



BELLEVue
COLLEGE

Board of Trustees
Community College District VIII

Regular Meeting

October 17, 2018

**BOARD OF TRUSTEES
COMMUNITY COLLEGE DISTRICT VIII
BELLEVUE, WASHINGTON**



A regular meeting of the Board of Trustees of Community College District VIII, 3000 Landerholm Circle SE, state of Washington, will be held on Wednesday, October 17, 2018. The business session will begin at 1:30 P.M. in room B201. Merisa Heu-Weller, Chair, will preside.

AGENDA

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|----------|---|-------------|
| 12:00 PM | EXECUTIVE SESSION (A201)
The Board will be meeting in executive session to evaluate the performances of public employees and to discuss issues related to collective bargaining. | |
| 1:30 PM | BUSINESS SESSION (B201) | |
| | I. Call to Order | |
| | II. Roll Call and Introductions | |
| | III. Consent Agenda | |
| | A. Approval of Agenda for October 17, 2018 | |
| | B. Meeting Minutes from September 5, 2018 | |
| 1:40 PM | IV. Constituent Reports | |
| | A. Faculty | Nightingale |
| | B. Classified | Turnbull |
| | C. Foundation | Chesemore |
| | D. Student | Rasoulamini |
| 2:00 PM | V. First Read Items | |
| | A. Policy 2050 and associated WAC, Student Conduct Code | Kaptik |
| 2:10 PM | VI. Action Items | |
| | A. Policy 1440, Discrimination, Harassment and Retaliation | Irey |
| | B. Policy 1450, General Complaint Resolution | Irey |
| 2:30 PM | VII. Information Items | |
| | A. Student Success: Achieving the Dream Update | Berry/Mayer |
| | B. International Education Report | Campbell |
| 3:00 PM | VIII. President's Report | Weber |

**BOARD OF TRUSTEES
COMMUNITY COLLEGE DISTRICT VIII
BELLEVUE, WASHINGTON**

- 3:10 PM IX. Board Reports
 - A. Individual Member Reports
- 3:20 PM X. Unscheduled Business/Community Testimony
- 3:30 PM XI. Business Meeting Adjournment

Please note: Time and order are estimates only and are subject to change.

BOARD OF TRUSTEES
COMMUNITY COLLEGE DISTRICT VIII
BELLEVUE, WASHINGTON

A regular meeting of the Board of Trustees of Community College District VIII, state of Washington, was held on September 5, 2018 at Bellevue College, 3000 Landerholm Circle SE, Bellevue, Washington. Merisa Heu-Weller, Chair, presided.

EXECUTIVE SESSION

Trustee Heu-Weller announced that there would be an executive session for approximately one hour to evaluate the performances of public employees and discuss collective bargaining. The executive session adjourned at 1:30 pm.

BUSINESS SESSION

The business session was called to order at 1:35 p.m.

I. ROLL CALL

Ms. Morrow, Mr. Dietzel, Mr. Fukutaki, Ms. Heu-Weller, Mr. Leigh, Mr. John Clark, substituting for Mr. Bruce Marvin who was unable to attend, and President Weber were present.

II. CONSENT AGENDA

Greg Dietzel made a motion and Lisa Chin seconded to approve the consent agenda. The motion passed unanimously.

III. CONSTITUENT REPORTS

- A. Sue Nightingale, representing Bellevue College Association of Higher Education, reported on the following items:
- a. Ms. Nightingale met some of our new faculty at the orientation yesterday.
 - b. Many faculty are working on ATD teams and hiring committees for both faculty and administration positions.
 - c. Ms. Nightingale has been answering many questions for the accreditation team.
 - d. Faculty professional development day is October 2. Transitions and Unity are themes.
 - e. Ms. Nightingale is proud of the local and state unions who fought hard at legislature for adequately funding public education in Washington.
 - f. Ms. Nightingale believes that BC has earned more Running Start funds because of the lobbying and activism of faculty. Faculty are now seeking to bargain for local funds.
 - g. Ms. Nightingale said faculty feel undervalued and not part of a team with administrators in grappling with these issues. Faculty are concerned that BC administration will not use Running Start funds for "their intended purpose."
 - h. Ms. Nightingale asked Board and Administration to work together with faculty as an "us" to work toward the common goal.
 - i. Trustee Heu-Weller responded that she respects the work of Ms. Nightingale and faculty and likes starting the year off with the word "we."
 - j. A fact sheet was provided with information about the current budget situation.

- k. Trustee Heu-Weller stated that the board wants to help contribute to the long term health of the college and is committed to finding creative ways to keep funding the college.
 - l. President Weber reiterated what Trustee Heu-Weller and the other board members have said. They all agree that something should be done about faculty salaries. The question is how to do that with local versus state resources.
 - m. President Weber plans to share more on Opening Day about long term financials and affirmed that “we will work together.”
- B. Becky Turnbull, representing Classified Staff, reported on the following items:
- a. The grounds crew worked on planting new trees.
 - b. Amy McCrory is chairing the Classified Council. The council will work with the classified staff scholarship committee to promote scholarships on campus and align with classified professional development committee.
 - c. Classified contracts are being bargained at the state.
 - d. Ms. Turnbull thanked President Weber and added that he has proved to be the leader that this college needs. He promised to survey employees and take a look at what changes are needed and improve what is done for student success.
- C. Jim Chesemore, President of Foundation Board reported on the following items:
- a. Mr. Chesemore was not available.

IV. **ACTION ITEMS**

- A. Policy 1440, Discrimination, Harassment and Retaliation
- B. Policy 1450 General Complaints
Sayumi Irey, Interim Vice President of Equity and Pluralism, presented both policies for approval. Key points included:
 - a. Ms. Heu-Weller noted that procedural elements have been shifted to a separate document. Trustees would like to see the procedures document that is related.
 - b. No action on policies today. Dr. Weber recommended tabling.
 - c. It was noted that the policies are already posted.

Motion 02:18

It was moved by Trustee Leigh and seconded by Trustee Fukutaki that the Board of Trustees of Community College District VIII to table approval of revisions to Policies 1440 and 1450.

The motion passed unanimously.

C. Tenure Recommendations (off-cycle)

Kristen Jones, Provost of Academic and Student Affairs presented the information regarding the off-cycle candidate, Dana Vukajlovich. Key points included:

- a. Dana has done outstanding work over the last three years in teaching and participation in governance.

Motion 03:18

It was moved by Trustee Leigh and seconded by Trustee Chin that the Board of Trustees of Community College District VIII hereby grants tenure, effective Winter Quarter 2019, to Dana Vukajlovich.

The motion was passed unanimously.

V. INFORMATION ITEMS

A. Student Success – Science and Math Institute (SAMI)

Jenn Pang, presented information. Key discussion points included:

- a. Jennifer Pritchard is Ms. Pang’s partner in the SAMI project.
- b. Trustee Heu-Weller asked how students are targeted. There is a newsletter of over 900 families. It is only a two-person office, so programs are very well attended for what they can offer. Students and families often find out about it by word of mouth, then join the newsletter.
- c. Science Cafés are quarterly lectures which help connect what is learned in the classroom to real life. These are accomplished by partnering with Multi-Cultural Services and local experts.
- d. Super Science Day is a free community day where the Science building is opened to the public. Faculty and community volunteers are involved. It is a way to engage families and make new friends and helps highlight faculty as experts in the community.
- e. SAMI is well-supported by Dean Viens, as well as staff and faculty in the Science Division.
- f. Diversity in STEM is an ongoing problem. Most programs are centered at the College. It is important that students and families have a connection to the College and that they don’t lose their interest in science, this usually happens in middle school. High school programs like the Science Fair, are attended by representatives from physics club and Bachelor of Applied Science (BAS) programs who encourage students to continue strengthening their connection to the College.

B. Quarterly Enrollment Report

Interim Associate Vice President of Effectiveness and Strategic Planning (ESP), Alec Campbell, presented. The following key points were discussed:

- a. This data shows what is actually happening rather than how the College is reporting to the state in terms of BAS students and international students.
- b. All data shown in the report is in terms of Full Time Equivalent (FTE).
- c. Running Start will be up at least 10% this year. It was noted that Running Start students register early whereas traditional students often enroll late.

- d. Enrollment for BAS programs has increased slightly. Central Washington University has opened an outpost on the plateau. So far, there is no major impact to our enrollments, but the situation is being monitored closely.
- e. International student enrollments are down. Immigration policies are definitely impacting these enrollments. English Language Institute numbers across country have declined because of these policies. Bellevue College has been delayed in seeing some impact, but this trend appears to be the result of the political environment. Undocumented students are not counted as international.
- f. Discussion of possible reasons for the Running Start trend line. President Weber mentioned building on an alliance of high school partnerships and working with superintendents.

C. Effectiveness and Strategic Planning, Annual Report

Interim Associate Vice President of ESP, Alec Campbell, presented. Key discussion points included:

- a. Achievements
 - i. Increased use of Tableau software for data presentation, particularly with program review. Providing better and more reliable data.
 - ii. Increased use of survey services.
 - iii. Creation and execution of policy review process.
- b. Objectives and Key Results
 - i. President Weber explained how the Cabinet is developing and structuring their unit goals in alignment with President's and Board's goals. These will be presented as College-Wide goals.
 - ii. Organized in four categories: College-Wide Objectives, Unit Objectives, Collaborative Objectives and Lean Objectives.
 - iii. Trustee Chin mentioned that she would be interested to see how multiple applications correlate to outcomes.
 - iv. Larger goals will be shared publicly for accountability.
 - v. Trustee Dietzel expressed his appreciation for the report.

VII. **PRESIDENT'S REPORT**

A. President Weber provided a progress report. Key points included:

- a. Provost Jones has been doing a great job. She has been very helpful.
- b. Mike Kaptik gave some information about student housing.
 - i. 100 residents moved into residence hall on the early opening weekend.
 - ii. Housing is close to 75% full.
 - iii. 32% of residents indicated they are on a VISA. This is predicted to go to 40%.
 - iv. There is a current waitlist of 40 students who want to come in Winter and Spring.
 - v. Some students have contracted for a quarter or combination of quarters.

- vi. The building will be open during summer for student conferences, athletic camps and other activities.
- vii. President Weber mentioned that it's good not to be at 100% in this inaugural stage.
- viii. This has been a team effort for the entire campus.
- ix. It would be good to get a sense of the qualitative experience of students living on campus. It will be important to document and measure how it impacts both the college and the student experience. Mr. Kaptik would like to gather this each quarter and also work with Director of Housing to find ways to direct students to focus on academics.
- c. President Weber also noted that the College is working on looking at options for affordable housing for faculty and staff. By fall, he would like to vet ideas through employee groups and community groups. President Weber mentioned his appreciation of faculty and staff for working with administration on this.

VIII. **BOARD REPORTS**

A. Board Schedule.

Trustee Heu-Weller talked about preferences for Board of Trustees meeting hours. Key points included:

- a. Trustees are considering moving the meetings to later in the day, but would like to know what would work best for faculty. Ms. Nightingale will pose the question to membership next week.
- b. Trustee Dietzel would like to select a time that provides for more participation by faculty, staff and the public. Child care may be an issue if the meetings are moved to the evening.
- B. It was suggested that the March 6 meeting should be rescheduled to March 13 to align with college's accreditation visit.
 - a. Participants for the mock site visit October 4 will be Trustees Heu-Weller and Chin.
 - b. Greg has been elected to Association for College Trustees (ACT) Board. At their meeting last week, key points included:
 - i. The state board has done good research on what people think about Bellevue College and what messages resonate with people.
 - ii. At the President's Retreat, pollsters mentioned that more people would come forward.

IX. **UNSCHEDULED BUSINESS**

A. Bellevue resident, Mr. Paul Simmerly, lives close to the new student residence hall. His comments concerned a potential violation of the environmental check list in the construction of the housing, Key points included:

- a. After Mr. Simmerly had gone well past his allotted three minutes, Trustee He-Weller asked Mr. Simmerly to leave his information with the board and requested that he continue working with the attorney general's office and President Weber.

- b. President Weber mentioned that Vice President of Administrative Services, Ray White was in the audience. Vice President White left Bellevue College after seven years of service and was asked to return for this meeting and be recognized.
- c. President Weber also recognized Vice President of Student Affairs, Ata Karim, who has served the College for ten years and will be leaving his position this month.

Meeting adjourned at 3:03 p.m.

Merisa Heu-Weller, Chair
Board of Trustees

ATTEST:

Donna Sullivan
Secretary, Board of Trustees
Community College District VIII

**REVISIONS TO POLICY 2050 STUDENT CODE AND
WAC 132H-125 STUDENT CONDUCT CODE OF BELLEVUE COLLEGE**

INFORMATION

FIRST READ

ACTION

Description

Student Affairs is proposing updates to the Student Conduct Code of Bellevue College (WAC 132H-125) and replacing BC Policy 2050 Student Code with the revised WAC. Both documents refer to the college's student conduct code; however, they are not consistent with each other. This proposal is to repeal WAC132H-125 and replace it with WAC 132H-126. Policy 2050 will have a slightly updated title and the content of the policy will be updated with the approved WAC132H-126 language.

Key Questions

- * Why are we updating the Student Conduct Code of Bellevue College?
- * What updates were made to the Student Conduct Code?
- * Why is the Student Conduct Code being fully repealed and replaced?

Analysis

The Student Conduct Code of Bellevue College (WAC 132H-125) is not consistent with BC Policy 2050 Student Code. With the opening of Student Housing, it is necessary to update the prohibited conduct and sanction options. Furthermore, in 2017, the Office of Civil Rights (OCR) rescinded the 2011 and 2014 Title IX Dear Colleague letters. The proposed revisions to Policy 2050/WAC 132H-125 are necessary to ensure consistency with current guidance from OCR, the RCW 34.05 Administrative Procedures Act (APA), and the proposed revisions to the Bellevue College discrimination policy (1440).

The proposed revisions to the Student Conduct Code ("Code") include:

- Integration of the sexual misconduct procedures and rights into the Code (previously "supplementary");
- Articulated interim measures such as no-contact orders, on-campus housing reassignment and campus restrictions;
- Updated and alphabetized definitions and prohibited conduct for compliance and consistency;
- New sanctions to increase educational, developmental and restorative justice options;
- Option to resolve reports through alternative dispute resolutions or informal agreements;

- An amnesty policy that prioritizes community health and safety;
- Reorganizing sections for flow and student approachability;
- Modified timelines for APA compliance; and
- De minimis changes to update titles and remove gendered pronouns.

There are no significant changes to the student conduct process. The proposed Code reorganizes chapters and items in an attempt to make it more student friendly. As chapter numbers cannot be repurposed when an item is moved, the decision to repeal the full language allows for consecutively numbered chapters that flow procedurally.

Background/Supplemental Information

In order to develop broad consensus on these important policies, Student Conduct consulted and collaborated with policy and subject matter experts and stakeholders: Rachel Wellman and Jill Powell (Title IX); Tracy Biga MacLean (Interim Policy Coordinator); Bruce Marvin (Assistant Attorney General [AAG]); Ata Karim (Vice President of Student Affairs); Michael Kaptik (Dean of Student Life and Leadership); Sayumi Irey (Interim Vice President for Diversity); Associated Student Government (ASG); President’s Cabinet; and Student Affairs Cabinet. BC Governance input was solicited.

Student Conduct hosted a public forum, as required by the rule-making process, on October 2, 2018 at 1:30 pm in N201.

Recommendation/Outcomes

Recommendation: The Board of Trustees of Community College District VIII approve the repeal of WAC 132H-125, the creation of WAC 132H-126, and the revision of Policy 2050 to match WAC 132H-126.

Attachments

- 1) Clean versions of Policy 2050 Student Conduct Code and the new WAC 123H-126 (Student Conduct Code of Bellevue College).
- 2) Redlined versions of the old policy with the new policy and a redlined version of the old WAC 132H-125 (Student Conduct Code of Bellevue College) as it will become the new WAC 123H-126 (Student Conduct Code of Bellevue College).

Prepared by: Megan Kaptik, Manager of Student Conduct
megan.kaptik@bellevuecollege.edu

2050 STUDENT CONDUCT CODE

Original Date: 6/11/1992 * Last Revision Effective: 3/24/2015

Policy Contact: Provost for Academic and Student Affairs

Chapter 132H-126 WAC STUDENT CONDUCT CODE OF BELLEVUE COLLEGE

132H-126-010

Authority.

The board of trustees, acting pursuant to RCW [28B.50.140](#), delegates to the president of Bellevue College the authority to administer student disciplinary action. Administration of the disciplinary procedures is the responsibility of the provost for academic and student affairs and/or the designated student conduct officer. The student conduct officer shall serve as the principal investigator and administrator for alleged violations of this code.

[Statutory Authority: RCW [28B.50.140](#).]

132H-126-020

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 that 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 that 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.
- (a) No disciplinary sanction may be imposed on any student without notice to the accused of the nature of the charges.
- (b) A student accused of violating this code of student conduct is entitled, upon request, to procedural due process as set forth in this chapter.

[Statutory Authority: RCW [28B.50.140](#).]

132H-126-030

Statement of jurisdiction.

- (1) The student conduct code shall apply to student conduct that occurs
 - (a) On college premises;
 - (b) At or in connection with college-sponsored activities; or
 - (c) Off-campus, if in the judgment of the college the conduct adversely affects the college community or the pursuit of its objectives.
- (2) Jurisdiction extends to locations in which students are engaged in official college activities including, but not limited to, foreign or domestic travel, activities funded by the Bellevue College's Associated Student Government, athletic events, training internships, cooperative and distance education, online education, internships, practicums, supervised work experiences, or any other college-sanctioned social or club activities.
- (3) The college has sole discretion, on a case-by-case basis, to determine whether the student conduct code will be applied to conduct that occurs off campus.
- (4) 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.
- (5) These standards shall apply to a student's conduct even if the student withdraws from college while a disciplinary matter is pending.
- (6) In addition to initiating discipline proceedings for violation of the student conduct code, the college may refer any violations of federal, state, or local laws to civil and criminal authorities for disposition. The college shall proceed with student disciplinary proceedings regardless of whether the underlying conduct is subject to civil or criminal prosecution.

[Statutory Authority: RCW [28B.50.140](#).]

132H-126-040

Definitions.

The following definitions shall apply for the purposes of this student conduct code:

- (1) "**Business day**" means a weekday, excluding weekends and college holidays.
- (2) "**College official**" is an employee of the college performing assigned administrative, security, professional, or paraprofessional duties.
- (3) "**College premises**" shall include all campuses of the college, wherever located, and includes all land, buildings, facilities, vehicles, equipment, other property owned, used, or controlled by the college, study abroad program, retreat, and conference sites, and

- college-sponsored and/or -hosted online platforms.
- (4) "**Conduct review officer**" is the provost for academic and student affairs or other college administrator designated by the president to be responsible for receiving and 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.
 - (5) "**Disciplinary action**" is the process by which the student conduct officer imposes discipline against a student for a violation of the student conduct code.
 - (6) "**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) instructional days or a dismissal are heard by the student conduct committee. Appeals of all other appealable disciplinary action shall be reviewed through brief adjudicative proceedings (BAP).
 - (7) "**Filing**" is the process by which a document is officially delivered to a college official responsible for facilitating a disciplinary review. Papers required to be filed shall be deemed filed upon actual receipt during office hours at the office of the specified college official. 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) Sending the document by email and first class mail to the specified college official's college email and office address.
 - (8) "**Impacted party**" is a student or another member of the college community directly affected by an alleged violation of this student conduct code. The impacted party may be the reporting party, but not necessarily; witnesses or other third parties may report concerns. In any case involving an allegation of sexual misconduct as defined in this student conduct code, an impacted party is afforded certain rights under this student conduct code including, but not limited to:
 - (a) The right to be informed of all orders issued in the disciplinary case in which this person is an impacted party;
 - (b) The right to appeal a disciplinary decision; and
 - (c) The right to be accompanied by a process advisor.
 - (9) "**Process advisor**" is a person selected by a responding party or an impacted party to provide support and guidance during disciplinary proceedings under this student conduct code.
 - (10) "**Responding party**" is a student against whom disciplinary action is initiated. Each responding party is afforded certain rights including, but not limited to:
 - (a) The right to be informed of all orders issued in the responding party's disciplinary case;
 - (b) The right to appeal a disciplinary decision; and
 - (c) The right to be accompanied by a process advisor.
 - (11) "**Service**" is the process by which a document is officially delivered to a party. Service is deemed complete upon hand delivery of the document or upon the date the document is emailed and deposited in the mail. Unless otherwise provided, service upon a party shall be accomplished by:
 - (a) Hand delivery of the document to the party; or

- (b) Sending the document by email and by certified mail or first class mail to the party's last known address.
- (12) "**Sexual misconduct**" includes prohibited sexual or gender-based conduct by a student including, but not limited to, sexual harassment, sexual violence, sexual exploitation, indecent exposure, or relationship violence.
- (13) "**Student**" includes all persons taking courses at or through the college, whether on a full-time or part-time basis, and whether such courses are credit courses, noncredit courses, online courses, or otherwise. Persons who withdraw, graduate, or complete courses after the date of an alleged violation, who are not officially enrolled for a particular term but who have a continuing relationship with the college, or who have been notified of their acceptance for admission are considered "students."
- (14) "**Student conduct officer**" is a college administrator designated by the president or provost for academic and student affairs to be responsible for implementing and enforcing the student conduct code. The president or provost for academic and student affairs 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.
- (15) "**The president**" is the president of the college. The president is authorized to delegate any and all of their responsibilities, as set forth in this chapter, as may be reasonably necessary.

[Statutory Authority: RCW [28B.50.140](#).]

132H-126-100

Prohibited student conduct.

The college may impose disciplinary sanctions against a student who commits or attempts to commit, or aids, abets, incites, encourages, or assists another person to commit the following acts of misconduct:

- (1) **Abuse of others.** Assault, physical abuse, verbal abuse, threat(s), intimidation, or other conduct that harms, threatens, or is reasonably perceived as threatening the health or safety of another person or another person's property unless otherwise protected by law.
- (2) **Academic dishonesty.** Any act of academic dishonesty including, but not limited to, cheating, plagiarism, and fabrication.
 - (a) **Cheating.** Any attempt to give or obtain unauthorized assistance relating to the completion of an academic assignment.
 - (b) **Plagiarism.** Taking and using as one's own, without proper attribution, the ideas, writings, or work of another person in completing an academic assignment. May also include the unauthorized submission for credit of academic work that has been submitted for credit in another course.
 - (c) **Fabrication.** Falsifying data, information, or citations in completing an academic assignment. Fabrication also includes providing false or deceptive information to an instructor concerning the completion of an assignment.
 - (d) **Multiple submissions.** Submitting the same work in separate courses without the express permission of the instructor(s).
 - (e) **Deliberate damage.** Taking deliberate action to destroy or damage another's academic work or college property in order to gain an advantage for oneself or another.

- (3) **Acts of dishonesty.** Acts of dishonesty 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 reasonable request or requirement of a college official or employee.
- (4) **Alcohol.** Use, possession, manufacture, or distribution of alcoholic beverages or paraphernalia (except as expressly permitted by college policies, and federal, state, and local laws), or public intoxication on college premises or at college-sponsored events. Alcoholic beverages may not, in any circumstance, be used by, possessed by, or distributed to any person not of legal age.
- (5) **Cyber misconduct.** Cyberstalking, cyberbullying, or online harassment. Use of electronic communications including, but not limited to, electronic mail, text messaging, social media sites, or applications (apps), to harass, abuse, bully, or engage in other conduct that 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 electronic communications or computer activities directly or through spyware, sending threatening emails or texts, disrupting electronic communications with spam or by sending a computer virus, or sending false emails or texts to third parties using another's identity (spoofing).
- (6) **Discriminatory harassment.**
- (a) Unwelcome and offensive conduct, including verbal, nonverbal, or physical conduct, not otherwise protected by law, that is directed at a person because of such person's protected status and that is sufficiently severe, persistent or pervasive so as to:
 - i. Limit the ability of a student to participate in or benefit from the college's educational and/or social programs and/or student housing;
 - ii. Alter the terms of an employee's employment; or
 - iii. Create an intimidating, hostile, or offensive environment for other campus community members.
 - (b) Protected status includes a person's race; color; creed/religion; national origin; presence of any sensory, mental or physical disability; use of a trained service animal; sex, including pregnancy; marital status; age; genetic information; sexual orientation; gender identity or expression; honorably discharged veteran or military status; HIV/AIDS and hepatitis C status; or membership in any other group protected by federal, state, or local law.
 - (c) Discriminatory harassment may be physical, verbal, or non-verbal conduct and may include written, social media, and electronic communications not otherwise protected by law.
- (7) **Disorderly conduct.** Conduct that is disorderly, lewd, or indecent; disturbing the peace; or assisting or encouraging another person to disturb the peace.
- (8) **Disruption or obstruction.** Disruption or obstruction of any instruction, research, administration, disciplinary proceeding, or other college activity, including the obstruction of the free flow of pedestrian or vehicular movement on college property or at a college activity, or any activity that is authorized to occur on college property, whether or not actually conducted or sponsored by the college.
- (9) **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.

- (10) **Failure to comply with directive.** Failure to comply with the reasonable direction of a college official or employee who is acting in the legitimate performance of their duties, including failure to properly identify oneself to such a person when requested to do so.
- (11) **Harassment or bullying.** Conduct unrelated to a protected class that is unwelcome and sufficiently severe, persistent, or pervasive such that it could reasonably be expected to create an intimidating, hostile, or offensive environment, or has the purpose or effect of unreasonably interfering with a person's academic or work performance, or a person's ability to participate in or benefit from the college's programs, services, opportunities, or activities.
 - (a) Harassing conduct may include, but is not limited to, physical, verbal, or non-verbal conduct, including written, social media and electronic communications unless otherwise protected by law.
 - (b) For purposes of this code, "bullying" is defined as repeated or aggressive unwanted behavior not otherwise protected by law when a reasonable person would feel humiliated, harmed or intimidated.
 - (c) For purposes of this code, "intimidation" is an implied threat. Intimidation exists when a reasonable person would feel threatened or coerced even though an explicit threat or display of physical force has not been made. Intimidation is evaluated based on the intensity, frequency, or duration of the comments or actions.
- (12) **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.
- (13) **Indecent exposure.** The intentional or knowing exposure of a person's genitals or other private body parts when done in a place or manner in which such exposure is likely to cause affront or alarm. Breastfeeding or expressing breast milk is not indecent exposure.
- (14) **Marijuana or other drugs.**
 - (a) **Marijuana.** The use, possession, growing, delivery, sale, or being visibly under the influence of marijuana or the psychoactive compounds found in marijuana and intended for human consumption, regardless of form, or the possession of marijuana paraphernalia on college premises or college-sponsored events. While state law permits the recreational use of marijuana, federal law prohibits such use on college premises or in connection with college activities.
 - (b) **Drugs.** The use, possession, production, delivery, sale, or being under the influence of any prescription drug or possession of drug paraphernalia, including anabolic steroids, androgens, or human growth hormones as defined in chapter [69.41](#) RCW, or any other controlled substance under chapter [69.50](#) RCW, except as prescribed for a student's use by a licensed practitioner.
- (15) **Misuse of electronic resources.** Theft or other misuse of computer time or other electronic information resources of the college. Such misuse includes, but is not limited to:
 - (a) Unauthorized 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 computer time or resources to interfere with someone else's work;
 - (e) Use of computer time or resources to send, display, or print an obscene or abusive message, text, or image;
 - (f) Use of computer time or resources to interfere with normal operation of the college's computing system or other electronic information resources;
 - (g) Use of computer time or resources in violation of applicable copyright or other law;
 - (h) Adding to or otherwise altering the infrastructure of the college's electronic information resources without authorization; or
 - (i) Failure to comply with the college's electronic use policy.
- (16) **Property violation.** Damage to, misappropriation of, unauthorized use or possession of, vandalism of, or other non-accidental damaging or destruction of college property or the property of another person. Property, for purposes of this subsection, also includes computer passwords, access codes, identification cards, personal financial account numbers, other confidential personal information, intellectual property, and college trademarks.
- (17) **Relationship violence.** The infliction of physical harm, bodily injury, assault, psychological harm, or the fear of imminent physical harm, bodily injury, or assault committed by
- (a) The impacted party's current or former spouse;
 - (b) Current or former cohabitant;
 - (c) A person with whom the person shares a child in common; or
 - (d) A person who has been in a romantic or intimate relationship with the impacted party. Whether such a relationship exists will be gauged by the length, type, and frequency of interaction.
- (18) **Retaliation.** Harming, threatening, intimidating, coercing or taking adverse action of any kind against a person because such person reported an alleged violation of this code or college policy, provided information about an alleged violation, or participated as a witness or in any other capacity in a college investigation or disciplinary proceeding.
- (19) **Safety violations.** Safety violations include committing any reckless or unsafe act that endangers others, failing to follow established safety procedures (e.g. failing to evacuate during a fire alarm), or interfering with or otherwise compromising any college equipment relating to the safety and security of the campus community, including, but not limited to, tampering with fire safety or first aid equipment, or triggering false alarms or other emergency response systems.
- (20) **Sexual exploitation.** Taking nonconsensual or abusive sexual advantage of another for the responding party's own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, when the behavior does not otherwise constitute one of the other sexual misconduct offenses described herein. Examples of sexual exploitation may include, but are not limited to:
- (a) Invading another person's sexual privacy;
 - (b) Prostituting another person;
 - (c) Non-consensual photography and digital or video recording of nudity or sexual activity, or non-consensual audio recording of sexual activity;
 - (d) Unauthorized sharing or distribution of photographs or digital or video recording of nudity or sexual activity, or audio recording of sexual activity, unless otherwise

- protected by law;
- (e) Engaging in voyeurism. A person commits voyeurism if they knowingly view, photograph, record, or film another person, without that person's knowledge and consent, while the person being viewed, photographed, recorded, or filmed is in a place where the person has a reasonable expectation of privacy;
 - (f) Knowingly or recklessly exposing another person to a significant risk of sexually transmitted disease or infection; or
 - (g) Causing the non-consensual indecent exposure of another person, as defined by 132H-126-100(13).
- (21) Unwelcome sexual or gender-based conduct, including unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual or gender-based nature that is sufficiently severe, persistent or pervasive as to:
- (a) Deny or limit the ability of a student to participate in or benefit from the college's educational program;
 - (b) Alter the terms or conditions of employment; or
 - (c) Create an intimidating, hostile, or offensive environment for other campus community members.
- (22) **Sexual violence.** A type of sexual harassment that includes nonconsensual intercourse, nonconsensual sexual contact, and sexual coercion.
- (a) Consent is knowing, voluntary, and clear permission by word or action to engage in mutually agreed upon sexual activity.
 - i. Effective consent cannot result from force, or threat of physical force, coercion, dishonesty, or intimidation.
 - ii. Physical force means someone is physically exerting control of another person through violence. Physical force includes, but is not limited to, hitting, kicking, and restraining.
 - iii. Threatening someone to obtain consent for a sexual act is a violation of this policy. Threats exist where a reasonable person would have been compelled by the words or actions of another to give permission to sexual activity to which they otherwise would not have consented.
 - iv. Each party has the responsibility to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be at the time of the act of sexual intercourse or sexual contact actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact.
 - v. A person cannot consent if they are unable to understand what is happening or are disoriented, helpless, asleep, or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has engaged in nonconsensual conduct. Intoxication is not a defense against allegations that an individual has engaged in nonconsensual sexual conduct.
 - (b) **Nonconsensual sexual intercourse:** Any sexual intercourse (anal, oral, or vaginal), however slight, with any object, by a person upon another person, that is without consent and/or by force. Sexual intercourse includes anal or vaginal penetration by a penis, tongue, finger, or object, or oral copulation by mouth to genital contact or genital to mouth contact.

- (c) **Nonconsensual sexual contact:** Any intentional sexual touching, however slight, with any object, by a person upon another person that is without consent and/or by force. Sexual touching includes any bodily contact with the breasts, groin, mouth, or other bodily orifice of another individual, or any other bodily contact in a sexual manner.
- (d) **Sexual coercion.** Unreasonably pressuring another for sexual contact. When an impacted party makes it clear through words or actions that they do not want to engage in sexual contact, want to stop, or do not want to go past a certain point of sexual interaction, continued pressure beyond that point is presumptively unreasonable and coercive. Other examples of coercion may include using blackmail or extortion, or administering drugs and/or alcohol to overcome resistance or gain consent to sexual activity. Sexual contact that is the result of coercion is non-consensual.
- (23) **Stalking.** Intentional and repeated following of another person, which places that person in reasonable fear that the perpetrator intends to injure, intimidate, or harass that person. Stalking also includes instances where the perpetrator knows or reasonably should know that the person is frightened, intimidated, or harassed, even if the perpetrator lacks such an intent.
- (24) **Tobacco, electronic cigarettes, and related products.** The use of tobacco, electronic cigarettes, and related products is prohibited 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.
- (25) **Unauthorized access.** Unauthorized possession, duplication, or other use of a key, keycard, or other restricted means of access to college property, or unauthorized entry onto or into college property. Providing keys to an unauthorized person or providing access to an unauthorized person is also prohibited.
- (26) **Unauthorized recording.** The following conduct is prohibited:
- (a) Making audio, video, digital recordings, or photographic images of a person without that person's consent in a location where that person has a reasonable expectation of privacy (e.g. restroom or residence hall room).
 - (b) Storing, sharing, publishing, or otherwise distributing such recordings or images by any means.
- (27) **Violation of other laws or policies.** Violation of any federal, state, or local law, rule, or regulation or other college rules or policies, including on-campus housing policies and college traffic and parking rules.
- (28) **Weapons.**
- (a) Possessing, holding, wearing, transporting, storing, or exhibiting any firearm, dagger, sword, knife or other cutting or stabbing instrument, club, explosive device, or any other weapon apparently capable of producing bodily harm is prohibited on the college campus, subject to the following exceptions:
 - i. Commissioned law enforcement personnel; or
 - ii. Legally authorized military personnel while in performance of their official duties.
 - (b) Students with legally issued concealed weapons permits may store their weapons in

- vehicles parked in accordance with RCW [9.41.050](#) on campus provided the vehicle is locked and the weapon is concealed from view.
- (c) The president or delegate may authorize possession of a weapon on campus upon a showing that the weapon is reasonably related to a legitimate pedagogical purpose. Such permission shall be in writing and shall be subject to any terms or conditions incorporated therein.
 - (d) Possession and/or use of disabling chemical sprays for purposes of self-defense is not prohibited.

[Statutory Authority: RCW [28B.50.140](#).]

132H-126-110

Disciplinary sanctions - Terms and conditions.

- (1) The following disciplinary sanctions may be imposed upon students found to have violated the student conduct code.
 - (a) **Disciplinary warning.** A verbal statement to a student that they are violating or have violated the student conduct code and that continuation of the same or similar behavior may result in more severe discipline.
 - (b) **Written reprimand.** Notice in writing that the student has violated one or more terms of the student conduct code and that continuation of the same or similar behavior may result in more severe disciplinary action.
 - (c) **Disciplinary probation.** Formal action placing specific conditions and restrictions upon the student's continued attendance, depending upon the seriousness of the violation, which may include a deferred disciplinary sanction.
 - i. Probation may be for a limited period of time or may be for the duration of the student's attendance at the college.
 - ii. 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.
 - (d) **Disciplinary suspension.** Separation from the college and from the student status for a stated period of time.
 - i. There will be no refund of tuition or fees for the quarter in which the action is taken.
 - ii. Conditions of suspension may be imposed and will be specified. Except as otherwise specified in the final order, all conditions must be fulfilled before the end of the suspension period. Failure to fulfill all conditions of suspension in a timely manner will extend the suspension period and any conditions, and may result in additional disciplinary sanctions.
 - iii. The college may put a conduct hold in place during the suspension period.
 - (e) **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.
- (2) Disciplinary terms and conditions that may be imposed in conjunction with the imposition of a disciplinary sanction include, but are not limited to, the following:
- (a) **Education.** Participation in or successful completion of an educational assignment designed to create an awareness of the student's misconduct.
 - (b) **Loss of privileges.** Denial of specified privileges for a designated period of time.
 - (c) **No contact order.** A prohibition of direct or indirect physical, verbal, electronic, and/or written contact with another individual or group.
 - (d) **Not in good standing.** A student found to be "not in good standing" with the college shall be subject to the following restrictions:
 - i. Ineligible to hold an office in any student organization recognized by the college or to hold any elected or appointed office of the college.
 - ii. 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.
 - (e) **Professional evaluation.** Referral for drug, alcohol, psychological, or medical evaluation by an appropriately certified or licensed professional.
 - i. The student may choose the professional within the scope of practice and with the professional credentials as defined by the college.
 - ii. The student will sign all necessary releases to allow the college access to any such evaluation.
 - iii. 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.
 - (f) **Residence hall suspension.** Separation of the student from a residence hall or halls for a definite period of time, after which the student may be eligible to return. Conditions for reacceptance may be specified.
 - (g) **Residence hall dismissal.** Permanent separation of the student from a residence hall or halls.
 - (h) **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.
 - (i) **Trespass or restriction.** A student may be restricted from any or all college premises and/or college-sponsored activities based on the violation.
- (3) More than one of the disciplinary terms and conditions listed above may be imposed for any single violation.
- (4) If a student withdraws from the college or fails to reenroll before completing a disciplinary sanction or condition, the disciplinary sanction or condition must be completed either prior to or upon the student's reenrollment, depending on the nature of the sanction, condition, and/or the underlying violation. Completion of disciplinary sanctions and conditions may be considered in petitions for readmission to the college.

[Statutory Authority: RCW [28B.50.140](#).]

132H-126-120**Initiation of disciplinary action.**

- (1) Any member of the college community may file a complaint against a student for possible violations of the student conduct code.
- (2) Upon receipt, a student conduct officer, or designee, may review and investigate any complaint to determine whether it appears to state a violation of the student conduct code.
 - (a) **Student on student sexual misconduct.** The college's Title IX Coordinator or designee shall investigate complaints or other reports of alleged sexual misconduct by a student against a student.
 - (b) **Sexual misconduct involving an employee.** The college's Human Resource Office or designee shall investigate complaints or other reports of sexual misconduct in which an employee is either the impacted or responding party.
 - (c) Investigations will be completed in a timely manner and the results of the investigation shall be referred to the student conduct officer for student disciplinary action.
 - (d) College personnel will honor requests to keep sexual misconduct complaints confidential to the extent this can be done in compliance with federal and state laws and without unreasonably risking the health, safety, and welfare of the impacted party or other members of the college community.
- (3) If a student conduct officer determines that a complaint appears to state a violation of the student conduct code, the student conduct officer will consider whether the matter might be resolved through agreement with the responding party or through alternative dispute resolution proceedings involving the impacted party and the reporting party.
 - (a) Informal dispute resolution shall not be used to resolve sexual misconduct complaints without written permission from both the impacted party and the responding party.
 - (b) If the parties elect to mediate a dispute, either party shall be free to discontinue mediation at any time.
- (4) If the student conduct officer has determined that a complaint has merit and if the matter is not resolved through agreement or alternative dispute resolution, the student conduct officer may initiate disciplinary action against the responding party.
 - (a) Both the responding party and the impacted party 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.
 - (b) The student conduct officer, prior to initiating disciplinary action in cases involving allegations of sexual misconduct, will make a reasonable effort to contact the impacted party to discuss the results of the investigation and possible disciplinary sanctions and/or conditions, if any, that may be imposed upon the responding party if the allegations of sexual misconduct are found to have merit.
- (5) All disciplinary actions will be initiated by a student conduct officer. If that officer is the subject of a complaint initiated by the responding party or the impacted party, the president shall, upon request and when feasible, designate another person to fulfill any such disciplinary responsibilities.
- (6) A student conduct officer shall initiate disciplinary action by serving the responding party

with written notice directing them to attend a disciplinary meeting.

- (a) The notice shall briefly describe the factual allegations, the provision(s) of the student conduct code the responding party is alleged to have violated, the range of possible sanctions for the alleged violation(s), and it will specify the time and location of the meeting.
 - (b) At the disciplinary meeting, the student conduct officer will present the allegations to the responding party, and the responding party shall be afforded an opportunity to explain what occurred.
 - (c) If the responding party fails to attend the meeting, the student conduct officer may take disciplinary action based upon the available information.
- (7) Within ten (10) days of the initial disciplinary meeting and after considering the evidence in the case, including any facts or argument presented by the responding party, the student conduct officer shall serve the responding party with a written decision setting forth the facts and conclusions supporting 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. This period may be extended if the student conduct officer, based on information presented at the disciplinary meeting, concludes that additional investigation is necessary. If the period is extended, the student conduct officer will notify the responding party, and the impacted party in cases involving allegations of sexual misconduct, of this extension, the reason(s) and the anticipated extension timeframe.
- (8) A student conduct officer may take any of the following disciplinary actions:
- (a) Exonerate the responding party and terminate the proceedings.
 - (b) Impose a disciplinary sanction(s), with or without condition(s), as described in [WAC 132H-126-110](#).
 - (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 responding party.
- (9) In cases involving allegations of sexual misconduct, the student conduct officer, on the same date that a disciplinary decision is served on the responding party, will serve a written notice informing the impacted party of the decision, the reasons for the decision, and any disciplinary sanctions and/or conditions that may have been imposed upon the responding party, including disciplinary suspension or dismissal of the responding party. The notice will also inform the impacted party of their appeal rights. If protective sanctions and/or conditions are imposed, the student conduct officer shall make a reasonable effort to contact the impacted party to ensure prompt notice of the protective disciplinary sanctions and/or conditions.

[Statutory Authority: RCW [28B.50.140](#).]

132H-126-130

Appeal from disciplinary action.

- (1) The responding party may appeal a disciplinary action by filing a written notice of appeal with the conduct review officer within twenty-one (21) days of service 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 responding party is seeking review.
 - (3) The parties to an appeal shall be the responding party and the student conduct officer. If a case involves allegations of sexual misconduct, an impacted party also has a right to appeal a disciplinary decision or to intervene in the responding party's appeal of a disciplinary decision to the extent the disciplinary decision, sanctions or conditions related to allegations of sexual misconduct against the responding party.
 - (4) A responding party, 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 the responding party has been summarily suspended.
 - (7) The student conduct committee shall hear appeals regarding:
 - (a) The imposition of disciplinary suspensions in excess of ten (10) instructional days;
 - (b) Dismissals; and
 - (c) Discipline cases referred to the committee by the student conduct officer, the conduct review officer, or the president.
 - (8) Student conduct appeals from the imposition of the following disciplinary sanctions shall be reviewed through a brief adjudicative proceeding:
 - (a) Residence hall dismissals;
 - (b) Residence hall suspensions;
 - (c) Suspensions of ten (10) instructional days or less;
 - (d) Disciplinary probation;
 - (e) Written reprimands; and
 - (f) Any conditions or terms imposed in conjunction with one of the foregoing disciplinary actions.
 - (g) Appeals by an impacted party in student disciplinary proceedings involving allegations of sexual misconduct in which the student conduct officer:
 - i. Dismisses disciplinary proceedings based upon a finding that the allegations of sexual misconduct have no merit; or
 - ii. Issues a verbal warning to the responding party.
 - (9) Except as provided elsewhere in these rules, disciplinary warnings and dismissals of disciplinary complaints are final actions and are not subject to appeal.
 - (10) In cases involving allegations of sexual misconduct, the impacted party has the right to appeal the following actions by the student conduct officer following the same procedures as set forth above for the responding party:
 - (a) The dismissal of a sexual misconduct complaint; or
 - (b) Any disciplinary sanction(s) and conditions imposed against a responding party for a sexual misconduct violation, including a disciplinary warning.
 - (11) If the responding party timely appeals a decision imposing discipline for a sexual misconduct violation, the college shall notify the impacted party of the appeal and provide the impacted party an opportunity to intervene as a party to the appeal.
 - (12) Except as otherwise specified in this Chapter, an impacted party who timely appeals a

disciplinary decision or who intervenes as a party to responding party's appeal of a disciplinary decision shall be afforded the same procedural rights as are afforded the responding party.

[Statutory Authority: RCW [28B.50.140](#).]

132H-126-140

Conduct hold on student records.

- (1) A student conduct officer or other designated college official may place a conduct hold on the student's record if the student is the responding party in a pending complaint of prohibited conduct, a pending conduct proceeding under this code, or in conjunction with a disciplinary sanction or condition under this code.
- (2) A conduct hold may restrict the student from registering for classes, requesting an official transcript, or receiving a degree from the college until the hold has been removed.
- (3) If the conduct hold is placed pending or during a conduct proceeding, the student will be notified of the hold and be advised how to raise an objection about the hold or request that it be made less restrictive. The hold will remain in place until lifted by the student conduct officer or other designated college official with authority to do so.
- (4) Implementation of any conduct hold prior to disciplinary action does not assume any determination of, or create any expectation of, responsibility for prohibited conduct under this conduct code.

[Statutory Authority: RCW [28B.50.140](#).]

132H-126-150

Amnesty policy.

- (1) Bellevue College values the health, safety and wellness of those in our college community. Students are encouraged to report crimes, share concerns, and seek medical attention for themselves or others in need.
- (2) A student conduct officer may elect not to initiate disciplinary action against a student who, while in the course of helping another person seek medical or other emergency assistance, admits to a possible policy violation under this student conduct code, provided that any such violations did not and do not place the health or safety of any other person at risk.
- (3) A student conduct officer may elect not to initiate disciplinary action against a student who, while in the course of reporting violence, sexual misconduct, or a crime in progress, admits to personal consumption of alcohol or drugs at or near the time of the incident, provided that any such use did not place the health or safety of any other person at risk.
- (4) While policy violations cannot be overlooked, the college may elect to offer educational options or referrals, rather than initiating disciplinary action against students who report crimes, serve as witnesses, or seek medical attention as described in this section.
- (5) This amnesty policy may not apply to students who repeatedly violate college policies in regards to alcohol, drugs, or other prohibited conduct.

[Statutory Authority: RCW [28B.50.140](#).]

132H-126-160

Interim measures.

- (1) After receiving a report of alleged sexual misconduct or other serious student misconduct, a student conduct officer or designee may implement interim measures which may include, but are not limited to:
 - (a) A no-contact order prohibiting direct or indirect contact, by any means, with an impacted party, a responding party, a reporting party, other specified persons, and/or a specific student organization;
 - (b) Reassignment of on-campus housing;
 - (c) Changes to class schedules, assignments, or test schedules;
 - (d) Modified on-campus employment schedule or location;
 - (e) Restrictions on access to portions of campus, including, but not limited to, on-campus housing; or
 - (f) Alternative safety arrangements such as campus safety escorts.
- (2) If an interim measure is put in place pending or during a conduct proceeding, the student will be notified of the interim measure and be advised how to raise an objection about the interim measure or request that it be made less restrictive. The student conduct officer may adjust or modify interim measures as students' situations and schedules change and evolve over time. Interim measures will remain in place until the student receives notice they have been lifted or modified from the student conduct officer.
- (3) Implementation of any interim measure does not assume any determination of, or create any presumption regarding responsibility for, a violation under this student conduct code.

[Statutory Authority: RCW.]

132H-126-170

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 responding party 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 reasonable basis to believe that the responding party:
 - (a) Has violated a provision of the student conduct code; and
 - (b) Presents an immediate danger to the health, safety, or welfare of members of the college community; or
 - (c) Poses an ongoing threat of substantial disruption of, or interference with, the operations of the college.
- (3) Notice. Any responding party 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 responding party within two business days of the oral notice.
- (4) The written notice 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 responding party must appear before the

- conduct review officer for a hearing on the summary suspension; and
- (c) The conditions, if any, under which the responding party may physically access the campus or communicate with members of the campus community. If the responding party has been trespassed from the campus, a notice against trespass shall be included that warns the student that their privilege to enter or remain on college premises has been withdrawn and that the responding party shall be considered to be trespassing and subject to arrest for criminal trespass if the responding party enters the college campus. The responding student may be authorized to access college premises for the limited purpose of meeting with the student conduct officer, the conduct review officer, or to attend a disciplinary hearing. All such meetings and hearings shall be confirmed in writing in advance and the responding party entering college premises shall be required to produce the written permission to a college official on request.
- (5) The conduct review officer shall conduct a hearing on the summary suspension as soon as practicable after imposition of the summary suspension.
- (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 responding party shall be afforded an opportunity to explain why the 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 responding party 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.
- (6) In cases involving allegations of sexual misconduct, the impacted party shall be notified that a summary suspension has been imposed on the same day that the summary suspension notice is served on the responding party. The college will also provide the impacted party with timely notice of any subsequent changes to the summary suspension order.

[Statutory Authority: RCW [28B.50.140](#).]

132H-126-180

Records.

- (1) Student conduct code records are maintained in accordance with the college's records retention schedule.
- (2) The disciplinary record is confidential, and is released only as authorized under the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. Sec. 1232g; 34 C.F.R. Part 99).

[Statutory Authority: RCW [28B.50.140](#).]

Brief adjudicative proceedings - Initial hearing.

- (1) Brief adjudicative proceedings shall be conducted by a conduct review officer designated by the president. The conduct review officer shall not participate in any case in which they are an impacted party or witness, or in which they have direct or personal interest, prejudice, or bias, or in which they have acted previously in an advisory capacity.
- (2) Before taking action, the conduct review officer shall conduct an informal hearing and provide each party:
 - (a) An opportunity to be informed of the agency's view of the matter; and
 - (b) An opportunity to explain the party's view of the matter.
- (3) The conduct review officer shall serve an initial decision upon 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 twenty-one (21) days of service of the initial decision, the initial decision shall be deemed the final decision.
- (4) If the matter is an appeal by the responding party, or the impacted party in the case of sexual misconduct, the conduct review officer may affirm, reverse, or modify the disciplinary sanctions and/or conditions imposed by the student conduct officer and/or impose additional disciplinary sanctions or conditions as authorized herein. 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) instructional days or expulsion, the matter shall be referred to the student conduct committee for a disciplinary hearing.
- (5) In cases involving allegations of sexual misconduct, the conduct review officer, on the same date as the initial decision is served on the responding party, will serve a written notice upon the impacted party of the decision, the reasons for the decision, and a description of any disciplinary sanctions and/or conditions that may have been imposed upon the responding party. The notice will also inform the impacted party of their appeal rights.

[Statutory Authority: RCW [28B.50.140](#).]

132H-126-210

Brief adjudicative proceedings - Review of an initial decision.

- (1) An initial decision is subject to review by the president, provided the responding party files a written request for review with the conduct review officer within twenty-one (21) days of service of the initial decision.
- (2) The president shall not participate in any case in which they are an impacted party or witness, or in which they have direct or personal interest, prejudice, or bias, or in which they have acted previously in an advisory capacity.
- (3) During the review, the president shall give each party an opportunity to file written responses explaining their view of the matter and shall make any inquiries necessary to determine whether the findings or 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, include a brief statement of the reasons for the decision and typically must be served on the parties within twenty (20) days of the request for review. 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) days after the request is submitted without a response from the president.
- (5) If the president, upon review, determines that the respondent's conduct may warrant imposition of a disciplinary suspension of more than ten (10) instructional days or dismissal, the matter shall be referred to the student conduct committee for a disciplinary hearing.
- (6) In cases involving allegations of sexual misconduct, the president, on the same date as the final decision is served on the responding party, will serve a written notice upon the impacted party informing the impacted party of the decision, the reasons for the decision, and a description of any disciplinary sanctions and/or conditions that may have been imposed upon the responding party. The notice will also inform the impacted party of their appeal rights.

[Statutory Authority: RCW [28B.50.140](#).]

132H-126-300

Student conduct committee.

- (1) The student conduct committee shall consist of six members:
 - (a) Two (2) full-time students appointed by the student government;
 - (b) Two (2) faculty members appointed by the president;
 - (c) Two (2) administrative staff members, other than an administrator serving as a student conduct or conduct review officer, appointed by the president prior to the beginning of the academic year for alternating two-year terms.
- (2) One of the administrative staff members shall serve as the chair of the committee and may take action on preliminary hearing matters prior to convening the committee. The administrative staff members 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, one student, and one administrative staff member 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:
 - (a) Are an impacted party or witness;
 - (b) Have direct or personal interest, prejudice, or bias; or
 - (c) Have acted previously in an advisory capacity.
- (5) Any party may petition for disqualification of a committee member pursuant to RCW [34.05.425](#)(4).

[Statutory Authority: RCW [28B.50.140](#).]

132H-126-310**Student conduct committee - Prehearing.**

- (1) Proceedings of the student conduct committee shall be governed by the Administrative Procedure Act, chapter [34.05](#) RCW, and by the Model Rules of Procedure, chapter [10-08](#) WAC. To the extent there is a conflict between these rules and chapter [10-08](#) WAC, these rules shall control.
- (2) The student conduct committee chair shall serve all parties with written notice of the hearing not less than seven (7) 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 (5) days before the hearing by any party or at the direction of the committee chair, the parties shall exchange, no later than the third day prior to the hearing, lists of potential witnesses and copies of potential exhibits that they reasonably expect to present to the committee. Failure to participate in good faith in such a requested exchange may be cause for exclusion from the hearing of any witness or exhibit not disclosed, absent a showing of good cause for such failure.
- (5) The committee chair may provide to the committee members in advance of the hearing copies of (a) the conduct officer's notice of discipline, or referral to the committee, and (b) the notice of appeal, or any response to referral, by the responding party or, in a case involving allegations of sexual misconduct, the impacted party. 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 responding party and impacted party 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 necessary to maintain an orderly process, are generally prohibited without notice and opportunity for all parties to participate. Any improper "ex parte" communication shall be placed on the record, as further provided in RCW [34.05.455](#).
- (9) All parties may be accompanied at the hearing by a non-attorney process advisor of their choice.
- (10) The responding party, in all appeals before the committee, and the impacted party, in an appeal involving allegations of sexual misconduct before the committee, may elect to be represented by an attorney at their own expense. The responding and/or impacted party will be deemed to have waived the right to be represented by an attorney 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.

- (11) The committee will ordinarily be advised by an assistant attorney general. If the responding party and/or the impacted party is represented by an attorney, the student conduct officer may also be represented by a second, appropriately screened, assistant attorney general.

[Statutory Authority: RCW [28B.50.140](#).]

132H-126-320

Student conduct committee - Presentation 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](#).
- (7) In cases involving allegations of sexual misconduct, the responding and the impacted parties shall not directly question or cross-examine one another. Attorneys for the responding and impacted parties are also prohibited from directly questioning opposing parties absent express permission from the committee chair. Subject to this exception, all cross-examination questions by the responding and impacted parties shall be directed to the committee chair, who in their discretion shall pose the questions on the party's behalf. All cross-examination questions submitted to the chair in this manner shall be memorialized in writing and maintained as part of the hearing record.

[Statutory Authority: RCW .]

132H-126-330

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 (20) days following the conclusion of the hearing or the committee's receipt of closing arguments, whichever is later, 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 sanctions or conditions, if any, as authorized in the student conduct code. If the matter is an appeal by the responding party or the impacted party in the case of sexual misconduct, the committee may affirm, reverse, or modify the disciplinary sanctions and/or conditions imposed by the student conduct officer and/or impose additional disciplinary sanctions or conditions as authorized herein. The notice will also inform the responding party of their appeal rights.
- (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.
- (5) In cases involving allegations of sexual misconduct, the chair of the student conduct committee will make arrangements to have a written notice served on the impacted party informing the impacted party of the decision, the reasons for the decision, and a description of any disciplinary sanctions and/or conditions that may have been imposed upon the responding party, including suspension or dismissal of the responding party. The notice will also inform the impacted party of their appeal rights. This notice shall be served on the impacted party on the same date as the initial decision is served on the responding party. The impacted party may appeal the student conduct committee's initial decision to the president subject to the same procedures and deadlines applicable to other parties.

[Statutory Authority: RCW [28B.50.140](#).]

132H-126-340

Student conduct committee - Review of an initial decision.

- (1) A responding party, or an impacted party in a case involving allegations of sexual misconduct, who is aggrieved by the findings or conclusions issued by the student conduct committee may request a review of the committee's initial decision to the president by filing a notice of appeal with the president's office within twenty-one (21) days of service of the committee's initial decision or a written notice. Failure to file a timely appeal request within this timeframe 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 an argument as to why the appeal should be granted. The president's review shall be restricted to the hearing record made before the student conduct committee and will normally be limited to those issues and arguments raised in the notice of appeal. As part of the review process, the president may ask the non-appealing party(s) to respond to the arguments contained in the notice of

appeal.

- (3) The president shall provide a written decision to all parties within thirty (30) days after receipt of the notice of appeal or receipt of the response from non-appealing parties, whichever is later. The president's decision shall be final and shall include a notice of any rights to request reconsideration and/or judicial review.
- (4) In cases involving allegations of sexual misconduct, the president, on the same date that the final decision is served upon the responding party, shall serve a written notice informing the impacted party of the final decision. This notice shall inform the impacted party whether the sexual misconduct allegation was found to have merit and describe any disciplinary sanctions and/or conditions imposed upon the responding party for the impacted party's protection, including suspension or dismissal of the responding party.
- (5) The president shall not engage in an ex parte communication with any of the parties regarding an appeal.

[Statutory Authority: RCW [28B.50.140](#).]

RELEVANT LAWS AND OTHER RESOURCES

- WAC 132H-125-005, -010, -020, -030, -040, -200, -210, -220, -230, -240, -250, -260, -270, -280, -290, -300, -310, -320, -330, -340, -350,

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APPROVED BY

Board of Trustees
President's Cabinet

Chapter 132H-126 WAC STUDENT CONDUCT CODE OF BELLEVUE COLLEGE

132H-126-010

Authority.

The board of trustees, acting pursuant to RCW [28B.50.140](#), delegates to the president of Bellevue College the authority to administer student disciplinary action. Administration of the disciplinary procedures is the responsibility of the provost for academic and student affairs and/or the designated student conduct officer. The student conduct officer shall serve as the principal investigator and administrator for alleged violations of this code.

[Statutory Authority: RCW [28B.50.140](#).]

132H-126-020

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 that 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 that 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.
 - (a) No disciplinary sanction may be imposed on any student without notice to the accused of the nature of the charges.
 - (b) A student accused of violating this code of student conduct is entitled, upon request, to procedural due process as set forth in this chapter.

[Statutory Authority: RCW [28B.50.140](#).]

132H-126-030**Statement of jurisdiction.**

- (1) The student conduct code shall apply to student conduct that occurs
 - (a) On college premises;
 - (b) At or in connection with college-sponsored activities; or
 - (c) Off-campus, if in the judgment of the college the conduct adversely affects the college community or the pursuit of its objectives.
- (2) Jurisdiction extends to locations in which students are engaged in official college activities including, but not limited to, foreign or domestic travel, activities funded by the Bellevue College's Associated Student Government, athletic events, training internships, cooperative and distance education, online education, internships, practicums, supervised work experiences, or any other college-sanctioned social or club activities.
- (3) The college has sole discretion, on a case-by-case basis, to determine whether the student conduct code will be applied to conduct that occurs off campus.
- (4) 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.
- (5) These standards shall apply to a student's conduct even if the student withdraws from college while a disciplinary matter is pending.
- (6) In addition to initiating discipline proceedings for violation of the student conduct code, the college may refer any violations of federal, state, or local laws to civil and criminal authorities for disposition. The college shall proceed with student disciplinary proceedings regardless of whether the underlying conduct is subject to civil or criminal prosecution.

[Statutory Authority: RCW [28B.50.140](#).]

132H-126-040**Definitions.**

The following definitions shall apply for the purposes of this student conduct code:

- (1) "**Business day**" means a weekday, excluding weekends and college holidays.
- (2) "**College official**" is an employee of the college performing assigned administrative, security, professional, or paraprofessional duties.
- (3) "**College premises**" shall include all campuses of the college, wherever located, and includes all land, buildings, facilities, vehicles, equipment, other property owned, used, or controlled by the college, study abroad program, retreat, and conference sites, and college-sponsored and/or -hosted online platforms.
- (4) "**Conduct review officer**" is the provost for academic and student affairs or other college administrator designated by the president to be responsible for receiving and 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.

- (5) "**Disciplinary action**" is the process by which the student conduct officer imposes discipline against a student for a violation of the student conduct code.
- (6) "**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) instructional days or a dismissal are heard by the student conduct committee. Appeals of all other appealable disciplinary action shall be reviewed through brief adjudicative proceedings (BAP).
- (7) "**Filing**" is the process by which a document is officially delivered to a college official responsible for facilitating a disciplinary review. Papers required to be filed shall be deemed filed upon actual receipt during office hours at the office of the specified college official. 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) Sending the document by email and first class mail to the specified college official's college email and office address.
- (8) "**Impacted party**" is a student or another member of the college community directly affected by an alleged violation of this student conduct code. The impacted party may be the reporting party, but not necessarily; witnesses or other third parties may report concerns. In any case involving an allegation of sexual misconduct as defined in this student conduct code, an impacted party is afforded certain rights under this student conduct code including, but not limited to:
 - (a) The right to be informed of all orders issued in the disciplinary case in which this person is an impacted party;
 - (b) The right to appeal a disciplinary decision; and
 - (c) The right to be accompanied by a process advisor.
- (9) "**Process advisor**" is a person selected by a responding party or an impacted party to provide support and guidance during disciplinary proceedings under this student conduct code.
- (10) "**Responding party**" is a student against whom disciplinary action is initiated. Each responding party is afforded certain rights including, but not limited to:
 - (a) The right to be informed of all orders issued in the responding party's disciplinary case;
 - (b) The right to appeal a disciplinary decision; and
 - (c) The right to be accompanied by a process advisor.
- (11) "**Service**" is the process by which a document is officially delivered to a party. Service is deemed complete upon hand delivery of the document or upon the date the document is emailed and deposited in the mail. Unless otherwise provided, service upon a party shall be accomplished by:
 - (a) Hand delivery of the document to the party; or
 - (b) Sending the document by email and by certified mail or first class mail to the party's last known address.
- (12) "**Sexual misconduct**" includes prohibited sexual or gender-based conduct by a student including, but not limited to, sexual harassment, sexual violence, sexual exploitation, indecent exposure, or relationship violence.
- (13) "**Student**" includes all persons taking courses at or through the college, whether on a full-time or part-time basis, and whether such courses are credit courses, noncredit

courses, online courses, or otherwise. Persons who withdraw, graduate, or complete courses after the date of an alleged violation, who are not officially enrolled for a particular term but who have a continuing relationship with the college, or who have been notified of their acceptance for admission are considered "students."

- (14) "**Student conduct officer**" is a college administrator designated by the president or provost for academic and student affairs to be responsible for implementing and enforcing the student conduct code. The president or provost for academic and student affairs 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.
- (15) "**The president**" is the president of the college. The president is authorized to delegate any and all of their responsibilities, as set forth in this chapter, as may be reasonably necessary.

[Statutory Authority: RCW [28B.50.140](#).]

132H-126-100

Prohibited student conduct.

The college may impose disciplinary sanctions against a student who commits or attempts to commit, or aids, abets, incites, encourages, or assists another person to commit the following acts of misconduct:

- (1) **Abuse of others.** Assault, physical abuse, verbal abuse, threat(s), intimidation, or other conduct that harms, threatens, or is reasonably perceived as threatening the health or safety of another person or another person's property unless otherwise protected by law.
- (2) **Academic dishonesty.** Any act of academic dishonesty including, but not limited to, cheating, plagiarism, and fabrication.
 - (a) **Cheating.** Any attempt to give or obtain unauthorized assistance relating to the completion of an academic assignment.
 - (b) **Plagiarism.** Taking and using as one's own, without proper attribution, the ideas, writings, or work of another person in completing an academic assignment. May also include the unauthorized submission for credit of academic work that has been submitted for credit in another course.
 - (c) **Fabrication.** Falsifying data, information, or citations in completing an academic assignment. Fabrication also includes providing false or deceptive information to an instructor concerning the completion of an assignment.
 - (d) **Multiple submissions.** Submitting the same work in separate courses without the express permission of the instructor(s).
 - (e) **Deliberate damage.** Taking deliberate action to destroy or damage another's academic work or college property in order to gain an advantage for oneself or another.
- (3) **Acts of dishonesty.** Acts of dishonesty 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 reasonable request or requirement of a college official or employee.
- (4) **Alcohol.** Use, possession, manufacture, or distribution of alcoholic beverages or

paraphernalia (except as expressly permitted by college policies, and federal, state, and local laws), or public intoxication on college premises or at college-sponsored events. Alcoholic beverages may not, in any circumstance, be used by, possessed by, or distributed to any person not of legal age.

- (5) **Cyber misconduct.** Cyberstalking, cyberbullying, or online harassment. Use of electronic communications including, but not limited to, electronic mail, text messaging, social media sites, or applications (apps), to harass, abuse, bully, or engage in other conduct that 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 electronic communications or computer activities directly or through spyware, sending threatening emails or texts, disrupting electronic communications with spam or by sending a computer virus, or sending false emails or texts to third parties using another's identity (spoofing).
- (6) **Discriminatory harassment.**
 - (a) Unwelcome and offensive conduct, including verbal, nonverbal, or physical conduct, not otherwise protected by law, that is directed at a person because of such person's protected status and that is sufficiently severe, persistent or pervasive so as to:
 - i. Limit the ability of a student to participate in or benefit from the college's educational and/or social programs and/or student housing;
 - ii. Alter the terms of an employee's employment; or
 - iii. Create an intimidating, hostile, or offensive environment for other campus community members.
 - (b) Protected status includes a person's race; color; creed/religion; national origin; presence of any sensory, mental or physical disability; use of a trained service animal; sex, including pregnancy; marital status; age; genetic information; sexual orientation; gender identity or expression; honorably discharged veteran or military status; HIV/AIDS and hepatitis C status; or membership in any other group protected by federal, state, or local law.
 - (c) Discriminatory harassment may be physical, verbal, or non-verbal conduct and may include written, social media, and electronic communications not otherwise protected by law.
- (7) **Disorderly conduct.** Conduct that is disorderly, lewd, or indecent; disturbing the peace; or assisting or encouraging another person to disturb the peace.
- (8) **Disruption or obstruction.** Disruption or obstruction of any instruction, research, administration, disciplinary proceeding, or other college activity, including the obstruction of the free flow of pedestrian or vehicular movement on college property or at a college activity, or any activity that is authorized to occur on college property, whether or not actually conducted or sponsored by the college.
- (9) **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.
- (10) **Failure to comply with directive.** Failure to comply with the reasonable direction of a college official or employee who is acting in the legitimate performance of their duties, including failure to properly identify oneself to such a person when requested to do so.
- (11) **Harassment or bullying.** Conduct unrelated to a protected class that is unwelcome and sufficiently severe, persistent, or pervasive such that it could reasonably be expected to

create an intimidating, hostile, or offensive environment, or has the purpose or effect of unreasonably interfering with a person's academic or work performance, or a person's ability to participate in or benefit from the college's programs, services, opportunities, or activities.

- (a) Harassing conduct may include, but is not limited to, physical, verbal, or non-verbal conduct, including written, social media and electronic communications unless otherwise protected by law.
 - (b) For purposes of this code, "bullying" is defined as repeated or aggressive unwanted behavior not otherwise protected by law when a reasonable person would feel humiliated, harmed or intimidated.
 - (c) For purposes of this code, "intimidation" is an implied threat. Intimidation exists when a reasonable person would feel threatened or coerced even though an explicit threat or display of physical force has not been made. Intimidation is evaluated based on the intensity, frequency, or duration of the comments or actions.
- (12) **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.
- (13) **Indecent exposure.** The intentional or knowing exposure of a person's genitals or other private body parts when done in a place or manner in which such exposure is likely to cause affront or alarm. Breastfeeding or expressing breast milk is not indecent exposure.
- (14) **Marijuana or other drugs.**
- (a) **Marijuana.** The use, possession, growing, delivery, sale, or being visibly under the influence of marijuana or the psychoactive compounds found in marijuana and intended for human consumption, regardless of form, or the possession of marijuana paraphernalia on college premises or college-sponsored events. While state law permits the recreational use of marijuana, federal law prohibits such use on college premises or in connection with college activities.
 - (b) **Drugs.** The use, possession, production, delivery, sale, or being under the influence of any prescription drug or possession of drug paraphernalia, including anabolic steroids, androgens, or human growth hormones as defined in chapter [69.41](#) RCW, or any other controlled substance under chapter [69.50](#) RCW, except as prescribed for a student's use by a licensed practitioner.
- (15) **Misuse of electronic resources.** Theft or other misuse of computer time or other electronic information resources of the college. Such misuse includes, but is not limited to:
- (a) Unauthorized 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 computer time or resources to interfere with someone else's work;
 - (e) Use of computer time or resources to send, display, or print an obscene or abusive message, text, or image;
 - (f) Use of computer time or resources to interfere with normal operation of the college's computing system or other electronic information resources;
 - (g) Use of computer time or resources in violation of applicable copyright or other law;

- (h) Adding to or otherwise altering the infrastructure of the college's electronic information resources without authorization; or
 - (i) Failure to comply with the college's electronic use policy.
- (16) **Property violation.** Damage to, misappropriation of, unauthorized use or possession of, vandalism of, or other non-accidental damaging or destruction of college property or the property of another person. Property, for purposes of this subsection, also includes computer passwords, access codes, identification cards, personal financial account numbers, other confidential personal information, intellectual property, and college trademarks.
- (17) **Relationship violence.** The infliction of physical harm, bodily injury, assault, psychological harm, or the fear of imminent physical harm, bodily injury, or assault committed by
- (a) The impacted party's current or former spouse;
 - (b) Current or former cohabitant;
 - (c) A person with whom the person shares a child in common; or
 - (d) A person who has been in a romantic or intimate relationship with the impacted party. Whether such a relationship exists will be gauged by the length, type, and frequency of interaction.
- (18) **Retaliation.** Harming, threatening, intimidating, coercing or taking adverse action of any kind against a person because such person reported an alleged violation of this code or college policy, provided information about an alleged violation, or participated as a witness or in any other capacity in a college investigation or disciplinary proceeding.
- (19) **Safety violations.** Safety violations include committing any reckless or unsafe act that endangers others, failing to follow established safety procedures (e.g. failing to evacuate during a fire alarm), or interfering with or otherwise compromising any college equipment relating to the safety and security of the campus community, including, but not limited to, tampering with fire safety or first aid equipment, or triggering false alarms or other emergency response systems.
- (20) **Sexual exploitation.** Taking nonconsensual or abusive sexual advantage of another for the responding party's own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, when the behavior does not otherwise constitute one of the other sexual misconduct offenses described herein. Examples of sexual exploitation may include, but are not limited to:
- (a) Invading another person's sexual privacy;
 - (b) Prostituting another person;
 - (c) Non-consensual photography and digital or video recording of nudity or sexual activity, or non-consensual audio recording of sexual activity;
 - (d) Unauthorized sharing or distribution of photographs or digital or video recording of nudity or sexual activity, or audio recording of sexual activity, unless otherwise protected by law;
 - (e) Engaging in voyeurism. A person commits voyeurism if they knowingly view, photograph, record, or film another person, without that person's knowledge and consent, while the person being viewed, photographed, recorded, or filmed is in a place where the person has a reasonable expectation of privacy;
 - (f) Knowingly or recklessly exposing another person to a significant risk of sexually transmitted disease or infection; or

- (g) Causing the non-consensual indecent exposure of another person, as defined by 132H-126-100(13).
- (21) Unwelcome sexual or gender-based conduct, including unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual or gender-based nature that is sufficiently severe, persistent or pervasive as to:
 - (a) Deny or limit the ability of a student to participate in or benefit from the college's educational program;
 - (b) Alter the terms or conditions of employment; or
 - (c) Create an intimidating, hostile, or offensive environment for other campus community members.
- (22) **Sexual violence.** A type of sexual harassment that includes nonconsensual intercourse, nonconsensual sexual contact, and sexual coercion.
 - (a) Consent is knowing, voluntary, and clear permission by word or action to engage in mutually agreed upon sexual activity.
 - i. Effective consent cannot result from force, or threat of physical force, coercion, dishonesty, or intimidation.
 - ii. Physical force means someone is physically exerting control of another person through violence. Physical force includes, but is not limited to, hitting, kicking, and restraining.
 - iii. Threatening someone to obtain consent for a sexual act is a violation of this policy. Threats exist where a reasonable person would have been compelled by the words or actions of another to give permission to sexual activity to which they otherwise would not have consented.
 - iv. Each party has the responsibility to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be at the time of the act of sexual intercourse or sexual contact actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact.
 - v. A person cannot consent if they are unable to understand what is happening or are disoriented, helpless, asleep, or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has engaged in nonconsensual conduct. Intoxication is not a defense against allegations that an individual has engaged in nonconsensual sexual conduct.
 - (b) **Nonconsensual sexual intercourse:** Any sexual intercourse (anal, oral, or vaginal), however slight, with any object, by a person upon another person, that is without consent and/or by force. Sexual intercourse includes anal or vaginal penetration by a penis, tongue, finger, or object, or oral copulation by mouth to genital contact or genital to mouth contact.
 - (c) **Nonconsensual sexual contact:** Any intentional sexual touching, however slight, with any object, by a person upon another person that is without consent and/or by force. Sexual touching includes any bodily contact with the breasts, groin, mouth, or other bodily orifice of another individual, or any other bodily contact in a sexual manner.
 - (d) **Sexual coercion.** Unreasonably pressuring another for sexual contact. When an impacted party makes it clear through words or actions that they do not want to

- engage in sexual contact, want to stop, or do not want to go past a certain point of sexual interaction, continued pressure beyond that point is presumptively unreasonable and coercive. Other examples of coercion may include using blackmail or extortion, or administering drugs and/or alcohol to overcome resistance or gain consent to sexual activity. Sexual contact that is the result of coercion is non-consensual.
- (23) **Stalking.** Intentional and repeated following of another person, which places that person in reasonable fear that the perpetrator intends to injure, intimidate, or harass that person. Stalking also includes instances where the perpetrator knows or reasonably should know that the person is frightened, intimidated, or harassed, even if the perpetrator lacks such an intent.
- (24) **Tobacco, electronic cigarettes, and related products.** The use of tobacco, electronic cigarettes, and related products is prohibited 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.
- (25) **Unauthorized access.** Unauthorized possession, duplication, or other use of a key, keycard, or other restricted means of access to college property, or unauthorized entry onto or into college property. Providing keys to an unauthorized person or providing access to an unauthorized person is also prohibited.
- (26) **Unauthorized recording.** The following conduct is prohibited:
- (a) Making audio, video, digital recordings, or photographic images of a person without that person's consent in a location where that person has a reasonable expectation of privacy (e.g. restroom or residence hall room).
 - (b) Storing, sharing, publishing, or otherwise distributing such recordings or images by any means.
- (27) **Violation of other laws or policies.** Violation of any federal, state, or local law, rule, or regulation or other college rules or policies, including on-campus housing policies and college traffic and parking rules.
- (28) **Weapons.**
- (a) Possessing, holding, wearing, transporting, storing, or exhibiting any firearm, dagger, sword, knife or other cutting or stabbing instrument, club, explosive device, or any other weapon apparently capable of producing bodily harm is prohibited on the college campus, subject to the following exceptions:
 - i. Commissioned law enforcement personnel; or
 - ii. Legally authorized military personnel while in performance of their official duties.
 - (b) Students with legally issued concealed weapons permits may store their weapons in vehicles parked in accordance with RCW [9.41.050](#) on campus provided the vehicle is locked and the weapon is concealed from view.
 - (c) The president or delegate may authorize possession of a weapon on campus upon a showing that the weapon is reasonably related to a legitimate pedagogical purpose. Such permission shall be in writing and shall be subject to any terms or conditions incorporated therein.
 - (d) Possession and/or use of disabling chemical sprays for purposes of self-defense is not

prohibited.

[Statutory Authority: RCW [28B.50.140](#).]

132H-126-110

Disciplinary sanctions - Terms and conditions.

- (1) The following disciplinary sanctions may be imposed upon students found to have violated the student conduct code.
 - (a) **Disciplinary warning.** A verbal statement to a student that they are violating or have violated the student conduct code and that continuation of the same or similar behavior may result in more severe discipline.
 - (b) **Written reprimand.** Notice in writing that the student has violated one or more terms of the student conduct code and that continuation of the same or similar behavior may result in more severe disciplinary action.
 - (c) **Disciplinary probation.** Formal action placing specific conditions and restrictions upon the student's continued attendance, depending upon the seriousness of the violation, which may include a deferred disciplinary sanction.
 - i. Probation may be for a limited period of time or may be for the duration of the student's attendance at the college.
 - ii. 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.
 - (d) **Disciplinary suspension.** Separation from the college and from the student status for a stated period of time.
 - i. There will be no refund of tuition or fees for the quarter in which the action is taken.
 - ii. Conditions of suspension may be imposed and will be specified. Except as otherwise specified in the final order, all conditions must be fulfilled before the end of the suspension period. Failure to fulfill all conditions of suspension in a timely manner will extend the suspension period and any conditions, and may result in additional disciplinary sanctions.
 - iii. The college may put a conduct hold in place during the suspension period.
 - (e) **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.
- (2) Disciplinary terms and conditions that may be imposed in conjunction with the imposition of a disciplinary sanction include, but are not limited to, the following:
 - (a) **Education.** Participation in or successful completion of an educational assignment designed to create an awareness of the student's misconduct.
 - (b) **Loss of privileges.** Denial of specified privileges for a designated period of time.
 - (c) **No contact order.** A prohibition of direct or indirect physical, verbal, electronic,

- and/or written contact with another individual or group.
- (d) **Not in good standing.** A student found to be "not in good standing" with the college shall be subject to the following restrictions:
 - i. Ineligible to hold an office in any student organization recognized by the college or to hold any elected or appointed office of the college.
 - ii. 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.
 - (e) **Professional evaluation.** Referral for drug, alcohol, psychological, or medical evaluation by an appropriately certified or licensed professional.
 - i. The student may choose the professional within the scope of practice and with the professional credentials as defined by the college.
 - ii. The student will sign all necessary releases to allow the college access to any such evaluation.
 - iii. 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.
 - (f) **Residence hall suspension.** Separation of the student from a residence hall or halls for a definite period of time, after which the student may be eligible to return. Conditions for reacceptance may be specified.
 - (g) **Residence hall dismissal.** Permanent separation of the student from a residence hall or halls.
 - (h) **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.
 - (i) **Trespass or restriction.** A student may be restricted from any or all college premises and/or college-sponsored activities based on the violation.
- (3) More than one of the disciplinary terms and conditions listed above may be imposed for any single violation.
- (4) If a student withdraws from the college or fails to reenroll before completing a disciplinary sanction or condition, the disciplinary sanction or condition must be completed either prior to or upon the student's reenrollment, depending on the nature of the sanction, condition, and/or the underlying violation. Completion of disciplinary sanctions and conditions may be considered in petitions for readmission to the college.

[Statutory Authority: RCW [28B.50.140](#).]

132H-126-120

Initiation of disciplinary action.

- (1) Any member of the college community may file a complaint against a student for possible violations of the student conduct code.
- (2) Upon receipt, a student conduct officer, or designee, may review and investigate any

- complaint to determine whether it appears to state a violation of the student conduct code.
- (a) **Student on student sexual misconduct.** The college's Title IX Coordinator or designee shall investigate complaints or other reports of alleged sexual misconduct by a student against a student.
 - (b) **Sexual misconduct involving an employee.** The college's Human Resource Office or designee shall investigate complaints or other reports of sexual misconduct in which an employee is either the impacted or responding party.
 - (c) Investigations will be completed in a timely manner and the results of the investigation shall be referred to the student conduct officer for student disciplinary action.
 - (d) College personnel will honor requests to keep sexual misconduct complaints confidential to the extent this can be done in compliance with federal and state laws and without unreasonably risking the health, safety, and welfare of the impacted party or other members of the college community.
- (3) If a student conduct officer determines that a complaint appears to state a violation of the student conduct code, the student conduct officer will consider whether the matter might be resolved through agreement with the responding party or through alternative dispute resolution proceedings involving the impacted party and the reporting party.
- (a) Informal dispute resolution shall not be used to resolve sexual misconduct complaints without written permission from both the impacted party and the responding party.
 - (b) If the parties elect to mediate a dispute, either party shall be free to discontinue mediation at any time.
- (4) If the student conduct officer has determined that a complaint has merit and if the matter is not resolved through agreement or alternative dispute resolution, the student conduct officer may initiate disciplinary action against the responding party.
- (a) Both the responding party and the impacted party 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.
 - (b) The student conduct officer, prior to initiating disciplinary action in cases involving allegations of sexual misconduct, will make a reasonable effort to contact the impacted party to discuss the results of the investigation and possible disciplinary sanctions and/or conditions, if any, that may be imposed upon the responding party if the allegations of sexual misconduct are found to have merit.
- (5) All disciplinary actions will be initiated by a student conduct officer. If that officer is the subject of a complaint initiated by the responding party or the impacted party, the president shall, upon request and when feasible, designate another person to fulfill any such disciplinary responsibilities.
- (6) A student conduct officer shall initiate disciplinary action by serving the responding party with written notice directing them to attend a disciplinary meeting.
- (a) The notice shall briefly describe the factual allegations, the provision(s) of the student conduct code the responding party is alleged to have violated, the range of possible sanctions for the alleged violation(s), and it will specify the time and location of the meeting.
 - (b) At the disciplinary meeting, the student conduct officer will present the allegations to the responding party, and the responding party shall be afforded an opportunity to

- explain what occurred.
- (c) If the responding party fails to attend the meeting, the student conduct officer may take disciplinary action based upon the available information.
- (7) Within ten (10) days of the initial disciplinary meeting and after considering the evidence in the case, including any facts or argument presented by the responding party, the student conduct officer shall serve the responding party with a written decision setting forth the facts and conclusions supporting 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. This period may be extended if the student conduct officer, based on information presented at the disciplinary meeting, concludes that additional investigation is necessary. If the period is extended, the student conduct officer will notify the responding party, and the impacted party in cases involving allegations of sexual misconduct, of this extension, the reason(s) and the anticipated extension timeframe.
- (8) A student conduct officer may take any of the following disciplinary actions:
- (a) Exonerate the responding party and terminate the proceedings.
- (b) Impose a disciplinary sanction(s), with or without condition(s), as described in [WAC 132H-126-110](#).
- (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 responding party.
- (9) In cases involving allegations of sexual misconduct, the student conduct officer, on the same date that a disciplinary decision is served on the responding party, will serve a written notice informing the impacted party of the decision, the reasons for the decision, and any disciplinary sanctions and/or conditions that may have been imposed upon the responding party, including disciplinary suspension or dismissal of the responding party. The notice will also inform the impacted party of their appeal rights. If protective sanctions and/or conditions are imposed, the student conduct officer shall make a reasonable effort to contact the impacted party to ensure prompt notice of the protective disciplinary sanctions and/or conditions.

[Statutory Authority: RCW [28B.50.140](#).]

132H-126-130

Appeal from disciplinary action.

- (1) The responding party may appeal a disciplinary action by filing a written notice of appeal with the conduct review officer within twenty-one (21) days of service 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 responding party is seeking review.
- (3) The parties to an appeal shall be the responding party and the student conduct officer. If a case involves allegations of sexual misconduct, an impacted party also has a right to appeal a disciplinary decision or to intervene in the responding party's appeal of a disciplinary decision to the extent the disciplinary decision, sanctions or conditions

- related to allegations of sexual misconduct against the responding party.
- (4) A responding party, 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 the responding party has been summarily suspended.
 - (7) The student conduct committee shall hear appeals regarding:
 - (a) The imposition of disciplinary suspensions in excess of ten (10) instructional days;
 - (b) Dismissals; and
 - (c) Discipline cases referred to the committee by the student conduct officer, the conduct review officer, or the president.
 - (8) Student conduct appeals from the imposition of the following disciplinary sanctions shall be reviewed through a brief adjudicative proceeding:
 - (a) Residence hall dismissals;
 - (b) Residence hall suspensions;
 - (c) Suspensions of ten (10) instructional days or less;
 - (d) Disciplinary probation;
 - (e) Written reprimands; and
 - (f) Any conditions or terms imposed in conjunction with one of the foregoing disciplinary actions.
 - (g) Appeals by an impacted party in student disciplinary proceedings involving allegations of sexual misconduct in which the student conduct officer:
 - i. Dismisses disciplinary proceedings based upon a finding that the allegations of sexual misconduct have no merit; or
 - ii. Issues a verbal warning to the responding party.
 - (9) Except as provided elsewhere in these rules, disciplinary warnings and dismissals of disciplinary complaints are final actions and are not subject to appeal.
 - (10) In cases involving allegations of sexual misconduct, the impacted party has the right to appeal the following actions by the student conduct officer following the same procedures as set forth above for the responding party:
 - (a) The dismissal of a sexual misconduct complaint; or
 - (b) Any disciplinary sanction(s) and conditions imposed against a responding party for a sexual misconduct violation, including a disciplinary warning.
 - (11) If the responding party timely appeals a decision imposing discipline for a sexual misconduct violation, the college shall notify the impacted party of the appeal and provide the impacted party an opportunity to intervene as a party to the appeal.
 - (12) Except as otherwise specified in this Chapter, an impacted party who timely appeals a disciplinary decision or who intervenes as a party to responding party's appeal of a disciplinary decision shall be afforded the same procedural rights as are afforded the responding party.

[Statutory Authority: RCW [28B.50.140](#).]

Conduct hold on student records.

- (1) A student conduct officer or other designated college official may place a conduct hold on the student's record if the student is the responding party in a pending complaint of prohibited conduct, a pending conduct proceeding under this code, or in conjunction with a disciplinary sanction or condition under this code.
- (2) A conduct hold may restrict the student from registering for classes, requesting an official transcript, or receiving a degree from the college until the hold has been removed.
- (3) If the conduct hold is placed pending or during a conduct proceeding, the student will be notified of the hold and be advised how to raise an objection about the hold or request that it be made less restrictive. The hold will remain in place until lifted by the student conduct officer or other designated college official with authority to do so.
- (4) Implementation of any conduct hold prior to disciplinary action does not assume any determination of, or create any expectation of, responsibility for prohibited conduct under this conduct code.

[Statutory Authority: RCW [28B.50.140](#).]

132H-126-150**Amnesty policy.**

- (1) Bellevue College values the health, safety and wellness of those in our college community. Students are encouraged to report crimes, share concerns, and seek medical attention for themselves or others in need.
- (2) A student conduct officer may elect not to initiate disciplinary action against a student who, while in the course of helping another person seek medical or other emergency assistance, admits to a possible policy violation under this student conduct code, provided that any such violations did not and do not place the health or safety of any other person at risk.
- (3) A student conduct officer may elect not to initiate disciplinary action against a student who, while in the course of reporting violence, sexual misconduct, or a crime in progress, admits to personal consumption of alcohol or drugs at or near the time of the incident, provided that any such use did not place the health or safety of any other person at risk.
- (4) While policy violations cannot be overlooked, the college may elect to offer educational options or referrals, rather than initiating disciplinary action against students who report crimes, serve as witnesses, or seek medical attention as described in this section.
- (5) This amnesty policy may not apply to students who repeatedly violate college policies in regards to alcohol, drugs, or other prohibited conduct.

[Statutory Authority: RCW [28B.50.140](#)]

132H-126-160**Interim measures.**

- (1) After receiving a report of alleged sexual misconduct or other serious student misconduct, a student conduct officer or designee may implement interim measures which may include, but are not limited to:
 - (a) A no-contact order prohibiting direct or indirect contact, by any means, with an impacted party, a responding party, a reporting party, other specified persons, and/or

- a specific student organization;
 - (b) Reassignment of on-campus housing;
 - (c) Changes to class schedules, assignments, or test schedules;
 - (d) Modified on-campus employment schedule or location;
 - (e) Restrictions on access to portions of campus, including, but not limited to, on-campus housing; or
 - (f) Alternative safety arrangements such as campus safety escorts.
- (2) If an interim measure is put in place pending or during a conduct proceeding, the student will be notified of the interim measure and be advised how to raise an objection about the interim measure or request that it be made less restrictive. The student conduct officer may adjust or modify interim measures as students' situations and schedules change and evolve over time. Interim measures will remain in place until the student receives notice they have been lifted or modified from the student conduct officer.
- (3) Implementation of any interim measure does not assume any determination of, or create any presumption regarding responsibility for, a violation under this student conduct code.
- [Statutory Authority: RCW.]
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132H-126-170

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 responding party 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 reasonable basis to believe that the responding party:
- (a) Has violated a provision of the student conduct code; and
 - (b) Presents an immediate danger to the health, safety, or welfare of members of the college community; or
 - (c) Poses an ongoing threat of substantial disruption of, or interference with, the operations of the college.
- (3) Notice. Any responding party 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 responding party within two business days of the oral notice.
- (4) The written notice 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 responding party must appear before the conduct review officer for a hearing on the summary suspension; and
 - (c) The conditions, if any, under which the responding party may physically access the campus or communicate with members of the campus community. If the responding party has been trespassed from the campus, a notice against trespass shall be included that warns the student that their privilege to enter or remain on college premises has been withdrawn and that the responding party shall be considered to be trespassing and subject to arrest for criminal trespass if the responding party enters the college

- campus. The responding student may be authorized to access college premises for the limited purpose of meeting with the student conduct officer, the conduct review officer, or to attend a disciplinary hearing. All such meetings and hearings shall be confirmed in writing in advance and the responding party entering college premises shall be required to produce the written permission to a college official on request.
- (5) The conduct review officer shall conduct a hearing on the summary suspension as soon as practicable after imposition of the summary suspension.
- (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 responding party shall be afforded an opportunity to explain why the 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 responding party 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.
- (6) In cases involving allegations of sexual misconduct, the impacted party shall be notified that a summary suspension has been imposed on the same day that the summary suspension notice is served on the responding party. The college will also provide the impacted party with timely notice of any subsequent changes to the summary suspension order.

[Statutory Authority: RCW [28B.50.140](#).]

132H-126-180

Records.

- (1) Student conduct code records are maintained in accordance with the college's records retention schedule.
- (2) The disciplinary record is confidential, and is released only as authorized under the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. Sec. 1232g; 34 C.F.R. Part 99).

[Statutory Authority: RCW [28B.50.140](#).]

200

Brief adjudicative proceedings - Initial hearing.

- (1) Brief adjudicative proceedings shall be conducted by a conduct review officer designated by the president. The conduct review officer shall not participate in any case in which they are an impacted party or witness, or in which they have direct or personal interest,

- prejudice, or bias, or in which they have acted previously in an advisory capacity.
- (2) Before taking action, the conduct review officer shall conduct an informal hearing and provide each party:
 - (a) An opportunity to be informed of the agency's view of the matter; and
 - (b) An opportunity to explain the party's view of the matter.
 - (3) The conduct review officer shall serve an initial decision upon 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 twenty-one (21) days of service of the initial decision, the initial decision shall be deemed the final decision.
 - (4) If the matter is an appeal by the responding party, or the impacted party in the case of sexual misconduct, the conduct review officer may affirm, reverse, or modify the disciplinary sanctions and/or conditions imposed by the student conduct officer and/or impose additional disciplinary sanctions or conditions as authorized herein. 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) instructional days or expulsion, the matter shall be referred to the student conduct committee for a disciplinary hearing.
 - (5) In cases involving allegations of sexual misconduct, the conduct review officer, on the same date as the initial decision is served on the responding party, will serve a written notice upon the impacted party of the decision, the reasons for the decision, and a description of any disciplinary sanctions and/or conditions that may have been imposed upon the responding party. The notice will also inform the impacted party of their appeal rights.

[Statutory Authority: RCW [28B.50.140](#).]

132H-126-210

Brief adjudicative proceedings - Review of an initial decision.

- (1) An initial decision is subject to review by the president, provided the responding party files a written request for review with the conduct review officer within twenty-one (21) days of service of the initial decision.
- (2) The president shall not participate in any case in which they are an impacted party or witness, or in which they have direct or personal interest, prejudice, or bias, or in which they have acted previously in an advisory capacity.
- (3) During the review, the president shall give each party an opportunity to file written responses explaining their view of the matter and shall make any inquiries necessary to determine whether the findings or 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, include a brief statement of the reasons for the decision and typically must be served on the parties within twenty (20) days of the request for review. 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) days after the request is

submitted without a response from the president.

- (5) If the president, upon review, determines that the respondent's conduct may warrant imposition of a disciplinary suspension of more than ten (10) instructional days or dismissal, the matter shall be referred to the student conduct committee for a disciplinary hearing.
- (6) In cases involving allegations of sexual misconduct, the president, on the same date as the final decision is served on the responding party, will serve a written notice upon the impacted party informing the impacted party of the decision, the reasons for the decision, and a description of any disciplinary sanctions and/or conditions that may have been imposed upon the responding party. The notice will also inform the impacted party of their appeal rights.

[Statutory Authority: RCW [28B.50.140](#).]

132H-126-300

Student conduct committee.

- (1) The student conduct committee shall consist of six members:
 - (a) Two (2) full-time students appointed by the student government;
 - (b) Two (2) faculty members appointed by the president;
 - (c) Two (2) administrative staff members, other than an administrator serving as a student conduct or conduct review officer, appointed by the president prior to the beginning of the academic year for alternating two-year terms.
- (2) One of the administrative staff members shall serve as the chair of the committee and may take action on preliminary hearing matters prior to convening the committee. The administrative staff members 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, one student, and one administrative staff member 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:
 - (a) Are an impacted party or witness;
 - (b) Have direct or personal interest, prejudice, or bias; or
 - (c) Have acted previously in an advisory capacity.
- (5) Any party may petition for disqualification of a committee member pursuant to RCW [34.05.425](#)(4).

[Statutory Authority: RCW [28B.50.140](#).]

132H-126-310

Student conduct committee - Prehearing.

- (1) Proceedings of the student conduct committee shall be governed by the Administrative Procedure Act, chapter [34.05](#) RCW, and by the Model Rules of Procedure, chapter [10-08](#) WAC. To the extent there is a conflict between these rules and chapter [10-08](#) WAC, these rules shall control.

- (2) The student conduct committee chair shall serve all parties with written notice of the hearing not less than seven (7) 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 (5) days before the hearing by any party or at the direction of the committee chair, the parties shall exchange, no later than the third day prior to the hearing, lists of potential witnesses and copies of potential exhibits that they reasonably expect to present to the committee. Failure to participate in good faith in such a requested exchange may be cause for exclusion from the hearing of any witness or exhibit not disclosed, absent a showing of good cause for such failure.
- (5) The committee chair may provide to the committee members in advance of the hearing copies of (a) the conduct officer's notice of discipline, or referral to the committee, and (b) the notice of appeal, or any response to referral, by the responding party or, in a case involving allegations of sexual misconduct, the impacted party. 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 responding party and impacted party 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 necessary to maintain an orderly process, are generally prohibited without notice and opportunity for all parties to participate. Any improper "ex parte" communication shall be placed on the record, as further provided in RCW [34.05.455](#).
- (9) All parties may be accompanied at the hearing by a non-attorney process advisor of their choice.
- (10) The responding party, in all appeals before the committee, and the impacted party, in an appeal involving allegations of sexual misconduct before the committee, may elect to be represented by an attorney at their own expense. The responding and/or impacted party will be deemed to have waived the right to be represented by an attorney 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.
- (11) The committee will ordinarily be advised by an assistant attorney general. If the responding party and/or the impacted party is represented by an attorney, the student conduct officer may also be represented by a second, appropriately screened, assistant attorney general.

[Statutory Authority: RCW [28B.50.140](#).]

132H-126-320

Student conduct committee - Presentation 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](#).
- (7) In cases involving allegations of sexual misconduct, the responding and the impacted parties shall not directly question or cross-examine one another. Attorneys for the responding and impacted parties are also prohibited from directly questioning opposing parties absent express permission from the committee chair. Subject to this exception, all cross-examination questions by the responding and impacted parties shall be directed to the committee chair, who in their discretion shall pose the questions on the party's behalf. All cross-examination questions submitted to the chair in this manner shall be memorialized in writing and maintained as part of the hearing record.

[Statutory Authority: RCW .]

132H-126-330

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 (20) days following the conclusion of the hearing or the committee's receipt of closing arguments, whichever is later, 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 sanctions or conditions, if any, as authorized in the student conduct code. If the matter is an appeal by the responding party or the impacted party in the case of sexual misconduct, the committee may affirm, reverse, or modify the disciplinary sanctions and/or conditions imposed by the student conduct officer and/or impose additional disciplinary sanctions or conditions as authorized herein. The notice will also inform the responding party of their appeal rights.
- (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.
- (5) In cases involving allegations of sexual misconduct, the chair of the student conduct committee will make arrangements to have a written notice served on the impacted party informing the impacted party of the decision, the reasons for the decision, and a description of any disciplinary sanctions and/or conditions that may have been imposed upon the responding party, including suspension or dismissal of the responding party. The notice will also inform the impacted party of their appeal rights. This notice shall be served on the impacted party on the same date as the initial decision is served on the responding party. The impacted party may appeal the student conduct committee's initial decision to the president subject to the same procedures and deadlines applicable to other parties.

[Statutory Authority: RCW [28B.50.140](#).]

132H-126-340

Student conduct committee - Review of an initial decision.

- (1) A responding party, or an impacted party in a case involving allegations of sexual misconduct, who is aggrieved by the findings or conclusions issued by the student conduct committee may request a review of the committee's initial decision to the president by filing a notice of appeal with the president's office within twenty-one (21) days of service of the committee's initial decision or a written notice. Failure to file a timely appeal request within this timeframe 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 an argument as to why the appeal should be granted. The president's review shall be restricted to the hearing record made before the student conduct committee and will normally be limited to those issues and arguments raised in the notice of appeal. As part of the review process, the president may ask the non-appealing party(s) to respond to the arguments contained in the notice of appeal.
- (3) The president shall provide a written decision to all parties within thirty (30) days after receipt of the notice of appeal or receipt of the response from non-appealing parties, whichever is later. The president's decision shall be final and shall include a notice of any rights to request reconsideration and/or judicial review.
- (4) In cases involving allegations of sexual misconduct, the president, on the same date that the final decision is served upon the responding party, shall serve a written notice

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

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

[Statutory Authority: RCW [28B.50.140](#).]

2050 STUDENT CONDUCT CODE

Original Date: 6/11/1992 [Symbol] Last Revision Effective: 3/24/2015

Policy Contact: Provost for Academic and Student Affairs~~Vice President, Student Affairs~~

Chapter ~~132H-126~~^{132H-125} WAC STUDENT CONDUCT CODE OF BELLEVUE COLLEGE

~~132H-126-010~~^{132H-125-126-010}

Authority.

The board of trustees, acting pursuant to RCW [28B.50.140](#), delegates to the president of Bellevue College the authority to administer student disciplinary action. Administration of the disciplinary procedures is the responsibility of the provost for academic and student affairs~~vice president of student services~~ and/or the designated student conduct officer. The student conduct officer shall serve as the principal investigator and administrator for alleged violations of this code.

[Statutory Authority: RCW [28B.50.140](#). ~~WSR 14-23-084, § 132H-125-010, filed 11/19/14, effective 12/20/14.~~]

~~132H-126-020~~^{132H-125-126-020}

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 that~~ 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 that~~ 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.

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

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

[Statutory Authority: RCW [28B.50.140](#), ~~WSR 14 23 084~~, § [132H 125 020](#), filed 11/19/14, effective 12/20/14.]

~~132H 125 126 200030~~

Statement of jurisdiction.

(1) The student conduct code shall apply to student conduct that occurs

~~(a) On college premises, to conduct that occurs;~~

~~(b) At or in connection with college-sponsored activities; or to~~

~~(c) Off-campus conduct, if that~~ in the judgment of the college the conduct adversely affects the college community or the pursuit of its objectives.

(2) 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 Bellevue College's Associated Students, Government, athletic events, training internships, cooperative and distance education, online education, internships, practicums, supervised work experiences, or any other college-sanctioned social or club activities.

~~(3) The college has sole discretion, on a case-by-case basis, to determine whether the student conduct code will be applied to conduct that occurs off campus.~~

(4) 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. ~~The college has sole discretion, on a case-by-case basis, to determine whether the student conduct code will be applied to conduct that occurs off campus.~~

~~(5)~~

~~(6) 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. 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.~~

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[Statutory Authority: RCW [28B.50.140](#), [WSR 14-23-084](#), § [132H-125-200](#), filed 11/19/14, effective 12/20/14.]

~~132H-125-126-210040~~

Definitions.

The following definitions shall apply for the purposes of this student conduct code:

- (1) **"Business day"** means a weekday, excluding weekends and college holidays.
- (2) **"College official"** is an employee of the college performing assigned administrative, security, professional, or paraprofessional duties.
- ~~(2)~~(3) **"College premises"** shall include all campuses of the college, wherever located, and includes all land, buildings, facilities, vehicles, equipment, ~~and~~ other property owned, used, or controlled by the college, study abroad program, retreat, and conference sites, and college-sponsored and/or -hosted online platforms.
- ~~(3)~~(4) **"Conduct review officer"** is the provost for academic and student affairs~~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)~~(5) **"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)~~(6) **"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) instructional days or an expulsion, dismissal are heard by the student conduct ~~committee~~committee. Appeals of all other appealable disciplinary action shall be reviewed through brief adjudicative proceedings (BAP).
- ~~(6)~~(7) **"Filing"** is the process by which a document is officially delivered to a college official responsible for facilitating a disciplinary review. Papers required to be filed shall be deemed filed upon actual receipt during office hours at the office of the specified college official. 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) Sending the document by email and first class mail to the specified college official's ~~office and~~ college email and office address.
- (8) ~~A "complainant"~~ **"Impacted party"** is a student or another member of the college community directly affected by an alleged violation of this student conduct code. The impacted party may be the reporting party, but not necessarily; witnesses or other third parties may report concerns. In any case involving an allegation of sexual misconduct as defined in this student conduct code, an impacted party is afforded certain rights under this student conduct code including, but not limited to:
 - (a) The right to be informed of all orders issued in the disciplinary case in which this person is an impacted party;
 - (b) The right to appeal a disciplinary decision; and
 - (c) The right to be accompanied by a process advisor.~~is an alleged victim of sexual misconduct, as defined in subsection (2) of this section.~~

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~~(7)~~(9) "**Process advisor**" is a person selected by a responding party or an impacted party to provide support and guidance during disciplinary proceedings under this student conduct code.

(10) "**Respondent**~~Responding party~~" is ~~the~~a student against whom disciplinary action is initiated. Each responding party is afforded certain rights including, but not limited to:

(a) The right to be informed of all orders issued in the responding party's disciplinary case;

(b) The right to appeal a disciplinary decision; and

(c) The right to be accompanied by a process advisor.

~~(8)~~(11) "**Service**" is the process by which a document is officially delivered to a party. Service is deemed complete upon hand delivery of the document or upon the date the document is emailed and deposited in the mail. Unless otherwise provided, service upon a party shall be accomplished by:

(a) Hand delivery of the document to the party; or

(b) Sending the document by email and by certified mail or first class mail to the party's last known address.

(12) "**Sexual misconduct**" includes prohibited sexual or gender-based conduct by a student including, but not limited to, sexual harassment, sexual violence, sexual exploitation, indecent exposure, or relationship violence. ~~is prohibited sexual or gender-based conduct by a student including, but not limited to:~~

~~(9)~~(13) "**Student**" includes all persons taking courses at or through the college, whether on a full-time or part-time basis, and whether such courses are credit courses, noncredit courses, online courses, or otherwise. Persons who withdraw, graduate, or complete courses after the date of an alleged violation~~after allegedly violating the code~~, who are not officially enrolled for a particular term but who have a continuing relationship with the college, or who have been notified of their acceptance for admission are considered "students."

~~(10)~~(14) "**Student conduct officer**" is a college administrator designated by the president or provost for academic and student affairs, ~~vice president of student services~~ to be responsible for implementing and enforcing the student conduct code. The president or provost for academic and student affairs, ~~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)~~(15) "**The president**" is the president of the college. The president is authorized to delegate any and all of ~~his or her~~ their responsibilities, as set forth in this chapter, as may be reasonably necessary.

[Statutory Authority: RCW ~~28B.50.140~~, WSR 14-23-084, § 132H-125-210, filed 11/19/14, effective 12/20/14.]

~~132H-125-126-030~~100

Prohibited student conduct.

The college may impose disciplinary sanctions against a student who commits or attempts to commit, or aids, abets, incites, encourages, or assists another person to commit, ~~an act(s) of misconduct, which include, but are not limited to,~~ the following acts of misconduct:

(1) ~~Assault~~Abuse of others. Assault, physical abuse, verbal abuse, threat(s), intimidation,

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harassment, bullying, stalking or other conduct ~~which that~~ harms, threatens, or is reasonably perceived as threatening the health or safety of another person or another person's property unless otherwise protected by law. ~~For purposes of this subsection:~~

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

~~**Stalking** is intentional and repeated following of another person, which places that person in reasonable fear that the perpetrator intends to injure, intimidate, or harass that person. Stalking also includes instances where the perpetrator knows or reasonably should know that the person is frightened, intimidated, or harassed, even if the perpetrator lacks such an intent.~~

- (2) **Academic dishonesty.** Any act of academic dishonesty including, but not limited to, cheating, plagiarism, and fabrication.
- (a) **Cheating**, ~~includes a~~ny attempt to give or obtain unauthorized assistance relating to the completion of an academic assignment.
- (b) **Plagiarism**, ~~includes T~~taking and using as one's own, without proper attribution, the ideas, writings, or work of another person in completing an academic assignment. May also include the unauthorized submission for credit of academic work that has been submitted for credit in another course.
- ~~(c) **Fabrication**, includes F~~falsifying data, information, or citations in completing an academic assignment. ~~Fabrication and~~ also includes providing false or deceptive information to an instructor concerning the completion of an assignment.
- ~~(e)(d) **Multiple submissions.** Submitting the same work in separate courses without the express permission of the instructor(s).~~
- ~~(e)(e) **Deliberate damage.** Taking deliberate action to destroy or damage another's academic work or college property in order to gain an advantage for oneself or another.~~
- (3) ~~**Other Acts of dishonesty.** Any other a~~cts 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 reasonable request or requirement of a college ~~officer~~ official or employee.
- ~~(4) **Alcohol.** Use, possession, manufacture, or distribution of alcoholic beverages or paraphernalia (except as expressly permitted by college policies, and federal, state, and local laws), or public intoxication on college premises or at college-sponsored events. Alcoholic beverages may not, in any circumstance, be used by, possessed by, or distributed to any person not of legal age.~~
- ~~(4)(5) **Cyber misconduct.** Cyberstalking, cyberbullying, or online harassment. Use of electronic communications including, but not limited to, electronic mail, ~~instant-text~~ messaging, ~~electronic bulletin boards, and~~ social media sites, ~~or applications (apps)~~, to harass, abuse, bully, or engage in other conduct ~~which that~~ 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 ~~electronic mail~~ communications or computer activities directly or through spyware, sending threatening emails or texts, disrupting electronic communications with spam or by~~

- sending a computer virus, or sending false emails or texts messages to third parties using another's email identity (spoofing), ~~nonconsensual recording of sexual activity, and nonconsensual distribution of a recording of sexual activity.~~
- (5) ~~**Discriminatory conduct.** Discriminatory conduct which harm or adversely affect any member of the college community because of her/his race; color; national origin; sensory, mental or physical disability; use of a service animal; gender, including pregnancy; marital status; age (40+); religion; creed; genetic information; sexual orientation; gender identity; veteran status; or any other legally protected classification.~~
- (6) ~~**Discriminatory Hharassment.**~~
- (a) ~~Unwelcome and offensive conduct, including verbal, nonverbal, or physical conduct, not otherwise protected by law, that is directed at a person because of such person's protected status and that is sufficiently severe, persistent or pervasive so as to; serious as to deny or limit, and that does deny or limit.~~
- i. ~~Substantially Limit the ability of a student to participate in or benefit from the college's educational and/or social programs and/or student housing program;~~
- ii. ~~Alter the terms of an employee's employment; or that e~~
- iii. ~~Creates an intimidating, hostile, or offensive environment for other campus community members.~~
- (a)(b) ~~Protected status includes a person's race; color; creed/religion; national origin; presence of any sensory, mental or physical disability; use of a trained service animal; gendersex, including pregnancy; marital status; age ~~(40+)~~; ~~religion; creed;~~ genetic information; sexual orientation; gender identity or expression; honorably discharged veteran or military status~~veteran status;~~ HIV/AIDS and hepatitis C status; or any membership in any other group protected by federal, state, or local law. legally protected classification. See "Sexual misconduct" for the definition of "sexual harassment."~~
- (b)(c) ~~Discriminatory harassment may be physical, verbal, or non-verbal conduct and may include written, social media, and electronic communications not otherwise protected by law. Harassing conduct may include, but is not limited to, physical conduct, verbal, written, social media, and electronic communications.~~
- (7) ~~**Disorderly conduct.** Conduct that is disorderly, lewd, or indecent; disturbing the peace; or assisting or encouraging another person to disturb the peace.~~
- (7)(8) ~~**Obstruction or dDisruption or obstruction.** Obstruction or disruption ~~Disruption or obstruction of ef;~~ Any instruction, research, administration, disciplinary proceeding, or other college activity, including the obstruction of the free flow of pedestrian or vehicular movement on college property or at a college activity; or any activity that is authorized to occur on college property, whether or not actually conducted or sponsored by the college.~~
- (8) ~~**Alcohol, drug, and tobacco violations.**~~
- (a) ~~**Alcohol.** The use, possession, delivery, sale, or being visibly under the influence of any alcoholic beverage, except as permitted by law and applicable college policies.~~
- (9) ~~**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.~~
- (10) ~~**Failure to comply with directive.** Failure to comply with the reasonable direction of a college officer ~~or employee~~ial or employee who is acting in the legitimate performance of~~

~~his or her~~ their duties, including failure to properly identify oneself to such a person when requested to do so.

(11) **Harassment or bullying.** Conduct unrelated to a protected class that is unwelcome and sufficiently severe, persistent, or pervasive such that it could reasonably be expected to create an intimidating, hostile, or offensive environment, or has the purpose or effect of unreasonably interfering with a person's academic or work performance, or a person's ability to participate in or benefit from the college's programs, services, opportunities, or activities.

(a) Harassing conduct may include, but is not limited to, physical, verbal, or non-verbal conduct, including written, social media and electronic communications unless otherwise protected by law.

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

~~(a)~~(b) For purposes of this code, "bullying" is defined as repeated or aggressive unwanted behavior not otherwise protected by law when a reasonable person would feel humiliated, harmed or intimidated.

(c) For purposes of this code, "intimidation" is an implied threat. Intimidation exists when a reasonable person would feel threatened or coerced even though an explicit threat or display of physical force has not been made. Intimidation is evaluated based on the intensity, frequency, or duration of the comments or actions.

(12) **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)~~(13) **Indecent exposure.** The intentional or knowing exposure of a person's genitals or other private body parts when done in a place or manner in which such exposure is likely to cause affront or alarm. Breastfeeding or expressing breast milk is not indecent exposure.

(14) **Marijuana or other drugs.**

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

(b) **Drugs.** The use, possession, production, delivery, sale, or being under the influence of any ~~legend-prescription~~ drug or possession of drug paraphernalia, including anabolic steroids, androgens, or human growth hormones as defined in chapter 69.41 RCW, or any other controlled substance under chapter 69.50 RCW, except as prescribed for a student's use by a licensed practitioner.

~~(12)~~(15) **Misuse of electronic resources.** Theft or other misuse of computer time or other electronic information resources of the college. Such misuse includes, but is not limited to:

- (a) Unauthorized ~~use of such resources or~~ opening of a file, message, or other item;
- (b) Unauthorized duplication, transfer, or distribution of a computer program, file, message, or other item;

- (c) Unauthorized use or distribution of someone else's password or other identification;
 - (d) Use of ~~such~~ computer time or resources to interfere with someone else's work;
 - (e) Use of ~~computer such~~ time or resources to send, display, or print an obscene or abusive message, text, or image;
 - (f) Use of ~~computer such~~ time or resources to interfere with normal operation of the college's computing system or other electronic information resources;
 - (g) Use of ~~computer such~~ time or resources in violation of applicable copyright or other law;
 - (h) Adding to or otherwise altering the infrastructure of the college's electronic information resources without authorization; or
 - (i) Failure to comply with the college's electronic use policy.
- (16) Property violation.** ~~Damage to, misappropriation of, unauthorized use or possession of, vandalism of, or other non-accidental damaging or destruction of college property or the property of another person. Property, for purposes of this subsection, also includes computer passwords, access codes, identification cards, personal financial account numbers, other confidential personal information, intellectual property, and college trademarks.~~
- (17) Relationship violence.** ~~The infliction of physical harm, bodily injury, assault, psychological harm, or the fear of imminent physical harm, bodily injury, or assault committed by~~
- ~~(a) The impacted party's current or former spouse;~~
 - ~~(b) Current or former cohabitant;~~
 - ~~(c) A person with whom the person shares a child in common; or~~
 - ~~(d) A person who has been in a romantic or intimate relationship with the impacted party.~~
- ~~Whether such a relationship exists will be gauged by the length, type, and frequency of interaction.~~
- ~~(2) Damage to, or theft or misuse of, real or personal property or money of:~~
 - ~~(3) The college or state;~~
 - ~~(4) Any student or college officer, employee, or organization;~~
 - ~~(5) Any other member of the college community or organization; or~~
 - ~~(6) Possession of such property or money after it has been stolen.~~
- ~~(13)(18) Retaliation. Harming, threatening, intimidating, coercing or taking adverse action of any kind against a person because such person reported an alleged violation of this code or college policy, provided information about an alleged violation, or participated as a witness or in any other capacity in a college investigation or disciplinary proceeding. Retaliation against any individual for reporting, providing information, exercising one's rights or responsibilities, or otherwise being involved in the process of responding to, investigating, or addressing allegations or violations of federal, state, or local law, or college policies including, but not limited to, student conduct code provisions prohibiting discrimination and harassment.~~
- (19) Safety violations.** ~~Safety violations includes committing any reckless or unsafe act any nonaccidental conduct that endangers others, failing to follow established safety procedures (e.g. failing to evacuate during a fire alarm), or interferes-interfering with or otherwise compromises-compromising any college policy, equipment, or procedure relating to the safety and security of the campus community, including, but not limited to, tampering with fire safety or first aid equipment, and-or triggering false alarms or other~~

emergency response systems.

(20) **Sexual exploitation.** Taking nonconsensual or abusive sexual advantage of another for the responding party's own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, when the behavior does not otherwise constitute one of the other sexual misconduct offenses described herein. Examples of sexual exploitation may include, but are not limited to:

(a) Invading another person's sexual privacy;

(b) Prostituting another person;

(c) Non-consensual photography and digital or video recording of nudity or sexual activity, or non-consensual audio recording of sexual activity;

(d) Unauthorized sharing or distribution of photographs or digital or video recording of nudity or sexual activity, or audio recording of sexual activity, unless otherwise protected by law;

(e) Engaging in voyeurism. A person commits voyeurism if they knowingly view, photograph, record, or film another person, without that person's knowledge and consent, while the person being viewed, photographed, recorded, or filmed is in a place where the person has a reasonable expectation of privacy;

(f) Knowingly or recklessly exposing another person to a significant risk of sexually transmitted disease or infection; or

(g) Causing the non-consensual indecent exposure of another person, as defined by 132H-126-100(13).

(a) ~~Sexual misconduct.~~ The term "sexual misconduct" includes sexual harassment, sexual intimidation, and sexual violence.

(14)(21) **Sexual harassment.** The term "sexual harassment" means ~~unwelcome sexual or gender-based conduct of a sexual nature, including unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual or gender-based nature that is sufficiently severe, persistent or pervasive as to deny or limit, and that does deny or limit, based on sex;~~ unwelcome sexual or gender-based conduct of a sexual nature, including unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual or gender-based nature that is sufficiently severe, persistent or pervasive as to deny or limit, and that does deny or limit, based on sex;

(a) Deny or limit the ability of a student to participate in or benefit from the college's educational program;

(b) Alter the terms or conditions of employment; or

(a)(c) ~~or that~~ Creates an intimidating, hostile, or offensive environment for other campus community members.

(b) **Sexual intimidation.** The term "sexual intimidation" incorporates the definition of "sexual harassment" and means ~~threatening or emotionally distressing conduct based on sex including, but not limited to, nonconsensual recording of sexual activity or the distribution of such recording.~~

(15)(22) **Sexual violence.** "Sexual violence" is ~~a~~ A type of sexual harassment ~~and that~~ includes nonconsensual intercourse, nonconsensual sexual contact, and sexual coercion, ~~sexual exploitation, and stalking. The term further includes acts of dating or domestic violence.~~

(a) Consent ~~requires is~~ requires knowing, voluntary, and clear permission by word or action, ~~to~~ engage in mutually agreed upon sexual activity.

i. Effective consent cannot result from force, or threat of physical force, coercion, dishonesty, or intimidation.

ii. Physical force means someone is physically exerting control of another person

through violence. Physical force includes, but is not limited to, hitting, kicking, and restraining.

iii. Threatening someone to obtain consent for a sexual act is a violation of this policy. Threats exist where a reasonable person would have been compelled by the words or actions of another to give permission to sexual activity to which they otherwise would not have consented.

iv. Each party has the responsibility to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be at the time of the act of sexual intercourse or sexual contact actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact.

v. A person cannot consent if they are unable to understand what is happening or are disoriented, helpless, asleep, or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has engaged in nonconsensual conduct. Intoxication is not a defense against allegations that an individual has engaged in nonconsensual sexual conduct.

i. A person may be incapable of giving consent by reason of age, threat or intimidation, lack of opportunity to object, disability, drug or alcohol consumption, or other cause.

~~(a)~~(b) Nonconsensual sexual intercourse: is a Any sexual intercourse (anal, oral, or vaginal), however slight, with any object, by a person upon another person, that is without consent and/or by force. Sexual intercourse includes anal or vaginal penetration by a penis, tongue, finger, or object, or oral copulation by mouth to genital contact or genital to mouth contact.

~~(b)~~(c) Nonconsensual sexual contact: is a Any intentional sexual touching, however slight, with any object, by a person upon another person that is without consent and/or by force. Sexual touching includes any bodily contact with the breasts, groin, mouth, or other bodily orifice of another individual, or any other bodily contact in a sexual manner.

~~(e)~~ Domestic violence includes asserted violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.

~~(d)~~ Dating violence means violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such relationship will be gauged by its length, type, and frequency of interaction.

~~(e)~~(d) Sexual coercion. Unreasonably pressuring another for sexual contact. When an impacted party makes it clear through words or actions that they do not want to engage in sexual contact, want to stop, or do not want to go past a certain point of sexual interaction, continued pressure beyond that point is presumptively unreasonable and coercive. Other examples of coercion may include using blackmail or extortion, or administering drugs and/or alcohol to overcome resistance or gain consent to sexual activity. Sexual contact that is the result of coercion is non-consensual.

~~(46)~~(23) Stalking, means i Intentional and repeated harassment or following of another

person, which places that person in reasonable fear that the perpetrator intends to injure, intimidate, or harass that person. Stalking also includes instances where the perpetrator knows or reasonably should know that the person is frightened, intimidated, or harassed, even if the perpetrator lacks such an intent.

~~(17)~~**(24) Tobacco, electronic cigarettes, and related products.** ~~Tobacco, electronic cigarettes, and related products:~~ The use of tobacco, electronic cigarettes, and related products is prohibited 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.

~~(18)~~**(25) Unauthorized access.** Unauthorized possession, duplication, or other use of a key, keycard, or other restricted means of access to college property, or unauthorized entry onto or into college property. Providing keys to an unauthorized person or providing access to an unauthorized person is also prohibited.

(26) Unauthorized recording. The following conduct is prohibited:

(a) Making audio, video, digital recordings, or photographic images of a person without that person's consent in a location where that person has a reasonable expectation of privacy (e.g. restroom or residence hall room).

(b) Storing, sharing, publishing, or otherwise distributing such recordings or images by any means.

~~(19)~~**(27) Violation of other laws or policies.** Violation of any federal, state, or local law, rule, or regulation or other college rules or policies, including on-campus housing policies and college traffic and parking rules.

(28) Weapons.

(a) Possession~~ing~~, holding, wearing, transporting, storage-storing, or presence-exhibiting ~~of~~ any firearm, dagger, sword, knife or other cutting or stabbing instrument, club, explosive device, or any other weapon apparently capable of producing bodily harm is prohibited on the college campus, subject to the following exceptions:

i. Commissioned law enforcement personnel; or

~~(i)ii.~~ ii. Legally authorized military personnel while in performance of their official duties;

(b) Students with legally issued concealed weapons permits may store their weapons in vehicles parked in accordance with RCW 9.41.050 on campus provided the vehicle is locked and the weapon is concealed from view~~;~~.

(c) The president or his delegate may authorize possession of a weapon on campus upon a showing that the weapon is reasonably related to a legitimate pedagogical purpose. Such permission shall be in writing and shall be subject to any terms or conditions incorporated therein.

(d) Possession and/or use of disabling chemical sprays for purposes of self-defense is not prohibited.

~~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.~~

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[Statutory Authority: RCW [28B.50.140](#), [WSR 14-23-084](#), § [132H-125-030](#), filed 11/19/14, effective 12/20/14.]]

132H-125-126-040110

Disciplinary sanctions - Terms and conditions.

- (1) The following disciplinary sanctions may be imposed upon students found to have violated the student conduct code.
 - (a) **Disciplinary warning.** A verbal statement to a student that they are violating or have violated the student conduct code ~~there is a violation~~ and that continuation of the same or similar behavior ~~violation~~ may result in more severe discipline ~~be cause for further disciplinary action~~.
 - (b) **Written reprimand.** Notice in writing that the student has violated one or more terms of ~~this the code of student~~ conduct code and that continuation of the same or similar behavior may result in more severe disciplinary action.
 - (c) **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.~~
 - i. Probation may be for a limited period of time or may be for the duration of the student's attendance at the college.
 - ii. 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.
 - (d) **Disciplinary suspension.** Dismissal-Separation from the college and from the student status for a stated period of time.
 - i. There will be no refund of tuition or fees for the quarter in which the action is taken.
 - ii. Conditions of suspension may be imposed and will be specified. Except as otherwise specified in the final order, all conditions must be fulfilled before the end of the suspension period. Failure to fulfill all conditions of suspension in a timely manner will extend the suspension period and any conditions, and may result in additional disciplinary sanctions.
 - iii. The college may put a conduct hold in place during the suspension period.
 - (e) **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.
- (2) Disciplinary terms and conditions that may be imposed in conjunction with the

imposition of a disciplinary sanction include, but are not limited to, the following:

(a) **Education.** Participation in or successful completion of an educational assignment designed to create an awareness of the student's misconduct.

(b) **Loss of privileges.** Denial of specified privileges for a designated period of time.

(c) **No contact order.** A prohibition of direct or indirect physical, verbal, electronic, and/or written contact with another individual or group.

~~(a)~~(d) **Not in good standing.** A student ~~may be deemed~~found to be "not in good standing" with the college. ~~If so, the student~~ shall be subject to the following restrictions:

i. 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)~~ii. 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.

(e) **Professional evaluation.** Referral for drug, alcohol, psychological, or medical evaluation by an appropriately certified or licensed professional ~~may be required.~~

i. The student may choose the professional within the scope of practice and with the professional credentials as defined by the college.

ii. The student will sign all necessary releases to allow the college access to any such evaluation.

iii. 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.

(f) **Residence hall suspension.** Separation of the student from a residence hall or halls for a definite period of time, after which the student may be eligible to return. Conditions for reacceptance may be specified.

~~(e)~~(g) **Residence hall dismissal.** Permanent separation of the student from a residence hall or halls.

(h) **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.

(i) **Trespass or restriction.** A student may be restricted from any or all college premises and/or college-sponsored activities based on the violation.

(3) More than one of the disciplinary terms and conditions listed above may be imposed for any single violation.

(4) If a student withdraws from the college or fails to reenroll before completing a disciplinary sanction or condition, the disciplinary sanction or condition must be completed either prior to or upon the student's reenrollment, depending on the nature of the sanction, condition, and/or the underlying violation. Completion of disciplinary sanctions and conditions may be considered in petitions for readmission to the college.

[Statutory Authority: RCW [28B.50.140](#). WSR 14-23-084, § 132H 125-040, filed 11/19/14, effective 12/20/14.]

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132H-125-126-220120

Initiation of disciplinary action.

- (1) Any member of the college community may file a complaint against a student for possible violations of the student conduct code.
- (2) Upon receipt, a student conduct officer, or designee, may review and investigate any complaint to determine whether it appears to state a violation of the student conduct code.
 - (a) ~~Student on Sstudent Ssexual Mmisconduct.~~ The college's Title IX Coordinator or designee shall investigate complaints or other reports of alleged sexual misconduct by a student against a student.
 - (b) ~~Sexual Mmisconduct involving an eEmployee.~~ The college's Human Resource Office or designee shall investigate complaints or other reports of sexual misconduct in which an employee is either the impacted or responding party.
 - (c) Investigations will be completed in a timely manner and the results of the investigation shall be referred to the student conduct officer for student disciplinary action.
 - (d) College personnel will honor requests to keep sexual misconduct complaints confidential to the extent this can be done in compliance with federal and state laws and without unreasonably risking the health, safety, and welfare of the impacted party or other members of the college community.
- (3) If a student conduct officer determines that a complaint appears to state a violation of the student conduct code, the student conduct officer will consider whether the matter might be resolved through agreement with the responding party or through alternative dispute resolution proceedings involving the impacted party and the reporting party.
 - (a) Informal dispute resolution shall not be used to resolve sexual misconduct complaints without written permission from both the impacted party and the responding party.
 - (b) If the parties elect to mediate a dispute, either party shall be free to discontinue mediation at any time.
- (4) If the student conduct officer has determined that a complaint has merit and if the matter is not resolved through agreement or alternative dispute resolution, the student conduct officer may initiate disciplinary action against the responding party.
 - (a) Both the responding party and the impacted party 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.
 - (b) The student conduct officer, prior to initiating disciplinary action in cases involving allegations of sexual misconduct, will make a reasonable effort to contact the impacted party to discuss the results of the investigation and possible disciplinary sanctions and/or conditions, if any, that may be imposed upon the responding party if the allegations of sexual misconduct are found to have merit.
- ~~(4)~~(5) All disciplinary actions will be initiated by ~~the a~~ student conduct officer. If that officer is the subject of a complaint initiated by the responding party or the impacted party~~respondent~~, the president shall, upon request and when feasible, designate another person to fulfill any such disciplinary responsibilities ~~relative to the complainant~~.
- ~~(6)~~ ~~The A~~ student conduct officer shall initiate disciplinary action by serving the responding

~~party respondent~~ with written notice directing ~~him or her~~them to attend a disciplinary meeting.

(a) The notice shall briefly describe the factual allegations, the provision(s) of the student conduct code the ~~responding party respondent~~ is alleged to have violated, the range of possible sanctions for the alleged violation(s), and it will specify the time and location of the meeting.

(b) At the disciplinary meeting, the student conduct officer will present the allegations to the ~~respondent~~responding party, and the ~~responding party respondent~~ shall be afforded an opportunity to explain what ~~took place~~occurred.

~~(a)(c)~~ If the ~~responding party respondent~~ fails to attend the meeting, the student conduct officer may take disciplinary action based upon the available information.

~~(2)(7)~~ Within ten (10) days of the initial disciplinary meeting and after considering the evidence in the case, including any facts or argument presented by the responding party respondent, the student conduct officer shall serve the responding party respondent with a written decision setting forth the facts and conclusions supporting ~~his or her~~ 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. This period may be extended if the student conduct officer, based on information presented at the disciplinary meeting, concludes that additional investigation is necessary. If the period is extended, the student conduct officer will notify the responding party, and the impacted party in cases involving allegations of sexual misconduct, of this extension, the reason(s) and the anticipated extension timeframe.

~~(3)(8)~~ The A student conduct officer may take any of the following disciplinary actions:

(a) Exonerate the responding party respondent and terminate the proceedings.

(b) Impose a disciplinary sanction(s), with or without condition(s), as described in WAC ~~132H-125-126-040-110~~and BC Policy 2050.

(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 responding party respondent.

~~(4)(9)~~ In cases involving allegations of sexual misconduct, the student conduct officer, on the same date that a disciplinary decision is served on the responding party, will serve a written notice informing the impacted party of the decision, the reasons for the decision, and any disciplinary sanctions and/or conditions that may have been imposed upon the responding party, including disciplinary suspension or dismissal of the responding party. The notice will also inform the impacted party of their appeal rights. If protective sanctions and/or conditions are imposed, the student conduct officer shall make a reasonable effort to contact the impacted party to ensure prompt notice of the protective disciplinary sanctions and/or conditions.

[Statutory Authority: RCW 28B.50.140.] WSR 14-23-084, § 132H-125-220, filed 11/19/14, effective 12/20/14.]

132H-125-126-230130

Appeal from disciplinary action.

- (1) The responding party ~~respondent~~ may appeal a disciplinary action by filing a written notice of appeal with the conduct review officer within twenty-one (21) days of service 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~~ responding party is seeking review.
- (3) The parties to an appeal shall be the responding party ~~respondent~~ and the student conduct ~~review~~ officer. If a case involves allegations of sexual misconduct, an impacted party also has a right to appeal a disciplinary decision or to intervene in the responding party's appeal of a disciplinary decision to the extent the disciplinary decision, sanctions or conditions related to allegations of sexual misconduct against the responding party.
- (4) A ~~responding party~~ 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 ~~the respondent~~ responding party has been summarily suspended.
- (7) The student conduct committee shall hear appeals ~~from~~ regarding:
 - (a) The imposition of disciplinary suspensions in excess of ten (10) instructional days;
 - (b) Dismissals; and
 - (c) Discipline cases referred to the committee by the student conduct officer, the conduct review officer, or the president.
- (8) Student conduct appeals from the imposition of the following disciplinary sanctions shall be reviewed through a brief adjudicative proceeding:
 - (a) Residence hall dismissals;
 - (b) Residence hall suspensions;
 - ~~(c)~~ (c) Suspensions of ten (10) instructional days or less;
 - ~~(d)~~ (d) Disciplinary probation;
 - ~~(e)~~ (e) Written reprimands; and
 - (f) Any conditions or terms imposed in conjunction with one of the foregoing disciplinary actions.
 - (g) Appeals by an impacted party in student disciplinary proceedings involving allegations of sexual misconduct in which the student conduct officer:
 - i. Dismisses disciplinary proceedings based upon a finding that the allegations of sexual misconduct have no merit; or
 - ii. Issues a verbal warning to the responding party.
- (9) Except as provided elsewhere in these rules, disciplinary warnings and dismissals of disciplinary ~~complaints~~ actions are final actions and are not subject to appeal.
- (10) In cases involving allegations of sexual misconduct, the impacted party has the right to appeal the following actions by the student conduct officer following the same procedures as set forth above for the responding party:
 - (a) The dismissal of a sexual misconduct complaint; or
 - (b) Any disciplinary sanction(s) and conditions imposed against a responding party for a sexual misconduct violation, including a disciplinary warning.

- (1) If the responding party timely appeals a decision imposing discipline for a sexual misconduct violation, the college shall notify the impacted party of the appeal and provide the impacted party an opportunity to intervene as a party to the appeal.
- (12) Except as otherwise specified in this Chapter, an impacted party who timely appeals a disciplinary decision or who intervenes as a party to responding party's appeal of a disciplinary decision shall be afforded the same procedural rights as are afforded the responding party.

[Statutory Authority: RCW [28B.50.140](#).] WSR 14 23 084, § 132H 125 230, filed 11/19/14, effective 12/20/14.]

132H-126-140

Conduct hold on student records.

- (1) A student conduct officer or other designated college official may place a conduct hold on the student's record if the student is the responding party in a pending complaint of prohibited conduct, a pending conduct proceeding under this code, or in conjunction with a disciplinary sanction or condition under this code.
- (2) A conduct hold may restrict the student from registering for classes, requesting an official transcript, or receiving a degree from the college until the hold has been removed.
- (3) If the conduct hold is placed pending or during a conduct proceeding, the student will be notified of the hold and be advised how to raise an objection about the hold or request that it be made less restrictive. The hold will remain in place until lifted by the student conduct officer or other designated college official with authority to do so.
- (4) Implementation of any conduct hold prior to disciplinary action does not assume any determination of, or create any expectation of, responsibility for prohibited conduct under this conduct code.

[Statutory Authority: RCW [28B.50.140](#).]

132H-126-150

Amnesty policy.

- (1) Bellevue College values the health, safety and wellness of those in our college community. Students are encouraged to report crimes, share concerns, and seek medical attention for themselves or others in need.
- (2) A student conduct officer may elect not to initiate disciplinary action against a student who, while in the course of helping another person seek medical or other emergency assistance, admits to a possible policy violation under this student conduct code, provided that any such violations did not and do not place the health or safety of any other person at risk.
- (3) A student conduct officer may elect not to initiate disciplinary action against a student who, while in the course of reporting violence, sexual misconduct, or a crime in progress, admits to personal consumption of alcohol or drugs at or near the time of the incident, provided that any such use did not place the health or safety of any other person at risk.
- (4) While policy violations cannot be overlooked, the college may elect to offer educational

options or referrals, rather than initiating disciplinary action against students who report crimes, serve as witnesses, or seek medical attention as described in this section.

- (5) This amnesty policy may not apply to students who repeatedly violate college policies in regards to alcohol, drugs, or other prohibited conduct.

[Statutory Authority: RCW 28B.50.140]

132H-126-160

Interim measures.

- (1) After receiving a report of alleged sexual misconduct or other serious student misconduct, a student conduct officer or designee may implement interim measures which may include, but are not limited to:
- (a) A no-contact order prohibiting direct or indirect contact, by any means, with an impacted party, a responding party, a reporting party, other specified persons, and/or a specific student organization;
 - (b) Reassignment of on-campus housing;
 - (c) Changes to class schedules, assignments, or test schedules;
 - (d) Modified on-campus employment schedule or location;
 - (e) Restrictions on access to portions of campus, including, but not limited to, on-campus housing; or
 - (f) Alternative safety arrangements such as campus safety escorts.
- (2) If an interim measure is put in place pending or during a conduct proceeding, the student will be notified of the interim measure and be advised how to raise an objection about the interim measure or request that it be made less restrictive. The student conduct officer may adjust or modify interim measures as students' situations and schedules change and evolve over time. Interim measures will remain in place until the student receives notice they have been lifted or modified from the student conduct officer.
- (3) Implementation of any interim measure does not assume any determination of, or create any presumption regarding responsibility for, a violation under this student conduct code.

[Statutory Authority: RCW.]

132H-125-126-310170

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 ~~responding party 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 reasonable basis ~~probable cause~~ to believe that the ~~responding party respondent~~:
- (a) Has violated ~~any a~~ provision of the ~~code of student~~ conduct code; and
 - (b) Presents an immediate danger to the health, safety, or welfare of members of the college community; or
 - (c) Poses an ongoing threat of substantial disruption of, or interference with, the operations of the college.
- (3) Notice. Any ~~responding party respondent~~ who has been summarily suspended shall be

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served with oral or written notice of the summary suspension. If oral notice is given, a written notification shall be served on the responding party respondent within two business days of the oral notice.

- (4) The written ~~notification notice~~ 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 responding party respondent must appear before the conduct review officer for a hearing on the summary suspension; and
 - (c) The conditions, if any, under which the responding party respondent may physically access the campus or communicate with members of the campus community. If the responding party respondent has been trespassed from the campus, a notice against trespass shall be included that warns the student that ~~his or her their~~ privilege to enter ~~into~~ or remain on college premises has been withdrawn ~~and~~; that the responding party respondent shall be considered to be trespassing and subject to arrest for criminal trespass if the responding party respondent enters the college campus ~~other than to meet with the student conduct officer or conduct review officer, or to attend a disciplinary hearing.~~ The responding student may be authorized to access college premises for the limited purpose of meeting with the student conduct officer, the conduct review officer, or to attend a disciplinary hearing. All such meetings and hearings shall be confirmed in writing in advance and the responding party entering college premises shall be required to produce the written permission to a college official on request.
- (5) The conduct review officer shall conduct a hearing on the summary suspension as soon as practicable after imposition of the summary suspension.
- ~~(d)~~(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.
 - ~~(a)~~(b) The responding party respondent shall be afforded an opportunity to explain why the summary suspension should not be continued while disciplinary proceedings are pending or why the summary suspension should be less restrictive in scope.
 - ~~(b)~~(c) If the responding party respondent 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.
 - ~~(e)~~(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.
- (6) In cases involving allegations of sexual misconduct, the impacted party shall be notified that a summary suspension has been imposed on the same day that the summary suspension notice is served on the responding party. The college will also provide the

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impacted party with timely notice of any subsequent changes to the summary suspension order.

~~(6)~~

[Statutory Authority: RCW 28B.50.140.] WSR 14 23 084, § 132H 125 310, filed 11/19/14, effective 12/20/14.]

132H-126-180

Records.

- (1) Student conduct code records are maintained in accordance with the college's records retention schedule.
- (2) The disciplinary record is confidential, and is released only as authorized under the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. Sec. 1232g; 34 C.F.R. Part 99).

[Statutory Authority: RCW 28B.50.140.]

132H 125 240200

Brief adjudicative proceedings - Initial hearing.

- (1) Brief adjudicative proceedings shall be conducted by a conduct review officer designated by the president. The conduct review officer shall not participate in any case in which ~~he or she is~~ they are an complainant impacted party or witness, or in which they have direct or personal interest, prejudice, or bias, or in which they have acted previously in an advisory capacity.
- (2) Before taking action, the conduct review officer shall conduct an informal hearing and provide each party:
 - (a) An opportunity to be informed of the agency's view of the matter; and
 - (b) An opportunity to explain the party'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 twenty ~~one~~ (21) days of service of the initial decision, the initial decision shall be deemed the final decision.
- (4) If the matter is an appeal by the responding party, or the impacted party in the case of sexual misconduct, the conduct review officer may affirm, reverse, or modify the disciplinary sanctions and/or conditions imposed by the student conduct officer and/or impose additional disciplinary sanctions or conditions as authorized herein. 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) instructional days or expulsion, the matter shall be referred to the student conduct committee for a disciplinary hearing.
- (5) In cases involving allegations of sexual misconduct, the conduct review officer, on the same date as the initial decision is served on the responding party, will serve a written notice upon the impacted party of the decision, the reasons for the decision, and a description of any disciplinary sanctions and/or conditions that may have been imposed

upon the responding party. The notice will also inform the impacted party of their appeal rights. ~~If the conduct review officer, upon review, determines that the respondent's conduct may warrant imposition of a disciplinary suspension of more than ten instructional days or expulsion, the matter shall be referred to the student conduct committee for a disciplinary hearing.~~

[Statutory Authority: RCW [28B.50.140](#), WSR 14-23-084, § 132H-125-240, filed 11/19/14, effective 12/20/14.]

~~132H-125-126-250~~210

Brief adjudicative proceedings - Review of an initial decision.

- (1) An initial decision is subject to review by the president, provided the responding party respondent files a written request for review with the conduct review officer within twenty-one (21) days of service of the initial decision.
- (2) The president shall not participate in any case in which he or she is they are an complainant-impacted party or witness, or in which he/she has they have direct or personal interest, prejudice, or bias, or in which he/she has they have acted previously in an advisory capacity.
- (3) During the review, the president shall give each party an opportunity to file written responses explaining their view of the matter and shall make any inquiries necessary to determine whether the findings or 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 typically must be served on the parties within twenty (20) 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) days after the request is submitted without a response from the president.
- (5) If the president, upon review, determines that the respondent's conduct may warrant imposition of a disciplinary suspension of more than ten (10) instructional days or ~~expulsion~~dismissal, the matter shall be referred to the student conduct committee for a disciplinary hearing.
- ~~(5)~~(6) In cases involving allegations of sexual misconduct, the president, on the same date as the final decision is served on the responding party, will serve a written notice upon the impacted party informing the impacted party of the decision, the reasons for the decision, and a description of any disciplinary sanctions and/or conditions that may have been imposed upon the responding party. The notice will also inform the impacted party of their appeal rights.

[Statutory Authority: RCW [28B.50.140](#), WSR 14-23-084, § 132H-125-250, filed 11/19/14, effective 12/20/14.]

~~132H-125-126-260~~300

Student conduct committee.

- (1) The student conduct committee shall consist of six members:
 - (a) Two (2) full-time students appointed by the student government;
 - (b) Two (2) faculty members appointed by the president;
 - (c) Two (2) administrative staff members, other than an administrator serving as a student conduct or conduct review officer, appointed by the president prior to the beginning of the academic year for alternating two-year terms.
- (2) One of the administrative staff members shall serve as the chair of the committee and may take action on preliminary hearing matters prior to convening the committee. The administrative staff members 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, one student, and one administrative staff member 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:
 - (a) ~~are a party, complainant, an impacted party~~ or witness;
 - (b) ~~in which they h~~ave direct or personal interest, prejudice, or bias, ~~or in which they~~
 - (c) ~~h~~ave acted previously in an advisory capacity.
- ~~(4)~~(5) Any party may petition for disqualification of a committee member pursuant to RCW 34.05.425(4).

[Statutory Authority: RCW 28B.50.140.] WSR 14 23 084, § 132H 125 260, filed 11/19/14, effective 12/20/14.]

132H-125--126-270310

Appeal – Student conduct committee - Prehearing.

- (1) Proceedings of the student conduct committee shall be governed by the Administrative Procedure Act, chapter 34.05 RCW, and by the Model Rules of Procedure, chapter 10-08 WAC. To the extent there is a conflict between these rules and chapter 10-08 WAC, these rules shall control.
- (2) The student conduct committee chair shall serve all parties with written notice of the hearing not less than seven (7) 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 (5) days before the hearing by any party or at the direction of the committee chair, the parties shall exchange, no later than the third day prior to the hearing, lists of potential witnesses and copies of potential exhibits that they reasonably expect to present to the committee. Failure to participate in good faith in such a requested exchange may be cause for exclusion from the hearing of any witness or exhibit not disclosed, absent a showing of good cause for such failure.
- (5) The committee chair may provide to the committee members in advance of the hearing

copies of (a) the conduct officer's ~~notification of imposition~~notice of discipline, or referral to the committee, and (b) the notice of appeal, or any response to referral, by the ~~responding party or, in a case involving allegations of sexual misconduct, the impacted party~~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 ~~responding party and impacted party~~ 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 a~~ Any improper "ex parte" communication shall be placed on the record, as further provided in RCW [34.05.455](#).
- (9) ~~Each party~~All parties may be accompanied at the hearing by a non-attorney ~~process~~ advisor assistant of his/her/their choice.
- (10) ~~The responding party, in all appeals before the committee, and the impacted party, in an appeal involving allegations of sexual misconduct before the committee, A respondent~~ may elect to be represented by an attorney at ~~his or her~~ their own ~~cost~~expense. The ~~responding and/or impacted party, but~~ will be deemed to have waived ~~the right to be represented by an attorney 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.
- (11) The committee will ordinarily be advised by an assistant attorney general. If the ~~responding party and/or the impacted party~~ respondent is represented by an attorney, the student conduct officer may also be represented by a second, appropriately screened, assistant attorney general.

[Statutory Authority: RCW [28B.50.140](#), WSR 14-23-084, § 132H-125-270, filed 11/19/14, effective 12/20/14.]

~~132H-125-126-280~~320

Student conduct committee ~~hearings~~ - Presentations of evidence.

- (1) Upon the failure of any party to attend or participate in a hearing, the student conduct committee may either:
 - (a) Proceed with the hearing and issuance of its decision; or
 - (b) Serve a decision of default in accordance with RCW [34.05.440](#).
- (2) The hearing will ordinarily be closed to the public. However, if all parties agree on the record that some or all of the proceedings be open, the chair shall determine any extent to which the hearing will be open. If any person disrupts the proceedings, the chair may exclude that person from the hearing room.
- (3) The chair shall cause the hearing to be recorded by a method that ~~he/she~~they selects, 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](#).

(7) In cases involving allegations of sexual misconduct, the responding and the impacted parties shall not directly question or cross-examine one another. Attorneys for the responding and impacted parties are also prohibited from directly questioning opposing parties absent express permission from the committee chair. Subject to this exception, all cross-examination questions by the responding and impacted parties shall be directed to the committee chair, who in their discretion shall pose the questions on the party's behalf. All cross-examination questions submitted to the chair in this manner shall be memorialized in writing and maintained as part of the hearing record.

[Statutory Authority: RCW [28B.50.140](#). WSR 14 23 084, § 132H 125 280, filed 11/19/14, effective 12/20/14.]

132H-125-126-290330

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 (20) days following the ~~later of the~~ conclusion of the hearing or the committee's receipt of closing arguments, whichever is later, 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 sanctions~~(s)~~ or conditions, if any, as authorized in the student conduct code. If the matter is an appeal by the responding party or the impacted party in the case of sexual misconduct~~respondent~~, the committee may affirm, reverse, or modify the disciplinary sanctions and/or conditions imposed by the student conduct officer and/or impose additional disciplinary sanction~~(s)~~ or conditions as authorized herein. The notice will also inform the responding party of their appeal rights.
- (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.
- (5) In cases involving allegations of sexual misconduct, the chair of the student conduct

committee will make arrangements to have a written notice served on the impacted party informing the impacted party of the decision, the reasons for the decision, and a description of any disciplinary sanctions and/or conditions that may have been imposed upon the responding party, including suspension or dismissal of the responding party. The notice will also inform the impacted party of their appeal rights. This notice shall be served on the impacted party on the same date as the initial decision is served on the responding party. The impacted party may appeal the student conduct committee's initial decision to the president subject to the same procedures and deadlines applicable to other parties.

~~(4)~~

[Statutory Authority: RCW [28B.50.140](#).]

~~WSR 14-23-084, § 132H 125-290, filed 11/19/14, effective 12/20/14.~~

~~132H-125-126-300340~~

~~Student conduct committee - Review of an initial decision~~Appeal from student conduct committee initial decision.

- (1) A responding party, or an impacted party in a case involving allegations of sexual misconduct, respondent who is aggrieved by the findings or conclusions issued by the student conduct committee may appeal-request a review of the committee's initial decision to the president by filing a notice of appeal with the president's office within twenty-one (21) days of service of the committee's initial decision or a written notice. Failure to file a timely appeal request within this timeframe 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 an argument as to why the appeal should be granted. The president'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. As part of the review process, the president may ask the non-appealing party(s) to respond to the arguments contained in the notice of appeal.
- (3) The president shall provide a written decision to all parties within forty-five-thirty (30) days after receipt of the notice of appeal or receipt of the response from non-appealing parties, whichever is later. The president's decision shall be final and shall include a notice of any rights to request reconsideration and/or judicial review.
- ~~(4)~~ The president may, at his or her discretion, suspend any disciplinary action pending review of the merits of the findings, conclusions, and disciplinary actions imposed.
- ~~(5)~~ (4) In cases involving allegations of sexual misconduct, the president, on the same date that the final decision is served upon the responding party, shall serve a written notice informing the impacted party of the final decision. This notice shall inform the impacted party whether the sexual misconduct allegation was found to have merit and describe any disciplinary sanctions and/or conditions imposed upon the responding party for the impacted party's protection, including suspension or dismissal of the responding party.
- ~~(6)~~ (5) The president shall not engage in an ex parte communication with any of the parties regarding an appeal.

[Statutory Authority: RCW [28B.50.140](#). ~~WSR 14-23-084, § 132H 125-300, filed 11/19/14, effective 12/20/14.~~]

132H-125-320**Discipline procedures for cases involving allegations of sexual misconduct.**

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 through . In the event of conflict between the sexual misconduct procedures and the student disciplinary procedures, the sexual misconduct procedures shall take precedence.

[Statutory Authority: RCW . WSR 14-23-084, § 132H-125-320, filed 11/19/14, effective 12/20/14.]

132H-125-330**Supplemental definitions.**

The following supplemental definitions shall apply for purposes of student conduct code proceedings involving allegations of sexual misconduct by a student:

- ~~(2) A "complainant" is an alleged victim of sexual misconduct, as defined in subsection (2) of this section.~~
- ~~(3) "Sexual misconduct" is prohibited sexual or gender-based conduct by a student including, but not limited to:
 - ~~(a) Sexual activity for which clear and voluntary consent has not been given in advance;~~
 - ~~(b) Sexual activity with someone who is incapable of giving valid consent because, for example, she or he is underage, sleeping, or otherwise incapacitated due to alcohol or drugs;~~
 - ~~(c) Sexual harassment;~~
 - ~~(d) Sexual violence which includes, but is not limited to, sexual assault, domestic violence, intimate violence, and sexual or gender-based stalking; and~~
 - ~~(e) Nonphysical conduct such as sexual or gender-based digital media stalking, sexual or gender-based online harassment, sexual or gender-based cyberbullying, nonconsensual recording of a sexual activity, and nonconsensual distribution of a recording of a sexual activity.~~~~

[Statutory Authority: RCW . WSR 14-23-084, § 132H-125-330, filed 11/19/14, effective 12/20/14.]

132H-125-340**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 his or her 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 prompt notice of the protective disciplinary sanctions and/or conditions.

[Statutory Authority: RCW . WSR 14 23 084, § 132H 125 340, filed 11/19/14, effective 12/20/14.]

132H 125 350

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 twenty one days of service of the notice of the discipline decision provided for in WAC (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 the 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) Disciplinary warning;
 - (c) Written reprimand;
 - (d) Disciplinary probation;
 - (e) Suspensions of ten instructional days or less; and/or
 - (f) Any conditions or terms imposed in conjunction with one of the foregoing disciplinary actions.
- (6) An appeal by a complainant from disciplinary action imposing a suspension in excess of ten instructional days or an expulsion shall be reviewed by the student conduct committee.
- (7) In proceedings before the student conduct committee, respondent and complainant shall have the right to be accompanied by a nonattorney assistant of their choosing during the appeal process. Complainant may choose to be represented at the hearing by an attorney at his or her own expense, but will be deemed to have waived that right unless, at least four business days before the hearing, he or she files a written notice of the attorney's identity and participation with the committee chair, and 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 nonattorney assistants and/or attorneys may attend portions of the hearing where argument, testimony, and/or evidence are presented to the student conduct committee.
- (10) The 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 his or her appeal rights.
- (11) The 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, on the same date that the final decision is served upon the respondent, shall serve a written notice informing the complainant of the final decision. This notice shall inform the complainant whether the sexual misconduct allegation was found to have merit and describe any disciplinary sanctions and/or conditions imposed upon the respondent for the complainant's protection, including suspension or dismissal of the respondent.

[Statutory Authority: RCW . WSR 14 23 084, § 132H 125 350, filed 11/19/14, effective 12/20/14.]

RELEVANT LAWS AND OTHER RESOURCES

- WAC 132H-125-005, -010, -020, -030, -040, -200, -210, -220, -230, -240, -250, -260, -270, -280, -290, -300, -310, -320, -330, -340, -350,

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APPROVED BY

Board of Trustees
President's Cabinet

Chapter 132H-126~~5~~ WAC
STUDENT CONDUCT CODE OF BELLEVUE COLLEGE

132H-~~125~~-126-010

Authority.

The board of trustees, acting pursuant to RCW [28B.50.140](#), delegates to the president of Bellevue College the authority to administer [student](#) disciplinary action. Administration of the disciplinary procedures is the responsibility of the [provost for academic and student affairs](#)~~and the president of student services~~ and/or [the](#) designated student conduct officer. The student conduct officer shall serve as the principal investigator and administrator for alleged violations of this code.

[Statutory Authority: RCW [28B.50.140](#), ~~WSR 14-23-084~~, § [132H-125-010](#), filed 11/19/14, effective ~~12/20/14~~.]

132H-~~125~~-126-020

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

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

[Statutory Authority: RCW [28B.50.140](#), [WSR 14-23-084](#), § [132H-125-020](#), filed 11/19/14, effective 12/20/14.]

~~132H-125-126-200030~~

Statement of jurisdiction.

- (1) The student conduct code shall apply to student conduct that occurs
 - (a) ~~On college premises, to conduct that occurs;~~
 - (b) ~~at~~ or in connection with college-sponsored activities; ~~or~~
 - (c) ~~Off-campus conduct, if that~~ in the judgment of the college the conduct adversely affects the college community or the pursuit of its objectives.
- (2) 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 Bellevue College's Associated sStudents, Government, athletic events, training internships, cooperative and distance education, online education, internships, practicums, supervised work experiences, or any other college-sanctioned social or club activities.
- (3) The college has sole discretion, on a case-by-case basis, to determine whether the student conduct code will be applied to conduct that occurs off campus.
- (4) 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. ~~The college has sole discretion, on a case-by-case basis, to determine whether the student conduct code will be applied to conduct that occurs off campus.~~

- (5)
- (6) 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. ~~In addition to initiating discipline proceedings for violation of the student conduct code, the college may refer any violations of federal, state, or local laws to civil and criminal authorities for disposition. The college shall proceed with student disciplinary proceedings regardless of whether the underlying conduct is subject to civil or criminal prosecution.~~

[Statutory Authority: RCW [28B.50.140](#), [WSR 14-23-084](#), § [132H-125-200](#), filed 11/19/14, effective 12/20/14.]

~~132H-125-126-210040~~

Definitions.

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The following definitions shall apply for the purposes of this student conduct code:

- (1) **"Business day"** means a weekday, excluding weekends and college holidays.
- (2) **"College official"** is an employee of the college performing assigned administrative, security, professional, or paraprofessional duties.
- (3) **"College premises"** shall include all campuses of the college, wherever located, and includes all land, buildings, facilities, vehicles, equipment, and other property owned, used, or controlled by the college, study abroad program, retreat, and conference sites, and college-sponsored and/or -hosted online platforms.
- (4) **"Conduct review officer"** is the provost for academic and student affairs ~~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.
- (5) **"Disciplinary action"** is the process by which the student conduct officer imposes discipline against a student for a violation of the student conduct code.
- (6) **"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) instructional days or an ~~expulsion, dismissal~~ are heard by the student conduct ~~committee~~ committee. Appeals of all other appealable disciplinary action shall be reviewed through brief adjudicative proceedings (BAP).
- (7) **"Filing"** is the process by which a document is officially delivered to a college official responsible for facilitating a disciplinary review. Papers required to be filed shall be deemed filed upon actual receipt during office hours at the office of the specified college official. 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) Sending the document by email and first class mail to the specified college official's ~~office and~~ college email ~~and office~~ address.
- (8) ~~A "complainant"~~ **"Impacted party"** is a student or another member of the college community directly affected by an alleged violation of this student conduct code. The impacted party may be the reporting party, but not necessarily; witnesses or other third parties may report concerns. In any case involving an allegation of sexual misconduct as defined in this student conduct code, an impacted party is afforded certain rights under this student conduct code including, but not limited to:
 - (a) The right to be informed of all orders issued in the disciplinary case in which this person is an impacted party;
 - (b) The right to appeal a disciplinary decision; and
 - (c) The right to be accompanied by a process advisor.~~is an alleged victim of sexual misconduct, as defined in subsection (2) of this section.~~
- (9) **"Process advisor"** is a person selected by a responding party or an impacted party to provide support and guidance during disciplinary proceedings under this student conduct code.
- (10) ~~Respondent~~ **Responding party** is ~~the a~~ student against whom disciplinary action is initiated. Each responding party is afforded certain rights including, but not limited to:
 - (a) The right to be informed of all orders issued in the responding party's disciplinary

case;

(b) The right to appeal a disciplinary decision; and

(c) The right to be accompanied by a process advisor.

~~(8)~~(11) **"Service"** is the process by which a document is officially delivered to a party.

Service is deemed complete upon hand delivery of the document or upon the date the document is emailed and deposited in the mail. Unless otherwise provided, service upon a party shall be accomplished by:

(a) Hand delivery of the document to the party; or

(b) Sending the document by email and by certified mail or first class mail to the party's last known address.

(12) **"Sexual misconduct"** includes prohibited sexual or gender-based conduct by a student including, but not limited to, sexual harassment, sexual violence, sexual exploitation, indecent exposure, or relationship violence. ~~is prohibited sexual or gender-based conduct by a student including, but not limited to:~~

~~(9)~~(13) **"Student"** includes all persons taking courses at or through the college, whether on a full-time or part-time basis, and whether such courses are credit courses, noncredit courses, online courses, or otherwise. Persons who withdraw, graduate, or complete courses after the date of an alleged violation after allegedly violating the code, who are not officially enrolled for a particular term but who have a continuing relationship with the college, or who have been notified of their acceptance for admission are considered "students."

~~(10)~~(14) **"Student conduct officer"** is a college administrator designated by the president or provost for academic and student affairs ~~vice president of student services~~ to be responsible for implementing and enforcing the student conduct code. The president or provost for academic and student affairs ~~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)~~(15) **"The president"** is the president of the college. The president is authorized to delegate any and all of ~~his or her~~ their responsibilities, as set forth in this chapter, as may be reasonably necessary.

[Statutory Authority: RCW 28B.50.140, WSR 14 23 084, § 132H 125 210, filed 11/19/14, effective 12/20/14.]

132H-125-126-030100

Prohibited student conduct.

The college may impose disciplinary sanctions against a student who commits or attempts to commit, or aids, abets, incites, encourages, or assists another person to commit, ~~an act(s) of misconduct, which include, but are not limited to:~~ the following acts of misconduct:

(1) ~~Assault~~Abuse of others. Assault, physical abuse, verbal abuse, threat(s), intimidation, harassment, bullying, stalking or other conduct ~~which that~~ harms, threatens, or is reasonably perceived as threatening the health or safety of another person or another person's property unless otherwise protected by law. ~~For purposes of this subsection:~~

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

Stalking is intentional and repeated following of another person, which places that

Commented [MK3]: Prohibited student conduct items were alphabetized. The moves were not tracked to allow for edits to individual text to appear.

~~person in reasonable fear that the perpetrator intends to injure, intimidate, or harass that person. Stalking also includes instances where the perpetrator knows or reasonably should know that the person is frightened, intimidated, or harassed, even if the perpetrator lacks such an intent.~~

- ~~(4)~~**(2) Academic dishonesty.** Any act of academic dishonesty including, but not limited to, cheating, plagiarism, and fabrication.
- (a) **Cheating.** ~~includes a~~Any attempt to give or obtain unauthorized assistance relating to the completion of an academic assignment.
 - (b) **Plagiarism.** ~~includes T~~taking and using as one's own, without proper attribution, the ideas, writings, or work of another person in completing an academic assignment. May also include the unauthorized submission for credit of academic work that has been submitted for credit in another course.
 - ~~(c)~~ **Fabrication.** ~~includes F~~falsifying data, information, or citations in completing an academic assignment. ~~Fabrication and~~ also includes providing false or deceptive information to an instructor concerning the completion of an assignment.
 - ~~(e)~~~~(d)~~ **Multiple submissions.** Submitting the same work in separate courses without the express permission of the instructor(s).
 - ~~(d)~~~~(e)~~ **Deliberate damage.** Taking deliberate action to destroy or damage another's academic work or college property in order to gain an advantage for oneself or another.
- ~~(5)~~**(3) Other Acts of dishonesty.** Any other ~~a~~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 reasonable request or requirement of a college ~~officer official~~ or employee.
- (4) Alcohol.** Use, possession, manufacture, or distribution of alcoholic beverages or paraphernalia (except as expressly permitted by college policies, and federal, state, and local laws), or public intoxication on college premises or at college-sponsored events. Alcoholic beverages may not, in any circumstance, be used by, possessed by, or distributed to any person not of legal age.
- ~~(6)~~**(5) Cyber misconduct.** Cyberstalking, cyberbullying, or online harassment. Use of electronic communications including, but not limited to, electronic mail, ~~instant text~~ messaging, ~~electronic bulletin boards, and~~ social media sites, or applications (apps), to harass, abuse, bully, or engage in other conduct ~~which that~~ 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 ~~electronic mail~~ communications or computer activities directly or through spyware, sending threatening emails or texts, disrupting electronic communications with spam or by sending a computer virus, or sending false emails or texts messages to third parties using another's email identity (spoofing), ~~nonconsensual recording of sexual activity, and nonconsensual distribution of a recording of sexual activity.~~
- (7) Discriminatory conduct.** Discriminatory conduct which harm or adversely affect any member of the college community because of her/his race; color; national origin; sensory, mental or physical disability; use of a service animal; gender, including pregnancy;

~~marital status; age (40+); religion; creed; genetic information; sexual orientation; gender identity; veteran status; or any other legally protected classification.~~

~~(8)~~ **(6) Discriminatory Harassment.**

~~(a)~~ Unwelcome and offensive conduct, including verbal, nonverbal, or physical conduct, not otherwise protected by law, that is directed at a person because of such person's protected status and that is sufficiently severe, persistent or pervasive so as to; serious as to deny or limit, and that does deny or limit;

~~i.~~ Substantially Limit the ability of a student to participate in or benefit from the college's educational and/or social programs and/or student housing program;

~~ii.~~ Alter the terms of an employee's employment; or ~~that e~~

~~iii.~~ Creates an intimidating, hostile, or offensive environment for other campus community members.

~~(a)~~ **(b)** Protected status includes a person's race; color; creed/religion; national origin; presence of any sensory, mental or physical disability; use of a trained service animal; gendersex, including pregnancy; marital status; age (40+); religion; creed; genetic information; sexual orientation; gender identity or expression; honorably discharged veteran or military statusveteran status; HIV/AIDS and hepatitis C status; or any membership in any other group protected by federal, state, or local law, legally protected classification. See "Sexual misconduct" for the definition of "sexual harassment."

~~(b)~~ **(c)** Discriminatory harassment may be physical, verbal, or non-verbal conduct and may include written, social media, and electronic communications not otherwise protected by law. Harassing conduct may include, but is not limited to, physical conduct, verbal, written, social media, and electronic communications.

(7) Disorderly conduct. Conduct that is disorderly, lewd, or indecent; disturbing the peace; or assisting or encouraging another person to disturb the peace.

~~(9)~~ **(8) Obstruction or Disruption or obstruction.** Obstruction or disruption-Disruption or obstruction of of: Any instruction, research, administration, disciplinary proceeding, or other college activity, including the obstruction of the free flow of pedestrian or vehicular movement on college property or at a college activity, or any activity that is authorized to occur on college property, whether or not actually conducted or sponsored by the college.

(10) Alcohol, drug, and tobacco violations.

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

~~(12)~~ **(9) 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.

~~(13)~~ **(10) Failure to comply with directive.** Failure to comply with the reasonable direction of a college officer ~~or employee~~ ial or employee who is acting in the legitimate performance of his or her their duties, including failure to properly identify oneself to such a person when requested to do so.

(11) Harassment or bullying. Conduct unrelated to a protected class that is unwelcome and sufficiently severe, persistent, or pervasive such that it could reasonably be expected to create an intimidating, hostile, or offensive environment, or has the purpose or effect of

unreasonably interfering with a person's academic or work performance, or a person's ability to participate in or benefit from the college's programs, services, opportunities, or activities.

(a) Harassing conduct may include, but is not limited to, physical, verbal, or non-verbal conduct, including written, social media and electronic communications unless otherwise protected by law.

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

~~(a)~~(b) For purposes of this code, "bullying" is defined as repeated or aggressive unwanted behavior not otherwise protected by law when a reasonable person would feel humiliated, harmed or intimidated.

(c) For purposes of this code, "intimidation" is an implied threat. Intimidation exists when a reasonable person would feel threatened or coerced even though an explicit threat or display of physical force has not been made. Intimidation is evaluated based on the intensity, frequency, or duration of the comments or actions.

(12) 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.

~~(14)~~**(13) Indecent exposure.** The intentional or knowing exposure of a person's genitals or other private body parts when done in a place or manner in which such exposure is likely to cause affront or alarm. Breastfeeding or expressing breast milk is not indecent exposure.

(14) Marijuana or other drugs.

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

(b) **Drugs.** The use, possession, production, delivery, sale, or being under the influence of any ~~legend-prescription drug~~ or possession of drug paraphernalia, including anabolic steroids, androgens, or human growth hormones as defined in chapter 69.41 RCW, or any other controlled substance under chapter 69.50 RCW, except as prescribed for a student's use by a licensed practitioner.

(15) Misuse of electronic resources. Theft or other misuse of computer time or other electronic information resources of the college. Such misuse includes, but is not limited to:

(a) Unauthorized ~~use of such resources~~ or opening of a file, message, or other item;

(b) Unauthorized duplication, transfer, or distribution of a computer program, file, message, or other item;

(c) Unauthorized use or distribution of someone else's password or other identification;

(d) Use of ~~such computer~~ time or resources to interfere with someone else's work;

(e) Use of ~~computer such~~ time or resources to send, display, or print an obscene or abusive message, text, or image;

(f) Use of ~~computer such~~ time or resources to interfere with normal operation of the

- college's computing system or other electronic information resources;
- (g) Use of computer such-time or resources in violation of applicable copyright or other law;
 - (h) Adding to or otherwise altering the infrastructure of the college's electronic information resources without authorization; or
 - (i) Failure to comply with the college's electronic use policy.
- (16) **Property violation.** -Damage to, misappropriation of, unauthorized use or possession of, vandalism of, or other non-accidental damaging or destruction of college property or the property of another person. Property, for purposes of this subsection, also includes computer passwords, access codes, identification cards, personal financial account numbers, other confidential personal information, intellectual property, and college trademarks.
- (17) **Relationship violence.** The infliction of physical harm, bodily injury, assault, psychological harm, or the fear of imminent physical harm, bodily injury, or assault committed by
- (a) The impacted party's current or former spouse;
 - (b) Current or former cohabitant;
 - (c) A person with whom the person shares a child in common; or
 - (d) A person who has been in a romantic or intimate relationship with the impacted party. Whether such a relationship exists will be gauged by the length, type, and frequency of interaction.
- ~~(16) Damage to, or theft or misuse of, real or personal property or money of:~~
- ~~(17) The college or state;~~
- ~~(18) Any student or college officer, employee, or organization;~~
- ~~(19) Any other member of the college community or organization; or~~
- ~~(20) Possession of such property or money after it has been stolen.~~
- ~~(21)(18) **Retaliation.** Harming, threatening, intimidating, coercing or taking adverse action of any kind against a person because such person reported an alleged violation of this code or college policy, provided information about an alleged violation, or participated as a witness or in any other capacity in a college investigation or disciplinary proceeding. Retaliation against any individual for reporting, providing information, exercising one's rights or responsibilities, or otherwise being involved in the process of responding to, investigating, or addressing allegations or violations of federal, state, or local law, or college policies including, but not limited to, student conduct code provisions prohibiting discrimination and harassment.~~
- (19) **Safety violations.** Safety violations includes committing any reckless or unsafe act ~~any nonaccidental conduct~~ that endangers others, failing to follow established safety procedures (e.g. failing to evacuate during a fire alarm), or interferes-interfering with or otherwise compromises-compromising any college policy, equipment, or procedure relating to the safety and security of the campus community, including, but not limited to, tampering with fire safety or first aid equipment, and-or triggering false alarms or other emergency response systems.
- (20) **Sexual exploitation.** Taking nonconsensual or abusive sexual advantage of another for the responding party's own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, when the behavior does not otherwise constitute one of the other sexual misconduct offenses described herein. Examples of sexual exploitation may

include, but are not limited to:

- (a) Invading another person's sexual privacy;
- (b) Prostituting another person;
- (c) Non-consensual photography and digital or video recording of nudity or sexual activity, or non-consensual audio recording of sexual activity;
- (d) Unauthorized sharing or distribution of photographs or digital or video recording of nudity or sexual activity, or audio recording of sexual activity, unless otherwise protected by law;
- (e) Engaging in voyeurism. A person commits voyeurism if they knowingly view, photograph, record, or film another person, without that person's knowledge and consent, while the person being viewed, photographed, recorded, or filmed is in a place where the person has a reasonable expectation of privacy;
- (f) Knowingly or recklessly exposing another person to a significant risk of sexually transmitted disease or infection; or
- (g) Causing the non-consensual indecent exposure of another person, as defined by 132H-126-100(13).
- (v) ~~Sexual misconduct. The term "sexual misconduct" includes sexual harassment, sexual intimidation, and sexual violence.~~

~~(23)(21) Sexual harassment. The term "sexual harassment" means an unwelcome sexual or gender-based conduct of a sexual nature, including unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual or gender-based nature that is sufficiently severe, persistent or pervasive as to be serious as to deny or limit, and that does deny or limit, based on sex,~~

~~(a) Deny or limit the ability of a student to participate in or benefit from the college's educational program;~~

~~(b) Alter the terms or conditions of employment; or~~

~~(a)(c) or that creates an intimidating, hostile, or offensive environment for other campus community members.~~

~~(x) Sexual intimidation. The term "sexual intimidation" incorporates the definition of "sexual harassment" and means threatening or emotionally distressing conduct based on sex including, but not limited to, nonconsensual recording of sexual activity or the distribution of such recording.~~

~~(25)(22) Sexual violence. "Sexual violence" is a type of sexual harassment and that includes nonconsensual intercourse, nonconsensual sexual contact, and sexual coercion, sexual exploitation, and stalking. The term further includes acts of dating or domestic violence.~~

~~(a) Consent requires is knowing, voluntary, and clear permission by word or action, to engage in mutually agreed upon sexual activity.~~

~~i. Effective consent cannot result from force, or threat of physical force, coercion, dishonesty, or intimidation.~~

~~ii. Physical force means someone is physically exerting control of another person through violence. Physical force includes, but is not limited to, hitting, kicking, and restraining.~~

~~iii. Threatening someone to obtain consent for a sexual act is a violation of this policy. Threats exist where a reasonable person would have been compelled by the words or actions of another to give permission to sexual activity to which they~~

otherwise would not have consented.

iv. Each party has the responsibility to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be at the time of the act of sexual intercourse or sexual contact actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact.

v. A person cannot consent if they are unable to understand what is happening or are disoriented, helpless, asleep, or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has engaged in nonconsensual conduct. Intoxication is not a defense against allegations that an individual has engaged in nonconsensual sexual conduct.

i.—A person may be incapable of giving consent by reason of age, threat or intimidation, lack of opportunity to object, disability, drug or alcohol consumption, or other cause.

(b) **Nonconsensual sexual intercourse:** ~~is a~~ AAny sexual intercourse (anal, oral, or vaginal), however slight, with any object, by a person upon another person, that is without consent and/or by force. Sexual intercourse includes anal or vaginal penetration by a penis, tongue, finger, or object, or oral copulation by mouth to genital contact or genital to mouth contact.

(c) **Nonconsensual sexual contact:** ~~is a~~ AAny intentional sexual touching, however slight, with any object, by a person upon another person that is without consent and/or by force. Sexual touching includes any bodily contact with the breasts, groin, mouth, or other bodily orifice of another individual, or any other bodily contact in a sexual manner.

~~(d) Domestic violence includes asserted violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.~~

~~(e) Dating violence means violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such relationship will be gauged by its length, type, and frequency of interaction.~~

~~(f)~~(d) **Sexual coercion.** Unreasonably pressuring another for sexual contact. When an impacted party makes it clear through words or actions that they do not want to engage in sexual contact, want to stop, or do not want to go past a certain point of sexual interaction, continued pressure beyond that point is presumptively unreasonable and coercive. Other examples of coercion may include using blackmail or extortion, or administering drugs and/or alcohol to overcome resistance or gain consent to sexual activity. Sexual contact that is the result of coercion is non-consensual.

~~(26)~~(23) **Stalking,** ~~means~~ iIntentional and repeated ~~harassment or~~ following of another person, which places that person in reasonable fear that the perpetrator intends to injure, intimidate, or harass that person. Stalking also includes instances where the perpetrator knows or reasonably should know that the person is frightened, intimidated, or harassed, even if the perpetrator lacks such an intent.

~~(27)~~(24) **Tobacco, electronic cigarettes, and related products.** ~~Tobacco, electronic~~

~~cigarettes, and related products.~~ The use of tobacco, electronic cigarettes, and related products is prohibited 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.

~~(28)~~**(25) Unauthorized access.** Unauthorized possession, duplication, or other use of a key, keycard, or other restricted means of access to college property, or unauthorized entry onto or into college property. Providing keys to an unauthorized person or providing access to an unauthorized person is also prohibited.

(26) Unauthorized recording. The following conduct is prohibited:

(a) Making audio, video, digital recordings, or photographic images of a person without that person's consent in a location where that person has a reasonable expectation of privacy (e.g. restroom or residence hall room).

(b) Storing, sharing, publishing, or otherwise distributing such recordings or images by any means.

~~(29)~~**(27) Violation of other laws or policies.** Violation of any federal, state, or local law, rule, or regulation or other college rules or policies, including on-campus housing policies and college traffic and parking rules.

(28) Weapons.

(a) Possession~~ing~~, holding, wearing, transporting, ~~storage-storing~~, or ~~presence-exhibiting~~ ~~of~~ any firearm, dagger, sword, knife or other cutting or stabbing instrument, club, explosive device, or any other weapon apparently capable of producing bodily harm is prohibited on the college campus, subject to the following exceptions:

i. Commissioned law enforcement personnel; or

~~(ii)~~ii. Legally authorized military personnel while in performance of their official duties; or

(b) Students with legally issued concealed weapons permits may store their weapons in vehicles parked in accordance with RCW 9.41.050 on campus provided the vehicle is locked and the weapon is concealed from view~~;~~~~or~~.

(c) The president or his delegate may authorize possession of a weapon on campus upon a showing that the weapon is reasonably related to a legitimate pedagogical purpose. Such permission shall be in writing and shall be subject to any terms or conditions incorporated therein.

(d) Possession and/or use of disabling chemical sprays for purposes of self-defense is not prohibited.

~~In addition to initiating discipline proceedings for violation of the student conduct code, the college may refer any violations of federal, state, or local laws to civil and criminal authorities for disposition. The college shall proceed with student disciplinary proceedings regardless of whether the underlying conduct is subject to civil or criminal prosecution.~~

[Statutory Authority: RCW 28B.50.140, ~~WSR 14 23 084~~, § 132H 125 030, ~~filed 11/19/14~~, effective 12/20/14.]

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132H-125-126-040110

Disciplinary sanctions - Terms and conditions.

- (1) The following disciplinary sanctions may be imposed upon students found to have violated the student conduct code.
 - (a) **Disciplinary warning.** A verbal statement to a student that they are violating or have violated the student conduct code ~~there is a violation~~ and that continued of the same or similar behavior ~~violation~~ may result in more severe discipline ~~be cause for further disciplinary action~~.
 - (b) **Written reprimand.** Notice in writing that the student has violated one or more terms of ~~this the code of student~~ conduct code and that continuation of the same or similar behavior may result in more severe disciplinary action.
 - (c) **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.~~
 - i. Probation may be for a limited period of time or may be for the duration of the student's attendance at the college.
 - ii. 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.
 - (d) **Disciplinary suspension.** ~~Dismissal~~ Separation from the college and from the student status for a stated period of time.
 - i. There will be no refund of tuition or fees for the quarter in which the action is taken.
 - ii. Conditions of suspension may be imposed and will be specified. Except as otherwise specified in the final order, all conditions must be fulfilled before the end of the suspension period. Failure to fulfill all conditions of suspension in a timely manner will extend the suspension period and any conditions, and may result in additional disciplinary sanctions.
 - iii. The college may put a conduct hold in place during the suspension period.
 - (e) **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.
- (2) Disciplinary terms and conditions that may be imposed in conjunction with the imposition of a disciplinary sanction include, but are not limited to, the following:
 - (a) **Education.** Participation in or successful completion of an educational assignment designed to create an awareness of the student's misconduct.
 - (b) **Loss of privileges.** Denial of specified privileges for a designated period of time.
 - (c) **No contact order.** A prohibition of direct or indirect physical, verbal, electronic,

and/or written contact with another individual or group.

~~(a)~~(d) **Not in good standing.** A student ~~may be deemed~~found to be "not in good standing" with the college. ~~If so, the student~~ shall be subject to the following restrictions:

i. 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)~~ii. 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.

(e) **Professional evaluation.** Referral for drug, alcohol, psychological, or medical evaluation by an appropriately certified or licensed professional ~~may be required.~~

i. The student may choose the professional within the scope of practice and with the professional credentials as defined by the college.

ii. The student will sign all necessary releases to allow the college access to any such evaluation.

iii. 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.

(f) **Residence hall suspension.** Separation of the student from a residence hall or halls for a definite period of time, after which the student may be eligible to return. Conditions for reacceptance may be specified.

~~(e)~~(g) **Residence hall dismissal.** Permanent separation of the student from a residence hall or halls.

(h) **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.

(i) **Trespass or restriction.** A student may be restricted from any or all college premises and/or college-sponsored activities based on the violation.

(3) More than one of the disciplinary terms and conditions listed above may be imposed for any single violation.

(4) If a student withdraws from the college or fails to reenroll before completing a disciplinary sanction or condition, the disciplinary sanction or condition must be completed either prior to or upon the student's reenrollment, depending on the nature of the sanction, condition, and/or the underlying violation. Completion of disciplinary sanctions and conditions may be considered in petitions for readmission to the college.

[Statutory Authority: RCW 28B.50.140; WSR 14-23-084, § 132H-125-040, filed 11/19/14, effective 12/20/14.]

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~~132H-125-126-220~~120

Initiation of disciplinary action.

(1) Any member of the college community may file a complaint against a student for

- possible violations of the student conduct code.
- (2) Upon receipt, a student conduct officer, or designee, may review and investigate any complaint to determine whether it appears to state a violation of the student conduct code.
 - (a) **Student on Student Sexual Misconduct.** The college's Title IX Coordinator or designee shall investigate complaints or other reports of alleged sexual misconduct by a student against a student.
 - (b) **Sexual Misconduct involving an Employee.** The college's Human Resource Office or designee shall investigate complaints or other reports of sexual misconduct in which an employee is either the impacted or responding party.
 - (c) Investigations will be completed in a timely manner and the results of the investigation shall be referred to the student conduct officer for student disciplinary action.
 - (d) College personnel will honor requests to keep sexual misconduct complaints confidential to the extent this can be done in compliance with federal and state laws and without unreasonably risking the health, safety, and welfare of the impacted party or other members of the college community.
 - (3) If a student conduct officer determines that a complaint appears to state a violation of the student conduct code, the student conduct officer will consider whether the matter might be resolved through agreement with the responding party or through alternative dispute resolution proceedings involving the impacted party and the reporting party.
 - (a) Informal dispute resolution shall not be used to resolve sexual misconduct complaints without written permission from both the impacted party and the responding party.
 - (b) If the parties elect to mediate a dispute, either party shall be free to discontinue mediation at any time.
 - (4) If the student conduct officer has determined that a complaint has merit and if the matter is not resolved through agreement or alternative dispute resolution, the student conduct officer may initiate disciplinary action against the responding party.
 - (a) Both the responding party and the impacted party 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.
 - (b) The student conduct officer, prior to initiating disciplinary action in cases involving allegations of sexual misconduct, will make a reasonable effort to contact the impacted party to discuss the results of the investigation and possible disciplinary sanctions and/or conditions, if any, that may be imposed upon the responding party if the allegations of sexual misconduct are found to have merit.
 - (5) All disciplinary actions will be initiated by the student conduct officer. If that officer is the subject of a complaint initiated by the responding party or the impacted party, the president shall, upon request and when feasible, designate another person to fulfill any such disciplinary responsibilities relative to the complainant.
 - (6) The student conduct officer shall initiate disciplinary action by serving the responding party with written notice directing him or her to attend a disciplinary meeting.
 - (a) The notice shall briefly describe the factual allegations, the provision(s) of the student conduct code the responding party is alleged to have violated, the range of possible sanctions for the alleged violation(s), and it will specify the time and location

of the meeting.

(b) At the disciplinary meeting, the student conduct officer will present the allegations to the respondent-responding party, and the responding party-respondent shall be afforded an opportunity to explain what ~~took place~~occurred.

~~(a)~~(c) If the responding party-respondent fails to attend the meeting, the student conduct officer may take disciplinary action based upon the available information.

~~(2)~~(7) Within ten (10) days of the initial disciplinary meeting and after considering the evidence in the case, including any facts or argument presented by the responding party-respondent, the student conduct officer shall serve the responding party-respondent with a written decision setting forth the facts and conclusions supporting ~~his or her~~ 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. This period may be extended if the student conduct officer, based on information presented at the disciplinary meeting, concludes that additional investigation is necessary. If the period is extended, the student conduct officer will notify the responding party, and the impacted party in cases involving allegations of sexual misconduct, of this extension, the reason(s) and the anticipated extension timeframe.

~~(3)~~(8) ~~The A~~ student conduct officer may take any of the following disciplinary actions:

(a) Exonerate the responding party-respondent and terminate the proceedings.
(b) Impose a disciplinary sanction(s), with or without condition(s), as described in WAC 132H-125-126-040-110 and BC Policy 2050.

(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 responding party-respondent.

~~(4)~~(9) In cases involving allegations of sexual misconduct, the student conduct officer, on the same date that a disciplinary decision is served on the responding party, will serve a written notice informing the impacted party of the decision, the reasons for the decision, and any disciplinary sanctions and/or conditions that may have been imposed upon the responding party, including disciplinary suspension or dismissal of the responding party. The notice will also inform the impacted party of their appeal rights. If protective sanctions and/or conditions are imposed, the student conduct officer shall make a reasonable effort to contact the impacted party to ensure prompt notice of the protective disciplinary sanctions and/or conditions.

[Statutory Authority: RCW 28B.50.140.] WSR 14-23-084, § 132H-125-220, filed 11/19/14, effective 12/20/14.]

132H-125-126-230130

Appeal from disciplinary action.

- (1) The responding party-respondent may appeal a disciplinary action by filing a written notice of appeal with the conduct review officer within twenty-one (21) days of service 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~~ responding party is seeking review.
- (3) The parties to an appeal shall be the responding party ~~respondent~~ and the student conduct ~~review~~ officer. If a case involves allegations of sexual misconduct, an impacted party also has a right to appeal a disciplinary decision or to intervene in the responding party's appeal of a disciplinary decision to the extent the disciplinary decision, sanctions or conditions related to allegations of sexual misconduct against the responding party.
- (4) A ~~responding party~~ 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 the respondent ~~responding party~~ has been summarily suspended.
- (7) The student conduct committee shall hear appeals ~~from~~ regarding:
 - (a) The imposition of disciplinary suspensions in excess of ten (10) instructional days;
 - (b) Dismissals; and
 - (c) Discipline cases referred to the committee by the student conduct officer, the conduct review officer, or the president.
- (8) Student conduct appeals from the imposition of the following disciplinary sanctions shall be reviewed through a brief adjudicative proceeding:
 - (a) Residence hall dismissals;
 - (b) Residence hall suspensions;
 - ~~(c)~~ (c) Suspensions of ten (10) instructional days or less;
 - ~~(d)~~ (d) Disciplinary probation;
 - ~~(e)~~ (e) Written reprimands; and
 - (f) Any conditions or terms imposed in conjunction with one of the foregoing disciplinary actions.
 - (g) Appeals by an impacted party in student disciplinary proceedings involving allegations of sexual misconduct in which the student conduct officer:
 - i. Dismisses disciplinary proceedings based upon a finding that the allegations of sexual misconduct have no merit; or
 - ii. Issues a verbal warning to the responding party.
- (9) Except as provided elsewhere in these rules, disciplinary warnings and dismissals of disciplinary ~~complaints~~ actions are final actions and are not subject to appeal.
- (10) In cases involving allegations of sexual misconduct, the impacted party has the right to appeal the following actions by the student conduct officer following the same procedures as set forth above for the responding party:
 - (a) The dismissal of a sexual misconduct complaint; or
 - (b) Any disciplinary sanction(s) and conditions imposed against a responding party for a sexual misconduct violation, including a disciplinary warning.
- (11) If the responding party timely appeals a decision imposing discipline for a sexual misconduct violation, the college shall notify the impacted party of the appeal and provide the impacted party an opportunity to intervene as a party to the appeal.
- (12) Except as otherwise specified in this Chapter, an impacted party who timely appeals a disciplinary decision or who intervenes as a party to responding party's appeal of a

disciplinary decision shall be afforded the same procedural rights as are afforded the responding party.

[Statutory Authority: RCW [28B.50.140](#).] WSR 14 23 084, § 132H 125 230, filed 11/19/14, effective 12/20/14.]

132H-126-140

Conduct hold on student records.

- (1) A student conduct officer or other designated college official may place a conduct hold on the student's record if the student is the responding party in a pending complaint of prohibited conduct, a pending conduct proceeding under this code, or in conjunction with a disciplinary sanction or condition under this code.
- (2) A conduct hold may restrict the student from registering for classes, requesting an official transcript, or receiving a degree from the college until the hold has been removed.
- (3) If the conduct hold is placed pending or during a conduct proceeding, the student will be notified of the hold and be advised how to raise an objection about the hold or request that it be made less restrictive. The hold will remain in place until lifted by the student conduct officer or other designated college official with authority to do so.
- (4) Implementation of any conduct hold prior to disciplinary action does not assume any determination of, or create any expectation of, responsibility for prohibited conduct under this conduct code.

[Statutory Authority: RCW [28B.50.140](#).]

132H-126-150

Amnesty policy.

- (1) Bellevue College values the health, safety and wellness of those in our college community. Students are encouraged to report crimes, share concerns, and seek medical attention for themselves or others in need.
- (2) A student conduct officer may elect not to initiate disciplinary action against a student who, while in the course of helping another person seek medical or other emergency assistance, admits to a possible policy violation under this student conduct code, provided that any such violations did not and do not place the health or safety of any other person at risk.
- (3) A student conduct officer may elect not to initiate disciplinary action against a student who, while in the course of reporting violence, sexual misconduct, or a crime in progress, admits to personal consumption of alcohol or drugs at or near the time of the incident, provided that any such use did not place the health or safety of any other person at risk.
- (4) While policy violations cannot be overlooked, the college may elect to offer educational options or referrals, rather than initiating disciplinary action against students who report crimes, serve as witnesses, or seek medical attention as described in this section.
- (5) This amnesty policy may not apply to students who repeatedly violate college policies in regards to alcohol, drugs, or other prohibited conduct.

[Statutory Authority: RCW [28B.50.140](#).]

132H-126-160

Interim measures.

- (1) After receiving a report of alleged sexual misconduct or other serious student misconduct, a student conduct officer or designee may implement interim measures which may include, but are not limited to:
 - (a) A no-contact order prohibiting direct or indirect contact, by any means, with an impacted party, a responding party, a reporting party, other specified persons, and/or a specific student organization;
 - (b) Reassignment of on-campus housing;
 - (c) Changes to class schedules, assignments, or test schedules;
 - (d) Modified on-campus employment schedule or location;
 - (e) Restrictions on access to portions of campus, including, but not limited to, on-campus housing; or
 - (f) Alternative safety arrangements such as campus safety escorts.
- (2) If an interim measure is put in place pending or during a conduct proceeding, the student will be notified of the interim measure and be advised how to raise an objection about the interim measure or request that it be made less restrictive. The student conduct officer may adjust or modify interim measures as students' situations and schedules change and evolve over time. Interim measures will remain in place until the student receives notice they have been lifted or modified from the student conduct officer.
- (3) Implementation of any interim measure does not assume any determination of, or create any presumption regarding responsibility for, a violation under this student conduct code.

[Statutory Authority: RCW.]

132H-125-126-310170

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 responding party 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 reasonable basis probable cause to believe that the responding party respondent:
 - (a) Has violated any a provision of the code of student conduct code; and
 - (b) Presents an immediate danger to the health, safety, or welfare of members of the college community; or
 - (c) Poses an ongoing threat of substantial disruption of, or interference with, the operations of the college.
- (3) Notice. Any responding party 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 responding party respondent within two business days of the oral notice.
- (4) The written notification notice shall be entitled "Notice of Summary Suspension" and shall include:

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- (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 responding party respondent must appear before the conduct review officer for a hearing on the summary suspension; and
 - (c) The conditions, if any, under which the responding party respondent may physically access the campus or communicate with members of the campus community. If the responding party respondent has been trespassed from the campus, a notice against trespass shall be included that warns the student that ~~his or her~~ their privilege to enter ~~into~~ or remain on college premises has been withdrawn and, that the responding party respondent shall be considered to be trespassing and subject to arrest for criminal trespass if the responding party respondent enters the college campus ~~other than to meet with the student conduct officer or conduct review officer, or to attend a disciplinary hearing.~~ The responding student may be authorized to access college premises for the limited purpose of meeting with the student conduct officer, the conduct review officer, or to attend a disciplinary hearing. All such meetings and hearings shall be confirmed in writing in advance and the responding party entering college premises shall be required to produce the written permission to a college official on request.
- (5) The conduct review officer shall conduct a hearing on the summary suspension as soon as practicable after imposition of the summary suspension.
- ~~(d)~~(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.
 - ~~(a)~~(b) The responding party respondent shall be afforded an opportunity to explain why the summary suspension should not be continued while disciplinary proceedings are pending or why the summary suspension should be less restrictive in scope.
 - ~~(b)~~(c) If the responding party respondent 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.
 - ~~(e)~~(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.
- (6) In cases involving allegations of sexual misconduct, the impacted party shall be notified that a summary suspension has been imposed on the same day that the summary suspension notice is served on the responding party. The college will also provide the impacted party with timely notice of any subsequent changes to the summary suspension order.

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 [Statutory Authority: RCW [28B.50.140](#).] WSR 14-23-084, § 132H 125-310, filed 11/19/14, effective 12/20/14.]

132H-126-180

Records.

- (1) Student conduct code records are maintained in accordance with the college's records retention schedule.
- (2) The disciplinary record is confidential, and is released only as authorized under the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. Sec. 1232g; 34 C.F.R. Part 99).

[Statutory Authority: RCW 28B.50.140.]

132H-125-240200

Brief adjudicative proceedings - Initial hearing.

- (1) Brief adjudicative proceedings shall be conducted by a conduct review officer designated by the president. The conduct review officer shall not participate in any case in which ~~he or she is they are~~ an complainant impacted party or witness, or in which they have direct or personal interest, prejudice, or bias, or in which they have acted previously in an advisory capacity.
- (2) Before taking action, the conduct review officer shall conduct an informal hearing and provide each party:
 - (a) An opportunity to be informed of the agency's view of the matter; and
 - (b) An opportunity to explain the party'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 ~~twenty-one (21)~~ twenty-one (21) days of service of the initial decision, the initial decision shall be deemed the final decision.
- (4) If the matter is an appeal by the responding party, or the impacted party in the case of sexual misconduct, the conduct review officer may affirm, reverse, or modify the disciplinary sanctions and/or conditions imposed by the student conduct officer and/or impose additional disciplinary sanctions or conditions as authorized herein. 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) instructional days or expulsion, the matter shall be referred to the student conduct committee for a disciplinary hearing.
- (5) In cases involving allegations of sexual misconduct, the conduct review officer, on the same date as the initial decision is served on the responding party, will serve a written notice upon the impacted party of the decision, the reasons for the decision, and a description of any disciplinary sanctions and/or conditions that may have been imposed upon the responding party. The notice will also inform the impacted party of their appeal rights. ~~If the conduct review officer, upon review, determines that the respondent's conduct may warrant imposition of a disciplinary suspension of more than ten instructional days or expulsion, the matter shall be referred to the student conduct committee for a disciplinary hearing.~~

[Statutory Authority: RCW [28B.50.140](#), ~~WSR 14-23-084~~, § 132H-125-240, filed 11/19/14, effective 12/20/14.]

~~132H-125-126-250~~210

Brief adjudicative proceedings - Review of an initial decision.

- (1) An initial decision is subject to review by the president, provided the [responding party respondent](#) files a written request for review with the conduct review officer within twenty-one [\(21\)](#) days of service of the initial decision.
- (2) The president shall not participate in any case in which ~~he or she is~~[they are](#) an ~~complainant-impacted party~~ or witness, or in which ~~he/she has~~[they have](#) direct or personal interest, prejudice, or bias, or in which ~~he/she has~~[they have](#) acted previously in an advisory capacity.
- (3) During the review, the president shall give each party an opportunity to file written responses explaining their view of the matter and shall make any inquiries necessary to determine whether the [findings or](#) 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 [typically](#) must be served on the parties within [twenty \(20\)](#) 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 [\(20\)](#) days after the request is submitted [without a response from the president.](#)
- ~~(5)~~[\(6\) In cases involving allegations of sexual misconduct, the president, on the same date as the final decision is served on the responding party, will serve a written notice upon the impacted party informing the impacted party of the decision, the reasons for the decision, and a description of any disciplinary sanctions and/or conditions that may have been imposed upon the responding party. The notice will also inform the impacted party of their appeal rights.](#)

[Statutory Authority: RCW [28B.50.140](#), ~~WSR 14-23-084~~, § 132H-125-250, filed 11/19/14, effective 12/20/14.]

~~132H-125-126-260~~300

Student conduct committee.

- (1) The student conduct committee shall consist of six members:
 - (a) Two [\(2\)](#) full-time students appointed by the student government;
 - (b) Two [\(2\)](#) faculty members appointed by the president;
 - (c) Two [\(2\)](#) administrative staff members, other than an administrator serving as a student conduct or conduct review officer, appointed by the president prior to the

beginning of the academic year for alternating two-year terms.

- (2) One of the administrative staff members shall serve as the chair of the committee and may take action on preliminary hearing matters prior to convening the committee. The administrative staff members 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, one student, and one administrative staff member 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:
 - (a) ~~are a party, complainant, an impacted party~~ or witness;
 - (b) ~~in which they have~~ direct or personal interest, prejudice, or bias; ~~or in which they~~
 - (c) ~~have~~ acted previously in an advisory capacity.
- ~~(4)~~(5) Any party may petition for disqualification of a committee member pursuant to RCW [34.05.425](#)(4).

[Statutory Authority: RCW [28B.50.140](#).] WSR 14 23 084, § 132H 125 260, filed 11/19/14, effective 12/20/14.]

~~132H 125 126 270~~310

~~Appeal~~ Student conduct committee - Prehearing.

- (1) Proceedings of the student conduct committee shall be governed by the Administrative Procedure Act, chapter [34.05](#) RCW, and by the Model Rules of Procedure, chapter [10-08](#) WAC. To the extent there is a conflict between these rules and chapter [10-08](#) WAC, these rules shall control.
- (2) The student conduct committee chair shall serve all parties with written notice of the hearing not less than seven (7) 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 (5) days before the hearing by any party or at the direction of the committee chair, the parties shall exchange, no later than the third day prior to the hearing, lists of potential witnesses and copies of potential exhibits that they reasonably expect to present to the committee. Failure to participate in good faith in such a requested exchange may be cause for exclusion from the hearing of any witness or exhibit not disclosed, absent a showing of good cause for such failure.
- (5) The committee chair may provide to the committee members in advance of the hearing copies of (a) the conduct officer's ~~notification of imposition~~notice of discipline, or referral to the committee, and (b) the notice of appeal, or any response to referral, by the ~~responding party or, in a case involving allegations of sexual misconduct, the impacted party~~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 responding party and impacted party 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 a~~ Any improper "ex parte" communication shall be placed on the record, as further provided in RCW 34.05.455.
- (9) ~~Each party~~ All parties may be accompanied at the hearing by a non-attorney process advisor assistant of ~~his/her~~ their choice.
- (10) The responding party, in all appeals before the committee, and the impacted party, in an appeal involving allegations of sexual misconduct before the committee, A respondent may elect to be represented by an attorney at his or her their own cost expense. The responding and/or impacted party, but will be deemed to have waived the right to be represented by an attorney 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.
- ~~(10)~~ (11) The committee will ordinarily be advised by an assistant attorney general. If the responding party and/or the impacted party respondent is represented by an attorney, the student conduct officer may also be represented by a second, appropriately screened, assistant attorney general.

[Statutory Authority: RCW 28B.50.140, ~~WSR 14 23 084~~, § 132H 125 270, filed 11/19/14, effective 12/20/14.]

132H 125 126 280 320

Student conduct committee ~~hearings~~ - Presentations of evidence.

- (1) Upon the failure of any party to attend or participate in a hearing, the student conduct committee may either:
 - (a) Proceed with the hearing and issuance of its decision; or
 - (b) Serve a decision of default in accordance with RCW 34.05.440.
- (2) The hearing will ordinarily be closed to the public. However, if all parties agree on the record that some or all of the proceedings be open, the chair shall determine any extent to which the hearing will be open. If any person disrupts the proceedings, the chair may exclude that person from the hearing room.
- (3) The chair shall cause the hearing to be recorded by a method that ~~he/she/they~~ selects, 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](#).

~~(6)~~(7) [In cases involving allegations of sexual misconduct, the responding and the impacted parties shall not directly question or cross-examine one another. Attorneys for the responding and impacted parties are also prohibited from directly questioning opposing parties absent express permission from the committee chair. Subject to this exception, all cross-examination questions by the responding and impacted parties shall be directed to the committee chair, who in their discretion shall pose the questions on the party's behalf. All cross-examination questions submitted to the chair in this manner shall be memorialized in writing and maintained as part of the hearing record.](#)

[Statutory Authority: RCW [28B.50.140](#), WSR 14-23-084, § 132H-125-280, filed 11/19/14, effective 12/20/14.]]

132H-125-126-290330

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 (20) days following the ~~later of the~~ conclusion of the hearing or the committee's receipt of closing arguments, [whichever is later](#), 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~~(s) or conditions, if any, as authorized in the student [conduct](#) code. If the matter is an appeal by the [responding party or the impacted party in the case of sexual misconduct](#)~~respondent~~, the committee may affirm, reverse, or modify the disciplinary sanction~~s~~ and/or conditions imposed by the student conduct officer and/or impose additional disciplinary sanction~~s~~ or conditions as authorized herein. [The notice will also inform the responding party of their appeal rights.](#)

(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.

(5) [In cases involving allegations of sexual misconduct, the chair of the student conduct committee will make arrangements to have a written notice served on the impacted party informing the impacted party of the decision, the reasons for the decision, and a description of any disciplinary sanctions and/or conditions that may have been imposed upon the responding party, including suspension or dismissal of the responding party. The notice will also inform the impacted party of their appeal rights. This notice shall be](#)

served on the impacted party on the same date as the initial decision is served on the responding party. The impacted party may appeal the student conduct committee's initial decision to the president subject to the same procedures and deadlines applicable to other parties.

[Statutory Authority: RCW [28B.50.140](#).]

~~WSR 14 23 084, § 132H 125 290, filed 11/19/14, effective 12/20/14.~~

~~132H 125 300~~ **340**

Student conduct committee - Review of an initial decision~~Appeal from student conduct committee initial decision.~~

- (1) A responding party, or an impacted party in a case involving allegations of sexual misconduct, respondent who is aggrieved by the findings or conclusions issued by the student conduct committee may appeal-request a review of the committee's initial decision to the president by filing a notice of appeal with the president's office within twenty-one (21) days of service of the committee's initial decision or a written notice. Failure to file a timely appeal request within this timeframe 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 an argument as to why the appeal should be granted. The president'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. As part of the review process, the president may ask the non-appealing party(s) to respond to the arguments contained in the notice of appeal.
- (3) The president shall provide a written decision to all parties within forty-five-thirty (30) days after receipt of the notice of appeal or receipt of the response from non-appealing parties, whichever is later. The president's decision shall be final and shall include a notice of any rights to request reconsideration and/or judicial review.
- ~~(4) The president may, at his or her discretion, suspend any disciplinary action pending review of the merits of the findings, conclusions, and disciplinary actions imposed.~~
(4) In cases involving allegations of sexual misconduct, the president, on the same date that the final decision is served upon the responding party, shall serve a written notice informing the impacted party of the final decision. This notice shall inform the impacted party whether the sexual misconduct allegation was found to have merit and describe any disciplinary sanctions and/or conditions imposed upon the responding party for the impacted party's protection, including suspension or dismissal of the responding party.
- ~~(5) The president shall not engage in an ex parte communication with any of the parties regarding an appeal.~~
(5) The president shall not engage in an ex parte communication with any of the parties regarding an appeal.

[Statutory Authority: RCW [28B.50.140](#). ~~WSR 14 23 084, § 132H 125 300, filed 11/19/14, effective 12/20/14.~~]

~~132H 125 320~~

Discipline procedures for cases involving allegations of sexual misconduct.

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 through . In the event of conflict between the sexual misconduct procedures and the student disciplinary procedures, the sexual misconduct procedures shall take precedence.

[Statutory Authority: RCW . WSR 14 23 084, § 132H 125 320, filed 11/19/14, effective 12/20/14.]

132H 125 330

Supplemental definitions.

The following supplemental definitions shall apply for purposes of student conduct code proceedings involving allegations of sexual misconduct by a student:

- ~~(2) A "complainant" is an alleged victim of sexual misconduct, as defined in subsection (2) of this section.~~
- (3) **"Sexual misconduct"** is prohibited sexual or gender based conduct by a student including, but not limited to:
 - (a) Sexual activity for which clear and voluntary consent has not been given in advance;
 - (b) Sexual activity with someone who is incapable of giving valid consent because, for example, she or he is underage, sleeping, or otherwise incapacitated due to alcohol or drugs;
 - (c) Sexual harassment;
 - (d) Sexual violence which includes, but is not limited to, sexual assault, domestic violence, intimate violence, and sexual or gender based stalking; and
 - (e) Nonphysical conduct such as sexual or gender based digital media stalking, sexual or gender based online harassment, sexual or gender based cyberbullying, nonconsensual recording of a sexual activity, and nonconsensual distribution of a recording of a sexual activity.

[Statutory Authority: RCW . WSR 14 23 084, § 132H 125 330, filed 11/19/14, effective 12/20/14.]

132H 125 340

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 his or her 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 prompt notice of the protective disciplinary sanctions and/or conditions.

[Statutory Authority: RCW . WSR 14 23 084, § 132H 125 340, filed 11/19/14, effective 12/20/14.]

132H 125 350

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 twenty one days of service of the notice of the discipline decision provided for in WAC (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 the 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) Disciplinary warning;
 - (c) Written reprimand;
 - (d) Disciplinary probation;

- ~~(e) Suspensions of ten instructional days or less; and/or~~
- ~~(f) Any conditions or terms imposed in conjunction with one of the foregoing disciplinary actions.~~
- ~~(6) An appeal by a complainant from disciplinary action imposing a suspension in excess of ten instructional days or an expulsion shall be reviewed by the student conduct committee.~~
- ~~(7) In proceedings before the student conduct committee, respondent and complainant shall have the right to be accompanied by a nonattorney assistant of their choosing during the appeal process. Complainant may choose to be represented at the hearing by an attorney at his or her own expense, but will be deemed to have waived that right unless, at least four business days before the hearing, he or she files a written notice of the attorney's identity and participation with the committee chair, and 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 nonattorney assistants and/or attorneys may attend portions of the hearing where argument, testimony, and/or evidence are presented to the student conduct committee.~~
- ~~(10) The 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 his or her appeal rights.~~
- ~~(11) The 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, on the same date that the final decision is served upon the respondent, shall serve a written notice informing the complainant of the final decision. This notice shall inform the complainant whether the sexual misconduct allegation was found to have merit and describe any disciplinary sanctions and/or conditions imposed upon the respondent for the complainant's protection, including suspension or dismissal of the respondent.~~

[Statutory Authority: RCW . WSR 14 23 084, § 132H 125 350, filed 11/19/14, effective 12/20/14.]

REVISIONS TO POLICIES 1440 DISCRIMINATION, HARASSMENT, AND RETALIATION AND 1450 GENERAL COMPLAINTS

INFORMATION

FIRST READ

ACTION

Description

The Office of Equity and Pluralism (OEP) has revised policies 1440 and 1450 in order to comply with the state board audit recommendations. These revisions have been coordinated with revisions to Policy 2050 Student Conduct Code to ensure consistent definitions. The new versions clarify and separate the issues of discrimination based on a protected class from general complaints and academic disputes. These revisions were presented to the Board of Trustees as a first-read item at the June 20, 2018 Board of Trustees meeting. ***There have been no changes in the text of the policies since they were presented as a first-read item.***

Key Questions

- * Why were these policies revised together?
- * How are we defining “discrimination” separate from general complaints?

Analysis

The current versions of 1440 and 1450 are outdated and inconsistent. In order to develop broad consensus on these important policies, the OEP collaborated with policy and subject matter experts: Rachel Wellman and Jill Powell (Title IX); Tracy Biga MacLean (Interim Policy Coordinator); Maryam Jacobs (Systems Internal Auditor, WA State, Office for Civil Rights); Bruce Marvin (Assistant Attorney General [AAG]); Megan Kaptik (Student Conduct Officer); Charles Sims (Interim Vice President of Human Resources); Sayumi Irely (Interim Vice President for Diversity). BC Governance input from the circulation of a prior draft was also incorporated.

The purpose of the 1440 revision was to define “discrimination based on a protected class” more clearly and in keeping with current practice as well as to separate the policy from the procedures designed to remediate violations of the policy. Remedies for violations can now be found in 1440P. Definitions were also updated. The title of this policy and the related procedure were changed to better reflect the purpose of the P&P.

Policy 1450, previously called “General Complaints,” included language about discrimination, which is covered in policy 1440. That material was moved. The title was changed to “General Complaint Resolution” to better reflect the purpose of the policy. Policy 1450 stands as a broad statement about resolving general complaints. It is related to 1450P, a procedure for resolving general complaints, and 1450P2, a procedure concerned with student academic disputes.

Recommendation/Outcomes

That the Board of Trustees of Community College District VIII approve revisions to policies 1440 and 1450.

Attachments

- 1) Clean versions of revised policies 1440 and 1450.
- 2) Redlined versions of the old policies with the revised policies.

Prepared by: Sayumi Irely, Ph.D., Interim Vice President, Office of Equity and Pluralism
sirey@bellevuecollege.edu

1440 Discrimination, Harassment and Retaliation

Original Date: 7/22/2008 * Last Revision Effective: 10/17/2018

Policy Contact: Vice President, Human Resources

POLICY

It is the policy of Bellevue College (College) to provide a working and learning environment free from discrimination against and harassment of individuals based on their membership in a protected class, or based on their status as individuals impacted by sexual misconduct, and to investigate and resolve reported violations in an equitable and timely fashion. Retaliation against individuals who file reports or otherwise participate in investigative and disciplinary procedures designed to address violations of this policy is also prohibited.

This policy applies to discriminatory, harassing, or retaliatory conduct whether physical, verbal, or non-verbal, occurring:

- Anywhere on the college's campuses(including vehicles);
- At any college-sponsored event or activity, whether on or off campus (such as social functions, athletic events, celebrations, or conferences);
- Off-campus, when such conduct adversely affects a member of members of the college community or the pursuit of the college's objectives; or
- Through the college's computer, telephone, or other electronic communication systems.

This policy does not alter or modify laws, regulations, or college policies applicable to the legitimate exercise of academic freedom or constitutionally protected rights. General complaints unrelated to discrimination or harassment based on membership in a protected class or retaliation are addressed in Policy 1450.

Prohibited Conduct

This policy prohibits discrimination and harassment based on an individual's membership in the following classes that are subject to protection under federal, state, or local law:

- Presence of any sensory, mental, or physical disability
- Use of a trained dog guide or service animal
- HIV/AIDS and hepatitis C status
- Race/color
- Creed/religion
- Sex (including pregnancy)
- Marital status
- Age
- Sexual orientation, including gender identity or expression
- Genetic information
- Honorably discharged veteran or military status
- Parties impacted by sexual misconduct
- Membership in any other group protected by federal, state, or local law

Retaliation against any individual who reports, files a claim, or participates in an investigation or disciplinary proceeding involving alleged violations of this policy is also prohibited.

Consequences of Policy Violations. Reports of violations of this policy by employees, students, or visitors will be reviewed according to the procedures described in 1440P to determine what interim measures, investigations, remediation, or other actions are required or recommended.

Students and employees found to have violated this policy may be subject to corrective or disciplinary action, up to and including dismissal from the college or dismissal from employment. Disciplinary action against students violated this policy will be handled by the student conduct officer according to the student conduct code (Policy 2050). Disciplinary action against employees violating this policy will be handed by the responding party's supervisor or appropriate college official according to college policy, collective bargaining agreements, and state and federal law.

In some instances, employees who violate state or federal anti-discrimination laws may be subject to personal liability in a civil lawsuit. The college, through the WA State Attorney General's office, is authorized to defend and indemnify a college employee only when the employee acts in good faith and within the scope of their official duties.

Responsibilities

All employees and students are responsible for:

- Refraining from conduct that is discriminatory, harassing, or retaliatory;
- Taking discrimination, harassment, and retaliation concerns seriously;
- Reporting suspected discriminatory, harassing, or retaliatory conduct to the appropriate authorities in accordance with procedures 1440P and 1440P2; and
- Cooperating with any resulting investigation and/or disciplinary proceeding.

Administrators, supervisors, and faculty members are responsible for:

- Providing a working and learning environment free from discrimination, harassment, and retaliation;
- Monitoring the work and learning environment for potential discrimination, harassment, and retaliation;
- Collaborating, when appropriate, with the human resources and Title IX offices to address inappropriate behavior of co-workers, students, and non-employees;
- Collaborating, when appropriate, with the human resources and Title IX offices to follow-up on situations that have been addressed through the reporting procedure;
- Monitoring for potential recurrences of discrimination, harassment, or retaliation.

RELEVANT LAWS AND OTHER RESOURCES

- BC procedures 1440/1440P2
- BC Policy 1450
- Title [VI](#) and [VII](#) of the Civil Rights Act of 1964
- [Equal Pay Act of 1963](#)
- [Age Discrimination in Employment Act of 1967 \(ADEA\)](#)
- [Age Discrimination Act of 1975](#)
- [Americans with Disabilities Act of 1990 \(ADA\), as amended](#)
- [Section 504 of the Rehabilitation Act of 1973](#)
- [Title IX of the Educational Amendments of 1972](#)
- [Washington Law Against Discrimination \(WLAD\) chapter 49.60 RCW](#)
- U.S. Department of Justice [Executive Order 13160](#)
- Violence Against Women Act (VAWA) Reauthorization 2013
- RCW 28B.10.842, 844; RCW 4.92.060-075
- Chapter RCW 28B.030 Gender Equity in Higher Education
- Chapter RCW 28B.112 Campus Sexual Violence
- Chapter 132H-125 WAC (BC Policy 2050 Student Conduct Code)
- Washington State Human Rights Commission

- Equal Employment Opportunity Commission
- U.S. Department of Education's Office for Civil Rights
- Bellevue College Association of Higher Education Collective Bargaining Agreement
- Washington Public Employees Association Higher Education Collective Bargaining Agreement
- Washington Federation of State Employees Higher Education Community College coalition Collective Bargaining Agreement

REVISION HISTORY

Original 7/22/2008 - replaced original policy 4200 General Policy on Sexual Harassment
Revisions 3/4/2009; 5/21/2009; 9/11/2012; 2/5/2015; 10/17/2018

APPROVED BY

Board of Trustees
President's Cabinet

1450 GENERAL COMPLAINT RESOLUTION

Original Date: 9/30/2003 * Last Revision Effective: 10/17/2018
Policy Contact: President

POLICY

Bellevue College recognizes that disputes may sometimes arise and that students, employees, and visitors who feel they have been treated unfairly have the right to be heard fairly and promptly. The purpose of this policy and associated procedures is to provide a systematic, fair, and timely way in which to express and resolve misunderstandings, complaints, or dissatisfaction. The college encourages parties involved in a complaint to resolve the conflict or matter informally whenever possible. If resolution cannot be reached, a formal process provides an impartial and equitable way to resolve those conflicts.

This policy applies to general complaints, which are addressed in 1450P, and student academic disputes, which are addressed in 1450P2. Complaints or concerns regarding discrimination, harassment, or retaliation related to a protected class should refer to Policy 1440/1440P. Contract violations are addressed through the appropriate grievance process. Concerns regarding student conduct are addressed through the student conduct code (WAC 132H-125).

RELEVANT LAWS AND OTHER RESOURCES

- WAC [132H-155-010-070](#)
- [#1440 Discrimination, Harassment, Retaliation](#)
- [#1440P Discrimination, Harassment, Retaliation \(Procedures\)](#)
- #1450P General Complaint Resolution (Procedures)
- #1450P2 Student Dispute Resolution (Procedures)

REVISION HISTORY

Original 1/15/1996

Revisions 9/30/2003; 3/22/2005; 4/18/2006; 5/21/2009; 9/11/2012; 10/10/2014; 2/5/2015;
10/17/2018

APPROVED BY

Board of Trustees
President's Cabinet

1440 Prevention of Discrimination, Harassment and Retaliation

Original Date: 7/22/2008 * Last Revision Effective: 2/5/2015
Policy Contact: Vice President, Human Resources

POLICY

It is the policy of Bellevue College (College) to provide a working and learning environment free from discrimination against and harassment of individuals based on their membership in a protected class, or based on their status as individuals impacted by sexual misconduct, and to investigate and resolve reported violations in an equitable and timely fashion. Retaliation against individuals who file reports or otherwise participate in investigative and disciplinary procedures designed to address violations of this policy is also prohibited, or retaliation. This policy expressly prohibits conduct that discriminates against individuals or groups based on their race or ethnicity, color, national origin, sex, marital or family status, sexual orientation including gender identity or expression, age, religion, creed, disability, veteran status, or any other basis prohibited by federal, state, or local law.

This policy also prohibits retaliation directed at any individual who reports or files a claim of discrimination or harassment, or who participates in an investigation of a claim of discrimination or harassment. Any member of the college community who is found to have engaged in unlawful discrimination, harassment or retaliation is subject to appropriate corrective or disciplinary action in accordance with applicable college policies and collective bargaining agreements.

Scope of Policy

This policy applies to prohibits discriminatory, harassing, or retaliatory conduct whether physical, verbal, or non-verbal, occurring:

- Anywhere on the college's campuses on the college campus, in college facilities (including vehicles);
- and At any college-sponsored event or activity, whether on or off campus (such as social functions, athletic events, celebrations, or conferences, etc.);
- Off-campus, when such conduct adversely affects a member of members of the college community or the pursuit of the college's objectives; or
- Through the college's computer, telephone, or other electronic communication systems. Messages or communications sent or downloaded by an employee or student through the college's electronic or telephone communication systems are also subject to the college's anti-discrimination policies.

This policy does not alter or modify laws, regulations, or college policies applicable to the legitimate exercise of academic freedom or constitutionally rights protected rights. General complaints unrelated to discrimination or harassment based on membership in a protected class or retaliation are addressed in Policy 1450.

Prohibited Conduct

This policy prohibits discrimination and harassment based on an individual's membership in the following classes that are subject to protection under federal, state, or local law:

- Presence of any sensory, mental, or physical disability
- Use of a trained dog guide or service animal
- HIV/AIDS and hepatitis C status
- Race/color
- Creed/religion
- Sex (including pregnancy)
- Marital status
- Age
- Sexual orientation, including gender identity or expression
- Genetic information
- Honorably discharged veteran or military status
- Parties impacted by sexual misconduct
- Membership in any other group protected by federal, state, or local law

Commented [DS1]: ALO advised that the word "Prevention" should be removed for consistency with the titles of all other policies and procedures, which list only the topic and do not use a verb.

Commented [TBM2]: Moved and revised for clarity and additional protected classes.

Retaliation against any individual who reports, files a claim, or participates in an investigation or disciplinary proceeding involving alleged violations of this policy is also prohibited.

Consequences of Policy Violations. Reports of violations of this policy by employees, students, or visitors will be reviewed according to the procedures described in 1440P to determine what interim measures, investigations, remediation, or other actions are required or recommended.

Students and employees found to have violated this policy may be subject to corrective or disciplinary action, up to and including dismissal from the college or dismissal from employment. Disciplinary action against students violated this policy will be handled by the student conduct officer according to the student conduct code (Policy 2050). Disciplinary action against employees violating this policy will be handed by the responding party's supervisor or appropriate college official according to college policy. Any corrective action taken will be consistent with applicable collective bargaining agreements, college policies and procedures and/or state and federal law.

In some instances, employees who violate state or federal anti-discrimination laws may be subject to personal liability in a civil lawsuit. The college, through the WA State Attorney General's office, is authorized to defend and indemnify a college employee only when the employee acts in good faith and within the scope of their official duties. Employees involved in complaint procedures are entitled to representation consistent with their collective bargaining agreements and in the absence of any such agreement, employees may bring a person of his or her choice to the initial and/or any subsequent meetings regarding the complaint.

Employees who are found to have engaged in discrimination, harassment, or retaliation, including administrators, managers or supervisors who are aware of situations but fail to report and/or mediate the situation may be held liable. The attorney general is authorized to defend state employees only when they are acting in good faith within the scope of their official duties. Discriminatory, harassing, or retaliatory conduct in violation of this policy may be determined to be outside the scope of an employee's official duties. (RCW 28B.10.842, 844; RCW 4.92.060-075)

Commented [TBM3]: Covered in 1440P

Responsibilities

Reporting Discrimination, Harassment, or Retaliation

Commented [TBM4]: Moved to previous paragraph.

Commented [TBM5]: Reporting and investigating procedures covered in 1440P.

All employees and students are responsible for:

- Refraining from conduct that is discriminatory, harassing, or retaliatory;
- Taking discrimination, harassment, and retaliation concerns seriously;
- Reporting suspected discriminatory, harassing, or retaliatory conduct to the appropriate authorities in accordance with procedures 1440P and 1440P2; and
- Cooperating with any resulting investigation and/or disciplinary proceeding.

Administrators, supervisors, and faculty members are responsible for:

- Providing a working and learning environment free from discrimination, harassment, and retaliation;
- Monitoring the work and learning environment for potential discrimination, harassment, and retaliation;
- Collaborating, when appropriate, with the human resources and Title IX offices to address inappropriate behavior of co-workers, students, and non-employees;
- Collaborating, when appropriate, with the human resources and Title IX offices to follow-up on situations that have been addressed through the reporting procedure;
- Monitoring for potential recurrences of discrimination, harassment, or retaliation.

Responsibilities

Management: Administrators, managers and supervisors are responsible for providing a working and

learning environment free from discrimination, harassment, and retaliation. It is the responsibility of administrators, managers and supervisors to:

- Take appropriate action to stop discriminatory, harassing, or retaliatory behavior by interceding and reporting it immediately to the human resources office (HRO) in accordance with the college discrimination complaint procedure;
- Address inappropriate behavior of co-workers, students and non-employees;
- Take discrimination, harassment, and retaliation concerns seriously;
- Monitor the work and learning environment for potential discrimination, harassment, and retaliation;
- Follow up on situations that have been addressed and be watchful for potential recurrence or retaliation.

Faculty: Faculty members are responsible to make strong efforts to provide a learning environment free from discrimination, harassment, and retaliation. It is the responsibility of faculty members to:

- Take discrimination, harassment, and retaliation concerns seriously in their learning environment;
- Monitor their learning environment for potential discrimination, harassment, and retaliation and address inappropriate behavior;
- Take appropriate action to stop discriminatory, harassing, or retaliatory behavior in their learning environment by interceding and reporting it immediately to the human resources office (HRO) in accordance with the college discrimination complaint procedure;
- Follow up on situations in their learning environment that have been addressed and be watchful for potential recurrence or retaliation.

All-Employees and Students: All employees (administrators, faculty and staff) and students are responsible for their own actions and for not engaging in behavior that is discriminatory, harassing, or retaliatory in nature, whether physical, verbal or non-verbal. It is the responsibility of employees and students to:

- Immediately report incidents of discrimination, harassment, or retaliation, whether directly involved or observed, to appropriate management and/or the human resources office (HRO), in accordance with the college discrimination complaint procedure;
- Cooperate fully with the institution's investigative and corrective procedures;
- Refrain from engaging in behavior that is or could be discriminatory, harassing, or retaliatory in nature, whether physical, verbal or non-verbal.

Non-Retaliation

Retaliation against anyone who makes a complaint or who cooperates with an investigation is prohibited. Any individual, who believes s/he has been retaliated against for reporting harassment or discrimination, or for participating in an investigation into a claim of harassment or discrimination, must report this concern to the human resources office (HRO).

Commented [TBM6]: Addressed in a different section

DEFINITIONS

(If applicable)

The following definitions are used for illustrative purposes only and are not intended either to limit or to expand the legal definition of discrimination. Examples provided are for illustrative purposes and are not meant to be comprehensive.

Discrimination

- **Definition:** Discrimination in the workplace or learning environment involves taking an adverse action against or granting preferential treatment to an individual(s) in education or employment because of his/her protected status, i.e., race, ethnicity, color, national origin, sex, marital or family status, sexual orientation including gender identity or expression, age, religion, creed, disability, veteran status, or any other basis prohibited by federal, state, or local law.
- **Examples:** The following are some examples of discriminatory actions. This is only a partial list, and other behaviors or actions may also constitute discrimination:
 - Denying or granting in whole or in part a promotion or other advancement opportunities based

Commented [TBM7]: These definitions have been revised to be current with federal and state law and consistent with the revised student conduct code. Some definitions have been moved to 1440P (procedures) so updates, if necessary to remain current, can be made more easily.

- on an individual's protected status;
- Granting preference in education or employment based on an individual's protected status;
- Assigning grades based on an individual's protected status;
- Making work assignments based on an individual's protected status;
- Denial of use of facilities or equipment based on an individual's protected status;
- Denial of leave, based on an individual's protected status.

Harassment

- *Definition:* Harassment in the working or learning environment consists of unwelcome and objectively offensive conduct (including verbal conduct) that unreasonably interferes with an individual's work or educational activities or that creates an intimidating, hostile, or offensive working or learning environment. Specifically, such conduct is unlawful if it is directed at an individual because of his or her protected status. Objectively offensive conduct means that it must be offensive both to the recipient of the conduct and to a "reasonable person" in the recipient's circumstances. Usually, the conduct must also be either severe or pervasive in order to be unlawful.
- *Examples:* The following are examples of some behaviors that could constitute unlawful harassment. This is only a partial list, and other behaviors may also constitute unlawful harassment:
 - Verbal threats, offensive jokes, epithets, derogatory comments, name calling, ridicule or mockery, or slurs;
 - Gratuitous visual displays such as derogatory posters, photographs, cartoons, drawings, or gestures;
 - Unwanted physical contact or conduct such as touching, intimidation, or blocking normal movement;
 - Retaliatory actions against an individual who reports harassment or threatens to report harassment.

Sexual Harassment

- *Definition:* Sexual harassment is a form of sex discrimination that involves the inappropriate introduction of sexual activities or sexual comments in the working or learning environment. Applicable state and federal law defines sexual harassment as unwanted sexual advances, requests for sexual favors, or visual, verbal or physical conduct of a sexual nature when:
 - Submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment or education;
 - Submission to or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting that individual;
 - Such conduct has the purpose or effect of unreasonably interfering with the individual's professional or educational performance or creating an intimidating, hostile, or offensive employment or educational environment.

Sexual harassment may involve relationships of unequal power and contains elements of coercion—as when compliance with requests for sexual favors becomes a criterion for granting work, study, or grading benefits. However, sexual harassment may also involve relationships among equals, as when repeated sexual advances or demeaning verbal behavior of a sexual nature have a harmful effect on an individual's ability to work or study. Sexual harassment in the workplace or in the classroom is unlawful whether it involves harassment between co-workers, harassment between individuals of the same gender, harassment between a manager and an employee, between a faculty member and a student, between students, or harassment between an employee and a vendor or a customer.

- *Examples:* The following are some examples of behaviors that could constitute sexual harassment. This is only a partial list, and there are numerous other behaviors that may also be considered sexual harassment:
 - Making unwanted sexual advances;
 - Offering employment or academic benefits in exchange for sexual favors;
 - Making or threatening reprisals after a negative response to sexual advances;
 - Visual conduct such as leering, making sexual gestures;
 - Gratuitous displays of sexually suggestive objects, pictures, cartoons, or posters;
 - Engaging in verbal abuse of a sexual nature, graphic verbal commentary about an individual's body, the use of sexually degrading words to describe an individual, suggestive or obscene letters, notes or invitations.

Retaliation

- *Definition:* Retaliation is taking an adverse action against an individual because of an individual's

participation in a protected activity, such as reporting concerns formally or informally regarding potential discrimination, harassment, or retaliation; or filing a formal or informal complaint regarding discrimination or harassment; or participating in an investigation of discrimination or harassment.

- *Examples:* The following are examples of some actions or behaviors that could constitute retaliation if the actions are found to be motivated wholly or in part because of an individual's participation in a protected activity as described above. This is only a partial list and other actions or behaviors may also constitute retaliation:
 - Poor performance review or grade because of an individual's having participated in a protected activity;
 - Termination or expulsion from class because of an individual's having participated in a protected activity;
 - Demotion or lack of promotion because of an individual's having participated in a protected activity;

Withholding of special assignment or critical information because of an individual's having participated in a protected activity

RELEVANT LAWS AND OTHER RESOURCES

- [BC procedures 1440/1440P2](#)
- [BC Policy 1450](#)
- Title [VI](#) and [VII](#) of the Civil Rights Act of 1964
- [Equal Pay Act of 1963](#)
- [Age Discrimination in Employment Act of 1967 \(ADEA\)](#)
- [Age Discrimination Act of 1975](#)
- [Americans with Disabilities Act of 1990 \(ADA\), as amended](#)
- [Section 504 of the Rehabilitation Act of 1973](#)
- [Title IX of the Educational Amendments of 1972](#)
- [Washington Law Against Discrimination \(WLAD\) chapter 49.60 RCW](#)
- [U.S. Department of Justice Executive Order 13160](#)
- [Violence Against Women Act \(VAWA\) Reauthorization 2013](#)
- [RCW 28B.10.842, 844; RCW 4.92.060-075](#)
- [Chapter RCW 28B.030 Gender Equity in Higher Education](#)
- [Chapter RCW 28B.112 Campus Sexual Violence](#)
- [Chapter 132H-125 WAC \(BC Policy 2050 Student Conduct Code\)](#)
- [Washington State Human Rights Commission](#)
- [Equal Employment Opportunity Commission](#)
- [U.S. Department of Education's Office for Civil Rights](#)
- [Bellevue College Association of Higher Education Collective Bargaining Agreement](#)
- [Washington Public Employees Association Higher Education Collective Bargaining Agreement](#)
- [Washington Federation of State Employees Higher Education Community College coalition Collective Bargaining Agreement](#)

REVISION HISTORY

Original 7/22/2008 - replaced original policy 4200 General Policy on Sexual Harassment
Revisions 3/4/2009; 5/21/2009; 9/11/2012; 2/5/2015

APPROVED BY

Board of Trustees
President's Cabinet

1450 GENERAL COMPLAINT RESOLUTION

Original Date: 9/30/2003 [Symbol] Last Revision Effective: 2/5/2015
Policy Contact: President

POLICY

Bellevue College recognizes that disputes may sometimes arise and that students, employees, and visitors who feel they have been treated unfairly have the right to be heard fairly and promptly. The purpose of this policy and associated procedures is to provide a systematic, fair, and timely way in which to express and resolve misunderstandings, complaints, or dissatisfaction. The college encourages parties involved in a complaint to resolve the conflict or matter informally whenever possible. If resolution cannot be reached, a formal process provides an impartial and equitable way to resolve those conflicts.

This policy applies to general complaints, which are addressed in 1450P, and student academic disputes, which are addressed in 1450P2. Complaints or concerns regarding discrimination, harassment, or retaliation related to a protected class should refer to Policy 1440/1440P. Contract violations are addressed through the appropriate grievance process. Concerns regarding student conduct are addressed through the student conduct code (WAC 132H-125).

RELEVANT LAWS AND OTHER RESOURCES

- WAC 132H-155-010-070
- #1440 Discrimination, Harassment, Retaliation
- #1440P Discrimination, Harassment, Retaliation (Procedures)
- #1450P General Complaint Resolution (Procedures)
- #1450P2 Student Dispute Resolution (Procedures)

REVISION HISTORY

Original 1/15/1996
Revisions 9/30/2003; 3/22/2005; 4/18/2006; 5/21/2009; 9/11/2012; 10/10/2014; 2/5/2015

APPROVED BY

President's Cabinet

~~1450 Complaint Policy~~

~~Original Date: 9/30/2003 * Last Revision Effective: 2/5/2015~~
~~Policy Contact: President~~

~~Policy~~

~~It is the policy of Bellevue College to provide clear and accurate information, provide accessible services, and offer excellent educational programs and quality service. Students have both the right to receive clear information and fair application of college grading policies, standards, rules, and requirements as well as the responsibility to comply with them in their relationships with faculty and staff members. The purpose of this policy and procedures is to provide a systematic way in which to express and resolve misunderstandings, complaints or grievances~~

~~about dissatisfaction with college personnel, services, processes or facilities, discrimination or academic issues.~~

~~Bellevue College, through its affirmative action policy and general policy on sexual harassment, and in accordance with state and federal regulations, prohibits discrimination against students and employees on the basis of race or ethnicity, creed, color, national origin, sex, marital status, sexual orientation including gender identity, age, religion, the presence of sensory, mental or physical disability, or status as a disabled or Vietnam-era veteran.~~

~~Bellevue College employees are responsible for ensuring that their conduct does not discriminate against anyone; they are expected to treat people conducting business at Bellevue College with respect and may expect the same consideration, in return.~~

~~The college recognizes that disputes may sometimes arise and encourages the parties involved to resolve the conflict informally whenever possible. If resolution cannot be reached, a formal process provides an impartial and equitable way to resolve those conflicts.~~

~~Relevant Laws And Other Resources~~

- ~~• [WAC 132H 155 010 070](#)~~
- ~~• [Bellevue College Procedure #1450P General Complaint Resolution Procedures](#)~~
- ~~• [Bellevue College Procedure #1450P2 Student Dispute Procedure](#)~~

~~Revision History~~

~~Original 1/15/1996~~

~~Revisions 9/30/2003; 3/22/2005; 4/18/2006; 5/21/2009; 9/11/2012; 10/10/2014; 2/5/2015~~

~~Approved By~~

~~President's Cabinet~~

~~Last Updated February 5, 2015~~

ACHIEVING THE DREAM UPDATE

INFORMATION

FIRST READ

ACTION

Description

Bellevue College transforms the lives of students by eliminating gaps in opportunity and achievement for our diverse student community.

Each student reaches their academic and career goals through an intentionally-designed college experience that reflects quality, creativity, and equity.

Key Points

- BC will transform our students' experience through implementing BC Pathways and simplifying career and academic pathways; adopting the integrated advising and student support model to help students choose and stay on a pathway; and improve teaching and learning through a comprehensive faculty development program.
- ATD Co-leads Bonnie Berry and Jennie Mayer will share recent accomplishments and next steps on the ATD Student Success Action Plan.

Prepared by: Kristen Jones, Provost of Student and Academic Affairs
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INTERNATIONAL EDUCATION

INFORMATION

FIRST READ

ACTION

Description

Bellevue College is one of the top 20 international-hosting community colleges in the nation. Jean D'Arc Campbell, Dean of The Office of International Education and Global Initiatives, will provide an overview of their current initiatives and future goals.

Prepared by: Mike Kaptik, Interim Associate Vice President of Student Affairs
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