



Board of Trustees, District No. 20
Walla Walla Community College
Board Meeting Agenda
Board Room (161) | WWCC Walla Walla Campus
Wednesday | August 24, 2022 | 9:30 a.m.

***Please note: this meeting is open to the public for in-person attendance and will adhere to all required safety and health regulations.** To connect to the Wednesday, August 24, 2022 Board Meeting virtually, go to ZOOM: <https://wwcc-edu.zoom.us/j/88227884375> or dial-in: 253/215-8782.

Study Session

All Times are Estimates

| | | | |
|-------------------|---|----------------|--------------|
| 9:30 a.m. | Call to Order <i>Mr. Bill Warren, Chair</i> | | |
| | Approval of Agenda <i>Mr. Warren</i> | Action | |
| 9:35 a.m. | WAC Policy Review <i>Dr. Jean Hernandez</i> | Discuss | Tab 1 |
| 10:55 a.m. | Break | | |

Board Meeting Agenda

All Times are Estimates

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| 11:00 a.m. | Board Meeting Resumes | | |
| 11:00 a.m. | Consent Agenda <i>Mr. Warren</i> <ol style="list-style-type: none">June 22, 2022 Board Meeting MinutesPersonnel Update | Action | Tab 2 Tab 3 |
| 11:05 a.m. | Approve WAC Policies <i>Dr. Chad Hickox</i> <ul style="list-style-type: none">Repeal WAC 132T-04Amend WAC 132T-09, WAC 132T-90, and WAC 132T-190Adopt WAC 132T-100 and WAC 132T-105 | Action Action Action | Tab 4 Tab 5-7 Tab 8-9 |
| 11:20 a.m. | Board Reports / Remarks | Discuss | |
| 11:30 a.m. | New and Unscheduled Business | Discuss | |
| 11:40 a.m. | Public Comment <i>Persons wishing to express their views on any matter must sign up in advance and are limited to three minutes.</i> | Discuss | |
| 11:55 a.m. | Adjournment | | |

**Chapters 132T - Walla Walla Community College
Board of Trustees Documents for 8/24/22 Meeting**

| WAC# | Name of WAC | Board Reviewed | Public Hearing | Documents Submitted to BOT | Board Approves | CR-103P Adopted | WAC Effective |
|-------------------|---|-----------------------|-----------------------|---|---|------------------------|----------------------|
| 132T-04 REPEAL | Bylaws | 4/27/22 | 8/8/22 | Original language doc Edited (OTS) doc | 8/24/22 Study Session & Vote to REPEAL | 8/29/22 REPEALED | 9/29/22 REPEALED |
| 132T-09 | Practice and procedure | 4/27/22 | 8/8/22 | Original language doc Edited (OTS) doc | 8/24/22 Study Session & Vote to Approve | 8/29/22 | 9/29/22 |
| 132T-90 | Family Educational Rights and Privacy Act | 4/27/22 | 8/1/22 | Original language doc Edited (OTS) doc | 8/24/22 Study Session & Vote to Approve | 8/29/22 | 9/29/22 |
| 132T-100 NEW | Student Code of Conduct | 4/27/22 | 8/1/22 | New doc | 8/24/22 Study Session & Vote to Approve | 8/29/22 | 9/29/22 |
| 132T-105 NEW | Supplemental Title IX Student Conduct Rules | 4/27/22 | 8/2/22 | New doc | 8/24/22 Study Session & Vote to Approve | 8/29/22 | 9/29/22 |
| 132T-190 | Use of the College Facilities | 4/27/22 | 8/9/22 | Original language doc Edited (OTS) doc | 8/24/22 Study Session & Vote to Approve | 8/29/22 | 9/29/22 |

Chapter 132T-04 WAC

BYLAWS

Last Update: 10/2/80

WAC

- 132T-04-001 Promulgation.
- 132T-04-010 Offices.
- 132T-04-020 Meetings.
- 132T-04-030 Executive sessions.
- 132T-04-040 Order of agenda.
- 132T-04-050 Records of board action.
- 132T-04-060 Parliamentary procedure.
- 132T-04-070 Adoption or revision of policies.
- 132T-04-080 Officers of the board.
- 132T-04-090 Committees.
- 132T-04-100 Fiscal year.
- 132T-04-110 Official seal.
- 132T-04-120 Changes to bylaws.

WAC 132T-04-001 Promulgation. The board of trustees of Community College District 20, under the authority vested in said board by the laws of the state of Washington, hereby adopt the following bylaws.

[Promulgation, filed 11/21/67; Emergency promulgation, filed 8/23/67.]

WAC 132T-04-010 Offices. (1) The board of trustees shall maintain an office at 500 Tausick Way, Walla Walla, Washington, where all regular meetings shall be held, unless otherwise announced, and all records, minutes, and the official college seal shall be kept. This office shall be open during all normal business hours to any citizen of the state of Washington.

(2) Correspondence or other business for the board shall be sent to the secretary of the board, who is located in this office.

[Order 78-4, § 132T-04-010, filed 10/24/77; Article I, filed 11/21/67; Emergency Article I, filed 8/23/67.]

WAC 132T-04-020 Meetings. (1) The board of trustees shall hold at least one regular meeting each month, unless dispensed with by the board of trustees, and such other regular or special

meeting as may be requested by the chairman of the board or by a majority of the members of the board.

(2) All regular and special meetings of the board of trustees shall be publicly announced prior to the meeting and shall be open to the general public.

(3) No official business shall be acted upon by the board of trustees except during a regular or special meeting held at a preannounced time and place.

(4) Information and materials pertinent to the agenda of all regular meetings of the board shall be sent to trustees prior to each meeting. Any matter of business or correspondence must be received by the secretary of the board by 12:00 noon four days before the meeting in order to be included on the agenda. The chairman or secretary may, however, present a matter of urgent business received too late for inclusion on the agenda when in his judgment the matter is of an emergency nature.

(5) All materials to be considered by the board must be submitted in sufficient quantities to provide each member of the board and the secretary with appropriate copies.

[Article II, filed 11/21/67; Emergency Article II, filed 8/23/67.]

WAC 132T-04-030 Executive sessions. (1) The board of trustees may convene in executive session whenever it is deemed necessary to discuss any matters affecting national security, the selection of a site or the acquisition of real estate by lease or purchase when publicity regarding such consideration would cause a likelihood of increased price; the appointment, employment, or dismissal of an employee; or to hear complaints or charges brought against such employee by a public officer, person, or employee, unless such employee requests a public hearing. The governing body may exclude from such executive session during the examination of a witness on any such matter, any or all other witnesses in the matter being investigated by the governing body.

(2) No official business of the board of trustees shall be acted upon in executive session.

[Order 78-4, § 132T-04-030, filed 10/24/77; Article III, filed 11/21/67; Emergency Article III, filed 8/23/67.]

WAC 132T-04-040 Order of agenda. (1) The order of the agenda governing all regular meetings of the board of trustees shall be as follows:

- (a) Roll call
- (b) Approval of previous minutes
- (c) Correspondence
- (d) Report of the board
- (e) Recommendation for action of the board
- (f) New business
- (g) Unscheduled business
- (h) Adjournment

(2) The order of the agenda may be changed by the chairman with the consent of the board members present.

(3) The chairman shall announce that persons wishing to address the board on subjects not included on the agenda may do so under (f). The chairman shall have the right to limit the length of time used by a speaker for the discussion of a subject.

[Order 78-4, § 132T-04-040, filed 10/24/77; Article IV, filed 11/21/67; Emergency Article IV, filed 8/23/67.]

WAC 132T-04-050 Records of board action. All business transacted in official board meeting shall be recorded in minutes and filed for reference.

[Article V, filed 11/21/67; Emergency Article V, filed 8/23/67.]

WAC 132T-04-060 Parliamentary procedure. (1) Three members of the board of trustees shall constitute a quorum, and no action shall be taken by less than a majority of the board members.

(2) Lesser number may adjourn from time to time any regular or special meeting at which a quorum is not present. The secretary of the board shall in person or in writing notify the absent members of the time, date and place set for the adjourned meeting.

(3) Normally, voting shall be viva voce. However, a roll call vote may be requested by any member of the board for the purposes of the record.

(4) In question of parliamentary procedure, the actions of the board shall be conducted according to Robert's Rules of Order Revised unless specified otherwise by state law or

regulation of the state board or bylaws of the board of trustees.

[Article VI, filed 11/21/67; Emergency Article VI, filed 8/23/67.]

WAC 132T-04-070 Adoption or revision of policies. (1)

Policies of the board are established for the management and operation of the college district. In order to achieve a consistent pattern of administration such policies should be reflected in continuous decision making.

(2) Proposed written policies, or revision of existing written policies, shall be presented to the board to provide ample time for consideration and possible revision prior to final adoption.

[Article VII, filed 11/21/67; Emergency Article VII, filed 8/23/67.]

WAC 132T-04-080 Officers of the board. (1) At the regular meeting of the board in September of each year, the board shall elect[,] from its membership[,] a chairman and vice chairman to serve for the ensuing year, commencing on October 1 and terminating on September 30. In addition the president of Walla Walla Community College shall serve as secretary to the board of

trustees as specified by state law. The secretary may, at his discretion, appoint his administrative assistant or other appropriate college staff member to act as recording secretary for all regular and special meetings of the board.

(2) The chairman in addition to any duties imposed by rules and regulations of the state board, shall preside at each regular or special meeting of the board, sign all legal and official documents recording action of the board, and review the agenda prepared for each meeting of the board. The chairman shall, while presiding at official meetings, have full right of discussion and vote.

(3) The vice chairman in addition to any duties imposed by rules and regulations of the state board shall act as chairman of the board in the absence of the chairman.

(4) In case of the absence of the chairman and vice chairman from any meeting of the board of trustees or in case of the inability of both of the two to act, the board of trustees shall elect for the meeting a chairman pro tempore, and may authorize such chairman pro tempore to perform the duties and acts authorized or required by said chairman or vice chairman to

be performed, as long as the inability of these said officers to act may continue.

(5) The secretary of the board shall in addition to any duties imposed by rules and regulations of the state board, keep the official seal of the board, maintain all records of meetings and other official action of the board.

(6) The secretary shall also be responsible for board correspondence, compiling the agenda of meetings, and distributing the minutes of the meetings and related reports.

(7) The secretary, or his designate, must attend all regular and special meetings of the board, and official minutes must be kept of all such meetings.

[Statutory Authority: RCW 28B.19.030 and chapter 28B.50 RCW. WSR 80-15-007 (Resolution No. 81-2), § 132T-04-080, filed 10/2/80; Order 78-4, § 132T-04-080, filed 10/24/77; Article VIII, filed 11/21/67; Emergency Article VIII, filed 8/23/67.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 132T-04-090 Committees. (1) The board of trustees shall act as a committee of the whole for the conduct of its business.

(2) Special committees may be appointed by the chairman of the board upon authority of the board with such powers and duties and for such term as the board may determine.

(3) Minutes of the proceedings of each committee shall be kept and as soon as practical after a meeting, a copy of said minutes shall be mailed or delivered to each member of said committee and remaining members of the board of trustees and the president of the college.

[Article IX, filed 11/21/67; Emergency Article IX, filed 8/23/67.]

WAC 132T-04-100 Fiscal year. The fiscal year of the board shall conform to the fiscal year of the state of Washington and shall be from July 1 to June 30 inclusive.

[Article X, filed 11/21/67; Emergency Article X, filed 8/23/67.]

WAC 132T-04-110 Official seal. The board of trustees shall maintain an official seal for use upon any or all official documents of the board. The seal shall have inscribed upon it the name of the college which shall be

Community College

District 20

State of Washington

[Article XI, filed 11/21/67; Emergency Article XI, filed
8/23/67.]

WAC 132T-04-120 Changes to bylaws. Bylaws of the board
may be revised by majority vote of the board provided such
changes are proposed at least one meeting prior to the meeting
at which the vote is taken. Bylaws may be revised by unanimous
vote of the board at the same meeting at which the revision is
originally proposed.

[Article XII, filed 11/21/67; Emergency Article XII, filed
8/23/67.]

Chapter 132T-09 WAC

PRACTICE AND PROCEDURE

Last Update: 5/1/72

WAC

- 132T-09-001 Formal hearing policy.
- 132T-09-005 Definitions.
- 132T-09-010 Appearance and practice before agency.
- 132T-09-080 Notice and opportunity for hearing in contested cases.
- 132T-09-090 Service of process—By whom served.
- 132T-09-100 Service of process—Upon whom served.
- 132T-09-110 Service of process—Service upon parties.
- 132T-09-120 Service of process—Method of service.
- 132T-09-130 Service of process—When service complete.
- 132T-09-140 Service of process—Filing with agency.
- 132T-09-230 Depositions and interrogatories in contested cases—
Right to take.

132T-09-240 Depositions and interrogatories in contested cases—
Scope.

132T-09-250 Depositions and interrogatories in contested cases—
Officer before whom taken.

132T-09-260 Depositions and interrogatories in contested cases—
Authorization.

132T-09-270 Depositions and interrogatories in contested cases—
Protection of parties and deponents.

132T-09-280 Depositions and interrogatories in contested cases—
Oral examination and cross-examination.

132T-09-290 Depositions and interrogatories in contested cases—
Recordation.

132T-09-300 Depositions and interrogatories in contested cases—
Signing attestation and return.

132T-09-310 Depositions and interrogatories in contested cases—
Use and effect.

132T-09-320 Depositions and interrogatories in contested cases—
Fees of officers and deponents.

132T-09-330 Depositions upon interrogatories—Submission of
interrogatories.

132T-09-340 Depositions upon interrogatories—Interrogation.

132T-09-350 Depositions upon interrogatories—Attestation and
return.

132T-09-360 Depositions upon interrogatories—Provisions of
deposition rule.

132T-09-400 Hearing officers.

132T-09-410 Hearing procedures.

132T-09-420 Duties of hearing officers.

132T-09-430 Stipulations and admissions of record.

132T-09-440 Definition of issues before hearing.

132T-09-450 Continuances.

132T-09-460 Rules of evidence—Admissibility criteria.

132T-09-470 Tentative admission—Exclusion—Discontinuance—
Objections.

132T-09-480 Form and content of decisions in contested cases.

WAC 132T-09-001 Formal hearing policy. In each instance that a formal hearing is required by institutional policy, regulation or chapter 28B.19 RCW, the provisions of WAC 132T-09-001 through 132T-09-480 shall be applicable.
[Order 72-8, § 132T-09-001, filed 5/2/72.]

WAC 132T-09-005 Definitions. As used herein, the term "agency" shall mean the board of trustees of Community College District No. 20 and Walla Walla Community College.
[Order 72-8, § 132T-09-005, filed 5/2/72.]

WAC 132T-09-010 Appearance and practice before agency. No person may appear in a representative capacity before the agency other than the following:

(1) Attorneys at law duly qualified and entitled to practice before the supreme court of the state of Washington.

(2) Attorneys at law duly qualified and entitled to practice before the highest court of record of any other state, if the attorneys at law of the state of Washington are permitted to appear in a representative capacity before administrative agencies of such other state, and if not otherwise prohibited by our state law.

(3) Persons otherwise qualified as possessing the requisite skill to appear and expertly represent others who have applied to the agency and have been duly authorized by the agency to appear in a representative capacity before the agency.

(4) A bona fide officer, partner, or full time employee of an individual firm, association, partnership, or corporation who appears for such individual firm, association, partnership or corporation.

[Order 72-8, § 132T-09-010, filed 5/2/72.]

WAC 132T-09-080 Notice and opportunity for hearing in contested cases. In any contested case all parties shall be served with a notice at least ten days before the date set for the hearing. The notice shall be signed by the president of Walla Walla Community College or his designee and shall state the time, place and issues involved as required by RCW 28B.19.120.

[Order 72-8, § 132T-09-080, filed 5/2/72.]

WAC 132T-09-090 Service of process—By whom served. The agency shall cause to be served all orders, notices and other papers issued by it, together with any other papers which it is

required by law to serve. Every other paper shall be served by the party filing it.

[Order 72-8, § 132T-09-090, filed 5/2/72.]

WAC 132T-09-100 Service of process—Upon whom served. All papers served by either the agency or any party shall be served upon all counsel of record at the time of such filing and upon parties not represented by counsel or upon their agents designated by them or by law. Any counsel entering an appearance subsequent to the initiation of the proceeding shall notify all other counsel then of record and all parties not represented by counsel of such fact.

[Order 72-8, § 132T-09-100, filed 5/2/72.]

WAC 132T-09-110 Service of process—Service upon parties. The final order, and any other paper required to be served by the agency upon a party, shall be served upon such party or upon the agent designated by him or by law to receive service of such papers, and a copy shall be furnished to counsel of record.

[Order 72-8, § 132T-09-110, filed 5/2/72.]

WAC 132T-09-120 Service of process—Method of service. Service of papers shall be made personally or, unless otherwise

provided by law, by first-class, registered, or certified mail or by telegraph.

[Order 72-8, § 132T-09-120, filed 5/2/72.]

WAC 132T-09-130 Service of process—When service complete.

Service upon parties shall be regarded as complete: By mail, upon deposit in the United States mail properly stamped and addressed, by telegraph, when deposited with a telegraph company properly addressed and with charges prepaid.

[Order 72-8, § 132T-09-130, filed 5/2/72.]

WAC 132T-09-140 Service of process—Filing with agency.

Papers required to be filed with the agency shall be deemed filed upon actual receipt by the secretary of the agency at Walla Walla, Washington, accompanied by proof of service upon parties required to be served.

[Order 72-8, § 132T-09-140, filed 5/2/72.]

WAC 132T-09-230 Depositions and interrogatories in contested cases—Right to take. Except as may be otherwise provided, any party may take the testimony of any person, including a party, by deposition upon oral examination or written interrogatories for use as evidence in the proceeding, except that leave must be obtained if notice of the taking is

served by a proponent within twenty days after the filing of a complaint, application or petition. Depositions shall be taken only in accordance with this rule.

[Order 72-8, § 132T-09-230, filed 5/2/72.]

WAC 132T-09-240 Depositions and interrogatories in contested cases—Scope. Unless otherwise ordered, the deponent may be examined regarding any matter not privileged, which is relevant to the subject matter involved in the proceeding.

[Order 72-8, § 132T-09-240, filed 5/2/72.]

WAC 132T-09-250 Depositions and interrogatories in contested cases—Officer before whom taken. Within the United States or within a territory or insular possession subject to the dominion of the United States depositions shall be taken before an officer authorized to administer oaths by the laws of the state of Washington or of the place where the examination is held; within a foreign country, depositions shall be taken before a secretary of an embassy or legation, consul general, vice consul or consular agent of the United States, or a person designated by the agency or agreed upon by the parties by stipulation in writing filed with the agency. Except by

stipulation, no deposition shall be taken before a person who is a party or the privy of a party, or a privy of any counsel of a party, or who is financially interested in the proceedings.

[Order 72-8, § 132T-09-250, filed 5/2/72.]

WAC 132T-09-260 Depositions and interrogatories in contested cases—Authorization. A party desiring to take the deposition of any person upon oral examination shall give reasonable notice of not less than three days in writing to the agency and all parties. The notice shall state the time and place for taking the deposition, the name and address of each person to be examined, if known, and if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs. On motion of a party upon whom the notice is served, the agency may for cause shown, enlarge or shorten the time. If the parties so stipulate in writing, depositions may be taken before any person, at any time or place, upon any notice and in any manner and when so taken may be used as other depositions.

[Order 72-8, § 132T-09-260, filed 5/2/72.]

WAC 132T-09-270 Depositions and interrogatories in

contested cases—Protection of parties and deponents. After notice is served for taking a deposition, upon its own motion or upon motion reasonably made by any party or by the person to be examined and upon notice and for good cause shown, the agency or its designee may make an order that the deposition shall not be taken, or that it may be taken only at some designated place other than that stated in the notice, or that it may be taken only on written interrogatories, or that certain matters shall not be inquired into, or that the scope of the examination shall be limited to certain matters, or that the examination shall be limited to certain matters, or that the examination shall be held with no one present except the parties to the action and their officers or counsel, or that after being sealed, the deposition shall be opened only by order of the agency, or that business secrets or secret processes, developments, or research need not be disclosed, or that the parties shall simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the agency; or the agency may make any other order which justice requires to protect the

party or witness from annoyance, embarrassment, or oppression. At any time during the taking of the deposition, on motion of any party or of the deponent and upon a showing that the examination is being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress the deponent or party, the agency may order the officer conducting the examination to cease forthwith from taking the deposition, or may limit the scope and manner of the taking of the deposition as above provided. If the order made terminates the examination, it shall be resumed thereafter only upon the order of the agency. Upon demand of the objecting party or deponent, the taking of the deposition shall be suspended for the time necessary to make a motion for an order.

[Order 72-8, § 132T-09-270, filed 5/2/72.]

WAC 132T-09-280 Depositions and interrogatories in contested cases—Oral examination and cross-examination.

Examination and cross-examination shall proceed as at an oral hearing. In lieu of participating in the oral examination, any party served with notice of taking a deposition may transmit written cross interrogatories to the officer who, without first

disclosing them to any person, and after the direct testimony is complete, shall propound them seriatim to the deponent and record or cause the answers to be recorded verbatim.

[Order 72-8, § 132T-09-280, filed 5/2/72.]

WAC 132T-09-290 Depositions and interrogatories in contested cases—Recordation. The officer before whom the deposition is to be taken shall put the witness on oath and shall personally or by someone acting under his direction and in his presence, record the testimony by typewriter directly or by transcription from stenographic notes, wire or record recorders, which record shall separately and consecutively number each interrogatory. Objections to the notice, qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented or to the conduct of the officer, or of any party, shall be noted by the officer upon the deposition. All objections by any party not so made are waived.

[Order 72-8, § 132T-09-290, filed 5/2/72.]

WAC 132T-09-300 Depositions and interrogatories in contested cases—Signing attestation and return. (1) When the testimony is fully transcribed, the deposition shall be

submitted to the witness for examination and shall be read to or by him, unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed, unless on a motion to suppress the agency holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

(2) The officer shall certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness. He shall then securely seal the deposition in an envelope endorsed with the

title of proceeding and marked "Deposition of (here insert name of witness)" and shall promptly send it by registered or certified mail to the agency for filing. The party taking the deposition shall give prompt notice of its filing to all other parties. Upon payment of reasonable charges therefor, the officer shall furnish a copy of the deposition to any party or to the deponent.

[Order 72-8, § 132T-09-300, filed 5/2/72.]

WAC 132T-09-310 Depositions and interrogatories in contested cases—Use and effect. Subject to rulings by the agency upon objections a deposition taken and filed as provided in this rule will not become a part of the record in the proceeding until received in evidence by the agency upon its own motion or the motion of any party. Except by agreement of the parties or ruling of the agency, a deposition will be received only in its entirety. A party does not make a party, or the privy of a party, or any hostile witness his witness by taking his deposition. Any party may rebut any relevant evidence contained in a deposition whether introduced by him or any other party.

[Order 72-8, § 132T-09-310, filed 5/2/72.]

WAC 132T-09-320 Depositions and interrogatories in contested cases—Fees of officers and deponents. Deponents whose depositions are taken and the officers taking the same shall be entitled to the same fees as are paid for like services in the superior courts of the state of Washington, which fees shall be paid by the party at whose instance the depositions are taken.

[Order 72-8, § 132T-09-320, filed 5/2/72.]

WAC 132T-09-330 Depositions upon interrogatories—Submission of interrogatories. Where the deposition is taken upon written interrogatories, the party offering the testimony shall separately and consecutively number each interrogatory and file and serve them with a notice stating the name and address of the person who is to answer them and the name or descriptive title and address of the officer before whom they are to be taken. Within ten days thereafter a party so served may serve cross interrogatories upon the party proposing to take the deposition. Within five days thereafter, the latter may serve redirect interrogatories upon the party who served cross interrogatories.

[Order 72-8, § 132T-09-330, filed 5/2/72.]

WAC 132T-09-340 Depositions upon interrogatories—

Interrogation. Where the interrogatories are forwarded to an officer authorized to administer oaths as provided in WAC 132T-09-250, the officer taking the same after duly swearing the deponent, shall read to him seriatim, one interrogatory at a time and cause the same and the answer thereto to be recorded before the succeeding interrogatory is asked. No one except the deponent, the officer and the court reporter or stenographer recording and transcribing it shall be present during the interrogation.

[Order 72-8, § 132T-09-340, filed 5/2/72.]

WAC 132T-09-350 Depositions upon interrogatories—

Attestation and return. The officer before whom interrogatories are verified or answered shall:

(1) Certify under his official signature and seal that the deponent was duly sworn by him, that the interrogatories and answers are a true record of the deponent's testimony, that no one except deponent, the officer and the stenographer were present during the taking, and that neither he nor the

stenographer to his knowledge, is a party, privy to a party, or interested in the event of the proceedings, and

(2) Promptly send by registered or certified mail the original copy of the deposition and exhibits with his attestation to the agency, one copy to the counsel who submitted the interrogatories and another copy to the deponent.

[Order 72-8, § 132T-09-350, filed 5/2/72.]

WAC 132T-09-360 Depositions upon interrogatories—

Provisions of deposition rule. In all other respects, depositions upon interrogatories shall be governed by the previous deposition rule.

[Order 72-8, § 132T-09-360, filed 5/2/72.]

WAC 132T-09-400 Hearing officers. In each instance that a formal hearing is required by institutional policy or chapter 28B.19 RCW, and upon receipt of a request for a formal hearing filed in accordance with chapter 28B.19 RCW, the chairman, vice chairman, or another member of the board of trustees, on the basis of longevity and in the preceding order, may appoint one or more hearing officers, not to exceed three for any one hearing, to preside over, conduct and make proposals for

decisions, including findings of fact and conclusions of law, in each instance, and shall afford an opportunity for a formal hearing after not less than ten days notice and provide such individual requesting formal hearing with notice of the hearing in accordance with the provisions of chapter 28B.19 RCW.

[Order 72-8, § 132T-09-400, filed 5/2/72.]

WAC 132T-09-410 Hearing procedures. Each hearing shall be conducted in the manner provided for in these rules and in chapter 28B.19 RCW.

[Order 72-8, § 132T-09-410, filed 5/2/72.]

WAC 132T-09-420 Duties of hearing officers. (1) All hearing officers appointed in accordance with WAC 132T-09-400 shall conduct hearings in the same manner and shall have the same authority as provided in hearings by the board of trustees as set forth in these rules and in chapter 28B.19 RCW: Provided, That hearing officers shall only make proposals for decisions.

(2) The proposals for decisions and findings of fact and conclusions of law shall be forthwith served upon the parties and transmitted to the board of trustees, together with a record of the proceeding. Within ten days of service of such proposal

for decisions, any party adversely affected may file exceptions and thereafter all parties may present written argument to the board of trustees, which shall consider the whole record or such portions as may be cited by the parties, and after such review the board shall announce its decision and final action to be taken.

(3) If a hearing officer is designated by the board of trustees of Walla Walla Community College to conduct a hearing pursuant to these rules, the board in its discretion may allow oral or written argument before making a final adjudication of the matter after it has received the proposal from the hearing officer. The board may limit the length of oral or written argument and impose reasonable limitations regarding the time and place of where arguments may be presented.

[Order 72-8, § 132T-09-420, filed 5/2/72.]

WAC 132T-09-430 Stipulations and admissions of record.

The existence or nonexistence of a material fact, as made or agreed in a stipulation or in an admission of record, will be conclusively presumed against any party bound thereby, and no

other evidence with respect thereto will be received upon behalf of such party, provided:

(1) Upon whom binding. Such a stipulation or admission is binding upon the parties by whom it is made, their privies and upon all other parties to the proceeding who do not expressly and unequivocally deny the existence or nonexistence of the material fact so admitted or stipulated, upon the making thereof, if made on the record at a prehearing conference, oral hearing, oral argument or by a writing filed and served upon all parties within five days after a copy of such stipulation or admission has been served upon them;

(2) Withdrawal. Any party bound by a stipulation or admission of record at any time prior to final decision may be permitted to withdraw the same in whole or in part by showing to the satisfaction of the agency that such stipulation or admission was made inadvertently or under a bona fide mistake of fact contrary to the true fact and that its withdrawal at the time proposed will not unjustly prejudice the rights of other parties to the proceeding.

[Order 72-8, § 132T-09-430, filed 5/2/72.]

WAC 132T-09-440 Definition of issues before hearing. In all proceedings the issues to be adjudicated shall be made initially as precise as possible, in order that the agency may proceed promptly to conduct the hearings on relevant and material matter only.

[Order 72-8, § 132T-09-440, filed 5/2/72.]

WAC 132T-09-450 Continuances. Any party who desires a continuance, shall immediately upon receipt of notice of a hearing, or as soon thereafter as facts requiring such continuance come to his knowledge, notify the agency of said desire, stating in detail the reasons why such continuance is necessary. The agency, in passing upon a request for continuance, shall consider whether such request was promptly and timely made. For good cause shown, the agency may grant such a continuance and may at any time order a continuance upon its motion. During a hearing, if it appears in the public interest or in the interest of justice that further testimony or argument should be received, the agency may in its discretion continue the hearing and fix the date for introduction or additional

evidence or presentation of argument. Such oral notice shall constitute final notice of such continued hearing.

[Order 72-8, § 132T-09-450, filed 5/2/72.]

WAC 132T-09-460 Rules of evidence—Admissibility criteria.

Subject to the other provisions of these rules, all relevant evidence is admissible which, in the opinion of the agency is the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness. In passing upon the admissibility of evidence, the agency shall give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings, in matters not involving trial by jury, in the superior court of the state of Washington.

[Order 72-8, § 132T-09-460, filed 5/2/72.]

WAC 132T-09-470 Tentative admission—Exclusion—

Discontinuance—Objections. When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The agency may, in its discretion, either with or without objection, exclude inadmissible evidence or order cumulative evidence discontinued. Parties objecting to the

introduction of evidence shall state the precise grounds of such objection at the time such evidence is offered.

[Order 72-8, § 132T-09-470, filed 5/2/72.]

WAC 132T-09-480 Form and content of decisions in contested cases. Every decision and order, whether proposed, initial or final, shall:

(1) Be correctly captioned as to name of agency and name of proceeding;

(2) Designate all parties and counsel to the proceeding;

(3) Include a concise statement of the nature and background of the proceeding;

(4) Be accompanied by appropriate numbered findings of fact and conclusions of law;

(5) Whenever practical, the conclusions of law shall include the reason or reasons for the particular order or remedy afforded;

(6) Wherever practical, the conclusions and/or order shall be referenced to specific provisions of the law and/or regulations appropriate thereto, together with reasons and precedents relied upon to support the same.

[Order 72-8, § 132T-09-480, filed 5/2/72.]

Chapter 132T-90 WAC

IMPLEMENTATION OF THE FAMILY EDUCATIONAL RIGHTS AND PRIVACY

ACT OF 1974

Last Update: 10/24/77

WAC

132T-90-010 Purpose.

132T-90-020 Definitions.

132T-90-030 Right of inspection.

132T-90-040 Availability of directory information.

132T-90-050 Access permitted to college and certain other
officials without consent.

132T-90-060 Distribution of information to others.

132T-90-070 Notice of rights given under Family Educational
Rights and Privacy Act of 1974.

132T-90-080 Requests for access to student records.

132T-90-090 Determination regarding records.

132T-90-100 Hearing procedure.

132T-90-110 Right of students to register objections.

WAC 132T-90-010 Purpose. The purpose of this chapter is to comply with the requirements of Public Law 93-380, § 513, of 1974, also annotated as 20 U.S.C.A. 1232, which law represents amendments to the General Education Provisions Act. As indication in the aforesaid law, its purpose is to assure that students attending institutions of higher education such as Walla Walla Community College shall have a right to inspect certain records and files intended for school use or made available to parties outside the college.
[Order 75-5, § 132T-90-010, filed 5/20/75.]

WAC 132T-90-020 Definitions. The following definitions shall apply in interpreting these regulations:

(1) "His" when used throughout these regulations shall accomplish reference to both the male and female sexes.

(2) "Education records" means those records, files, documents, and other materials which contain information directly related to a student and are maintained by the college. The definition of "education records," however, does not include any materials used by any college instructor in the course of assessing a student's academic performance, including but not

limited to academic grades conferred, essays, tests, written evaluations given during the course of directed studies, and the like, nor materials maintained by the college's counseling center and the college's health services center, or by any other psychologist paraprofessional acting in his or her professional or paraprofessional capacity for the benefit of the college.

(3) "Student" is defined as a person who is currently enrolled or has ever been enrolled in a regularly scheduled class conducted at the college. Regularly scheduled classes shall include those classes occurring during fall, winter, spring, and summer quarters and those classes in which residence credits are conferred at any other location at which the college confers residence credit.

[Order 75-5, § 132T-90-020, filed 5/20/75.]

WAC 132T-90-030 Right of inspection. A student or the student's parent shall have a right, subject to the procedural requirements outlined in WAC 132T-90-080 through 132T-90-100 of these regulations, to inspect any and all education records directly related to him that is intended for school use or is available for parties outside the school or school system. In

the case of any education records relating to a student which also include information regarding another student, the responsible college officials shall delete any personally identifiable information relating to the identity of such other student. A parent wishing to obtain information from these education records or to grant consent for the release of these records without consent of the student must submit an affidavit stating that the student is a dependent for income tax purposes. [Order 78-5, § 132T-90-030, filed 10/24/77; Order 75-5, § 132T-90-030, filed 5/20/75.]

WAC 132T-90-040 Availability of directory information.

Except as hereinafter provided, the following information contained in a student's education records shall be available to members of the public: Student's name, address, telephone listing, date of birth, participation in officially recognized activities and sports, weight and height of athletic teams, dates of athletic teams, dates of attendance at the college, degrees and awards received, and the most recent previous educational agency or institution attended by the student. Such information shall be deemed "directory information." The

college will give public notice to students of the matters contained in the above-designated "directory information" that is available to members of the public at the time the student registers for enrollment in the academic quarter. On the day of such registration each student shall indicate on the college registration form whether he will not consent to the college's release of such directory information to others without his consent.

[Order 75-5, § 132T-90-040, filed 5/20/75.]

WAC 132T-90-050 Access permitted to college and certain other officials without consent. (1) The following persons, individuals, agencies, or organizations shall be entitled to access to official records, files, and data of any student, subject to the limitations outlined in subsection (2) of this section, WAC 132T-90-050, without the written consent of the student:

(a) Other school officials, including instructors within the college who have a legitimate educational interest;

(b) Officials of other colleges, schools, or school systems, upon the condition that the student is notified of the

transfer and receives a copy of the record if he desires it and has the opportunity to challenge the content of the record, per the procedures outlined in WAC 132T-90-100;

(c) Authorized representatives of the Controller General of the United States, the Secretary of Health, Education and Welfare, and administrative head of an education agency as defined in § 409 of Public Law 93-380, or state of Washington educational authorities: Provided, That except when collection of personally identifiable data is specifically authorized by federal law, any data collected by the controller general, the secretary, administrative head of a United States education agency or state educational authorities with respect to individual students shall not include information (including Social Security numbers) which permit the personal identification of such students.

(d) Authorized representatives of the Office of Education at the U.S. Department of Health, Education and Welfare, the Law Enforcement Assistance Administration of the U.S. Department of Justice, the U.S. Veterans Administration, the Bureau of Indian Affairs, the Washington state council on higher education, the

Washington state department of social and health services, lending institutions receiving applications from students, or granting to students financial aid, and individual organizations or institutions that provide scholarships to any applicant student when such organizations or individuals make requests for students' education records in connection with a student's application for, or receipt of, financial aid.

(2) The college shall maintain a record, kept with the education records of each student, which will indicate all the agencies or organizations referenced in subparagraphs (1)(b) and (1)(c) of this section, which have requested or obtained access to the student's education records. The college employee who is the custodian charged with the maintenance of such student education records shall further indicate specifically the legitimate interest each such agency or organization has in obtaining this information.

(3) If any of the agencies or organizations described in subparagraphs (1)(b) or (1)(c) of this section, request access to the education records of ten or more students, they may do so on a form provided by the college that indicates the request is

being made on a blanket basis. Such form shall also require the agency to identify the legitimate interest the agency has regarding students' education records. The college employee who is the custodian of each student education record requested by an agency or organization referenced in subparagraphs (1)(b) and (1)(c) of this section shall then enter in such education record notice of such agency's or organization's request and the place where the request may be found.

[Order 75-5, § 132T-90-050, filed 5/20/75.]

WAC 132T-90-060 Distribution of information to others.

The college shall not furnish in any form any personally identifiable information contained in education records directly related to a student to any person, agency, or organization other than those designated in WAC 132T-90-050 unless it first obtains written consent from the student, which written consent also specifically identifies the records to be released, the reasons for such release, and to whom such personally identifiable information is to be released. In the case any such personally identifiable information contained in a student's education records is to be furnished in compliance with a

judicial order or pursuant to a lawfully issued subpoena, the college shall notify the student in advance of compliance therewith.

[Order 75-5, § 132T-90-060, filed 5/20/75.]

WAC 132T-90-070 Notice of rights given under Family

Educational Rights and Privacy Act of 1974. In accordance with the requirements of the aforesaid federal statute, the college will make its best efforts to notify all students of their rights under this act. Such notification shall be done through the Washington Administrative Code procedures provided for by the Higher Education Administrative Procedure Act, notices accomplished through the Fourth Estate, and such other publications and media that the college deems appropriate.

[Order 75-5, § 132T-90-070, filed 5/20/75.]

WAC 132T-90-080 Requests for access to student records.

(1) No personally identifiable information relating to a student's education record will be furnished to any person whatsoever unless such person makes a written request to do so and provides to the custodian of such records information sufficient to identify the requesting party as a person who has

a right to access to such records. By way of example, and not limitation, a requesting party who identifies himself as a student to whom such record relates must provide a driver's license sufficient to identify such student, college identification card, and any other official identifying document that is sufficient to establish the identity of such student. In the case of any persons in the category of those individuals, persons, agencies or organizations identified in WAC 132T-90-050, no personally identifiable information contained in any student's education record will be disclosed without providing information of the same type and nature as that required of a student plus other information as the custodian of the record deem sufficient to ascertain the official capacity of such requesting party.

[Order 75-5, § 132T-90-080, filed 5/20/75.]

WAC 132T-90-090 Determination regarding records. (1) The college reserves the right to determine that a record regarding a student is not an education record or material defined in WAC 132T-90-020 or that the provision of personally identifiable information relating to a student was properly given to an

authorized agency per WAC 132T-90-050. Such determination shall be made in writing and may be accomplished in consultation with any of the records officers of the college. For purposes of this chapter the records officer shall be the dean of student services and the director of admissions or the registrar.
[Order 75-5, § 132T-90-090, filed 5/20/75.]

WAC 132T-90-100 Hearing procedure. (1) Any person objecting to a denial of a request for any college record relating to a student, or any student who contests whether the transfer of any college record relating to him is permitted under these regulations, may petition for prompt review of such denial or written objection to transfer. Such written request shall:

(a) Be served upon any one of the public records officers who are listed in WAC 132T-90-090;

(b) Demand prompt review; and

(c) In the case of objection to transfer, specifically reference the party to whom he does not want the record transferred and contain a written statement by the record custodian denying the person's request.

Upon receipt of a proper written objection to transfer of a student record, the college public records officer shall cause such records to not be transferred pending outcome of the hearing proceeding provided for in these regulations.

(2) Within ten days after receipt of the written request by a person petitioning for prompt review of a decision by a custodian of student records, the president of the college or his designee shall consider such petition.

(3) The president or his designee may at the end of the ten day period either meet the objecting party's objection and advise him of the same in writing, or in the alternative, set the matter up for a hearing before a hearing officer designated by the president or the president's designee. Such hearing shall be conducted within thirty days after the objecting party served his objections on the college's public records officer(s) and shall be an informal hearing. The president or his designee shall determine the time and place for such hearing. At the hearing, the objecting party shall further explain and identify his exact purpose for seeking the record he has been denied or why he has lodged objections to transfer of a student record.

Failure by the person requesting the review to appear at such informal hearing shall be deemed a waiver of that person's right to insist upon completion of the review of his request.

(4) During the course of the informal hearing conducted by the president, his designee, or by anyone appointed by the president or his designee, the person conducting the hearing shall consider the obligation of the college to fully comply with the Family Educational Rights and Privacy Act, but shall also consider the exemptions provided in the course of these regulations. A record shall be made of the informal hearing by mechanical transcriptions or any other means satisfactory to the college.

(5) Within ten days after the hearing has occurred, the president, or his designee, or the hearing officer appointed to conduct the informal hearing shall provide the objecting party with a written decision, which decision shall be binding upon the college and upon the objecting party.

[Order 75-5, § 132T-90-100, filed 5/20/75.]

WAC 132T-90-110 Right of students to register objections.

Any student who objects to the accuracy or truthfulness of any

information contained in any Walla Walla Community College education records or portions thereof that is related to him may submit to the college's public records officer(s) his written views regarding the same, which written objection shall then be included in such education records provided, however, no student has any right to post his objections to academic grades and have the same appear on his academic transcript.

[Order 75-5, § 132T-90-110, filed 5/20/75.]

Chapter 132T-190 WAC

POLICY ON THE USE OF THE COLLEGE FACILITIES

Last Update: 11/22/82

WAC

132T-190-010 Use of college facilities.

132T-190-020 Limitation of use to school activities.

132T-190-030 Limitation of use.

132T-190-040 Administrative control.

132T-190-050 Trespass.

WAC 132T-190-010 Use of college facilities. Because the Walla Walla Community College is an educational institution provided and maintained by the people of the state, its campus, buildings, properties, and facilities shall be reserved at all times for those activities which either are related directly to its educational mission or are justifiable on the basis of their contributions to the cultural, social or economic development of the state.

[Order 78-6, § 132T-190-010, filed 10/24/77.]

WAC 132T-190-020 Limitation of use to school activities.

The college buildings, properties and facilities, including those of the associated student body, may be used only for:

(1) The regularly established teaching, research or public service activities of the college and its departments or related agencies.

(2) Cultural, educational or recreational activities of the students or of the faculty or staff.

(3) Short courses, conferences, seminars, or similar events, conducted either in the public service or for the advancement of specific departmental professional interests, when arranged under the sponsorship of the college or its departments.

(4) Public events of a cultural or professional nature brought to the campus at the request of college departments or committees and presented with their active sponsorship and active participation.

(5) Activities or programs sponsored by educational institutions, by state or federal agencies, by charitable agencies or civic or community organizations whose activities

are of widespread public service and of a character appropriate to the college.

[Order 78-6, § 132T-190-020, filed 10/24/77.]

WAC 132T-190-030 Limitation of use. (1) Primary consideration shall be given at all times to activities specifically related to the college's mission, and no arrangements shall be made that may interfere with, or operate to the detriment of, the college's own teaching, research or public service programs.

(2) In general, the facilities of the college shall not be rented to, or used by, private or commercial organizations or associations, nor shall the facilities be rented to persons or organizations conducting programs for private gain.

(3) College facilities may not be used for commercial sales, advertising or promotional activities except when such activities clearly serve educational objectives (as in display of books of interest to the academic community or in the display or demonstration of technical or research equipment) and when they are conducted under the sponsorship or at the request of a college department or office or of the associated student body.

(4) College facilities may not be used for purposes of political campaigning by or for candidates who have filed for public office except for student-sponsored activities. Rules, regulations, policies, procedures and practices regarding the use of college facilities shall not discriminate or promote discrimination among political parties, groups or candidates solely on the basis of their particular political viewpoint.

(5) Activities of commercial or political nature will not be approved if they involve the use of promotional signs or posters on buildings, trees, walls, or bulletin boards, or the distribution of samples outside rooms or facilities to which access-by be granted.

(6) Because of limitations imposed by the constitution of the state of Washington, the facilities of the college may not be used for the purpose of religious worship, exercise or instruction, except as provided in WAC 132T-190-030(7).

(7) College facilities are available to all recognized student groups and faculty or staff organizations, subject to these general policies, except as provided in WAC 132T-190-

030(6), and to the rules and regulations of the college governing student, faculty and staff affairs.

(8) Handbills, leaflets and similar materials, except those which are commercial, obscene, or unlawful in character, may be distributed on the campus by regularly enrolled students, members of recognized student organizations or college personnel. Materials may be distributed only in designated areas on the campus where, and at times when, such distribution shall not interfere with the orderly administration of the college affairs or the free flow of traffic. Persons and organizations not connected with the college may not distribute handbills and similar materials.

(9) Exterior audio amplifying equipment is permitted only in locations and at times that will not interfere with the normal conduct of college affairs.

(10) No person or group may use or enter onto college facilities having in their possession firearms, even though licensed to do so, except commissioned police officers as prescribed by law.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-24-021 (Resolution No. 83-4), § 132T-190-030, filed 11/22/82; Order 78-6, § 132T-190-030, filed 10/24/77.]

WAC 132T-190-040 Administrative control. The board hereby delegates to the president authority to set up administrative procedures for proper review of the use of college facilities; to establish, within the framework of these policies, regulations governing such use; and to establish rental schedules where appropriate.

[Order 78-6, § 132T-190-040, filed 10/24/77.]

WAC 132T-190-050 Trespass. (1) Individuals who are not students or members of the faculty or staff and who violate these regulations will be advised of the specific nature of the violation, and if they persist in the violation, they will be requested by the campus president, or his designee, to leave the college property. Such a request will be deemed to prohibit the entry of, withdraw the license or privilege to enter onto or remain upon any portion of the college facilities by the person or group of persons requested to leave, and subject such individuals to arrest under the provisions of RCW 9.88.080.

(2) Members of the college community (students, faculty and staff) who do not comply with these regulations will be reported to the appropriate college office or agency for action in accord with established college policies.

(3) Any person who violates or is in violation of a district policy may have the license or privilege to be on district property revoked and ordered to withdraw from and refrain from entering upon any district property. Remaining on or reentering district property after one's license or privilege to be on district property has been revoked shall constitute trespass and such individual shall be subject to arrest for criminal trespass.

[Order 78-6, § 132T-190-050, filed 10/24/77.]

Board of Trustees Meeting Minutes Community College District No. 20 Walla Walla Community College

The Board of Trustees of Community College District No. 20 met in regular session on Wednesday, June 22, 2022 in the Water & Environmental Center and via Zoom. Mr. Bill Warren called the meeting to order at 9:33 a.m.

Trustees present: Mr. Bill Warren, Chair
Mr. Tim Burt
Mr. Sergio Hernandez
Ms. Tara Leer
Ms. Michelle Liberty

Administrators present: Dr. Chad Hickox, President
Ms. Sherry Hartford, Vice President, Human Resources
Ms. Peggy Lauerman, Vice President, Administrative Services
Dr. Graydon Stanley, Vice President, Student Services
Dr. Nick Velluzzi, Vice President, Enrollment Services and Institutional Effectiveness
Ms. Kathy Adamski, Dean, Nursing Education
Mr. Jerry Anhorn, Dean, Workforce Education
Ms. Jessica Cook, Executive Director, Foundation
Dr. Karl Easttorp, Director, Marketing & Communications
Ms. Denise Kammers, Dean, Corrections Education
Dr. Chad Miltenberger, Dean, Clarkston Campus
Mr. Joshua Slepín, Director, Institutional Research & Effectiveness

Also present: Dr. Lisa Chamberlin, ctcLink Project Manager/Organizational Change Manager
Ms. Debra Erikson, Assistant Dean, Student Success Center
Ms. Doreen Kennedy, Recording Secretary
Mr. Bryan Ovens, AAG
Ms. Nadine Stecklein, Director, Student Life

Approval of Agenda.

Mr. Hernandez moved and Mr. Burt seconded to approve the agenda for the June 22, 2022 Board of Trustees meeting as presented. *Motion carried.*

Student Success Review. Dr. Nick Velluzzi and Mr. Joshua Slepín presented information to the Board during a study session which showcased various metrics used to gauge student success.

Warrior Pledge. Dr. Velluzzi provided the Board with an overview of the Warrior Pledge program as part of the study session.

Consent Agenda.

Mr. Burt moved and Mr. Hernandez seconded to move the President's Report to just before Board Reports/Remarks and that the consent agenda items be approved or accepted, as appropriate: 1) May 25, 2022 Board Meeting Minutes, 2) June 8, 2022 Special Board Meeting Minutes, 3) Personnel Update. *Motion carried.*

AHE Update. Mr. Jim Peitersen reported on the following topics:

- Contract negotiations resumed and have now concluded with a ratified contract
- AHE continues to review updated and new policies and procedures
- AHE president participated in tenure buy-outs
- Faculty are busy learning the new system with the ctclink conversion

Interim Spring Quarter and Preliminary Summer Quarter Enrollment Report. Dr. Velluzzi reviewed the Interim Spring Quarter Enrollment Report, noting the following results were in comparison to the close of the previous Spring Quarter, and provided Preliminary Summer Quarter results:

- State-supported enrollment reported 1,471 FTE, up 68 FTE or 4.8%
- Contract enrollment reported 1,033 FTE, down 123 FTE or 10.5%
- Self-support enrollment reported 48 FTE, up 23 FTE
- Total enrollment reporting 2,566 FTE, down 18 FTE, about .7%
- Preliminary state supported enrollment for summer quarter is reporting 299 FTE, down 76 FTE or 20%

Second Read: 2022-23 Student Services and Activities Fees Budget. Dr. Graydon Stanley presented the 2022-23 Student Services and Activities Fees Budget, unchanged since the May 2022 Board meeting.

Mr. Burt moved and Ms. Leer seconded to accept the 2022-23 Student Services and Activities Fees Budget as presented. *Motion carried.*

Second Read: 2022-23 Athletics Budget. Dr. Stanley presented the 2022-23 Athletic program budget, unchanged since the May 2022 Board meeting.

Mr. Hernandez moved and Mr. Burt seconded to accept the 2022-23 Athletics Budget as presented. *Motion carried.*

Second Read: 2022-23 Tuition Schedules and Student Program Fees.

- **2022-23 Tuition Schedules**
- **2022-23 Student Program Fees**

Ms. Peggy Lauerman reviewed the proposed 2022-23 Tuition Schedules and Student Program Fees, unchanged since presented at the June 2022 special Board meeting.

Mr. Burt moved and Ms. Liberty seconded to accept the 2022-23 Tuition Schedules and Student Program Fees as presented. *Motion carried.*

Second Read: 2022-23 Annual Plan and Budget. Ms. Lauerman reviewed the 2022-23 Annual Plan and Budget, noting there had been no changes since it was presented at the June 2022 special Board meeting, including:

- State base allocation increased \$1.8 million
- COLAs: 4.743% for faculty; 3.25% for exempt/classified
- Pass-through of \$465,441 for high-demand faculty salaries
- \$1,233,190 for nurse educator salaries
- 2.4% increase in tuition
- 5% increase in enrollment
- One-time expenditures of \$1.1 million – including \$525,000 for ctcLink
- \$1.5 million in federal funding
- Expenditures: \$36,472,754
- Grants and Contracts: \$12,443,187

Mr. Hernandez moved and Mr. Burt seconded to accept the 2022-23 Annual Plan and Budget as presented. *Motion carried.*

Recess to Executive Session to Discuss Faculty Negotiations. At 11:50 a.m., the Board recessed to Executive Session to discuss faculty negotiations, with an anticipated return time of 12:25 p.m. The Board returned to open session at 12:26 p.m. and Mr. Warren reported no action had been taken during Executive Session.

Consider Approval of 2022-2025 Contract between the Board of Trustees of Community College District No. 20 and the Walla Walla Community College Association for Higher Education. Ms. Sherry Hartford requested that the Board accept the 2022-2025 Contract between the Board of Trustees of Community College District No. 20 and the Walla Walla Community College Association for Higher education as presented.

Ms. Liberty moved and Mr. Hernandez seconded to approve the 2022-2025 Contract between the Board of Trustees of Community College District No. 20 and the Walla Walla Community College Association for Higher Education as presented. *Motion carried.*

President's Report. Dr. Hickox reported on the following topics:

- Retirement of Sherry Hartford, VP of Human Resources: We would like to acknowledge and thank Sherry for her 17 years of service, noting this will be her last Board meeting.
- Location of Board Meetings: Construction is moving along and we hope to resume hosting Board meetings in the Board Room in the near future.
- Student Vaccine Requirement: Starting fall quarter 2022, we will no longer be requiring on campus students to be vaccinated. We will continue to follow the Governor's Higher Education Proclamation while welcoming students back to campus. Notification of this change is being messaged to the community.
- Secretary of State Visit: Secretary Hobbs will be visiting WWCC this week for an informal visit.
- Personnel News: Dr. Benjamin Schultze has been hired as our new Dean of Nursing and begins in his new role August 15. Matt Williams, Ag Faculty Lead, has agreed to fill the position of Interim Dean of Academic Transfer as we search for a replacement for Dr. Richard Middleton-Kaplan, who is set to retire June 30.
- IT Update: Campus Works has been selected through an RFP process to contract the hire of an Interim CIO.
- WACTC Capital Budget Committee: In addition to serving on the Corrections Education Committee, WACTC leadership has asked me to serve as vice chair for the Capital Budget Committee. This will place me in a position to join the Operating Budget Committee next year and for WWCC to join the allocation model discussion.
- Summer Schedule: The college begins its summer schedule this week, in which we operate on a 4/10 work week schedule with Friday's as sustainability days; sustainability days reduce energy costs as most college buildings are closed.
- Board Retreat: Arrangements will be made soon for a Board retreat to be held in July/August.

Board Reports / Remarks. None.

New and Unscheduled Business. The following items were discussed:

- Cancellation of the regularly scheduled July 27, 2022 Board Meeting.

Mr. Burt moved and Mr. Hernandez seconded to cancel the regularly scheduled July 27, 2022 Board of Trustees Meeting. *Motion carried.*

- The Governance Leadership Institute is offering professional development for new Board members in Washington, D.C. August 4-6 on policy governance.
- Ms. Liberty noted that the graduation ceremony went exceptionally well, despite weather concerns.

Public Comment. None.

Adjournment. The meeting adjourned at 1:00 p.m.

Dr. Chad E. Hickox, President

ATTEST:

Mr. Bill Warren, Chair
Board of Trustees

WALLA WALLA COMMUNITY COLLEGE

MEMORANDUM

DATE: August 18, 2022
TO: Board of Trustees
FROM: Brooke Marshall, Vice President of Human Resources
SUBJECT: Personnel Update

Below is an update reflecting changes to college personnel in June and July 2022.

New Hires

Adams, Joshua – Alumni Relations/Annual Giving Officer, Foundation
Boogard, Michael – Environmental Services Manager, Facilities
Trogstad-Isaacson, Andrew – Assistant Director of Water & Environmental Center, Workforce Education
Logothetis, Stylianos – Director of Enology & Viticulture, Enology & Viticulture

Separations:

Munoz, Carlos – Career Navigator, Transitional Studies
Mau, Christopher – Instruction and Classroom Support Technician 2, Clarkston
Stevenson-McClure, Cindy – FTF, Arts & Sciences
Phillips, Curtis – FTF, Arts & Sciences
Walker, Cynthia – Assistant Dean, Workforce Education
Norton, Dan – FTF, Collision Repair Technology
Meliah, David – Career Navigator, Student Services
Schulz, Eric – FTF, Arts & Sciences
Stahnke, Gwen – FTF, Workforce Education
Bayne-Lemma, Jennifer – FTF, Arts & Sciences
Hendrickson, Lara-Ly – FTF, Nursing, Clarkston
Higgins, Logan – FTF, Arts & Sciences
Horner, Natalie – Fiscal Specialist 2, Business Services
Becker, Patti – FTF, Nursing
Hellie, Richard – FTF, Diesel Technology
Middleton-Kaplan, Richard – Dean of Arts & Sciences, Arts & Sciences
Loomer, Kevin – FTF, Arts & Sciences
Mayberry, Patty – Fiscal Analyst 1, Business Services
Frei, Katie – Financial Aid Specialist, Student Services
Brott, Randi – Career Navigator, Clarkston
Luengas-Maya, Marisol – Administrative Assistant 3, Foundation
Lueck, Sabrina – Director Wine Making & General Manager, Enology & Viticulture
Devary, Cindy – Administrative Assistant to the Vice President of Instruction, Instruction
Swan-Froese, Danielle – Coordinator, Enology & Viticulture

Changes:

Herrmann, Diana – Director of Guided Pathways, Student Services
Stanley, Gayle – Program Coordinator, Clarkston
Combs, Kevin – IT Systems Administration-Journey, Technology Services

Williams, Matt – Interim Dean of Arts & Sciences, Arts & Sciences
Chavez, Ricardo – Director of Education Operations, CRCC
Chamberlin, Lisa – Dean of Enrollment Strategies, Student Services

Full-Time Positions Currently Posted

Administrative Assistant 3
Administrative Assistant to the Vice President of Instruction
Adult Basic Education Instructor, CRCC
Carpentry Instructor, CRCC
Construction Trades Apprenticeship Preparation (CTAP) Instructor, WSP
Educational & Career Navigator (BFET)
Financial Aid Specialist
Fiscal Analyst 1
Fiscal Analyst 2
Microbiology Instructor (Tenure Track)
Nursing Instructor, WW & Clarkston
Office Manager
Science Lab Manager/Tutoring-Learning Center Coordinator
Student Success Center Navigator

REPEALER

The following chapter of the Washington Administrative Code is
repealed:

| | |
|-----------------|-----------------------------------|
| WAC 132T-04-001 | Promulgation. |
| WAC 132T-04-010 | Offices. |
| WAC 132T-04-020 | Meetings. |
| WAC 132T-04-030 | Executive sessions. |
| WAC 132T-04-040 | Order of agenda. |
| WAC 132T-04-050 | Records of board action. |
| WAC 132T-04-060 | Parliamentary procedure. |
| WAC 132T-04-070 | Adoption or revision of policies. |
| WAC 132T-04-080 | Officers of the board. |
| WAC 132T-04-090 | Committees. |
| WAC 132T-04-100 | Fiscal year. |
| WAC 132T-04-110 | Official seal. |
| WAC 132T-04-120 | Changes to bylaws. |

AMENDATORY SECTION (Amending Order 72-8, filed 5/2/72)

WAC 132T-09-001 (~~((Formal hearing policy.))~~) **Adoption of model rules of procedure.** (~~((In each instance that a formal hearing is required by institutional policy, regulation or chapter 28B.19 RCW, the provisions of WAC 132T-09-001 through 132T-09-480 shall be applicable.))~~) The model rules of procedure adopted by the chief administrative law judge pursuant to RCW 34.05.250, as now or hereby amended, are adopted for use at Walla Walla Community College District 20. Those rules may be found in chapter 10-08 WAC. Other procedural rules adopted in this title are supplementary to the model rules of procedure. In the case of a conflict between the model rules of procedure and procedural rules previously adopted by this college, the model rules prevail.

[Order 72-8, § 132T-09-001, filed 5/2/72.]

AMENDATORY SECTION (Amending Order 72-8, filed 5/2/72)

WAC 132T-09-005 (~~((Definitions.))~~) **Appointment of presiding officers.** (~~((As used herein, the term "agency" shall mean the board of trustees of Community College District No. 20 and Walla Walla~~

~~Community College.))~~ The president or designee shall appoint a presiding officer for an adjudicative proceeding. The presiding officer shall be an administrative law judge, a member in good standing of the Washington State Bar Association, a panel of individuals, the president or designee, or any combination of the above. Where more than one individual is appointed to be the presiding officer, the president or designee shall designate one person to make decisions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters.

[Order 72-8, § 132T-09-005, filed 5/2/72.]

AMENDATORY SECTION (Amending Order 72-8, filed 5/2/72)

WAC 132T-09-010 ((~~Appearance and practice before agency.~~))

Method of recording. ((~~No person may appear in a representative capacity before the agency other than the following:~~

~~(1) Attorneys at law duly qualified and entitled to practice before the supreme court of the state of Washington.~~

~~(2) Attorneys at law duly qualified and entitled to practice before the highest court of record of any other state, if the attorneys at law of the state of Washington are permitted to appear in~~

~~a representative capacity before administrative agencies of such other state, and if not otherwise prohibited by our state law.~~

~~(3) Persons otherwise qualified as possessing the requisite skill to appear and expertly represent others who have applied to the agency and have been duly authorized by the agency to appear in a representative capacity before the agency.~~

~~(4) A bona fide officer, partner, or full time employee of an individual firm, association, partnership, or corporation who appears for such individual firm, association, partnership or corporation.))~~

Proceedings will be recorded by a method determined by the presiding officer, among those available under the model rules of procedure.

[Order 72-8, § 132T-09-010, filed 5/2/72.]

AMENDATORY SECTION (Amending Order 72-8, filed 5/2/72)

WAC 132T-09-080 (~~(Notice and opportunity for hearing in contested cases.))~~ **Application for adjudicative proceeding.** (~~(In any contested case all parties shall be served with a notice at least ten days before the date set for the hearing. The notice shall be signed by the president of Walla Walla Community College or his designee and shall state the time, place and issues involved as required by RCW~~

~~28B.19.120.))~~ An application for adjudicative proceeding shall be in writing. Application forms are available at the following address:

Office of the President

Walla Walla Community College

500 Tausick Way

Walla Walla, WA 99362.

Written application for an adjudicative proceeding shall be submitted to the above address within 20 calendar days of the date of the agency action that gave rise to the application, unless provided for otherwise by statute or rule.

[Order 72-8, § 132T-09-080, filed 5/2/72.]

AMENDATORY SECTION (Amending Order 72-8, filed 5/2/72)

WAC 132T-09-090 (~~((Service of process-By whom served.))~~) **Brief adjudicative procedures.** (~~((The agency shall cause to be served all orders, notices and other papers issued by it, together with any other papers which it is required by law to serve. Every other paper shall be served by the party filing it.))~~) This rule is adopted in accordance with RCW 34.05.482 through 34.05.494, the provisions of which are adopted by reference. In addition to those proceedings specified

elsewhere in college regulations, brief adjudicative procedures shall be used in all matters related to:

(1) Residency determinations;

(2) Challenges to content of education records; or

(3) Outstanding debts owed by students or employees.

[Order 72-8, § 132T-09-090, filed 5/2/72.]

AMENDATORY SECTION (Amending Order 72-8, filed 5/2/72)

WAC 132T-09-100 ((~~Service of process Upon whom served.~~))

Discovery. ((~~All papers served by either the agency or any party shall be served upon all counsel of record at the time of such filing and upon parties not represented by counsel or upon their agents designated by them or by law. Any counsel entering an appearance subsequent to the initiation of the proceeding shall notify all other counsel then of record and all parties not represented by counsel of such fact.~~)) Discovery in adjudicative proceedings may be permitted at the discretion of the presiding officer. In permitting discovery, the presiding officer shall refer to the civil rules of procedure. The presiding officer may control the frequency and nature of discovery permitted and order discovery conferences to discuss discovery issues.

[Order 72-8, § 132T-09-100, filed 5/2/72.]

AMENDATORY SECTION (Amending Order 72-8, filed 5/2/72)

WAC 132T-09-110 ((~~Service of process~~ ~~Service upon parties.~~))

Procedure for closing parts of the hearings. ((~~The final order, and any other paper required to be served by the agency upon a party, shall be served upon such party or upon the agent designated by him or by law to receive service of such papers, and a copy shall be furnished to counsel of record.~~)) Any party may apply for a protective order to close part of the hearing. The party making the request shall state the reasons for making the application to the presiding officer. If the other party opposes the request, a written response to the request shall be made within 10 calendar days of the request to the presiding officer. The presiding officer shall determine which, if any, parts of the proceeding shall be closed and state the reasons in writing within 20 calendar days of receiving the request.

[Order 72-8, § 132T-09-110, filed 5/2/72.]

AMENDATORY SECTION (Amending Order 72-8, filed 5/2/72)

WAC 132T-09-120 ((~~Service of process Method of service.~~))

Recording devices. ((~~Service of papers shall be made personally or, unless otherwise provided by law, by first-class, registered, or certified mail or by telegraph.~~)) No cameras or recording devices are allowed in those parts of the proceedings that the presiding officer has determined shall be closed under WAC 132T-09-010, except for the method of official recording selected by the college.

[Order 72-8, § 132T-09-120, filed 5/2/72.]

REPEALER

The following sections of the Washington Administrative Code are repealed:

| | |
|-----------------|--|
| WAC 132T-09-130 | Service of process—When service complete. |
| WAC 132T-09-140 | Service of process—Filing with agency. |
| WAC 132T-09-230 | Depositions and interrogatories in contested cases—Right to take. |
| WAC 132T-09-240 | Depositions and interrogatories in contested cases—Scope. |
| WAC 132T-09-250 | Depositions and interrogatories in contested cases—Officer before whom taken. |
| WAC 132T-09-260 | Depositions and interrogatories in contested cases—Authorization. |
| WAC 132T-09-270 | Depositions and interrogatories in contested cases—Protection of parties and deponents. |
| WAC 132T-09-280 | Depositions and interrogatories in contested cases—Oral examination and cross-examination. |
| WAC 132T-09-290 | Depositions and interrogatories in contested cases—Recordation. |
| WAC 132T-09-300 | Depositions and interrogatories in contested cases—Signing attestation and return. |
| WAC 132T-09-310 | Depositions and interrogatories in contested cases—Use and effect. |
| WAC 132T-09-320 | Depositions and interrogatories in contested cases—Fees of officers and deponents. |
| WAC 132T-09-330 | Depositions upon interrogatories—Submission of interrogatories. |
| WAC 132T-09-340 | Depositions upon interrogatories—Interrogation. |

| | |
|-----------------|---|
| WAC 132T-09-350 | Depositions upon interrogatories—Attestation and return. |
| WAC 132T-09-360 | Depositions upon interrogatories—Provisions of deposition rule. |
| WAC 132T-09-400 | Hearing officers. |
| WAC 132T-09-410 | Hearing procedures. |
| WAC 132T-09-420 | Duties of hearing officers. |
| WAC 132T-09-430 | Stipulations and admissions of record. |
| WAC 132T-09-440 | Definition of issues before hearing. |
| WAC 132T-09-450 | Continuances. |
| WAC 132T-09-460 | Rules of evidence—Admissibility criteria. |
| WAC 132T-09-470 | Tentative admission—Exclusion—Discontinuance—Objections. |
| WAC 132T-09-480 | Form and content of decisions in contested cases. |

Chapter 132T-90 WAC
 ((~~IMPLEMENTATION OF THE~~)) **FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT**
 ((~~OF 1974~~))

AMENDATORY SECTION (Amending Order 75-5, filed 5/20/75)

WAC 132T-90-010 ((~~Purpose.~~)) **The Family Educational Rights and Privacy Act (FERPA).** ((~~The purpose of this chapter is to comply~~))
Walla Walla Community College District 20 complies with the requirements of Public Law 93-380, § 513, of 1974, also annotated as 20 U.S.C.A. 1232, which law represents amendments to the General Education Provisions Act. As ((~~indication~~)) indicated in the aforesaid law, its purpose is to assure that students attending institutions of higher education ((~~such as Walla Walla Community College~~)) shall have a right to inspect certain records and files intended for school use or made available to parties outside the college.

The student policy called confidentiality of student records (FERPA) provides additional information on student rights under FERPA, what directory information may be released by the college, and contact information for the U.S. Department of Education. The college catalog has a link for the release of information form and additional information on this student policy. Copies of the catalog and policy are available online at www.wvcc.edu. Questions and inquiries about

FERPA policy and procedures should be directed to the college registrar.

[Order 75-5, § 132T-90-010, filed 5/20/75.]

REPEALER

The following sections of the Washington Administrative Code are repealed:

| | |
|-----------------|---|
| WAC 132T-90-020 | Definitions. |
| WAC 132T-90-030 | Right of inspection. |
| WAC 132T-90-040 | Availability of directory information. |
| WAC 132T-90-050 | Access permitted to college and certain other officials without consent. |
| WAC 132T-90-060 | Distribution of information to others. |
| WAC 132T-90-070 | Notice of rights given under Family Educational Rights and Privacy Act of 1974. |
| WAC 132T-90-080 | Requests for access to student records. |
| WAC 132T-90-090 | Determination regarding records. |
| WAC 132T-90-100 | Hearing procedure. |
| WAC 132T-90-110 | Right of students to register objections. |

Chapter 132T-190 WAC
((POLICY ON THE)) USE OF THE COLLEGE FACILITIES

AMENDATORY SECTION (Amending Order 78-6, filed 10/24/77)

WAC 132T-190-010 Use of college facilities. ((Because the))

Walla Walla Community College ((is an educational institution provided and maintained by the people of the state, its campus, buildings, properties, and facilities shall be reserved at all times for those activities which either)) District 20 provides continued educational opportunities that are related directly to its educational mission or are justifiable on the basis of their contributions to the cultural, social, or economic development of ((the state)) its service district.

In keeping with this general purpose, the college believes that facilities should be available for a variety of uses that are of benefit to the general public, provided said uses do not interfere with the educational mission of the college. However, a state agency is under no obligation to make its public facilities available to the community for private purposes.

[Order 78-6, § 132T-190-010, filed 10/24/77.]

AMENDATORY SECTION (Amending Order 78-6, filed 10/24/77)

WAC 132T-190-020 Limitations on the use of college facilities

for school activities. The college buildings, properties, grounds, athletic fields, parking lots, and facilities, including those of the associated student body, may be used only for:

(1) The regularly established teaching, research, or public service activities of the college and its departments or related agencies.

(2) Cultural, educational, or recreational activities of the students ~~((or of the))~~, faculty, staff, or contracted partners.

(3) Short courses, conferences, seminars, or similar events, conducted either in the public service or for the advancement of specific departmental professional interests, when arranged under the official sponsorship of the college, its departments, associated student body, or contracted partners.

(4) Public events of a cultural or professional nature brought to the campus at the request of college departments or committees ~~((and presented with their active))~~, official sponsorship, and active participation.

(5) Activities or programs sponsored by educational institutions, by state or federal agencies, by charitable agencies ~~((or))~~, civic

groups, or community organizations whose activities are of widespread public service and of a character appropriate to the college.

(6) College facilities may be assigned to college recognized student organizations for regular business meetings, social functions, and for programs open to the public. Any college recognized student organization may invite speakers from outside the college community to speak on campus, subject to the availability of facilities and in compliance with administrative policies and procedures on the use of college facilities and expressive speech. The appearance of an invited speaker on campus does not represent an endorsement by the college, its students, employees, or board of trustees, implicitly or explicitly, of the speaker's views.

(7) Reasonable conditions may be imposed to regulate the appropriateness of requests, of space assigned, time of use, and to ensure the proper maintenance of the facilities. Subject to the same limitations, individuals or groups within the college community may request use of college facilities. Arrangements by both organizations and individuals must be made through the designated administrative officer per the college's administrative policies and procedures.

(8) The college may restrict an individual's or group's use of college facilities if that person or group has, in the past, damaged

or destroyed college facilities. Charges may be imposed for any damage or theft during the use of the facilities. The individual, group, or organization requesting space will be required to state in advance the general purpose of any meeting.

[Order 78-6, § 132T-190-020, filed 10/24/77.]

NEW SECTION

WAC 132T-190-025 Statement of intentions. The college neither intends nor desires to compete with any local agency or private enterprise in making its facilities available to the community. Privately operated facilities exist which are well qualified to best meet many community needs. The college encourages the community to patronize local businesses or agencies. With this approach, the college will work cooperatively with local private enterprise to the mutual benefit of all concerned.

[]

AMENDATORY SECTION (Amending WSR 82-24-021, filed 11/22/82)

WAC 132T-190-030 Restrictions on the use of college facilities.

(1) Primary consideration shall always be given (~~(at all times)~~) to

activities specifically related to the college's mission(~~((, and))~~). No arrangements shall be made that may interfere with, or operate to the detriment of, the college's own teaching, research, or public service programs.

(2) (~~((In general, the))~~) College facilities (~~((of the college))~~) shall not be rented to(~~((,))~~) or used by(~~((,))~~) private or commercial organizations or associations, nor shall the facilities be rented to persons or organizations conducting programs for private gain.

(3) (~~((College facilities may not be used for commercial sales, advertising or promotional activities except when such activities clearly serve educational objectives (as in display of books of interest to the academic community or in the display or demonstration of technical or research equipment) and when they are conducted under the sponsorship or at the request of a college department or office or of the associated student body.~~)

~~((4))~~) College facilities may not be used for purposes of political campaigning by or for candidates who have filed for public office except for student-sponsored activities. (~~((Rules, regulations, policies, procedures and practices regarding the use of college facilities shall not discriminate or promote discrimination among~~)

~~political parties, groups or candidates solely on the basis of their particular political viewpoint.~~

~~(5) Activities of commercial or political nature will not be approved if they involve the use of promotional signs or posters on buildings, trees, walls, or bulletin boards, or the distribution of samples outside rooms or facilities to which access by be granted.~~

~~(6) Because of limitations imposed by the constitution of the state of Washington, the facilities of the college may not be used for the purpose of religious worship, exercise or instruction, except as provided in WAC 132T-190-030(7).~~

~~(7) College facilities are available to all recognized student groups and faculty or staff organizations, subject to these general policies, except as provided in WAC 132T-190-030(6), and to the rules and regulations of the college governing student, faculty and staff affairs.~~

~~(8) Handbills, leaflets and similar materials, except those which are commercial, obscene, or unlawful in character, may be distributed on the campus by regularly enrolled students, members of recognized student organizations or college personnel.))~~ (4) Religious groups shall not, under any circumstances, use college facilities as a permanent meeting place. Use may be intermittent only.

(5) These rules shall apply to students, employees, recognized student groups, contracted partners, and visitors using college facilities.

(6) Materials may be distributed only in designated areas on the campus where, and at times when, such distribution shall not interfere with the orderly administration of the ((college)) college's affairs or the free flow of traffic. Any distribution of materials as authorized by the designated administrative officer shall not be construed as support or approval of the content by the college community or board of trustees. Persons and organizations not connected with the college may not distribute handbills or similar materials. The use of posters or any other materials that could leave permanent physical markings or damage facilities must be pre-approved by the designated administrative officer and in compliance with the college's administrative policies and procedures.

((+9)) (7) Exterior audio amplifying equipment is permitted only in locations and at times that will not interfere with the normal conduct of college affairs as determined by the appropriate administrative officer. All sound amplification devices must be used at a volume that does not disrupt the normal use of classrooms,

offices, laboratories, or any previously scheduled college event or activity.

(8) The right of peaceful dissent within the college community will be preserved. The college retains the right to take steps to ensure the safety of individuals, the continuity of the educational process, and the protection of property. While peaceful dissent is acceptable, violence or disruptive behavior is not a legitimate means of dissent. Should any person, group, or organization attempt to resolve differences by means of violence, the college and its officials need not negotiate while such methods are employed.

(9) Orderly picketing and other forms of peaceful dissent are protected activities on and about the college premises; however, interference with free passage through areas where members of the college community have a right to be, interference with ingress and egress to college facilities, interruption of classes, injury to persons, or damage to property exceeds permissible limits.

(10) Where college space is used for an authorized function (such as a class or a public or private meeting under approved sponsorship, administrative functions, or service related activities), groups must obey and comply with the directions of the designated administrative

officer, campus public safety officer, or individual in charge of the meeting.

(11) If a college facility abuts a public area or street, and if an activity, although on public property, unreasonably interferes with ingress and egress to college property, the college may choose to impose its own sanctions on any individual on college property who violates this chapter, although remedies might be available through local law enforcement agencies.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-24-021 (Resolution No. 83-4), § 132T-190-030, filed 11/22/82; Order 78-6, § 132T-190-030, filed 10/24/77.]

NEW SECTION

WAC 132T-190-032 Weapons violations. A weapons violation includes the possession, exhibiting, displaying, or use of any firearm, explosive, dangerous chemical, knife, or other instrument capable of inflicting serious bodily harm in circumstances that are reasonably perceived as causing alarm for the safety of any person. The term weapons violation includes any threat to use a weapon to harm any person and the use of any fake weapon or replica to cause the

apprehension of harm. Weapons violation does not include the lawful possession of any personal protection spray device authorized under RCW 9.91.160. The term weapons violation further includes possession on college premises of any firearm or other dangerous weapon in violation of public law, this chapter, or college policy. Examples include, but are not limited to:

(1) Firearms, explosives, dangerous chemicals, or other dangerous weapons or instrumentalities not permitted on campus premises, except for authorized campus purposes, or unless prior written approval has been obtained from the college president or designee. Exceptions include:

(a) Commissioned law enforcement personnel or legally authorized military personnel acting within the scope of their employment;

(b) Private contracted security with expressed prior written permission from the college president or designee to possess firearms or dangerous weapons while employed by the college or for a permitted or contracted event;

(c) Individuals with legally issued concealed weapons permits may store their weapons in vehicles that are parked on campus in accordance with RCW 9.41.050 provided the vehicle is locked and the weapon is concealed from view. In addition, the owner of the weapon

must adhere to RCW 9.41.360 whereby a prohibited person(s) may not gain access to the weapon;

(d) Knives, tools, and other objects that are being used for a legitimate educational purpose as part of a college instructional program; or

(e) The president or designee may authorize permission of 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.

(2) Firearms include, but are not limited to, what are commonly known as air guns or rifles, BB guns, and pellet guns, and any instrument used in the propulsion of shot, shell, bullets, or other harmful objects by:

(a) The action of gunpowder or other explosives;

(b) The action of compressed air; or

(c) The power of springs or other forms of propulsion.

(3) The exhibition or display of a replica or a dangerous weapon also is prohibited under this subsection if done in a manner, and at a time or place that either manifests an intent to intimidate another or that warrants alarm for the safety of other persons.

NEW SECTION

WAC 132T-190-033 Hours of Operation. Walla Walla Community

College District 20 shall be open to the public between the hours of 7:00 a.m. and 10:00 p.m., Monday through Friday, except for holidays or other announced closures of the college and in accordance with the college's administrative policies and procedures on use of college facilities and expressive speech. Individual building hours may vary due to scheduled functions or activities. Employees of the college who have college-related business may be in the college facilities outside of these hours.

NEW SECTION

WAC 132T-190-035 Use of facilities for expressive activities.

Walla Walla Community College District 20 provides guidelines for expressive activity on the college premises within this chapter and through its administrative policies and procedures on use of college facilities and for expressive speech.

Students, employees, student organizations, and the public may use prespecified locations on college facilities for expressive

activities during the college's hours of operation as stated in section WAC 132T-190-033 and in accordance with the college's administrative policies and procedures on the use of college facilities and for expressive speech.

(1) The activity must be conducted in accordance with any other applicable board policies, college policies, and regulations at the college, including at the local, state, and federal levels.

(2) Expressive activities do not include obscene, lewd, or indecent conduct. Expressive speech or actions that use abusive language or conduct, and thereby intentionally create a risk of assault or disrupt any college function is disorderly conduct.

[]

AMENDATORY SECTION (Amending Order 78-6, filed 10/24/77)

WAC 132T-190-040 Administrative control. The board hereby delegates to the president authority to set up administrative policies and procedures for ((~~proper review of~~)) the use of college facilities; to establish, within the framework of these policies, regulations governing such use; and to establish rental schedules where

appropriate. The college reserves the right to determine if an infraction of these rules has been committed.

[Order 78-6, § 132T-190-040, filed 10/24/77.]

AMENDATORY SECTION (Amending Order 78-6, filed 10/24/77)

WAC 132T-190-050 Trespass. (1) Individuals who are not students, members of the faculty or staff, or contracted partners and who violate these regulations will be advised of the specific nature of the violation, and if they persist in the violation, they will be requested by the ((campus)) president((,)) or ((his)) designee((,)) to leave the college property. Such a request ((will be deemed to)) prohibits the entry of, withdraws the license or privilege to enter onto, or remain upon any portion of the college facilities by the person or group of persons requested to leave, and subject such individuals to arrest under the provisions of chapter 9A.52 RCW ((9.88.080)).

(2) Members of the college community (students, faculty, staff, and contracted partners) who do not comply with these regulations will be reported to the appropriate college office or agency for action in accord with established chapter 132T WACs and college policies.

(3) Any person who violates or is in violation of a college policy may have the license or privilege to be on college property revoked and ordered to withdraw from and refrain from entering upon any college property. Remaining on or reentering college property after one's license or privilege to be on college property has been revoked shall constitute trespass and such individual shall be subject to arrest for criminal trespass.

[Order 78-6, § 132T-190-050, filed 10/24/77.]

NEW SECTION

WAC 132T-190-060 Control of pets on college facilities. Pets on the grounds of Walla Walla Community College District 20 shall be in the physical control of their owner in accordance with local and state laws, on a leash, and all waste must be removed from the college premises. Animals are prohibited from entering buildings operated by the college, except for service animals as an accommodation for a disability in accordance with state laws, Walla Walla municipal codes, and the college's administrative policies and procedures.

[]

NEW SECTION

WAC 132T-190-070 Fee schedule and application process. The college's fee schedule for use of facilities and application process are available on its website.

[]

**Chapter 132T-100 WAC
STUDENT CODE OF CONDUCT**

NEW SECTION

WAC 132T-100-010 Preamble. Walla Walla Community College

District 20 is supportive of diversity among ideas, cultures, and student characteristics in the pursuit of advancing one's education. A responsibility to secure, respect, and protect such opportunities and conditions is shared by all members of the academic community. As a member of this community, students are expected to uphold and be accountable for this student code of conduct both on and off campus and acknowledge that the college has the authority to take disciplinary action when a student violates these policies. As an agency of the state of Washington, the college must respect and adhere to all laws established by local, state, and federal authorities. This student code of conduct has been developed to educate students and protect the welfare of the community.

[]

NEW SECTION

WAC 132T-100-020 Statement of student rights. As members of the

academic community, students are encouraged to develop the capacity for critical judgment and to engage in an independent search for truth. Freedom to teach and freedom to learn are inseparable facets of academic freedom. The freedom to learn depends upon appropriate opportunities and conditions in the classroom, on the campus, and in the larger community. Students should exercise their freedom with responsibility. The responsibility to secure and to respect general conditions conducive to the freedom to learn is shared by all members of the college community. The following enumerated rights are guaranteed to each student within the limitations of statutory law and college policy, and are deemed necessary to achieve the educational goals of the college, including:

(1) Academic freedom - Students are guaranteed the rights of free inquiry, expression, and assembly upon and within college facilities that are generally open and available to the public. Students are free to pursue appropriate educational objectives from among the college's curricula, programs, and services, subject to the limitations of RCW 28B.50.090 (3) (b). Students shall be protected from academic evaluation which is arbitrary, prejudiced, or capricious, but are responsible for meeting the standards of academic performance

established by each of their instructors. Students have the right to a learning environment which is free from unlawful discrimination, inappropriate and disrespectful conduct, and all harassment, including sexual harassment. Individuals shall abide by all college administrative policies and procedures on academic freedom and expressive speech. Chapter 132T-105 WAC describes the college's student conduct procedures for handling Title IX complaints.

(2) Due process - The rights of students to be secure in their persons, quarters, papers, and effects against unreasonable searches and seizures is guaranteed. No disciplinary sanction may be imposed on any student without notice to the accused of the nature of the charges. A student accused of violating this student code of conduct is entitled, upon request, to procedural due process as set forth in this chapter.

[]

NEW SECTION

WAC 132T-100-030 Definitions. The following definitions shall apply for the purpose of this student code of conduct unless such terms are defined otherwise herein:

Advisor - A person of the complainant's or respondent's choosing who can accompany the complainant or respondent to any conduct-related meeting or proceeding. This person cannot be involved in the case either as a witness or a college employee who has been involved in the matter. Chapter 132T-105 WAC describes the college's student conduct procedures for handling Title IX complaints.

Assembly - Any overt activity engaged in by one or more persons, the object of which is to gain publicity, advocate a view, petition for a cause, or disseminate information to any person, persons, or group of persons.

Board of trustees - The five member governance board appointed by the governor of the state of Washington for Walla Walla Community College District 20.

Business day - A weekday, excluding weekends, college holidays, or other days the college is closed, most often used to represent a timeline of 10 days or less.

Calendar day - A calendar day includes weekdays and weekends, most often used to represent a timeline of more than 10 days.

College - This chapter is specific to Walla Walla Community College District 20.

College employee - Any person employed by the college or volunteering at the college performing assigned duties.

College facilities - Any and all real and personal property controlled, rented, leased, or operated by the college, including all buildings and appurtenances affixed thereon or attached thereto. College facilities extend to distance education classroom environments and agencies or institutions that have educational agreements with the college.

College premises - 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 including parking lots, adjacent streets, and sidewalks.

Complainant - A person who reports that a violation of the student code of conduct has occurred towards themselves, another person, a group of people, or college property. In matters of sexual misconduct outside of the Title IX definition, a complainant is an alleged victim of sexual misconduct. Chapter 132T-105 WAC describes the college's student conduct procedures for handling Title IX complaints.

Complaint - A description of facts that allege a violation of the student code of conduct or other college policy.

Conduct review officer - The vice president of student services or designee responsible for receiving and for reviewing or referring appeals of student disciplinary actions in accordance with the procedures of this code.

Controlled substance - Any drug or substance as defined in chapter 69.50 RCW as now law or hereafter amended.

Disciplinary action - The process by which the student conduct officer imposes discipline against a student for a violation of the student code of conduct. Disciplinary action does not include instructional decisions and actions that are under the authority of faculty members and instructional administrators, such as determination of academic credit and grading. These determinations and any review or appeal of these are outside the scope of this chapter.

Disciplinary appeal - The process by which an aggrieved student can appeal the discipline imposed by the student conduct officer. Disciplinary appeals from a suspension in excess of 10 business days or an expulsion or dissolution of a student organization are heard by the student conduct board. Appeals of all other appealable disciplinary action shall be reviewed by the conduct review officer through brief adjudicative proceedings.

Policy - The written regulations of the college as found in, but not limited to, the student code of conduct and any other official regulation written or in electronic form.

Preponderance of the evidence - The standard of proof used with all student disciplinary matters at the college that are within the jurisdiction of the student code of conduct, which means that the amount of evidence must be at 51 percent or more likely than not before a student is found responsible for a violation.

President - The chief executive officer of the college appointed by the board of trustees or, in such president's absence, the acting president or designee. The president is authorized to delegate any of their responsibilities and reassign any and all duties and responsibilities as set forth in this chapter as may be reasonably necessary.

RCW - Revised Code of Washington can be accessed at <http://apps.leg.wa.gov/rcw/>.

Respondent - The student(s) or student organization alleged to have violated a college policy, including this student code of conduct, and against whom disciplinary action is being taken or initiated. Chapter 132T-105 WAC describes the college's student conduct procedures for handling Title IX complaints.

Rules of the student code of conduct - The rules contained herein as now exist or which may be hereafter amended.

Service or filing - The process by which a document is officially delivered to a party. Service or filing is deemed complete and computation of time for deadlines begins upon personal delivery of the document or upon the date the document is electronically mailed and/or deposited into the mail. Documents required to be filed with the college such as requests for appeals, are deemed filed upon actual receipt by the office as designated herein during office hours.

Student - 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, continuing education courses, contract courses, or otherwise. Persons are considered students for purposes of this chapter who withdraw after allegedly violating the student code of conduct, including individuals who are:

(a) Not officially enrolled for a particular term but who have a continuing relationship with the college; or

(b) Who have been notified of their acceptance for admission.

Student conduct board - Also referred to as the SCB is a three member panel which presides over cases that could result in a sanction

of expulsion, suspension for more than 10 business days, withholding or revocation of a degree or certificate, and/or loss of recognition of a student organization using the full adjudicative process pursuant to the Administrative Procedure Act, chapter 34.05 RCW.

Student conduct meeting - The conduct meeting with the student conduct officer using the brief adjudicative process to determine responsibility for violations of the student code of conduct.

Student conduct officer - Referred to as SCO, is the person designated by the college president to be responsible for the administration of the student code of conduct or designee. The SCO is authorized to delegate their responsibilities as may be reasonably necessary.

Student organization - Any number of persons who have complied with the formal requirements for college recognition, such as clubs and associations, and are recognized by the college as such.

Visitors - Guests, applicants, contractors, vendors, advisory board members, foundation board members, and members of the public on college premises.

WAC - The Washington Administrative Code can be accessed at <http://app.leg.wa.gov/wac/>.

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NEW SECTION

WAC 132T-100-040 Authority. The board of trustees, acting pursuant to RCW 28B.50.140(13), delegates to the president of the college the authority to administer disciplinary action. Administration of the disciplinary procedures may be delegated by the president. Unless otherwise specified, the student conduct officer or designee shall serve as the principal investigator and administrator for alleged violations of this code.

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NEW SECTION

WAC 132T-100-045 Statement of jurisdiction. Refer to chapter 132T-105 WAC for Title IX violations and jurisdiction as it applies to student conduct procedures related to Title IX.

(1) The student code of conduct shall apply to student conduct that occurs on college premises; at or in connection with college-sponsored activities; or to off-campus conduct that in the judgment of the college adversely affects the college community or the pursuit of its objectives.

(2) Jurisdiction extends to, but is not limited to, locations in which students are engaged in official college activities including, but not limited to, foreign or domestic travel, activities funded by the associated students, athletic events, training internships, cooperative and distance education, online education, practicums, supervised work experiences, or any other college-sanctioned social or club activities. Students are responsible for their conduct from notification of acceptance at the college through the actual receipt of a 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 actual enrollment. These standards shall apply to a student's conduct even if the student withdraws from the college while a disciplinary matter is pending. The student conduct officer has sole discretion, on a case-by-case basis, to determine whether the student code of conduct will be applied to conduct that occurs off campus.

(3) In addition to initiating disciplinary proceedings for violation of the student code of conduct, the college may refer any violations of federal, state, or local laws to civil and criminal authorities for disposition. The college may continue with student

disciplinary proceedings regardless of whether the underlying conduct is subject to civil proceedings or criminal prosecution.

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NEW SECTION

WAC 132T-100-050 Good standing. The award of a degree or certificate is conditioned upon the student's good standing in the college and satisfaction of all program requirements. Good standing means the student has resolved any acts of academic or behavioral misconduct and has complied with all sanctions imposed because of any misconduct. The college shall deny award of a degree or certificate if the student is dismissed from the college based on their misconduct. The college may withhold awarding a degree or certificate until the completion of the process set forth in the student code of conduct, including the completion of all sanctions imposed, if any.

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NEW SECTION

WAC 132T-100-060 Student conduct board. The college will have a student conduct board (SCB) composed of three members who shall be

vice presidents, deans, or directors as designated by the college and trained to conduct the full adjudicative process. The SCB will serve as a standing committee until a final decision is made regarding the student conduct matter for which it was convened. Any SCB member who has a personal relationship with either party or any personal or other interest which would prevent a fair and impartial review and decision, will be recused from the proceedings. One member, acting as the chair, will preside at the disciplinary hearing and will provide administrative oversight throughout the hearing process. Any three members constitute a quorum of the student conduct board and may act accordingly. The college may retain an advisor to the SCB, including an assistant attorney general. The conduct review officer (CRO) will convene the members of the SCB when necessary to adjudicate student code of conduct decisions. All SCB members will receive annual training in investigating and adjudicating student conduct matters in a manner that protects the safety and due process rights of the parties.

[]

NEW SECTION

WAC 132T-100-070 Decisions. All student conduct decisions in this chapter are made using the preponderance of evidence standard of proof. These decisions become final after 21 calendar days from the date of notification to the student unless a written appeal is filed prior to that final date. Decisions to document a complaint without a sanction are not eligible for appeal. All decision notifications by the student conduct officer, student conduct board, conduct review officer, or president will include a statement of the decision, a summary of relevant facts upon which the decision was based, and the procedures for appealing that decision if applicable. The notification will be personally delivered, sent electronically to the student's college email address, or by mail to the student's most recent address on file with the college within 21 calendar days of the student conduct proceeding. Students are responsible for promptly notifying the college of changes to their mailing address.

(1) Decisions of findings or sanctions by the student conduct officer (SCO) which do not include sanctions of expulsion, suspension for more than 10 business days, withholding or revocation of a degree or certificate, or loss of recognition of a student organization may be appealed to the conduct review officer (CRO).

(2) Decisions of findings on all violations of the student code of conduct which include sanctions of expulsion, suspension for more than 10 business days, withholding or revocation of a degree or certificate, or loss of recognition of a student organization can be appealed to the student conduct board (SCB).

(3) Decisions of findings or sanctions from the CRO or SCB may be appealed to the college president. Decisions made by the college president are final.

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NEW SECTION

WAC 132T-100-100 Conduct—Rules and regulations. The attendance of a student at the college is a voluntary entrance into the academic community. By such entrance, the student assumes obligations of performance and behavior reasonably imposed by the college relevant to its lawful missions, processes, and functions. It is the college's expectation that students will:

(1) Conduct themselves in a responsible manner;

(2) Comply with rules and regulations of the college and its departments;

(3) Respect the rights, privileges, and property of other members of the academic community;

(4) Maintain a high standard of integrity and honesty; and

(5) Not interfere with legitimate college business appropriate to the pursuit of educational goals.

A student or student organization is responsible for the conduct of their invited guests, advisors, and representatives on or in college-owned or controlled property and at activities sponsored by the college or sponsored by any recognized college organization. All student clubs or organizations shall comply with the student code of conduct. When a member or members of a student club or organization violate the student code of conduct, the members and/or individual member may be subject to appropriate sanctions authorized by this student code of conduct. Any student or student organization that, either as a principal or participator or by aiding or abetting, commits or attempts to commit or who incites, encourages, or assists another person to commit a violation of any of the prohibited conduct, rules and regulations, or college policies will be subject to disciplinary action.

[]

NEW SECTION

WAC 132T-100-105 Abusive conduct. Physical and/or verbal abuse, threats, intimidation, harassment, online harassment, coercion, bullying, cyberbullying, retaliation, stalking, cyberstalking, and/or other conduct which threatens or endangers the health or safety of any person or which has the purpose or effect of creating a hostile or intimidating environment.

[]

NEW SECTION

WAC 132T-100-108 Abuse of the student conduct process. Abuse of the student conduct process which includes, but is not limited to:

(1) Failure to comply with any notice from a college employee to appear for a meeting or hearing as part of the student conduct process.

(2) Willful falsification, distortion, or misrepresentation of information during the conduct process.

(3) Disruption or interference with the orderly conduct of a college conduct proceeding.

(4) Filing fraudulent charges or initiating a college conduct proceeding in bad faith.

(5) Attempting to discourage an individual's proper participation in, or use of, the student conduct process.

(6) Attempting to influence the impartiality of a member of the college conduct process prior to, during, and/or after any college conduct proceeding.

(7) Harassment (written, verbal, or physical), retaliation, and/or intimidation of any person or persons involved in the conduct process prior to, during, or after any college conduct proceeding.

(8) Failure to comply with the sanction(s) imposed under the student code of conduct.

[]

NEW SECTION

WAC 132T-100-111 Academic integrity. Walla Walla Community College District 20 has adopted administrative policy 6010 - academic integrity and administrative procedure 6010 - academic integrity to enforce the institution's academic integrity rules. Please refer to

them for additional information on the college's processes for handling academic integrity violations.

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NEW SECTION

WAC 132T-100-114 Dishonesty. Any acts of dishonesty include, but are not limited to:

(1) Forgery, alteration, submission of falsified documents, or misuse of any college document, record, or instrument of identification;

(2) Tampering with an election conducted by or for college students; or

(3) Furnishing false information, or failing to furnish correct information, in response to the request or requirement of a college employee.

[]

NEW SECTION

WAC 132T-100-117 Obstructive or disruptive conduct. Conduct that is disorderly, lewd, indecent, or assisting or encouraging

another person to obstruct or disrupt, not otherwise protected by law, that interferes with, impedes, or otherwise unreasonably hinders:

(1) Instruction, research, administration, disciplinary proceeding, or other college activities, including the obstruction of the free flow of pedestrian or vehicular movement on college property or at a college activity; or

(2) Any activity that is authorized to occur on college property, whether or not actually conducted or sponsored by the college.

[]

NEW SECTION

WAC 132T-100-120 Assault, intimidation, harassment. Unwanted touching, physical abuse, verbal (written or oral) abuse, threat(s), intimidation, harassment, bullying, or other conduct which harms, threatens, or is reasonably perceived as threatening the health or safety of another person or another person's property. For purposes of this code, bullying is defined as repeated or aggressive unwanted behavior, not otherwise protected by law that intentionally humiliates, harms, or intimidates the victim.

[]

NEW SECTION

WAC 132T-100-123 Cyber misconduct. Cyberstalking, cyberbullying, or online harassment. Use of electronic communications including, but not limited to, electronic mail, instant messaging, electronic bulletin boards, 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, nonconsensual recording of sexual activity, and nonconsensual distribution of a recording of sexual activity.

[]

NEW SECTION

WAC 132T-100-126 Property violation. Damage to, theft, misappropriation of, unauthorized use or possession of, vandalism, or

other nonaccidental damaging or destruction of college property or the property of another person. Property for purposes of this section includes computer passwords, access codes, identification cards, personal financial account numbers, other confidential personal information, intellectual property, and college trademarks.

[]

NEW SECTION

WAC 132T-100-129 Failure to comply with directive. Failure to comply with the directive of a college employee who is acting in the legitimate performance of their duties, including conduct directives contained in a program student handbook, and failure to properly identify oneself to such a college employee when requested to do so.

[]

NEW SECTION

WAC 132T-100-132 Weapons violations. A weapons violation includes the possession, exhibiting, displaying, or use of any firearm, explosive, dangerous chemical, knife, or other instrument capable of inflicting serious bodily harm in circumstances that are

reasonably perceived as causing alarm for the safety of any person.

The term weapons violation includes any threat to use a weapon to harm any person and the use of any fake weapon or replica to cause the apprehension of harm. Weapons violation does not include the lawful possession of any personal protection spray device authorized under RCW 9.91.160. The term weapons violation further includes possession on college premises of any firearm or other dangerous weapon in violation of public law, this chapter, or college policy. Examples include, but are not limited to:

(1) Firearms, explosives, dangerous chemicals, or other dangerous weapons or instrumentalities not permitted on campus premises, except for authorized campus purposes, or unless prior written approval has been obtained from the college president or designee. Exceptions include:

(a) Commissioned law enforcement personnel or legally authorized military personnel acting within the scope of their employment;

(b) Private contracted security with expressed prior written permission from the college president or designee to possess firearms or dangerous weapons while employed by the college or for a permitted or contracted event;

(c) Students with legally issued concealed weapons permits may store their weapons in vehicles that are parked on campus in accordance with RCW 9.41.050 provided the vehicle is locked and the weapon is concealed from view. In addition, the owner of the weapon must adhere to RCW 9.41.360 whereby a prohibited person(s) may not gain access to the weapon;

(d) Knives, tools, and other objects that are being used for a legitimate educational purpose as part of a college instructional program; or

(e) The president or designee may authorize permission of 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.

(2) Firearms include, but are not limited to, what are commonly known as air guns or rifles, BB guns, and pellet guns, and any instrument used in the propulsion of shot, shell, bullets, or other harmful objects by:

(a) The action of gunpowder or other explosives;

(b) The action of compressed air; or

(c) The power of springs or other forms of propulsion.

(3) The exhibition or display of a replica or a dangerous weapon also is prohibited under this subsection if done in a manner, and at a time or place that either manifests an intent to intimidate another or that warrants alarm for the safety of other persons.

[]

NEW SECTION

WAC 132T-100-135 Hazing. Walla Walla Community College District 20 complies with RCW 28B.10.900 through 28B.10.903 and Sam's Law, the name of the new antihazing legislation adopted in Washington state. Sam's Law updates the definition of hazing and requires institutions of higher education to implement antihazing programs for their students and employees. It also requires institutions of higher education to publish an annual report identifying student organizations, athletic teams, and living groups found responsible for engaging in hazing.

The act defines hazing to include any act committed as part of a person's recruitment, initiation, pledging, admission into, or affiliation with a 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 or other person attending a public institution of higher education in the state of Washington, including causing, directing, coercing, or forcing a person to consume any food, liquid, alcohol, drug, or other substance which subjects the person to the risk of such harm, regardless of the person's willingness to participate.

The college prohibits any hazing activities on or off the college premises. Refer to college administrative policies and procedures on antihazing for additional information on the antihazing penalties and education programs for students and employees. Refer to RCW 28B.10.900 through 28B.10.903 for additional information on definitions of hazing and penalties under Washington state law.

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NEW SECTION

WAC 132T-100-138 Alcohol, drug, and tobacco violations. (1)

Alcohol. The use, possession, delivery, sale of any alcoholic beverage

except as permitted by law and applicable college policies, or being observably under the influence of any alcoholic beverage.

(2) Marijuana. The use, possession, delivery, or sale of marijuana or the psychoactive compounds found in marijuana intended for human consumption, regardless of form, or being observably under the influence of marijuana or the psychoactive compounds found in marijuana. While state law permits the recreational use of marijuana, federal law prohibits such use on college premises or in connection with college activities.

(3) Drugs. The use, possession, delivery, sale, or being observably under the influence of any legend drug, including anabolic steroids, androgens, or human growth hormones as defined in chapter 69.41 RCW, or any other controlled substance under chapter 69.50 RCW, except as prescribed for a student's use by a licensed practitioner.

(4) Tobacco, electronic cigarettes, and related products. The use of tobacco, electronic cigarettes, smoking devices, and related products on or in any college facility is prohibited. Related products include, but are not limited to, cigarettes, pipes, bidi, clove cigarettes, water pipes, hookahs, smokeless tobacco, vaporizers, and snuff.

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NEW SECTION

WAC 132T-100-144 Discriminatory conduct. Conduct which harms or adversely affects any member of the college community or visitor because of the person's race; color; national origin; sensory, mental, or physical disability; use of a service animal; gender, including pregnancy; marital status; age; religion; creed; sexual orientation; gender identity; veteran's status; or any other legally protected classification as defined by the college's policies or local, state, or federal laws and regulations.

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NEW SECTION

WAC 132T-100-147 Sexual misconduct. The term sexual misconduct includes sexual harassment, sexual intimidation, and sexual violence. For a description of prohibited sexual conduct under Title IX refer to WAC 132T-105-020.

(1) Sexual harassment. Sexual harassment outside of the Title IX definition or is a one-time offense is included in this chapter. For this chapter, the term sexual harassment means:

(a) Unwelcome conduct of a sexual nature that is sufficiently serious as to deny or limit, or that does deny or limit based on sex, the ability of a student to participate in or benefit from the college's educational or social programs;

(b) Unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature or that creates an intimidating, hostile, or offensive environment for students, employees, or visitors; and/or

(c) Alters the terms or conditions of employment for a college employee.

(2) Sexual intimidation. The term sexual intimidation outside of the Title IX definition means threatening or emotionally distressing conduct based on sex and including, but not limited to, nonconsensual recording of sexual activity or the distribution of such recording.

(3) Sexual violence. Sexual violence outside of the Title IX definition is a type of sexual discrimination and sexual harassment. Nonconsensual sexual intercourse, nonconsensual sexual contact, domestic violence, intimate partner violence, and stalking are all types of sexual violence.

(a) Nonconsensual sexual intercourse outside of the Title IX definition is any sexual intercourse (anal, oral, or vaginal), however

slight, that is without consent and/or by force by a person upon another person or with any object. 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 outside of the Title IX definition is any intentional sexual touching, however slight, by a person upon another person or with an object that is without consent and/or by force. Sexual touching includes any bodily contact with the breasts, groin, mouth, other bodily orifice of another individual, or any other bodily contact in a sexual manner.

(c) Domestic violence outside of the Title IX definition includes asserted violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant, person similarly situated under the domestic or family violence laws of the state of Washington, or anyone else protected under the domestic or family violence laws of the state of Washington, RCW 26.50.010.

(d) Intimate partner violence outside of the Title IX definition is violence by a person who is or has been in a dating, romantic, or intimate relationship with the victim.

(e) Stalking outside of the Title IX definition is intentional and repeated harassment or following another person which places that person in reasonable fear that the perpetrator intends to injure, intimidate, or harass that person. Stalking also includes instances where the perpetrator knows or reasonably should know that the person is frightened, intimidated, or harassed even if the perpetrator lacks such intent.

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NEW SECTION

WAC 132T-100-150 Harassment. Unwelcome and offensive conduct, including verbal, nonverbal, or physical conduct, that is directed at a person because of such person's protected status and that is sufficiently serious as to deny or limit, or that does deny or limit, the ability of a student to participate in or benefit from the college's educational or social programs; that changes the terms or conditions of employment for a college employee; or that creates an intimidating, hostile, or offensive environment for students, employees, or visitors.

Protected status includes a person's race; color; national origin; sensory, mental, or physical disability; use of a service animal; gender, including pregnancy; marital status; age; religion; creed; sexual orientation; gender identity; veteran's status; or any other legally protected classification. Harassing conduct may include, but is not limited to, physical conduct, verbal, written, social media, and electronic communications.

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NEW SECTION

WAC 132T-100-153 Retaliation. Harming, threatening, intimidating, coercing, or taking adverse action of any kind against a person or their property as reprisal because such person reported an alleged violation of this code or college policy, provided information about an alleged violation, or participated as a witness or in any other capacity in a college investigation or disciplinary proceeding. Retaliation may include adverse educational or employment consequences, ridicule, intimidation, bullying, or ostracism.

[]

NEW SECTION

WAC 132T-100-156 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:

(1) Unauthorized use of such resources or opening of a file, message, or other item;

(2) Unauthorized duplication, transfer, or distribution of a computer program, file, message, or other item;

(3) Unauthorized use or distribution of someone else's password or other identification;

(4) Use of such time or resources to interfere with someone else's work;

(5) Use of such time or resources to send, display, or print an obscene or abusive message, text, or image;

(6) Use of such time or resources to interfere with normal operation of the college's computing system or other electronic information resources;

(7) Use of such time or resources in violation of applicable copyright or other laws;

(8) Adding to or altering the infrastructure of the college's electronic information resources without authorization; or

(9) Failure to comply with the college's electronic use policy.

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NEW SECTION

WAC 132T-100-159 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.

[]

NEW SECTION

WAC 132T-100-162 Safety violations. Nonaccidental conduct that interferes with or compromises any college policy, equipment, or procedure relating to the safety and security of the campus community or visitors, including tampering with fire safety equipment and triggering false alarms or other emergency response systems.

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NEW SECTION

WAC 132T-100-165 Violation of other laws or policies. Violation of any federal, state, or local law, rule, or regulation or college rules or policies, including college traffic and parking rules.

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NEW SECTION

WAC 132T-100-168 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 program.

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NEW SECTION

WAC 132T-100-200 Student conduct process. As an agency of the state of Washington, the college's student conduct officer (SCO), student conduct board (SCB), conduct review officer (CRO), or

president may be advised or represented by an assistant attorney general in any student code of conduct proceeding.

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NEW SECTION

WAC 132T-100-210 Violation of law and college discipline.

College disciplinary proceedings may be used to determine a student's responsibility for conduct that potentially violates criminal law and this student code of conduct (that is, if both alleged violations result from the same factual situation) without regard to the pendency of civil or criminal litigation in court or criminal arrest and prosecution. Proceedings under this student code of conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings. Determinations made or sanctions imposed under this student code of conduct will not be subject to change because criminal charges arising out of the same facts that gave rise to violation of college rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant. In addition to initiating discipline proceedings for violation of the student code of conduct, 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.

(1) Initiation of disciplinary action. A request for disciplinary action for violation(s) of the student code of conduct must be made to the student conduct officer (SCO) as soon as possible following the violation. Conduct proceedings may be initiated when the SCO receives any direct or indirect report of conduct that may violate this code, which includes, but is not limited to, a police report, an incident report, a witness statement, other documentation, or a verbal or written report from a complainant, witness, or other third party.

(a) The college may initiate disciplinary action under the student code of conduct regardless of whether or not the incident in question is the subject of criminal or civil proceedings.

(b) Any member of the college's administration, faculty, staff, or any student or nonstudent may make a request for disciplinary action, and it must be a good faith claim.

(c) Formal rules of evidence, such as are applied in criminal or civil court, are not used in conduct proceedings. Relevant evidence, including hearsay, is admissible if it is the type of evidence that

reasonable persons would rely upon in the conduct of their affairs.

Unduly repetitious or irrelevant evidence may be excluded.

(2) The student conduct officer (SCO), student conduct board (SCB), or college vice president of student services or designee will determine the admissibility of evidence and may seek clarification from witnesses as needed.

(a) If the complaint indicates that the matter involves sexual misconduct as defined by chapter 132T-105 WAC, the SCO will forward the complaint to the Title IX coordinator for review in accordance with chapter 132T-105 WAC.

(b) The SCO or designee will conduct an initial investigation of a complaint to determine whether it alleges conduct that may be prohibited by the student code of conduct. If it is determined through the initial investigation that the report has merit, the SCO will investigate to determine responsibility.

(c) Except in cases of sexual assault or sexual violence outside of the Title IX definition, the parties may elect to mediate the dispute, which shall be facilitated by the SCO or designee.

(d) If the SCO has a conflict of interest or is the subject of a complaint by the student, the president or designee shall, upon request and at their discretion, designate another person to fulfill

any such disciplinary responsibilities relative to the request for disciplinary action.

(3) Notification requirements.

(a) If it is determined through the initial investigation that an alleged violation of the student code of conduct might have occurred and which is not eligible for referral to the Title IX coordinator, the SCO will provide the following written notification:

(i) That a report has been submitted alleging conduct which violates the student code of conduct and that a conduct investigation has been initiated to determine responsibility;

(ii) The specific sections of the student code of conduct which are alleged to have been violated;

(iii) That the student may either accept responsibility for the alleged violations or request a conduct meeting with the SCO to present evidence to refute the report;

(iv) That the student may provide evidence such as names and contact information of witnesses to aid in the conduct investigation;

(v) That lists the range of possible sanctions, including the actual sanctions which are issued based on the results of the investigation; and

(vi) That if the student fails to participate in any stage of the conduct proceedings or to request a conduct meeting within 14 calendar days from the date of the notice, the college may move forward with the conduct proceeding without their participation.

(b) If the student requests a conduct meeting within 14 calendar days of the notice, the student will be provided a written notice to appear for a conduct meeting. The notice to appear will be personally delivered, sent electronically to the student's college email address or sent by mail to the most recent address in the student's record on file with the college, not later than 14 calendar days after the request for a conduct meeting. The notice will not be ineffective if presented later due to the student's absence. Such notice will:

(i) Set forth the specific provisions of the student code of conduct and the specific acts which are alleged to be violations, as well as the date(s) of the violation(s), and a description of evidence, if any, of the violation.

(ii) Notify the student of the SCO's investigation and possible sanctions, if any.

(iii) Specify the time, date, and location where the student is required to meet with the SCO. The meeting will be scheduled no earlier than three business days, but within 30 calendar days of the

date on the notice that was sent to the student to appear before the SCO. The SCO may modify the time, date, and location of the meeting, either at the student's or college's request, for reasonable cause.

(iv) Inform the student that failure to attend the conduct meeting will not stop the disciplinary process and may result in a transcript/registration hold being placed on the student's account and disciplinary action(s).

(v) Inform the student that they may be accompanied at the meeting by an advisor at their expense. The advisor cannot be a college employee or witness. If the student or their advisor is found to have tampered with witnesses or evidence, or destroyed evidence, the student will be held accountable in the conduct process for their acts and those of their advisor.

(vi) Inform the student that they may present evidence to support their assertions during the meeting.

(4) Student conduct meeting - Brief adjudicative process will follow WAC 132T-100-230.

(a) During the student conduct meeting, the student will be informed of the following:

(i) The specific acts and the provision(s) of this chapter and college policy that the student is alleged to have violated;

(ii) The disciplinary process;

(iii) The range of sanctions which might result from the disciplinary process and that the actual sanctions will depend on the findings of responsibility; and

(iv) The student's right to appeal.

(b) The student will have the opportunity to review and respond to the allegation(s) and evidence and provide the SCO with relevant information, evidence and/or witnesses to the alleged violation(s), and/or explain the circumstances surrounding the alleged violation(s).

(c) The advisor may assist the student during the conduct meeting; however, the student is responsible for presenting their own information and evidence. The advisor may only communicate with the student they are advising. Any disruptions or failure to follow the conduct process and/or directions of the SCO may result in the advisor being excused from the meeting.

(5) Decision by the SCO.

(a) After interviewing the student or students involved and/or other individuals as appropriate, and considering the evidence, the SCO may take any of the following actions:

(i) Determine that the student is not responsible for a violation of the student code of conduct and thereby terminate the student conduct process;

(ii) Determine that the student is responsible for a violation of the student code of conduct and impose disciplinary sanctions as provided herein; or

(iii) Determine that further inquiry is necessary and schedule another meeting for reasonable cause.

(b) Notification of the decision by the SCO will be issued pursuant to WAC 132T-100-070 within 30 calendar days of the final student conduct meeting. Due to federal privacy law, the college may not disclose to the complainant any sanctions imposed on the responding student unless the complainant was the alleged victim of a violent crime as defined under the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. Sec. 1232g; 34 C.F.R. Part 99), this chapter, and the college's administrative policies and procedures, or the responding student consents to such disclosure. A copy of the decision notification will be filed with the office of the SCO.

(c) Disciplinary action taken by the SCO is final unless the student exercises the right of appeal as provided herein.

[]

NEW SECTION

WAC 132T-100-220 Appeal process. The student may appeal a disciplinary action by filing a written notice of appeal with the conduct review officer (CRO) within 10 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.

(1) The request for appeal must include a brief statement explaining the grounds for the appeal or why the student is seeking review. Disagreement with the finding and/or with the sanction(s) does not, by itself, represent grounds for appeal. Decisions may be appealed for one or more of the following:

(a) To determine whether there was a procedural error that substantially affected the outcome of the finding or sanctioning. Deviation from designated procedures is not a basis for sustaining an appeal unless significant prejudice results.

(b) To determine whether the sanction(s) imposed was appropriate and not excessively lenient or excessively severe for the violation of the student code of conduct for which the student was found responsible.

(c) To consider new information, sufficient to alter a decision, or other relevant facts not brought during fact finding, because such information and/or facts were not known, and the student bringing the appeal had no duty to discover or could not have reasonably discovered facts giving rise to the issues during investigation or fact-finding. The notice of appeal must include a brief statement explaining why the respondent is seeking review.

(2) The parties to an appeal shall be the respondent and the conduct review officer.

(3) A student who timely appeals a disciplinary action has a right to a prompt, fair, and impartial hearing as provided for in these procedures.

(4) 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.

(5) Imposition of disciplinary action for violation of the student code of conduct shall be stayed pending appeal unless the respondent has been summarily suspended.

(6) The student conduct board shall hear appeals from:

(a) The imposition of disciplinary suspension in excess of 10 business days;

(b) Dismissal;

(c) Withholding or revocation of a degree or certificate; or

(d) Loss of recognition of a student organization.

(7) Student conduct appeals from the imposition of the following disciplinary sanctions shall be reviewed through a brief adjudicative proceeding:

(a) Suspensions of 10 business days or less;

(b) Disciplinary probation;

(c) Written reprimands; and

(d) Any conditions or terms imposed in conjunction with one of the foregoing disciplinary actions.

(8) Except as provided elsewhere in these rules, disciplinary warnings and dismissals of disciplinary actions are final actions and are not subject to appeal.

(9) Disciplinary decisions of the student conduct officer (SCO) may be appealed for review by the conduct review officer (CRO) using the brief adjudicative process. Disciplinary decisions of the CRO may be appealed for review by the college president using the brief adjudicative process.

(10) Appeals of disciplinary decisions of the SCO pursuant to sexual misconduct that is outside of the Title IX definition will be

referred to the student conduct board (SCB) for a full adjudicative process in accordance with WAC 132T-100-240. The sanctions considered for appeal are:

- (a) Suspension for more than 10 business days;
- (b) Expulsion;
- (c) Withholding or revocation of a degree or certificate; or
- (d) Loss of recognition of a student organization.

(11) Disciplinary decisions by the SCB may be appealed for review by the college president using the brief adjudicative process.

(12) The college president's decision(s) is final.

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NEW SECTION

WAC 132T-100-230 Brief adjudicative process. (1) The brief adjudicative process is conducted in accordance with RCW 34.05.482 through 34.05.494.

(2) The student conduct officer (SCO) and conduct review officer (CRO) will use the brief adjudicative process to make decisions of findings of responsibility as provided in this code of conduct.

(3) The president will use the brief adjudicative process to review appeals of all disciplinary decisions made by the student conduct board (SCB).

(4) Within 21 calendar days of filing the appeal, the CRO or president, as applicable, shall review the record of the preceding conduct decision and all relevant information provided by the parties. Based on a preponderance of the evidence, the CRO or president shall decide to affirm, reverse, or modify the findings and/or sanctions. The CRO and president shall have the discretion to seek clarification from witnesses as needed.

(5) Notification of the decision will be issued pursuant to WAC 132T-100-070.

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NEW SECTION

WAC 132T-100-240 Full adjudicative process. The student conduct board (SCB) will use the following full adjudicative process to determine responsibility for serious violations which include sanctions of suspension for more than 10 business days, expulsion,

withholding or revocation of a degree or certificate, or loss of recognition of a student organization.

(1) The parties will be sent written notification of the SCB adjudication proceedings within 90 calendar days from the date of the filing of the appeal. The notification will contain the following:

(a) The time, date, and location of the hearing, which shall not be less than seven business days from the date of the notice of the hearing;

(b) The specific acts alleged and the provision(s) of college policy which those acts violated;

(c) The SCB procedures;

(d) The name and contact information for the SCB and their advisor, if any, representing the college. The notice will include the official title, work mailing address, work telephone number of each member of the student conduct board, the complainant's advisor, and the respondent's advisor; and

(e) A statement that if a party fails to attend or participate in a hearing or other stage of this adjudicative proceeding, they may be held in default in accordance with chapter 34.05 RCW and/or the college may continue the student conduct process, including the hearing, despite the party's absence.

(2) The respondent and complainant have the right to be assisted by one advisor of their choice and at their own expense. The advisor must be someone who is not employed by the college. If the respondent chooses to have an attorney serve as their advisor, the student must provide notice to the SCB no less than five business days prior to the hearing.

(a) The SCB hearing may not be delayed due to the scheduling conflicts of an advisor and such requests will be subject to the discretion of the SCB chair.

(b) If the student or their advisor is found to have tampered with witnesses or evidence, or destroyed evidence, the student will be held accountable in the conduct process for their acts and those of their advisor.

(c) The respondent and/or complainant are responsible for presenting their own information, and therefore, during the hearing, advisors are not permitted to address the SCB, witnesses, the SCO, or any party or advisor invited by the parties to the hearing.

(d) An advisor may communicate with their advisee and recesses may be allowed for this purpose at the discretion of the SCB chair. The advisor may not disrupt or interfere with any aspect of the

proceeding. The SCB chair shall have the right to impose reasonable conditions upon the participation of the advisor.

(3) The SCB and the parties will be provided reasonable access to the documentation and evidence which will be reviewed by the SCB, as well as the case file that will be retained by the SCO in accordance with applicable privacy laws.

(4) Any SCB member who has a personal relationship with either party or any personal or other interest which would prevent a fair and impartial review and decision will be recused from the proceedings. A party may make a written request to the SCB chair for the recusal of a SCB member no less than five business days prior to the hearing. The request must be for good cause, which must be shown by the party making the request. The SCB chair will consider the request and notify the student of their decision regarding the recusal prior to the hearing. If the SCB chair grants the recusal, a replacement for the recused SCB member will be made without unreasonable delay.

(5) The parties involved in the hearing will be required to submit their witness list and any evidence to be discussed at the hearing to the SCB chair no less than five business days prior to the hearing.

(a) Each party is allowed a maximum of three character witnesses to appear on their behalf.

(b) The parties must submit a witness list which contains a written statement from each witness that includes a brief description of the relevant information the witness will provide during the hearing.

(c) Witnesses not listed will not participate in the hearing.

(6) Discovery in the form of depositions, interrogatories, and medical examinations of parties are not permitted in student conduct adjudications. Other forms of discovery which ensure the prompt and thorough completion of the adjudication process may be permitted at the discretion of the SCB chair.

(7) Hearings will be closed to the public except if consented to by all parties and at the discretion of the SCB chair. Witnesses may be allowed in the hearing room only during the time in which they provide their statements to the SCB. The complainant and respondent, depending on their preference and subject to orders of a court of law, such as protection orders, may be present for and observe the entire hearing. At the discretion of the SCB chair, and where the rights of the parties will not be prejudiced, all or part of the hearing may be conducted by telephone, video conference, or other electronic means.

Each party shall have the opportunity to hear and, if technically and economically feasible, to see the entire hearing while it is taking place. At all times, however, all parties, their advisors, the witnesses, and the public will be excluded during the deliberations of the student conduct board (SCB).

(8) The SCB chair will exercise control over the hearing to avoid needless consumption of time and to prevent the harassment or intimidation of witnesses. Any person, including the respondent and complainant, who disrupts a hearing or who fails to follow the directions of the SCB chair, may be excluded from the proceedings and may be subject to disciplinary action.

(9) Questions posed by any party to be answered by each other or by witnesses must be appropriate and respectful. The SCB chair may require any participant of the hearing to provide all questions in writing to the SCB chair. The SCB chair, if appropriate and at their sole discretion, will read the question to the individual to whom it is directed. Any question which the SCB chair has chosen not to read will be documented on record and kept within the case file. The SCB chair will decide matters related to the order of the proceedings.

(10) In order that a complete record of the proceeding can be made to include all evidence presented, hearings will be recorded or

transcribed, except for the deliberations of the SCB. The record will be the property of the college.

(11) After weighing and considering the evidence, the SCB will decide by majority vote whether the respondent is responsible or not responsible for a violation of the student code of conduct. If there is a finding of responsibility for a violation, the SCB shall impose sanctions as set forth herein.

(12) The SCB's decision is made based on a preponderance of the evidence standard of proof, that is, whether it is more likely than not that the respondent violated the student code of conduct.

(13) The notice of decision of the SCB will be issued pursuant to WAC 132T-100-070. A copy of the SCB's decision will also be filed with the office of the SCO.

(14) Disciplinary action taken by the SCB is final unless the student exercises their right of appeal to the college president as provided herein.

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NEW SECTION

WAC 132T-100-290 Disciplinary sanctions and terms and

conditions. The following disciplinary sanctions may be imposed upon students found to have violated the student code of conduct. If the respondent is found responsible for any violation, the student's past disciplinary record may be considered in determining an appropriate sanction.

(1) Sanctions.

(a) Disciplinary warning. A verbal statement to a student that there is a violation and that continued violation may be cause for further disciplinary action.

(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) Loss of privileges. Denial of specified privileges for a designated period of time. Services and approval to be withdrawn may include, but are not limited to, intramural sports, information technology services, library and/or tutoring services, club activities, student leadership roles, college facility use and rental, and involvement in organizational activities.

(d) Loss of recognition. A student organization's recognition may be withheld permanently or for a specific period of time. Loss of recognition is defined as withholding college services or administrative approval from a student organization. Services and approval to be withdrawn may include, but are not limited to, funding, information technology services, college facility use, and involvement in organizational activities.

(e) 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. Written notice of disciplinary probation will specify the period of probation and any condition(s) upon which their continued enrollment is contingent.

(i) Such conditions may include, but not be limited to, adherence to terms of a behavior contract or limiting the student's participation in extracurricular activities or access to specific areas of the college's facilities.

(ii) Disciplinary probation may be for a specified term or for a period which may extend to graduation or award of a degree or certificate or other termination of the student's enrollment in the college.

(f) Removal from class. Behavior which has been disruptive to a class to the extent that the continued presence of the student in that class will impair, interrupt, or interfere with the instructor's ability to deliver instruction or other students' abilities to obtain instruction, will result in a withdrawal from that class without a refund or grade penalty.

(g) Disciplinary suspension. Separation of the student from the college for a definite period of time, after which the student is eligible to return. Conditions for readmission may apply. Students who are suspended may be denied access to all or any part of the campus or other facilities for the duration of the period of suspension. There will be no refund of tuition or fees for the quarter in which the action is taken.

(h) Expulsion. Permanent separation of the student from the college. Students who are expelled may be permanently denied access to all or any part of the campus or other facilities. 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 action is taken.

(i) Not in good standing. A student may be deemed not in good standing with the college. If so, the student 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.

(j) Revocation of admission and/or degree or certificate. Admission to the college or a degree or certificate awarded from the college may be revoked for fraud, misrepresentation, or other violation of college standards in obtaining admission or the degree or

certificate, or for other serious violations committed by a student prior to the award of a 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) Restitution. A student may be required to make restitution for damage, loss, injury, or reasonable costs incurred by the college in pursuing an investigation or disciplinary proceeding. This may take the form of appropriate service and/or monetary or material replacement. Failure to make restitution within 30 calendar days or any period set by the SCO, CRO, SCB, or president will result in an administrative hold being placed on the student's registration, which will prevent future enrollment until the restitution is complete.

(b) Discretionary conditions. Work assignments, essays, service to the college, or other related discretionary assignments.

(c) 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 a future evaluation recommends that the student can reenter the college and comply with the rules of conduct.

(d) No contact order. An order that prohibits direct or indirect physical, verbal, written, and/or any other form of communication or contact with an individual or group. Direct and indirect contact includes, but is not limited to, phone calls, texting, letters, going within sight of places of work or residence, email, social media, and modes of transportation.

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NEW SECTION

WAC 132T-100-292 Failure to comply. A student who fails to complete a sanction within the specified time frame may be charged with the student code of conduct violation named failure to comply. It is the student's responsibility to notify the student conduct officer if there are mitigating circumstances that prevent the student from

completing the sanction(s) by a specified time frame. The student conduct officer (SCO) may extend the deadline time, at the SCO's discretion. It is the student's responsibility to complete all sanctions within the specified time frame to avoid a hold and/or a charge of failure to comply.

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NEW SECTION

WAC 132T-100-295 Disciplinary holds. A disciplinary hold will be placed on the records and registration of any student who:

(1) Fails to respond to a disciplinary notice by a judicial body. Any pending disciplinary matters must be resolved prior to reregistration or a student's graduation. No student will be allowed to register, graduate, obtain transcripts, or receive financial aid until the pending disciplinary case is completed;

(2) Is under an interim suspension from the college. The disciplinary hold will not be removed until the pending disciplinary case is completed;

(3) Is under suspension from the college. The disciplinary hold will not be removed until the student's suspension status has expired

and/or the requirements as set forth by the judicial/appellate body for readmission have been successfully met; or

(4) Is under expulsion from the college. The disciplinary hold will only be removed, upon written request, for a student to obtain their transcript.

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NEW SECTION

WAC 132T-100-300 Interim measures. (1) Interim measures may be taken pending an investigation or adjudication if there is cause to believe that a student or student organization poses an imminent risk of harm to anyone in the college community; to property; or if the misconduct is so severe, persistent, or pervasive as to substantially disrupt or materially interfere with the college's operations and/or activities or with an individual's education/work activities. Interim measures may include counseling, extensions of time or other course related adjustments, modifications of class schedules, campus escort services, restrictions on contact between the parties, increased security and monitoring of certain areas of campus, restrictions on access to college-owned or operated property and/or events (notice of

trespass), including classes, activities, and privileges, or any similar measures while the conduct process is pending.

(2) The student must adhere to the conditions of the interim restriction. If an interim restriction includes campus wide restricted access, the SCO may provide written permission for the student to enter campus for specific purposes such as meeting with the SCO or designee, faculty, staff, witnesses to prepare for an appeal, or to participate in the student conduct process.

(3) Notice of interim measure. The student will be provided written notice of the interim measure(s), stating:

(a) The time, date, place, and nature of the circumstances which created the need for interim measures.

(b) A description of any relevant evidence.

(c) The interim measure.

(d) The possible sanctions that could result from violation of the interim measure including arrest for criminal trespass if the student has been trespassed from campus.

(e) The student's right to either accept the interim measure or submit a written appeal of the interim measure within three business days to the conduct review officer (CRO). An appeal is waived if not submitted within the prescribed time. If the student appeals within

the time frame, the interim measure shall remain in place during the appeal process. The CRO will provide written notification to the student of the decision to either maintain or discontinue the interim measure within five business days of receipt of the appeal.

(f) If the student has been trespassed from the campus, a notice against trespass shall be included that warns the student that their privilege to enter or remain on college premises has been withdrawn, that they shall be considered trespassing and subject to arrest for criminal trespass if they enter the college campus other than to meet with the SCO as arranged by an appointment, or to attend a disciplinary hearing. The interim measure shall not replace the regular discipline process which shall proceed as quickly as feasible considering the interim restriction.

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NEW SECTION

WAC 132T-100-350 Summary suspension. 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. The conduct review officer may impose a summary suspension if there is probable cause to believe that the respondent has violated any provision of the student code of conduct; presents an immediate danger to the health, safety, or welfare of members of the college community; or poses an ongoing threat of substantial disruption of, or interference with, the operations of the college.

(1) Notice. Any respondent who has been summarily suspended shall be served by the conduct review officer with oral or written notice of the summary suspension. If oral notice is given, a written notification shall be served on the respondent within two business days of the oral notice. The written notification shall be entitled notice of summary suspension and shall include 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 code of conduct or the law allegedly violated; the date, time, and location when the respondent must appear before the conduct review officer for a hearing on the summary suspension; and 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 the 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, conduct review officer, or to attend a disciplinary hearing.

(2) Hearing. The conduct review officer (CRO) shall conduct a hearing on the summary suspension as soon as practicable after imposition of the summary suspension. 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. 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. If the respondent fails to appear at the designated hearing time, the CRO may order that the summary suspension remain in place pending the conclusion of the disciplinary proceedings. As soon as practicable following the hearing, the CRO 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. To the extent permissible under applicable law, the CRO shall provide a copy of the decision to all persons or offices who may be bound or protected by it.

(3) Sexual misconduct. In cases involving allegations of sexual misconduct outside of the Title IX definition, the complainant shall be notified by the conduct review officer 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.

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NEW SECTION

WAC 132T-100-400 Records of disciplinary action. (1) Records of all disciplinary actions will become part of the student's disciplinary record and kept by the office of the SCO. Disciplinary records are education records as defined by the Family Educational Rights and Privacy Act (FERPA) and shall be maintained and disclosed consistent with federal, state, and local laws; chapter 132T-90 WAC;

college administrative policies, and the college's educational records retention policies.

(a) All documentation of the student conduct proceedings will be preserved for at least seven years.

(b) In disciplinary actions where no violation(s) of the student code of conduct was found, only a record of the finding of no violation shall be maintained in the student's file or other college repository until:

(i) After the date of the student's graduation or award of a degree or certificate; or

(ii) For one calendar year, whichever is shorter.

(c) All records of expulsion will be kept for 25 years from the date of the decision.

(2) The office of the SCO will keep accurate records of all disciplinary actions taken by that office. Such records will be placed in the student's disciplinary records. A student has a disciplinary record only after notification of a decision is made, and the student is found responsible for a violation of the student code of conduct. A case that is currently under investigation or is classified as documentation only is not a disciplinary record.

(3) The Family Educational Rights and Privacy Act provides that an educational institution may notify a student's parent or legal guardian if the student is under the age of 21 and has violated a federal, state, or local law involving the use or possession of alcohol or a controlled substance.

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Chapter 132T-105 WAC
SUPPLEMENTAL TITLE IX STUDENT CONDUCT RULES

NEW SECTION

WAC 132T-105-010 Order of precedence. This supplemental chapter applies to allegations of sexual harassment subject to Title IX jurisdiction pursuant to regulations promulgated by the United States Department of Education. See 34 C.F.R. Part 106. To the extent these supplemental hearing procedures conflict with Walla Walla Community College District 20's standard disciplinary procedures, WAC 132T-100-200 through 132T-100-350, the supplemental procedures in this chapter shall take precedence. Walla Walla Community College District 20 may, at its discretion, contract with an administrative law judge or other person to act as presiding officer and assign such presiding officer to exercise any or all of the duties in lieu of the student conduct committee and committee chair.

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NEW SECTION

WAC 132T-105-015 Student conduct committee. The student conduct committee is a three-member panel designated by the college to preside

over cases involving Title IX allegations. The student conduct committee will serve as a standing committee until a final decision is made regarding the student conduct matter for which it was convened. Any student conduct committee member who has a personal relationship with either party or any personal or other interest which could prevent a fair and impartial review and decision, will be recused from the proceedings.

(1) One member, acting as the chair, will preside at the disciplinary hearing and will provide administrative oversight throughout the hearing process.

(2) Any three members constitute a quorum of the student conduct committee and may act accordingly. The college may retain an advisor to the student conduct committee, including an assistant attorney general.

(3) The student conduct officer will convene the members of the student conduct committee when necessary to adjudicate Title IX conduct decisions.

(4) All student conduct committee members will receive annual training in investigating and adjudicating student conduct matters in a manner that protects the safety and due process rights of the parties.

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NEW SECTION

WAC 132T-105-020 Prohibited conduct under Title IX. Pursuant to RCW 28B.50.140(13) and Title IX of the Education Act Amendments of 1972, 20 U.S.C. Sec. 1681, the college may impose disciplinary sanctions against a student who commits, attempts to commit, or aids, abets, incites, encourages, or assists another person to commit an act(s) of sexual harassment.

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

(1) Quid pro quo harassment. A college employee conditioning the provision of an aid, benefit, or service of Walla Walla Community College District 20 on an individual's participation in unwelcome sexual conduct.

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

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

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

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

(c) Incest. Sexual intercourse or sexual contact with a person known to be related to them, either legitimately or illegitimately, as an ancestor, descendant, brother, or sister of either wholly or half related. Descendant includes stepchildren and adopted children under the age of 18.

(d) Statutory rape. Consensual intercourse between a person who is 18 years of age or older and a person who is under the age of 16.

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

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

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

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

(i) The length of the relationship;

(ii) The type of relationship; and

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

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

[]

NEW SECTION

WAC 132T-105-030 Title IX jurisdiction. (1) This supplemental chapter applies only if the alleged misconduct:

(a) Occurred in the United States;

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

and

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

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

(3) Proceedings under this supplemental chapter must be dismissed if the Title IX coordinator determines that one or all of the requirements under subsection (1) of this section have not been met. Dismissal under this supplemental chapter does not prohibit the college from pursuing other disciplinary action based on allegations that the respondent violated other provisions of the college's student code of conduct, chapter 132T-100 WAC.

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

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NEW SECTION

WAC 132T-105-040 Initiation of discipline. (1) Upon receiving the Title IX investigation report from a Title IX investigator, the Title IX coordinator will independently review the report to determine whether there are sufficient grounds to pursue a disciplinary action

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

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

- (a) Set forth the basis for the Title IX jurisdiction;
- (b) Identify the alleged Title IX violation(s);
- (c) Set forth the facts underlying the allegation(s);
- (d) Identify the range of possible sanctions that may be imposed if the respondent is found responsible for the alleged violation(s);
- (e) Explain that the parties are entitled to be accompanied by their chosen advisors during the hearing and that:
 - (i) The advisors will be responsible for questioning all witnesses on the party's behalf;
 - (ii) An advisor may be an attorney; and

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

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

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NEW SECTION

WAC 132T-105-050 Prehearing procedure. (1) Upon receiving the disciplinary notice, the chair of the student conduct committee will send a hearing notice to all parties, in compliance with WAC 10-08-040. In no event will the hearing date be set less than 10 business days after the Title IX coordinator provided the final investigation report to the parties.

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

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

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NEW SECTION

WAC 132T-105-060 Rights of parties. (1) The college's student code of conduct, chapter 132T-100 WAC, and this supplemental chapter shall apply equally to all parties.

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

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

(4) During the hearing, each party shall be represented by an advisor. These parties are entitled to an advisor of their own choosing, and the advisor may be an attorney. If a party does not choose an advisor, then the Title IX coordinator will appoint an

advisor of the college's choosing on the party's behalf at no expense to the party.

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NEW SECTION

WAC 132T-105-070 Evidence. The introduction and consideration of evidence during the hearing is subject to the following procedures and restrictions:

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

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

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

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

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

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

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

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

- (a) Spousal/domestic partner privilege;
- (b) Attorney-client and attorney work product privileges;
- (c) Privileges applicable to members of the clergy and priests;
- (d) Privileges applicable to medical providers, mental health therapists, and counselors;
- (e) Privileges applicable to sexual assault and domestic violence advocates; and

(f) Other legal privileges identified in RCW 5.60.060.

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NEW SECTION

WAC 132T-105-080 Initial order. (1) In addition to complying with WAC 132T-100-070 and 132T-100-210, the student conduct committee will be responsible for conferring and drafting an initial order that:

(a) Identifies the allegations of sexual harassment;

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

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

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

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

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

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

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

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

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NEW SECTION

WAC 132T-105-090 Appeals. (1) The parties shall have the right to appeal from the initial order's determination of responsibility and/or dismissal of an allegation(s) of sexual harassment in a formal complaint. The right to appeal will be subject to the same procedures and time frames set forth in WAC 132T-100-070 and 132T-100-220.

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

(3) The president's decision is final. The office of the president shall serve the final decision on the parties simultaneously.

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