



**BELLEVUE
COLLEGE**



Board of Trustees

Community College District VIII

REGULAR MEETING
December 2, 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, December 2, 2020. The business session will begin at 2:00 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

Business Session Call-In Details:

Please click the link to join: <https://bellevuecollege.zoom.us/j/84032983769>

Or iPhone one-tap: +12532158782, 84032983769#

Or dial in by telephone: +1 253 215 8782 Webinar ID: 840 3298 3769

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 BUSINESS SESSION
- I. Call to Order
 - II. Agenda and Minutes

- A. Approval of Agenda for December 2, 2020
- B. Approval of Minutes from November 4, 2020

2:10 PM	III.	Constituent Reports A. Foundation B. Student C. Classified D. College Assembly E. Faculty	Brock Ahn Turnbull McCrary Nightingale
2:25 PM	IV.	Action Items A. Policy 2050 Student Conduct Code (WAC 132H-126) Permanent Revision	Kaptik
2:30 PM	V.	Program Highlight A. Continuing Education	Sohonie
2:45 PM	VI.	Quarterly Report A. Finance	Curran/Craswell
3:15 PM	VII.	President's Report	Locke
3:25 PM	VIII.	Board Report	Dietzel
3:35 PM	IX.	Unscheduled Business or Public Comment	
3:45 PM	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.		
4:45 PM	Adjournment		

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



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

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MINUTES

The study session began at 2:01 PM.

I. **STUDY SESSION**

Rodger Harrison, Vice President of Information Technology Services, and Maria Rivas, ctclink Project Manager hosted a study session on ctclink.

The business session was called to order at 3:01 PM.

II. **ROLL CALL**

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

III. **AGENDA**

Trustee Fukutaki made a motion to approve the agenda (November 4, 2020) and minutes (October 7, 2020). Trustee Leigh seconded.

The motion passed unanimously.

IV. **CONSTITUENT REPORTS**

A. Faculty

The Faculty report was provided by Sue Nightingale, President of the Bellevue College Association of Higher Education (BCAHE).

- The faculty bargained with the College over the CARES Act funding to provide stipends for faculty for the extra work they are putting in to prepare for remote courses.
- There are 38 full-time faculty tenure candidates, so one in five are in the tenure process, which is indicative of some of the turnover the College has experienced recently.

- BCAHE is working with the College on negotiations around Winter and Spring Quarter remote instruction.
- A big increase in Running Starts students is great. It is different for faculty classes, particularly in those areas where the Running Start enrollment is high as it can change the nature and culture of a class. Faculty members are still adjusting.
- Normally last week would have been adjunct appreciation week, but that did not happen this year. Instead this recognition is happening at the program-level.
- The Occupational and Life Skills program is one of the programs at the College with no full-time faculty. These faculty members are all part-time, receive less pay, and have more responsibility.

B. Foundation

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

- The Foundation is adapting to the challenges of the current work environment and has been meeting with donors virtually. This is a whole new way of fundraising.
- KBCS has recently met its fundraising goals and secured more sustainable donors.
- The Foundation began its Board giving campaign.
- Mini grant applications have recently closed. There were fewer proposals, but excellent events were received.
- The State of BC is coming up on November 10 and the Annual Donor and Scholar event will be on November 19.

C. Student

The Student report was provided by Quan Nghiem, Legislative Affairs Representative of the Bellevue College Associated Student Government (ASG).

- The students of ASG continue to work on updating the Financial Code.
- ASG recently approved funding for the flu clinic, which will assist students without health insurance in getting a free flu shot.
- ASG is working on developing a virtual space to bring students together
- Virtual ASG office hours will be available soon.

D. Classified

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

- Staff Development Day in Winter Quarter will be a day of virtual activities.
- Many Classified employees are challenged by working from home and Turnbull is hoping for grace from supervisors that employees are doing the best they can in these circumstances.
- There is no contract yet for WPEA.

E. College Assembly

The College Assembly report was provided by Amy McCrory, Chair of the College Assembly.

- The College Assembly has forwarded the following proposals to Cabinet:
 - 1247 Increased Transparency on Policies and Procedures Feedback Process1248
 - 1250 Formalizing the Budget Review Advisory Committee and Equity
 - 1252 Parking Permit Payment for Staff
 - 1254: Services and Activities Fee Reallocation
 - 1255 Adding Neurodiversity Navigators Voting Seat to CID

V. **FIRST READ ITEMS**

A. Policy 2050 Student Conduct Code (WAC 132H-126) Permanent Revision

Megan Kaptik, Manager of Student Conduct, presented the permanent revision to Policy 2050 Student Conduct Code (WAC 132H-126) as a first read item to the Board. The U.S. 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. This language 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.

VI. **ACTION ITEMS**

A. CR-103E – Extend filing deadline of WAC 132H-126

Motion 32.20

Trustee Leigh moved that 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.

Trustee Heu-Weller seconded.

The motion passed unanimously.

VII. **PROGRAM HIGHLIGHT**

A. Occupational and Life Skills (OLS) Program

Pilar Lopez, Associate Dean of the OLS Program, presented an overview of OLS demonstrating how this program provides high-quality education to students with learning differences culminating in an associate degree.

VIII. **QUARTERLY REPORT**

A. Diversity, Equity, and Inclusion (DEI)

Gilbert Villalpando, Interim Vice President of DEI presented the quarterly DEI report, which provided a brief view of the issues facing DEI at Bellevue College and a high-level view of initiatives at Bellevue College that are intended to address student success.

- Trustee Chin asked how the Board could assist the College in moving forward on the anti-racist continuum. Villalpando responded that DEI must be a priority at the institution and the College cannot be hampered by balancing too many competing priorities. Interim President Locke shared that the College also needs to prioritize within DEI.
- Trustee Fukutaki asked if DEI received the \$100,000 the Cabinet dedicated to DEI programming last Spring. Villalpando responded that DEI did receive the \$100,000 and it is available by requests for groups planning DEI-related event at the College.

IX. **PRESIDENT'S REPORT**

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

- College enrollments for Fall 2020 are almost at 100% on a headcount basis. For FTE, the College may be up a little bit. Despite the drop in international students, the College had an 18% increase in Running Start students and an 18% increase in BAS programs.
- The College has reached an agreement with a new group of consultants to work with the Budget Stakeholder Group and the group will begin meeting again next week.
- The College is making progress on some of the initiatives proposed by the ad hoc group of Black employees and students who formed the Anti-Blackness Task Force. A position is currently posted for a faculty counselor who will focus on the needs of students of color.

X. **BOARD REPORT**

Various trustees provided Board reports.

- Trustee Leigh announced that the Board has made a commitment to better communicate with the campus. Trustees Leigh and Fukutaki appreciate the faculty, staff, and students who have provided valuable insights into the future leadership plan for Bellevue College by participating in the trustee listening sessions at BC. The trustees will hold another round of listening sessions during the week of November 16th to gather additional feedback.
- Trustee Fukutaki congratulated Beabe Akpojovwo, Gilbert Villalpando, and others for putting together an excellent virtual Faculty and Staff of Color Conference.

XI. **UNSCHEDULED BUSINESS/COMMUNITY TESTIMONY**

There was no unscheduled business or community testimony.

XII. **EXECUTIVE SESSION**

At 4:47 PM, Chair Dietzel announced there would be an executive session beginning at 5:55 PM that would last approximately 65 minutes to discuss matters with legal counsel regarding potential litigation and collective bargaining. The Board returned to regular session at 5:50 PM.

XIII. **ADJOURNMENT**

There being no further business, Chair Dietzel adjourned the Board of Trustees meeting at 5:50 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) PERMANENT 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.

After the first read with the Board of Trustees on November 4, 2020, additional language was added under Academic Dishonesty to distinguish between academic consequences and student misconduct sanctions.

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.”

A public hearing was held on October 28, 2020 as required by the RCW.

After the first read, one change was made to the proposed revisions. Additional language was added to WAC 132H-126-100(3), Academic Dishonesty. In response to a recent court finding, *Nelson v. Spokane Community College*, it was recommended that a statement be added to the Student Conduct Code. This language does not change the current practices at Bellevue College; it does add protections for the College through its inclusion. The language specifically states that nothing in the Code prohibits instructors and/or academic divisions or departments from imposing academic consequences, up to and including a failing grade in an academic course or dismissal from an academic program, in response to academic dishonesty.

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](#)

Nelson v. Spokane Community College

- <https://law.justia.com/cases/washington/court-of-appeals-division-iii/2020/36556-5.html>

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.

Prepared by: Brenda Ivelisse, Associate Vice President, Student Affairs
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Chapter 132H-126 WAC

STUDENT CONDUCT CODE OF BELLEVUE COLLEGE

(Formerly: Chapter 132H-125 WAC)

Last Update: 12/17/18

WAC

- 132H-126-010 Authority.
- 132H-126-020 Statement of student rights.
- 132H-126-030 Statement of jurisdiction.
- 132H-126-040 Definitions.
- 132H-126-100 Prohibited student conduct.
- 132H-126-110 Disciplinary sanctions—Terms and conditions.
- 132H-126-120 Initiation of disciplinary action.
- 132H-126-130 Appeal from disciplinary action.
- 132H-126-140 Conduct hold on student records.
- 132H-126-150 Amnesty policy.
- 132H-126-160 Interim measures.
- 132H-126-170 Summary suspension.
- 132H-126-180 Records.

- 132H-126-200 Brief adjudicative proceedings—Initial hearing.
- 132H-126-210 Brief adjudicative proceedings—Review of an
initial decision.
- 132H-126-300 Student conduct committee.
- 132H-126-310 Student conduct committee—Prehearing.
- 132H-126-320 Student conduct committee—Presentation of
evidence.
- 132H-126-330 Student conduct committee—Initial decision.
- 132H-126-340 Student conduct committee—Review of an initial
decision.
- 132H-126-400 Order of precedence.
- 132H-126-410 Prohibited conduct under Title IX.
- 132H-126-420 Title IX jurisdiction.
- 132H-126-430 Initiation of discipline.
- 132H-126-440 Pre-hearing procedure.
- 132H-126-450 Rights of parties.
- 132H-126-460 Evidence.
- 132H-126-470 Initial order.
- 132H-126-480 Appeals.

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 reported violations of this code.

[Statutory Authority: Chapter 34.05 RCW and RCW 28B.50.140(13); P.L. 113-4, 20 U.S.C. § 1092(f); Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. WSR 19-01-082, § 132H-126-010, filed 12/17/18, effective 1/17/19.]

WAC 132H-126-020 Statement of student rights. As members of the academic community, students are encouraged to develop the capacity for critical judgment and to engage in an independent search for truth. Freedom to teach and freedom to learn are inseparable facets of academic freedom. The freedom to learn depends upon appropriate opportunities and conditions in

the classroom, on the campus, and in the larger community. Students should exercise their freedom with responsibility. The responsibility to secure and to respect general conditions conducive to the freedom to learn is shared by all members of the college community.

The following enumerated rights are guaranteed to each student within the limitations of statutory law and college policy, which are deemed necessary to achieve the educational goals of the college:

(1) Academic freedom.

(a) Students are guaranteed the rights of free inquiry, expression, and assembly upon and within college facilities that are generally open and available to the public.

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

(c) Students shall be protected from academic evaluation that is arbitrary, prejudiced, or capricious, but are

responsible for meeting the standards of academic performance established by each of their instructors.

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

(2) Due process.

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

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

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

[Statutory Authority: Chapter 34.05 RCW and RCW 28B.50.140(13); P.L. 113-4, 20 U.S.C. § 1092(f); Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. WSR 19-01-082, § 132H-126-020, filed 12/17/18, effective 1/17/19.]

WAC 132H-126-030 Statement of jurisdiction. (1) The

student conduct code shall apply to student conduct that occurs:

(a) On college premises;

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

or

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

(2) Jurisdiction extends to locations in which students are engaged in official college activities including, but not limited to, foreign or domestic travel, activities funded by the Bellevue College's associated student government, athletic events, training internships, cooperative and distance education, online education, internships, practicums, supervised work experiences, or any other college-sanctioned social or club activities.

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

(4) Students are responsible for their conduct from the time of application for admission through the actual receipt of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment.

(5) These standards shall apply to a student's conduct even if the student withdraws from college while a disciplinary matter is pending.

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

[Statutory Authority: Chapter 34.05 RCW and RCW 28B.50.140(13); P.L. 113-4, 20 U.S.C. § 1092(f); Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. WSR 19-01-082, § 132H-126-030, 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) **"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) "**Disciplinary action**" is the process by which the student conduct officer imposes discipline against a student for a violation of the student conduct code.

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

(7) "**Filing**" is the process by which a document is officially delivered to a college official responsible for facilitating a disciplinary review. Papers required to be filed shall be deemed filed upon actual receipt during office hours at the office of the specified college official. Unless otherwise provided, filing shall be accomplished by:

(a) Hand delivery of the document to the specified college official or college official's assistant; or

(b) Sending the document by email and first class mail to the specified college official's college email and office address.

(8) "**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.

(9) "**Process advisor**" is a person selected by a respondent or a complainant to provide support and guidance during disciplinary proceedings under this student conduct code.

(10) **"Respondent"** is a student against whom disciplinary action is initiated. Each 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 respondent's disciplinary case;

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

(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 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 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.

[Statutory Authority: Chapter 34.05 RCW and RCW 28B.50.140(13); P.L. 113-4, 20 U.S.C. § 1092(f); Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. WSR 19-01-082, § 132H-126-040, 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. The decision to bring a student conduct proceeding under this Code for academic dishonesty is at the sole discretion of the student conduct officer. Nothing in this Code prohibits instructors and/or academic divisions or departments from imposing academic consequences, up to and including a failing grade in an academic course or dismissal from an academic program, in response to academic dishonesty. Policies and procedures governing the imposition of academic consequences for academic dishonesty can be found in the course syllabus and any applicable program handbook.

(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.

(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.

(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.

(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).

(7) **Dating violence.** Physical violence, bodily injury, assault, the infliction of fear of imminent physical harm, sexual assault, or stalking committed by a person (i) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (ii) where the existence of such a relationship shall be determined based on a consideration of the following factors:

- (a) The length of the relationship;
- (b) The type of relationship; and
- (c) 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 status; HIV/AIDS and hepatitis C status; or membership in any other group protected by federal, state, or local law.

(c) Discriminatory harassment may be physical, verbal, or nonverbal conduct and may include written, social media, and electronic communications not otherwise protected by law.

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

(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.

(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.

(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.

(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.

(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.

(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.

(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.

(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.

(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.

(20) **Retaliation.** Harming, threatening, intimidating, coercing, or taking adverse action of any kind against a person because such person reported a violation of this code or college policy, provided information about a reported violation, or participated as a witness or in any other capacity in a college investigation or disciplinary proceeding.

(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.

(22) **Sexual exploitation.** Taking nonconsensual or abusive sexual advantage of another for the 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.

(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: (i) Deny or limit the ability of a student to participate in or benefit from the college's educational program;(ii) Alter the terms or conditions of employment; or (iii) Create an intimidating, hostile, or offensive environment for other campus community members.

(a) 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 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.

(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 (18).

(f) **Statutory Rape.** Consensual sexual intercourse between someone who is eighteen (18) years of age or older and someone who is under the age of sixteen (16).

(25) **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 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.

(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.

(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.

(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.

(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.

(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.

[Statutory Authority: Chapter 34.05 RCW and RCW 28B.50.140(13); P.L. 113-4, 20 U.S.C. § 1092(f); Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. WSR 19-01-082, § 132H-126-100, filed 12/17/18, effective 1/17/19.]

WAC 132H-126-110 Disciplinary sanctions—Terms and conditions. (1) The following disciplinary sanctions may be imposed upon students found to have violated the student conduct code:

(a) **Disciplinary warning.** A verbal statement to a student that they are violating or have violated the student conduct code and that continuation of the same or similar behavior may result in more severe discipline.

(b) **Written reprimand.** Notice in writing that the student has violated one or more terms of the student conduct code and that continuation of the same or similar behavior may result in more severe disciplinary action.

(c) **Disciplinary probation.** Formal action placing specific conditions and restrictions upon the student's continued

attendance, depending upon the seriousness of the violation, which may include a deferred disciplinary sanction.

(i) Probation may be for a limited period of time or may be for the duration of the student's attendance at the college.

(ii) If the student subject to a deferred disciplinary sanction is found in violation of any college rule during the time of disciplinary probation, the deferred disciplinary sanction, which may include, but is not limited to, a suspension or a dismissal from the college, shall take effect immediately without further review. Any such sanction shall be in addition to any sanction or conditions arising from the new violation.

(d) **Disciplinary suspension.** Separation from the college and from the student status for a stated period of time.

(i) There will be no refund of tuition or fees for the quarter in which the action is taken.

(ii) Conditions of suspension may be imposed and will be specified. Except as otherwise specified in the final order, all conditions must be fulfilled before the end of the suspension period. Failure to fulfill all conditions of suspension in a

timely manner will extend the suspension period and any conditions, and may result in additional disciplinary sanctions.

(iii) The college may put a conduct hold in place during the suspension period.

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

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

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

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

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

(d) **Not in good standing.** A student found to be "not in good standing" with the college shall be subject to the following restrictions:

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

(ii) Ineligible to represent the college to anyone outside the college community in any way, including representing the college at any official function, or any forms of intercollegiate competition or representation.

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

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

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

(iii) The student's return to college may be conditioned upon compliance with recommendations set forth in such a

professional evaluation. If the evaluation indicates that the student is not capable of functioning within the college community, the student will remain suspended until future evaluation recommends that the student is capable of reentering the college and complying with the rules of conduct.

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

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

(h) **Restitution.** Reimbursement for damage to or misappropriation of property, or for injury to persons, or for reasonable costs incurred by the college in pursuing an investigation or disciplinary proceeding. This may take the form of monetary reimbursement, appropriate service, or other compensation.

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

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

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

[Statutory Authority: Chapter 34.05 RCW and RCW 28B.50.140(13); P.L. 113-4, 20 U.S.C. § 1092(f); Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. WSR 19-01-082, § 132H-126-110, 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 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 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 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 respondent

or through alternative dispute resolution proceedings involving the complainant and the reporting party.

(a) Informal dispute resolution shall not be used to resolve sexual misconduct complaints without written permission from both the complainant and the 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 respondent.

(a) Both the respondent and the complainant in cases involving allegations of sexual misconduct shall be provided the same procedural rights to participate in student discipline matters, including the right to participate in the initial disciplinary decision-making process and to appeal any disciplinary decision.

(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

complainant to discuss the results of the investigation and possible disciplinary sanctions and/or conditions, if any, that may be imposed upon the respondent if the allegations of sexual misconduct are found to have merit.

(5) All disciplinary actions will be initiated by a student conduct officer. If that officer is the subject of a complaint initiated by the respondent or the 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 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 respondent is reported to have violated, the range of possible sanctions for the 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 respondent, and the

respondent shall be afforded an opportunity to explain what occurred.

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

[Statutory Authority: Chapter 34.05 RCW and RCW 28B.50.140(13); P.L. 113-4, 20 U.S.C. § 1092(f); Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. WSR 19-01-082, § 132H-126-120, filed 12/17/18, effective 1/17/19.]

WAC 132H-126-130 Appeal from disciplinary action. (1) The respondent may appeal a disciplinary action by filing a written notice of appeal with the conduct review officer within 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 respondent is seeking review.

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

of a disciplinary decision to the extent the disciplinary decision, sanctions or conditions relate to allegations of sexual misconduct against the respondent.

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

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

(6) Imposition of disciplinary action for violation of the student conduct code shall be stayed pending appeal, unless the 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 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 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 complainant has the right to appeal the following actions by the student conduct officer following the same procedures as set forth above for the respondent:

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

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

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

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

[Statutory Authority: Chapter 34.05 RCW and RCW 28B.50.140(13); P.L. 113-4, 20 U.S.C. § 1092(f); Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. WSR 19-01-082, § 132H-126-130, 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 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.

[Statutory Authority: Chapter 34.05 RCW and RCW 28B.50.140(13); P.L. 113-4, 20 U.S.C. § 1092(f); Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. WSR 19-01-082, § 132H-126-140, filed 12/17/18, effective 1/17/19.]

WAC 132H-126-150 Amnesty policy. (1) Bellevue College values the health, safety and wellness of those in our college community. Students are encouraged to report crimes, share concerns, and seek medical attention for themselves or others in need.

(2) A student conduct officer may elect not to initiate disciplinary action against a student who, while in the course of helping another person seek medical or other emergency assistance, admits to a possible policy violation under this

student conduct code, provided that any such violations did not and do not place the health or safety of any other person at risk.

(3) A student conduct officer may elect not to initiate disciplinary action against a student who, while in the course of reporting violence, sexual misconduct, or a crime in progress, admits to personal consumption of alcohol or drugs at or near the time of the incident, provided that any such use did not place the health or safety of any other person at risk.

(4) While policy violations cannot be overlooked, the college may elect to offer educational options or referrals, rather than initiating disciplinary action against students who report crimes, serve as witnesses, or seek medical attention as described in this section.

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

[Statutory Authority: Chapter 34.05 RCW and RCW 28B.50.140(13); P.L. 113-4, 20 U.S.C. § 1092(f); Title IX of the Education

Amendments of 1972, 20 U.S.C. § 1681 et seq. WSR 19-01-082, § 132H-126-150, filed 12/17/18, effective 1/17/19.]

WAC 132H-126-160 Interim measures. (1) After receiving a report of 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 a complainant, 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. [Statutory Authority: Chapter 34.05 RCW and RCW 28B.50.140(13); P.L. 113-4, 20 U.S.C. § 1092(f); Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. WSR 19-01-082, § 132H-126-160, 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 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 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 respondent who has been summarily suspended shall be served with oral or written notice of the summary suspension. If oral notice is given, a written notification shall be served on the respondent within two business days of the oral notice.

(4) The written 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 reportedly violated;

(b) The date, time, and location when the respondent must appear before the conduct review officer for a hearing on the summary suspension; and

(c) The conditions, if any, under which the respondent may physically access the campus or communicate with members of the campus community. If the respondent has been trespassed from the campus, a notice against trespass shall be included that warns the student that their privilege to enter or remain on college premises has been withdrawn and that the respondent shall be considered to be trespassing and subject to arrest for criminal trespass if the respondent enters the college campus. The 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 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 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 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 complainant shall be notified that a summary suspension has been imposed on the same day that the summary suspension notice is served on the respondent. The college will also provide the complainant with timely notice of any subsequent changes to the summary suspension order.

[Statutory Authority: Chapter 34.05 RCW and RCW 28B.50.140(13); P.L. 113-4, 20 U.S.C. § 1092(f); Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. WSR 19-01-082, § 132H-126-170, filed 12/17/18, effective 1/17/19.]

WAC 132H-126-180 Records. (1) Student conduct code records are maintained in accordance with the college's records retention schedule.

(2) The disciplinary record is confidential, and is released only as authorized under the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. Sec. 1232g; 34 C.F.R. Part 99).

[Statutory Authority: Chapter 34.05 RCW and RCW 28B.50.140(13); P.L. 113-4, 20 U.S.C. § 1092(f); Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. WSR 19-01-082, § 132H-126-180, 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 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 respondent, or the 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 respondent, will serve a written notice upon the 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 respondent. The notice will also inform the complainant of their appeal rights. [Statutory Authority: Chapter 34.05 RCW and RCW 28B.50.140(13); P.L. 113-4, 20 U.S.C. § 1092(f); Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. WSR 19-01-082, § 132H-126-200, 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 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 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 respondent, will serve a written notice upon the complainant informing the 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 respondent. The notice will also inform the complainant of their appeal rights.

[Statutory Authority: Chapter 34.05 RCW and RCW 28B.50.140(13); P.L. 113-4, 20 U.S.C. § 1092(f); Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. WSR 19-01-082, § 132H-126-210, 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 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).

[Statutory Authority: Chapter 34.05 RCW and RCW 28B.50.140(13); P.L. 113-4, 20 U.S.C. § 1092(f); Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. WSR 19-01-082, § 132H-126-300, filed 12/17/18, effective 1/17/19.]

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 respondent or, in a case involving allegations of sexual misconduct, the 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 respondent and 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 process advisor of their choice.

(10) The respondent, in all appeals before the committee, and the 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 respondent and/or 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 respondent and/or the complainant is represented by an attorney, the student conduct officer may also be represented by a second, appropriately screened, assistant attorney general.

[Statutory Authority: Chapter 34.05 RCW and RCW 28B.50.140(13); P.L. 113-4, 20 U.S.C. § 1092(f); Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. WSR 19-01-082, § 132H-126-310, 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 reports of sexual misconduct, the respondent and complainant shall not directly question or cross-examine one another. Attorneys for the 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 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.

[Statutory Authority: Chapter 34.05 RCW and RCW 28B.50.140(13); P.L. 113-4, 20 U.S.C. § 1092(f); Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. WSR 19-01-082, § 132H-126-320, filed 12/17/18, effective 1/17/19.]

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

[Statutory Authority: Chapter 34.05 RCW and RCW 28B.50.140(13); P.L. 113-4, 20 U.S.C. § 1092(f); Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. WSR 19-01-082, § 132H-126-330, filed 12/17/18, effective 1/17/19.]

WAC 132H-126-340 Student conduct committee—Review of an initial decision. (1) A 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 respondent, shall serve a written notice informing the complainant of the final decision. This notice shall inform the complainant whether the sexual misconduct allegation was found to have merit and describe any disciplinary sanctions and/or conditions imposed upon the respondent for the complainant's protection, including suspension or dismissal of the respondent.

(5) The president shall not engage in an ex parte communication with any of the parties regarding an appeal.
[Statutory Authority: Chapter 34.05 RCW and RCW 28B.50.140(13); P.L. 113-4, 20 U.S.C. § 1092(f); Title IX of the Education

Amendments of 1972, 20 U.S.C. § 1681 et seq. WSR 19-01-082, § 132H-126-340, filed 12/17/18, effective 1/17/19.]

SUPPLEMENTAL TITLE IX STUDENT CONDUCT PROCEDURES

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. § 106. To the extent these supplemental hearing procedures conflict with the College's standard disciplinary procedures, WAC 132H-126-100 through WAC 132H-126-340, these supplemental procedures shall take precedence.

WAC 132H-126-410 Prohibited conduct under Title IX.

Pursuant to RCW 28B.50.140(13) and Title IX of the Education Act Amendments of 1972, 20 U.S.C. §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 (18).

(d) **Statutory rape.** Consensual sexual intercourse between someone who is eighteen (18) years of age or older and someone who is under the age of sixteen (16).

(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 (i) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (ii) where the existence of such a relationship shall be determined based on a consideration of the following factors:

- (a) The length of the relationship;
- (b) The type of relationship; and
- (c) 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.

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 (1)(a)-(c) 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, WAC 132H-126.

(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.

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 action 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.

WAC 132H-126-440 Pre-hearing 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 (10) 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 (5) 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.

WAC 132H-126-450 Rights of parties. (1) The Student Conduct Code of Bellevue College, WAC 132H-126, 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.

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.

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

(b) 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:

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

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

(2) 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.

(3) 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.

(4) 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 counsellors;
- (e) Privileges applicable to sexual assault and domestic violence advocates; and
- (f) Other legal privileges identified in RCW 5.60.060.

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

- (1) Identifies the allegations of sexual harassment;
- (2) 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;

(3) Makes findings of fact supporting the determination of responsibility;

(4) Reaches conclusions as to whether the facts establish whether the respondent is responsible for engaging in Sexual Harassment in violation of Title IX;

(5) Contains a statement of, and rationale for, the committee's determination of responsibility for each allegation;

(6) Describes any disciplinary sanction or conditions imposed against the respondent, if any;

(7) 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

(8) Describes the process for appealing the initial order to the president.

(9) The committee chair will serve the initial order on the parties simultaneously.

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 timeframes 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.

Chapter 132H-126 WAC

STUDENT CONDUCT CODE OF BELLEVUE COLLEGE

(Formerly: Chapter 132H-125 WAC)

Last Update: 12/17/18

WAC

- 132H-126-010 Authority.
- 132H-126-020 Statement of student rights.
- 132H-126-030 Statement of jurisdiction.
- 132H-126-040 Definitions.
- 132H-126-100 Prohibited student conduct.
- 132H-126-110 Disciplinary sanctions—Terms and conditions.
- 132H-126-120 Initiation of disciplinary action.
- 132H-126-130 Appeal from disciplinary action.
- 132H-126-140 Conduct hold on student records.
- 132H-126-150 Amnesty policy.
- 132H-126-160 Interim measures.
- 132H-126-170 Summary suspension.
- 132H-126-180 Records.

WAC (7/16/2020 12:40 PM) [1] NOT FOR FILING

132H-126-200 Brief adjudicative proceedings—Initial hearing.

132H-126-210 Brief adjudicative proceedings—Review of an
initial decision.

132H-126-300 Student conduct committee.

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

132H-126-320 Student conduct committee—Presentation of
evidence.

132H-126-330 Student conduct committee—Initial decision.

132H-126-340 Student conduct committee—Review of an initial
decision.

132H-126-400 Order of precedence.

132H-126-410 Prohibited conduct under Title IX.

132H-126-420 Title IX jurisdiction.

132H-126-430 Initiation of discipline.

132H-126-440 Pre-hearing procedure.

132H-126-450 Rights of parties.

132H-126-460 Evidence.

132H-126-470 Initial order.

132H-126-480 Appeals.

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.

[Statutory Authority: Chapter 34.05 RCW and RCW 28B.50.140(13); P.L. 113-4, 20 U.S.C. § 1092(f); Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. WSR 19-01-082, § 132H-126-010, filed 12/17/18, effective 1/17/19.]

WAC 132H-126-020 Statement of student rights. As members of the academic community, students are encouraged to develop the capacity for critical judgment and to engage in an independent search for truth. Freedom to teach and freedom to learn are inseparable facets of academic freedom. The freedom to learn depends upon appropriate opportunities and conditions in

the classroom, on the campus, and in the larger community. Students should exercise their freedom with responsibility. The responsibility to secure and to respect general conditions conducive to the freedom to learn is shared by all members of the college community.

The following enumerated rights are guaranteed to each student within the limitations of statutory law and college policy, which are deemed necessary to achieve the educational goals of the college:

(1) Academic freedom.

(a) Students are guaranteed the rights of free inquiry, expression, and assembly upon and within college facilities that are generally open and available to the public.

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

(3)(b).

(c) Students shall be protected from academic evaluation that is arbitrary, prejudiced, or capricious, but are

responsible for meeting the standards of academic performance established by each of their instructors.

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

(2) Due process.

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

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

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

[Statutory Authority: Chapter 34.05 RCW and RCW 28B.50.140(13); P.L. 113-4, 20 U.S.C. § 1092(f); Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. WSR 19-01-082, § 132H-126-020, filed 12/17/18, effective 1/17/19.]

WAC 132H-126-030 Statement of jurisdiction. (1) The

student conduct code shall apply to student conduct that occurs:

(a) On college premises;

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

or

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

(2) Jurisdiction extends to locations in which students are engaged in official college activities including, but not limited to, foreign or domestic travel, activities funded by the Bellevue College's associated student government, athletic events, training internships, cooperative and distance education, online education, internships, practicums, supervised work experiences, or any other college-sanctioned social or club activities.

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

(4) Students are responsible for their conduct from the time of application for admission through the actual receipt of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment.

(5) These standards shall apply to a student's conduct even if the student withdraws from college while a disciplinary matter is pending.

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

[Statutory Authority: Chapter 34.05 RCW and RCW 28B.50.140(13); P.L. 113-4, 20 U.S.C. § 1092(f); Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. WSR 19-01-082, § 132H-126-030, 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) "**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) "**Disciplinary action**" is the process by which the student conduct officer imposes discipline against a student for a violation of the student conduct code.

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

(7) "**Filing**" is the process by which a document is officially delivered to a college official responsible for facilitating a disciplinary review. Papers required to be filed shall be deemed filed upon actual receipt during office hours at the office of the specified college official. Unless otherwise provided, filing shall be accomplished by:

(a) Hand delivery of the document to the specified college official or college official's assistant; or

(b) Sending the document by email and first class mail to the specified college official's college email and office address.

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

(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~~respondent or ~~an impacted party~~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;

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

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

(ed) 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~~ 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.

[Statutory Authority: Chapter 34.05 RCW and RCW 28B.50.140(13); P.L. 113-4, 20 U.S.C. § 1092(f); Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. WSR 19-01-082, § 132H-126-040, 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.

(23) **Academic dishonesty.** Any act of academic dishonesty including, but not limited to, cheating, plagiarism, and fabrication. The decision to bring a student conduct proceeding under this Code for academic dishonesty is at the sole discretion of the student conduct officer. Nothing in this Code prohibits instructors and/or academic divisions or departments from imposing academic consequences, up to and including a failing grade in an academic course or dismissal from an academic program, in response to academic dishonesty. Policies and procedures governing the imposition of academic consequences for academic dishonesty can be found in the course syllabus and any applicable program handbook.

Commented [MK1]: Addition based on Nelson v. Spokane Community College. 11/20/20

(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.

(~~34~~) **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.

(45) **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.

(56) **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).

(7) Dating violence. Physical violence, bodily injury, assault, the infliction of fear of imminent physical harm, sexual assault, or stalking committed by a person (i) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (ii) where the existence of such a relationship shall be determined based on a consideration of the following factors:

(a) The length of the relationship;

(b) The type of relationship; and

(c) The frequency of interaction between the persons

involved in the relationship

~~(68)~~ **Discriminatory harassment.**

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

(i) Limit the ability of a student to participate in or benefit from the college's educational and/or social programs and/or student housing;

(ii) Alter the terms of an employee's employment; or

(iii) Create an intimidating, hostile, or offensive environment for other campus community members.

(b) Protected status includes a person's race; color; creed/religion; national origin; presence of any sensory, mental or physical disability; use of a trained service animal; sex, including pregnancy; marital status; age; genetic information; sexual orientation; gender identity or expression; honorably discharged veteran or military status; HIV/AIDS and hepatitis C status; or membership in any other group protected by federal, state, or local law.

(c) Discriminatory harassment may be physical, verbal, or nonverbal conduct and may include written, social media, and electronic communications not otherwise protected by law.

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

(810) 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.

(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.

(912) **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.

~~(1013)~~ **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.

~~(1114)~~ **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.

~~(1518)~~ **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) 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~~
reported violation, or participated as a witness or in any other
capacity in a college investigation or disciplinary proceeding.

(~~1921~~) **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.

(~~2022~~) **Sexual exploitation.** Taking nonconsensual or abusive
sexual advantage of another for the ~~responding party~~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.

~~(2123)~~ **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: (i): Deny or limit the ability of a student to participate in or benefit from the college's educational program; (ii) Alter the terms or conditions of employment; or (iii) Create an intimidating, hostile, or offensive environment for other campus community members.

(a) For sexual harassment prohibited under Title IX, refer to WAC 132H-126-410.

~~_(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.~~

(2224) **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~~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.

(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 (18).

(f) **Statutory Rape.** Consensual sexual intercourse between someone who is eighteen (18) years of age or older and someone who is under the age of sixteen (16).

~~(2325) 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 intentional and repeated~~

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

~~(2426) 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.

[Statutory Authority: Chapter 34.05 RCW and RCW 28B.50.140(13); P.L. 113-4, 20 U.S.C. § 1092(f); Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. WSR 19-01-082, § 132H-126-100, filed 12/17/18, effective 1/17/19.]

WAC 132H-126-110 Disciplinary sanctions—Terms and conditions. (1) The following disciplinary sanctions may be imposed upon students found to have violated the student conduct code:

(a) **Disciplinary warning.** A verbal statement to a student that they are violating or have violated the student conduct code and that continuation of the same or similar behavior may result in more severe discipline.

(b) **Written reprimand.** Notice in writing that the student has violated one or more terms of the student conduct code and that continuation of the same or similar behavior may result in more severe disciplinary action.

(c) **Disciplinary probation.** Formal action placing specific conditions and restrictions upon the student's continued

attendance, depending upon the seriousness of the violation, which may include a deferred disciplinary sanction.

(i) Probation may be for a limited period of time or may be for the duration of the student's attendance at the college.

(ii) If the student subject to a deferred disciplinary sanction is found in violation of any college rule during the time of disciplinary probation, the deferred disciplinary sanction, which may include, but is not limited to, a suspension or a dismissal from the college, shall take effect immediately without further review. Any such sanction shall be in addition to any sanction or conditions arising from the new violation.

(d) **Disciplinary suspension.** Separation from the college and from the student status for a stated period of time.

(i) There will be no refund of tuition or fees for the quarter in which the action is taken.

(ii) Conditions of suspension may be imposed and will be specified. Except as otherwise specified in the final order, all conditions must be fulfilled before the end of the suspension period. Failure to fulfill all conditions of suspension in a

timely manner will extend the suspension period and any conditions, and may result in additional disciplinary sanctions.

(iii) The college may put a conduct hold in place during the suspension period.

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

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

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

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

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

(d) **Not in good standing.** A student found to be "not in good standing" with the college shall be subject to the following restrictions:

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

(ii) Ineligible to represent the college to anyone outside the college community in any way, including representing the college at any official function, or any forms of intercollegiate competition or representation.

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

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

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

(iii) The student's return to college may be conditioned upon compliance with recommendations set forth in such a

professional evaluation. If the evaluation indicates that the student is not capable of functioning within the college community, the student will remain suspended until future evaluation recommends that the student is capable of reentering the college and complying with the rules of conduct.

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

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

(h) **Restitution.** Reimbursement for damage to or misappropriation of property, or for injury to persons, or for reasonable costs incurred by the college in pursuing an investigation or disciplinary proceeding. This may take the form of monetary reimbursement, appropriate service, or other compensation.

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

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

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

[Statutory Authority: Chapter 34.05 RCW and RCW 28B.50.140(13); P.L. 113-4, 20 U.S.C. § 1092(f); Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. WSR 19-01-082, § 132H-126-110, 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.

WAC (7/16/2020 12:40 PM) [40] NOT FOR FILING

(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 complainant~~ or ~~responding party~~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~~respondent is ~~alleged~~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.

[Statutory Authority: Chapter 34.05 RCW and RCW 28B.50.140(13); P.L. 113-4, 20 U.S.C. § 1092(f); Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. WSR 19-01-082, § 132H-126-120, filed 12/17/18, effective 1/17/19.]

WAC (7/16/2020 12:40 PM) [46] NOT FOR FILING

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~~complainant also has a right to appeal a disciplinary decision or to intervene in the ~~responding party~~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~~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, a ~~an~~
~~impacted party~~complainant who timely appeals a disciplinary decision or who intervenes as a party to ~~responding~~
~~party~~respondent's appeal of a disciplinary decision shall be afforded the same procedural rights as are afforded the ~~responding party~~respondent.

[Statutory Authority: Chapter 34.05 RCW and RCW 28B.50.140(13);
P.L. 113-4, 20 U.S.C. § 1092(f); Title IX of the Education

Amendments of 1972, 20 U.S.C. § 1681 et seq. WSR 19-01-082, § 132H-126-130, 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.

WAC (7/16/2020 12:40 PM) [51] NOT FOR FILING

(4) Implementation of any conduct hold prior to disciplinary action does not assume any determination of, or create any expectation of, responsibility for prohibited conduct under this conduct code.

[Statutory Authority: Chapter 34.05 RCW and RCW 28B.50.140(13); P.L. 113-4, 20 U.S.C. § 1092(f); Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. WSR 19-01-082, § 132H-126-140, filed 12/17/18, effective 1/17/19.]

WAC 132H-126-150 Amnesty policy. (1) Bellevue College values the health, safety and wellness of those in our college community. Students are encouraged to report crimes, share concerns, and seek medical attention for themselves or others in need.

(2) A student conduct officer may elect not to initiate disciplinary action against a student who, while in the course of helping another person seek medical or other emergency assistance, admits to a possible policy violation under this student conduct code, provided that any such violations did not

and do not place the health or safety of any other person at risk.

(3) A student conduct officer may elect not to initiate disciplinary action against a student who, while in the course of reporting violence, sexual misconduct, or a crime in progress, admits to personal consumption of alcohol or drugs at or near the time of the incident, provided that any such use did not place the health or safety of any other person at risk.

(4) While policy violations cannot be overlooked, the college may elect to offer educational options or referrals, rather than initiating disciplinary action against students who report crimes, serve as witnesses, or seek medical attention as described in this section.

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

[Statutory Authority: Chapter 34.05 RCW and RCW 28B.50.140(13); P.L. 113-4, 20 U.S.C. § 1092(f); Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. WSR 19-01-082, § 132H-126-150, filed 12/17/18, effective 1/17/19.]

WAC (7/16/2020 12:40 PM) [53] NOT FOR FILING

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~~complainant, a ~~responding party~~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. [Statutory Authority: Chapter 34.05 RCW and RCW 28B.50.140(13); P.L. 113-4, 20 U.S.C. § 1092(f); Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. WSR 19-01-082, § 132H-126-160, 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.

WAC (7/16/2020 12:40 PM) [55] NOT FOR FILING

(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 ~~alleged~~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 respondent ~~responding student~~ may be authorized to
access college premises for the limited purpose of meeting with
the student conduct officer, the conduct review officer, or to
attend a disciplinary hearing. All such meetings and hearings
shall be confirmed in writing in advance and the ~~responding~~
~~party~~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.

[Statutory Authority: Chapter 34.05 RCW and RCW 28B.50.140(13); P.L. 113-4, 20 U.S.C. § 1092(f); Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. WSR 19-01-082, § 132H-126-170, filed 12/17/18, effective 1/17/19.]

WAC 132H-126-180 Records. (1) Student conduct code records are maintained in accordance with the college's records retention schedule.

WAC (7/16/2020 12:40 PM) [59] NOT FOR FILING

(2) The disciplinary record is confidential, and is released only as authorized under the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. Sec. 1232g; 34 C.F.R. Part 99).

[Statutory Authority: Chapter 34.05 RCW and RCW 28B.50.140(13); P.L. 113-4, 20 U.S.C. § 1092(f); Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. WSR 19-01-082, § 132H-126-180, 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~~ 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

WAC (7/16/2020 12:40 PM) [60] NOT FOR FILING

(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.

[Statutory Authority: Chapter 34.05 RCW and RCW 28B.50.140(13); P.L. 113-4, 20 U.S.C. § 1092(f); Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. WSR 19-01-082, § 132H-126-200, 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

WAC (7/16/2020 12:40 PM) [62] NOT FOR FILING

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~~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.

[Statutory Authority: Chapter 34.05 RCW and RCW 28B.50.140(13); P.L. 113-4, 20 U.S.C. § 1092(f); Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. WSR 19-01-082, § 132H-126-210, 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.

WAC (7/16/2020 12:40 PM) [65] NOT FOR FILING

(4) Members of the student conduct committee shall not participate in any case in which they:

(a) Are an ~~impacted party~~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).

[Statutory Authority: Chapter 34.05 RCW and RCW 28B.50.140(13); P.L. 113-4, 20 U.S.C. § 1092(f); Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. WSR 19-01-082, § 132H-126-300, filed 12/17/18, effective 1/17/19.]

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.

WAC (7/16/2020 12:40 PM) [66] NOT FOR FILING

(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 ~~responding~~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.

[Statutory Authority: Chapter 34.05 RCW and RCW 28B.50.140(13); P.L. 113-4, 20 U.S.C. § 1092(f); Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. WSR 19-01-082, § 132H-126-310, 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.

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(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 ~~respondent and complainant~~ ~~responding and the impacted parties~~ shall not directly question or cross-examine

one another. Attorneys for the respondent and complainant ~~responding and impacted parties~~ are also prohibited from directly questioning opposing parties absent express permission from the committee chair. Subject to this exception, all cross-examination questions by the respondent and complainant ~~responding and impacted parties~~ shall be directed to the committee chair, who in their discretion shall pose the questions on the party's behalf. All cross-examination questions submitted to the chair in this manner shall be memorialized in writing and maintained as part of the hearing record.

[Statutory Authority: Chapter 34.05 RCW and RCW 28B.50.140(13); P.L. 113-4, 20 U.S.C. § 1092(f); Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. WSR 19-01-082, § 132H-126-320, filed 12/17/18, effective 1/17/19.]

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

WAC (7/16/2020 12:40 PM) [72] NOT FOR FILING

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.

[Statutory Authority: Chapter 34.05 RCW and RCW 28B.50.140(13); P.L. 113-4, 20 U.S.C. § 1092(f); Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq. WSR 19-01-082, § 132H-126-330, filed 12/17/18, effective 1/17/19.]

WAC 132H-126-340 Student conduct committee—Review of an initial decision. (1) A ~~responding party~~respondent, or an ~~impacted party~~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.

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(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~~
~~partycomplainant~~ whether the sexual misconduct allegation was
found to have merit and describe any disciplinary sanctions
and/or conditions imposed upon the ~~responding partyrespondent~~
for the ~~impacted partycomplainant~~'s protection, including
suspension or dismissal of the ~~responding partyrespondent~~.

(5) The president shall not engage in an ex parte
communication with any of the parties regarding an appeal.
[Statutory Authority: Chapter 34.05 RCW and RCW 28B.50.140(13);
P.L. 113-4, 20 U.S.C. § 1092(f); Title IX of the Education
Amendments of 1972, 20 U.S.C. § 1681 et seq. WSR 19-01-082, §
132H-126-340, filed 12/17/18, effective 1/17/19.]

SUPPLEMENTAL TITLE IX STUDENT CONDUCT PROCEDURES

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. § 106. To
the extent these supplemental hearing procedures conflict with

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the College's standard disciplinary procedures, WAC 132H-126-100 through WAC 132H-126-340, these supplemental procedures shall take precedence.

WAC 132H-126-410 Prohibited conduct under Title IX.

Pursuant to RCW 28B.50.140(13) and Title IX of the Education Act Amendments of 1972, 20 U.S.C. §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 (18).

(d) **Statutory rape.** Consensual sexual intercourse between someone who is eighteen (18) years of age or older and someone who is under the age of sixteen (16).

(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 (i) who is or has been in a social relationship of a romantic or intimate

nature with the victim; and (ii) where the existence of such a relationship shall be determined based on a consideration of the following factors:

(a) The length of the relationship;

(b) The type of relationship; and

(c) 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.

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 (1)(a)-(c) 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, WAC 132H-126.

(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.

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 action 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.

WAC 132H-126-440 Pre-hearing 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 (10) 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 (5) 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.

WAC 132H-126-450 Rights of parties. (1) The Student Conduct Code of Bellevue College, WAC 132H-126, 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.

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.

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

(b) 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:

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

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

(2) 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.

(3) 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.

(4) 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 counsellors;

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

(f) Other legal privileges identified in RCW 5.60.060.

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

(1) Identifies the allegations of sexual harassment;

(2) 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;

(3) Makes findings of fact supporting the determination of responsibility;

(4) Reaches conclusions as to whether the facts establish whether the respondent is responsible for engaging in Sexual Harassment in violation of Title IX;

(5) Contains a statement of, and rationale for, the committee's determination of responsibility for each allegation;

(6) Describes any disciplinary sanction or conditions imposed against the respondent, if any;

(7) 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

(8) Describes the process for appealing the initial order to the president.

(9) The committee chair will serve the initial order on the parties simultaneously.

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 timeframes 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

PROGRAM HIGHLIGHT: CONTINUING EDUCATION

INFORMATION

FIRST READ

ACTION

Description

Jennifer Sohonie, Executive Director of Tombolo Institute/Community Education will make a short presentation on program highlights and innovation occurring in Continuing Education.

Key Questions

- * How was Tombolo Institute and Community Education able to pivot to online learning?
- * What new initiatives are coming to Tombolo Institute?

Analysis

The presentation will provide an overview of Continuing Education – Tombolo Institute and Community Education, as well as highlight innovation occurring within the department.

Background/Supplemental Information

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

Recommendation/Outcomes

The Board of Trustees will learn about Tombolo Institute and Community Education.

Prepared by: Terri Tanino, Assistant to the Vice President of Economic and Workforce Development
terri.tanino@bellevuecollege.edu

BC Continuing Education

Community Education

Tombolo Institute



BC Continuing Education

During FY20, BC Continuing Education underwent a rebranding process in order to serve its constituents in a more effective and efficient manner, splitting into 2 entities:



and



BC Continuing Education



- **Community Education** serves the mission of lifelong learning and personal enrichment through the arts, language, culture and wellness for all learners from teens to retirees

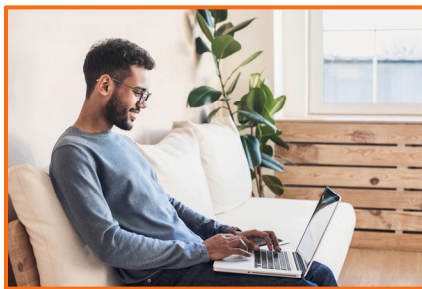


3

BC Continuing Education



- **Tombolo Institute** serves the mission of workforce development through open enrollment courses geared towards the working learner who has a desire to upskill or reskill in their career journey; and through corporate training opportunities geared towards companies who are looking to bridge a skills gap in their workforce



4

Community Education – Program Highlights

- Serves thousands of students of all ages annually, in over 200 open enrollment courses covering a wide range of topics
- Provides personal enrichment and lifelong learning in a virtual format for World Languages, TELOS (retirees), and Digital Photography
- Migrated 60% of on-ground courses to virtual courses during the initial impact of COVID, more than most WA State Community College Continuing Education departments



5

Tombolo Institute – The Pillars

- Technology Education has a focus on cybersecurity, cloud and infrastructure, creative immersive, software programming and testing, data analytics and UX design
- Professional Education has a focus on HR, project management, real estate, technical writing, leadership development, finance and healthcare
- Customized Training serves a corporate clientele seeking to train and develop their workforce



6

Tombolo Institute – Program Highlights

Staying true to the Tombolo name, bridging the gap between the learner and their career potential, we have maintained a focus on several initiatives such as:



Unmudl.com: a marketplace platform was launched in early November 2020, targeting working learners who are seeking to upskill or reskill in their career journey. This will be our national distribution channel.



Digital badging: in partnership with Acclaim, we will begin issuing digital badges to Tombolo Institute alumni. Digital badges allow learners to share the competencies and skills they have achieved, and are linked to labor and statistics, eventually leading into posted job descriptions.



7

Tombolo Institute – Program Highlights, cont.



Micro-internships: in partnership with Parker Dewey, we now offer micro-internships where learners can put their skills into practice through a real-world, paid project contract.



Apprenticeship: Tombolo Institute has received approval for a registered apprenticeship from the SBCTC leading to a role as a **Systems Administrator** or **Cyber Security professional**. Awaiting final approval from the state L & I apprenticeship council.



8

BC Continuing Education – Looking forward

- Reimagine education, leaning into an instructor connected virtual learning experience post COVID-19
- Focus on quality: improving the learner experience through standardizing instructional design
- Focus on improving the student experience (SX) by improving student feedback
- Seeking Accreditation for Tombolo Institute by International Accreditors for Continuing Education and Training ([IACET](#))



BC Continuing Education – Systems & Processes

- Improved our faculty development to support online student engagement
- Restructured the division to service our business efficiently
- Improving our website features to ease navigation
- Improving our digital marketing framework to include remarketing, retargeting, and better data for decision making





Questions?



REGULAR MEETING AGENDA ITEM**FINANCIAL REPORT** **INFORMATION** **FIRST READ** **ACTION**

Description

The quarterly finance report will provide an overview of the operating budget with updates on 20-21 enrollment trends, expense reductions, and one-time funding. A series of expected scenarios over the rest of the fiscal year will be presented and discussed.

Key Questions

- * How student enrollment by student type affected projected revenue?
- * What is the current view on expected state appropriation cuts?
- * What is the status of operational budget cuts?
 - 4% Departmental cuts
 - 4% Institutional cuts
- * What is the overall impact on net operating margin?

Analysis

Overall, enrollment remains nearly flat this year with a projected increase of 1-2%. This is the exception within SBCTC, where most colleges are experiencing double digit COVID-related declines in enrollment. Revenue loss from declining international student enrollment at the College was offset by Running Start enrollment gains.

The state projected a 15% allocation cut (\$6.5 million) for this fiscal year. It now appears the full cuts may be deferred into the next fiscal year (FY21-22), with a lesser amount taken this year. Cuts are dependent on the changing state economy, tax base, and other state reduction efforts. Actual reduction amounts are likely unknown prior to the legislature re-convening in January.

BC “departmental” cuts have reduced this year’s operational budget by 4% (\$3.5 million). Half of that occurred in the instructional programs, primarily through reducing the number of classes (sections) offered and achieving an average of one extra student per class, as measured by our student faculty ratio. Reductions in the support areas make up the other half of the 4% and are primarily from deferring hiring.

“Institutional” budget reductions are defined as finding areas of the College (program and services) that can be discontinued. The 4% reduction goal saves an additional \$3.5 million dollars. Institutional reductions are being addressed through the ad hoc Budget Stakeholder Group for implementation next fiscal year.

The four-year financial projection is currently balanced without drawing down the 25% operational reserve account. This is dependent on what ultimately is cut by the state, maintaining disciplined expense controls, and completing the 4% institutional cuts.

Background/Supplemental Information

Power point presentation attached

Recommendation/Outcomes

Presentation is informational only.

Prepared by: Jim Craswell, Interim Executive Director of Finance & Auxiliary Services
jim.craswell@bellevuecollege.edu

BC Finance Update 10-26-20

Revenue Updates

- Tuition
- State Allocation Funding
- Special one time funding

Expense updates

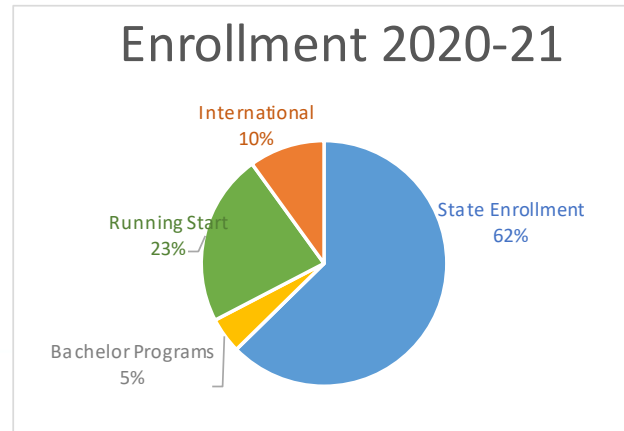
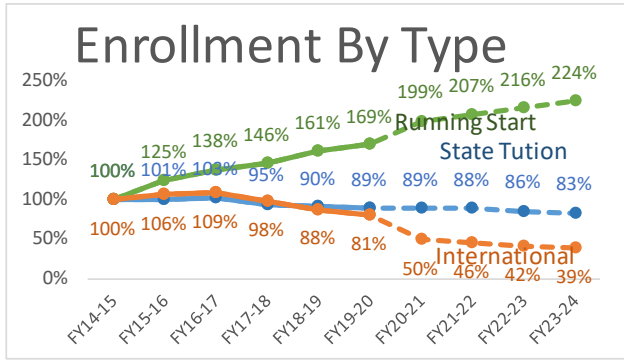
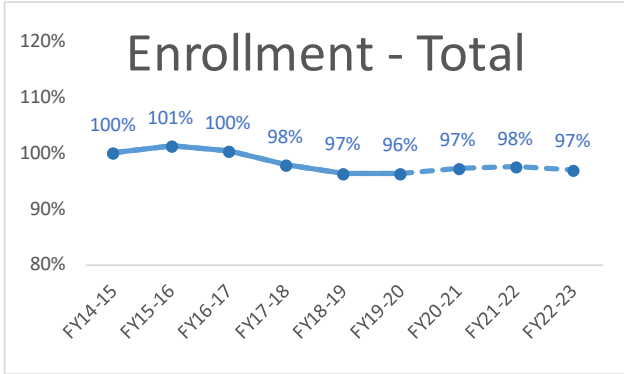
- 4% Department/Program Cuts - Done
- 4% Institutional Cuts - TBD

Likely Scenarios



BELLEVUE
COLLEGE

Operations Budget

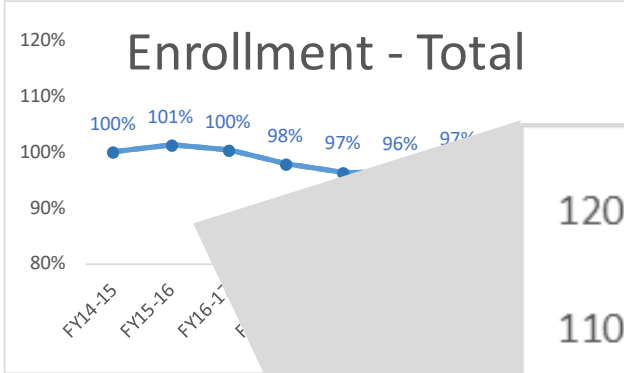


Enrollment presented as annual FTE students

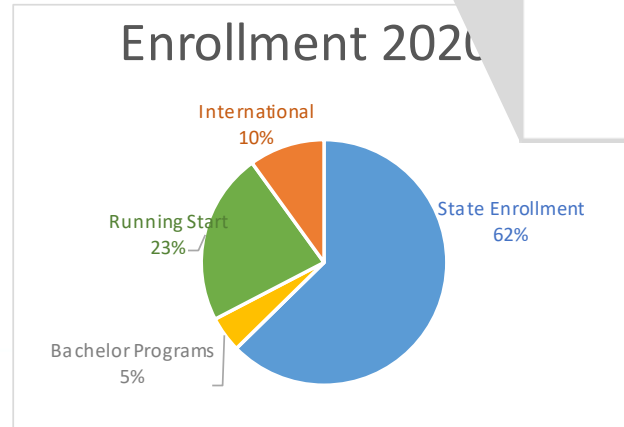
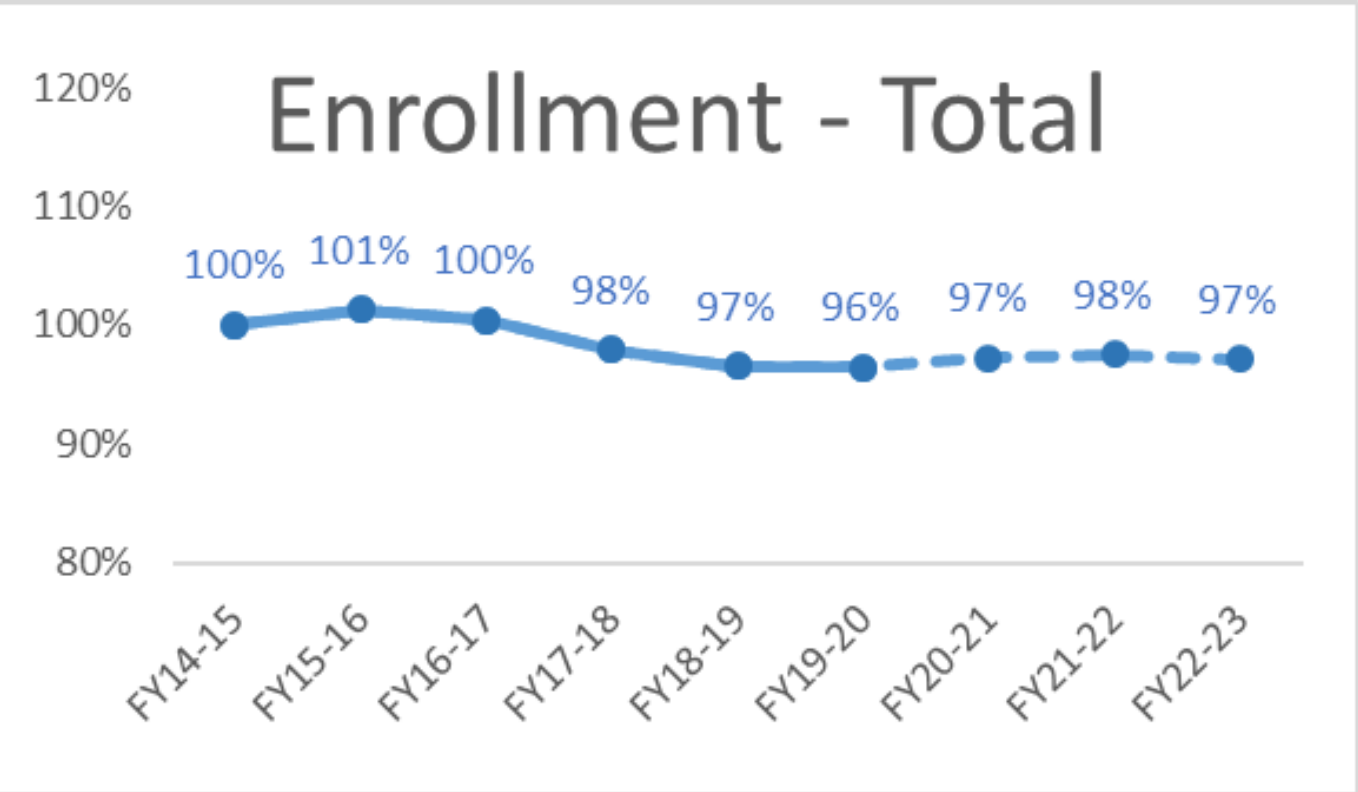
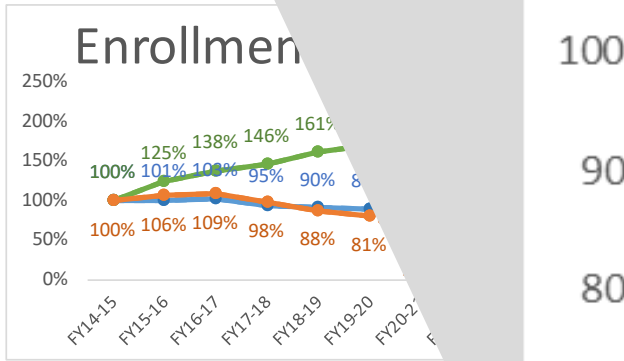
	Budget FY20-21	Projected FY20-21	2021	Budget Variance
Revenue				
1 State Tuition	20,615,006	21,450,375	4%	835,369
2 Excess Enrollment				
3 Bachelor Programs	2,761,293	3,347,019	21%	585,726
4 Running Start	19,010,733	22,734,060	20%	3,723,327
5 International(With ELI)	10,130,988	6,675,562	-34%	(3,455,426)
6 Other Student Fees & Grant Revenue	16,637,571	15,473,658	-7%	(1,163,913)
7 State Operating Appropriation	43,484,270	37,307,982	-14%	(6,176,288)
Additional State Appropriation	-	3,112,657		3,112,657
8 Capital Approp- for Operating	590,300	590,300	0%	-
9 Reimbursements other agencies\carryover	1,833,182	1,683,101	-8%	(150,081)
Total Operating Revenue Sources	115,063,343	112,374,715	-2%	(2,688,628)
	% Change Over Prior Year	0%	-2%	
Expenses				
	Total Wages & Benefits	\$ 91,723,326	\$ 91,651,855	0%
Full-Time Faculty	18,088,303	19,274,722	7%	1,186,419
Part-Time Faculty	18,086,383	17,389,168	-4%	(697,215)
Cost of Stipends	1,591,172	2,722,107	71%	1,130,935
Exempt Salaries	17,296,997	15,505,759	-10%	(1,791,238)
Classified Salaries	15,254,735	15,066,879	-1%	(187,856)
Unfilled Positions Budget	(5,457,540)	(3,610,263)	-34%	1,847,277
Other Salaries	2,771,305	2,956,815	7%	185,510
Benefits	24,091,971	22,346,668	-7%	(1,745,303)
Salary/Benefit Transfers	(986,585)	(986,685)	0%	(100)
Goods & Services/ Personal Svcs	14,227,052	12,862,160	-10%	(1,364,892)
Student Services	2,615,192	2,450,635	-6%	(164,557)
Equipment, Furniture	3,441,336	3,096,931	-10%	(344,405)
Travel	525,358	116,579	-78%	(408,779)
Non Salary Transfers	(347,735)	(347,735)	0%	-
Student Success COP and other	1,108,500	1,108,500	0%	-
Total Expenses	112,306,444	109,952,240	-2%	(2,354,204)
	% Change Over Prior Year	6%	-2%	
Operating Margin (No Depreciation)	2,756,899	2,422,475		
Old Building Renovation Fund Contribution (5%)	5,560,035	5,497,612		
Net Operating Margin	(2,803,136)	(3,075,137)		

Revised 10/19/20

Operations Budget



	Budget FY20-21	Projected FY20-21	2021	Budget Variance
Revenue				
1 State Tuition	20,615,006	21,450,375	4%	835,369

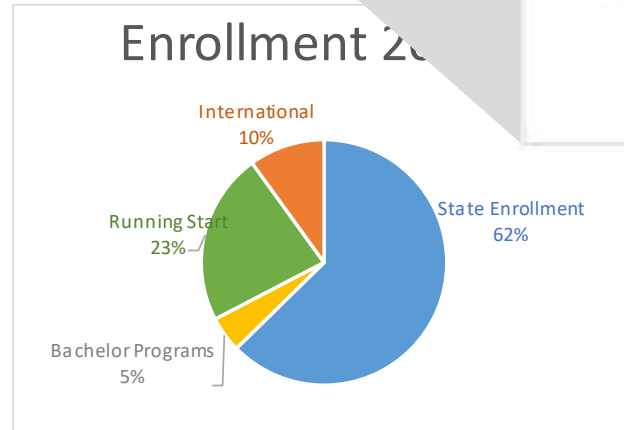
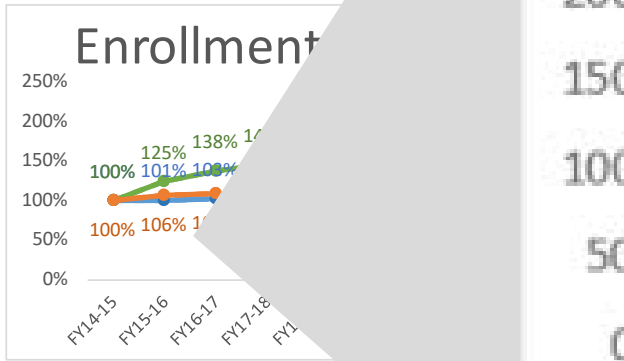
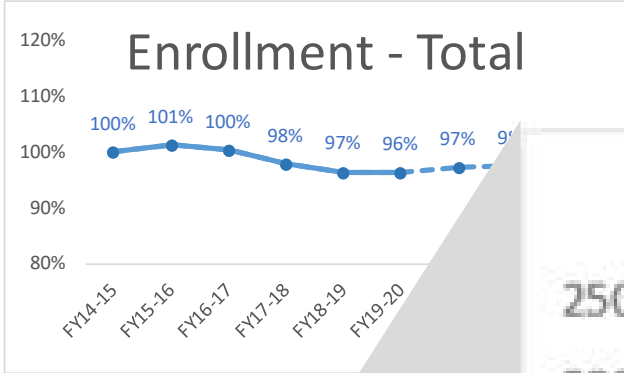


Non Salary Transfers	(347,735)	(347,735)	0%	-
Student Success COP and other	1,108,500	1,108,500	0%	-
Total Expenses	112,306,444	109,952,240	-2%	(2,354,204)
% Change Over Prior Year	6%	-2%		
Operating Margin (No Depreciation)	2,756,899	2,422,475		
Old Building Renovation Fund Contribution (5%)	5,560,035	5,497,612		
Net Operating Margin	(2,803,136)	(3,075,137)		

Enrollment presented as annual FTE students

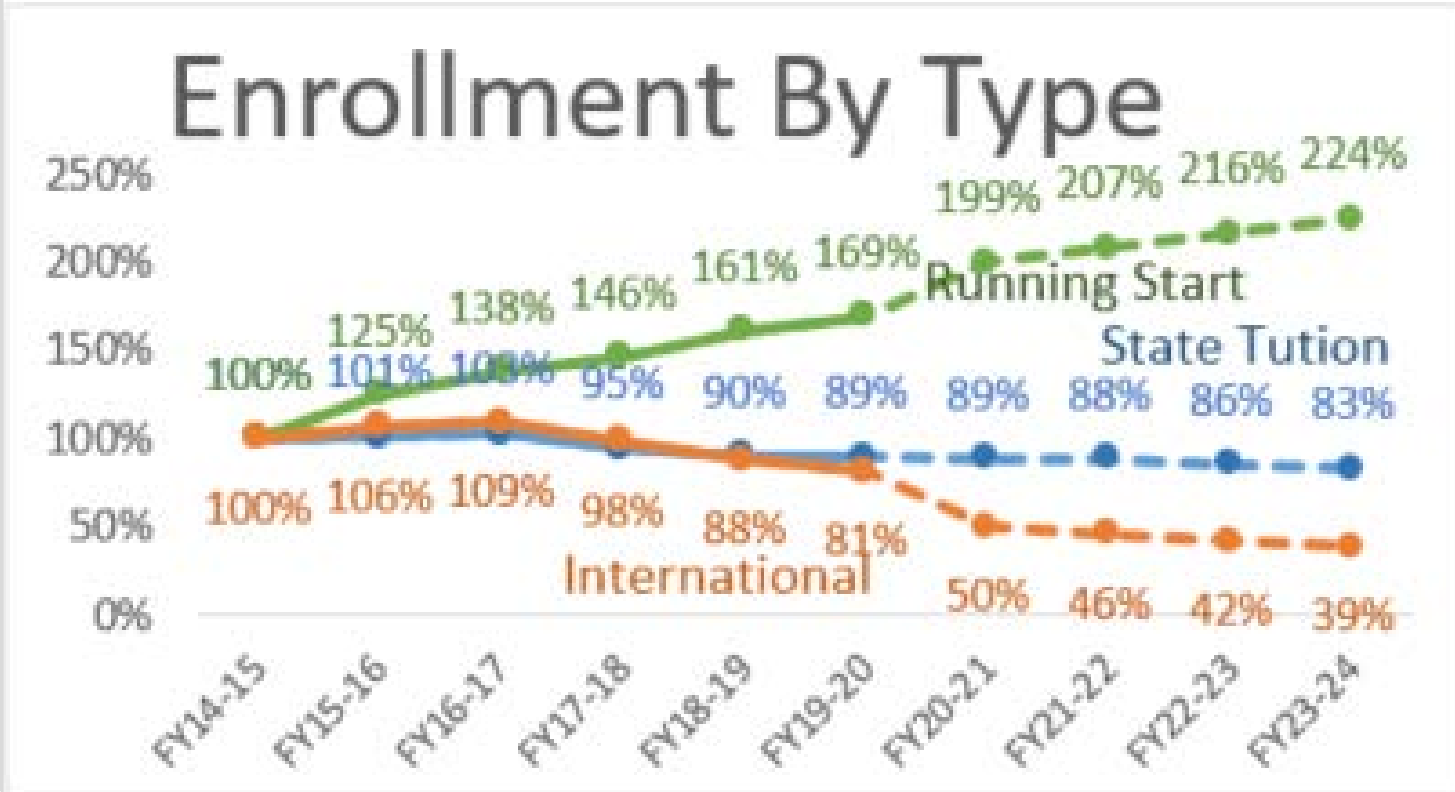
Revised 10/19/20

Operations Budget



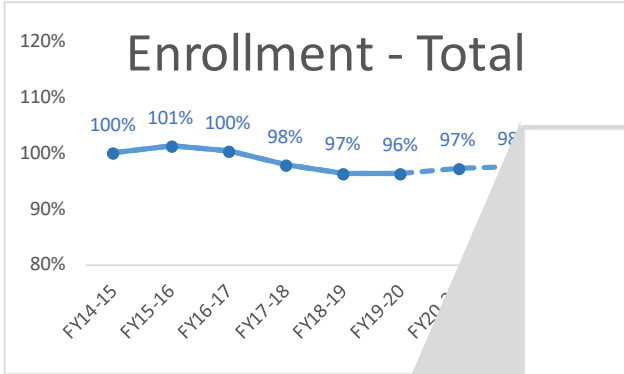
Enrollment presented as annual FTE students

	Budget FY20-21	Projected FY20-21	2021	Budget Variance
Revenue				
1. State Tuition	20,615,006	21,450,375	4%	835,369

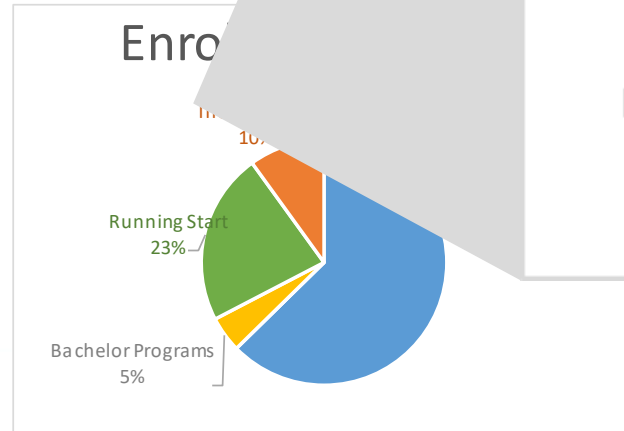
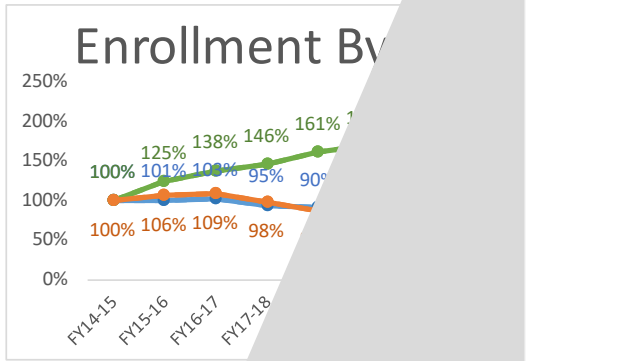


Non Salary Transfers	(347,735)	(347,735)	0%	-
Student Success COP and other	1,108,500	1,108,500	0%	-
Total Expenses	112,306,444	109,952,240	-2%	(2,354,204)
% Change Over Prior Year	6%	-2%		
Operating Margin (No Depreciation)	2,756,899	2,422,475		
Old Building Renovation Fund Contribution (5%)	5,560,035	5,497,612		
Net Operating Margin	(2,803,136)	(3,075,137)		
Revised 10/19/20	200	-2.7%		

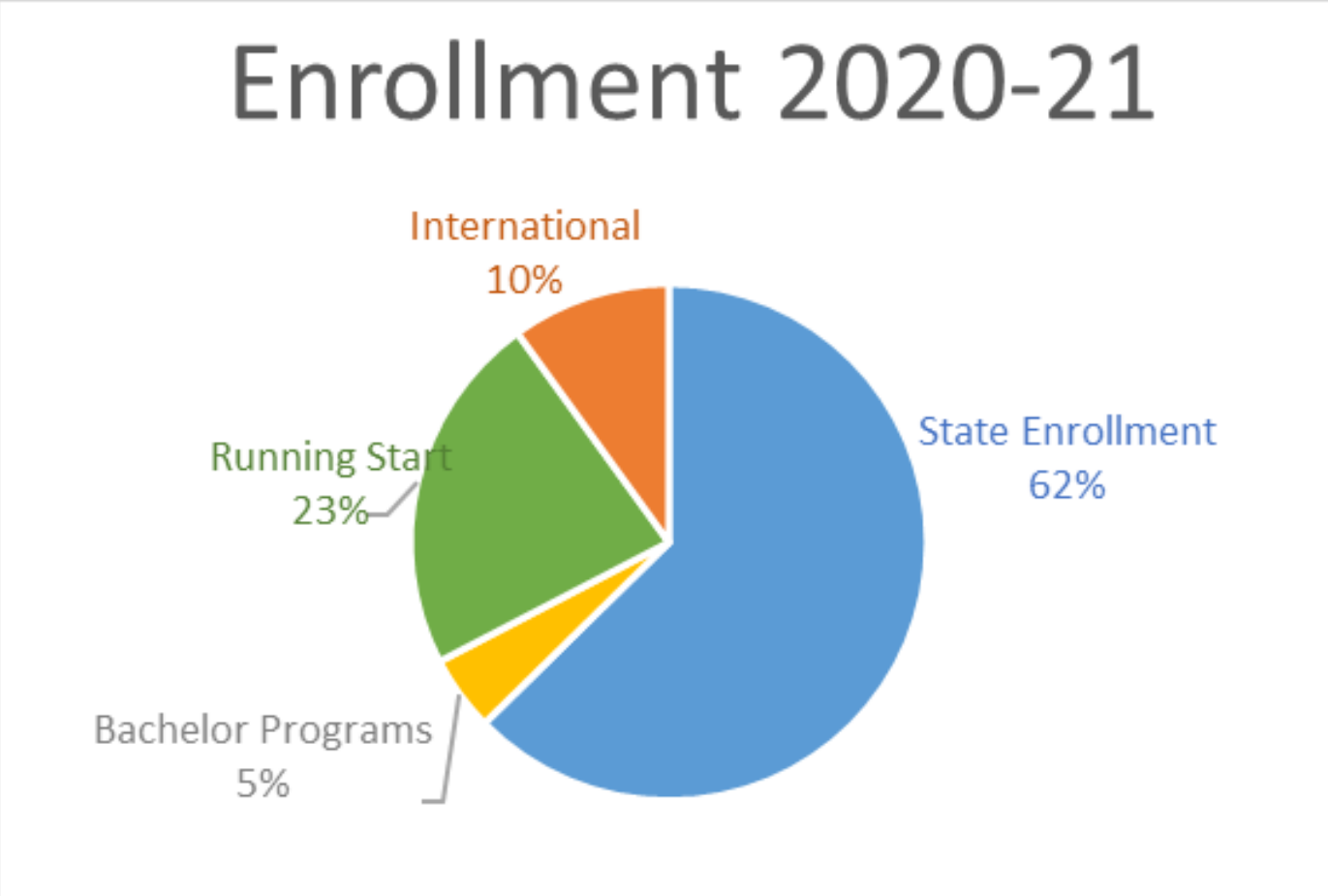
Operations Budget



	Budget FY20-21	Projected FY20-21	2021	Budget Variance
Revenue				
1 State Tuition	20,615,006	21,450,375	4%	835,369

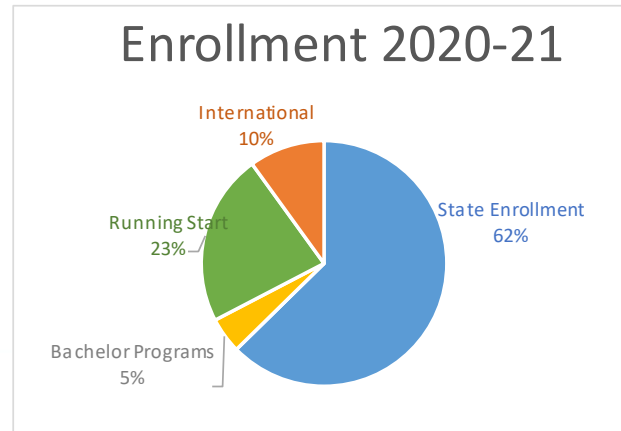
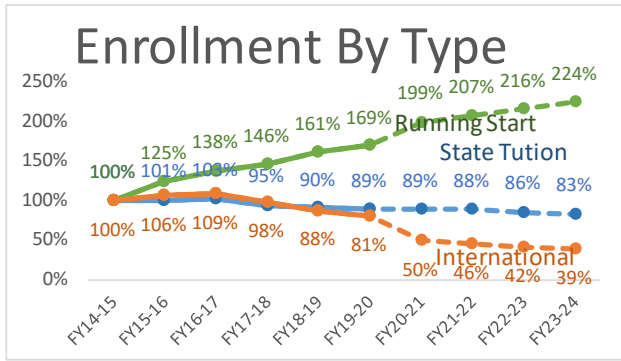
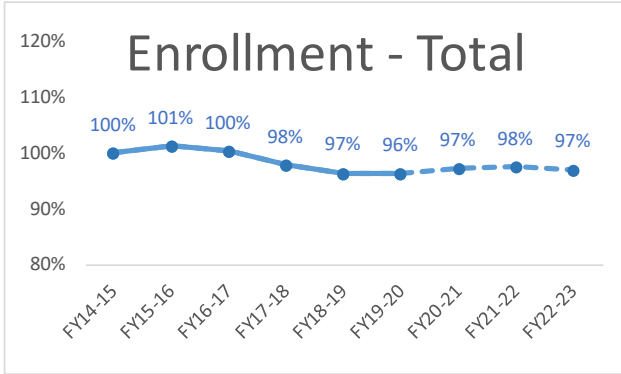


Enrollment presented as annual FTE students



Operating Margin (No Depreciation)	2,756,899	2,422,475	
Old Building Renovation Fund Contribution (5%)	5,560,035	5,497,612	
Net Operating Margin	(2,803,136)	(3,075,137)	
Revised 10/19/20	201	-2.7%	

Operations Budget



Enrollment presented as annual FTE students

	Budget FY20-21	Projected FY20-21	2021	Budget Variance
Revenue				
1 State Tuition	20,615,006	21,450,375	4%	835,369
2 Excess Enrollment				
3 Bachelor Programs	2,761,293	3,347,019	21%	585,726
4 Running Start	19,010,733	22,734,060	20%	3,723,327
5 International(With ELI)	10,130,988	6,675,562	-34%	(3,455,426)
6 Other Student Fees & Grant Revenue	16,637,571	15,473,658	-7%	(1,163,913)
7 State Operating Appropriation	43,484,270	37,307,982	-14%	(6,176,288)
Additional State Appropriation	-	3,112,657		3,112,657
8 Capital Approp- for Operating	590,300	590,300	0%	-
9 Reimbursements other agencies\carryover	1,833,182	1,683,101	-8%	(150,081)
Total Operating Revenue Sources	115,063,343	112,374,715	-2%	(2,688,628)
	% Change Over Prior Year	0%	-2%	
Expenses				
	Total Wages & Benefits	\$ 91,723,326	\$ 91,651,855	0%
Full-Time Faculty	18,088,303	19,274,722	7%	1,186,419
Part-Time Faculty	18,086,383	17,389,168	-4%	(697,215)
Cost of Stipends	1,591,172	2,722,107	71%	1,130,935
Exempt Salaries	17,296,997	15,505,759	-10%	(1,791,238)
Classified Salaries	15,254,735	15,066,879	-1%	(187,856)
Unfilled Positions Budget	(5,457,540)	(3,610,263)	-34%	1,847,277
Other Salaries	2,771,305	2,956,815	7%	185,510
Benefits	24,091,971	22,346,668	-7%	(1,745,303)
Salary/Benefit Transfers	(986,585)	(986,685)	0%	(100)
Goods & Services/ Personal Svcs	14,227,052	12,862,160	-10%	(1,364,892)
Student Services	2,615,192	2,450,635	-6%	(164,557)
Equipment, Furniture	3,441,336	3,096,931	-10%	(344,405)
Travel	525,358	116,579	-78%	(408,779)
Non Salary Transfers	(347,735)	(347,735)	0%	-
Student Success COP and other	1,108,500	1,108,500	0%	-
Total Expenses	112,306,444	109,952,240	-2%	(2,354,204)
	% Change Over Prior Year	6%	-2%	
Operating Margin (No Depreciation)	2,756,899	2,422,475		
Old Building Renovation Fund Contribution (5%)	5,560,035	5,497,612		
Net Operating Margin	(2,803,136)	(3,075,137)		
				-2.7%

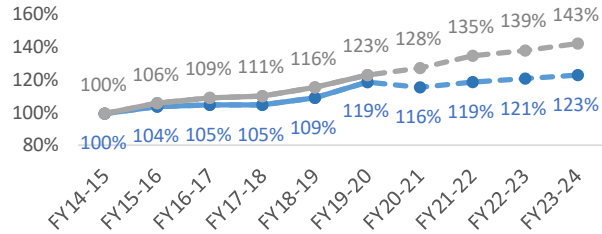
Revised 10/19/20

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Operations Budget

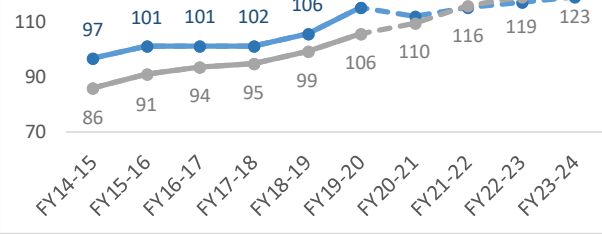
Revenue & Expense

% Growth



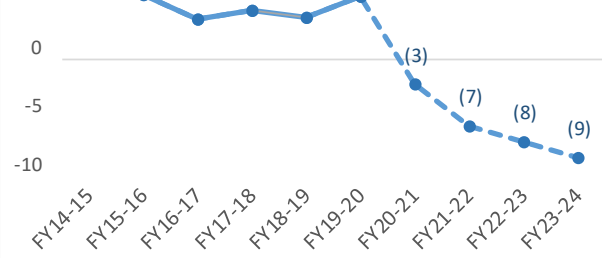
Revenue & Expenses

(Millions)



Net Operating Margin

(millions)



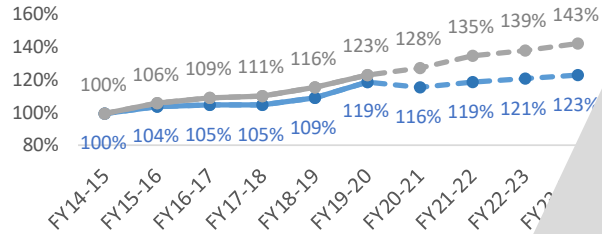
	Budget FY20-21	Projected FY20-21	Projected FY21-22	Projected FY22-23	Projected FY23-24
Revenue					
1 State Tuition	20,615,006	21,450,375	21,855,358	21,708,490	21,562,609
2 Excess Enrollment					
3 Bachelor Programs	2,761,293	3,347,019	3,770,083	4,246,621	4,783,394
4 Running Start	19,010,733	22,734,060	24,116,291	25,582,562	27,137,982
5 International(With ELL)	10,130,988	6,675,562	6,288,914	5,924,660	5,581,504
6 Other Student Fees & Grant Revenue	16,637,571	15,473,658	15,602,101	15,513,984	15,456,302
7 State Operating Appropriation	43,484,270	37,307,982	38,054,141	38,815,224	39,591,528
Additional State Appropriation	-	3,112,657	3,112,657	3,112,657	3,112,657
8 Capital Approp- for Operating	590,300	590,300	590,300	590,300	590,300
9 Reimbursements other agencies\carryover	1,833,182	1,683,101	1,705,142	1,680,421	1,622,301
Total Operating Revenue Sources	115,063,343	112,374,715	115,094,986	117,174,919	119,438,577
	% Change Over Prior Year	0%	-2%	2%	2%
Expenses	Total Wages & Benefits	\$ 91,723,326	\$ 91,651,855	\$ 96,411,575	\$ 99,171,558
Full-Time Faculty	18,088,303	19,274,722	19,814,414	20,369,218	20,939,556
Part-Time Faculty	18,086,383	17,389,168	17,910,843	18,448,168	19,001,613
Cost of Stipends	1,591,172	2,722,107	2,798,326	2,876,679	2,957,226
Exempt Salaries	17,296,997	15,505,759	15,970,932	16,418,118	16,877,825
Classified Salaries	15,254,735	15,066,879	15,518,885	15,953,414	16,400,110
Unfilled Positions Budget	(5,457,540)	(3,610,263)	(2,290,198)	(2,354,323)	(2,420,244)
Other Salaries	2,771,305	2,956,815	3,015,952	3,076,271	3,137,796
Benefits	24,091,971	22,346,668	23,672,421	24,384,014	25,116,994
Salary/Benefit Transfers	(986,585)	(986,685)	(986,685)	(986,685)	(986,685)
Goods & Services/ Personal Svcs	14,227,052	12,862,160	13,119,403	13,381,791	13,649,427
Student Services	2,615,192	2,450,635	2,499,648	2,549,641	2,600,634
Equipment, Furniture	3,441,336	3,096,931	3,158,869	3,222,047	3,286,487
Travel	525,358	116,579	218,911	323,289	529,755
Non Salary Transfers	(347,735)	(347,735)	(347,735)	(347,735)	(347,735)
Student Success COP and other	1,108,500	1,108,500	1,108,500	1,108,500	1,108,500
Total Expenses	112,306,444	109,952,240	115,932,486	119,172,406	122,601,259
	% Change Over Prior Year	6%	-2%	5%	3%
Operating Margin (No Depreciation)	2,756,899	2,422,475	(837,500)	(1,997,487)	(3,162,682)
Old Building Renovation Fund Contribution (5%)	5,560,035	5,497,612	5,796,624	5,958,620	6,130,063
Net Operating Margin	(2,803,136)	(3,075,137)	(6,634,124)	(7,956,107)	(9,292,745)
Revised 10/19/20	205	-2.7%	-5.8%	-6.8%	-7.8%

Operations Budget

	Budget FY20-21	Projected FY20-21	Projected FY21-22	Projected FY22-23	Projected FY23-24
Revenue					
1 State Tuition	20,615,006	21,450,375	21,855,358	21,708,490	21,562,609
2 Excess Enrollment	2,764,202	2,247,040	2,770,082	4,246,624	4,792,204
3 Bachelor Programs	2,764,202	2,247,040	2,770,082	4,246,624	4,792,204

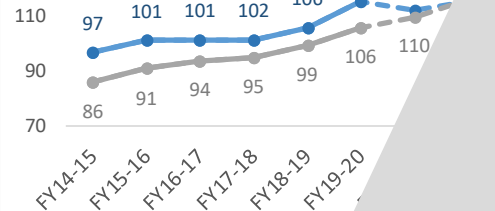
Revenue & Expense

% Growth



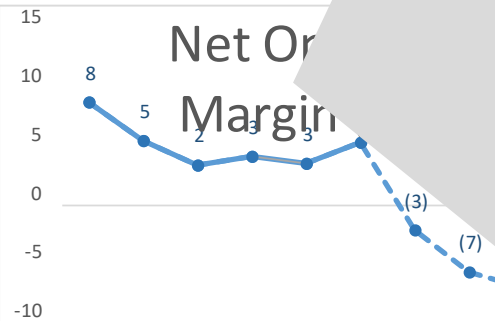
Revenue & Expense

(Millions)



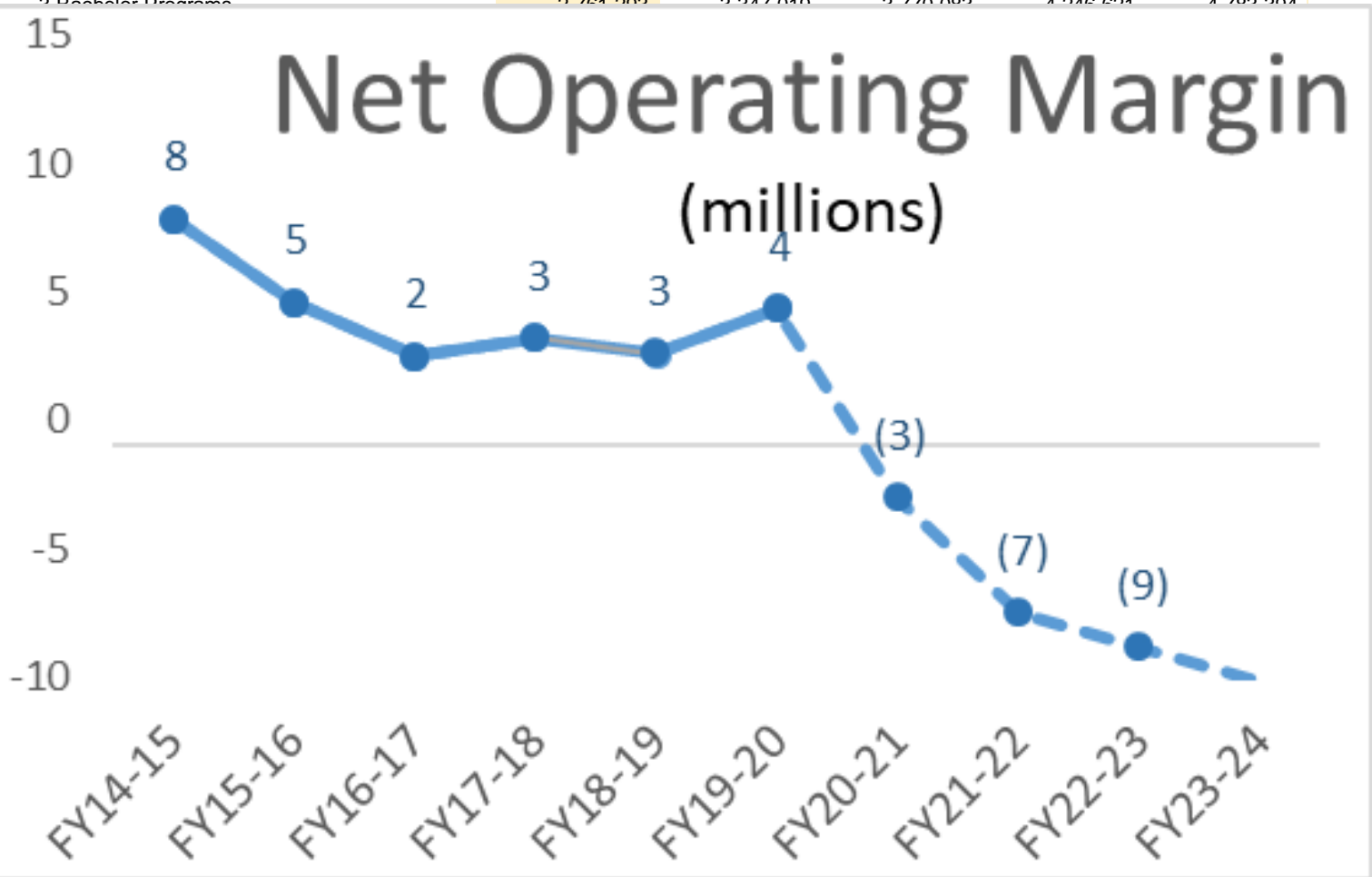
Net Operating Margin

(Millions)



Net Operating Margin

(millions)



	FY2021	FY2021	FY2122	FY2223	FY2324
Net Operating Margin	(2,803,136)	(3,075,137)	(6,634,124)	(7,956,107)	(9,292,745)
Revised 10/19/20		-2.7%	-5.8%	-6.8%	-7.8%

One Time Funding Scenarios

Fiscal Year	FY20-21	FY20-21	FY21-22	FY22-23	FY23-24
Operating Fund Margin Carry-Over	1,800,000	4,348,595	4,856,545	(1,777,579)	(9,733,686)
Innovation Fund	691,155	335,000			
Other One time funding (GEER)		1,239,847			
CARES GRANT (local)		1,711,115			
Capital Fund -Deferred Projects	297,125	297,125			
Total One Time Funding	2,788,280	7,931,682	4,856,545	(1,777,579)	(9,733,686)
Adjusted Net Margin	(14,856)	4,856,545	(1,777,579)	(9,733,686)	(19,026,431)
					Cumulative

One Time Funding
 Surplus funds from last year carried forward Plus special Grants total \$7.9 million

What If Scenarios

	FY20-21	FY20-21	FY21-22	FY22-23	FY23-24
Scenario #1	4%	4%	4%	4%	4%
4% Dept/Program Cuts	(3,500,000)	(3,500,000)	(3,500,000)	(3,500,000)	(3,500,000)
			Continued	Continued	Continued
Scenario #2	4%	0%	0%	0%	0%
4% Institutional Cuts	(3,500,000)	0	0	0	0
Scenario #3	43,484,270	37,307,982	38,054,141	38,815,224	39,591,528
	15%	15.0%	15.0%	15.0%	15.0%
7 State Operating Appropriation	(6,583,761)	0	0	0	0
Scenario #4	100%	100%	100%	100%	100%
Guided Pathways Revenue	1,805,406	1,805,406	1,805,406	1,805,406	1,805,406
Guided Pathways Expenses	(1,805,406)	(1,805,406)	(1,805,406)	(1,805,406)	(1,805,406)
Scenario #5	100%	0%	100%	100%	100%
Other Expense Cuts???	0	0	0	0	0

	FY2021	FY2021	FY2122	FY2223	FY2324
Net Operating Margin	(2,803,136)	(3,075,137)	(6,634,124)	(7,956,107)	(9,292,745)
Revised 10/19/20		-2.7%	-5.8%	-6.8%	-7.8%

One Time Funding Scenarios

Fiscal Year	FY20-21	FY20-21	
Operating Fund Margin Carry-Over	1,800,000	4,348,595	(9,733,686)
Innovation Fund	691,155	335,000	(19,026,431)
Other One time funding (GEER)		1,239,847	Cumulative
CARES GRANT (local)		1,711,115	
Capital Fund -Deferred Projects	297,125	297,125	
Total One Time Funding	2,788,280	7,931,682	4%
			(3,500,000)
			Maintained
			0%
Adjusted Net Margin	(14,856)	4,946,815	0

One Time Funding
 Surplus funds from last year carried forward Plus special Grants total \$7.9 million

Scenario #3	43,484,270	37,307,982	38,054,141	38,815,224	39,591,528
	15%	15.0%	15.0%	15.0%	15.0%
7 State Operating Appropriation	(6,583,761)	0	0	0	0
Scenario #4	100%	100%	100%	100%	100%
Guided Pathways Revenue	1,805,406	1,805,406	1,805,406	1,805,406	1,805,406
Guided Pathways Expenses	(1,805,406)	(1,805,406)	(1,805,406)	(1,805,406)	(1,805,406)
Scenario #5	100%	0%	0%	0%	0%
Other Expense Cuts???	0	0	0	0	0

	FY2021	FY2021	FY2122	FY2223	FY2324
Net Operating Margin	(2,803,136)	(3,075,137)	(6,634,124)	(7,956,107)	(9,292,745)
Revised 10/19/20		-2.7%	-5.8%	-6.8%	-7.8%

One Time Funding Scenarios

Fiscal Year	FY20-21	FY20-21	FY21-22	FY22-23	FY23-24
Operating Fund Margin Carry-Over	1,800,000	4,348,595	4,856,545	(1,777,579)	(9,733,686)
Innovation Fund	691,155	335,000			
Other One time funding (GEER)		1,239,847			
CARES GRANT (local)		1,711,115			
Capital Fund -Deferred Projects	297,125	297,125			
Total One Time Funding	2,788,280	7,931,682	4,856,545	(1,777,579)	(9,733,686)
Adjusted Net Margin	(14,856)	4,856,545	(1,777,579)	(9,733,686)	(19,026,431)
					Cumulative

One Time Funding
Surplus funds from last year carried forward Plus special Grants total \$7.9 million

What If Scenarios

Expense Reductions (-) →

Scenario	FY20-21	FY20-21	FY21-22	FY22-23	FY23-24
Scenario #1	4%	4%	4%	4%	4%
4% Dept/Program Cuts	(3,500,000)	(3,500,000)	(3,500,000)	(3,500,000)	(3,500,000)
			Maintained	Maintained	Maintained
Scenario #2	4%	0%	0%	0%	0%
4% Institutional Cuts	(3,500,000)	0	0	0	0
Scenario #3	43,484,270	37,307,982	38,054,141	38,815,224	39,591,528
15%	15.0%	15.0%	15.0%	15.0%	15.0%
7 State Operating Appropriation	(6,583,761)	0	0	0	0
Scenario #4	100%	100%	100%	100%	100%
Guided Pathways Revenue	1,805,406	1,805,406	1,805,406	1,805,406	1,805,406
Guided Pathways Expenses	(1,805,406)	(1,805,406)	(1,805,406)	(1,805,406)	(1,805,406)
Scenario #5	100%	0%	0%	0%	0%
Other Expense Cuts???	0	0	0	0	0

Scenario #1 Dept./Program Cuts
Continue 4% cut next 4 years

	FY2021	FY2021	FY2122	FY2223	FY2324
Net Operating Margin	(2,803,136)	(3,075,137)	(2,959,124)	(4,281,107)	(5,617,745)
Revised 10/19/20		-2.7%	-2.6%	-3.7%	-4.7%

One Time Funding Scenarios

Fiscal Year	FY20-21	FY20-21	FY21-22	FY22-23	FY23-24
Operating Fund Margin Carry-Over	1,800,000	4,348,595	4,856,545	1,897,421	(2,383,686)
Innovation Fund	691,155	335,000			
Other One time funding (GEER)		1,239,847			
CARES GRANT (local)		1,711,115			
Capital Fund -Deferred Projects	297,125	297,125			
Total One Time Funding	2,788,280	7,931,682	4,856,545	1,897,421	(2,383,686)
Adjusted Net Margin	(14,856)	4,856,545	1,897,421	(2,383,686)	(8,001,431)
					Cumulative

One Time Funding
Surplus funds from last year carried forward Plus special Grants total \$7.9 million

What If Scenarios

Expense Reductions (-) →

	FY20-21	FY20-21	FY21-22	FY22-23	FY23-24
Scenario #1	4%	4%	4%	4%	4%
4% Dept/Program Cuts	(3,500,000)	(3,500,000)	(3,500,000)	(3,500,000)	(3,500,000)
			Maintained	Maintained	Maintained
Scenario #2	4%	0%	4%	4%	4%
4% Institutional Cuts	(3,500,000)	0	(3,500,000)	(3,500,000)	(3,500,000)
			Maintained	Maintained	Maintained
Scenario #3	43,484,270	37,307,982	38,054,141	38,815,224	39,591,528
15%	15.0%	15.0%	15.0%	15.0%	15.0%
7 State Operating Appropriation	(6,583,761)	0	0	0	0
Scenario #4	100%	100%	100%	100%	100%
Guided Pathways Revenue	1,805,406	1,805,406	1,805,406	1,805,406	1,805,406
Guided Pathways Expenses	(1,805,406)	(1,805,406)	(1,805,406)	(1,805,406)	(1,805,406)
Scenario #5	100%	0%	0%	0%	0%
Other Expense Cuts???	0	0	0	0	0

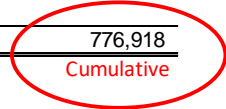
Scenario #1 Dept./Program Cuts
Continue 4% cut next 4 years

Scenario #2 Institutional Cuts
Implement 4% cut year 2 on

	FY2021	FY2021	FY2122	FY2223	FY2324
Net Operating Margin	(2,803,136)	(880,550)	(2,959,124)	(2,086,520)	(1,228,570)
Revised 10/19/20		-0.8%	-2.6%	-1.7%	-1.0%

One Time Funding Scenarios

Fiscal Year	FY20-21	FY20-21	FY21-22	FY22-23	FY23-24
Operating Fund Margin Carry-Over	1,800,000	4,348,595	7,051,132	4,092,008	2,005,488
Innovation Fund	691,155	335,000			
Other One time funding (GEER)		1,239,847			
CARES GRANT (local)		1,711,115			
Capital Fund -Deferred Projects	297,125	297,125			
Total One Time Funding	2,788,280	7,931,682	7,051,132	4,092,008	2,005,488
Adjusted Net Margin	(14,856)	7,051,132	4,092,008	2,005,488	776,918



One Time Funding
Surplus funds from last year carried forward Plus special Grants total \$7.9 million

What If Scenarios

	FY20-21	FY20-21	FY21-22	FY22-23	FY23-24
Scenario #1	4%	4%	4%	4%	4%
4% Dept/Program Cuts	(3,500,000)	(3,500,000)	(3,500,000)	(3,500,000)	(3,500,000)
			Maintained	Maintained	Maintained
Scenario #2	4%	0%	4%	4%	4%
4% Institutional Cuts	(3,500,000)	0	(3,500,000)	(3,500,000)	(3,500,000)
				Maintained	Maintained
Scenario #3	43,484,270	39,502,569	38,054,141	41,009,811	43,980,703
7 State Operating Appropriation	15% (6,583,761)	10.0% 2,194,587	15.0% 0	10.0% 2,194,587	5.0% 4,389,174
Scenario #4	100%	100%	100%	100%	100%
Guided Pathways Revenue	1,805,406	1,805,406	1,805,406	1,805,406	1,805,406
Guided Pathways Expenses	100% (1,805,406)	100% (1,805,406)	100% (1,805,406)	100% (1,805,406)	100% (1,805,406)
Scenario #5	100%	0%	0%	0%	0%
Other Expense Cuts???	0	0	0	0	0

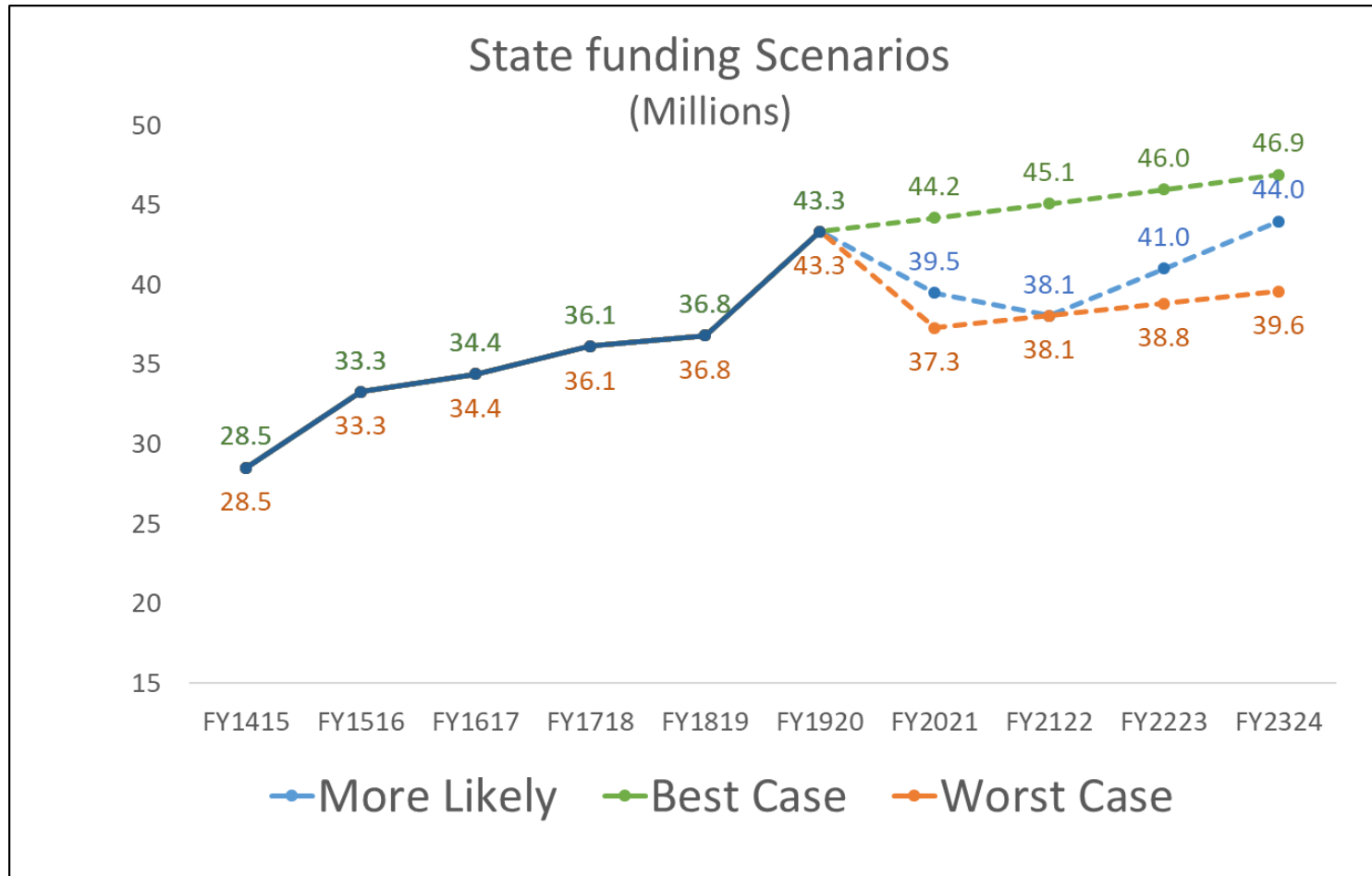
Revenue Increases (+) →

Scenario #1 Dept./Program Cuts
Continue 4% cut next 4 years

Scenario #2 Institutional Cuts
Implement 4% cut year 2 on

Scenario #3 State Appropriation
Adjust cuts 10%, 15% 10%, 5%

	FY2021	FY2021	FY2122	FY2223	FY2324
Net Operating Margin	(2,803,136)	(880,550)	(2,959,124)	(2,086,520)	(1,228,570)
Revised 10/19/20		-0.8%	-2.6%	-1.7%	-1.0%



One Time Funding
 Surplus funds from last year carried forward Plus special Grants total \$7.9 million

Scenario #1 Dept./Program Cuts
 Continue 4% cut next 4 years

Scenario #2 Institutional Cuts
 Implement 4% cut year 2 on

Scenario #3 State Appropriation
 Adjust cuts 10%, 15% 10%, 5%

	FY2021	FY2021	FY2122	FY2223	FY2324
Net Operating Margin	(2,803,136)	(880,550)	(3,816,692)	(2,944,088)	(2,086,138)
Revised 10/19/20		-0.8%	-3.4%	-2.5%	-1.7%

One Time Funding Scenarios

Fiscal Year	FY20-21	FY20-21	FY21-22	FY22-23	FY23-24
Operating Fund Margin Carry-Over	1,800,000	4,348,595	7,051,132	3,234,440	290,352
Innovation Fund	691,155	335,000			
Other One time funding (GEER)		1,239,847			
CARES GRANT (local)		1,711,115			
Capital Fund -Deferred Projects	297,125	297,125			
Total One Time Funding	2,788,280	7,931,682	7,051,132	3,234,440	290,352
Adjusted Net Margin	(14,856)	7,051,132	3,234,440	290,352	(1,795,786) Cumulative

One Time Funding
Surplus funds from last year carried forward Plus special Grants total \$7.9 million

What If Scenarios

Scenario		FY20-21	FY20-21	FY21-22	FY22-23	FY23-24
Scenario #1		4%	4%	4%	4%	4%
	4% Dept/Program Cuts	(3,500,000)	(3,500,000)	(3,500,000)	(3,500,000)	(3,500,000)
				Maintained	Maintained	Maintained
Scenario #2		4%	0%	4%	4%	4%
	4% Institutional Cuts	(3,500,000)	0	(3,500,000)	(3,500,000)	(3,500,000)
				Maintained	Maintained	Maintained
Scenario #3		43,484,270	39,502,569	38,054,141	41,009,811	43,980,703
	7 State Operating Appropriation	15%	10.0%	15.0%	10.0%	5.0%
		(6,583,761)	2,194,587	0	2,194,587	4,389,174
Scenario #4		100%	100%	0%	0%	0%
	Guided Pathways Revenue	1,805,406	1,805,406	0	0	0
		100%	100%	50%	50%	50%
	Guided Pathways Expenses	(1,805,406)	(1,805,406)	(902,703)	(902,703)	(902,703)
Scenario #5		100%	0%	0%	0%	0%
	Other Expense Cuts???	0	0	0	0	0

Scenario #1 Dept./Program Cuts
Continue 4% cut next 4 years

Scenario #2 Institutional Cuts
Implement 4% cut year 2 on

Scenario #3 State Appropriation
Adjust cuts 10%, 15% 10%, 5%

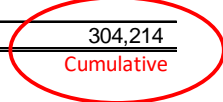
Scenario #4 Guided Pathways
New funding – one year only

Revenue (+) →
And Expenses (-) →

	FY2021	FY2021	FY2122	FY2223	FY2324
Net Operating Margin	(2,803,136)	(355,550)	(3,291,692)	(2,419,088)	(1,561,138)
Revised 10/19/20		-0.3%	-2.9%	-2.1%	-1.3%

One Time Funding Scenarios

Fiscal Year	FY20-21	FY20-21	FY21-22	FY22-23	FY23-24
Operating Fund Margin Carry-Over	1,800,000	4,348,595	7,576,132	4,284,440	1,865,352
Innovation Fund	691,155	335,000			
Other One time funding (GEER)		1,239,847			
CARES GRANT (local)		1,711,115			
Capital Fund -Deferred Projects	297,125	297,125			
Total One Time Funding	2,788,280	7,931,682	7,576,132	4,284,440	1,865,352
Adjusted Net Margin	(14,856)	7,576,132	4,284,440	1,865,352	304,214



One Time Funding
Surplus funds from last year carried forward Plus special Grants total \$7.9 million

What If Scenarios

	FY20-21	FY20-21	FY21-22	FY22-23	FY23-24
Scenario #1	4%	4%	4%	4%	4%
4% Dept/Program Cuts	(3,500,000)	(3,500,000)	(3,500,000)	(3,500,000)	(3,500,000)
			Maintained	Maintained	Maintained
Scenario #2	4%	0%	4%	4%	4%
4% Institutional Cuts	(3,500,000)	0	(3,500,000)	(3,500,000)	(3,500,000)
				Maintained	Maintained
Scenario #3	43,484,270	39,502,569	38,054,141	41,009,811	43,980,703
7 State Operating Appropriation	15%	10.0%	15.0%	10.0%	5.0%
	(6,583,761)	2,194,587	0	2,194,587	4,389,174
Scenario #4	100%	100%	0%	0%	0%
Guided Pathways Revenue	1,805,406	1,805,406	0	0	0
	100%	100%	50%	50%	50%
Guided Pathways Expenses	(1,805,406)	(1,805,406)	(902,703)	(902,703)	(902,703)
Scenario #5	100%	100%	100%	100%	100%
Other Expense Cuts???	(500,000)	(500,000)	(500,000)	(500,000)	(500,000)
			Maintained	Maintained	Maintained

Revenue (+) Or Expenses (-)

Scenario #1 Dept./Program Cuts
Continue 4% cut next 4 years

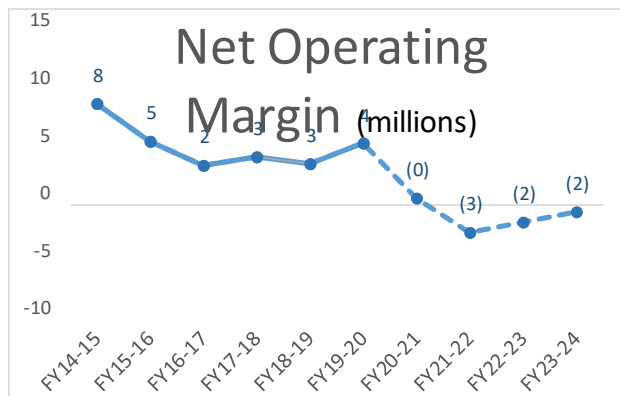
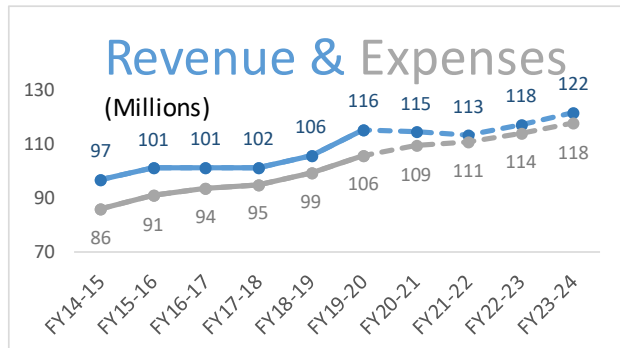
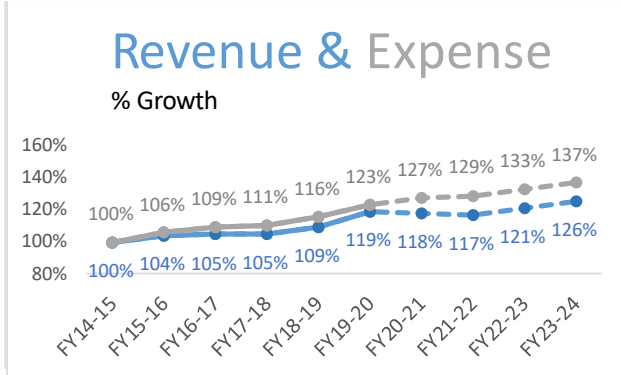
Scenario #2 Institutional Cuts
Implement 4% cut year 2 on

Scenario #3 State Appropriation
Adjust cuts 10%, 15% 10%, 5%

Scenario #4 Guided Pathways
New funding – one year only

Scenario #5 Other ???
Additional cuts or new revenue

Operations Budget



	Budget FY20-21	Projected FY20-21	Projected FY21-22	Projected FY22-23	Projected FY23-24
Revenue					
1 State Tuition	20,615,006	21,450,375	21,855,358	21,708,490	21,562,609
2 Excess Enrollment					
3 Bachelor Programs	2,761,293	3,347,019	3,770,083	4,246,621	4,783,394
4 Running Start	19,010,733	22,734,060	24,116,291	25,582,562	27,137,982
5 International(With ELI)	10,130,988	6,675,562	6,288,914	5,924,660	5,581,504
6 Other Student Fees & Grant Revenue	16,637,571	15,473,658	15,602,101	15,513,984	15,456,302
7 State Operating Appropriation	43,484,270	39,502,569	38,054,141	41,009,811	43,980,703
Additional State Appropriation	-	3,112,657	1,307,251	1,307,251	1,307,251
8 Capital Approp- for Operating	590,300	590,300	590,300	590,300	590,300
9 Reimbursements other agencies\carryover	1,833,182	1,683,101	1,705,142	1,680,421	1,622,301
Total Operating Revenue Sources	115,063,343	114,569,302	113,289,580	117,564,100	122,022,345
	% Change Over Prior Year	0%	0%	-1%	4%
Expenses	Total Wages & Benefits	\$ 91,723,326	\$ 91,651,855	\$ 96,411,575	\$ 99,171,558
Full-Time Faculty	18,088,303	19,274,722	19,814,414	20,369,218	20,939,556
Part-Time Faculty	18,086,383	17,389,168	17,910,843	18,448,168	19,001,613
Cost of Stipends	1,591,172	2,722,107	2,798,326	2,876,679	2,957,226
Exempt Salaries	17,296,997	15,505,759	15,970,932	16,418,118	16,877,825
Classified Salaries	15,254,735	15,066,879	15,518,885	15,953,414	16,400,110
Unfilled Positions Budget	(5,457,540)	(3,610,263)	(2,290,198)	(2,354,323)	(2,420,244)
Other Salaries	2,771,305	2,956,815	3,015,952	3,076,271	3,137,796
Benefits	24,091,971	22,346,668	23,672,421	24,384,014	25,116,994
Salary/Benefit Transfers	(986,585)	(986,685)	(986,685)	(986,685)	(986,685)
Goods & Services/ Personal Svcs	14,227,052	12,862,160	13,119,403	13,381,791	13,649,427
Student Services	2,615,192	2,450,635	2,499,648	2,549,641	2,600,634
Equipment, Furniture	3,441,336	3,096,931	3,158,869	3,222,047	3,286,487
Travel	525,358	116,579	218,911	323,289	529,755
Non Salary Transfers	(347,735)	(347,735)	(347,735)	(347,735)	(347,735)
Student Success COP and other	1,108,500	1,108,500	1,108,500	1,108,500	1,108,500
Total Expenses	112,306,444	109,452,240	111,029,783	114,269,703	117,698,556
	% Change Over Prior Year	6%	-3%	1%	3%
Operating Margin (No Depreciation)	2,756,899	5,117,062	2,259,797	3,294,397	4,323,789
Old Building Renovation Fund Contribution (5%)	5,560,035	5,472,612	5,551,489	5,713,485	5,884,928
Net Operating Margin	(2,803,136)	(355,550)	(3,291,692)	(2,419,088)	(1,561,138)
Revised 10/19/20		-0.3%	-2.9%	-2.1%	-1.3%
213					
Adjusted Net Margin (One Time Spending)	(14,856)	7,576,132	4,284,440	1,865,352	304,214

Cumulative

Self Support Budgets

		Projected				
		2017-18	2018-19	2019-20	2020-21	Fund Balance
Student Housing						
	Revenue		2,568,249	3,120,504	2,132,216	
	Expenses		2,951,844	4,044,381	4,221,996	
	Net	0	(383,595)	(923,877)	(2,089,780)	549,289
						Debt Reserve 10,689,394
Continuing Education						
	Revenue	3,778,958	3,473,137	3,517,130	2,000,000	
	Expenses	3,746,713	3,732,683	4,436,756	1,950,000	
	Net	32,245	(259,546)	(919,626)	50,000	(242,738)
Early Learning Center						
	Revenue	2,332,408	2,504,905	2,249,631	1,366,902	
	Expenses	2,271,045	2,333,551	2,472,276	2,120,463	
	Net	61,363	171,354	(222,645)	(753,561)	* Shared Fund Balance
Bookstore						
	Revenue	938,945	575,865	462,159	586,951	
	Expenses	656,795	635,157	586,135	548,182	
	Net	282,150	(59,292)	(123,976)	38,768	3,443,444 *Shared Fund Balance
Food Services						
	Revenue	1,094,067	1,138,483	616,602	36,212	
	Expenses	1,197,868	1,155,110	1,264,087	570,132	
	Net	(103,801)	(16,627)	(647,484)	(533,920)	* Shared Fund Balance
Events & Facility Rental						
	Revenue	519,066	584,055	491,074	90,531	
	Expenses	447,581	798,496	819,032	219,764	
	Net	71,485	(214,441)	(327,958)	(129,233)	* Shared Fund Balance
Grand Total						
	Revenue	8,663,445	10,844,695	10,457,100	6,162,812	
	Expenses	8,320,003	11,606,842	13,622,667	9,680,537	
	Net	343,442	(762,147)	(3,165,566)	(3,517,726)	3,749,995

Questions ?