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Everett Community College

Student Rights and Responsibilities



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WAC 132E-122-010 - Authority

1. The Everett Community College (referred to as the “College” or “EvCC”) Board of Trustees, acting pursuant to RCW 28B.50.140 (14), delegates to the president of the college the authority to administer disciplinary action. The president is authorized to delegate or reassign any and all duties and responsibilities as set forth in this chapter as may be reasonably necessary. Administration of the disciplinary procedures is the responsibility of the chief student affairs officer or their designee(s). Except in cases involving protected class discrimination, the conduct officer, or delegate, shall serve as the principal investigator and/or administrator for alleged violations of this code.
2. The Director of Equal Opportunity and Title IX Programs, also known as the Title IX Coordinator, shall serve as the principal investigator and/or administrator for alleged violations of this code as they pertain to protected class discrimination, including sex-based harassment. The Director of Equal Opportunity and Title IX Programs:
 - a. Will accept all complaints of protected class discrimination.
 - b. May conduct investigations or assign investigators.
 - c. May impose interim remedial measures to protect parties during investigation proceedings.
 - d. Will make findings of fact on completed protected class discrimination investigations.
 - e. Will identify and address any patterns of system problems revealed by reports and/or complaints of protected class discrimination.

WAC 132E-122-020 - Statement of Jurisdiction

1. The student conduct code shall apply to conduct of students and student organizations that occurs:
 - a. On college owned and/or operated premises;
 - b. At or in connection with college sponsored activities; or
 - c. Off-campus or in a non-college electronic environment when such conduct is deemed to threaten the safety or security or otherwise adversely impacts the college community.
2. Jurisdiction extends to, but is not limited to, locations in which students are engaged in official college activities including, but not limited to, residence halls, international or domestic travel, activities funded by the associated students, student government, student clubs or organizations, athletic events, trainings, internships, cooperative and distance education, online education, practicums, supervised work experiences, or any other college-sanctioned instructional, social, or club activities.
3. Students are responsible for their conduct from the time they gain admission to the college through the last day of enrollment or award of any degree or certificate, 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 enrollment.

4. These standards shall apply to a student's conduct even if the student withdraws from the college while a disciplinary matter is pending.
5. 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.
6. In addition to initiating disciplinary 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 reserves the right to pursue student disciplinary proceedings regardless of whether the underlying conduct is subject to civil or criminal prosecution.

WAC 132E-122-030 - Preamble

Everett Community College is a public institution responsible for providing instruction in higher education, for advancing knowledge through scholarship and research, and for providing related services to the community. As a center of learning, the college also has the obligation to maintain conditions conducive to the freedom of inquiry and expression to the maximum degree compatible with the orderly conduct of its functions. For these purposes, the college is governed by rules, regulations, policies, procedures, and standards of conduct, including this conduct code, that safeguard its functions and protect the rights and freedoms of all members of the college community.

WAC 132E-122-040 - Civility Statement

1. Background.

- a. As members of the EvCC community, we acknowledge our collective intention to create and maintain an environment in which everyone can flourish. This statement on civility and community serves as a reflection of the shared values that inform our daily interactions as a college. It provides a structure for responding to others with respect and without judgment and at the same time gives us all a context for teaching and learning. Students, faculty, administrators, and staff members may differ widely in their specific interests, in the degrees and kinds of experiences they bring to EvCC, and in the functions which they have agreed to perform. The statement is relevant to all EvCC community members, regardless of their professional functions or the setting in which they work, teach, or learn.
- b. The statement on civility and community is not a set of rules that prescribe how we should act in all situations. Conflict and differences of opinion exist within all communities, and values find expression in individual ways. The statement provides community members with a tool to address these differences with respect while informing and enhancing dialogue.
- c. This statement on civility and community is not intended to limit freedom of speech, intellectual or academic freedom.

- d. We honor the right of expression as a hallmark of learning, and we treasure intellectual freedom even when individual or group points of view are controversial or out of favor with prevailing perspectives. Individuals should not feel intimidated, nor be subject to reprisal for voicing their concerns or for participating in governance of policy making.

2. Values

- a.
 - i. Respect, civility, integrity, honesty.
 - ii. Respect, civility, integrity, and honesty are not just words; they are intentions that must be present in our interactions with one another. Each member of the EvCC community must feel free and safe to exercise the rights accorded them to voice their opinions in a civil way, as well as to respectfully challenge the uncivil acts of others.
- b.
 - i. Accountability.
 - ii. We value our accountability to one another within our civic, communal, and environmental context. Each member of the community shall respect the fundamental rights of others, the rights and obligations of Everett Community College as an institution established by the state of Washington, and individual rights to fair and equitable procedures when the institution acts to protect the safety of its members.
- c. Inclusion. We value diversity in all its forms by engaging in inclusive assessment of, and action in, our workforce selection, in our policies and practices, in our curricular offerings, and in the scope of our services and programs. We actively seek and serve a diverse population of students. As a community, we are made richer by the variety of experiences and influences that individuals and groups contribute to our institution.

3. Collaboration.

We value the struggle to find and create meaningful human connection in our communication by embracing collaboration, respectful disagreement, free and open exchange of diverse ideas, perspectives, opinions, and attitudes, and the resolving of difference through due process and a shared commitment to collaboration.

WAC 132E-122-050 - Nondiscrimination Statement

Discrimination based on a protected class in Everett Community College programs, activities, admissions, or hiring is strictly prohibited.

1. Everett Community College does not discriminate based on, but not limited to, race, color, national origin, citizenship, ethnicity, language, culture, age, sex, gender identity or expression, sexual orientation, pregnancy or parental status, marital status, actual perceived disability, use of service animal, or genetic information in its programs, activities, or employment.
2. Any student, employee, applicant, or visitor who believes that they have been the subject of protected class discrimination should report the incident(s) to the Director of Equal Opportunity and Title IX Programs, also known as the Title IX Coordinator, identified below. If the complaint is against the Title IX Coordinator, the incident(s) should be reported to the Vice President of Human Resources and Compliance.

Title IX Coordinator
 425-388-9271
TitleIXcoordinator@everettcc.edu
 Olympus Hall Room 111
 2000 Tower Street
 Everett, WA 98201

Vice President of Human Resources and Compliance
 425-388-9232 Olympus Hall Room 116
 2000 Tower Street
 Everett, WA 98201

WAC 132E-122-060 - Definitions

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

1. **“Advisor”** is a person selected by a complainant or a respondent to provide support and guidance in meetings, interviews, or 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. **“Day (s)”** means business day (s) when the college is under regular operations, excluding weekends, holidays, and campus 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”** shall include all campuses of the college, wherever located, and includes all land, buildings, facilities, vehicles, equipment, and other property owned, used, or controlled by the college.
8. **“Complaint”** is a description of facts that allege violation(s) 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. This includes students, employees, or other members of the college community who were participating or attempting to participate in college programs and activities at the time of the alleged violation, and who are directly affected by a claimed violation of this student conduct code. The complainant may be the reporting party, but not necessarily; witnesses or other third parties may file complaints alleging a violation of the student conduct code. In any case involving a report of protected class discrimination, a complainant is afforded certain rights as specified in 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 or dismissal of their complaint
 - c. The right to be accompanied by an advisor, who may be an attorney retained at the complainant’s cost.
10. **“Conduct Review Officer”** is a college administrator designated by the president and is responsible for reviewing or referring appeals of student disciplinary actions as specified in this code.
11. **“Disciplinary action”** is the process by which the student conduct officer imposes discipline against a student for a violation of the student conduct code and includes any disciplinary sanction imposed for such violations. Disciplinary action does not include summary suspension. A written or verbal warning is not disciplinary action.
12. **“Disciplinary appeal”** is the process by which an aggrieved party can appeal the discipline imposed or recommended by the student conduct officer. Disciplinary appeals from a suspension in excess of 10 instructional days or a dismissal from the college are heard by the student conduct committee. Appeals of all other disciplinary action shall be reviewed by a conduct review officer through brief adjudicative proceedings.
13. **“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).

14. **“Grievance Committee”** is a group of college employees appointed by the president and current students appointed by the student government who shall be trained to hear and serve as decision makers in the proceedings listed below. The members of specific committees shall be drawn from this larger Grievance Committee. Members of the Grievance Committee may be called to serve on any committee discussed in this code and may sit on hearings for the following issues:
 - a. Student affairs grievance
 - b. academic grievance
 - c. student conduct
 - d. protected class nondiscrimination

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 protected class discrimination.

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. **“Pregnancy or Related Conditions”** means: (a) pregnancy, childbirth, termination of pregnancy, or lactation; (b) medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or (c) recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

19. **“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.

20. **“President”** is the President of the college. The President is authorized to: (a) delegate any of their responsibilities as set forth in this chapter as may be reasonably necessary; and (b) reassign any and all duties and responsibilities as set forth in this chapter as may be reasonably necessary.

21. **“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.

22. **“Program” or “Programs and Activities”** means all operations of the College.

23. **“Relevant”** means related to the allegations of discrimination under investigation. Questions are relevant when they seek evidence that may aid in showing whether the alleged discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged discrimination occurred.
24. **“Remedies”** means measures provided to a complainant or other person whose equal access to the college’s educational programs and activities has been limited or denied by sex discrimination. These measures are intended to restore or preserve that person’s access to educational programs and activities after a determination that sex discrimination has occurred.
25. **“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.
26. **“Respondent”** is any student accused of misconduct under this conduct code.
27. **“Respondent”** is any student who is alleged to have violated the student conduct code. Respondents in cases involving protected class discrimination are 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; and
 - b. The right to be accompanied by an advisor, who may be an attorney retained at respondent’s cost.
28. **“Service”** means the process by which a document is officially delivered to a Party by electronic transmission to a student or employee college issued email account. If a Party does not have a college issued email account, the College will use the last known personal email account or physical mailing address on record with or provided to the College. Service is deemed complete upon the date that the document is emailed.
29. **“Spokesperson”** is a person who would, on the behalf of a student approved for this accommodation, address or assist in addressing college officials.
30. **“Student”** is any person 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, as well as current and former students who engage in prohibited conduct between terms of actual enrollment or before awarding of a degree or certificate of completion. Persons who withdraw after allegedly violating the code, who are not officially enrolled for a particular term but who have a continuing relationship with the college, or who have been notified of their acceptance for admission are considered a “student” for purposes of this chapter.
31. **“Student Conduct Officer”** is a college administrator designated by the president to be responsible for implementing and enforcing this code.

32. **“Student employee”** means an individual who is both a student and an employee of the college. When a complainant or respondent is a student employee, the college must make a fact-specific inquiry to determine whether the individual’s primary relationship with the college is to receive an education; and whether any alleged student conduct code violation, including but not limited to sex-based harassment, occurred while the individual was performing employment-related work.
33. **“Student group or 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, student clubs, and registered student organizations.
34. **“Supportive measures”** means reasonably available, individualized and appropriate, non-punitive and non-disciplinary measures offered by the college to the complainant or respondent without unreasonably burdening either party, and without fee or charge for purposes of:
 - a. Restoring or preserving a party’s access to the college’s educational program or activity, including measures that are designed to protect the safety of the parties or the college’s educational environment; or providing support during the college’s grievance and disciplinary procedures, or during any informal resolution process.
 - b. For complaints of sex-based harassment specifically, supportive measures may include, but are not limited to: counseling; extensions of deadlines and other course-related adjustments; campus escort services; increased security and monitoring of certain areas of campus; restriction on contact applied to one or more parties; a leave of absence; change in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; and training and education programs related to sex-based harassment.
35. **“Title IX Coordinator”** means the director of equal opportunity and Title IX programs who is responsible for processing Title IX and protected class complaints and who oversees the resolution processes under the protected class nondiscrimination grievance procedure.

WAC 132E-122-080 - Academic Affairs

Students’ scholastic performance shall be evaluated on the basis of educational performance, not on opinions or conduct in matters unrelated to scholastic standards.

1. Protection of freedom of expression. Students shall be free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion, but they are responsible for learning the content of any course for which they are enrolled.
2. Right to pursue educational goals. Students are free to pursue appropriate educational goals from among the college’s curricula, programs, and services, subject to the limitations of RCW 18B.50.090 (3)(b).

3. Protection against improper academic evaluation. Students shall have protection, through orderly procedures, against prejudice or capricious academic evaluation. At the same time, they are responsible for maintaining the standards of academic performance established for the course in which they are enrolled (see academic grievance procedure in student hand book, WAC 132E- 122090).
4. Rights and responsibilities regarding final examinations. Students have the right to have course comprehensive final examinations scheduled per the college's final exam schedule and are expected to take these examinations as scheduled by the final exam schedule. A comprehensive final examination is that which includes materials covered throughout the entire course. The exception to this rule applies during summer quarter when there is not a scheduled final examination week.
5. Right to attend classes as regularly scheduled. Students have the right to expect classes to be held as regularly scheduled and are expected to attend such classes per the class instructor's attendance expectations as stated in the syllabus for the course.
6. Rights and responsibilities regarding course syllabi. Students have the right to expect the class instructor to follow their course syllabus and if any changes are made to the grading system and/or course requirements during the quarter, the students must be notified. If a different instructor is assigned to the class during the quarter, the original course syllabus shall be followed; however, if the new instructor determines a need to modify the syllabus for the portion of the class they are teaching, the students must be promptly notified. The students are responsible for reading and understanding the information provided in the course syllabus and any changes made to it during the quarter.
7. Protection against improper disclosure. Information about student views, beliefs, and political associations acquired by faculty members in the course of their work as instructors, advisors, and counselors will be considered as privileged and confidential.

WAC 132E-122-090 - Academic Affairs Grievance Procedures

1. Definition of an academic grievance. If a student has evidence that they have been: Unfairly treated in matters related to grading, course policies or expectations; falsely accused of cheating; or inappropriately penalized for alleged cheating; they may be said to have an academic grievance. Students who feel that such unfair treatment has transpired should feel free to raise the question of how such a grievance may be resolved with the office of the chief academic affairs officer or designee which will provide information (without judgment) regarding the procedure for filing an academic grievance. Students should also feel free to contact any member of the campus community who they trust who may assist the student and/or refer the student to the appropriate resource. In addition to the office of the chief academic affairs officer, the offices/centers that can generally be of the most assistance in terms of advice, support, and referral regarding these matters are the office of the chief student affairs officer, the offices of the academic deans, the office of the chief human resources officer, the chief diversity and equity officer, counseling services, center for disability services, Bridges learning center, student LIFE offices, and campus safety and security.

2. Informal procedure resolution. Informal complaints should be made to the appropriate division dean or supervising administrator. Upon receipt of a student complaint by the division dean, the following steps may be taken:
 - a. The student will be encouraged to discuss the alleged problem with the involved instructor; or if the complaint involves a program, the student will be encouraged to speak to the director/dean of the involved program.
 - b. If the student is not satisfied as a result of such discussion, they should then meet with the director/dean or supervising administrator.
 - c. If the complaint is not resolved at this level, the student, the instructor and the director/dean should meet with the chief academic officer or designee to attempt resolution.
 - d. If the complaint is not resolved at this level, the student may institute formal grievance procedures.
 - e. During any meetings that occur in (a) through (c) of this subsection, the student may invite another person or two to be with them in the meeting. The other person(s) are present to assist and advise the student although an accommodation of a spokesperson (a person who would address the college official, or assist the person in addressing the college official) may be approved if a person's disability warrants such an accommodation. Other circumstances regarding a request by the student for the use of a spokesperson would be considered by the director/dean of supervising administrator facilitating the meeting.

3. **Formal grievance procedure.** Formal grievance procedure – To assure an atmosphere free from unfair treatment in academic matters, the following procedures are established to respond to an unresolved academic complaint registered by a student. It is understood, however, that this procedure should be employed only after efforts have been made by the student to resolve the issue through the previously described informal procedure. A student who feels an academic grievance has not been resolved through the informal resolution process may file a formal grievance with the chief academic officer or designee prior to the last day of the quarter (not including summer) following the alleged grievance. Within ten business days of the receipt of the signed written grievance, the chief academic officer or designee will appoint a grievance committee for the purpose of reviewing that complaint and recommending a resolution.

4. **The grievance committee will be comprised of seven voting members including:**
 - a. An administrator who will serve as the chair but will only vote in the event of a tie vote.
 - b. Three faculty members, including one from the division of the involved faculty member.
 - c. Three students to be selected as provided for in the associated student constitution and bylaws.
 - d. A quorum of the grievance shall be four members.
 - e. All matters shall be discussed in closed meetings and shall be treated with strict confidence by the committee members.

5. **Formal resolution.**
 - a. Parties affected by the grievance will provide the grievance committee with all requested information in order to bring about full understanding and a speedy resolution to the grievance.
 - b. In order to ensure due process, the aggrieved student shall have:
 - i. The right to respond to the grievance, submitting appropriate evidence to support such response;
 - ii. The opportunity to call as a witness any member of the college community who can provide information relevant to the allegation and interview the aggrieved student or any witness presented by the student(s) involved.
 - c. The instructor against whom the grievance is filed shall have:
 - i. The right to respond to the grievance, submitting appropriate evidence to support such response;
 - ii. The opportunity to call as a witness any members of the college community who can provide information relevant to the allegation and interview the aggrieved student or any witness presented by the student(s) involved.
 - d. Once the aggrieved student and the faculty member have had sufficient opportunity to present their points of view, the grievance committee will deliberate and reach a decision by a simple majority vote. The committee will provide the chief academic officer or designee its written recommendation within ten business days of its organizational meeting. The chief academic officer or designee will notify the parties in the grievance of their decision, and the resolution within forty-eight hours of having received the committee recommendation.

- e. If the grievance committee establishes that an aggrieved student has been treated unfairly, the committee will recommend corrective steps to the chief academic affairs officer or designee.
- f. Each party shall have the right to present a written appeal of the decision to the chief academic affairs officer or designee to the president of the college. Within one week of having received the appeal, the president shall review the case and render a decision which will be transmitted to both parties.
- g. An accommodation of a spokesperson (a person who would address the grievance committee, or assist the person in addressing the grievance committee) may be approved if a person's disability warrants such an accommodation. Other circumstances regarding a request by the student for the use of a spokesperson would be considered by the administrator chairing the committee.

WAC 132E-122-100 - Students as Research Subjects

1. Permission may be granted for conduct of research involving students for such purposes as the pursuit of advanced degrees, classroom research, independent student research, and research for off-campus individuals and agencies. Participation therein is the choice of the individual student. Persons planning research on human subjects must secure permission in advance of the project from the institutional review board (IRB). Minimally such approval will entail:
 - a. Assurance that the project does not conflict with examinations or require a major loss of classroom time;
 - b. Assurance that students know they have the alternative of choosing to participate or not;
 - c. Explanation of the purpose of the research and disclosure of all possible risks to which students might be exposed in the research and a thorough explanation of effects that will be employed to reduce those risks;
 - d. Provision for students to have the opportunity to see the results of the research;
 - e. Evidence that the research method is appropriate for the subject to be studied;
 - f. Guarantee of confidentiality of student records and responses.
2. Prior to the initiation of such a project, the researcher shall complete the IRB application and submit it to the institutional review board. Written permission may be given with or without college endorsement of the project. In such instances where the institutional review board deems appropriate, assistance may be sought from others with related knowledge before permission to proceed is granted or denied.

WAC 132E-122-110 - Student Affairs

1. Freedom of association. Students are free to organize and join associations to promote their common interests, provided such organizations or associations do not disrupt or interfere with the mission of the college.

- a. The membership, policies, and actions of a student organization will be determined by vote of only those persons who hold bona fide membership in the student body as determined by current enrollment in the college.
- b. Affiliation with an external organization shall not of itself disqualify a student organization from institutional recognition.
- c. An organization is free to nominate its own advisor from the campus faculty and staff. Campus advisors shall advise organizations in the exercise of the rights and responsibilities as an organization, but they will not have authority to control the policies of such organizations.
- d. Student organizations shall be required to submit a constitution to the office of student activities which includes a statement of purpose, criteria for membership, rules or procedures, and a current list of officers to the student government recognized by the college.
- e. Campus organizations, including those affiliated with an external organization shall be open to all students.

2. Right of assembly.

- a. Students have the right to conduct or may participate in any assembly on facilities that are generally available to the public provided that such assemblies:
 - i. Are conducted in an orderly manner;
 - ii. Do not unreasonably interfere with classes, scheduled meetings or ceremonies, or regular functions of the college;
 - iii. Do not unreasonably interfere with pedestrian or vehicular travel; or iv. Do not cause destruction or damage to college property.
- b. Any student group or student organization/club which wishes to schedule an assembly must reserve the college facilities per the appropriate procedures.
- c. Assemblies which violate these rules and other college policies and rules may be ordered to disperse by the college.
- d. A nonstudent who violates any provision of the rule will be referred to civilian authorities.

3. Student participation in institutional government. Student participation in institutional government – As constituents of the educational community, students shall be free, individually and collectively, to express their views on issues of institutional policy and matters of general interest to the student body. The student body shall have a clearly defined means to participate in the formulation and application of institutional policy affecting academic and student affairs. The role of student government will be made explicit. The actions of the student government within the area of jurisdiction shall be reviewed by the director of student LIFE and by the chief student affairs officer through orderly procedures.

4. Right of ownership of works.

5. Editorial independence of student publications policy. The college recognizes and affirms the editorial independence and press freedom of all student-edited campus media. The Clipper student newspaper and other student-approved media are therefore designated as public forms.
6. **Right to be interviewed.**
 - a. Every student has the right to be interviewed on campus by any legal organization desired to recruit at the college.
 - b. Any student, student group, or student organization/club may assemble in protest against any such organization provided that such protest does not interfere with any other student's right to have such an interview, and provided that such protests are in accordance with subsection (2) of this section.

WAC 132E-122-120 - Student Affairs Grievance Procedures

1. Definition of a student affairs grievance. If a student has evidence that they have been unfairly treated in matters related to student services/student auxiliary services, policies, procedures, or expectations, they may be said to have a student affairs grievance. Students who feel that such an unfair treatment has transpired should feel free to raise the question of how such a grievance may be resolved with the associated student executive council which will provide information (without judgment) regarding the procedure for filing a grievance. Students should also feel free to contact any member of the campus community who they trust that may assist the student and/or refer the student to the appropriate resources. In addition to the chief student affairs officer, the offices/centers that can generally be of the most assistance in terms of advice, support, and referral regarding these matters are the office of the chief academic affairs officer, the offices of the academic deans, and the office of the chief human resources officer, outreach, diversity and equity center, counseling and career center, center for disability services, Rainier learning center, student activities office, and campus safety and security.
2. Informal procedure for resolution. Informal complaints should be made to the appropriate administrator. Upon receipt of a student complaint by the administrator, the following steps will be taken:
 - a. The student will be encouraged to discuss the alleged problem with the party concerned; or if the complaint involves a program, the student will be encouraged to speak to the appropriate supervisor.
 - b. If the student is not satisfied as a result of such discussion, they should then meet with the immediate administrator to resolve the complaint.
 - c. If the complaint is not resolved at this level, the student, the respondent and the administrator should meet with the chief student affairs officer or the vice president under which the program/service is administratively aligned.
 - d. If the complaint is still not resolved at this level, the student may institute formal grievance procedures.

3. Formal grievance procedure. To assure an atmosphere free from unfair treatment, the following procedures are established to respond to an unresolved complaint registered by a student. It is understood, however, that this procedure should be employed only after efforts have been made by the student to resolve the issue through the previously described informal procedure. A student who feels a grievance has not been resolved through the informal resolution process may file a formal grievance with the appropriate vice president or designee prior to the last instructional day of the quarter (not including summer) following the date of the alleged grievance. Within ten business days of receipt of the signed written grievance, the appropriate vice president or designee will appoint a grievance committee for the purpose of reviewing the complaint and recommending a resolution.

4. **The grievance committee will be composed of seven voting members including:**
 - a. An administrator (other than the appropriate vice president) who shall serve as the chair and vote only in the case of a tie;
 - b. One faculty and two from classified staff;
 - c. Three students to be selected randomly and not active members of student activities or the involved program;
 - d. A quorum consists of four members of the grievance committee;
 - e. All matters shall be discussed in closed meetings and shall be treated with strict confidence by the committee members.

5. **Formal resolution.**
 - a. Parties affected by the grievance will provide the grievance committee with all requested information in order to bring about full understanding and a speedy resolution to the grievance.
 - b. In order to ensure due process, the aggrieved student shall have:
 - i. The right to respond to the grievance, submitting appropriate evidence to support such response;
 - ii. The opportunity to call as a witness any member of the college community who can provide information relevant to the allegation and interview the aggrieved student or any witness presented by the student(s) involved;
 - c. The party against whom the grievance is filed shall have:
 - i. The right to respond to the grievance, submitting appropriate evidence to support such response;
 - ii. The opportunity to call as a witness any member of the college community who can provide information relevant to the allegation and interview the aggrieved student or any witness presented by the student(s) involved.
 - d. Once the aggrieved student and the respondent have had sufficient opportunity to present their points of view, the grievance committee will deliberate and reach a decision by a simple majority vote. The committee will provide the appropriate vice president or designee its written recommendation within ten business days of its meeting.

- e. The appropriate vice president or designee will notify the parties in the grievance of the resolution within two business days of having received the committee recommendation. If the grievance committee establishes the aggrieved student has been treated unfairly, the committee will recommend corrective steps to the appropriate vice president or designee.
- f. Either party shall have the right to present a written appeal of the decision to the president of the college. Within one week of having received the appeal, the president shall review the case and render a decision which will be transmitted to both parties.
- g. During any meetings that occur in (a) through (f) of this subsection, the student may invite another person or two to be with them in the meeting. The other person(s) are present to assist and advise the student although an accommodation of a spokesperson (a person who would address the college official, or assist the person in addressing the college official) may be approved if a person's disability warrants such an accommodation. Other circumstances regarding a request by the student for the use of a spokesperson would be considered by the director/dean or supervising administrator facilitating the meeting.

WAC 132E-122-130 - Disclosure of Student Information

1. Unless the student has provided the office of enrollment services with written notice which specifically requests otherwise, designated officials of the college may routinely respond to requests for the following directory information about a student:
 - a. Student's name;
 - b. Major field of study;
 - c. Extracurricular activities;
 - d. Height and weight of athletic team members;
 - e. Quarters of attendance;
 - f. Degrees and awards received;
 - g. The most recent previous educational agency or institutions attended;
 - h. Date of birth;
 - i. Email address;
 - j. Student enrollment status.

2. Recognized college student organizations, such as scholastic and service clubs, may obtain information relating to a student's academic record and status; requests of this nature are handled on an individual basis and only through the organization's appointed advisor. Pursuant to the National Defense Authorization Act for Fiscal Year 1995, the college must release directory information to military recruiters unless the student specifically denies permission. The college shares selected records with organizations with which the college has contractual agreements for services. The college may also release enrollment data for loan processing, enrollment and degree verification, and records archiving purposes through contractual agreements, and to other schools in which a student seeks or intends to enroll. The college releases Social Security and enrollment data to the Federal Government for Financial Aid and Veterans' eligibility evaluation and for Hope scholarship/Lifetime Learning tax credit programs. The college may release records following a receipt of a lawfully issued subpoena, attempting to notify the student beforehand. The college does not disclose records to family members without student consent.
3. No other information is to be given without the prior consent of the student or parent/guardian as appropriate. The college registrar or their designee will be responsible for reviewing unusual requests for information and assistance in the interpretation of the provisions of the Federal Family Educational Rights and Privacy Act of 1974 (Buckley Amendment). See Family Educational Rights and Privacy Act of 1974 in the student handbook for more information on confidentiality of student information and records.

WAC 132E-122-140 - College Distribution of Literature Procedures

In order to ensure an atmosphere in which the discussion of diverse points of view and ideas may exist, the following policy with regard to the distribution of printed matter will be implemented.

1. Printed matter by students and student organizations may be distributed in an orderly and nonforceful manner in only such areas as may be designated by the chief student affairs officer or designee except that:
 - a. Non-instructional printed matter shall not be distributed in the classroom during regularly scheduled class time unless otherwise approved by the class instructor. Exceptions to this procedure may be made for special educational purposes and/or emergencies by the president, chief student affairs officer, or designee. If and when this occurs, the class instructor, appropriate academic dean, and students in the class shall be notified in a timely fashion;
 - b. Printed matter shall not be distributed in college buildings other than in specifically designated areas or in any area where the distribution of printed matter would restrict the physical passage of students or interfere with the instructional program and administrative and student support functions unless otherwise approved on a temporary basis for a specific informational purpose by the chief student affairs officers or designee;
 - c. Printed matter shall not be placed on any vehicle parked on the campus;

- d. Posters and advertising bulletins must be approved before they may be posted on campus, and they shall be posted only on informational display boards/areas designed for this purpose. In general, students have the right to display posters and advertising bulletins and are expected to do so per the campus posting procedures. Class projects by students to be displayed outside of the classroom must be on designated boards or areas designated for this purpose and approved by the class instructor. Posters and advertising generated for student activity related events and programs must be approved for posting by the office of student activities. Posting rules and guidelines may change periodically and in some cases be specific to a building and/or area of the campus. In general, material concerning off campus activities will not be approved unless it is determined to be special services to EvCC students;
 - e. In addition, designated points of distribution will be made available on campus.
2. As the content of printed matter, the college will be guided by state and federal laws and principles regarding free speech.
 3. A system of prior censorship is to be avoided if at all possible. Therefore, maximum cooperation of students, faculty and administration will be necessary. Matters of interpretation regarding these procedures and questions as to the content of any displayed material will be handled by the chief of student affairs officer.
 4. Printed matter originating with an off-campus individual(s) or organization must be registered with the director of student activities before distribution will be permitted.

WAC 132E-122-150 - Authority to Request Identification

In situations of suspected misconduct or suspected unauthorized presence in a college facility, it may be necessary for properly identified college personnel to ask a person to produce evidence of being a currently enrolled student at the college. Failure to comply with a legitimate request for identification from a properly identified college personnel is a violation of this chapter and may result in disciplinary action if the person is found to be a student. In emergency situations or in cases of serious misconduct where there is a substantial danger to the college community or college property, failure to produce identification by a student may result in the assumption by the college personnel that the person questioned is not a student and may result in direct civil or criminal action.

WAC 132E-122-160 - Prohibited Student Conduct

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

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.** Abuse of the student conduct process includes:
 - a. Knowingly making false allegations of misconduct under this conduct code;
 - b. Attempting to coerce a person not to make a report or to participate in proceedings under this conduct code;
 - c. Attempting to influence the impartiality or participation of a campus official or party of a campus disciplinary proceeding; or
 - d. Influencing or attempting to influence another person to commit an abuse of the student conduct process.
4. **Academic Dishonesty.** Any act of academic dishonesty, including:
 - 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, work of another person, or artificial intelligence, in completing an academic assignment. Prohibited conduct 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 and also includes providing false or deceptive information to an instructor concerning the completion of an assignment.
 - d. 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, and/or submission of falsified documents or misuse of any college document, record, or instrument of identification;
 - b. Furnishing false information, or failing to furnish correct information, in response to the request or requirement of a college officer or employee;
 - c. Knowingly making a false statement or submitting false information in relation, or in response, to a college academic or disciplinary investigation or process.
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. Cannabis, Drug, and Tobacco Violations.

- 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 observably under the influence of any legend drug, including anabolic steroids, androgens, or human growth hormones as defined in RCW 69.41, or any other controlled substance under RCW 69.50, except as prescribed for a student's use by a licensed practitioner.
- c. Tobacco, electronic cigarettes and related products. The use of tobacco, electronic cigarettes, and related products 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. The use of tobacco, electronic cigarettes, and related products on the college campus is restricted to designated smoking areas. "Related products" include, but are not limited to cigarettes, pipes, bidi, clove cigarettes, waterpipes, hookahs, chewing tobacco, vaporizers, and snuff.

8. Cyber Misconduct. Use of electronic communications, including, but not limited to, electronic mail, instant messaging, electronic bulletin boards, applications (apps), and social media sites, to harass, abuse, bully or engage in other conduct which 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 email communications directly or through spyware, sending threatening emails, disrupting electronic communications with spam or by sending a computer virus, sending false messages to third parties using another's email identity, non-consensual recording of sexual activity, and non-consensual distribution of a recording of sexual activity.

9. Disruption or obstruction. Disruption or obstruction of instruction, research, administration, disciplinary proceeding, or other college activity, including the obstruction of the free flow of pedestrian or vehicular movement on college premises or at a college activity, or any activity that is authorized to occur on college premises, whether or not actually conducted or sponsored by the college.

10. 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; 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.

11. **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.
12. **Failure to Comply with Directive.** Failure to comply with the direction of a college officer 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.
13. **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 not 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, context, and duration of the comments or actions.
14. **Hazing.** Hazing is any act committed as part of a person's recruitment, initiation, pledging, admission into, or affiliation with a college sponsored student organization, athletic team, or living group, or any pastime or amusement engaged in with respect to such an organization, athletic team, or living group that causes, or is likely to cause, bodily danger or physical harm, or serious psychological or emotional harm, to any student, 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. Consent is not a valid defense against hazing. Examples of hazing include, but are not limited to:
 - a. 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;
 - b. humiliation by ritual act;
 - c. striking another person with an object or body part;
 - d. causing someone to experience excessive fatigue, or physical and/or psychological shock; or,
 - e. causing someone to engage in degrading or humiliating games or activities that create a risk of serious psychological, emotional, and/or physical harm.
15. **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.
16. **Misuse of Electronic Resources.** Theft or other misuse of computer time or other electronic information resources of the college. Such misuse includes but is not limited to:
 - a. Unauthorized use of such resources or opening of a file, message, or other item;

- b. Unauthorized duplication, transfer, or distribution of a computer program, file, message, or other item;
 - c. Unauthorized use or distribution of someone else's password or other identification;
 - d. Use of such time or resources to interfere with someone else's work;
 - e. Use of such time or resources to send, display, or print an obscene or abusive message, text, or image;
 - f. Use of such time or resources to interfere with normal operation of the college's computing system or other electronic information resources;
 - g. Use of such time or resources in violation of applicable copyright or other law;
 - h. Adding to or otherwise altering the infrastructure of the college's electronic information resources without authorization; or
 - i. Failure to comply with the college's electronic use policy.
17. **Property Violation.** Damage to, theft from, misappropriation of, unauthorized use or possession of, vandalism, or other non-accidental damaging or destruction of college property, including vending machines, or the property of another person. Property for purposes of this subsection includes computer passwords, access codes, identification cards, personal financial account numbers, other confidential personal information, intellectual property, and college trademarks.
18. **Retaliation.** Harming, threatening, intimidating, coercing, or other adverse action taken against any individual for reporting, providing information, exercising one's rights or responsibilities, participating, or refusing to participate, in the process of responding to, investigating, or addressing allegations or violations of federal, state or local law, or college policies.
19. **Safety Violations.** Non-accidental, reckless, or unsafe conduct that interferes with or otherwise compromises any college policy, equipment, or procedure relating to the safety and security of the campus community, including tampering with fire safety equipment and triggering false alarms or other emergency response systems.
20. **Sex Discrimination.** The term "sex discrimination" includes sex-based harassment, and may occur when a respondent causes more than de minimis harm to an individual by treating them different from a similarly-situated individual on the basis of: sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. Conduct that prevents an individual from participating in an education program or activity consistent with the person's gender identity subjects a person to more than de minimis (insignificant) harm on the basis of sex.
- a. **Sex-Based Harassment.** "Sex-based harassment" is a form of sex discrimination and means sexual harassment or other harassment on the basis of sex, including the following conduct:
 - i. **Quid pro quo harassment.** A student, employee, agent, or other person authorized by the college to provide an aid, benefit, or service under the college's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct.
 - ii. **Hostile environment.** Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the recipient's education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

- a. The degree to which the conduct affected the complainant's ability to access the college's education program or activity;
 - b. The type, frequency, and duration of the conduct;
 - c. The parties' ages, roles within the college's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
 - d. The location of the conduct and the context in which the conduct occurred; and
 - e. Other sex-based harassment in the college's education program or activity.
- iii. Sexual Violence. "Sexual violence" includes nonconsensual sexual intercourse, nonconsensual sexual contact, domestic violence, incest, statutory rape, domestic violence, dating violence, and stalking.
- a. Nonconsensual sexual intercourse is any sexual intercourse (anal, oral, or vaginal), however slight, with any object, by a person upon another person, that is without consent and/or by force. Sexual intercourse includes anal or vaginal penetration by a penis, tongue, finger, or object, or oral copulation by mouth to genital contact or genital to mouth contact.
 - b. Nonconsensual sexual contact (Fondling) is 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 is sexual intercourse or sexual contact with a person known to be related to them, either legitimately or illegitimately, as an ancestor, descendant, brother, or sister of either wholly or half related. Descendant includes stepchildren, and adopted children under the age of eighteen (18).
 - d. Statutory Rape (Rape of a Child) is non-forcible sexual intercourse with a person who is under the statutory age of consent.
 - e. Domestic violence is physical violence, bodily injury, assault, the infliction of fear of imminent physical harm, sexual assault, coercive control, damage or destruction of personal property, stalking or any other conduct prohibited under RCW 10.99.020, 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 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.
 - f. Dating violence is physical violence, bodily injury, assault, the infliction of fear of imminent physical harm, sexual assault, or stalking committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - The length of the relationship;
 - The type of relationship; and
 - The frequency of interaction between the persons involved in the relationship.

- g. Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or to suffer substantial emotional distress.
 - b. Consent. For purposes of this code "consent" means knowing, voluntary and clear permission by word or action, to engage in mutually agreed upon sexual activity.
 - i. Each party has the responsibility to make certain that the other has consented before engaging in the activity.
 - ii. 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.
 - iii. 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.
 - iv. Intoxication is not a defense against allegations that an individual has engaged in nonconsensual sexual conduct.
 - c. **Sexual Exploitation.** An act or a failure to act that involves a member of the College community taking non-consensual, unjust, humiliating, or abusive sexual advantage of another, either for the individual's own advantage or to benefit anyone other than the person being exploited. Sexual advantage may include, without limitation, causing or attempting to cause the incapacitation of another person in order to gain a sexual advantage over such other person; causing the prostitution of another person; recording, photographing or transmitting identifiable images of private sexual activity and/or the intimate parts of another person; allowing third Parties to observe private sexual acts; disclosing, causing to be disclosed or threatening to disclose, with the intent to harass, intimidate, threaten, humiliate, embarrass, or coerce, an image of another which shows the intimate parts of the depicted person or shows the depicted person engaged in sexually explicit conduct which was captured under circumstances where the person depicted had a reasonable expectation that the image would not be publicly disclosed; engaging in voyeurism, and intentionally exposing another to a sexually transmitted infection.
21. **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.
22. **Violation of Other Laws or Policies.** Violation of any federal, state, or local law, rule, or regulation, or other college rules or policies, including college housing, traffic, and parking rules.
23. **Weapons.** Possession, holding, wearing, transporting, storage or presence of any firearm, dagger, sword, knife, or other cutting or stabbing instrument, club, explosive device, or any other weapon apparently capable of producing bodily harm is prohibited on the college campus and during college programming and activities, subject to the following exceptions:
- a. Commissioned law enforcement personnel or legally authorized military personnel while in performance of their official duties.
 - b. Students with legally issued weapons permits may store their weapons in their vehicle parked on campus in accordance with RCW 9.41.050(2) or (3), provided the vehicle is locked and the weapon is concealed from view.

- c. The president may grant permission to bring a weapon on campus upon a determination that the weapon is reasonably related to a legitimate pedagogical purpose. Such permission shall be in writing and shall be subject to such terms or conditions incorporated in the written permission.
- d. Possession and/or use of disabling chemical sprays for purposes of self-defense is not prohibited.

WAC 132E-122-200 - Corrective Action, Disciplinary Sanctions, Terms & Condition

1. One or more of the following corrective actions or disciplinary sanctions may be imposed upon a student or upon college sponsored student organizations, athletic teams, or living groups found responsible for violating the student conduct code.
 - a. Warning. A verbal or written statement to a student that there is a violation and that continued violation may be cause for disciplinary action. Warnings are corrective actions, not disciplinary, and may not be appealed.
 - b. Written Reprimand. Notice in writing that the student has violated one or more terms of this code of conduct and that continuation of the same or similar behavior may result in more severe disciplinary action.
 - c. Disciplinary Probation. Formal action placing specific conditions and restrictions upon the student's continued attendance depending upon the seriousness of the violation and which may include a deferred disciplinary sanction. If the student subject to a deferred disciplinary sanction is found in violation of any college rule during the time of disciplinary probation, the deferred disciplinary sanction, which may include, but is not limited to, a suspension or a dismissal from the college, shall take effect immediately without further review. Any such sanction shall be in addition to any sanction or conditions arising from the new violation. Probation may be for a limited period of time or may be for the duration of the student's attendance at the college.
 - d. Disciplinary suspension. Dismissal from the college and from student status for a stated period of time. There will be no refund of tuition or fees for the quarter in which the suspension is imposed.
 - e. Dismissal. The revocation of all rights and privileges of membership in the college community and exclusion from the campus and college-owned or controlled facilities without any possibility of return. There will be no refund of tuition or fees for the quarter in which the dismissal is imposed.
 - f. The college shall have authority to revoke a degree or other certificate or completion based on prohibited student conduct that is found to have occurred before the award of such degree or certificate.

2. Disciplinary terms and conditions that may be imposed alone or 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. Not in Good Standing. A student deemed "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.
 - d. No contact directive. An order directing a student to have no contact with a specified student, college employee, a member of the college community, or a particular college facility.
 - e. Professional evaluation. Referral for drug, alcohol, psychological or medical evaluation by an appropriately certified or licensed professional may be required. The student may choose the professional within the scope of practice and with the professional credentials as defined by the college. The student will sign all necessary releases to allow the college access to any such evaluation. 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. 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.
 - g. Trespass or restriction. A student may be restricted from any or all college premises and/or college-sponsored activities based on the violation.
 - h. Residence Hall Suspension or Termination. Removal from a residence hall for a specified period or permanently. Conditions may be imposed before a student is permitted to return to a residence hall.
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.

WAC 132E-122-210 - Hazing Sanctions

1. 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.
2. 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.
3. Any student group that knowingly permits 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.

4. Any student group 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 132E-122-220 - Loss of Eligibility—Student Athletic Participation

Grounds for ineligibility. Any student found by the college to have violated chapter 69.41 RCW by virtue of a criminal conviction or otherwise insofar as it prohibits the possession, use or sale of legend drugs, including anabolic steroids, will be disqualified from participation in any school-sponsored athletic event or activity.

WAC 132E-122-230 - Standard of Burden of Proof

The applicable standard of proof in all disciplinary hearings (including those involving protected class discrimination and appeals) is the “preponderance of evidence” standard. This means that, in order for a respondent to be held responsible for a violation of this conduct code, the conduct officer, Title IX Coordinator, conduct review officer, student conduct committee, or chief student affairs officer must conclude, based on all of the evidence in the record, that it is more likely than not that the respondent engaged in an act or acts of misconduct.

WAC 132E-122-240 - 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. The 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. Protected class discrimination, including sex-based harassment. The college’s director of equal opportunity and Title IX programs or designee shall review, process, and, if applicable, investigate complaints or other reports of protected class discrimination, including sex-based harassment. Allegations of discrimination, including sex-based harassment, by a student shall be addressed through the student conduct code. Allegations involving employees or third parties associated with the college will be handled in accordance with college policies.
 - b. 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.

3. Investigations will be completed in a timely manner and the results of the investigation shall be referred to the student conduct officer for disciplinary action.
4. 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 sex-based harassment complaints without written permission from both the complainant and the respondent.
 - b. If the parties elect to mediate a dispute through informal dispute resolution, either party shall be free to discontinue mediation at any time.
5. If the student conduct officer has determined that a complaint has merit and if the matter is not resolved through agreement or informal dispute resolution, the student conduct officer may initiate disciplinary action against the respondent.
6. Both the respondent and the complainant in cases involving allegations of sex discrimination shall be provided the same procedural rights to participate in student discipline matters, including the right to participate in the disciplinary process and to appeal any disciplinary decision.
7. All disciplinary actions will be initiated by the student conduct officer. If that officer is the subject of a complaint, the president shall, upon request and when feasible, designate another person to fulfill any such disciplinary responsibilities relative to the complaint.
8. The student conduct officer shall initiate disciplinary action by serving the respondent with written notice directing him or her to attend a disciplinary meeting. The notice shall briefly describe the factual allegations, the provision(s) of the conduct code the respondent is alleged to have violated, the range of possible sanctions for the alleged violation(s), and specify the time and location of the meeting.
9. At the meeting, the student conduct officer will present the allegations to the respondent and the respondent shall be afforded an opportunity to explain what took place. If the respondent fails to attend the meeting after proper service of notice the student conduct officer may take disciplinary action based upon the available information.
10. Within 10 calendar 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 their 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 at the sole discretion of the student conduct officer, if additional information is necessary to reach a determination. The student conduct officer will notify the parties of any extension period and the reason therefore.

11. The student conduct officer may take any of the following actions:
 - a. Dismiss the case if
 - Insufficient evidence exists to demonstrate responsibility for the alleged infraction;
 - The college is unable to identify a respondent after taking reasonable steps to do so;
 - Respondent is not participating in the college's educational programs or activities;
 - The reporting party has voluntarily withdrawn any or all of the allegations in the complaint;
 - b. Exonerate the respondent and terminate the proceedings.
 - c. Impose a disciplinary sanction(s), with or without conditions, as described in WAC 132E-122-200; or
 - d. 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.

12. In cases involving allegations of sex-based harassment, the student conduct officer shall review the investigation report provided by the Director of Equal Opportunity and Title IX Programs, and within five business days refer the matter to the Student Conduct Committee.
 - a. Upon receipt of the student conduct committee's decision, the Director of Equal Opportunity and Title IX Programs or their designee shall review all supportive measures and, within five (5) business days, provide written direction to the complainant and respondent as to any supportive measures that will be implemented, continued, modified, or terminated. If either party is dissatisfied with the supportive measures, the party may seek review in accordance with the college's Protected Class grievance procedure.
 - b. If the respondent is found responsible for engaging in sex-based harassment, the Director of Equal Opportunity and Title IX Programs shall also take prompt steps to coordinate and implement any necessary remedies to ensure that sex discrimination does not recur and that complainant has equal access to the college's programs and activities.

WAC 132E-122-270 - Appeal From Disciplinary Action

1. Except as specified for cases involving allegations of protected class discrimination, as set forth in WAC 132E-122-240 (12) [Initiation of Disciplinary Action], the respondent may appeal a disciplinary action by filing a written notice of appeal with the student conduct officer within fifteen (15) business 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. Appeals may be based upon:
 - a. procedural irregularity that would change the outcome;
 - b. new evidence that would change the outcome and that was not reasonably available when the initial decision was made; and
 - c. the Student Conduct Officer had a conflict of interest or bias for or against a respondent or complainant individually or respondents or complainants generally.

3. The parties to an appeal shall be the respondent, complainant if any, and the student conduct officer.
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 respondent has been summarily suspended.
7. A conduct review officer shall conduct a brief adjudicative proceeding for appeals of:
 - a. suspensions of 10 instructional days or less;
 - b. disciplinary probation; and
 - c. written reprimands; and
 - d. any conditions or terms imposed in conjunction with one of the foregoing disciplinary actions.
8. The student conduct committee shall hear appeals from:
 - a. disciplinary suspensions in excess of 10 instructional days;
 - b. dismissals;
 - c. protected class discrimination, and
 - d. disciplinary cases referred to the committee by the student conduct officer, a conduct review officer, or the chief student affairs office.
9. Appeals of disciplinary action taken by the student conduct committee shall be submitted to and heard by the chief student affairs officer (studentconduct@everettcc.edu, 2000 Tower Street, Everett, WA 98201).

WAC 132E-122-280 - Participation of Advisors and Attorneys

1. Each party involved in a disciplinary meeting, interview, or hearing may appear alone or with another person of their choice to advise and assist them during any conduct proceeding, including meetings, interviews, and hearings.
2. Any advisor who accompanies the complainant, respondent, or witness may provide support or guidance but may not speak, represent, or advocate on their behalf during proceedings unless otherwise indicated herein. An advisor has an exclusively non-speaking role, and may not otherwise present evidence, argue, or assert any right on behalf of the party they advise.
3. An advisor may not delay, disrupt, or otherwise interfere with proceedings.
4. If a Party needs language assistance or reasonable accommodations due to a qualifying disability in order to fully and meaningfully participate in these procedures, access requests must be made five (5) days prior to any meeting, interview, or live hearing by contacting the

Student Conduct Office at 425-388-9271 or studentconduct@everettcc.edu.

5. An attorney advising a Party must enter a notice of appearance with the college at least five (5) days before the initial interview, meeting, or live hearing they plan to attend, so the College can secure its own legal representation, if necessary. This notification can be made to the student conduct officer (studentconduct@everettcc.edu or 425-388-9258), Title IX Coordinator (TitleIXcoordinator@everettcc.edu or 425-388-9271), or chair of the student conduct committee, as applicable.
6. When scheduling procedural meetings and/or interviews, the college will make reasonable efforts to accommodate an advisor. However, the availability of individuals directly involved in the proceedings, including the personnel assigned to the matter, as well as the expectation to promptly complete the proceedings may, in the college's discretion, take priority when determining the date and time for proceedings.
7. Advisors should not disclose details of their interactions with their advisees to institutional officials or Decisionmakers, unless there is an emergency or a health and safety concern.
8. Everett Community College, which includes any official acting on behalf of the College, has the right at all times to determine what constitutes appropriate behavior on the part of an advisor. Advisors who are disruptive, disrespectful, or refuse to follow College Policy or Procedures will be removed. The College has the right to take appropriate steps to ensure compliance with College Policy and Procedures, including by placing limitations on the advisor's ability to participate in future meetings and proceedings.
9. Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third Parties, disclosed publicly, or used for purposes not explicitly authorized by Everett Community College. Unauthorized Disclosures may also be considered Retaliation. The College may restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by privacy expectations.

WAC 132E-122-290 - Brief Adjudicative Proceeding—Initial Hearing

1. Brief adjudicative proceedings shall be conducted by a conduct review officer. The conduct review officer shall not participate in any case in which he or she is 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. The parties to a brief adjudicative proceeding are the respondent and the student conduct officer. 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 respondent and the student conduct officer 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 fifteen (15) business days of service of the initial decision, the initial decision shall be deemed the final decision.
4. If the conduct review officer upon review determines that the respondent's conduct may warrant imposition of a disciplinary suspension in excess of ten (10) instructional days or expulsion, the matter shall be referred to the student conduct committee for a disciplinary hearing.

WAC 132E-122-300 - Brief Adjudicative Proceedings—Review of Initial Decision

1. An initial decision is subject to review by the chief student affairs officer, provided a party files a written request for review with the conduct review officer within fifteen (15) business days of service of the initial decision.
2. The chief student affairs 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.
3. During the review, the chief student affairs officer shall give all parties an opportunity to file written responses explaining their view of the matter and shall make any inquiries necessary to ascertain whether the sanctions should be modified or whether the proceedings should be referred to the student conduct committee for a formal adjudicative hearing.
4. The decision on review must be in writing and must include a brief statement of the reasons for the decision and must be served on the parties within twenty days of the initial decision or of the request for review, whichever is later. The decision on review will contain a notice that judicial review may be available. A request for review may be deemed to have been denied if the chief student affairs officer does not make a disposition of the matter within twenty business days after the request to submit.
5. If the chief student affairs 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.

WAC 132E-122-310 - Live Hearing Process—Student Conduct Committee

1. The student conduct committee shall consist of five members, pulled from the larger Grievance Committee:
 - a. Two students appointed by the student government;
 - b. Two faculty members appointed by the president; and
 - c. One administrator (other than an administrator serving as a student conduct or conduct review officer) appointed by the president who shall serve as chair of the committee and presiding officer for all committee proceedings and may take action on preliminary hearing matters prior to convening the committee.
2. Hearings may be heard by a quorum of three members of the committee so long as the chair, one faculty member, and one student are included on the hearing panel. Committee action may be taken upon a majority vote of all committee members attending the hearing.
3. Members of the student conduct committee shall not participate in any case in which they are a party, complainant, or witness, in which they have direct or personal interest, prejudice, or bias, or in which they have acted previously in an advisory capacity. Any party may petition the committee for disqualification of a committee member.
4. For cases involving allegations of sex discrimination, including sex-based harassment, members of the student conduct committee must receive training on serving impartially, avoiding prejudgment of facts at issue, conflicts of interest, and bias. The chair must also receive training on the student conduct process for sex discrimination cases, as well as the meaning and application of the term “relevant” in relation to questions and evidence, and the types of evidence that are impermissible, regardless of relevance in accordance with 34 C.F.R. § 106.45 and § 106.46.
5. The College may, in its sole discretion, contract with an administrative law judge or other qualified person to act as the presiding officer, authorized to exercise any or all duties of the student conduct committee and/or committee chair.

WAC 132E-122-320 - Student Conduct Committee—Prehearing

1. Proceedings of the student conduct committee shall be governed by the Administrative Procedures Act, Chapter 34.05 RCW.
2. The student conduct committee chair shall serve all parties with written notice of the hearing not less than ten (10) business days in advance of the hearing date. 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. The notice must include:
 - a. a copy of the student conduct code;
 - b. the basis for jurisdiction;
 - c. the alleged violation(s);
 - d. a summary of facts underlying the allegations;

- e. the range of possible sanctions that may be imposed; and
 - f. a statement that retaliation is prohibited.
3. The chair is authorized to conduct prehearing conferences and/or to make prehearing decisions concerning the extent and form of any discovery, issuance of protective decisions, and similar procedural matters.
4. Upon request filed at least five (5) business days before the hearing by any party or at the direction of the 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 chair may provide to the committee members in advance of the hearing copies of (a) the student conduct officer's notification of imposition of discipline (or referral to the committee) and (b) the notice of appeal (or any response to referral) by the respondent. If doing so, however, the chair should remind the members that these "pleadings" are not evidence of any facts they may allege.
6. The parties may agree before the hearing to designate specific exhibits as admissible without objection and, if they do so, whether the committee chair may provide copies of these admissible exhibits to the committee members before the hearing.
7. The student conduct officer shall provide reasonable assistance to the respondent and complainant in procuring the presence of college students, employees, staff, and volunteers to appear at a hearing, provided the respondent and complainant provide a witness list to the student conduct officer no less than three business days in advance of the hearing. The student conduct officer shall notify the respondent and complainant no later than 24 hours in advance of the hearing if they have been unable to contact any prospective witnesses to procure their appearance at the hearing. The committee chair will determine how to handle the absence of a witness and shall describe on the record their rationale for any decision.
8. Communications between committee members and other hearing participants regarding any issue in the proceeding, other than procedural communications that are necessary to maintain an orderly process, are generally prohibited without notice and opportunity for all parties to participate, and any improper "ex parte" communication shall be placed on the record, as further provided in RCW 34.05.455.
9. In cases heard by the committee, each party may be accompanied at the hearing by an advisor of their choice, which may be an attorney retained at the party's expense.
10. The committee will ordinarily be advised by an Assistant Attorney General or their designee. If the respondent and/or the complainant is represented by an attorney, the student conduct officer may be represented by an Assistant Attorney General.
11. Attorneys for students must file a notice of appearance with the committee chair at least five (5)

business days before the hearing. Failure to do so may, at the discretion of the committee chair, result in a waiver of the attorney's ability to represent the student at the hearing, although an attorney may still serve as an advisor to the student.

12. In cases involving allegations of protected class discrimination, the complainant has a right to participate equally in any part of the disciplinary process, including appeals. Respondent and complainant both have the following rights:
 - a. Notice. The college must provide a notice that includes all information required in paragraph 2 of this section, and a statement that the parties are entitled to an equal opportunity to access relevant and permissible evidence, or a description of the evidence upon request.
 - b. Advisors. The complainant and respondent are both entitled to have an advisor present, who may be an attorney retained at the party's expense.
 - c. Extensions of time. The chair may, upon written request of any party and a showing of good cause, extend the time for disclosure of witness and exhibit lists, accessing and reviewing evidence, or the hearing date, in accordance with the procedures set forth in paragraph 13(b) of this section.
 - d. Evidence. In advance of the hearing, the student conduct officer shall provide reasonable assistance to the respondent and complainant in accessing and reviewing the investigative report and relevant and not otherwise impermissible evidence that is within the college's control.
 - e. Privacy. The college shall take reasonable steps to prevent the unauthorized disclosure of information obtained by a party solely through the disciplinary process, which may include, but are not limited to, directives by the student conduct officer or chair pertaining to the dissemination, disclosure, or access to evidence outside the context of the disciplinary hearing.

13. In cases involving allegations of sex-based harassment, the following additional procedures apply:
 - a. Notice. In addition to all information required in paragraph 2 of this section, the notice must also inform the parties that: (a) the respondent is presumed not responsible for the alleged sex-based harassment; (b) that the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial decisionmaker; (c) that they may have an advisor of their choice, who may be an attorney, to assist them during the hearing; and (d) they are entitled to an equal opportunity to access relevant and not otherwise impermissible evidence in advance of the hearing; and (e) the student conduct code prohibits knowingly making false statements or knowingly submitting false information during a student conduct proceeding.
 - b. Extensions of time. The chair may, upon written request of any party and a showing of good cause, extend the time for disclosure of witness and exhibit lists, accessing and reviewing evidence, or the hearing date. The party requesting an extension must do so no later than 48 hours before any date specified in the Notice of Hearing or by the chair in any prehearing conference. The written request must be served simultaneously by email to all parties and the chair. Any party may respond and object to the request for an extension of time no later than 24 hours after service of the request for an extension. The chair will serve a written decision upon all parties, to include the reasons for granting or denying any request. The chair's decision shall be final. In exceptional circumstances, for good cause shown, the chair may, in their sole discretion, grant extensions of time that are made less than 48 hours before any deadline.

- c. Advisors. The college shall provide an advisor to the respondent and any complainant, if the respondent or complainant have not otherwise identified an advisor to assist during the hearing.
- d. Evidence. In advance of the hearing, the student conduct officer shall provide reasonable assistance to the respondent and complainant in accessing and reviewing the investigative report and relevant and not otherwise impermissible evidence that is within the college's control.
- e. Privacy. The college shall take reasonable steps to prevent the unauthorized disclosure of information obtained by a party solely through the disciplinary process, which may include, but are not limited to, directives by the student conduct officer or chair issuing directives pertaining to the dissemination, disclosure, or access to evidence outside the context of the disciplinary hearing.
- f. Separate locations. The chair may, or upon the request of any party, must, conduct the hearing with the parties physically present in separate locations, with technology enabling the committee and parties to simultaneously see and hear the party or the witness while that person is speaking.
- g. Withdrawal of complaint. If a complainant wants to voluntarily withdraw a complaint, they must provide notice to the college in writing before a case can be dismissed.

WAC 132E-122-330 - 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 ensure 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 college's case.
6. All testimony shall be given under oath or affirmation. Except as otherwise provided in this section, evidence shall be admitted or excluded in accordance with RCW 34.05.452.

7. In cases involving allegations of sex-based harassment, the complainant and respondent may not directly question one another or other witnesses. In such circumstances, the chair will determine whether questions will be submitted to the chair, who will then ask questions of the parties and witnesses, or allow questions to be asked directly of any party or witnesses by a party's attorney or advisor. The committee chair may revise this process if, in the chair's determination, the questioning by any party, attorney, or advisor, becomes contentious or harassing.
 - a. Prior to any question being posed to a party or witness, the chair must determine whether the question is relevant and not otherwise impermissible; and must explain any decision to exclude a question that is deemed not relevant, or is otherwise impermissible. The chair will retain for the record copies of any written questions provided by any party.
 - b. The chair must not permit questions that are unclear or harassing; but shall give the party an opportunity to clarify or revise such a question.
 - c. The chair shall exclude and the committee shall not consider legally privileged information unless the individual holding the privilege has waived the privilege. Privileged information includes, but is not limited to information protected by the following: (a) spousal/domestic partner privilege; (b) attorney-client communications and attorney work product privilege; (c) clergy privileges; (d) medical or mental health providers and counselor privileges; (e) sexual assault and domestic violence advocate privileges; and (f) other legal privileges set forth in RCW 5.60.060 or federal law.
 - d. The chair shall exclude and the committee shall not consider questions or evidence that relate to the complainant's sexual interests or prior sexual conduct, unless such question or evidence is offered to prove someone other than the respondent committed the alleged conduct, or is evidence of specific instances of prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.
 - e. The committee may choose to place less or no weight upon statements by a party or witness who refuses to respond to questions deemed relevant and not impermissible. The committee must not draw an inference about whether sex-based harassment occurred based solely on a party's or witness's refusal to respond to such questions.
8. Except in cases involving allegations of sex-based harassment, the chair has the discretion to determine whether a respondent may directly question any witnesses; and if not, to determine whether questions must be submitted to the chair to be asked of witnesses, or to allow questions to be asked by an attorney or advisor for the respondent.

WAC 132E-122-340 - Student Conduct Committee—Initial Decision

1. At the conclusion of the hearing, the student conduct committee shall permit the parties to make closing arguments, written or verbal, in whatever form the committee 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 fifteen (15) days following the conclusion of the hearing or the committee's receipt of closing arguments, the student conduct committee shall issue a decision in accordance with RCW 34.05.461 and WAC 132E122-160 and 132E-122-200. The 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 found to be violated. Any findings based substantially on the credibility of evidence or the demeanor of witnesses shall be so identified and explained.
3. The committee's decision shall also include a determination of appropriate sanctions, if any. If the matter was referred to the committee by the student conduct officer, the committee shall identify and impose disciplinary sanction(s) or conditions (if any) as authorized in the student code. If the matter is an appeal by a party, the committee may affirm, reverse, or modify the disciplinary sanction and/or conditions imposed by the student conduct officer and/or impose additional disciplinary sanction(s) or conditions as authorized herein.
4. The committee chair shall cause copies of its decision to be served on the parties and their attorney, if any. The notice will inform all parties of their appeal rights. 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 sex-based harassment, the initial decision shall be served on all parties simultaneously, as well as the Title IX Coordinator.

WAC 132E-122-350 - Student Conduct Committee—Appeal of Initial Decision

1. Any party, including a complainant in sex-based harassment cases, may appeal the committee's decision to the chief student affairs officer by filing a written appeal with the chief student affairs officer's office within fifteen (15) business days of service of the committee's decision. Failure to file a timely appeal constitutes a waiver of the right and the decision shall be deemed final.
2. The written appeal must identify the specific findings of fact and/or conclusions of law in the decision that are challenged and must contain an argument why the appeal should be granted. Appeals may be based upon, but are not limited to:
 - a. procedural irregularity that would change the outcome
 - b. new evidence that would change the outcome and that was not reasonably available when the initial decision was made; and
 - c. the investigator, decisionmaker, or Director of Equal Opportunity and Title IX Programs had a conflict of interest or bias for or against a respondent or complainant individually or respondents or complainants generally.

3. Upon receiving a timely appeal, the chief student affairs officer or a designee will promptly serve a copy of the appeal on all non-appealing parties, who will have ten (10) business days from the date of service to submit a written response addressing the issues raised in the appeal to the president or a designee, and serve it on all parties. Failure to file a timely response constitutes a waiver of the right to participate in the appeal.
4. If necessary to aid review, the chief student affairs officer may ask for additional briefing from the parties on issues raised on appeal. The president's review shall be restricted to the hearing record made before the student conduct committee and will normally be limited to a review of those issues and arguments raised in the appeal.
5. The chief student affairs officer shall serve a written decision on all parties and their attorneys, if any, within fifteen (15) days after receipt of the appeal. The chief student affair officer's decision shall be final and subject to judicial review pursuant to Chapter 34.05 RCW, Part V.
6. In cases involving allegations of sex-based harassment, the chief student affairs officer's decision must be served simultaneously on the complainant, respondent, and Title IX Coordinator.
7. The chief student affairs officer shall not engage in an ex parte communication with any of the parties regarding an appeal.

WAC 132E-122-360 - 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 probable cause to believe that the respondent:
 - a. Has violated any provision of the code of conduct; 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 (2) calendar days of the oral notice.
4. The written notification 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(s) allegedly 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 warning respondent that their privilege to enter into or remain on college premises has been withdrawn, and that the respondent shall be considered trespassing and subject to arrest for criminal trespass if they enter the college campus other than to meet with the student conduct officer or conduct review officer, or to attend a disciplinary hearing.
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 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 sex-based harassment, 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.

WAC 132E-122-390 - Summary Suspension—Appeal

1. A student has the right to appeal a summary suspension to the student conduct committee and may do so if:
 - a. The student has been officially notified in writing of the outcome of the summary suspension hearing;
 - b. Summary suspension or other disciplinary action has been upheld; and
 - c. The student’s appeal conforms to the procedures prescribed in this chapter.
2. The student conduct committee shall conduct a formal hearing as expeditiously as possible and appropriate.

WAC 132E-122-400 - Readmission After Dismissal

1. Any student expelled (dismissed) from the college may submit a written petition to the chief student affairs officer or designee requesting readmission. Such petition must include how any conditions imposed by the chief student affairs officer or designee or student conduct committee have been met. Decisions by the chief student affairs officer or designee regarding a petition for readmission shall be reviewed by the president.
2. If the chief student affairs officer or designee suspends or expels a student from a college program that has a readmission policy and procedure, the program's readmission policy and procedures will be followed and the readmission committee will review, as part of their deliberations, the chief student affairs officer's or designee's recommendation / conditions of readmission concerning the student's readmission to the program.

Everett Community College does not discriminate based on, but not limited to, race, color, national origin, citizenship, ethnicity, language, culture, age, sex, gender identity or expression, sexual orientation, pregnancy or parental status, marital status, actual or perceived disability, use of service animal, economic status, military or veteran status, spirituality or religion, or genetic information in its programs, activities, or employment. Contact the following people with inquiries or complaints regarding discrimination, Title IX compliance, or Americans with Disabilities Act compliance: Equal Opportunity Director: EqualOpportunity@everettcc.edu, 425-388-9271; ADA Coordinator:

ADAcoordinator@everettcc.edu, 425-388-9232; Title IX Coordinator: TitleIXCoordinator@everettcc.edu, 425-388-9271. All offices are located in Olympus Hall 111, 2000 Tower St. Everett, WA 98201. For more information, visit the [Equal Opportunity and Title IX website: EverettCC.edu/EqualOpportunity](http://EverettCC.edu/EqualOpportunity)