)\***

(Barbara will not be able to attend. No other dates available on poll for everyone to attend)

**Wednesday, May 14**

**Wednesday, June 11** (Chuck will not be able to attend. No other dates available on poll for everyone to attend)

**Wednesday, June 18** (Barbara will not be able to attend. No other dates available on poll for everyone to attend)  
(6/20 commencement ceremony)

**Wednesday, July 9**

**August (no regular meeting)**  
(save dates for possible board retreat, August 13-16)

**Wednesday, September 17\***  
(quarter begins on, September 16)

**Wednesday, October 8**

**Thursday, November 13 (work session; start at 12 noon)\***

**Wednesday, December 10** (quarter ends on December 5)

**Reports to the Board of Trustees  
December 11, 2013 Meeting**

➤ **WCCFT—Kimberly Reeves, President**

- The faculty union is in the process of voting on the contractual changes included in the MOU from the last contract negotiation.

➤ **Administrative Services—Nate Langstraat, Vice President**

- **Finance** (*Goal 5.1 Create and manage growth through fiscal, capital, technological and human resource development*)
  - The College has implemented a new program for students provided by American Student Assistance. The new program, SALT, will provide current and former students with financial education to help with debt management and loan default prevention. It is anticipated that this program will reduce the number of students who default on loans due to the lack of information on debt management.
- **Facilities & Operations** (*5.1: Create and manage growth through fiscal, capital, technological and human resource development*)
  - The Learning Commons programming team continues with the functional adjacency matrix and is reviewing 2- and 3-story options to best determine how the internal functions in the Learning Commons will best interrelate with each other.
  - Design development for the WCC Pavilion and Student Recreation Center project has concluded and work on the construction documents has begun. The project was presented to the Cordata Design Review Committee and the Cordata Neighborhood in November and both groups gave very favorable comments on the project. The DES, Engineering & Architectural Services will complete a physical accessibility review of the project in late January to confirm ADA compliance.
  - The College has entered into programming discussions with RMC Architects for the Computer Information Systems (CIS) expansion in Baker. This project will have an accelerated design phase to accommodate bidding and contracts in the spring, construction this summer, and move-in it targeted for September 2014.
- **Conference & Event Services** (*3.1.2 Expand partnerships with community and business organizations. 3.1.3- Develop the College's and Foundation's community involvement and presence*)
  - Internally, the Conference & Event Services (C&ES) office will be supporting the WCC Choir Concert, the Holiday Luncheon, and the Music 171 Guitar Final. Upcoming External events include the SeaMar Christmas party, and the US Taekwondo Belt Ceremony. Out on Orca Field, C&ES just concluded hosting the NCAA Div. II National Women's Soccer Tournament Semi and Quarter Final rounds. Orca field was also host to an international Quidditch Tournament coordinated by the WWU Quidditch Club, drawing teams from all over. The C&ES office will also be gearing up for our busy season with the youth soccer association, lacrosse and rugby groups vying for field time.

- **Copy, Print and Mail Services** (5.1: Create and manage growth through fiscal, capital, technological and human resource development) (3.1.2 Expand partnerships with community and business organizations.)
  - Copy and Print Services provided specialized printing and mailing services for the President’s Office and the Foundation for various HPEC events, adding a special touch to the events.
- **Bookstore** (Goal 5.1 Create and manage growth through fiscal, capital, technological and human resource development)
  - The Bookstore has been working with Student Life, the Horizon, and the College’s social media marketing department to continue promoting its textbook rental program.
  - Through coordinated textbook adoption efforts, the Bookstore has doubled the number of textbook titles available for student rentals.
  - Jeff Bingman, the Bookstore’s new Course Materials Specialist, has received a \$1200 conference grant from the National Association of College Stores Foundation to attend in March 2014, the Campus Market Expo (CAMEX) meetings and trade show in Dallas. CAMEX offers the nation’s most comprehensive educational conference and trade show for college store professionals.

➤ **Educational Services—Trish Onion, Vice President**

- **Student Life** (Goal 1.4 Introduce new opportunities for student learning and engagement)
  - In November, Kris Baier, Director of Student Life, provided statewide leadership through the Council of Unions and Student Programs (CUSP) by co-facilitating the student legislative academy held in Olympia. As a result, Kris has been invited to attend the December state board meeting to discuss the learning objectives of the student legislative academy along with a couple of the student executive board members of the Washington Community and Technical College Student Association (WACTCSA).
  - Search processes for two positions have been completed and the new employees will begin this month. The Associate Director of Residence Life reports to the Director of Student Life and is responsible for providing direction, administrative oversight, and residential education for the student residents living in off-campus apartments units leased by the College. A Student Life Coordinator position has been restructured from a vacant position that will now provide leadership and support for both student programs and athletics.

➤ **Instruction—Ron Leatherbarrow, Vice President; Ed Harri, Dean for Instruction; Janice Walker, Workforce Education Director**

- **Accreditation** (5.4 Foster an evidence-based culture of continuous improvement)
  - The College continues preparation for the off-site accreditation visit at the end of March. We are progressing well in preparing Standard 2. Those assigned as leads for revisions to the 85 sections are currently in the process of preparing the revisions, and most have been submitted. The Instruction Office will prepare one compilation of the revised document and members of the Accreditation team will each review a major section and provide a final edit to ensure accuracy and consistency of style. For Standard 1, the Student Success and Achievement Committee has solicited campus feedback to identify a set of “aspirational” core themes to substitute or augment the very functional core themes identified in the 2011 report. The

proposed core themes will be reviewed by President's Cabinet and other groups as we continue to refine them and use them as the basis for the chapter on Standard 1.

- **Faculty Professional Development Workshops** (2.2 *Improve instructional delivery*, 2.3 *Improve student learning*)
  - The faculty professional development workshop, *Teachable Moments by Design*, concluded in mid-November. Approximately 25 faculty completed all five sessions of the highly effective workshop, which included presentations and activities focused on student-centered learning, working with diverse student populations, and classroom assessment choices. The workshop will be re-offered during spring quarter. Another workshop option, *Working with Student Success Data*, will be offered for faculty during winter quarter.
- **Hiring** (2.1 *Maintain currency in college curriculum and delivery*, 2.3 *Improve student learning*, and 5.1 *Create and manage growth through fiscal, capital, technological and human resource development*)
  - President's Cabinet has reviewed and endorsed the faculty hiring priority list proposed by the instructional administrators and division chairs, and declared support for hiring ten new tenure track faculty positions. The division chairs have consulted with faculty in the disciplines to prepare position descriptions, and the positions have been advertised. We are on track to complete the hiring process for these positions in the early spring, provided the budget outlook remains positive.
- **Diversity** (5.4 *Foster an evidence-based culture of continuous improvement*)
  - The Campus Diversity Committee has held several meetings throughout the Fall term. The Committee has reviewed its charge and is currently discussing the process for identifying issues for the campus and its role in addressing them.
- **Grants** (3.1 *Increase College stature as a community and educational partner*; 3.2 *Lead collaborative efforts with other educational institutions*; 5.2 *Diversify and secure funding/resources from external sources*)
  - CyberWatch West partner agreements are in process and personnel are being hired as quickly as possible to begin work towards project objectives and to make up time lost during the transition of the award from Mount San Antonio Community College to WCC. Project Director Corrinne Sande has identified additional community colleges in California to help with outreach in that state to expand the number of CAE 2Y (Center of Academic Excellence – 2 Year) programs. The project's National Visiting Committee is being expanded and will be meeting for the first time under WCC's leadership on our campus in early March.
- **Early Childhood Education** (3.1 *Increase College stature as a community and educational partner*; 3.2 *Lead collaborative efforts with other educational institutions*; 5.2 *Diversify and secure funding/resources from external sources*)
  - WCC has signed a two-year contract for \$204,000 with the Washington State Department of Early Learning to provide child care subsidy billing training and outreach for the Dept. of Early Learning Licensed Family Homes and Family Friends and Neighbors providers across Washington State. Led by ECE staff member Sally Holloway, WCC will convene an advisory team for feedback and assessment of the project, develop curriculum, and provide online and in-person workshops and translated (Spanish) materials. The purpose of this project is to ensure that child care providers understand the correct way to bill the state for child care services so that both under- and over-payments are prevented, and thus strengthen trust and the professionalism of this important early childhood educational service. Having WCC lead this project will provide us with the opportunity to also promote the importance and opportunity for providers to continue their education in this field.

➤ **Foundation and College Advancement – Anne Bowen, Executive Director**

- **Foundation** (3.1.3 – Develop the College’s and Foundation’s community involvement and presence; and 5.2.3 – Contribute to fiscal stability through entrepreneurial activities and efficiencies)
  - **Fundraising** – The Foundation has received \$91,237 in donor gifts and pledges for the 2013-14 fiscal year through November 20, 2013. This includes \$28,985 received during the months of October and November to date.
  - **Foundation Board Meeting** – The last board meeting for 2013 was scheduled for November 26<sup>th</sup>. The meeting included a presentation by Corrine Sande and Janice Walker on Computer Information System Program and CyberWatch West. Robert Rayford, a student in the CIS program, also spoke to the Board about his WCC experience and long term career goals.
  - **Annual Appeal** – The Foundation’s Annual Appeal is underway. This year an additional 7,800 letters will go out to WCC alumni.
- **Communications, Marketing and Publications** (3.1: Increase College stature as a community and educational partner)
  - **Community Events:**
    - The College was a sponsor of the inaugural TEDx-Bellingham and hosted a viewing party on campus during the Nov. 12 event
  - **Press Releases/Media Relations – Summary/Highlights Of Media Coverage**
    - [Impero, Orcas improving defense, ready for the season](#), 11/25, Bellingham Herald
    - [WCC women’s basketball has a lot of new faces](#), 11/22, Bellingham Herald
    - [Startup Weekend Bellingham helps economy-growing entrepreneurs](#), 11/21, Bellingham Herald
    - [Whatcom Libraries Collaborate](#), 11/20, ALKI (Linda Lambert)
    - [WCC joins private developers in building medical-education facility](#), 11/12, BBJ Today
    - [Hunting and fishing trip a healing experience for Whatcom County veterans](#), 11/11, Bellingham Herald
    - [Voices of the Whatcom Symphony Orchestra: Woodwind musicians often play as a section](#), Bellingham Herald, 11/11