

EvCC6060: DEFINITIONS POLICY

Original Date: December 2017

Policy Contact: President

For the purposes of this conduct code, the following definitions apply.

- (1) **“Advisor”** is a person selected by a complainant for a respondent to provide support and guidance in hearings under this conduct code.
- (2) **“Allegation of misconduct”** is any report of an alleged violation of this conduct code, which may include, but is not limited to, a police report, an incident report, a witness statement, other documentation, or a verbal report or written statement from a complainant or a third party.
- (3) **“Attorney”** is a person permitted to practice law in the state of Washington.
- (4) **“Business day”** means a weekday, including during the summer, and excludes weekends and college holidays, and/or college closures.
- (5) **“College community”** includes all college students and employees. It also includes guests of and visitors to the college during the time they are present on college premises.
- (6) **“College official”** is an employee of the college performing their assigned administrative, professional, or paraprofessional duties.
- (7) **“College premises”** includes all campuses and electronic presences of the college, wherever located, and includes all land, buildings, facilities, vehicles, equipment, computer systems, web sites, and other property owned, used, or controlled by the college.
- (8) **“Complaint”** is a description of facts that allege violation of the conduct code.
- (9) **“Complainant”** is any person who is the alleged victim of prohibited conduct, whether or not such person has made an actual complaint.
- (10) **“Conduct Officer”** or **“Student Conduct Officer”** is the college official designated by the college to be responsible for initiating disciplinary action for alleged violations of this code.

(11) **“Disciplinary action”** means the decision of the designated college official regarding alleged violations of the student code of conduct and includes any disciplinary sanction imposed for such violations. Disciplinary action does not include summary suspension.

(12) **“FERPA”** refers to the Family Educational Rights and Privacy Act (20 U.S.C. Sec. 1232g) and its implementing regulations (34 C.F.R. Part 99).

(13) “Filing and Services.”

(a) **“Filing”** means the delivery to the designated college official of any document that is required to be filed under this code. A document is filed by hand delivering it or mailing it to the college official (or the official’s assistant) at the official’s office address. Filing is completed upon actual receipt during office hours at the office of the designated official.

(b) **“Service”** means the delivery to a party of any document that is required to be served under this code. A document is served by hand delivering it to the party or by mailing it to the party’s address of record. Service is complete when the document is hand delivered or actually deposited in the mail.

(c) **“Electronic filing and services.”** Unless otherwise provided, filing or services may be accomplished by electronic mail.

(14) **“Hostile environment”** may occur when another’s unwelcome conduct of a sexual nature is sufficiently serious such that it substantially limits or denies one’s ability to participate in or benefit from educational programs, activities, or employment.

(15) **“Investigation”** is the process through which the college collects information and otherwise reviews the complaint. As it pertains to reports of sexual misconduct under Title IX, this process includes equal opportunity for all complainants, respondents, and witnesses to participate in the Title IX proceedings, including the opportunity to provide information and/or evidence on their own behalf.

(16) **“Party”** to a disciplinary proceeding under this code includes the student conduct officer and the student respondent, as well as any complainant in a proceeding involving allegations of sexual misconduct.

(17) **“Policy violation”** means the violation of any applicable law or college policy governing the conduct of students as members of the college community.

(18) **“Preponderance of evidence”** is a standard of proof requiring that facts alleged as constituting a violation of this code must be proved on a more likely than not basis.

- (19) **“Proceedings”** means all processes related to the investigation and adjudication of a disciplinary matter under this conduct code including, but not limited to, investigations, informal and formal hearings, administrative review, and requests for reconsideration of a final order.
- (20) **“Resolution”** is the means by which the complaint is finally addressed. This may be accomplished by using methods which may include counseling, supporting, disciplinary action, or otherwise facilitating the resolution of the complaint. No Title IX complainant will be required to have face-to-face interactions with the respondent in any resolution proceedings.
- (21) **“Respondent”** is any student accused of misconduct under this conduct code.
- (22) **“Service.”** See “Filing and service.”
- (23) **“Student”** is 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. The term includes prospective students who have been accepted for admission or registration, currently enrolled students who withdraw before the end of a term, and students, including former students, who engage in prohibited conduct between terms of actual enrollment or before awarding of a degree or certificate of completion.
- (24) **“Student organization”** is a group of students that has complied with the requirements for college recognition or who otherwise are granted any rights or privileges by the college as a college affiliate. Student organizations include, but are not limited to, athletic teams or clubs, registered student organizations, and college service clubs.
- (25) **“Title IX coordinator”** is the college official designated by the college to be responsible for initiating disciplinary action for allegations of sexual misconduct and discrimination.

RELEVANT LAWS AND OTHER RELATED INFORMATION

[RCW 28B.50.140](#)

[WAC 132E-122-060](#)

REVISION HISTORY

Original Date: December 2017

APPROVED BY

Board of Trustees