

Compare Proposed and Current Student Conduct Code as of January 6, 2010

Section	TESC Proposed	TESC Current
PURPOSE	The Code of Student Conduct (Code) articulates specific procedures and standards for upholding the values and aspirations articulated in The Evergreen Social Contract which holds that Evergreen can thrive only when all members of the community share alike in prizing academic and interpersonal honesty, in responsibly obtaining and in providing full and accurate information, in resolving their differences through due process and with a strong will to collaboration, and in respecting the rights of others while enjoying their own rights. Specifically, the Code strives to support community members who should be accountable for their decisions, expressions, and actions and who should protect each other from harm. Above all, the Code has been crafted in the spirit of restorative justice that heals individuals and that preserves our common interests.	174-120-015 The purpose of this chapter is to provide currently enrolled students, faculty and staff with a process to address grievances related to student conduct. If the person wishing to file a grievance against a student is not an enrolled student, staff or faculty, but is here at the invitation of the college, they may contact the campus grievance officer, who will decide whether or not to take on the case on behalf of the college. Students at The Evergreen State College enjoy the basic rights of all members of society. At the same time, students have an obligation to fulfill the responsibilities incumbent upon all citizens as well as the responsibilities of their particular roles within the academic community. Students may be accountable to civil and criminal authorities and to the college for acts occurring on or off campus which constitute violations of law. Students may be accountable to civil and criminal authorities and to the college for acts occurring on college premises and at college sponsored events.
DEFINITIONS		
College	1. The term "College" means The Evergreen State College.	NA
Student	2. The term "student" includes all persons enrolled at the College. Persons who withdraw after allegedly violating the Code, who are not officially enrolled for a particular term but who have a continuing relationship with the College or who have been notified of their acceptance for admission are considered "students" as are persons who are living in College residence halls, although not enrolled in this institution. This Code applies in all locations of the College, including programs in locations other than Olympia, Washington.	(15) "Student" means a person enrolled for any amount of credit at the college. On-leave students, i.e., those admitted but not currently enrolled, may have their enrollment eligibility withdrawn if they do not abide by the student conduct code while on campus and are accountable to civil and criminal authorities.
Faculty Member	3. The term "faculty member" means any person hired by the College to conduct teaching activities or who is otherwise considered by the College to be a member of its faculty.	N/A
Staff Member	4. The term "staff member" means any person hired by the College for non-teaching purposes.	N/A
College Official	5. The term "College official" includes any person employed by the College, performing assigned teaching, administrative or professional responsibilities.	N/A
member of the College community	6. The term "member of the College community" includes any person who is a student, faculty member, College official or any other person employed by the College. A person's status in a particular situation shall be determined by the Vice President for Student Affairs.	(8) "Evergreen community" means currently enrolled students and currently employed faculty and staff members.
Guest	7. The term "guest" includes anyone who is not a member of the College community on College premises at the invitation and/or hosting of a student.	N/A
College Premises	8. The term "College premises" includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the College (including adjacent streets and sidewalks).	(5) "College facilities/premises" means property owned, leased, operated, controlled, or supervised by the college.
Adjacent	9. The term "adjacent" includes properties that border the Evergreen property line and/or border the streets that surround College property.	N/A
College-sponsored event or activity	10. The term "College-sponsored event or activity" means activities or events involving planning or funding or other approved authorized participation by the College.	(6) "College-sponsored event or activity" means activities or events involving planning or funding or other approved or authorized participation by the college

Organization	11. The term “organization” means any number of persons who have complied with the formal requirements for College recognition. A group’s status in a particular situation shall be determined by the Vice President for Student Affairs.	N/A
Policy	12. The term “policy” means the written regulations of the College found in the Code, the College website and catalog, and posted.	N/A
Vice President for Student Affairs	13. The “Vice President for Student Affairs” is that person designated by the College President to be responsible for the administration of the Student Conduct Code.	N/A
Senior student conduct administrator	14. The term “Senior Student Conduct Administrator” means the primary College official responsible for educating students about their rights and responsibilities and administering the Code of Conduct. The Senior Student Conduct Administrator is the primary College official authorized to administer the Code of Conduct in response to a complaint.	N/A
Student Conduct Administrator	15. The term “Student Conduct Administrator” means a College official authorized to administer the Code of Conduct in response to a complaint.	(4) "Campus grievance officer" means a faculty or staff person who shall be appointed by and accountable to the vice-president for student affairs. The grievance officer is responsible for determining if violations of this policy have occurred, for investigating and initiating formal disciplinary action on behalf of the college, and for keeping all records specified in these hearings procedures. (11) "Housing grievance officer" means the director of housing or his/her designee. The housing grievance officer is responsible for determining if violations of the housing policy have occurred, for investigating and initiating formal disciplinary action on behalf of the college, and for keeping all records specified in the procedures.
Student Conduct Appeal Board	16. The term “Student Conduct Appeal Board” means five College community members including one faculty appointed by the faculty agenda committee, one staff and three students, identified following an open selection process, appointed by the Vice President for Student Affairs to hear appeals of a Student Conduct Administrator’s determination and Required Corrective Action(s).	(10) "Hearing board" means five community members appointed by and from the different sectors of the college community, which includes one faculty; one classified or exempt staff; and three students; to hear appeals of the campus grievance officer's findings. The vice-president for student affairs shall be responsible for ensuring that hearing board members and their alternates are appointed. The vice-president for student affairs will appoint the chair of the hearing board, who, with technical and clerical assistance of the vice-president for student affair's office, will write and issue the board's finding. An assistant attorney general, an administrative law judge, or any qualified community member may serve as a nonvoting advisor to the hearing board on the hearing process.
Complainant	17. The term “Complainant” means any person who submits a charge alleging that a student violated this Code. When a student believes that s/he has been the victim of or observed another student’s misconduct, s/he will have the same rights under this Code as are provided to the Complainant, even if another member of the College community submitted the complaint itself. The Complainant has the right to inquire about the status of the complaint.	N/A
Respondent	18. The term “Respondent” means any student alleged to have violated this Code.	N/A
Conduct Hold	19. The term “conduct hold” means a block prohibiting the student from registering for academic credit or receiving a copy of his/her transcript until s/he receives clearance from a Student Conduct Administrator.	(1) "Adjudicative hold" means a notification by the campus grievance officer or vice-president for student affairs that a student will not be allowed to register for classes until he/she gets a clearance from the grievance officer.
Corrective Action	21. The term “Corrective Action” means those tasks or consequences, and associated deadlines, the Respondent must execute to address violations of the Student Code of Conduct.	N/A

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Accountability Contract	22. The term "Accountability Contract" means a written mutual agreement between the Respondent and Student Conduct Administrator which states the determination of responsibility and the Corrective Action(s).	N/A
Required corrective Action	23. The term "Required Corrective Action" means the decision of the Student Conduct Administrator regarding the Corrective Action(s) appropriate to the level of responsibility for violating the Code.	N/A
Final Determination	24. The term "Final Determination" means a decision by the Student Conduct Appeal Board stating the outcome of the hearing.	N/A
Calendar Day	25. The term "calendar day" means all days of the month not just working days. In cases where a specified due date falls on a weekend or holiday, the working day closest to the date due will be used (i.e. if the tenth day deadline falls on Saturday the document will be done on Friday).	(3) "Calendar day" means all days of the month not just working days. In cases where a specified due date falls on a weekend or holiday, the working day closest to the date due will be used (i.e., if the tenth day deadline falls on Saturday, the document will be done on Friday).
Business Day	26. The term "business day" means all days of the month in which the College is open for business.	N/A
Shall	27. The term "shall" is used in the imperative sense.	N/A
May	28. The term "may" is used in the permissive sense	N/A
Binding arbitration	NA	(2) "Binding arbitration" means a process in which parties in conflict submit their differences to the judgment of an impartial third party appointed by the campus mediator with the consent of both parties.
Default judgment	NA	(7) "Default judgment" means a decision made by the trier of fact that, due to the appealing student's failure to appear, the proposed sanctions of the campus grievance officer will be adopted by the trier of fact.
Exception to trier of fact's findings	NA	(9) "Exception to trier of fact's findings" means a written request by either the campus grievance officer or the student requesting a review of the findings by the reviewing officer.
Mediator	NA	(12) "Mediator" means an impartial, neutral third party who helps disputants reach their own mutually agreeable settlement. Trained volunteer mediators are available through the campus center for mediation services, which also provides telephone conciliation and resource referral. In addition, the dean of student and academic support service is the campus mediator and has been appointed by the vice-president for student affairs. Any third party may serve as a mediator if mutually agreed upon by the parties in conflict.
Preponderance of evidence	NA	(13) "Preponderance of the evidence" means the greater weight of evidence or evidence more convincing to the mind than not
Reviewing Officer	NA	(14) "Reviewing officer" means an individual designated by the president to provide a review of the trier of fact's findings, conclusions, and sanctions, if any.
Trier of fact	NA	(16) "Trier of fact" means the hearing board, administrative law judge, or any other individual(s) designated by the vice-president for student affairs and responsible for hearing appeals of the campus grievance officer's findings and proposed corrective action.
AUTHORITY		
Appointing the Board	1. The Vice President for Student Affairs is responsible for ensuring that Student Conduct Appeal Board members and their alternates are appointed.	N/A

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Conduct Administrators	2. Student Conduct Administrators identified in Residential and Dining Services (RAD) are generally responsible for addressing most violations of the Code allegedly committed by on-campus residents in or near residential facilities. The Senior Student Conduct Administrator is generally responsible for addressing most violations of the Code allegedly committed by all other students and in all cases where the Respondent is alleged to have engaged in acts and threats of physical abuse; sexual misconduct; violations occurring near the end of or after a student's contract with RAD; conduct reported by Police Services; and conduct that may result in suspension or expulsion from the College. If a question of authority is present, the Senior Student Conduct Administrator determines who shall be authorized to address each matter.	(11) "Housing grievance officer" means the director of housing or his/her designee. The housing grievance officer is responsible for determining if violations of the housing policy have occurred, for investigating and initiating formal disciplinary action on behalf of the college, and for keeping all records specified in the procedures.
Practices	3. The Senior Student Conduct Administrator is responsible for developing practices for the administration of the student conduct system.	N/A
	4. The Student Conduct Administrator may not also be a complainant.	N/A
Decisions	5. Decisions made by the Appeal Board are final, pending the procedural appeal process	N/A
JURISDICTION		
On-campus and adjacent	1. The Code applies to conduct that occurs on College premises or adjacent to College premises, or at College-sponsored events or activities.	NA
Off-campus	2. The Code applies to conduct that occurs off campus where it is reasonable to conclude that the presence of the Respondent at the College would constitute a danger to health or personal safety, or where harm has occurred to another member of the College community and the continued presence of the alleged Respondent may cause additional harm. The Vice President for Student Affairs shall determine whether the Code shall be applied to conduct occurring off campus, on a case by case basis.	Students may be accountable to civil and criminal authorities and to the college for acts occurring on or off campus which constitute violations of law. Students may be accountable to civil and criminal authorities and to the college for acts occurring on college premises and at college sponsored events.
Student Status	3. Each student is responsible for his/her conduct from the time of acceptance for admission through the actual awarding of a degree, even though conduct may occur before programs/courses begin or after they end, as well as during the academic year and during periods between terms of actual enrollment (and even if their conduct is discovered after a degree is awarded).	NA
Student Status	4. The Code applies to a student's conduct even if the student withdraws from the College while a conduct matter is pending.	NA
STANDARDS	Students are required to engage in responsible conduct that reflects credit upon the College community and to model good citizenship in any community. Students are expected to Preserve College functions Maintain academic integrity Provide honest and accurate information Prevent harm to self or others Foster a safe community Protect and preserve College and personal property Adhere to published policies; contracts; and local, state, and federal laws	These examples of student conduct code violations are not designed to define violations in exhaustive terms. The student conduct code does not supplant other existing policies.
Academic dishonesty	1. Academic dishonesty which includes but is not limited to the following: a) plagiarism defined as appropriating or incorporating any other person's work in one's own work without full and clear and correct	(1) Academic dishonesty: Cheating, facilitating academic dishonesty and plagiarism are violations of the academic honesty policy and if persistent or severe may be treated as violations of the student conduct code.

Comment [we1]: Language from Model Code. Reflect that the VPSA determines if the alleged behavior meets the standard stated above.

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	<p>acknowledgement.</p> <p>b) copying from another person's academic work without proper acknowledgement</p> <p>c) using unauthorized assistance or materials to complete an academic product or assignment</p> <p>d) unauthorized collaboration with any other person during the completion of independent academic work</p> <p>e) knowingly falsifying or assisting in falsifying in whole or in part the contents of one's academic work</p> <p>f) permitting any other person to substitute oneself to complete academic work</p> <p>g) engaging in any academic behavior specifically prohibited by a faculty member in the course covenant or syllabus or class discussion.</p>	
Obstruction or disruption	2. Obstruction or disruption of learning, teaching, research, administration, freedom of speech and movement, the adjudicative process, public service functions or College-sponsored activities on or off campus.	(3) Disrupting college functions: Intentionally, recklessly and/or persistently interfering with normal college or college-sponsored activities, including but not limited to studying, teaching, research, college administration, fire, police, emergency services, or public safety.
Failure to be truthful and forthcoming	3. Failure to be truthful and forthcoming to the College or a College official. This includes but is not limited to making false charges against another member of the community, providing misinformation in application for admission, to gain employment, or to avoid determination of facts in a College investigation, hearing, or process.	(7) False information: Intentionally providing false information to the college for the purpose of gaining admission or employment or to avoid determination of facts in accordance with any college investigation or hearing. (5) False accusations: Intentionally making false charges against another member of the college community to harass, harm, defame and/or intimidate that individual.
Forgery	4. Forgery , alteration, or misuse of college documents, records, or identification cards.	N/A
Harm/Harassment	6. Engaging in physical abuse ; verbal abuse; threats; intimidation; harassment; coercion; and/or other conduct which threatens or endangers the health or safety of any persons. 7. Intentional harm to self which endangers the health, safety or wellbeing of the individual or others in the community. 8. Stalking which is a pattern of unwanted behavior that is directed at a specific person that would cause a reasonable person alarm and/or fear.	(8) Harm/harassment: Discriminating against, sexually harassing, and threatening or intimidating against another person by word or gesture, or physically molesting or assaulting another person which substantially harms or causes reasonable apprehension of such harm to that person or which is intended to harm him or her. This includes, but is not limited to, physical, psychological or sexual harm/harassment or harassment based on religion, nationality, ability/disability, gender, sexual orientation, racial or ethnic origin, cultural identity or political affiliation. This provision in the codes is intended to protect members of the college community against damage or threat of damage to property and injury or threat of injury to physical person or psychological well-being.
Audio recording	9. Making an audio or video record of any person without his or her consent when such a recording is of a private conversation or of images taken at a time and place where he or she would reasonably expect privacy.	N/A
Possessing firearms or weapons	10. Possessing firearms or weapons on campus; unauthorized use, possession or storage of any explosives, fireworks, dangerous chemicals, or substances; or possession or use of any instrument designed to cause harm, or realistic replica of such instrument, which might reasonably threaten or cause fear or alarm to others.	(17) Weapons, firearms, explosives and dangerous chemicals: Firearms and weapons, as defined by state law, are prohibited on campus. Unauthorized use, possession or storage of any explosives, dangerous chemicals, substances or instruments which may be used to inflict bodily harm on another individual or damage upon college premises or at a college-sponsored event are prohibited.
Unauthorized entry	11. Unauthorized entry into or onto, or the unauthorized remaining in, or upon, any College premise or unauthorized use of a key.	N/A
False alarm	12. Intentional sounding of a false alarm which includes but is not limited to intentionally causing a false emergency response and improper use or disabling of safety equipment and signs .	(6) False alarms: Intentionally causing a false police or fire alarm that involves college property or a college-sponsored event.
Failure to properly evacuate	13. Failure to properly evacuate during a fire alarm, improper use of fire prevention equipment, or unauthorized setting of fires.	N/A

Comment [we2]: Plan to review. Also pending AG input.

Comment [we3]: Plan to review. Also pending AG input.

Comment [we4]: Pending AG input.

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Liquor	14. Possession, use, manufacture, or distribution of alcoholic beverages except as expressly permitted by law or College regulations. Alcoholic beverages may not, in any circumstance, be used by, possessed by, consumed by, or distributed to any person under the legal age.	(12) Liquor: Use, possession, or distribution of liquor on college property. This is not intended to apply to use by students of legal age in a residence or at a college-sponsored event provided the event has an approved alcoholic beverage banquet permit (chapter 174-157 WAC , as amended). However, public appearance on campus or at any college-sponsored event while intoxicated, as defined by state law, will be considered a violation.
Drugs	15. Possession, use, manufacture, cultivation, packaging, distribution, selling, or providing a controlled or illegal substance or associated paraphernalia; misusing prescription or nonprescription drugs; or public appearance while under the influence.	(4) Drugs: Using, possessing, or distributing of any controlled substance or illegal drug on college premises or at college-sponsored activities (as defined in the Uniform Controlled Substances Act chapter 69.50 RCW , as amended). Public appearance on campus or at any college-sponsored event while under the influence of illegal drugs will be considered a violation.
Destroying and damaging college or others property	16. Damaging College property or the property of others. This includes but is not limited to graffiti and vandalism.	(2) Destroying or damaging property: Intentionally, recklessly and/or persistently destroying or damaging college property or the property of others on college premises or at college-sponsored events.
Theft	17. Theft. This may include but is not limited to taking, attempting to take, possessing, or aiding another to take property or services – personal, public, or College – without express permission.	(15) Theft or conversion: Deprivation of another's property, including college property or services, without that individual's or the college's authorization
Sexual misconduct	18. Sexual misconduct , defined as unwanted and/or non-consensual behavior with another person involving: - verbal, written, pictorial and/or electronic contact that is sexual in nature - voyeurism or exhibitionism - sexual advances or requests for sexual favors - sexual contact, activity, or intercourse - coercion, including psychological pressure, intimidation and/or threats - sexual violence which includes but is not limited to hitting or striking; the use of force or a weapon; or the use of body weight or other physical means of overcoming resistance Consent is a voluntary and mutually understandable agreement. Consent may not be given or granted when one's capacity for effective decision making has been diminished by the use of alcohol or drugs, unconscious, or is experiencing some other cognitive impairment. Sexual misconduct can occur with any combination of genders, gender expressions and sexual orientations.	(8) Harm/harassment: Discriminating against, sexually harassing, and threatening or intimidating against another person by word or gesture, or physically molesting or assaulting another person which substantially harms or causes reasonable apprehension of such harm to that person or which is intended to harm him or her. This includes, but is not limited to, physical, psychological or sexual harm/harassment or harassment based on religion, nationality, ability/disability, gender, sexual orientation, racial or ethnic origin, cultural identity or political affiliation. This provision in the codes is intended to protect members of the college community against damage or threat of damage to property and injury or threat of injury to physical person or psychological well-being.
Failure to respond	19. Failure to respond to any notice to appear for a meeting or hearing as part of the student conduct process and failure to comply with the Contract of Accountability, an imposed Corrective Action, or any agreement made during the conduct process.	N/A
Guest	20. Failure to ensure that a student's guest adheres to the Code.	N/A
Policy violation	21. Violation of any College policy including Residential and Dining Services policies.	(10) Housing contract violations: Violation of residence hall contracts. (16) Violation of published campus policies: Violation of published campus policies including, but not limited to, the academic honesty policy, the habitation policy, the sexual harassment policy, the discrimination policy, the hazing policy and the pet policy.
Hazing	22. Hazing which includes but is not limited to any activity or method of initiation into a student social, living, learning, or athletic group that causes, or is likely to cause, bodily danger or physical, mental, or emotional harm or threat of harm to another person.	(9) Hazing: According to chapter 28B.10 RCW hazing is defined as any method of initiation into a student organization or living group, or any pastime or amusement engaged in with respect to such an organization or living group that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm.

Comment [we5]: Pending AG input.

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Election tampering	23. Tampering with the election of any student, student organization or group.	N/A
Federal, state, local laws	23. Accusation of the violation of federal, state or local law by law enforcement or conviction of a felony or misdemeanor under circumstances where it is reasonable to conclude that the presence of the person at the College would constitute a danger to health, personal safety.	N/A
Assisting and failure to intervene	24. Knowingly assisting another person to violate the Code or failing to intervene with a violation by, at a minimum, bringing the action to the attention of College officials.	N/A
Interfering with the adjudicative process	NA	(11) Interfering with the adjudicative process: Harassment of students, faculty or staff involved in the adjudicative process. Violation of any agreement made during the adjudicative process, including but not limited to no-contact orders. Perjury or retaliatory or disruptive behavior will also be grounds for further disciplinary action.
Refusal to desist	NA	13) Refusal to desist from prohibited conduct: Refusal of students to desist from conduct prohibited by these rules.
Smoking	NA	(14) Smoking: Smoking in an area not designated as a smoking area as defined by college rules. (WAC 174-136-160 to 174-136-170, as amended.)
PROCEDURES		
Purpose	The Code of Conduct procedures are designed to afford Complainants and Respondents a fair and accessible process that educates students about their rights and responsibilities, holds students accountable for their actions, and provides due process.	The primary purpose for imposing corrective measures is to educate, deter and protect. Notification of corrective action shall be in writing, and shall indicate the terms of any suspension or termination and any special conditions which must be met before readmission. Students who have been sanctioned are expected to fulfill their sanctions as prescribed. A student who has been sanctioned for violating the student conduct code will be required to complete the sanctions prior to the award of the degree by the board of trustees. Factors to be considered in mitigation shall be the present demeanor and past disciplinary record of the student, as well as the nature of the offense and the severity of any damage, injury, or harm resulting from it. Repeated or aggravated violations of any rule may result in greater corrective measures, such as expulsion or suspension, as may be appropriate. A student's off-campus criminal conduct may also be considered in determining what discipline is warranted for similar on-campus conduct.
Students Rights	2. Student's Rights Freedom of expression, including the right to dissent or protest. Any student may submit a complaint against a student alleging a violation of the Code. The Complainant and Respondent may: - agree to an informal resolution - request to have the issue addressed by an alternate Student Conduct Administrator if a conflict of interest is identified - retain an advisor of their choosing and at their own expense who may be present during any proceeding - submit a procedural appeal following the Student Conduct Appeal Board hearing. The Respondent may: - know who the Complainant is and receive written notification of the charges. - have an opportunity to share information relevant to the charges - participate in developing a mutually agreed upon Accountability Contract with the Student Conduct Administrator. - appeal the Student Conduct Administrator's determination of responsibility and/or Required Corrective Action to the Student Conduct Appeal Board	NA

Comment [we6]: Plan to review.

Comment [we7]: Plan to review. Also pending AG input.

Comment [we8]: Plan to review

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	<ul style="list-style-type: none"> - receive written notice five days in advance of an Appeal Board hearing - review all materials that will be presented by the Student Conduct Administrator no later than two business days prior to an Appeal Board Hearing - request the presence of individuals to share information on his/her behalf at an Appeal Board Hearing - except in cases of emergency suspension, maintain his/her status at the College until the final appeal process is completed. - petition the Vice President of Student Affairs to postpone action on a complaint until there has been a disposition of a criminal charge or of the consideration of filing such charge. <p>The Complainant may know the status of the complaint.</p>	
<p>Resolution Options</p>	<p>2. Complaints</p> <p>a) Anyone may submit a complaint against a student alleging violations of the Code. The complaint must be submitted in writing to a Student Conduct Administrator. A complaint should be submitted as soon as possible after the event takes place.</p> <p>b) The Student Conduct Administrator may determine that the complaint can be addressed informally or may determine a complaint has merit. If the complaint is deemed to have merit the Student Conduct Administrator may impose interim restrictions on the Respondent prior to a hearing when health or safety of the Complainant or other community members is deemed at risk and the interim restrictions remain in place until the conduct conference is complete. These restrictions may include but are not limited to loss of privileges or no contact orders.</p> <p>Allegations of misconduct may be addressed as follows:</p> <p>i) All parties involved may agree to an informal resolution via mediation, arbitration or a restorative justice intervention. No record is established and this disposition is final and there shall be no subsequent proceedings.</p> <p>ii) Charges of misconduct are conveyed to the Respondent and the charges are investigated and addressed.</p> <p>iii) In a situation where the student is determined to present imminent danger to self, others, College property or the educational process, the Vice President for Student Affairs may issue an emergency suspension</p> <p>3. Addressing Complaints</p> <p>a) When a complaint is determined to have merit by the Student Conduct Administrator, the complaint becomes a matter between the Respondent and the College and the Complainant provides information.</p> <p>b) The Respondent or Complainant may request in writing to the Vice President for Student Affairs to have the issue addressed by an alternate Student Conduct Administrator when he or she perceives a conflict of interest.</p> <p>c) Notification The Student Conduct Administrator issues written notification to the Respondent that a complaint has been filed alleging violations of specific provisions of the Student Conduct Code and a time for a conference with the Student Conduct Administrator.</p>	<p>Student conduct code — Levels of resolution.</p> <p>(1) Voluntary mediation: Community members who come into conflict with one another should make a determined effort to resolve problems peacefully and constructively between themselves. To facilitate this objective, the college encourages voluntary mediation through mediators. The mediators will assist the two parties to reach resolution. If successful, the parties will sign an agreement stating that resolution has been reached. If unsuccessful, both parties may agree to binding arbitration or either party may file a grievance with the campus grievance officer. The accuser may bypass mediation/arbitration and file a complaint directly with the campus grievance officer. If voluntary mediation is not agreed to and the matter is referred to the campus grievance officer, the case becomes a disciplinary matter between the accused and the college. The complainant serves as a witness during the college's presentation of evidence, if a hearing occurs.</p> <p>(2) Campus grievance officer review: The basic role of the campus grievance officer is to seek justice and educate the students about their rights and responsibilities. The campus grievance officer is responsible for determining if violations of the student conduct code have occurred, handling investigations in a thorough and timely manner, proposing corrective action on behalf of the college if warranted and for keeping all records specified in these grievance procedures. Exceptions:</p> <p>(a) Students presenting imminent danger to others, college property, and/or the educational process may be immediately suspended from the college by the president, vice-president for student affairs, or their designee(s).</p> <p>(b) In cases involving violations of the housing contract, the director of housing or his/her designee shall act as the campus grievance officer.</p> <p>Student conduct code — Grievance officer review process.</p> <p>(1) Reaching a settlement agreement: If the campus grievance officer decides to pursue a case in the name of the college, the student may accept or deny responsibility for the violation. If the student accepts responsibility, she or he may propose a sanction in writing to resolve the case. The campus grievance officer may also propose a sanction. If agreement on responsibility and sanction(s) are reached, the settlement agreement shall be made in writing and signed by the student and the campus grievance officer. The student may withdraw the settlement by submitting a written statement of withdrawal which is received by the office of the vice-president for student affairs within twenty-four hours after being signed by the student.</p> <p>(2) Settlement agreement: An agreement on responsibility and sanctions, if appropriate, shall be written and contain:</p>

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	<p>At any time during the process, failure to meet with the Student Conduct Administrator at the appointed time may subject the Respondent to a conduct hold. If the Respondent fails to meet with the Student Conduct Administrator in a timely fashion the complaint will be determined in the Respondent's absence.</p> <p>c) Conduct Conference During the conference, which may occur over a series of meetings, the Student Conduct Administrator explains the process, the Respondent's rights and responsibilities, and reviews the complaint and alleged violation(s) of the Code. The Student Conduct Administrator seeks information from the Respondent regarding the allegations and may seek additional information from other involved parties or observers.</p> <p>If there is more than one Respondent involved in the charges, the Student Conduct Administrator, in his or her discretion, may permit the conferences concerning each Respondent to be conducted either separately or jointly.</p> <p>d) Conference Outcomes i) The Student Conduct Administrator determines the Respondent is not responsible for violating the Code and the complaint is dismissed, no action is taken.</p> <p>ii) The Respondent accepts responsibility for the alleged violations and an Accountability Contract is accepted by the Respondent and the Student Conduct Administrator.</p> <p>iii) The Respondent does not accept responsibility for the alleged violations or the Respondent and Student Conduct Administrator are unable to reach agreement on an Accountability Contract. In this case, the Student Conduct Administrator makes a determination of responsibility, based on a standard of more likely than not, and issues Required Corrective Action(s). The Determination and/or Required Corrective Action(s) may be appealed to the Student Conduct Appeal Board.</p>	<p>(a) A description of the violation for which responsibility is accepted; (b) The agreed upon sanction, if any; (c) Signatures of the student and the campus grievance officer.</p> <p>(3) Temporary no-contact order: The campus grievance officer may impose a temporary order to restrict contact between parties or access to facilities for the duration of the student conduct code grievance and appeals process.</p> <p>(4) Failure to respond to the campus grievance officer's request for a meeting: Failure to respond to a request for a meeting will result in an adjudicator hold on a student's registration file and could result in more serious sanctions.</p> <p>(5) Decision by campus grievance officer of no cause finding: If the campus grievance officer determines, based on the evidence collected, that the accused has not violated the student conduct code, the accuser may request in writing within twenty calendar days that the vice-president for student affairs review the process and evidence collected by the campus grievance officer. No further review will be allowed if the vice-president for student affairs agrees that the process followed by the campus grievance officer was appropriate and that the act did not constitute a violation of the student conduct code.</p> <p>(6) Failure to reach a settlement agreement: If the campus grievance officer is satisfied that sufficient evidence exists to substantiate a violation and if a settlement has not been reached, he/she shall send to the student a notice of the formal charges, recommended corrective action, and the right to a hearing. If a student is not charged with a violation potentially punishable by emergency suspension, he/she must petition the vice-president for student affairs for a formal hearing within twenty calendar days after receipt of the campus grievance officer's charges. If the student fails to petition the vice-president for student affairs for a formal hearing, the recommended disciplinary action shall go into effect (unless emergency suspension has already occurred).</p> <p>Except in cases of emergency suspension, the student's status at the college shall not be altered until the final opportunity for appeal has passed.</p>
<p>Violations of the Law</p>	<p>Violation of Law Student conduct proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and the Code of Conduct without regard to the pendency of civil or criminal litigation in court or carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the Vice President for Student Affairs. Determinations made or Required Corrective Actions shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of the Code were dismissed, reduced, or resolved in favor of or against the criminal law defendant.</p> <p>When a student is charged by federal, state, or local authorities with a violation of law, the College will not request or agree to special consideration for the individual because of his or her status as a student. If the alleged offense is also being addressed under the Code, the College may advise off-campus authorities of the existence of the Code and how such matters are typically handled within the College community. The College will attempt to cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the</p>	<p>NA</p>

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	rehabilitation of student violators (provided that the conditions do not conflict with campus rules or Corrective Actions). Individual students and other members of the College community, acting in their personal capacities, remain free to interact with off-campus authorities as they deem appropriate.	
Emergency Suspension	The Vice President for Student Affairs may summarily suspend any student from the College pending investigation of an alleged conduct violation or violations, if the Vice President has reason to believe that the student's physical or emotional safety and well-being, or the safety and well-being of other College community members, or the protection of property requires such suspension as per the Administrative Procedures Act, RCW 34.05.410 through 34.05.494, as amended or superseded.	(1) Emergency suspension: Students presenting immediate danger to others, college property, and/or the educational process may be immediately suspended from the college by the president, vice-president for student affairs, or their designee(s). A hearing will be scheduled within twenty calendar days unless otherwise waived by the student. At the hearing, the trier of fact will determine whether or not the summary suspension shall remain in effect throughout the duration of the grievance and appeals process. At the time of the suspension, the student shall be notified in writing if possible, and otherwise orally, of the basis for the emergency suspension and of his/her right to a formal hearing. If oral notification is given at the time of the emergency suspension, written notification shall be delivered or sent to the student's last known address within twenty-four hours. At least three days before the hearing, the grievance officer shall notify the student of her/his findings, proposed sanctions, witnesses to be called at the hearing and, if intended, representative. Except as noted here, the process will be followed as set forth in 174-120-065 (Student conduct code--Formal hearing notice, process and rights).
CORRECTIVE ACTION	The following Corrective Actions may be agreed to and/or required of a student found to have violated the Code. More than one Action may be imposed for any single violation. Corrective Actions are determined based on the unique aspects of each situation. History, patterns, and frequency of misconduct; severity and level of impact on the community; and a student's motivation and response all determine the Required Corrective Action(s) for each individual Respondent.	174-120-075 Student conduct code — Examples of corrective action. The primary purpose for imposing corrective measures is to educate, deter and protect. Notification of corrective action shall be in writing, and shall indicate the terms of any suspension or termination and any special conditions which must be met before readmission. Students who have been sanctioned are expected to fulfill their sanctions as prescribed. A student who has been sanctioned for violating the student conduct code will be required to complete the sanctions prior to the award of the degree by the board of trustees. Factors to be considered in mitigation shall be the present demeanor and past disciplinary record of the student, as well as the nature of the offense and the severity of any damage, injury, or harm resulting from it. Repeated or aggravated violations of any rule may result in greater corrective measures, such as expulsion or suspension, as may be appropriate. A student's off-campus criminal conduct may also be considered in determining what discipline is warranted for similar on-campus conduct.
Warning	1. Warning—A notice in writing to the student that the student is violating or has violated the Code.	(4) Reprimand: Warning(s) that further misconduct may result in more severe sanctions.
Educational Discretionary	2. Educational and Discretionary Actions— Including but not limited to work assignments, essays, or service to the College.	(8) Other sanctions and conditions for enrollment: Other sanctions or conditions may be imposed if related to the violation. Sanctions could include, but are not limited to: Limiting extracurricular activities, restricting registration of motor vehicles, assigning community service. Students may also be removed from college housing for contract violations. Conditions for enrollment could include, but are not limited to: A psychological assessment and/or counseling.
Probation	3. Probation—A written reprimand and a designated period of time that includes the probability of additional Corrective Action(s) if the student is found to violate any College policy during the period of time.	(3) Probation: A trial period during which the student's conduct is monitored. Any additional violations of the student conduct code during this period may be subject to exceptional disciplinary action.
Loss of Privileges	4. Loss of Privileges—This may include but is not limited to limited access or restriction from College premises, College-sponsored activities or events, student employment, or participation in cocurricular	(7) Temporary ejection from the premises: Students on college property who willfully refuse to obey an order of the president, the president's designees, or law enforcement

Comment [we9]: This should address motivation by bias.

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	activities.	officers to desist from conduct prohibited by the college's rules and regulations may be ejected from the premises for a specified period of time not to exceed forty-eight hours. After a temporary ejection takes place, the campus grievance officer will conduct an investigation to determine if a violation of the student conduct code has occurred and, if so, what additional corrective action should be proposed. Refusal to obey the temporary ejection order will subject the student to arrest under state criminal trespass laws, in addition to such other sanctions as may be applicable.
Restitution	5. Restitution—Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.	(5) Restitution: Payment may be made to the college or to other persons, groups, or organizations for damages incurred as a result of prohibited conduct.
No Contact	6. No Contact—The student may have no contact with other stated members of the College community.	
Residence Hall Suspension	7. Residence Hall Suspension—Separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Conditions for returning to the Hall may be specified.	(8) Other sanctions and conditions for enrollment: Other sanctions or conditions may be imposed if related to the violation. Sanctions could include, but are not limited to: Limiting extracurricular activities, restricting registration of motor vehicles, assigning community service. Students may also be removed from college housing for contract violations. Conditions for enrollment could include, but are not limited to: A psychological assessment and/or counseling.
Residence Hall Expulsion	8. Residence Hall Expulsion—Permanent separation of the student from the residence halls.	(8) Other sanctions and conditions for enrollment: Other sanctions or conditions may be imposed if related to the violation. Sanctions could include, but are not limited to: Limiting extracurricular activities, restricting registration of motor vehicles, assigning community service. Students may also be removed from college housing for contract violations. Conditions for enrollment could include, but are not limited to: A psychological assessment and/or counseling.
Deferred	9. Deferred Action—Corrective Action that will be immediately imposed if conditions of a Final Determination or Accountability Contract are not met.	(8) Other sanctions and conditions for enrollment: Other sanctions or conditions may be imposed if related to the violation. Sanctions could include, but are not limited to: Limiting extracurricular activities, restricting registration of motor vehicles, assigning community service. Students may also be removed from college housing for contract violations. Conditions for enrollment could include, but are not limited to: A psychological assessment and/or counseling.
Suspension	10. College Suspension—Separation of the student from the College for a definite period of time, after which the student is eligible to return. Conditions for reenrollment may be specified.	(6) Suspension: Temporary dismissal from the college and temporary termination of community membership for a stated period of time, but no longer than one year. The student shall not participate in any college-sponsored activity and may be barred from college premises. Suspension implies that the student may eventually return if evidence or other assurances are presented that convincingly ensure that prohibited conduct will not be repeated.
Expulsion	11. College Expulsion—Permanent separation of the student from the College with a notation on the transcript.	(2) Expulsion: Permanent separation from the college and termination of community membership. The student may also be barred from college premises and/or college-sponsored events.
Withholding Admission or Degree	12. Withholding Admission or Degree—Admission to or a degree awarded from the College may be withheld for a specified amount of time.	
Revocation of Admission or Degree	13. Revocation of Admission or Degree—Admission to or a degree awarded from the College is revoked and noted on the transcript. In general this Action is reserved for conduct that includes but is not limited to academic dishonesty, failure to be truthful and forthcoming, and forgery.	

<p>HEARING PROCESS</p>	<p>1. The Vice President for Student Affairs schedules the Appeal Hearing and provides written notice to the Respondent at least five business days in advance of the Hearing. The five days may be waived by the Vice President, with the student's permission. The written notice includes</p> <ul style="list-style-type: none"> a) the date, time, location and nature of the proceeding; b) a list of individuals who will be involved in sharing information; c) a description of any pertinent information that would be shared by the Student Conduct Administrator; d) a date by which the Respondent must identify individuals who will be involved in sharing information on his/her behalf; <p>2. The Respondent will have the opportunity to:</p> <ul style="list-style-type: none"> a) review all materials that will be presented by the Student Conduct Administrator no later than two business days prior to the Hearing b) request the presence of individuals to share information on his/her behalf, <p>3. The Student Conduct Administrator will provide the Student Conduct Appeal Board with the following:</p> <ul style="list-style-type: none"> a) the determination of responsibility and Required Corrective Action(s) b) all pertinent information related to the case <p>4. Appeal Board A Chair will be identified by the Board assigned for each hearing and will preside over that meeting acting as the official representative of the Board and will write and issue the Board's Final Determination.</p> <p>5. Hearings shall be conducted by the Student Conduct Appeal Board as follows:</p> <ul style="list-style-type: none"> a) All procedural questions are subject to the final decision of the Chair of the Board and the proceeding is held in an orderly manner such that the rights of all parties to a full, fair and impartial proceeding that adheres to the Code are maintained; b) Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in Code proceedings. c) The Hearing is a closed proceeding which includes only members of the Appeal Board; the advisor to the Board; the Student Conduct Administrator; the Complainant, the Respondent and their advisors, if any; and persons requested to provide pertinent information. Admission of any other person to the Hearing is at the discretion of the Board. d) The Complainant and the Respondent are neither encouraged nor required to be assisted by an advisor of their choosing at their own expense. The Complainant and Respondent are responsible for presenting all information during the proceedings, and therefore, 	<p>Student conduct code — Formal hearing notice, process and rights.</p> <p>(1) Formal hearings will be subject to the following:</p> <ul style="list-style-type: none"> (a) Students have a right to a fair and impartial hearing on any charge of prohibited conduct and the right to confer with a representative present during the hearing. (b) Pursuant to state law, the college president authorizes the vice-president for student affairs to determine the trier of fact. (c) Unless the vice-president for student affairs determines otherwise, the trier of fact conducting a formal hearing shall be a hearing board. (d) Any such hearing shall be conducted pursuant to state law, RCW 34.05.410 through 34.05.494, as amended or superseded. (e) Hearings will be closed to the public and shall be deemed confidential. (f) The student may request the presence of his/her representative. (g) An open hearing may be held, at the discretion of the trier of fact with the consent of the student. (h) In cases of emergency suspension, the process will be modified as set forth in WAC 174-120-075 (Student conduct code -- Examples of corrective action). <p>(2) Default judgment process: The failure of the appealing party to appear may result in a default judgment. In cases of default judgment, the student has a minimum of seven calendar days in which to file a written motion requesting that the order be set aside and stating the grounds for this request. The trier of fact must respond to this request in writing within seven calendar days. The student or campus grievance officer may appeal the trier of fact's response to the reviewing officer as set forth in WAC 174-120-080 (6) and (7).</p> <p>(3) Hearing process: Notice of the hearing, including a statement of the particular rules involved and matters asserted, shall be provided at least ten calendar days before any hearing. The appealing student and campus grievance officer shall inform each other of witnesses and, if applicable, representatives (through the office of the vice-president for student affairs) at least three calendar days before the hearing. Failure to provide a list of witnesses and/or the name(s) of their representatives at least three calendar days before the hearing will most likely result in disqualification of those witnesses and/or representatives. Both parties may submit brief written position statements to the designated trier of fact. Both parties have the right to:</p> <ul style="list-style-type: none"> (a) Question witnesses and have a representative advise them throughout the process. The parties shall inform each other of their witnesses (with a maximum of one character witness) and representatives at least three calendar days before the hearing. Representatives may not appear in lieu of the student charged. (b) Have subpoena(s) issued by the vice-president for student affairs and/or trier of fact, subject to a convincing showing of the general relevance and reasonable scope of the evidence sought. (c) Petition for disqualification of a member of the hearing board.

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	<p>advisors are not permitted to speak or to participate directly in any proceeding. Proceedings will not be delayed due to the scheduling conflicts of an advisor.</p> <p>e) There will be a single verbatim sound recording of the Hearing, and the record shall be on file with the Vice President for Student Affairs and is the property of the College.</p> <p>f) The Respondent's failure to cooperate with or attend a Hearing shall not preclude the Board from proceeding and making a Final Determination. Failure by the Respondent to cooperate may be taken into consideration by the Board in the Final Determination.</p> <p>g) Only those materials and matters presented at the proceeding will be considered. The Chair reserves the responsibility to exclude or limit incompetent, irrelevant, or unduly repetitious information.</p> <p>h) The Student Conduct Administrator will present his/her Findings and Required Corrective Actions for the Respondent.</p> <p>i) The Respondent will respond to the Student Conduct Administrator's Findings and Required Corrective Actions.</p> <p>j) The Student Conduct Administrator, followed by the Respondent, provide additional information and request presentations of information from relevant parties.</p> <p>k) The Board may pose questions throughout the proceeding to all parties. Questions for all parties may be suggested to the Board by the Respondent, Student Conduct Administrator, and Complainant. The Chair of Board determines if the questions will be pursued at their discretion.</p> <p>l) Only members of the Appeal Board and the advisor to the Board are present for deliberations. Deliberations are not recorded. During deliberations the Board shall consider all the information presented and decide by majority vote whether it is more likely than not that the Respondent is responsible for violating each section of the Code the Respondent is charged with violating and/or what Corrective Actions to impose. The Respondent is provided with the Board's Final Determination.</p> <p>m) Any person disruptive of the proceeding or any other procedure described in this document shall be duly warned and subsequently may be excluded from the process by the Chair. Any student engaging in such interference shall be in violation of the Student Conduct Code.</p> <p>n) If a Respondent charged with misconduct under this Code has</p>	<p>(d) Challenge any hearing board member based on cause, such as personal bias. The unchallenged hearing board members shall hear the challenge for cause and make a finding. If cause is found, the vice-president for student affairs shall fill the vacancy forthwith. If the hearing board has an advisor, he/she may also challenge a hearing board committee member. Except for petitions for disqualification, hearing board members may be disqualified upon majority vote of the remaining board members.</p> <p>(4) The trier(s) of fact should not discuss the case outside of the hearing, and shall base their decision upon the evidence presented at the hearing.</p> <p>(5) The burden of proof shall be on the college which must establish, by a preponderance of the evidence, that the student is responsible for a violation of the student conduct code.</p> <p>(6) Formal judicial rules of evidence shall not be applicable, nor shall harmless procedural errors necessarily invalidate a decision or proceeding, unless significant prejudice to the rights of the student or the college would result. The trier of fact shall recognize rules of confidentiality and privilege, but shall otherwise admit all matters into evidence which reasonable persons would accept as having probative value in the conduct of their affairs.</p> <p>(7) Undue repetitious or irrelevant evidence may be excluded.</p> <p>(8) Illegally obtained evidence cannot be used.</p> <p>(9) The trier of fact shall reach a final decision within thirty calendar days of receipt of the petition or within fifteen calendar days of the close of the hearing, whichever is greater. Decisions of the trier of fact shall be by majority vote of the members present and voting. The trier of fact's written findings and conclusions shall be delivered to the accused student by hand or certified mail to his/her last known address.</p>
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	<p>been charged with a crime for the same act or closely related acts by federal, state, or local authorities, or if it appears that such criminal charge is under consideration, the Respondent may petition the Vice President of Student Affairs to postpone action on the complaint until there has been a disposition of the criminal charge or of the consideration of filing such charge.</p> <p>o) The Board may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the Complainant, Respondent and/or other individuals during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audio tape, written statement, or other means, where and as determined in the sole judgment of the Vice President for Student Affairs to be appropriate.</p> <p>6. Appeal Board Hearing Outcomes The Board issues a Final Determination as follows:</p> <p>a) The Board upholds the determination of responsibility and Required Corrective Action of the Student Conduct Administrator.</p> <p>b) The Board determines the student is not responsible for violating the Student Code of Conduct and the complaint is dismissed</p> <p>c) The Board upholds part or all of the determination of responsibility and modifies the Required Corrective Action.</p>	
<p>PROCEDURAL APPEALS</p>	<p>The Respondent or the Student Conduct Administrator may submit a procedural appeal to the President. The procedural appeal must be received in writing within five business days of receiving the Appeal Board's Final Determination.</p> <p>The President will appoint a reviewing officer to review the record of the Appeal Hearing.</p> <p>Except as required to explain the basis of new information, an appeal is limited to a review of the verbatim record of the Student Conduct Appeal Board Hearing and supporting documents for one or more to determine whether the Hearing was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures giving the Complainant a reasonable opportunity to prepare and to present information, and giving the Respondent a reasonable opportunity to prepare and present a response to the allegations. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice results.</p> <p>Within five business days of filing the appeal, the reviewing officer must render a final written determination.</p> <p>If an appeal is upheld, the matter shall be returned to the original Student Conduct Appeal Board for re-opening of the Hearing to allow reconsideration of the Final Determination.</p>	<p>174-120-085 Student conduct code — Procedural appeals.</p> <p>Within ten calendar days of receipt of the trier of fact's findings and conclusions, either the campus grievance officer or the student may submit to the president (L3109, ext. 6100) a written appeal. The president will appoint a reviewing officer who will conduct a procedural review. The reviewing officer will review the written and audio taped record. Within fifteen calendar days of the filing of the appeal, the reviewing officer must render a final written order. No further agency appeal is required or provided.</p> <p>If the accuser is a victim of conduct which is considered violent, she/he is entitled, according to the Federal Education Rights to Privacy Act, to receive the results of the process, upon request, after the final opportunity for appeal has passed.</p>

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	If the appeal is not upheld, the matter shall be considered final and binding upon all involved.	
RECORDS	<p>The student's conduct record may be expunged seven years after the final disposition of the case. When the Corrective Action includes College expulsion or revocation of a degree the record is retained.</p> <p>In situations involving both a Respondent (or group or organization) and a Complainant claiming to be the victim of another student's conduct, the records of the process, the determination of responsibility, and the Corrective Action(s) imposed, if any, shall be considered to be the education records of both the Respondent and the Complainant because the educational career and chances of success in the academic community of each may be impacted.</p> <p>Other than College expulsion, degree revocation, incomplete Corrective Actions with suspension, or withholding of a degree, Corrective Actions shall not be made part of the student's permanent academic record, but shall be part of the student's conduct record.</p>	NA

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