



BELLEVUE
COLLEGE



Board of Trustees

Community College District VIII

REGULAR MEETING
December 14, 2022



**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 14, 2022. The business session will begin at 2:00 PM. This meeting will be conducted in a hybrid format. The in-person location will be B201, and the remote location will be via Zoom. A telephone line will also be available. Merisa Heu-Weller, Chair, will preside.

MEETING CALL IN DETAILS

Business Session Call-In Details: [Click to join meeting](#)

Or dial in by telephone: +1 253 215 8782 Webinar ID: 824 5857 3125

MEETING AGENDA

2:00 PM	BUSINESS SESSION	
	I. Call to Order	Merisa Heu-Weller
	II. Introductions	
	III. Agenda and Minutes	
	A. Approval of Agenda for December 14, 2022	
	B. Approval of Minutes for November 9, 2022	
2:10 PM	IV. Constituent Reports	
	A. Faculty	Sue Nightingale
	B. Foundation	Lisa Brock
	C. Student	ASG Representative
	D. Classified	Becky Turnbull
	E. College Assembly	Valencio Socia
	V. First Read Items	
	A. Revision of WAC 132H-122, Policy 7200: Students' Financial Obligations and Repeal of Policy 7250: Non-Payment of Tuition and Course-related Fees	Dennis Curran
	B. Revision of Policy 6460: COVID-19 Vaccination Requirements	Dennis Curran
	C. Revision of Policy 2100: Hazing	Megan Kaptik

	VI.	Action Items	
		A. Revision of WAC 132H-126 and Policy 2050: Student Conduct Code	Megan Kaptik
2:40 PM	VII.	Quarterly Report: Student Success	Jennie Mayer, Esteban Maldonado, Christina Castorena, Rob Viens, and Zach Morgan
3:10 PM	VIII.	Presidential Search Process Update	Rich Fukutaki
3:20 PM	IX.	President's Report	Gary Locke
3:30 PM	X.	Diversity, Equity, and Inclusion Report	Consuelo Grier
3:40 PM	XI.	Board Report	Merisa Heu-Weller
3:50 PM	XII.	Unscheduled Business or Public Comment	
4:00 PM		EXECUTIVE SESSION The Board will be meeting in executive session to evaluate the performances of public employees and to 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**

A regular meeting of the Board of Trustees of Community College District VIII, 3000 Landerholm Circle SE, state of Washington, was held on Wednesday, November 9, 2022. This meeting was conducted in-person in B201 and remotely via Zoom. A telephone line was also available. Merisa Heu-Weller, Chair, presided.

MINUTES

The business session was called to order at 2:06 PM

I. **ROLL CALL**

Chair Merisa Heu-Weller, Vice Chair Rich Fukutaki, Trustee Greg Dietzel, Trustee Richard Leigh, Trustee Conor O’Meara, President Gary Locke, Assistant Attorney General Tricia Boerger, and Board Secretary Alicia Keating Polson were present.

II. **AGENDA**

Trustee Leigh made a motion to revise the meeting agenda to include an action item to set the presidential salary compensation to be posted with the job listing and to approve the agenda (September 9, 2022). Trustee Fukutaki seconded.

The motion passed unanimously.

Trustee Fukutaki made a motion to approve the minutes (October 19, 2022). Trustee Leigh seconded.

The motion passed unanimously.

III. **CONSTITUENT REPORTS**

A. College Assembly

The College Assembly report was provided by Valencio Socia, Chair of College Assembly.

- The Councils are working hard on initiatives that may turn into proposals.
 - Infrastructure Council is discussing a night walk and a tree health survey.
 - Resources and Planning Council is discussing budget training and the Capital Projects Review Committee.
 - Classified Council and Exempt Council are discussing professional development, flex scheduling staffing, hybrid, and remote work.

- The Classified, Exempt, Resources and Planning, Infrastructure, Inclusion & Diversity, and Student Success Councils are all discussing the issues around succession, planning and cross training for continuing continuity, winter quarter registration, gender neutral bathrooms, access, hiring best practices including the presidential search.
- Interim President Gary Locke has been visiting each council. This is fantastic and appreciated. There have been great conversations and questions. Next year, when a new president is hired, it is hoped that they will also visit council meetings.

B. Faculty

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

- The untimely passing of the faculty member from the science division last week has been rough. The emotional reserves that people have are small and people are frayed.
- The faculty feels pressure to increase the amount of time, energy and emotions spent with our students. The students are coming in unprepared since the pandemic. Students do not have the same study skills and are experiencing anxiety.
- Faculty are receiving less support due to vacant positions such as program managers and program assistants. The half of the faculty which are on campus pick up an extra burden.
- There are complicated ctLink-related issues occurring with staff being overpaid and then having to collect those funds. One issue is the unhelpful display of a stipend on paychecks: payment for two different jobs of a similar type will be reflected on a paycheck as a combined amount. A suggested solution is to email staff a copy of the stipend form to create a record of this payment.

C. Foundation

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

- On January 7, 2023, the BCF hosts a Gala dinner, auction, and dance. The Foundation can use help in the following three areas:
 - Auction items. These include live and silent items, such as: vacation homes, restaurant or frequented businesses gift certificates, frequent flier miles, or unique experiences. The Foundation can put together vacation packages and would love ideas. Please contact Melissa Johnson, Foundation Executive Director, with questions, donations, or ideas.
 - Sponsorship. Please share any connections to organizations possibly willing to sponsor the gala. The Foundation can ask these organizations to become a sponsor for the gala.
 - Attendees. Please consider who you will invite to be seated at your table at the gala.

D. Student

The Student report was provided by Sophia Oliveira, Associated Student Government (ASG) Events Representative.

- ASG has worked on bylaws and changes for elections. The changes were made, and ASG launched the applications for ASG President candidates. Applications were closed on November 4th and there are six candidates. ASG hosted orientation sessions with all candidates and the Elections Committee. For the timeline, voting opens on November 28th and closes on November 30th. By December 2nd, there may be a result without appeals or issues.
- ASG hosted a launch campaign event yesterday where the ASG team was introduced to the students and candidates. The candidates introduced themselves and built connections with the student body.
 - The event was successful, with around 150 students coming in and interacting with candidates.
 - Challenges in organizing the event were faced due to the online scheduling of student engagement. ASG is concerned with efficiency and access to room reservations, catering, and setup (such as acquiring a podium and AV support for PowerPoint presentations.) ASG is concerned that online work is not providing the proper support. For this event, everything worked out as ASG has a good team and advisors for support.

E. Classified

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

- Campus Operations and Human Resources have worked to bring food trucks to campus one or two days a week while unable to fill all the positions in food services. The food has been great and folks like it.
- Thanks to Human Resources and Campus Operations for closing college offices from December 21st through 27th, allowing folks to use paid or personal leave before the end of the year.

IV. **FIRST READ**

A. Revision of WAC 132H-126 and Policy 2050: Student Conduct Code

Megan Kaptik, Manager of Student Conduct, presented the first read of revisions to WAC 132H-126 and Policy 2050: Student Conduct Code. Bellevue College needs to revise the Student Conduct Code based on three recent legal actions:

- On August 10, 2021, a decision from a federal district vacated a portion of the 2020 amendments to the Title IX regulations related to cross-examination. This needs to be removed from the Code.
- On March 15, 2022, President Biden signed the Violence Against Women Act Reauthorization Act of 2022 (VAWA) into law. This changed the definition of domestic violence and added definitions for different aspects of domestic abuse. VAWA takes effect October 1, 2022.

- On March 30, 2022, Governor Inslee signed Sam’s Law (HB 1751) into law. This bill requires the College to update the definition of hazing and extend the prohibition to include off-campus hazing. The College must be compliant before the start of fall term.

Because of the federal and state deadlines, changes were put into effect on WAC 132H-126 and Policy 2050: Student Conduct Code using the emergency code revising process. After approval from the Board on September 21, 2022, the revised WAC 132H-126 was submitted as an emergency revision to the WA State Office of the Code Revisor.

V. **QUARTERLY REPORT**

A. Enrollment

Zach Morgan, Executive Director of Effectiveness and Research presented the quarterly Enrollment Report.

Bellevue College enrollments for 2021-2022 declined by about 13% from the prior year. Enrollments still are generally stronger over the long-view compared to Bellevue College SBCTC counterparts, though this 1-year dip was more significant than several of those peers.

Summer Quarter credit headcount and FTE are down from last year’s figures and projection, though growth in international enrollments and the new availability of summer Running Start enrollments helped mitigate those losses. For this Fall Quarter, growth in international education and other contract enrollments mitigated losses in other areas; the College’s overall enrollment is about 2.3% below what had been last projected. Marketing and recruitment efforts have generated a larger group of new students to Bellevue College than in the past 2 years, which is an encouraging sign provided the College’s work to retain those students. Projections have been adjusted to now project 4% to 5% drops each year for this year, fiscal year 2024, and fiscal year 2025.

VI. **PRESIDENTIAL SEARCH PROCESS UPDATE**

Vice Chair Fukutaki provided an update on the presidential search process.

Progress for the Presidential Search has been made since the last board meeting. EQU Advisors has been hired as the executive search firm to partner with Bellevue College for the presidential search. They have been helping to put together a timeline for the process. The timetable has been slightly adjusted and still includes being able to decide on a presidential candidate by the end of March 2023. The revised timetable will be available on the website when that goes live at the beginning of December.

EQU Advisors have gone through the full BC Priorities Report and all the data provided. EQU Advisors will be managing a written survey and hosting sessions with our community to receive feedback on what makes Bellevue College an exciting opportunity for prospective candidates. Input from the BC community will be critical to them as they recruit strong candidates on the college’s behalf.

The following individuals have agreed to serve as members of the Presidential Search Advisory Committee:

- Rich Fukutaki, Trustee & Search Advisory Committee Chair
- Dr. Consuelo Grier, Vice President of Diversity, Equity, and Inclusion & Search Advisory Committee DEI Advocate
- Richard Leigh, Trustee
- Frances Dujon Reynolds, Vice President of Human Resources
- Jennie Mayer, Chemistry Faculty and Achieving the Dream (ATD) Co-Lead
- Sara Sanders Gardner, Director of the Neurodiversity Navigators Program
- Dr. Alicia Keating Polson, Executive Director of the President's Office

The advisory search committee will finish polishing up the presidential profile alongside EQU Advisors consultants. That job listing will be posted in early December and open for 8-9 weeks.

Trustee Fukutaki invited discussion among the trustees regarding an appropriate salary range for the job listing. There are new requirements from the state of Washington to post a salary range that goes along with the presidential profile and job listing. Bellevue College is the largest single-campus community and technical college in Washington State. The salary range needs comparison to the marketplace. The search will be national. The range should be between 275,000-315,000, with flexibility for market changes that will attract a strong candidate.

Motion 37.22

Trustee Dietzel made a motion that the Board of Trustees of Community College District VIII approves, for purposes of the presidential job posting, a salary range of \$275,000 - \$310,000, plus a general description of standard benefits provided to Washington state employees and permissible compensation for community and technical college presidents included in WAC 131-16-500.

Trustee Leigh seconded.

The motion passed unanimously.

VII. **PRESIDENT'S REPORT**

Gary Locke, Interim President of Bellevue College, provided the monthly president report.

- Complements to the Office of Institutional Advancement for putting on a remarkable discovery day. Thanks to Institutional Advancement and Student Affairs for a great Scholar Donor Day.
- Congratulations to the Marketing & Communication department within the Office of Institutional Advancement on being awarded eight District 7 Medallion Awards from the National Council for Marketing & Public Relations.
- International student enrollment is above projections for the Fall Quarter, with more enrolling for Winter Quarter. Enrollment is recovering with respect to international students. The International Education Department has diversified the source of those students. With the presentation on enrollment data, there is better information on students' educational goals, and retention can be the focus.

- Student Affairs and faculty are organizing registration week. As students enter finals week, faculty will encourage them to register for classes. This is an all-hands-on-deck effort to focus on retention and, at the same time, use marketing to focus on attracting more students. Students must be provided with a sense of community, culture, and support.
- The Office of Student Engagement is undergoing change. A consultant was hired to evaluate issues of permissible uses of student activity fees, staffing of the organization, some of the procedures by which students can access funds, and the type of support of advisors that students have. This consultant has finished meeting with many people on campus, including students, that would be part of the potential reorganization and realignment.
- Pierce College is in discussions with an outside firm to look at the impact of the ctcLink with respect to financial aid processes, decisions, and disbursements. The state board is looking into joining that contract to determine what problems the state CTC system imposes and what changes to make. Many colleges are interested in engaging with this consultant to look at campus-specific processes and procedures, hassles, and hurdles imposed by the state. It is important to streamline the registration process to benefit new students and retain current students.
- Over \$700,000 has been allocated for technological upgrades for computers and equipment within our classrooms. This equipment is required for specific courses. Some of the current equipment is over 7-8 years old. Nearly \$300,000 is allocated for high-flex equipment for hybrid learning. The technology upgrades should be in classrooms by January.

VIII. **DIVERSITY, EQUITY, AND INCLUSION REPORT**

No report was provided.

IX. **BOARD REPORT**

Congratulations to Trustee Rich Fukutaki on his election as the Association of Community College Trustees (ACCT) Secretary-Treasurer. ACCT is a national organization made up of more than 6500 trustees from community, technical, and junior colleges across the country.

X. **UNSCHEDULED BUSINESS/COMMUNITY TESTIMONY**

Sara Sanders Gardner, Bellevue College staff member, made a comment on student retention.

Teresa Descher, Bellevue College staff member, made a comment on Bellevue College athletics.

XI. **EXECUTIVE SESSION**

There was no executive session.

XII. **ADJOURNMENT**

There being no further business, Chair Heu-Weller adjourned the Board of Trustees meeting at 4:03 PM.

Merisa Heu-Weller, Chair
Board of Trustees

ATTEST:

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



REGULAR MEETING AGENDA ITEM

REVISION OF WAC 132H-122, POLICY 7200: STUDENTS' FINANCIAL OBLIGATIONS AND REPEAL OF POLICY 7250: NON-PAYMENT OF TUITION AND COURSE-RELATED FEES

INFORMATION

FIRST READ

ACTION

Description

Administrative Services proposes updating the current student financial debt rules under WAC 132H-122, policy 7200, and policy 7250. These changes remove and/or update outdated information and clarify rules. The revised policy 7200 will have the same text and formatting as the revised WAC chapter. Relevant portions of procedure 7200P and policy 7250 have been incorporated into the revisions of WAC/policy 7200. Subsequently, procedure 7200P was approved for repeal by president's cabinet on December 6, 2023 and policy 7250 is proposed for repeal by the board of trustees. Rules have been consolidated into the one WAC/policy 7200 to make information easier to find and language was clarified.

Key Questions

- * Why are revisions to the rules necessary?
- * What practices are and aren't allowed for debt collection by institutions of higher education?

Analysis

Updates were necessitated by Second Substitute House Bill (SSHB) 2513. The bill prohibits institutions of higher education from withholding transcripts and limits the practice of registration holds. However, SSHB 2513 allows colleges to place a hold on an account for debts owed, drop students for non-payment of debt and/or refer past due debts to a collection agency. The provisions in SSHB are now reflected in the proposed revisions to WAC Chapter 132H-122/policy 7200. As a prudent business practice, the College set a \$100 minimum amount for referrals to debt collection.

Additionally, revisions include information that is provided to students when sending a notice about outstanding debts. This includes the amount of the debt, nature of the debt, how to pay the debt, contact information in order to set up a payment plan, deadline for payment, and any consequences that may result from non-payment. A student's right to ask for details related to their debt and how to appeal the debt is also outlined.

Revisions were also made to consolidate information and to simplify the language. No comments were received during the comment period or at the public hearing.

Background/Supplemental Information

- [WAC 132H-122 Student Financial Debts](#)
- Policy 7200 Students' Financial Obligations
- Policy 7250 Non-payment of Tuition and Course-related Fees
- [SSHB 2513](#)

Recommendation (two motions)

That the Board of Trustees of Community College District VIII approves revisions to WAC 132H-122 and Policy 7200: Students' Financial Obligations at their meeting on January 18, 2023.

That the Board of Trustees of Community College District VIII approves the repeal of Policy 7250: Non-Payment of Tuition and Course-Related Fees at their meeting on January 18, 2023.

Prepared by:

Dennis Curran, Vice President of Administrative Services

dennis.curran@bellevuecollege.edu

7200 STUDENT FINANCIAL DEBTS

Original Date: 10/11/1992 * Last Revision Effective: 10/19/2015
Policy Contact: Vice President, Administrative Services

POLICY

Bellevue College Policy 7200 has been adopted as Chapter 132H-122 of the Washington Administrative Code.

WAC 132H-122-010 Statement of policy.

(1) Bellevue College expects students who owe a debt for services, tuition and fees, housing, financial aid, fines, and other fees to pay the amount they owe, or set up a payment plan, and to contact the college for additional information, if needed.

(2) Students have the right to ask for details related to the debt, and to appeal a debt.

(3) The finance office is responsible for the implementation of this code.

WAC 132H-122-020 Student financial debt procedures.

(1) The college may take the following actions for non-payment of outstanding student debt:

(a) Place a hold, also called a negative service indicator, on a student's account if they owe a debt for housing, financial aid, tuition, or other college fees. A negative service indicator prevents enrollment for future quarters.

(b) Drop students for non-payment of any debt at any time.

(c) Refer past due debts that exceed \$100 to a collection agency. Prior to referral, students will receive notice via their Bellevue College email. The notice will include at a minimum the following information:

(i) The amount of the debt owed;

(ii) The nature of the debt;

(iii) Information on how to pay the debt;

(iv) Contact information for the finance office and/or staff member who can provide more information, and/or set up a payment plan;

(v) The deadline for payment of the debt; and

(vi) Any consequences that may result from non-payment of the debt.

(2) Reporting requirements: The college follows the state reporting rules related to the use of negative service indicators, debt levels, and collection practices.

WAC 132H-122-030 Debt dispute and appeal.

Students who believe that exigent circumstances exist, or an error occurred that may require reduction or removal of a debt, may submit an online appeal form, available on the Enrollment Services website, for review of the debt.

RELEVANT LAWS AND OTHER RESOURCES

- [Second Substitute House Bill \(SSHB\) 2513](#)
- [SBCTC Guidance for SSHB 2513](#)
- WAC 132H-122
- RCW [19.16.500](#)

REVISION HISTORY

Original 10/11/1992

Revisions 3/22/2005; 5/21/2009; 6/9/2009; 10/19/2015

APPROVED BY

Board of Trustees

7200 STUDENTS' FINANCIAL OBLIGATIONS/DEBTS

Original Date: 10/11/1992 * Last Revision Effective: 10/19/2015
Policy Contact: Vice President, [Student Affairs Administrative Services](#)

POLICY

Bellevue College Policy 7200 has been adopted as Chapter 132H-122 of the Washington Administrative Code.

WAC 132H-122-010 Statement of policy. The college expects that students who receive services for which a financial obligation is incurred will exercise responsibility in meeting these obligations.

Appropriate college staff are empowered to act in accordance with regularly adopted procedures to carry out the intent of this policy, and if necessary to initiate legal action to insure that collection matters are brought to a timely and satisfactory conclusion.

Admission to or registration with the college, conferring of degrees and issuance of academic transcripts may be withheld for failure to meet financial obligations to the college.(1) Bellevue College expects students who owe a debt for services, tuition and fees, housing, financial aid, fines, and other fees to pay the amount they owe, or set up a payment plan, and to contact the college for additional information, if needed.

(2) Students have the right to ask for details related to the debt, and to appeal a debt.

(3) The finance office is responsible for the implementation of this code.

WAC 132H-122-020 Withholding services for outstanding

debtsStudent financial debt procedures. ~~(1) Where there is an outstanding debt owed to the college and upon receipt of a written request inquiring as to the reason(s) for services or refund being withheld the college shall reply in writing to the person that the services and/or refund will not be provided. The college will include the amount of the outstanding debt, and further explain that until that debt is satisfied (or stayed by bankruptcy proceedings or discharged in bankruptcy), no such services and/or refund will be provided to the individual.~~

~~(a) The notice shall include a statement to inform the individual that he or she has a right to a hearing before a person designated by the president of the college if he or she believes that no debt is owed. The notice shall state that the request for the hearing must be made within twenty-one days from the date of notification.~~

~~(2) Upon receipt of a timely request for a hearing, the person designated by the president shall have the records and files of the~~

~~college available for review and, at that time, shall hold a brief adjudicative proceeding concerning whether the individual owes or owed any outstanding debts to the institution. After the brief adjudicative proceeding, a decision shall be rendered by the president's designee indicating whether the college is correct in withholding services and/or applying off-set for the outstanding debt.~~

~~(a) If the outstanding debt is found to be owed by the individual involved, no further services shall be provided.~~

~~(b) Notice of the decision shall be sent to the individual within five days after the hearing.~~

~~(1) The college may take the following actions for non-payment of outstanding student debt:~~

~~(a) Place a hold, also called a negative service indicator, on a student's account if they owe a debt for housing, financial aid, tuition, or other college fees. A negative service indicator prevents enrollment for future quarters.~~

~~(b) Drop students for non-payment of any debt at any time.~~

~~(c) Refer past due debts that exceed \$100 to a collection agency. Prior to referral, students will receive notice via their Bellevue College email. The notice will include at a minimum the following information:~~

(i) The amount of the debt owed;

(ii) The nature of the debt;

(iii) Information on how to pay the debt;

(iv) Contact information for the finance office and/or staff

member who can provide more information, and/or set up a payment plan;

(v) The deadline for payment of the debt; and

(vi) Any consequences that may result from non-payment of the debt.

(2) Reporting requirements: The college follows the state reporting rules related to the use of negative service indicators, debt levels, and collection practices.

~~**WAC 132H-122-030 Appeal of initial order upholding the withholding of services for outstanding debts.** Debt dispute and appeal. (1) Any person aggrieved by an order issued under WAC 132H-122-020 may file an appeal with the president. The appeal must be in writing and must clearly state errors in fact or matters in extenuation or mitigation which justify the appeal.~~

~~(2) The appeal must be filed within twenty-one days from the date on which the appellant received notification of the order issued under WAC 132H-122-020 upholding the withholding of services for outstanding debts. The president's determination shall be final. Students who believe that exigent circumstances exist, or an error occurred that may require reduction or removal of a debt, may~~

submit an online appeal form, available on the Enrollment Services website, for review of the debt.

The college expects that students who receive services for which a financial obligation is incurred will exercise responsibility in meeting these obligations. Appropriate college staff are empowered to act in accordance with regularly adopted procedures to carry out the intent of this policy, and if necessary to initiate legal action to ensure that collection matters are brought to a timely and satisfactory conclusion.

Admission to or registration with the college, conferring of degrees, and issuance of academic transcripts may be withheld for failure to meet financial obligations to the college. The college does not block access to official or unofficial transcripts or keep students from dropping classes if they owe a debt to the college.

RELEVANT LAWS AND OTHER RESOURCES

- [Second Substitute House Bill \(SSHB\) 2513](#)
- [SBCTC Guidance for SSHB 2513](#)
- ~~Board of Trustees Resolution 209~~
- WAC 132-H-122
- RCW [19.16.500](#)

REVISION HISTORY

Original 10/11/1992

Revisions 3/22/2005; 5/21/2009; 6/9/2009; 10/19/2015

APPROVED BY

Board of Trustees
[President's Cabinet](#)

7250 NON-PAYMENT OF TUITION AND COURSE-RELATED FEES

Original Date: 3/22/2005 Last Revision Effective: 10/19/2015
Policy Contact: Vice President, Student Affairs _____

~~POLICY~~

~~Returned checks or credit card charges and failure to pay tuition and course-related fees will result in the student being withdrawn from his/her classes. The college reserves the right to impose a minimum balance in which case the student will not be withdrawn from classes. Students will be notified of the withdrawal and a withdrawal fee will be charged. All outstanding fees, based on the current fee schedule, must be paid prior to the student being allowed to re-register.~~

~~Admission to or registration for classes with the college, conferring of degrees, and issuance of academic transcripts may be withheld for failure to meet financial obligations to the college.~~

~~This policy and the amount of the fees will be made available through college publications.~~

~~REVISION HISTORY~~

~~Original 3/22/2005
Revision 5/21/2009; 10/19/2015~~

~~APPROVED BY~~

~~President's Cabinet~~

Chapter 132H-122 WAC STUDENT FINANCIAL DEBTS

WAC 132H-122-010 Statement of policy.

(1) Bellevue College expects students who owe a debt for services, tuition and fees, housing, financial aid, fines, and other fees to pay the amount they owe, or set up a payment plan, and to contact the college for additional information, if needed.

(2) Students have the right to ask for details related to the debt, and to appeal a debt.

(3) The finance office is responsible for the implementation of this code.

WAC 132H-122-020 Student financial debt procedures.

(1) The college may take the following actions for nonpayment of outstanding student debt:

(a) Place a hold, also called a negative service indicator, on a student's account if they owe a debt for housing, financial aid, tuition, or other college fees. A negative service indicator prevents enrollment for future quarters.

(b) Drop students for nonpayment of any debt at any time.

(c) Refer past due debts that exceed \$100 to a collection agency. Prior to referral, students will receive notice via their Bellevue College email. The notice will include at a minimum the following information:

(i) The amount of the debt owed;

(ii) The nature of the debt;

(iii) Information on how to pay the debt;

(iv) Contact information for the finance office and/or staff member who can provide more information, and/or set up a payment plan;

(v) The deadline for payment of the debt; and

(vi) Any consequences that may result from nonpayment of the debt.

(2) Reporting requirements: The college follows the state reporting rules related to the use of negative service indicators, debt levels, and collection practices.

WAC 132H-122-030 Debt dispute and appeal.

Students who believe that exigent circumstances exist, or an error occurred that may require reduction or removal of a debt, may submit an online appeal form, available on the enrollment services website, for review of the debt.

Chapter 132H-122 WAC
~~((WITHHOLDING SERVICES FOR OUTSTANDING))~~STUDENT
FINANCIAL DEBTS

AMENDATORY SECTION(Amending WSR 92-19-054, filed 9/10/92, effective 10/11/92)

WAC 132H-122-010 Statement of policy.

~~((The college expects that students who receive services for which a financial obligation is incurred will exercise responsibility in meeting these obligations. Appropriate college staff are empowered to act in accordance with regularly adopted procedures to carry out the intent of this policy, and if necessary to initiate legal action to insure that collection matters are brought to a timely and satisfactory conclusion.~~

~~Admission to or registration with the college, conferring of degrees and issuance of academic transcripts may be withheld for failure to meet financial obligations to the college.))~~(1) Bellevue College expects students who owe a debt for services, tuition and fees, housing, financial aid, fines, and other fees to pay the amount they owe, or set up a payment plan, and to contact the college for additional information, if needed.

(2) Students have the right to ask for details related to the debt, and to appeal a debt.

(3) The finance office is responsible for the implementation of this code.

AMENDATORY SECTION(Amending WSR 02-14-008, filed 6/20/02, effective 7/21/02)

WAC 132H-122-020 ~~((Withholding services for outstanding debts.))~~Student financial debt procedures.

~~((1) Where there is an outstanding debt owed to the college and upon receipt of a written request inquiring as to the reason(s) for services or refund being withheld the college shall reply in writing to the person that the services and/or refund will not be provided. The college will include the amount of the outstanding debt, and further explain that until that debt is satisfied (or stayed by bankruptcy proceedings or discharged in bankruptcy), no such services and/or refund will be provided to the individual.~~

~~(a) The notice shall include a statement to inform the individual that he or she has a right to a hearing before a person designated by the president of the college if he or she believes that no debt is owed. The notice shall state that the request for the hearing must be made within twenty one days from the date of notification.~~

~~(2) Upon receipt of a timely request for a hearing, the person designated by the president shall have the records and files of the college available for review and, at~~

~~that time, shall hold a brief adjudicative proceeding concerning whether the individual owes or owed any outstanding debts to the institution. After the brief adjudicative proceeding, a decision shall be rendered by the president's designee indicating whether the college is correct in withholding services and/or applying off set for the outstanding debt.~~

~~(a) If the outstanding debt is found to be owed by the individual involved, no further services shall be provided.~~

~~(b) Notice of the decision shall be sent to the individual within five days after the hearing.))~~(1) The college may take the following actions for nonpayment of outstanding student debt:

(a) Place a hold, also called a negative service indicator, on a student's account if they owe a debt for housing, financial aid, tuition, or other college fees. A negative service indicator prevents enrollment for future quarters.

(b) Drop students for nonpayment of any debt at any time.

(c) Refer past due debts that exceed \$100 to a collection agency. Prior to referral, students will receive notice via their Bellevue College email. The notice will include at a minimum the following information:

(i) The amount of the debt owed;

(ii) The nature of the debt;

(iii) Information on how to pay the debt;

(iv) Contact information for the finance office and/or staff member who can provide more information, and/or set up a payment plan;

(v) The deadline for payment of the debt; and

(vi) Any consequences that may result from nonpayment of the debt.

(2) Reporting requirements: The college follows the state reporting rules related to the use of negative service indicators, debt levels, and collection practices.

AMENDATORY SECTION(Amending WSR 92-19-054, filed 9/10/92, effective 10/11/92)

WAC 132H-122-030 ~~((Appeal of initial order upholding the withholding of services for outstanding debts.))~~Debt dispute and appeal.

~~((1) Any person aggrieved by an order issued under WAC 132H-122-020 may file an appeal with the president. The appeal must be in writing and must clearly state errors in fact or matters in extenuation or mitigation which justify the appeal.~~

~~(2) The appeal must be filed within twenty one days from the date on which the appellant received notification of the order issued under WAC 132H-122-020 upholding the withholding of services for outstanding debts. The president's determination shall be final.))~~Students who believe that exigent circumstances exist, or an error occurred that may require reduction or removal of a debt, may submit an

online appeal form, available on the enrollment services website, for review of the debt.



REGULAR MEETING AGENDA ITEM

REVISION OF 6460: COVID-19 VACCINATION REQUIREMENTS

INFORMATION

FIRST READ

ACTION

Description

The college proposes revising Policy 6460: COVID-19 Vaccination Requirements in order to align with updated guidance from the state. As of October 31st, the state's emergency COVID proclamations were rescinded, which removed the requirement for campuses to declare they are a "vaccinated campus" or "unvaccinated campus," along with all the associated sub-requirements. The revisions to the 6460 policy and procedures remove all references to Washington State proclamations and eliminate the requirement for student vaccination attestations. As of now, employees will still be required to attest their vaccination status.

Additionally, the college is proposing revisions to associated Procedure 6460P2: Employee COVID-19 Vaccination Requirements and proposing the repeal of Procedure 6460P: Student COVID-19 Vaccination Requirements. Procedure 6460P: Student COVID-19 Vaccination Requirements is proposed for elimination as the College will no longer require students to attest to their vaccination status.

Key Questions

- * Why are revisions to the policy necessary?
- * What changes and eliminations are proposed?

Analysis

As of October 31st, the Washington State Governor rescinded the state's emergency COVID-19 proclamations. This includes proclamations impacting Institutions of Higher Education. Colleges will no longer be required to distinguish themselves as "Fully Vaccinated" or "Not Fully Vaccinated." Bellevue College is open access and does not require any vaccinations for any infectious disease as a precondition to enrollment. Additionally, other colleges in the area eliminated vaccine requirements as a precondition to student enrollment. Bellevue College is actively working to remove barriers that impede access to and participation in the services we provide. The vaccination requirements instituted through much of 2020 through the present 2022 were based on the emergency proclamations from the state. With the proclamations expiring we are working to align with current requirements and remove barriers to access.

Comments received during the review period:

- Seven comments requesting or stating that the vaccination requirements for employees and/or students should be maintained.
- Two comments in support of the changes.

- One question about why the employee attestation requirement remains.
- Request to clarify the definition of volunteer relating to online volunteers.

Background/Supplemental Information

- Policy 6460: COVID-19 Vaccination Requirements
- Procedure 6460P: Student COVID-19 Vaccination Requirements
- Procedure 6460P2: Employee COVID-19 Vaccination Requirements

Recommendation/Outcomes

That the Board of Trustees of Community College District VIII approves revisions to Policy 6460: COVID-19 Vaccination Requirements at their January 18, 2023 meeting.

Prepared by:

Dennis Curran, Vice President of Administrative Services

dennis.curran@bellevuecollege.edu

6460 COVID-19 Vaccination Requirements

Original Date: 12/21/21 * Last Revision Effective: 06/15/22
Policy Contact: Vice President of Administrative Services

PURPOSE

This policy establishes COVID-19 vaccination requirements. This policy is intended to protect the health and safety of the public and the campus community and was developed in accordance with federal, state and local guidance. This policy will be reviewed at least annually, no later than January 31st of each year, to assess impacts and alignment with current federal, state and local guidance.

POLICY

The college requires faculty, staff, and volunteers (defined below) to either:

- Be fully vaccinated against COVID-19 using an *authorized vaccine* (defined below) OR
- To ask and be approved for an *authorized exemption* (defined below).

VERIFICATION AND DOCUMENTATION

All faculty, staff, and volunteers must complete a Vaccination Attestation form and provide documentation as indicated within the form. In the event Human Resources requests additional documentation or information needed to resolve missing, unclear, inconsistent, or incongruent information submitted initially with the Vaccination Attestation form, such subsequent information must also be provided to be in compliance with this policy.

Exemptions approved due to a temporary condition or circumstance will be reviewed and reevaluated based on the stated timeframe noted in the original approval.

AUTHORIZED EXEMPTIONS

Faculty, staff, and volunteers are exempt from the vaccination requirement if they ask for and are approved, and a reasonable accommodation is granted, as appropriate, for at least one of the following authorized exemptions:

1. Medical Exemption
 - Requires documentation from a healthcare provider who determines that a medical reason or condition exists for which the vaccination should not be given for health and safety reasons.
2. Religious Exemption
 - Requires that there be a conflict between receiving the vaccine and sincerely held religious beliefs or practices.

RESPONSIBILITIES

Human Resources

- Manages the tracking, collection of documentation, exemptions, verification, reasonable accommodations, confidentiality, and enforcement of this policy and the related procedures for all faculty, staff, student employees, and volunteers.

DEFINITIONS

Authorized Vaccines

- Include COVID-19 vaccines approved by the federal [Food & Drug Administration \(FDA\)](#), including those approved under Emergency Use Authorization and the [World Health Organization \(WHO\)](#).

Fully Vaccinated

- A person is fully vaccinated two weeks after receiving:
 - The second dose in a two-dose series OR
 - A single-dose vaccine.

- Being fully vaccinated may include a COVID-19 booster if deemed necessary as set forth by the state, or if the college determines that federal, state, and local requirements or recommendations are needed to help keep the campus community safe from COVID-19.

Volunteer

- An uncompensated person who is scheduled to come to campus to perform work related tasks or work connected to a college project but receives no pay or stipend.

RELEVANT LAWS AND OTHER RESOURCES

[Washington Department of Labor & Industries \(L & I\) Workplace Health and Safety Rules](#)

[Food & Drug Administration \(FDA\) Vaccine Approval](#)

[World Health Organization \(WHO\) Vaccine Approval](#)

[U.S. Equal Employment Opportunity Commission](#)

[Washington State Department of Health: Building Confidence and Busting Myths](#)

[Centers for Disease Control and Prevention: COVID-19 Vaccines are Safe and Effective](#)

REVISION HISTORY

Original: 12/21/2021; 06/15/2022

APPROVED BY

Board of Trustees

6460 COVID-19 Vaccination Requirements

Original Date: 12/21/21 * Last Revision Effective: 06/15/22
Policy Contact: Vice President of Administrative Services

PURPOSE

This policy establishes COVID-19 vaccination requirements ~~needed to comply with the Washington Higher Education Vaccinated Campus rules, the Labor & Industries workplace safety policies, and public health requirements.~~ This policy is ~~also~~ intended to protect the health and safety of the public and the campus community ~~and was developed in accordance with federal, state and local guidance.~~ ~~In developing this policy, the college worked in accordance with federal, state, and local guidance and rules related to COVID-19, and proclamations issued by the Washington State Governor.~~ This policy will be reviewed at least annually, no later than January 31st of each year, to assess impacts and alignment with current federal, state and local guidance.

POLICY

The college requires faculty, staff, and volunteers, ~~and students~~ (defined below) to either:

- Be fully vaccinated against COVID-19 using an *authorized vaccine* (defined below) OR
- To ask and be approved for an *authorized exemption* (defined below).

VERIFICATION AND DOCUMENTATION

All faculty, staff, and volunteers, ~~and students~~ must complete a Vaccination Attestation form and provide documentation as indicated within the form. In the event Human Resources ~~or Student Affairs~~ requests additional documentation or information needed to resolve missing, unclear, inconsistent, or incongruent information submitted initially with the Vaccination Attestation form, such subsequent information must also be provided to be in compliance with this policy.

Exemptions approved due to a temporary condition or circumstance will be reviewed and reevaluated based on the stated timeframe noted in the original approval.

~~The college randomly collects documentation verifying the vaccination status of individual students.~~

AUTHORIZED EXEMPTIONS

Faculty, staff, and volunteers, ~~and students~~ are exempt from the vaccination requirement if they ask for and are approved, and a reasonable accommodation is granted, as appropriate, for at least one of the following authorized exemptions:

1. Medical Exemption
 - Requires documentation from a healthcare provider who determines that a medical reason or condition exists for which the vaccination should not be given for health and safety reasons.
2. Religious Exemption
 - Requires that there be a conflict between receiving the vaccine and sincerely held religious beliefs or practices.
- ~~3. College in the High School, and Pacific NW College Credit Exemption (students only)~~
 - ~~○ For high school students in these programs who are exclusively taking classes in their home high school.~~

RESPONSIBILITIES

~~Human Resources and Student Affairs jointly share responsibilities in the following manner:~~

Human Resources

- Manages the tracking, collection of documentation, exemptions, verification, reasonable accommodations, confidentiality, and enforcement of this policy and the related procedures for all faculty, staff, student employees, and volunteers.

~~Student Affairs~~

- ~~Manages the tracking, collection of documentation, exemptions, verification, confidentiality, and enforcement of this policy, reasonable accommodations, and the related procedures for all students who are not employees or volunteers.~~

DEFINITIONS

Authorized Vaccines

- Include COVID-19 vaccines approved by the federal [Food & Drug Administration \(FDA\)](#), including those approved under Emergency Use Authorization and the [World Health Organization \(WHO\)](#).

Enrollment/Enrolled

- ~~A student who has applied for admission or has registered or signed up to take classes.~~

Fully Vaccinated

- A person is fully vaccinated two weeks after receiving:
 - The second dose in a two-dose series OR
 - A single-dose vaccine.
- Being fully vaccinated may include a COVID-19 booster if deemed necessary ~~to be compliant with 'Institutions of Higher Education (IHEs) Fully Vaccinated Campuses' requirements~~ as set forth by the state, or if the college determines that federal, state, and local requirements or recommendations are needed to help keep the campus community safe from COVID-19.

Students

- ~~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 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 may be considered "students." These persons include those under the age of 18, continuing education students, and those taking courses through tombo.~~

Volunteer

- An uncompensated person who is scheduled to come to campus to perform work related tasks or work connected to a college project but receives no pay or stipend.

RELEVANT LAWS AND OTHER RESOURCES

[Washington Department of Labor & Industries \(L & I\) Workplace Health and Safety Rules](#)

[Food & Drug Administration \(FDA\) Vaccine Approval](#)

[World Health Organization \(WHO\) Vaccine Approval](#)

~~State of Washington Office of the Governor Proclamation COVID-19 Vaccination Requirement~~

~~State of Washington Office of the Governor Proclamation for Higher Education-~~

~~2050 Student Conduct Code~~

[U.S. Equal Employment Opportunity Commission](#)

[Washington State Department of Health: Building Confidence and Busting Myths](#)

[Centers for Disease Control and Prevention: COVID-19 Vaccines are Safe and Effective](#)

REVISION HISTORY

Original: 12/21/2021; 06/15/2022

APPROVED BY

Board of Trustees



REGULAR MEETING AGENDA ITEM

REVISION OF 2100: HAZING

INFORMATION

FIRST READ

ACTION

Description

On March 30, 2022, Governor Inslee signed HB 1751 into law, which is referred to as “Sam’s Law.” This bill requires the college to update the definition of hazing and extend the prohibition to include off-campus hazing. The proposed revisions to Policy 2100: Hazing are intended to bring Bellevue College into compliance with state law. President’s cabinet approved revisions to Procedure 2100P: Hazing on December 6, 2022.

Key Questions

- * Why are revisions to the policy necessary?
- * What changes and eliminations are proposed?

Analysis

This revision brings Bellevue College into compliance with state law. Changes include expansion of scope and detail to the definition of hazing, as well as the implementation of required procedures and programs for campus-wide trainings.

Comments received during the 45-day review period: None.

Background/Supplemental Information

- Policy 2100: Hazing (see next page)
- [Procedure 2100: Hazing Procedures](#)
- [SSHB 1751](#)

Recommendation/Outcomes

That the Board of Trustees of Community College District VIII approves revisions to Policy 2100: Hazing at their meeting on January 18, 2023.

Prepared by:

Loreen Keller, Associate Director of Policies & Special Projects

loreen.keller@bellevuecollege.edu

2100 HAZING

Original Date: 9/12/1995 * Last Revision Effective: 4/6/2015
Policy Contact: Associate Vice President, Student Affairs

POLICY

This policy applies to all students and student organizations of Bellevue College.

Hazing is prohibited within the Bellevue College community. Hazing is any conduct committed as part of a person's recruitment, initiation, pledging, admission into, or affiliation with a student organization, athletic team, or living group (collectively "student groups") or any pastime or amusement engaged in with respect to such a student group that causes, or is likely to cause, bodily danger or physical harm, or serious psychological or emotional harm, to any student or other person attending Bellevue College, including causing, directing, coercing, or forcing a person to consume any food, liquid, alcohol, drug, or other substance which subjects the person to risk of such harm, regardless of the person's willingness to participate. "Hazing" does not include customary athletic events or other similar contests or competitions. This prohibition applies to conduct that may occur both on and off campus. In compliance with 2SHB 1751 (2022), the College will implement procedures and programs, including offering students and employees hazing prevention training and programming, implementation of a mandatory reporting procedure, creation of a hazing prevention committee, and publication of a hazing report.

RELEVANT LAWS AND OTHER RESOURCES

- Board of Trustees Resolution 232
- RCW [9A.20.021](#), [28B.10](#)900-.903
- WAC [132H-121-020](#)
- Bellevue College Procedure #2100P Hazing

REVISION HISTORY

Original 9/12/1995
Revisions 3/22/2005; 5/21/2009; 4/6/2015

APPROVED BY

Board of Trustees

2100 HAZING

Original Date: 9/12/1995 * Last Revision Effective: 4/6/2015
Policy Contact: [Associate Vice President, Student Affairs](#)

POLICY

This policy applies to all students and student organizations of Bellevue College.

~~Hazing is prohibited within the Bellevue College community. Hazing is any conduct committed as part of a person's recruitment, initiation, pledging, admission into, or affiliation with a student organization, athletic team, or living group (collectively "student groups") or any pastime or amusement engaged in with respect to such a student group that causes, or is likely to cause, bodily danger or physical harm, or serious psychological or emotional harm, to any student or other person attending Bellevue College, including causing, directing, coercing, or forcing a person to consume any food, liquid, alcohol, drug, or other substance which subjects the person to risk of such harm, regardless of the person's willingness to participate. "Hazing" does not include customary athletic events or other similar contests or competitions. This prohibition applies to conduct that may occur both on and off campus. In compliance with 2SHB 1751 (2022), the College will implement procedures and programs, including offering students and employees hazing prevention training and programming, implementation of a mandatory reporting procedure, creation of a hazing prevention committee, and publication of a hazing report. Hazing is prohibited. Hazing means any method of initiation into a student organization or living group or any pastime or amusement engaged in with respect to such an organization or living group that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm, to any student or other person attending any institution of higher education or post-secondary institution~~

~~The Student Code of Bellevue College may be applicable to hazing violations.~~

~~Hazing violations are also misdemeanors punishable under state criminal law according to RCW 9A.20.021.~~

RELEVANT LAWS AND OTHER RESOURCES

- Board of Trustees Resolution 232
- RCW [9A.20.021](#), [28B.10](#)900-.903
- WAC [132H-121-020](#)
- Bellevue College Procedure #2100P Hazing

REVISION HISTORY

Original 9/12/1995
Revisions 3/22/2005; 5/21/2009; 4/6/2015

APPROVED BY

Board of Trustees
[President's Cabinet](#)



REGULAR MEETING AGENDA ITEM

Revision of WAC 132H-126 and Policy 2050: Student Conduct Code

INFORMATION

FIRST READ

ACTION

Description

Bellevue College needs to revise the Student Conduct Code based on three recent legal actions.

- On August 10, 2021, a decision from a federal district vacated a portion of the 2020 amendments to the Title IX regulations related to cross-examination. This needs to be removed from the Code.
- On March 15, 2022, President Biden signed the Violence Against Women Act Reauthorization Act of 2022 (“VAWA”) into law. This changed the definition of domestic violence and added definitions for different aspects of domestic abuse. VAWA takes effect October 1, 2022.
- On March 30, 2022, Governor Inslee signed Sam’s Law (HB 1751) into law. This bill requires the College to update the definition of hazing and extend the prohibition to include off-campus hazing. The College must be compliant before the start of fall term.

Because of the federal and state deadlines, changes were put into effect on WAC 132H-126 and Policy 2050: Student Conduct Code using the emergency code revising process. After approval from the Board on September 21, 2022, the revised WAC 132H-126 was submitted as an emergency revision to the WA State Office of the Code Revisor.

The 45-day comment period for WAC 132H-126 and Policy 2050: Student Conduct Code occurred May 10 – June 24, 2022 and no comments were received. A public hearing, as required by the WAC rule-making process, will be held on November 8, 2022. There were no comments, objections, or suggestions made by the seven in attendance. Clarifying questions included definition of policy terms, “cannabis, marijuana, and cyber-security.”

Background/Supplemental Information

[Department of Education briefing memo August 2021](#)

[Fact Sheet, Violence Against Women Act \(VAWA\)](#)

Washington [SSHB 1751 Hazing Prevention Act](#)

Recommendation/Outcomes

That the Board of Trustees of Community College District VIII approves the revisions to WAC 132H-126 and Policy 2050: Student Conduct Code.

Prepared by: Lori McRea Keller, Associate Director of Policies & Special Projects
Loreen.keller@bellevuecollege.edu

Chapter 132H-126 WAC

STUDENT CONDUCT CODE OF BELLEVUE COLLEGE

(Formerly: Chapter 132H-125 WAC)

Last Update: 12/2/20

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.

SUPPLEMENTAL TITLE IX STUDENT CONDUCT PROCEDURES

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 Prehearing 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 21-01-008, § 132H-126-010, filed 12/2/20, effective 1/2/21; 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 conduct by students or student groups 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 and college-sponsored housing.

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

code, a complainant is afforded certain rights under this student conduct code including, but not limited to:

(a) The right to be informed of all orders issued in the disciplinary case in which this person is a complainant;

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

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

(5) **"Conduct review officer"** is the provost for academic and student affairs or designee or other college administrator designated by the president to be responsible for receiving and reviewing or referring appeals of student disciplinary actions in accordance with the procedures of this code. The president is authorized to reassign any and all of the conduct review officer's duties or responsibilities, as set forth in this chapter, as may be reasonably necessary.

(6) **"Disciplinary action"** is the process by which the student conduct officer imposes discipline against a student for a violation of the student conduct code.

(7) **"Disciplinary appeal"** is the process by which an aggrieved student can appeal the discipline imposed by the student conduct officer. Disciplinary appeals from a suspension

in excess of ten instructional days or a dismissal are heard by the student conduct committee. Appeals of all other appealable disciplinary action shall be reviewed through brief adjudicative proceedings (BAP).

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

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

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

(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) "**Student group**" is a student organization, athletic team, or living group, including, but not limited to, student clubs and organizations, members of a class or student cohort, student performance groups, and student living groups within student housing.

(16) "**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 21-01-008, § 132H-126-040, filed 12/2/20, effective 1/2/21; 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 in later life.**

(a) Neglect, abandonment, economic abuse, or willful harm of an adult aged 50 or older by an individual in an ongoing relationship of trust with the victim; or

(b) domestic violence, dating violence, sexual assault, or stalking of an adult aged 50 or older by any individual;

and

(c) does not include self-neglect.

(3) **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.

(4) **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.

(5) **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.

(6) **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.

(7) **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).

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

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

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

- (i) The length of the relationship;
- (ii) The type of relationship; and
- (iii) The frequency of interaction between the persons involved in the relationship.

(9) **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.

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

(11) **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.

(12) **Domestic violence.** Use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain

power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person:

(a) who is a current or former spouse or intimate partner of the victim, or a person similarly situated to a spouse of the victim under the domestic or family violence laws of the state of Washington;

(b) who is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;

(c) who shares a child in common with the victim; or

(d) who commits acts 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.

(13) **Economic abuse.** In the context of domestic violence dating violence, economic abuse includes behavior that is coercive, deceptive, or unreasonably controls or restrains a person's ability to acquire, use, or maintain economic resources to which they are entitled, including using coercion, fraud, or manipulation to:

(a) restrict a person's access to money, assets, credit, or financial information;

(b) unfairly use a person's personal economic resources, including money, assets, and credit, for one's own advantage; or

(c) exert undue influence over a person's financial and economic behavior or decisions, including forcing default on joint or other financial obligations, exploiting powers of attorney, guardianship, or conservatorship, or failing or neglecting to act in the best interests of a person to whom one has a fiduciary duty.

(14) 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.

(15) 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.

(16) **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.

(17) **Hazing.** (a)Hazing is any act committed as part of

(1) a person's recruitment, initiation, pledging, admission into, or affiliation with a student group, or

(2) any pastime or amusement engaged in with respect to such a student group;

(3) that causes, or is likely to cause, bodily danger or physical harm, or serious psychological or emotional harm, to any student.

(b) Examples of hazing include, but are not limited to:

(1) Causing, directing, coercing, or forcing a person to consume any food, liquid, alcohol, drug, or other substance which subjects the person to risk of such harm;

(2) Humiliation by ritual act;

(3) Striking another person with an object or body part;

(4) Causing someone to experience excessive fatigue, or physical and/or psychological shock; or

(5) Causing someone to engage in degrading or humiliating games or activities that create a risk of serious psychological, emotional, and/or physical harm.

(c) "Hazing" does not include customary athletic events or other similar contests or competitions.

(d) Consent is not a valid defense against hazing.

(18) **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.

(19) **Cannabis or other drugs.**

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

(20) **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.

(21) **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.

(22) **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.

(23) **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.

(24) **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 (18) of this section.

(25) **Sexual harassment.** Unwelcome sexual- or gender-based conduct, including unwelcome sexual advances, requests for

sexual favors, and other verbal, nonverbal, or physical conduct of a sexual- or gender-based nature that is sufficiently severe, persistent or pervasive as to:

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

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

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

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

(26) **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.

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

(27) **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.

(28) **Technological abuse.** An act or pattern of behavior that occurs within domestic violence, sexual assault, dating violence, or stalking and is intended to harm, threaten, intimidate, control, stalk, harass, impersonate, exploit, extort, or monitor, except as otherwise permitted by law, another person, that occurs using any form of technology, including but not limited to: internet-enabled devices, online spaces and platforms, computers, mobile devices, cameras and imaging programs, apps, location tracking devices, or communication technologies, or any other emerging technologies.

(29) 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.

(30) **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.

(31) **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.

(32) **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.

(33) **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 21-01-008, § 132H-126-100, filed 12/2/20, effective 1/2/21; 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-126-111 Hazing Prohibited, Sanctions

(1) Hazing by a student or a student group is prohibited pursuant to WAC 132H-126-100(17)

(2) No student may conspire to engage in hazing or participate in hazing of another. State law provides that hazing is a criminal offense, punishable as a misdemeanor.

(3) Washington state law provides that:

(a) Any student group that knowingly permits hazing is strictly liable for harm caused to persons or property resulting from hazing. If the organization, association, or student living group is a corporation whether for profit or nonprofit, the individual directors of the corporation may be held individually liable for damages.

(b) Any person who participates in the hazing of another shall forfeit any entitlement to state-funded grants, scholarships, or awards for a period of time determined by the college.

(c) Student groups that knowingly permit hazing to be conducted by its members or by others subject to its direction or control shall be deprived of any official recognition or approval granted by the college.

(d) Student groups found responsible for violating the code of student conduct, college anti-hazing policies, or state or federal laws relating to hazing or offenses related to alcohol, drugs, sexual assault, or physical assault will be disclosed in a public report issued by the college setting forth the name of the student group, the date the investigation began, the date

the investigation ended, a finding of responsibility, a description of the incident(s) giving rise to the finding, and the details of the sanction(s) imposed.

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

1) Any member of the college community may file a complaint against a student or student group 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) **Hazing by Student Groups.** A student conduct officer, or designee, may review and investigate any complaint or allegation

of hazing by a student group. A student group will be notified through its named officer(s) and address on file with the College. A student group may designate one representative who may speak on behalf of a student group during any investigation and/or disciplinary proceeding. A student group will have the rights of a respondent as set forth below.

(d) 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.

(e) 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 and WAC 132H-126-111.

(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 21-01-008, § 132H-126-120, filed 12/2/20, effective 1/2/21; 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 or, for a student group, suspensions in excess of two academic quarters;

(b) Dismissals or, for a student group, deprivation of recognition or approval granted by the college; 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) Sanctions against a student group, other than those set forth in (7)(a) and (b) above;

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

(h) 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 21-01-008, § 132H-126-130, filed 12/2/20, effective 1/2/21; 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 21-01-008, § 132H-126-140, filed 12/2/20, effective 1/2/21; 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 21-01-008, § 132H-126-160, filed 12/2/20, effective 1/2/21; 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 21-01-008, § 132H-126-170, filed 12/2/20, effective 1/2/21; 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 21-01-008, § 132H-126-200, filed 12/2/20, effective 1/2/21; 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 21-01-008, § 132H-126-210, filed 12/2/20, effective 1/2/21; 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 21-01-008, § 132H-126-300, filed 12/2/20, effective 1/2/21; 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 21-01-008, § 132H-126-310, filed 12/2/20, effective 1/2/21; 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 21-01-008, § 132H-126-320, filed 12/2/20, effective 1/2/21; 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 21-01-008, § 132H-126-330, filed 12/2/20, effective 1/2/21; 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 21-01-008, §

132H-126-340, filed 12/2/20, effective 1/2/21; 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. Part 106. To the extent these supplemental hearing procedures conflict with the college's standard disciplinary procedures, WAC 132H-126-100 through 132H-126-340, these supplemental procedures shall take precedence. Bellevue College may, at its discretion, contract with an administrative law judge or other person to act as presiding officer and assign such presiding officer to exercise any or all of the duties in lieu of the student conduct committee and committee chair.

[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 21-01-008, § 132H-126-400, filed 12/2/20, effective 1/2/21.]

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

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

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

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

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

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

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

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

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

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

(4) **Domestic violence.** Use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person:

(a) who is a current or former spouse or intimate partner of the victim, or a person similarly situated to a spouse of the victim under the domestic or family violence laws of the state of Washington;

(b) who is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;

(c) who shares a child in common with the victim; or

(d) who commits acts against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the state of Washington, RCW

26.50.010.

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

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

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

(i) The length of the relationship;

(ii) The type of relationship; and

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

(6) **Economic abuse.** In the context of domestic violence dating violence, economic abuse includes behavior that is coercive, deceptive, or unreasonably controls or restrains a person's ability to acquire, use, or maintain economic resources to which they are entitled, including using coercion, fraud, or manipulation to:

(a) restrict a person's access to money, assets, credit, or financial information;

(b) unfairly use a person's personal economic resources, including money, assets, and credit, for one's own advantage; or

(c) exert undue influence over a person's financial and economic behavior or decisions, including forcing default on joint or other financial obligations, exploiting powers of attorney, guardianship, or conservatorship, or failing or neglecting to act in the best interests of a person to whom one has a fiduciary duty.

(7) **Technological abuse.** An act or pattern of behavior that occurs within domestic violence, sexual assault, dating violence, or stalking and is intended to harm, threaten, intimidate, control, stalk, harass, impersonate, exploit, extort, or monitor, except as otherwise permitted by law, another person, that occurs using any form of technology, including but not limited to: internet-enabled devices, online spaces and platforms, computers, mobile devices, cameras and imaging programs, apps, location tracking devices, or communication technologies, or any other emerging technologies.

(8) **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.

[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 21-01-008, § 132H-126-410, filed 12/2/20, effective 1/2/21.]

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

- (a) Occurred in the United States;
- (b) Occurred during a college educational program or activity; and
- (c) Meets the definition of sexual harassment as that term is defined in this supplemental procedure.

(2) For purposes of this supplemental procedure, an "educational program or activity" is defined as locations, events, or circumstances over which the college exercised substantial control over both the respondent and the context in which the reported sexual harassment occurred. This definition

includes any building owned or controlled by a student organization that is officially recognized by the college.

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

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

[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 21-01-008, § 132H-126-420, filed 12/2/20, effective 1/2/21.]

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.

[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 21-01-008, § 132H-126-430, filed 12/2/20, effective 1/2/21.]

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

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

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

[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 21-01-008, § 132H-126-440, filed 12/2/20, effective 1/2/21.]

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

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

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

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

[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 21-01-008, § 132H-126-450, filed 12/2/20, effective 1/2/21.]

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

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

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

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

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

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

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

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

(a) Spousal/domestic partner privilege;

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

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

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

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

(f) Other legal privileges identified in RCW 5.60.060.
[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 21-01-008, § 132H-126-460, filed 12/2/20, effective 1/2/21.]

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

(a) Identifies the allegations of sexual harassment;

(b) Describes the grievance and disciplinary procedures, starting with filing of the formal complaint through the determination of responsibility, including notices to parties, interviews with witnesses and parties, site visits, methods used to gather evidence, and hearings held;

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

(d) Reaches conclusions as to whether the facts establish whether the respondent is responsible for engaging in sexual harassment in violation of Title IX;

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

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

(g) Describes to what extent, if any, complainant is entitled to remedies designed to restore or preserve complainant's equal access to the college's education programs or activities; and

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

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

[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 21-01-008, § 132H-126-470, filed 12/2/20, effective 1/2/21.]

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

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

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

[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 21-01-008, § 132H-126-480, filed 12/2/20, effective 1/2/21.]

Chapter 132H-126 WAC

STUDENT CONDUCT CODE OF BELLEVUE COLLEGE

(Formerly: Chapter 132H-125 WAC)

Last Update: 12/2/20

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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.

SUPPLEMENTAL TITLE IX STUDENT CONDUCT PROCEDURES

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 Prehearing 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 21-01-008, § 132H-126-010, filed 12/2/20, effective 1/2/21; 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 by students or student groups 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 and college-sponsored housing.

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

code, a complainant is afforded certain rights under this student conduct code including, but not limited to:

(a) The right to be informed of all orders issued in the disciplinary case in which this person is a complainant;

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

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

(5) **"Conduct review officer"** is the provost for academic and student affairs or designee or other college administrator designated by the president to be responsible for receiving and reviewing or referring appeals of student disciplinary actions in accordance with the procedures of this code. The president is authorized to reassign any and all of the conduct review officer's duties or responsibilities, as set forth in this chapter, as may be reasonably necessary.

(6) **"Disciplinary action"** is the process by which the student conduct officer imposes discipline against a student for a violation of the student conduct code.

(7) **"Disciplinary appeal"** is the process by which an aggrieved student can appeal the discipline imposed by the student conduct officer. Disciplinary appeals from a suspension

in excess of ten instructional days or a dismissal are heard by the student conduct committee. Appeals of all other appealable disciplinary action shall be reviewed through brief adjudicative proceedings (BAP).

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

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

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

(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) "Student group" is a student organization, athletic team, or living group, including, but not limited to, student clubs and organizations, members of a class or student cohort, student performance groups, and student living groups within student housing.

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~~(1516)~~ **"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 21-01-008, § 132H-126-040, filed 12/2/20, effective 1/2/21; 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 in later life.

(a) Neglect, abandonment, economic abuse, or willful harm of an adult aged 50 or older by an individual in an ongoing relationship of trust with the victim; or

(b) domestic violence, dating violence, sexual assault, or stalking of an adult aged 50 or older by any individual;

and

(c) does not include self-neglect.

~~(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.

~~(34)~~ **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.

(45) **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.

(56) **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.

(67) **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).

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

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

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

(i) The length of the relationship;

(ii) The type of relationship; and

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

(~~89~~) 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.

(~~109~~) **Disorderly conduct.** Conduct that is disorderly, lewd, or indecent; disturbing the peace; or assisting or encouraging another person to disturb the peace.

(~~101~~) **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.

(~~121~~) **Domestic violence.** Use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain

power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person:

(a) who is a current or former spouse or intimate partner of the victim, or a person similarly situated to a spouse of the victim under the domestic or family violence laws of the state of Washington;

(b) who is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;

(c) who shares a child in common with the victim; or

(d) who commits acts 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. 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.~~

~~(132) **Economic abuse.** In the context of domestic violence dating violence, economic abuse includes behavior that is coercive, deceptive, or unreasonably controls or restrains a person's ability to acquire, use, or maintain economic resources to which they are entitled, including using coercion, fraud, or manipulation to:~~

~~(a) restrict a person's access to money, assets, credit, or financial information;~~

~~(b) unfairly use a person's personal economic resources, including money, assets, and credit, for one's own advantage; or~~

~~(c) exert undue influence over a person's financial and economic behavior or decisions, including forcing default on joint or other financial obligations, exploiting powers of attorney, guardianship, or conservatorship, or failing~~

or neglecting to act in the best interests of a person to whom one has a fiduciary duty.

(14) 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~~15) 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~~16) 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.

~~(1517) **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. (a)Hazing is any act committed as part of~~

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<https://lawfilesexternal.leg.wa.gov/biennium/2021-22/Pdf/Bills/Session%20Laws/House/1751-S2.SL.pdf?q=20220505121716>

(1) a person's recruitment, initiation, pledging, admission into, or affiliation with a student group, or

(2) any pastime or amusement engaged in with respect to such a student group;

(3) that causes, or is likely to cause, bodily danger or physical harm, or serious psychological or emotional harm, to any student.

(b) Examples of hazing include, but are not limited to:

(1) Causing, directing, coercing, or forcing a person to consume any food, liquid, alcohol, drug, or other substance which subjects the person to risk of such harm;

(2) Humiliation by ritual act;

(3) Striking another person with an object or body part;

(4) Causing someone to experience excessive fatigue, or physical and/or psychological shock; or

(5) Causing someone to engage in degrading or humiliating games or activities that create a risk of serious psychological, emotional, and/or physical harm.

(c) "Hazing" does not include customary athletic events or other similar contests or competitions.

(d) Consent is not a valid defense against hazing.

(~~1618~~) **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.

(~~1719~~) **~~Marijuana-Cannabis~~ or other drugs.**

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

(~~1920~~) 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~~21) **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~~22) **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~~23) **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~~24) **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 (~~1318~~) of this section.

(~~2325~~) **Sexual harassment.** Unwelcome sexual- or gender-based conduct, including unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct

of a sexual- or gender-based nature that is sufficiently severe, persistent or pervasive as to:

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

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

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

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

~~(2426)~~ **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.

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

(~~2527~~) **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.

(2628) Technological abuse. An act or pattern of behavior that occurs within domestic violence, sexual assault, dating violence, or stalking and is intended to harm, threaten, intimidate, control, stalk, harass, impersonate, exploit, extort, or monitor, except as otherwise permitted by law, another person, that occurs using any form of technology, including but not limited to: internet-enabled devices, online spaces and platforms, computers, mobile devices, cameras and imaging programs, apps, location tracking devices, or communication technologies, or any other emerging technologies.

(29) 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~~30) 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~~31) 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~~32) 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~~33) 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 21-01-008, § 132H-126-100, filed 12/2/20, effective 1/2/21; 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--111 Hazing Prohibited, Sanctions

~~(e)~~ (1) Hazing by a student or a student group is prohibited pursuant to WAC 132H-126-100(17)

(2) No student may conspire to engage in hazing or participate in hazing of another. State law provides that hazing is a criminal offense, punishable as a misdemeanor.

(3) Washington state law provides that:

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(a) Any student group that knowingly permits hazing is strictly liable for harm caused to persons or property resulting from hazing. If the organization, association, or student living group is a corporation whether for profit or nonprofit, the individual directors of the corporation may be held individually liable for damages.

(b) Any person who participates in the hazing of another shall forfeit any entitlement to state-funded grants, scholarships, or awards for a period of time determined by the college.

(c) Student groups that knowingly permit hazing to be conducted by its members or by others subject to its direction or control shall be deprived of any official recognition or approval granted by the college.

(d) Student groups found responsible for violating the code of student conduct, college anti-hazing policies, or state or federal laws relating to hazing or offenses related to alcohol, drugs, sexual assault, or physical assault will be disclosed in a public report issued by the college setting forth the name of the student group, the date the investigation began, the date

the investigation ended, a finding of responsibility, a description of the incident(s) giving rise to the finding, and the details of the sanction(s) imposed.

WAC 132H-126-120 Initiation of disciplinary action. +

1) Any member of the college community may file a complaint against a student or student group 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) **Hazing by Student Groups.** A student conduct officer, or designee, may review and investigate any complaint or allegation

of hazing by a student group. A student group will be notified through its named officer(s) and address on file with the College. A student group may designate one representative who may speak on behalf of a student group during any investigation and/or disciplinary proceeding. A student group will have the rights of a respondent as set forth below.

(~~ed~~) 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.

(~~ee~~) 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 and WAC 132H-126-111.

(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 21-01-008, § 132H-126-120, filed 12/2/20, effective 1/2/21; 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 or, for a student group, suspensions in excess of two academic quarters;

(b) Dismissals or, for a student group, deprivation of recognition or approval granted by the college; 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) Sanctions against a student group, other than those set forth in (7)(a) and (b) above;

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

~~(h)~~ 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.

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(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 21-01-008, § 132H-126-130, filed 12/2/20, effective 1/2/21; 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 21-01-008, § 132H-126-140, filed 12/2/20, effective 1/2/21; 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 21-01-008, § 132H-126-160, filed 12/2/20, effective 1/2/21; 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 21-01-008, § 132H-126-170, filed 12/2/20, effective 1/2/21; 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 21-01-008, § 132H-126-200, filed 12/2/20, effective 1/2/21; 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 21-01-008, § 132H-126-210, filed 12/2/20, effective 1/2/21; 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 21-01-008, § 132H-126-300, filed 12/2/20, effective 1/2/21; 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 21-01-008, § 132H-126-310, filed 12/2/20, effective 1/2/21; 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 21-01-008, § 132H-126-320, filed 12/2/20, effective 1/2/21; 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 21-01-008, § 132H-126-330, filed 12/2/20, effective 1/2/21; 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 21-01-008, §

132H-126-340, filed 12/2/20, effective 1/2/21; 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. Part 106. To the extent these supplemental hearing procedures conflict with the college's standard disciplinary procedures, WAC 132H-126-100 through 132H-126-340, these supplemental procedures shall take precedence. Bellevue College may, at its discretion, contract with an administrative law judge or other person to act as presiding officer and assign such presiding officer to exercise any or all of the duties in lieu of the student conduct committee and committee chair.

[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 21-01-008, § 132H-126-400, filed 12/2/20, effective 1/2/21.]

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

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

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

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

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

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

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

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

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

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

(4) **Domestic violence.** ~~Physical violence, bodily injury, assault, the infliction of fear of imminent physical harm, sexual assault, or stalking committed by a person with whom~~ Use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person:

(a) who is a current or former spouse or intimate partner of the victim, or a person similarly situated to a spouse of the victim under the domestic or family violence laws of the state of Washington;

(b) who is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;

(c) who ~~the victim~~ shares a child in common with the victim; ~~, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person~~

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~~similarly situated to a spouse of the victim under the domestic or family violence laws of the state of Washington, or~~

~~(d) who by any other person commits acts~~ 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.

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

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

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

(i) The length of the relationship;

(ii) The type of relationship; and

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

(6) **Economic abuse. In the context of domestic violence**

dating violence, economic abuse includes behavior that is coercive, deceptive, or unreasonably controls or restrains a person's ability to acquire, use, or maintain economic resources to which they are entitled, including using coercion, fraud, or manipulation to:

(a) restrict a person's access to money, assets, credit, or financial information;

(b) unfairly use a person's personal economic resources, including money, assets, and credit, for one's own advantage; or

(c) exert undue influence over a person's financial and economic behavior or decisions, including forcing default on joint or other financial obligations, exploiting powers of attorney, guardianship, or conservatorship, or failing or neglecting to act in the best interests of a person to whom one has a fiduciary duty.

(7) **Technological abuse.** An act or pattern of behavior that occurs within domestic violence, sexual assault, dating violence, or stalking and is intended to harm, threaten, intimidate, control, stalk, harass, impersonate, exploit,

extort, or monitor, except as otherwise permitted by law, another person, that occurs using any form of technology, including but not limited to: internet-enabled devices, online spaces and platforms, computers, mobile devices, cameras and imaging programs, apps, location tracking devices, or communication technologies, or any other emerging technologies.

(8) 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.

[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 21-01-008, § 132H-126-410, filed 12/2/20, effective 1/2/21.]

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

(a) Occurred in the United States;

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

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

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

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

(4) If the student conduct officer determines the facts in the investigation report are not sufficient to support Title IX jurisdiction and/or pursuit of a Title IX violation, the student

conduct officer will issue a notice of dismissal in whole or part to both parties explaining why some or all of the Title IX claims have been dismissed.

[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 21-01-008, § 132H-126-420, filed 12/2/20, effective 1/2/21.]

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.

[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 21-01-008, § 132H-126-430, filed 12/2/20, effective 1/2/21.]

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

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

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

[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 21-01-008, § 132H-126-440, filed 12/2/20, effective 1/2/21.]

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

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

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

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

[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 21-01-008, § 132H-126-450, filed 12/2/20, effective 1/2/21.]

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

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

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

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

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

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

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

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

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

(a) Spousal/domestic partner privilege;

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

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

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

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

(f) Other legal privileges identified in RCW 5.60.060.

[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 21-01-008, § 132H-126-460, filed 12/2/20, effective 1/2/21.]

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

(a) Identifies the allegations of sexual harassment;

(b) Describes the grievance and disciplinary procedures, starting with filing of the formal complaint through the determination of responsibility, including notices to parties, interviews with witnesses and parties, site visits, methods used to gather evidence, and hearings held;

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

(d) Reaches conclusions as to whether the facts establish whether the respondent is responsible for engaging in sexual harassment in violation of Title IX;

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

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

(g) Describes to what extent, if any, complainant is entitled to remedies designed to restore or preserve complainant's equal access to the college's education programs or activities; and

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

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

[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 21-01-008, § 132H-126-470, filed 12/2/20, effective 1/2/21.]

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

(2) The president or their delegate will determine whether the grounds for appeal have merit, provide the rationale for

this conclusion, and state whether the disciplinary sanction and condition(s) imposed in the initial order are affirmed, vacated, or amended, and, if amended, set forth any new disciplinary sanction and/or condition(s).

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

[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 21-01-008, § 132H-126-480, filed 12/2/20, effective 1/2/21.]



REGULAR MEETING AGENDA ITEM

STUDENT SUCCESS REPORT

INFORMATION

FIRST READ

ACTION

Description

This presentation provides a summary of the process and results of revising Bellevue College' Achieving the Dream/Guided Pathways student success strategies.

Key Questions

1. What are the ATD Cohort-based metrics that are being monitored, and what race/ethnicity equity gaps exist?
2. What are the current successes and challenges with the First Year Seminar as a strategy employed by the ATD/Guided Pathways team?

Analysis

Bellevue College's Achieving the Dream/Guided Pathways Student Success goals are to increase and close equity gaps for fall-to-fall retention and three-year completion rates. The ATD Data Team has defined students in the ATD cohort to monitor the impact of ATD initiatives and strategies for students who declare an intent to earn a pre-baccalaureate degree or certificate. ATD cohort-based metrics will be presented along with a discussion of one of the current strategies we have implemented- The First Year Seminar.

Background/Supplemental Information

PDF: Data slides from Office of Effectiveness and Research

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BELLEVUE
COLLEGE

Student Success Update

December 2022 Board of Trustees Meeting

Current Credit Enrollment Fall 2022

11,667
Credit Students

(-7.9% from Fall 2021)

8,839
Credit FTE

(-7.2% from Fall 2021
-2.3% from Projected Fall 2022)

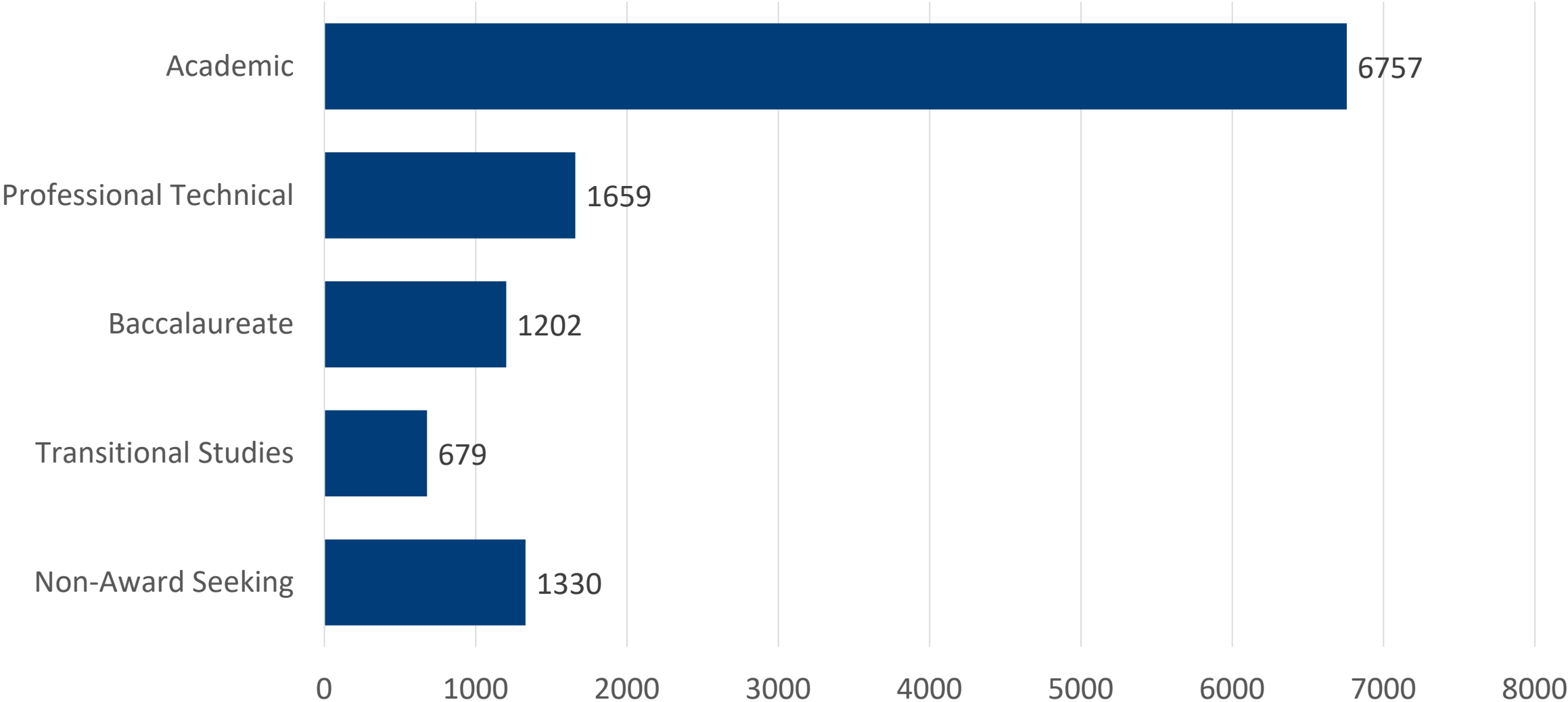
132,590
Credits

(-7.2% from Fall 2021)

11.36
Avg. Credits / Student

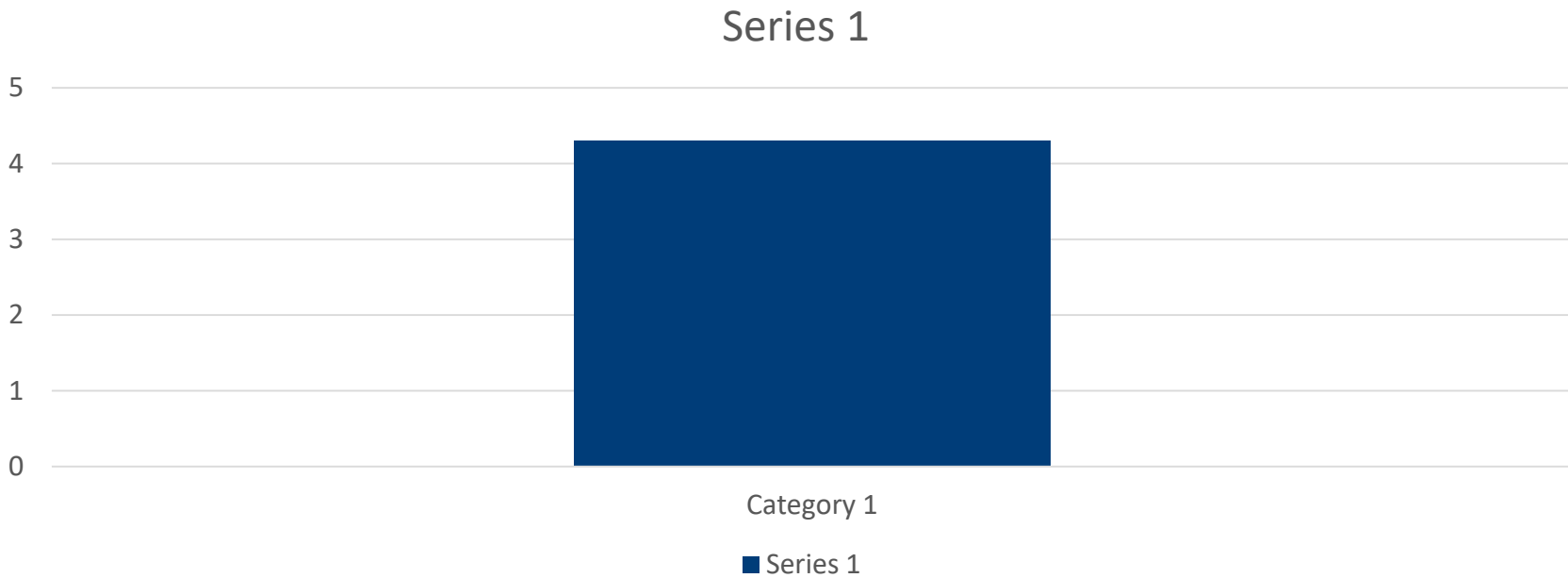
(+0.7% from Fall 2021)

Academic Programs of Fall 2022 Students



Class Completion for Non-Award-Seeking Students Summer 2022 – Over 75% Earned a B or Better

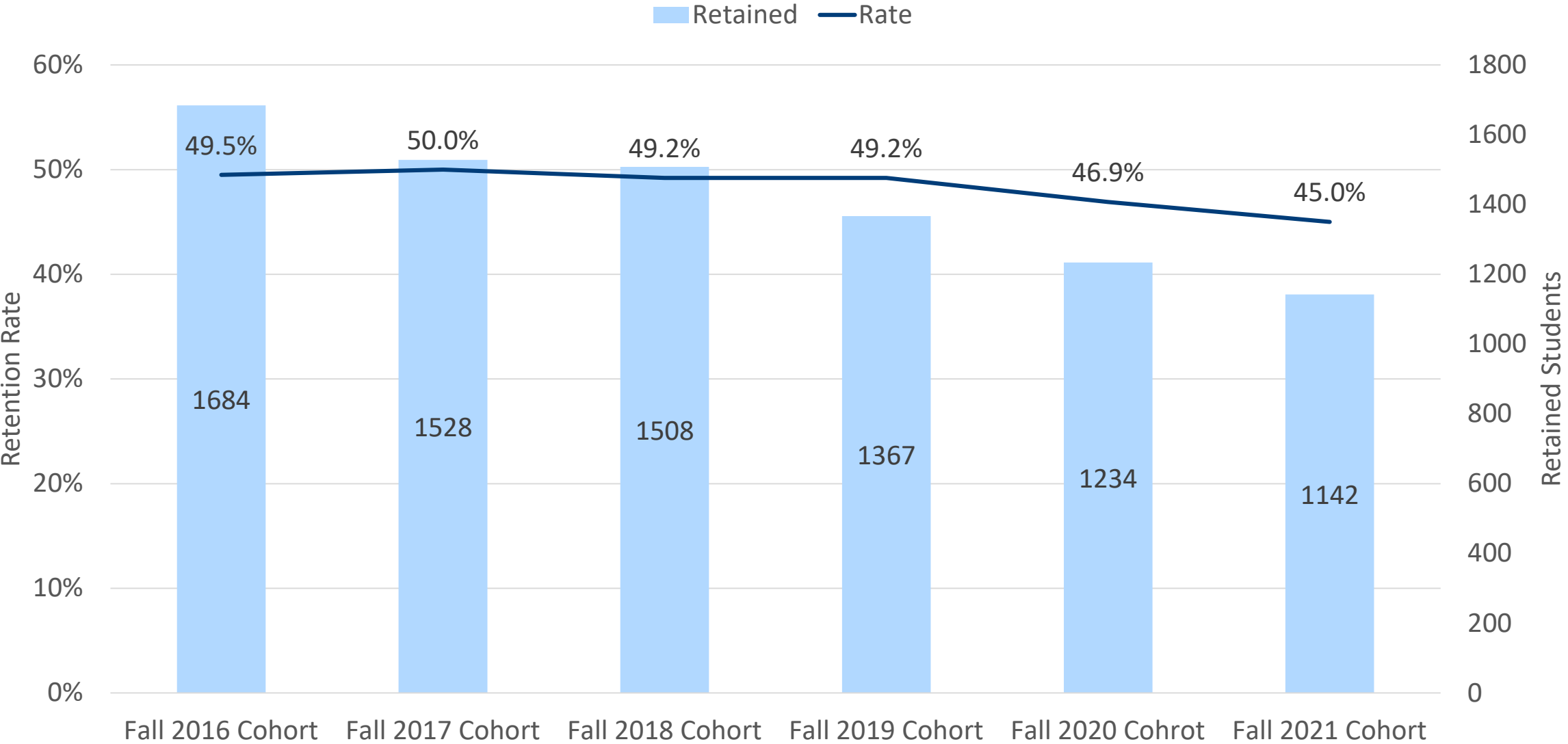
What Percent of students achieved their educational goal.



ATD Cohort-Based Metrics

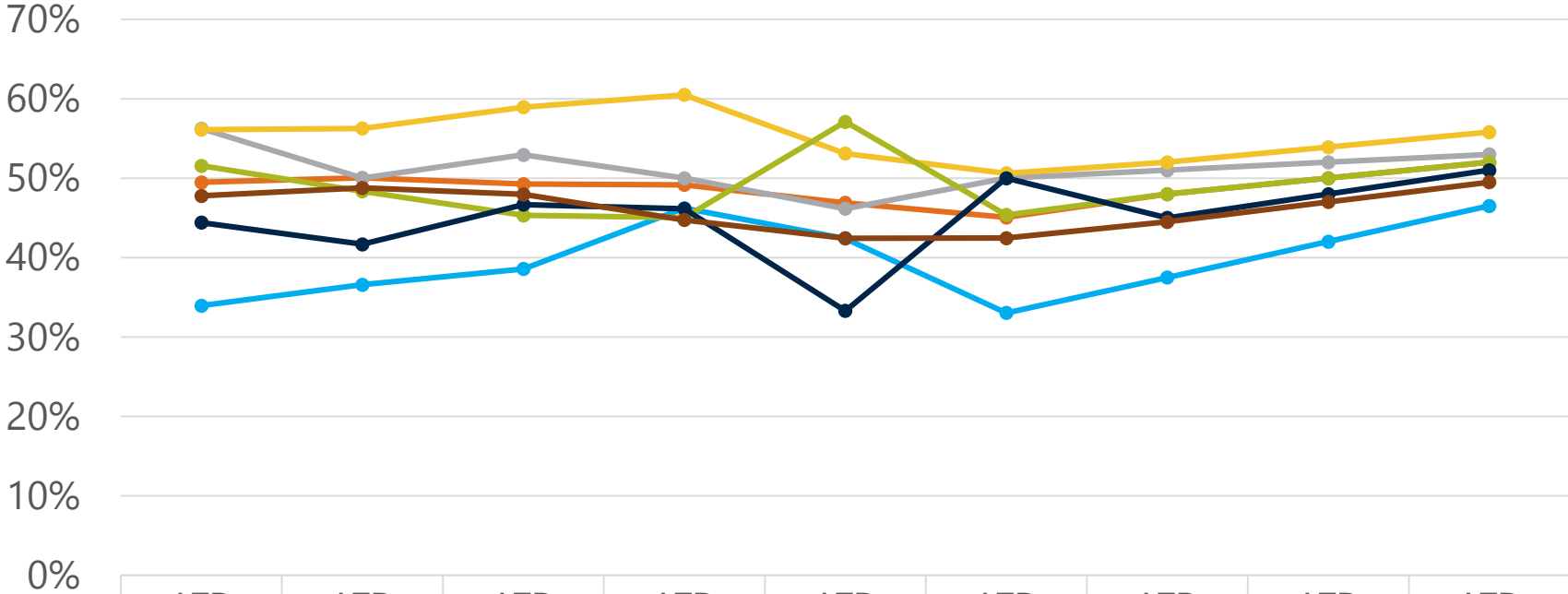
**Fall-Entering Students Pursuing an
Associate Degree or Certificate**

Fall to Fall Retention – ATD Cohorts



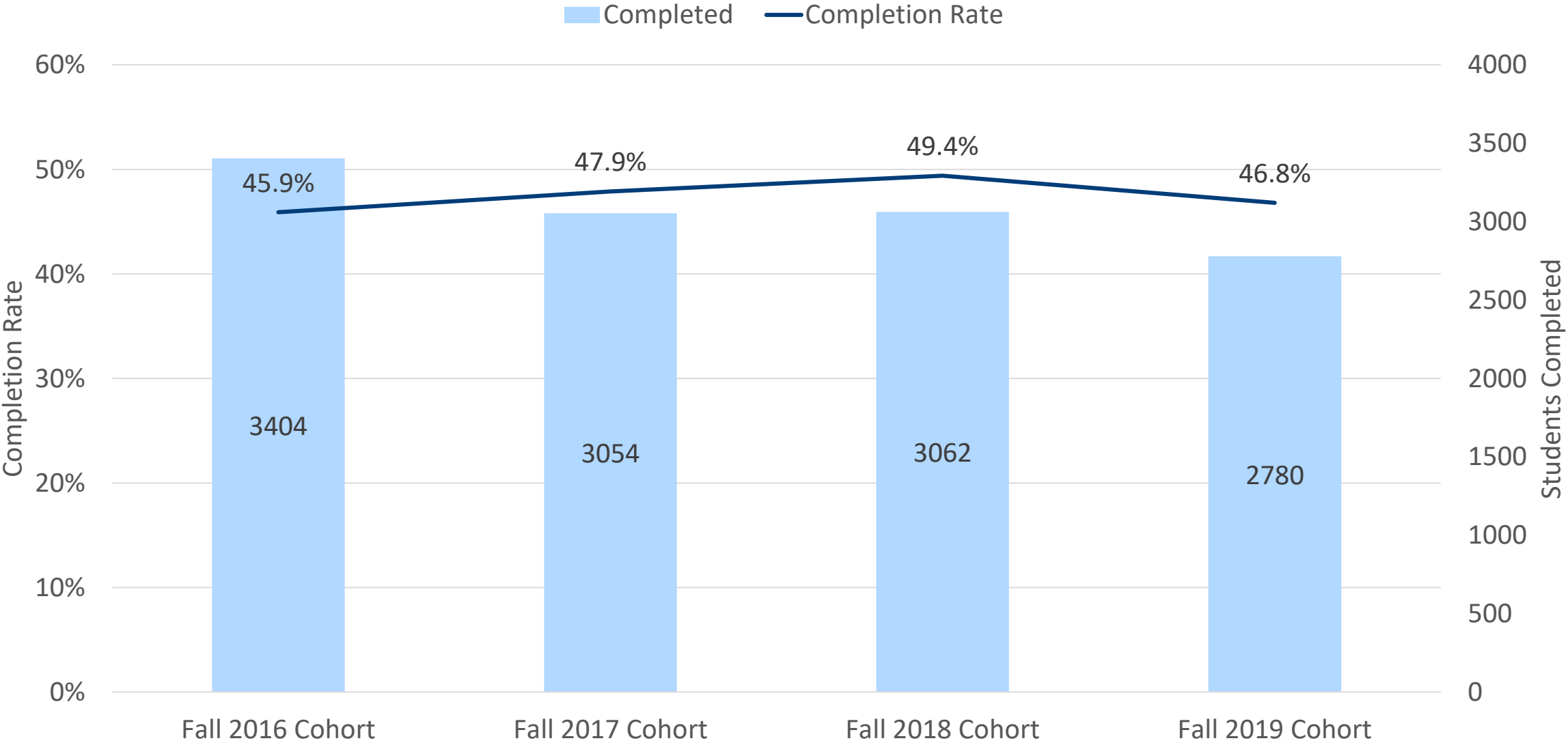
ATD Fall to Fall Retention – Disaggregated

**Note that the American Indian or Alaska Native and Native Hawaiian or other Pacific Islander subpopulations have around 10 or fewer students, resulting*



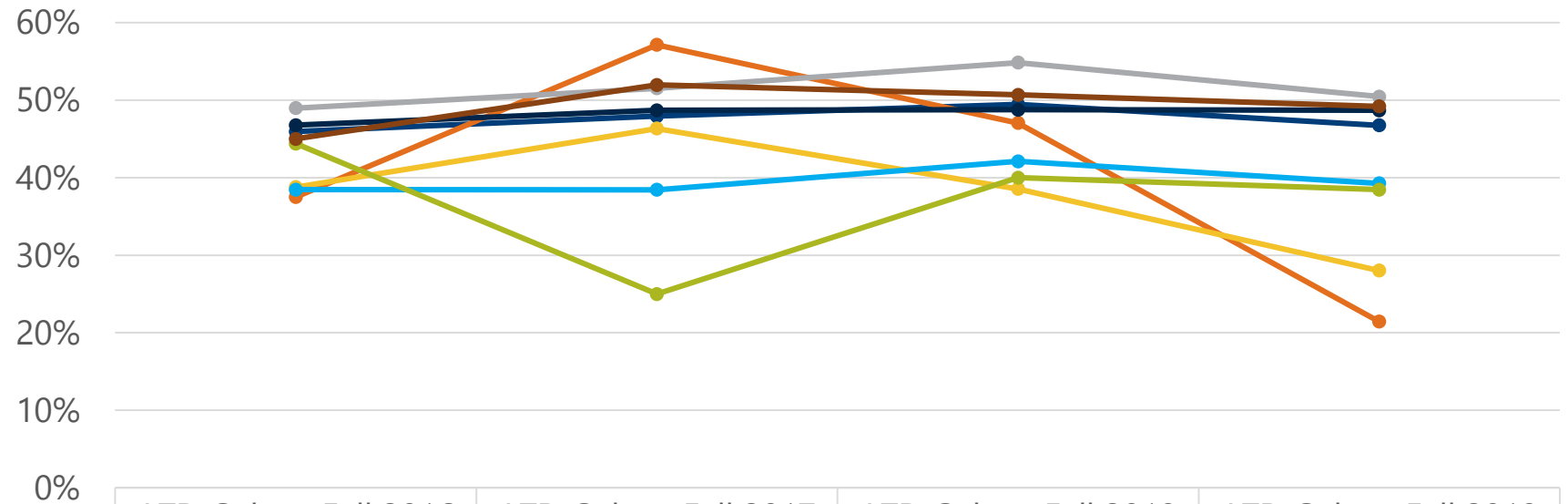
	ATD Cohort Fall 2016	ATD Cohort Fall 2017	ATD Cohort Fall 2018	ATD Cohort Fall 2019	ATD Cohort Fall 2020	ATD Cohort Fall 2021	ATD Cohort Fall 2022	ATD Cohort Fall 2023	ATD Cohort Fall 2024
Overall	49.5%	50.0%	49.2%	49.2%	46.9%	45.0%	48.0%	50.0%	52.0%
American Indian or Alaska Native*	56.3%	50.0%	52.9%	50.0%	46.2%	50.0%	51.0%	52.0%	53.0%
Asian	56.1%	56.3%	58.9%	60.5%	53.1%	50.6%	52.0%	53.9%	55.8%
Black or African American	33.9%	36.6%	38.6%	46.2%	42.4%	33.0%	37.5%	42.0%	46.5%
Hispanic/ Latinx	51.6%	48.3%	45.3%	45.0%	57.1%	45.4%	48.0%	50.0%	52.0%
Native Hawaiian or other Pacific Islander*	44.4%	41.7%	46.7%	46.2%	33.3%	50.0%	45.0%	48.0%	51.0%
White	47.8%	48.8%	48.0%	44.7%	42.4%	42.5%	44.5%	47.0%	49.5%

3-Year Completion – ATD Cohorts



ATD 3-Year Completion - Disaggregated

ATD Cohorts: 3 Year Completion



Note that the American Indian or Alaska Native and Native Hawaiian or other Pacific Islander subpopulations have around 10 or fewer students, resulting in wider variance.

	ATD Cohort Fall 2016	ATD Cohort Fall 2017	ATD Cohort Fall 2018	ATD Cohort Fall 2019
Overall	45.9%	47.9%	49.4%	46.8%
American Indian or Alaska Native	37.5%	57.1%	47.1%	21.4%
Asian	49.0%	51.5%	54.9%	50.5%
Black or African American	38.8%	46.3%	38.6%	28.0%
Hispanic/ Latinx	38.5%	38.4%	42.1%	39.3%
Native Hawaiian or other Pacific Islander	44.4%	25.0%	40.0%	38.5%
White	46.8%	48.7%	48.8%	48.7%
Two or more races	45.0%	52.0%	50.7%	49.2%

ATD Cohort-Based Metrics – Change from Prior Year

**Note that the American Indian or Alaska Native and Native Hawaiian or other Pacific Islander subpopulations have around 10 or fewer students, resulting in wider variance.*

	<u>Fall 2021 Cohort</u> <u>Fall to Fall Retention</u>	<u>Fall 2019 Cohort</u> <u>3-Year Completion</u>
Overall Cohort	45.0% (-1.9%)	46.8% (-2.6%)
American Indian or Alaska Native*	50.0% (+3.8%)	21.4% (-25.7%)
Asian	50.6% (-2.5%)	50.5% (-4.4%)
Black or African American	33.0% (-9.4%)	28.0% (-10.6%)
Hispanic/ Latinx	45.4% (-12.7%)	39.3% (-2.8%)
Native Hawaiian or other Pacific Islander*	50.0% (+16.7%)	38.5% (-1.5%)
White	42.5% (+0.1%)	48.7% (-0.1%)
Two or more races	44.7% (+1.5%)	49.2% (-1.5%)
Undisclosed	47.0% (+0.4%)	47.7% (-4.8%)

The Fall 2022 ATD Cohort – 1,983 Students

Fall 2022 Cohort by Race/Ethnicity

