



**BELLEVUE
COLLEGE**



Board of Trustees

Community College District VIII

REGULAR MEETING
November 4, 2020



**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, November 4, 2020. The business session will begin at 3:00 PM. In accordance with Governor Inslee's Proclamation 20-28.5, which continues the prohibition on in-person meetings, this meeting will be conducted virtually. The meeting will be accessible to the public via Zoom. A telephone line will also be available. Greg Dietzel, Chair, will preside.

MEETING CALL IN DETAILS

Study Session Call-In Details:

Please click the link below to join:

<https://bellevuecollege.zoom.us/j/89157565529?pwd=Y3VEZkRPUTRvMVVEdGU4dSszQ0M0dz09>

Meeting ID: 891 5756 5529

Passcode: study

Or dial in by telephone: +1 253 215 8782 Meeting ID: 891 5756 5529 Passcode: 440861

Business Session Call-In Details:

Please click the link to join: <https://bellevuecollege.zoom.us/j/86917841522>

Or iPhone one-tap: +12532158782, 86917841522#

Or dial in by telephone: +1 253 215 8782 Webinar ID: 86917841522

Providing a Public Comment:

Students, faculty, staff, and community members may provide remarks to the Board during the "Public Comment" period of the meeting. All public comments are limited to two minutes. It is not the practice of the Board to respond directly to questions or comments during this portion of the meeting. You can provide your two-minute comment to the Board by accessing the meeting via the Zoom link or dialing the phone number listed above. You can indicate you want to provide a public comment by a "raised hand" within the Zoom meeting. To raise your hand when accessing the meeting by computer, click "Raise Hand" in your Zoom control bar. To raise your hand when accessing

the meeting by telephone, enter *9. Meeting attendees who indicate they want to provide a public comment will be unmuted one at a time to provide their comment to the Board.

MEETING AGENDA

- | | | |
|---------|--|---|
| 2:00 PM | <p>STUDY SESSION
The Board will host a study session to discuss ctclink.</p> | |
| 3:00 PM | <p>BUSINESS SESSION
I. Call to Order
II. Agenda and Minutes
 A. Approval of Agenda for November 4, 2020
 B. Approval of Minutes from October 7, 2020</p> | |
| 3:10 PM | <p>III. Constituent Reports
 A. Faculty
 B. Foundation
 C. Student
 D. Classified
 E. College Assembly</p> | <p>Nightingale
Brock
Ahn
Turnbull
McCrary</p> |
| 3:25 | <p>IV. First Read Items
 A. Policy 2050 Student Conduct Code (WAC 132H-126) Permanent Revision</p> <p>V. Action Items
 A. CR-103E – Extend filing deadline of WAC 132H-126</p> | <p>Kaptik

Kaptik/MacLean</p> |
| 3:30 PM | <p>VI. Program Highlight
 A. Occupational & Life Skills (OLS) Program</p> | <p>Lopez</p> |
| 3:45 PM | <p>VII. Quarterly Report
 A. Diversity, Equity, and Inclusion</p> | <p>Villalpando</p> |
| 4:15 PM | <p>VIII. President’s Report</p> | <p>Locke</p> |
| 4:25 PM | <p>IX. Board Report</p> | <p>Dietzel</p> |
| 4:35 PM | <p>X. Unscheduled Business or Public Comment</p> | |
| 4:45 PM | <p>EXECUTIVE SESSION
The Board will be meeting in executive session to evaluate the performances of public employees and discuss matters with legal counsel regarding potential litigation and collective bargaining.</p> | |
| 5:45 PM | <p>Adjournment</p> | |

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, 3000 Landerholm Circle SE, state of Washington, was held on Wednesday, October 7, 2020. In accordance with Governor Inslee's Proclamation 20-28.5, which continues the prohibition on in-person meetings, this meeting was conducted virtually. The meeting was accessible to the public via Zoom. A telephone line was also available. Greg Dietzel, Chair, presided.

MINUTES

The study session began at 2:00 PM.

I. **STUDY SESSION**

Albert Lewis, Vice President of Economic and Workforce Development, and Rob Viens, Associate Vice President of Academic Affairs hosted a study session with an overall theme of how various disruptions are changing higher education, including (1) changing employer needs, (2) long term impacts of COVID, and (3) changes in financial models, technology, and classroom instruction.

The business session was called to order at 3:02 PM.

II. **ROLL CALL**

Chair Greg Dietzel, Vice Chair Richard Leigh, Lisa Chin, Merisa Heu-Weller, Rich Fukutaki, Gary Locke, and Bruce Marvin were present.

III. **AGENDA**

Chair Dietzel amended the agenda to table the vote on Policy 6420, Weapons and Fireworks. Trustee Heu-Weller made a motion to approve the amended agenda (October 7, 2020) and the previous meeting's minutes (September 16, 2020). Trustee Fukutaki seconded.

The motion passed unanimously.

IV. **CONSTITUENT REPORTS**

A. Faculty

The Faculty report was provided by Tobi Rosenberg, Vice President of the Bellevue College Association of Higher Education (BCAHE).

- Adjunct faculty teach a majority of classes at Bellevue College and their job security is precarious as they have no guarantee of employment from quarter to quarter. Such uncertainty does not make for an attractive career choice.

B. Foundation

The Foundation report was provided by Lisa Brock, Chair of the Bellevue College Foundation (BCF).

- The Foundation is finding new ways to engage donors in the COVID era. The State of BC on November 10 and the Donor & Scholar Reception on November 19 will be held virtually through Zoom. The Spring fundraising breakfast will be converted to a several night experience.
- A new gift of \$80,000 was received from the Robert and Jean Reid Family Foundation to add to their endowment scholarship for nursing students.
- The pilot partnership with the City of Bellevue, Bellevue School District, the College, and Foundation providing housing and wrap-around services for students experiencing homelessness is being extended. The City is thrilled with the initial results and is committed to extending the pilot, but is unable to fully fund an additional two students for two years, so the Foundation has committed to raising the remaining funds.
- Mini-grant applications have opened.
- The KBCS Fall Fund Drive is happening now through the 19th. We are on track to hit and possibly surpass the drive goal.
- The Foundation is excited to be working with the LGBTQ Task Force to raise funds for the Pride Crosswalks.

C. Student

The Student report was provided by Ki Ahn, President of the Bellevue College Associated Student Government (ASG).

- ASG held its first meeting with the Multicultural Services (MCS) department and approved \$14,578 total for both Fall and Winter quarters to support MCS's peer mentoring services.
- ASH is ramping up its social media efforts to gain more followers and engagement.
- The vice president of ASG recently attended a College Assembly meeting and spoke about how strong the student voice was in the Student and Activity (S&A) fee deliberation process.
- The ASG social responsibility representative is working on convening the SESF committee, and working with the director of sustainability to resolve SESF allocation from 2018.
- The ASG legislative affairs representative has recently connected with Washington Student Association to gather resources.

D. Classified

The Classified report was provided by Becky Turnbull, Bellevue College Chief Shop Steward for the Washington Public Employee's Association (WPEA).

- Turnbull was excited and honored to participate in the Equity Education for All training retreat this summer and is impressed by the ongoing work of this group.

E. College Assembly

The College Assembly report was submitted by Amy McCrory, Chair of the College Assembly, and read by Alicia Keating Polson, Executive Assistant to the President and Board of Trustees.

- Assembly recently passed proposal # 1249 (Accuracy of Messaging) from the Student Success Council, and it is now at President's Cabinet for review.
- Assembly will be voting on proposal # 1254 (S&A Allocation process) at the next Assembly meeting on October 19, and President's Cabinet will be notified of the voting results.
- Assembly will be discussing some of the following proposals over the next month: #1246 (Equity Education); #1256 (Changes to BC Charter, Classified); and the Resource Liaison list for the Governance Councils.

V. **ACTION ITEMS**

A. Off-Cycle Tenure Candidate Review

Motion 29.20

Trustee Heu-Weller moved that the Board of Trustees of Bellevue College hereby grants tenure to Sharon Walia in Marketing Management beginning spring quarter 2021. Trustee Leigh seconded.

The motion passed unanimously.

B. Policy 6380, Security Camera Use

Motion 30.20

Trustee Heu-Weller moved that the Board of Trustees of Community College District VIII approves the revision of Policy 6380 Security Camera Use. Trustee Fukutaki seconded.

The motion passed unanimously.

C. Policy 5100, Software Licensing Compliance

Motion 31.20

Trustee Fukutaki moved that the Board of Trustees of Community College District VIII approves the revision of Policy 5100, Software Licensing Compliance. Trustee Leigh seconded.

The motion passed unanimously.

VI. **QUARTERLY REPORT**

A. Student Success

Kristen Jones, Provost; Esteban Maldonado, Title III Director and AT Co-Lead; Jennie Mayer, Faculty Program Chair for Physical Science and ATD Co-Lead; and Zak Yousuf, Interim Assistant Director of Multicultural Services and ATD Co-Lead presented the quarterly student success report.

Achieving the Dream (ATD) provides the framework for the College's student success initiative with the goal of eliminating achievement gaps by race and ethnicity. Three institutional metrics have been identified to measure success:

- Three-year completion and transfer rate
- Fall to fall retention/persistence rate
- Percentage of students completing college level math in their first year

The presentation included an overview of the 20-21 institutional metric goals and the targeted interventions used to achieve these goals. In addition, the latest data on the leading indicators was shared and a summary of the ATD/Guided Pathways work for 20-21 was reviewed.

- Trustee Chin remarked that she appreciated seeing the data and asked how it would be possible to have every student develop an education plan. The team responded that the goal is that an advising session will be held with each student to develop an individual education plan.
- Trustee Chin requested that the ATD team report back to the Board on what the targets are going to be quarterly for the leading indicators.
- Trustee Fukutaki asked about the difference between the education plan, a pathway, and the Bulldog Trail. Jones responded that the education plan is an actual plan that maps out the actual courses the students will take. A pathway provides a structured choice of courses for the students to choose from based on the pathway they select. The Bulldog Trail serves as an overarching conceptual framework that represents the different phases that students experience in their relationship with the College. The education plan and pathway fit within the Bulldog Trail, which is the larger conceptual model.
- Trustee Leigh shared that it is somewhat disheartening that some of the numbers are going down and asked how aggressively the College is reaching out to students, particularly students of color. Jones responded that the College just purchased a texting software to reach out to students. Maldonado also responded that the College is utilizing email, text, and phone calls with a targeted approach.
- Trustee Dietzel remarked that it is important to recognize the progress that has happened and acknowledge the difficulty of COVID-19. It is urgent we are acting with speed to best serve students.

VII. **PRESIDENT’S REPORT**

Gary Locke, Interim President of Bellevue College, provided the President’s Report.

- Governor Locke complimented the ATD team on all their efforts on and reiterated the importance of acting with speed and urgency to best serve students.
- The College is moving forward with approving an equity-training-for-all.
- An ad hoc task force of Black employees addressing the topic of anti-Blackness recently put together a proposal for addressing anti-Blackness at the College. Parts of the proposal have begun to be implemented and work will continue with the task force to implement more of the proposal.
- Enrollment is nearly even with last year’s enrollment, which is positive news.
- The financial situation is looking positive for the College; Olympia is not implementing the cuts that had been feared this year; however, next year’s outlook continues to be problematic.
- The Budget Stakeholder Group has come to temporary halt because of dynamics within the group. The work will likely pick up again in a few weeks as the group works through their concerns.

VIII. **BOARD REPORT**

Various trustees provided Board reports.

- Chair Dietzel welcomed Hannah Stoddard as the new student trustee to the Board.
- Trustees Fukutaki and Leigh thanked the faculty, staff, and students who recently participated in the listening sessions with him and Vice Chair Leigh.
- Chair Dietzel thanked Trustees Leigh and Fukutaki for agreeing to lead the search process for the permanent president of Bellevue College.
- Trustee Fukutaki also announced that Trustee Dietzel will serve as the Legislative Action Committee Co-Chair on the state-wide College Trustee Board of Directors, as well as serve as a member on the newly formed Diversity, Equity, and Inclusion committee for the Association of College Trustees (ACT).
- Chair Dietzel announced that Trustee Fukutaki was elected to serve on the Association of Community College Trustees’ (ACCT) Diversity, Equity, and Inclusion committee and as Chair to the ACCT Asian Pacific Islander Native American (APINA) Committee.

IX. **UNSCHEDULED BUSINESS/COMMUNITY TESTIMONY**

John Passmore, faculty member at Bellevue College, provided public comment on the importance of sustainability and climate justice.

X. **EXECUTIVE SESSION**

At 4:49 PM, Chair Dietzel announced there would be an executive session for approximately 70 minutes to discuss matters with legal counsel regarding potential litigation and collective bargaining. The Board returned to regular session at 6:01 PM.

XI. **ADJOURNMENT**

There being no further business, Chair Dietzel adjourned the Board of Trustees meeting at 6:01 PM.

Greg Dietzel, Chair
Board of Trustees

ATTEST:

Alicia Keating Polson
Secretary, Board of Trustees
Community College District VIII



REGULAR MEETING AGENDA ITEM

POLICY 2050 STUDENT CONDUCT CODE (WAC 132H-126) EMERGENCY REVISION

INFORMATION

FIRST READ

ACTION

Description

The United States Department of Education approved new Title IX regulations in May 2020 that require supplemental procedures be added to the sections of the Bellevue College Student Conduct Code related to Title IX. This rule applies to all U.S. colleges and took effect on August 14, 2020. In August 2020, Bellevue College adopted an emergency version of the Student Conduct Code (WAC 132H-126) to become compliant with the new regulations. The College must now update WAC 132H-126 using the regular rule-making process. Bellevue College received model language from the WA State Office of the Attorney General; it has been added to the Student Conduct Code (WAC 132H-126) with minimal edits. In addition to the supplemental procedures, Student Affairs has made some other minor language changes in the overall Student Conduct Code to be consistent with the new supplemental Title IX section.

Key Questions

- * Why is it necessary to update the student conduct code?
- * What changes have been made to the student conduct code?

Analysis

New federal Title IX regulations address the mandatory obligations of the College when receiving a Title IX sexual harassment report. The regulations took effect on August 14, 2020. To be compliant, the College updated the Student Conduct Code through the emergency rule making process in early August. The College has 120 days after an emergency rule adoption to complete the formal rule making process; this is to update the Student Conduct Code permanently. The College began the formal rule making process concurrently.

The new Title IX regulations significantly limit the scope and jurisdiction of Title IX by 1) adopting a specific, required-use definition of sexual harassment and 2) limiting its application to educational programs or activities occurring within the United States. The regs also provide specific requirements for the grievance process. The new regulations include specific requirements and language ensuring the respondent is not presumed responsible until the grievance and disciplinary processes are complete.

The new Supplemental Title IX Student Conduct Procedures (WAC 132H-126-400 to 132H-126-480) define the scope of Title IX for the College, adopt required-use definitions, and outline the specifics of a Title IX grievance process for a student respondent. These student grievance procedures include new requirements for a live hearing, standards of evidence, cross-examination requirements, advisors, and appeals. The Office of Title IX will continue to investigate complaints, but cases will be referred directly to the Student Conduct Committee for a hearing, rather than a disciplinary meeting with a student conduct officer. The Student Conduct Committee then holds a live hearing that complies new regulations.

The addition of the supplemental Title IX procedures requires modifications to the existing Student Conduct Code for consistency. These include:

- The revised code replaces the term “impacted party” with “complainant” and “responding party” with “respondent”.
- The revised code updates the prohibited conduct definition of “stalking” is to be consistent with the supplemental procedures.
- For consistency, the revision repeals the prohibited conduct of “relationship violence”. The revisions replace relationship violence with “domestic violence” and “dating violence”.
- The supplemental procedures reference “incest” and “statutory rape”. The revised code includes “incest” and “statutory rape” as types of sexual violence.
- The revised code includes a new prohibited conduct item, “abuse of the student conduct code”.

There have been no substantive changes to the proposed Student Conduct Code language since the August 2020 emergency revisions. A public hearing was held on October 28, 2020 as required by the RCW.

Background/Supplemental Information

Student Conduct Code of Bellevue College, Last update 12/17/2018

- [WAC 132H-126](#)
- [BC Policy 2050](#)

New Title IX Regulations - 34 CFR--PART 106

- [§106.30](#)
- [§106.44](#)
- [§106.45](#)

Recommendation/Outcomes

That the Board of Trustees of Community College District VIII approves the revisions to WAC 132H-126 (BC Policy 2050 Student Conduct Code) for submission to the WA State Office of the Code Revisor at their regular meeting on December 2, 2020.

Prepared by: Brenda Ivelisse, Associate Vice President, Student Affairs
b.ivelisse@bellevuecollege.edu

AMENDATORY SECTION (Amending WSR 19-01-082, filed 12/17/18, effective 1/17/19)

WAC 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 or designee and/or the designated student conduct officer. The student conduct officer shall serve as the principal investigator and administrator for ((alleged)) reported violations of this code.

AMENDATORY SECTION (Amending WSR 19-01-082, filed 12/17/18, effective 1/17/19)

WAC 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 college-hosted online platforms.

(4) "**Complainant**" is a student or another member of the college community who is allegedly directly affected by a reported violation of this student conduct code. The complainant may be the reporting party, but not necessarily; witnesses or other third parties may report concerns. In any case involving a report of sexual misconduct as defined in this student conduct code, a complainant 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 a complainant;

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

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

(5) "**Conduct review officer**" is the provost for academic and student affairs or designee 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))~~ (6) "**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))~~ (7) "**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 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))~~ (8) "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))~~ respondent or a complainant to provide support and guidance during disciplinary proceedings under this student conduct code.

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

(a) The right to be presumed not responsible for the reported misconduct unless or until a determination of responsibility is reached after completion of the disciplinary process;

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

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

~~((e))~~ (d) 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, dating violence, or ~~((relationship))~~ domestic 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))~~ a reported 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 or designee to be responsible for implementing and enforcing the student conduct code. The president or provost for academic and student affairs or designee 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.

AMENDATORY SECTION (Amending WSR 19-01-082, filed 12/17/18, effective 1/17/19)

WAC 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) **Abuse of the student conduct process.**

(a) Abuse of the student conduct process includes:

(i) Attempting to influence the impartiality or participation of any decision maker including a student conduct officer, conduct review officer, or presiding student conduct committee member;

(ii) Influencing or attempting to influence another person to commit an abuse of the student conduct process;

(iii) Harassment or intimidation of any participant in the student conduct process; or

(iv) Submitting or providing false or misleading information in bad faith or with a view to personal gain or intentional harm to another in the conduct process.

(b) This provision does not apply to reports made or information provided in good faith, even if the respondent is ultimately found not responsible in that conduct proceeding.

(3) **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))~~ **(4) 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))~~ **(5) 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))~~ **(6) 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))~~ **(7) Dating violence.** Physical violence, bodily injury, assault, the infliction of fear of imminent physical harm, sexual assault, or stalking committed by a person:

(a) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(b) Where the existence of such a relationship shall be determined based on a consideration of the following factors:

(i) The length of the relationship;

(ii) The type of relationship; and

(iii) The frequency of interaction between the persons involved in the relationship.

(8) 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 sta-

tus; 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 nonverbal conduct and may include written, social media, and electronic communications not otherwise protected by law.

~~((7))~~ (9) Disorderly conduct. Conduct that is disorderly, lewd, or indecent; disturbing the peace; or assisting or encouraging another person to disturb the peace.

~~((8))~~ (10) 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))~~ (11) Domestic violence. Physical violence, bodily injury, assault, the infliction of fear of imminent physical harm, sexual assault, or stalking committed by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the state of Washington, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the state of Washington, RCW 26.50.010.

(12) 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))~~ (13) 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))~~ (14) 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 nonverbal 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))~~ (15) 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))~~ (16) 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))~~ (17) 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))~~ (18) 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))~~ (19) Property violation. Damage to, misappropriation of, unauthorized use or possession of, vandalism of, or other nonaccidental 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))~~ (20) Retaliation. Harming, threatening, intimidating, coercing, or taking adverse action of any kind against a person because

such person reported (~~(an alleged)~~) a violation of this code or college policy, provided information about (~~(an alleged)~~) a reported violation, or participated as a witness or in any other capacity in a college investigation or disciplinary proceeding.

~~((19))~~ (21) **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))~~ (22) **Sexual exploitation.** Taking nonconsensual or abusive sexual advantage of another for the (~~(responding party's)~~) respondent'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) Nonconsensual photography and digital or video recording of nudity or sexual activity, or nonconsensual 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 nonconsensual indecent exposure of another person, as defined by subsection (13) of this section.

~~((21))~~ (23) **Sexual harassment.** 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))~~ For sexual harassment prohibited under Title IX, refer to WAC 132H-126-410.

(24) **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))~~ a complainant 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 nonconsensual.

~~((+23))~~ (e) **Incest.** Sexual intercourse or sexual contact with a person known to be related to them, either legitimately or illegitimately, as an ancestor, descendant, brother, or sister of either wholly or half related. Descendant includes stepchildren and adopted children under the age of eighteen.

(f) **Statutory rape.** Consensual sexual intercourse between someone who is eighteen years of age or older and someone who is under the age of sixteen.

~~(25)~~ **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.))~~ Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress. 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))~~ (26) **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, waterpipes, hookahs, chewing tobacco, and snuff.

~~((25))~~ (27) **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))~~ (28) **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))~~ (29) **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))~~ (30) **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.

AMENDATORY SECTION (Amending WSR 19-01-082, filed 12/17/18, effective 1/17/19)

WAC 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))~~ complainant or respondent.

(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))~~ complainant 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))~~ respondent or through alternative dispute resolution proceedings involving the ~~((impacted party))~~ complainant 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))~~ complainant and the ~~((responding party))~~ respondent.

(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))~~ respondent.

(a) Both the ~~((responding party))~~ respondent and the ~~((impacted party))~~ 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.

(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))~~ complainant to discuss the results of the investigation and possible disciplinary sanctions and/or conditions, if any, that may be imposed upon the ~~((responding party))~~ respondent 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))~~ respondent or the ~~((impacted party))~~ complainant, 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))~~ respondent 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~~) respondent is reported to have violated, the range of possible sanctions for the (~~alleged~~) reported 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~~) respondent, and the (~~responding party~~) respondent shall be afforded an opportunity to explain what occurred.

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

(7) Within ten 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 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~~) respondent, and the (~~impacted party~~) complainant in cases involving allegations of sexual misconduct, of this extension, the reason(s), and the anticipated extension time frame.

(8) 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-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~~) respondent.

(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~~) respondent, will serve a written notice informing the (~~impacted party~~) complainant of the decision, the reasons for the decision, and any disciplinary sanctions and/or conditions that may have been imposed upon the (~~responding party~~) respondent, including disciplinary suspension or dismissal of the (~~responding party~~) respondent. The notice will also inform the (~~impacted party~~) complainant 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~~) complainant to ensure prompt notice of the protective disciplinary sanctions and/or conditions.

WAC 132H-126-130 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 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~~) respondent is seeking review.

(3) The parties to an appeal shall be the (~~responding party~~) respondent and the student conduct officer. If a case involves allegations of sexual misconduct, (~~an impacted party~~) a complainant also has a right to appeal a disciplinary decision or to intervene in the (~~responding party's~~) respondent's appeal of a disciplinary decision to the extent the disciplinary decision, sanctions or conditions relate to allegations of sexual misconduct against the (~~responding party~~) respondent.

(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 (~~responding party~~) respondent has been summarily suspended.

(7) The student conduct committee shall hear appeals regarding:

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

(d) Disciplinary probation;

(e) Written reprimands;

(f) Any conditions or terms imposed in conjunction with one of the foregoing disciplinary actions; and

(g) Appeals by (~~an impacted party~~) a complainant 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~~) respondent.

(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))~~ complainant 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))~~ respondent:

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

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

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

(12) Except as otherwise specified in this chapter, ~~((an impacted party))~~ a complainant who timely appeals a disciplinary decision or who intervenes as a party to ~~((responding party's))~~ respondent's appeal of a disciplinary decision shall be afforded the same procedural rights as are afforded the ~~((responding party))~~ respondent.

AMENDATORY SECTION (Amending WSR 19-01-082, filed 12/17/18, effective 1/17/19)

WAC 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))~~ respondent 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.

AMENDATORY SECTION (Amending WSR 19-01-082, filed 12/17/18, effective 1/17/19)

WAC 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 complainant

nant, a respondent, 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.

AMENDATORY SECTION (Amending WSR 19-01-082, filed 12/17/18, effective 1/17/19)

WAC 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~~) 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 to believe that the (~~responding party~~) respondent:

(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~~) 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 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~~) reportedly 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 their privilege to enter 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. The (~~responding student~~) respondent 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~~) respondent 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~~) 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.

(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.

(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~~) complainant 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~~) respondent. The college will also provide the (~~impacted party~~) complainant with timely notice of any subsequent changes to the summary suspension order.

AMENDATORY SECTION (Amending WSR 19-01-082, filed 12/17/18, effective 1/17/19)

WAC 132H-126-200 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~~) a complainant 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 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 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~~) respondent, or the (~~impacted party~~) complainant 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 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~~) respondent, will serve a written notice upon the (~~impacted party~~) complainant 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~~) respondent. The notice will also inform the (~~impacted party~~) complainant of their appeal rights.

AMENDATORY SECTION (Amending WSR 19-01-082, filed 12/17/18, effective 1/17/19)

WAC 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~~) respondent files a written request for review with the conduct review officer within twenty-one days of service of the initial decision.

(2) The president shall not participate in any case in which they are (~~an impacted party~~) a complainant 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 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 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 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))~~ respondent, will serve a written notice upon the ~~((impacted party))~~ complainant informing the ~~((impacted party))~~ complainant 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))~~ respondent. The notice will also inform the ~~((impacted party))~~ complainant of their appeal rights.

AMENDATORY SECTION (Amending WSR 19-01-082, filed 12/17/18, effective 1/17/19)

WAC 132H-126-300 Student conduct committee. (1) The student conduct committee shall consist of six members:

(a) Two full-time students appointed by the student government;
(b) Two faculty members appointed by the president;
(c) Two 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))~~ a complainant 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).

WAC 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 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 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~~) respondent or, in a case involving allegations of sexual misconduct, the (~~impacted party~~) complainant. 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~~) respondent and (~~impacted party~~) complainant 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 (~~nonattorney~~) process advisor of their choice.

(10) The (~~responding party~~) respondent, in all appeals before the committee, and the (~~impacted party~~) complainant, in an appeal involving allegations of sexual misconduct before the committee, may elect to be represented by an attorney at their own expense. The (~~re-~~

~~spending~~) respondent and/or (~~impacted party~~) complainant will be deemed to have waived the right to be represented by an attorney unless, at least four business days before the hearing, written notice of the attorney's identity and participation is filed with the committee chair with a copy to the student conduct officer.

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

AMENDATORY SECTION (Amending WSR 19-01-082, filed 12/17/18, effective 1/17/19)

WAC 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~~) reports of sexual misconduct, the (~~responding and the impacted parties~~) respondent and complainant shall not directly question or cross-examine one another. Attorneys for the (~~responding and impacted parties~~) respondent and complainant 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~~) respondent and complainant 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.

WAC 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 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~~) respondent or the (~~impacted party~~) complainant 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~~) respondent 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~~) complainant informing the (~~impacted party~~) complainant 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~~) respondent, including suspension or dismissal of the (~~responding party~~) respondent. The notice will also inform the (~~impacted party~~) complainant of their appeal rights. This notice shall be served on the (~~impacted party~~) complainant on the same date as the initial decision is served on the (~~responding party~~) respondent. The (~~impacted party~~) complainant may appeal the student conduct committee's initial decision to the president subject to the same procedures and deadlines applicable to other parties.

WAC 132H-126-340 Student conduct committee—Review of an initial decision. (1) A ~~((responding party, or an impacted party))~~ respondent, or a complainant 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 days of service of the committee's initial decision or a written notice. Failure to file a timely appeal request within this time frame 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 nonappealing party(ies) to respond to the arguments contained in the notice of appeal.

(3) The president shall provide a written decision to all parties within thirty days after receipt of the notice of appeal or receipt of the response from nonappealing 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))~~ respondent, shall serve a written notice informing the ~~((impacted party))~~ complainant of the final decision. This notice shall inform the ~~((impacted party))~~ complainant whether the sexual misconduct allegation was found to have merit and describe any disciplinary sanctions and/or conditions imposed upon the ~~((responding party))~~ respondent for the ~~((impacted party's))~~ complainant's protection, including suspension or dismissal of the ~~((responding party))~~ respondent.

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

SUPPLEMENTAL TITLE IX STUDENT CONDUCT PROCEDURES

NEW SECTION

WAC 132H-126-400 Order of precedence. This supplemental procedure applies to allegations of sexual harassment subject to Title IX

jurisdiction pursuant to regulations promulgated by the United States Department of Education. See 34 C.F.R. Part 106. To the extent these supplemental hearing procedures conflict with the college's standard disciplinary procedures, WAC 132H-126-100 through 132H-126-340, these supplemental procedures shall take precedence.

NEW SECTION

WAC 132H-126-410 Prohibited conduct under Title IX. Pursuant to RCW 28B.50.140(13) and Title IX of the Education Amendments Act of 1972, 20 U.S.C. Sec. 1681, the college may impose disciplinary sanctions against a student who commits, attempts to commit, or aids, abets, incites, encourages, or assists another person to commit, an act(s) of "sexual harassment."

For purposes of this supplemental procedure, "sexual harassment" encompasses the following conduct:

(1) **Quid pro quo harassment.** A college employee conditioning the provision of an aid, benefit, or service of the college on an individual's participation in unwelcome sexual conduct.

(2) **Hostile environment.** Unwelcome conduct that a reasonable person would find to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the college's educational programs or activities, or employment.

(3) **Sexual assault.** Sexual assault includes the following conduct:

(a) **Nonconsensual sexual intercourse.** Any actual or attempted sexual intercourse (anal, oral, or vaginal), however slight, with any object or body part, 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) **Nonconsensual sexual contact.** Any actual or attempted sexual touching, however slight, with any body part or 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.

(c) **Incest.** Sexual intercourse or sexual contact with a person known to be related to them, either legitimately or illegitimately, as an ancestor, descendant, brother, or sister of either wholly or half related. Descendant includes stepchildren and adopted children under the age of eighteen.

(d) **Statutory rape.** Consensual sexual intercourse between someone who is eighteen years of age or older and someone who is under the age of sixteen.

(4) **Domestic violence.** Physical violence, bodily injury, assault, the infliction of fear of imminent physical harm, sexual assault, or stalking committed by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the state of Washington, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the state of Washington, RCW 26.50.010.

(5) **Dating violence.** Physical violence, bodily injury, assault, the infliction of fear of imminent physical harm, sexual assault, or stalking committed by a person:

(a) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(b) Where the existence of such a relationship shall be determined based on a consideration of the following factors:

(i) The length of the relationship;

(ii) The type of relationship; and

(iii) The frequency of interaction between the persons involved in the relationship.

(6) **Stalking.** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress.

NEW SECTION

WAC 132H-126-420 Title IX jurisdiction. (1) This supplemental procedure applies only if the reported misconduct:

(a) Occurred in the United States;

(b) Occurred during a college educational program or activity; and

(c) Meets the definition of sexual harassment as that term is defined in this supplemental procedure.

(2) For purposes of this supplemental procedure, an "educational program or activity" is defined as locations, events, or circumstances over which the college exercised substantial control over both the respondent and the context in which the reported sexual harassment occurred. This definition includes any building owned or controlled by a student organization that is officially recognized by the college.

(3) Proceedings under this supplemental procedure must be dismissed if the decision maker determines that one or all of the requirements of subsection (1)(a) through (c) of this section have not been met. Dismissal under this supplemental procedure does not prohibit the college from pursuing other disciplinary action based on allegations that the respondent violated other provisions of the college's student conduct code, chapter 132H-126 WAC.

(4) If the student conduct officer determines the facts in the investigation report are not sufficient to support Title IX jurisdiction and/or pursuit of a Title IX violation, the student conduct officer will issue a notice of dismissal in whole or part to both parties explaining why some or all of the Title IX claims have been dismissed.

NEW SECTION

WAC 132H-126-430 Initiation of discipline. (1) Upon receiving the Title IX investigation report from the Title IX coordinator, the student conduct officer will independently review the report to determine whether there are sufficient grounds to pursue a disciplinary ac-

tion against the respondent for engaging in prohibited conduct under Title IX.

(2) If the student conduct officer determines that there are sufficient grounds to proceed under these supplemental procedures, the student conduct officer will initiate a Title IX disciplinary proceeding by filing a written disciplinary notice with the chair of the student conduct committee and serving the notice on the respondent, the complainant, and their respective advisors. The notice must:

(a) Set forth the basis for Title IX jurisdiction;

(b) Identify the reported Title IX violation(s);

(c) Set forth the facts underlying the allegation(s);

(d) Identify the range of possible sanctions that may be imposed if the respondent is found responsible for the reported violation(s); and

(e) Explain that the parties are entitled to be accompanied by their chosen advisors during the hearing and that:

(i) The advisors will be responsible for questioning all witnesses on their party's behalf;

(ii) An advisor may be an attorney; and

(iii) The college will appoint the party an advisor of the college's choosing at no cost to the party, if the party fails to do so; and

(3) Explain that if a party fails to appear at the hearing, a decision of responsibility may be made in their absence.

NEW SECTION

WAC 132H-126-440 Prehearing procedure. (1) Upon receiving the disciplinary notice, the chair of the student conduct committee will send a hearing notice to all parties, in compliance with WAC 132H-126-310. In no event will the hearing date be set less than ten days after the Title IX coordinator provided the final investigation report to the parties.

(2) A party may choose to have an attorney serve as their advisor at the party's own expense. This right will be waived unless, at least five days before the hearing, the attorney files a notice of appearance with the committee chair with copies to all parties and the student conduct officer.

(3) In preparation for the hearing, the parties will have equal access to all evidence gathered by the investigator during the investigation, regardless of whether the college intends to offer the evidence at the hearing.

NEW SECTION

WAC 132H-126-450 Rights of parties. (1) The student conduct code of Bellevue College, chapter 132H-126 WAC, and this supplemental procedure shall apply equally to all parties.

(2) The college bears the burden of offering and presenting sufficient testimony and evidence to establish that the respondent is responsible for a Title IX violation by a preponderance of the evidence.

(3) The respondent will be presumed not responsible until such time as the disciplinary process has been finally resolved.

(4) During the hearing, each party shall be represented by an advisor. The parties are entitled to an advisor of their own choosing and the advisor may be an attorney. If a party does not choose an advisor, then the Title IX coordinator will appoint an advisor of the college's choosing on the party's behalf at no expense to the party.

NEW SECTION

WAC 132H-126-460 Evidence. The introduction and consideration of evidence during the hearing is subject to the following procedures and restrictions:

(1) **Relevance:** The committee chair shall review all questions for relevance and shall explain on the record their reasons for excluding any question based on lack of relevance.

(2) **Relevance means** that information elicited by the question makes facts in dispute more or less likely to be true.

(3) Questions or evidence about a complainant's sexual predisposition or prior sexual behavior are not relevant and must be excluded, unless such question or evidence:

(a) Is asked or offered to prove someone other than the respondent committed the reported misconduct; or

(b) Concerns specific incidents of prior sexual behavior between the complainant and the respondent, which are asked or offered on the issue of consent.

(4) **Cross-examination required:** If a party or witness does not submit to cross-examination during the live hearing, the committee must not rely on any statement by that party or witness in reaching a determination of responsibility.

(5) **No negative inference:** The committee may not make an inference regarding responsibility solely on a witness's or party's absence from the hearing or refusal to answer questions.

(6) **Privileged evidence:** The committee shall not consider legally privileged information unless the holder has effectively waived the privilege. Privileged information includes, but is not limited to, information protected by the following:

(a) Spousal/domestic partner privilege;

(b) Attorney-client and attorney work product privileges;

(c) Privileges applicable to members of the clergy and priests;

(d) Privileges applicable to medical providers, mental health therapists, and counselors;

(e) Privileges applicable to sexual assault and domestic violence advocates; and

(f) Other legal privileges identified in RCW 5.60.060.

NEW SECTION

WAC 132H-126-470 Initial order. (1) In addition to complying with WAC 132H-126-330, the student conduct committee will be responsible for conferring and drafting an initial order that:

- (a) Identifies the allegations of sexual harassment;
 - (b) Describes the grievance and disciplinary procedures, starting with filing of the formal complaint through the determination of responsibility, including notices to parties, interviews with witnesses and parties, site visits, methods used to gather evidence, and hearings held;
 - (c) Makes findings of fact supporting the determination of responsibility;
 - (d) Reaches conclusions as to whether the facts establish whether the respondent is responsible for engaging in sexual harassment in violation of Title IX;
 - (e) Contains a statement of, and rationale for, the committee's determination of responsibility for each allegation;
 - (f) Describes any disciplinary sanction or conditions imposed against the respondent, if any;
 - (g) Describes to what extent, if any, complainant is entitled to remedies designed to restore or preserve complainant's equal access to the college's education programs or activities; and
 - (h) Describes the process for appealing the initial order to the president.
- (2) The committee chair will serve the initial order on the parties simultaneously.

NEW SECTION

WAC 132H-126-480 Appeals. (1) The parties shall have the right to appeal from the initial order's determination of responsibility and/or dismissal of an allegation(s) of sexual harassment in a formal complaint. The right to appeal will be subject to the same procedures and time frames set forth in WAC 132H-126-340.

(2) The president or their delegate will determine whether the grounds for appeal have merit, provide the rationale for this conclusion, and state whether the disciplinary sanction and condition(s) imposed in the initial order are affirmed, vacated, or amended, and, if amended, set forth any new disciplinary sanction and/or condition(s).

(3) President's office shall serve the final decision on the parties simultaneously.



REGULAR MEETING AGENDA ITEM

POLICY 2050 STUDENT CONDUCT CODE (WAC 132H-126) EMERGENCY REVISION EXTENSION

INFORMATION

FIRST READ

ACTION

Description

On August 4, 2020, the Board of Trustees approved emergency revisions to the Student Conduct Code of Bellevue College (BC Policy 2050, WAC 132H-126). Updates to Title IX by the United States Department of Education required supplemental procedures be added to the Student Conduct Code related to Title IX. The College filed the required CR-103E for the emergency updates on August 11, 2020. An emergency rule is valid for 120 days after filing. Due to rule making requirements from the State and policy making processes at the College, additional time is needed for the permanent rule making process.

Key Questions

- * Why does the Student Conduct Code emergency rule need to be extended?

Analysis

The United States Department of Education approved new Title IX regulations in May 2020 that require supplemental procedures be added to the sections of the Bellevue College Student Conduct Code. To be compliant by the August 14, 2020 deadline, the College updated the Student Conduct Code through the emergency rule making process. The College has 120 days after an emergency rule adoption to complete the formal rule making process to update the Student Conduct Code permanently.

The College began the formal rule making process concurrently. The policy draft was released for comment on the first day of classes, September 21. A first read for final rule approval is scheduled for the November 4, 2020 Board of Trustee meeting. The permanent rule will have a vote at the December 2, 2020 Board of Trustees meeting.

While the vote occurs within the stipulated 120 days, the rule does not take effect until 31 days after filing. The emergency rule needs to be extended to cover the additional time between the vote/filing and the effective date. An extension requires a vote and filing a new CR-103E.

The current emergency rule expires on December 9, 120 days from filing. If the permanent rule is approved on December 2 and the CR-103P filed that day, the entire process will be completed. The permanent rule will be in effect on January 1, 2021.

Background/Supplemental Information

Student Conduct Code of Bellevue College, Last update 12/17/2018

- [WAC 132H-126](#)
- [BC Policy 2050](#)

New Title IX Regulations - 34 CFR--PART 106

- [§106.30](#)
- [§106.44](#)
- [§106.45](#)

Recommendation/Outcomes

The Board of Trustees of Community College District VIII approves the extension of the emergency revisions to WAC 132H-126 (BC Policy 2050 Student Conduct Code) and the emergency resubmission to the WA State Office of the Code Revisor.

Prepared by: Brenda Ivelisse, Associate Vice President, Student Affairs
b.ivelisse@bellevuecollege.edu



REGULAR MEETING AGENDA ITEM

PROGRAM HIGHLIGHT – OCCUPATIONAL & LIFE SKILLS PROGRAM

INFORMATION

FIRST READ

ACTION

Description

Pilar Lopez, Associate Dean of the Occupational & Life Skills (OLS) Program, will present an overview of the OLS program.

Key Questions

- * What is the OLS program?
- * What are the strengths and challenges in offering a program such as OLS?
- * How have OLS students adapted to online learning?

Analysis

The presentation will provide an overview of the OLS program, demonstrating how this program provides high-quality education to students with learning differences culminating in an associate degree. Other topics to be covered in this presentation include: program challenges/strengths, response to COVID-19 and the transition to online learning, the newly-formed OLS Task Force, and Washington State Student Data.

Background/Supplemental Information

A PowerPoint presentation will be shared as part of the presentation.

Recommendation/Outcomes

The Board of Trustees will learn about the OLS program.

Prepared by: Terri Tanino, Assistant to the Vice President of Economic and Workforce Education
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OLS[®] An Associate Degree
in Occupational & Life Skills
BELLEVUE COLLEGE

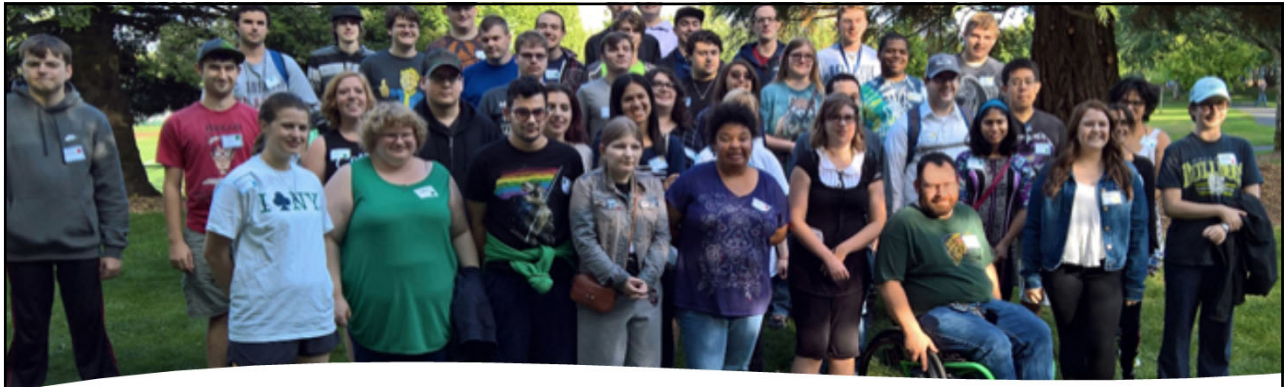
Skills for Work. Skills for Life.

For Students with Learning Differences

OLSBC
Mission and
Vision

MISSION: OLS is a Bellevue College Associate Degree Program for students with learning disabilities. With a specially designed curriculum and dedicated staff, our mission is to help students develop skills for a successful career and fulfilled life.

VISION: To be the provider of choice for high quality, responsive educational options for People with Disabilities in all phases of their career and life.



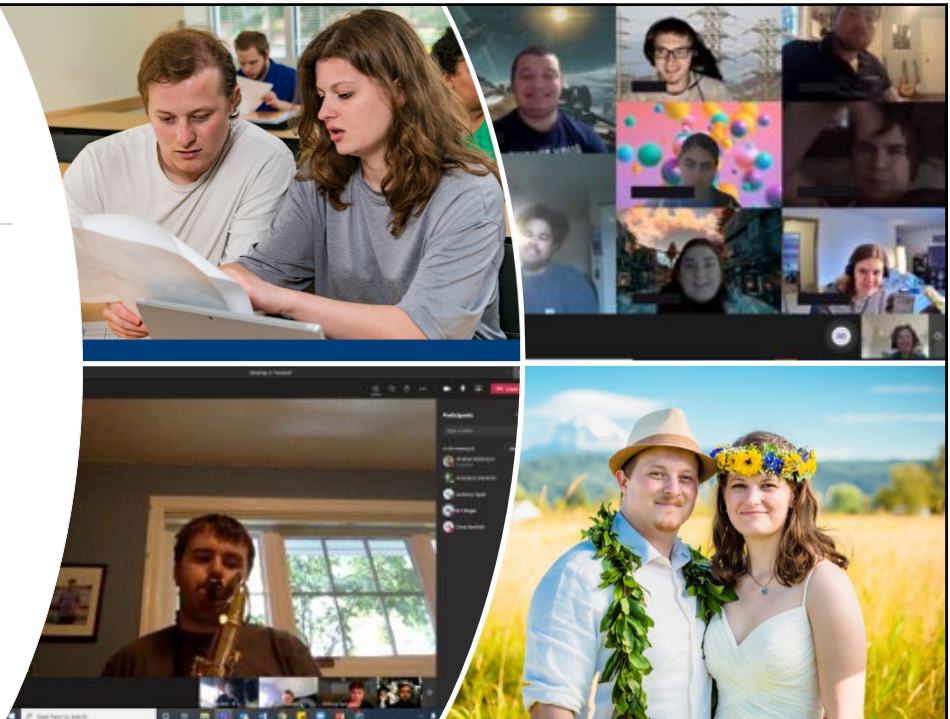
OLSBC in a Snapshot

- Annual Enrollment Average: 80 students
- New Cohort Acceptance every Fall: 24 – 30 students
- Length of Program: 4 years; 90 credits total
- Student Profile: Diagnosed & undiagnosed learning disabilities (ADHD, Autism, TBI) and other disabilities (Cerebral Palsy)
- Specialized Curriculum: Accessibility and Universal Design written into every course
- Program Outcome – Associate Degree

You: "What makes OLS cool?"

Us: "Let me count the ways..."

- OLS prepares students with disabilities for **LIFE** (self-advocacy; skills for work; skills for life; friendship; creating relationships; community, etc)



Program Strengths

BC Name/Branding/Resources

Strong Curriculum

Student Centered

Small class size

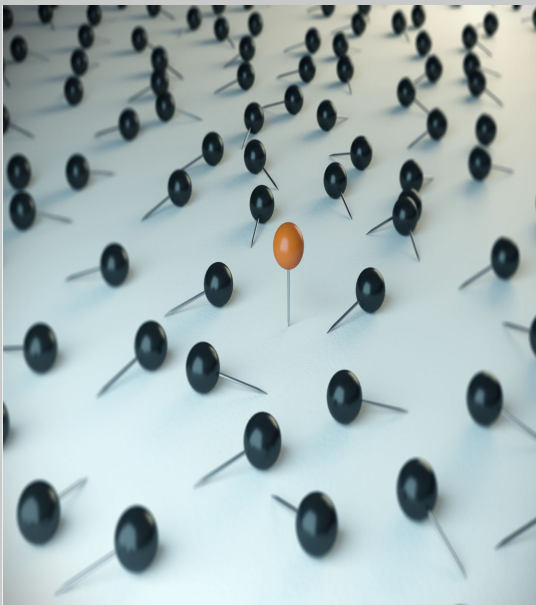
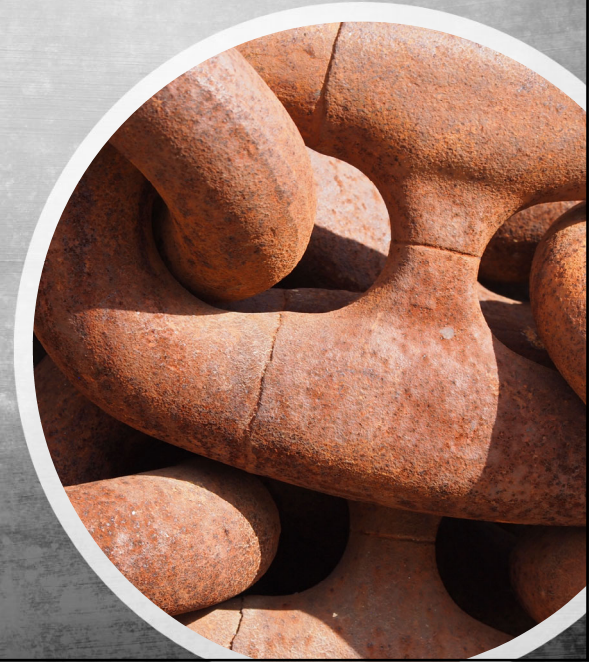
Unique 21st Century Skills teaching

Good reputation (Community, Educators, Families, Alumni)

Students are eligible for Financial Aid

Staff: Dedicated, Diverse, Skilled, Knowledgeable

Consistent 85% employment rate after graduation



Program Challenges

"Tweeners"/Learning Disabilities population limits audience

Not inclusive?/ Self Contained/ North Campus/ Admissions requirements

Tuition cost (Equity issues)

Low brand recognition

Length

Lack of flexibility in curriculum

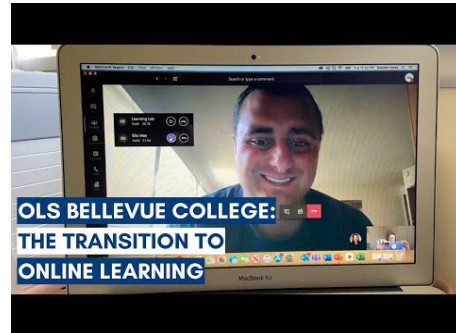
Location (North Campus)

Access to tuition aid

Attrition rates

COVID & the Transition to Virtual Learning: A Success Story

Challenges	Solutions
Tech Access (Equity)	Partnership with Interconnection
Classroom Teaching Platforms	Agreed on TEAMS as a program; Created step-by-step instructional videos
Isolation/Mental Health	Started Student Clubs; Reassigned staff to provide additional support
Parental Involvement/Participation in Class	Monthly town hall meetings to discuss challenges and solutions to virtual learning
Employment/Internship Requirements	100% of Student Interns sent home during COVID. 50% of Student Interns returned to internship with COVID phases and restrictions lifted. 6 students still need to complete an internship
\$450K Contract with Division of Vocational Rehabilitation (DVR) in danger	Offered Summer Camps online; Currently preparing Winter & Spring Workshops to fulfill contract hours
New Student Orientation	Implemented hybrid model



OLS Taskforce: Continuing Improvement

October 2020 - January 2021

Purpose	Areas to be Explored	Members
To generate actionable recommendations using an equity and inclusion lens to explore how OLS can serve more students and improve the quality of the instruction to deliver better outcomes for students with disabilities over the next several years.	<ul style="list-style-type: none"> <input type="checkbox"/> Recruitment Strategy <input type="checkbox"/> Enrollment Processes <input type="checkbox"/> Pedagogy & Teaching Methods <input type="checkbox"/> Cohort Entry Points (currently fall only) <input type="checkbox"/> Optimal Class Size <input type="checkbox"/> Course Offerings (currently fall, winter & spring only) <input type="checkbox"/> Potential for Blended or Hybrid Teaching and Learning 	<ul style="list-style-type: none"> Business Employers Advisory Board Members Parents Alumni OLS Staff (current and former) Educators Disability Experts

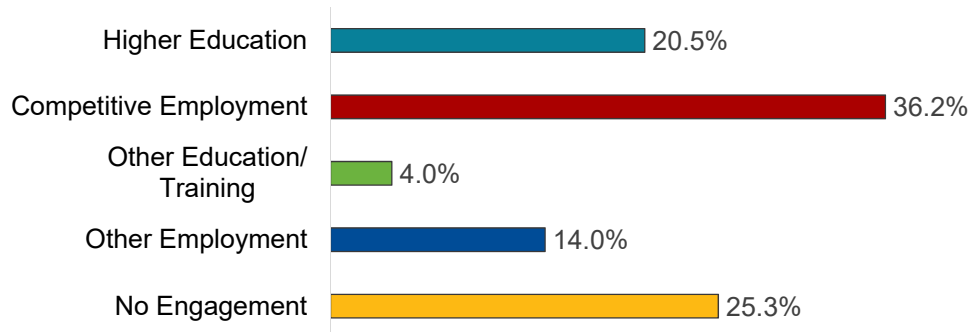
Washington State Student Data (2019)

The Opportunity Before Us

	Students with Disabilities	Section 504	Combined
9 th Grade	10,571	5,096	15,667
10 th Grade	10,364	5,202	15,566
11 th Grade	10,308	5,210	15,518
12 th Grade	11,514	5,145	16,659
Total 9th-12th	42,757	20,653	63,410

Resource: [Washington State Department of Social and Health Services](#)

Post-High School Outcomes, Washington State, 2017-18



(CCTIS 2020, Indicator 14 Post-School Outcome Report, Washington state, 2017-18)

Resource: [Washington State Department of Social and Health Services](#)

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REGULAR MEETING AGENDA ITEM

DIVERSITY, EQUITY, AND INCLUSION (DEI) QUARTERLY REPORT

INFORMATION

FIRST READ

ACTION

Description

This presentation is intended to provide a brief view of the issues facing DEI at Bellevue College using both the macro level for breadth and micro level for depth. This is a high-level view of initiatives at Bellevue College that are intended to address student success.

Key Questions

- * How are we understanding DEI at the college?
- * What is the College doing around DEI?
- * What DEI strategies do we prioritize for next year?

Analysis

The College has many concurrent DEI initiatives and alignment is important to efficiently and intentionally create sustainable change. Alignment and prioritization are critical during times of racial tension, COVID-19, ctclink implementation, and reduced financial resources.

Background/Supplemental Information

A PowerPoint presentation will accompany the presentation. A supplemental document will also be provided about organizational bias.

Recommendation/Outcomes

The trustees will gain an understanding of the next steps at the College as related to DEI.

Prepared by: Gilbert Villalpando, Interim Vice President of DEI
gilbert.villalpando@bellevuecollege.edu

Key Concepts for DEI Quarterly Report

1. Systemic Biases:

We are all a part of a system of privileges that typically rewards or penalizes various forms of knowledge, language, and aesthetics. Below you will find two polarized viewpoints that are intended to emphasize differences. This isn't the spectrum that actually exists, so please recognize the teaching purpose of this polarity to compare celebrated values within the United States and those that are not valued.

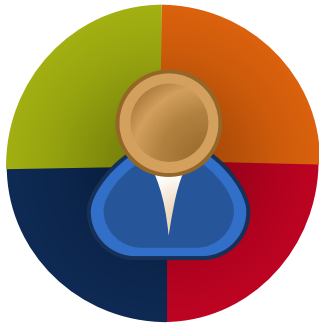
	Rewarded in U.S.	Penalized in U.S.
Mindset	individualism	collectivism
Behavior	thoughts	feelings
Time	linear time	cyclical time
Skill	mastery	harmony
Social	control	collaboration
Religion	Christianity	Non-Christian Faiths
Language	English proficiency	Multiple languages proficiency
Aesthetics	Eurocentric features (blue eyes/blond/light skin)	Dark eyes/hair/skin

Additional information on the topic: <https://www.encyclopedia.com/history/dictionaries-thesauruses-pictures-and-press-releases/eurocentrism>

2. Organizational Bias

The outcomes of institutional bias are evident in the outcomes of the types of people interacting with an institution. The bias is often difficult to identify because it is often culturally coded as neutral or generic processes.

Bias within an organization includes individual interactions and is regulated by the trainings it provides. An organization enforces bias with the selection of data, use of data, strategies to address the data, and decision-making processes. The people interacting with the institution experience a feeling of being pushed out or pulled. The level of this force is based on their congruence to the institutional mindset, values, culture, ideology, and priorities.



Diversity, Equity, and Inclusion at Bellevue College



BELLEVUE
COLLEGE

Intention of Presentation

Diversity, Equity, and Inclusion (DEI) at Bellevue College (BC) requires an organizational awareness of systemic inequity.

This presentation is intended to provide a high level view of change needed at Bellevue College to address concepts like: Antiracism, colonization, conflict and fragility. Some details will be provided for context and understanding. This is intended to be a brief view of both the macro level for breadth and micro level for depth of the issues facing DEI at BC.



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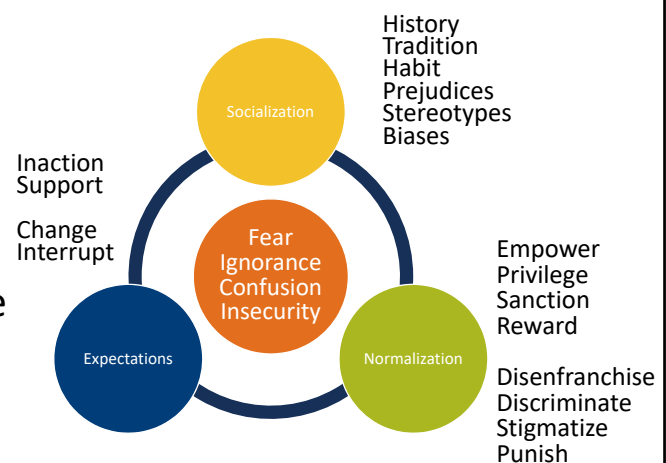
Agenda

- DEI Organizational frameworks
- Holistic Approach
- Challenges across BC Values
- Organizational Structures
- Next Steps



DEI Frameworks

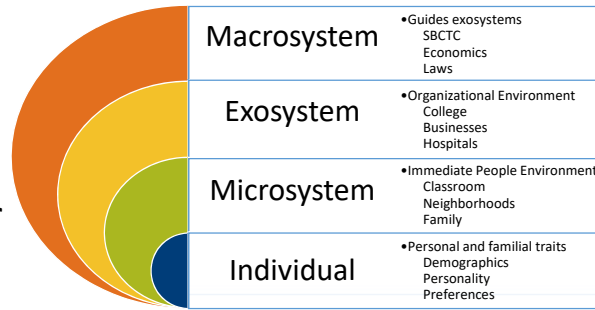
- We inherited the system.
- We will need to build relationships.
- We will need to listen more to feelings.
- We will need to respond to feelings without the use of data to invalidate feelings.



Bobbie Harro

DEI Frameworks

- We will move from individual to collective ways of knowing and engaging.
- We will recognize power dynamics in decision making.
- We will identify where we have agency for change.



Urie Bronfenbrenner



Holistic Approach



Challenges Across BC Values

Student Success	Teaching & Learning	Community Engagement	College Life & Culture
Food insecurity	Boring material	Polarized	Conflict
Housing insecurity	Lack of representation	Siloed	Trauma
Transportation	No critical thinking	Disconnected	Fragility
Childcare	Inflexible teachers	Lack of trust	
Technology/Internet			



Structures of Influence

	Personal	Learning	Career	Social
Macrosystem	<ul style="list-style-type: none"> FAFSA Edquity 	<ul style="list-style-type: none"> Books CANVAS Zoom/Teams 	<ul style="list-style-type: none"> Career Inventories Bureau of Labor Statistics 	<ul style="list-style-type: none"> Facebook Website
Microsystem	<ul style="list-style-type: none"> Financial Aid Office DRC/MCS/TRIO Veterans Program Workforce Educ. Housing 	<ul style="list-style-type: none"> Faculty Commons RISE Academic Success Center Basic & Transitional Studies 	<ul style="list-style-type: none"> Center for Career Transitions Program advisory boards 	<ul style="list-style-type: none"> Student programs Student gov. Neurodiversity navigators Service referrals between units
Individual	<ul style="list-style-type: none"> Financial awards Housing Childcare Hotspot/computer Goals/Interest 	<ul style="list-style-type: none"> Relate to material Participation/feedback 	<ul style="list-style-type: none"> Relate learning to career 	<ul style="list-style-type: none"> Relate to one another





Structures of Change

	Personal	Learning	Career	Social
ATD	<ul style="list-style-type: none"> Intake Form 	<ul style="list-style-type: none"> Identify 3-5 main practices (High 5) 	<ul style="list-style-type: none"> Pathways 	<ul style="list-style-type: none"> First Year Seminar
Bulldog Trail	<ul style="list-style-type: none"> Individualized plans based on interests Identify upcoming deadlines 	<ul style="list-style-type: none"> Dashboards on progress Notifications on next steps 	<ul style="list-style-type: none"> Communications on Interests and pathways 	<ul style="list-style-type: none"> Communications on upcoming clubs, events, and government.
Equity Education	<ul style="list-style-type: none"> Recognize current knowledge base Time from supervisor to complete 	<ul style="list-style-type: none"> Related material Scaffolded 	<ul style="list-style-type: none"> Relevant to job and responsibilities Reviewed with supervisor in annual 	<ul style="list-style-type: none"> Collaborative development
Program/Division Audit	<ul style="list-style-type: none"> Self Assessments Identify missing information 	<ul style="list-style-type: none"> Reflect on services and resource allocations 	<ul style="list-style-type: none"> Advisory Boards are diverse and employment. 	<ul style="list-style-type: none"> Integrate employees problem solving



College DEI Activities

- Equity for All proposal (June & July Retreats)
 - 95+ people
 - Representation from students, faculty, classified, and exempt
 - 3 main objectives (Equity Education Advisory Committee, diversity training guidelines, resource request)
- 100,000 funds provided for the advancement of cultural engagement and learning for faculty and staff.
 - 7 applications
 - Total allocated \$11,225
- Faculty Diversity Unit (recruit faculty of color)
- Standardizing Diversity Education (Faculty Commons, H.R., Education Equity Course)
- DEI Advocate Manger (diversity in hiring)



3 Goal Diversity Plan

Macrosystem	Goal 1: Change organizational structure to increase transparency by embedding and integrating action plans and work teams into decision making process.
Microsystem	Goal 2: Create a culture that is comfortable with conflict by being supportive, collaborative, inspirational, empowering, and building trust.
Individual	Goal 3: Increase representation, involvement, and professional/personal development.



Two Priorities

