

1 **THE EVERGREEN STATE COLLEGE**
2 **PROPOSED STUDENT CONDUCT CODE**
3 **October 5, 2011**

4
5 **WAC XXX-XX-XXX The Evergreen State College Student Conduct Code**

6 This chapter will be known as the Student Conduct Code
7 (Code) for The Evergreen State College.

8 **BACKGROUND**

9 **WAC XXX-XX-XXX Purpose**

10 The Evergreen State College can thrive only when all
11 members of the community participate in the Social Contract,
12 which prizes academic and interpersonal honesty, conveys our
13 commitment to resolving differences with a strong will toward
14 collaboration, and protects community values and individual
15 rights. The Student Conduct Code articulates specific
16 procedures and standards for upholding the values and
17 aspirations expressed in the Social Contract. Specifically, the
18 Code strives to afford opportunities for informal resolution and
19 to support students to be accountable for their decisions and
20 actions. The Code has been crafted in the spirit of education
21 and compassion, with the aim of healing individuals, preserving
22 our common interests, and protecting each other from harm.

23 **WAC XXX-XX-XXX Student Rights and Responsibilities**

24 (1) Every student has a duty to know, understand and abide
25 by the rules and policies of the College.

26 (2) In most cases, students will have the opportunity to
27 resolve alleged violations informally through mediation,
28 arbitration, or restorative justice conference.

1 (3) Students alleged to have violated the Code have the
2 following rights under the Code:

3 (a) to be informed of the charges against them and know
4 who the Complainant is;

5 (b) to request an informal resolution of the complaint;

6 (c) to participate in developing a mutually agreed upon
7 contract of accountability with the Student Conduct
8 Administrator;

9 (d) to appeal a determination of responsibility and/or
10 required resolution and sanctions, issued by a Student Conduct
11 Administrator, to the Student Conduct Appeals Board;

12 (e) to hear and respond to information upon which a charge
13 is based;

14 (f) to call relevant persons to provide information at
15 hearings before the Student Conduct Code Appeals Board;

16 (g) to request that any person serving as a Student
17 Conduct Code Administrator, or serving as a Student Conduct Code
18 Appeals Board member, be replaced as provided in the Code on the
19 grounds of bias, prejudice, or conflict of interest.

20 (4) Complainants have the following rights under the Code:

21 (a) to participate in an informal resolution of the
22 complaint;

23 (b) to inquire about the status of the complaint;

1 (c) to appeal a determination of responsibility and/or
2 required resolution and sanctions, issued by a Student Conduct
3 Administrator, to the Student Conduct Appeals Board and to call
4 relevant persons to provide information before the Student
5 Conduct Code Appeals Board in cases where a complaint alleges
6 sexual misconduct or sexual harassment;

7 (d) to request that any person serving as a Student Conduct
8 Code Administrator, or serving as a Student Conduct Code Appeals
9 Board member, be replaced as provided in the Code on the grounds
10 of bias, prejudice, or conflict of interest.

11 **WAC XXX-XX-XXX Definitions**

12 (1) "College" means The Evergreen State College.

13 (2) "Student" means:

14 (a) any applicant who becomes enrolled, for violations of
15 the Code committed as part of the application process or
16 committed following the applicant's submittal of the application
17 through official enrollment;

18 (b) any applicant accepted for admission or readmission to
19 the College;

20 (c) any person currently enrolled at the College;

21 (d) any person enrolled at the College in a prior quarter
22 or summer session, and eligible to continue enrollment in the
23 quarter or summer session that immediately follows; or

24 (e) any person who was enrolled for violations of the Code
25 that occurred while enrolled; or

26 (f) any person not employed by the College on a permanent
27 basis who resides in College housing.

1 (3) "Faculty member" means any person employed by the
2 College to conduct teaching activities or who is otherwise
3 considered by the College to be a member of the faculty.

4 (4) "Staff member" means any person employed by the
5 College for non-teaching purposes.

6 (5) "College official" means any person employed by the
7 College performing assigned teaching, administrative or
8 professional responsibilities.

9 (6) "Member of the College Community" means any person who
10 is a student or College official. A person's status in a
11 particular situation will be determined by the Vice President
12 for Student Affairs.

13 (7) "Guest" means any person who is not a member of the
14 College community on College premises at the invitation and/or
15 hosting of a student.

16 (8) "College premises" means all land, buildings,
17 facilities, and other property in the possession of or owned,
18 used, leased or controlled by the College including adjacent
19 streets and sidewalks.

20 (9) "College-sponsored event or activity" means activities
21 or events involving planning or funding, or other authorized
22 participation by the College.

23 (10) "Organization" means any number of persons who have
24 complied with the formal requirements for College recognition
25 and is an officially recognized College organization. A group's
26 status in a particular situation will be determined by the Vice
27 President for Student Affairs.

1 (11) "Policy" means the official written policies and
2 procedures of the College published on the College's website or
3 in the College catalog; or the individual requirements of a
4 department or office, posted anywhere on College premises or at
5 College-sponsored events or activities.

6 (12) "Vice President for Student Affairs" is the person
7 designated by the College President to oversee the
8 administration of the Code, and for performing the other duties
9 and obligations of the position.

10 (13) "Senior Student Conduct Administrator" means the
11 primary College official authorized by the Vice President for
12 Student Affairs responsible for administering the Code.

13 (14) "Student Conduct Administrator" means a College
14 official authorized by the Vice President for Student Affairs to
15 administer the Code in response to a complaint.

16 (15) "Complainant" means any person who submits a complaint
17 alleging that a student violated the Code and/or a student who
18 believes they have been the victim of another student's
19 misconduct.

20 (16) "Respondent" means any student alleged to have
21 violated the Code.

22 (17) "Restorative Justice Conference" means an informal
23 process to involve, to the extent possible, those who have a
24 stake in a specific offense and to collectively identify and
25 address harms, needs, and obligations, in order to heal and put
26 things right as possible.

27 (18) "No Contact Order" means a directive of no contact

1 with a member of the College community which may require a
2 student to organize their activities in order to avoid contact
3 with designated individuals.

4 (19) "Conduct Hold" means a hold placed on the student's
5 official record with the Registrar by the Senior Student Conduct
6 Code Administrator prohibiting a student from registering for
7 academic credit or receiving a copy of their transcript until
8 the hold is removed by the Senior Student Conduct Code
9 Administrator or the Vice President for Student Affairs.

10 (20) "Resolution and Sanction(s)" means those tasks or
11 consequences, and associated deadlines, the Respondent must
12 complete to address violations of the Code articulated in the
13 contract of accountability.

14 (21) "Contract of Accountability" means a written mutual
15 agreement between the Respondent and Student Conduct
16 Administrator which states the violations of the Code and the
17 resolution and sanction(s).

18 (22) "Determination of Responsibility" means a decision of
19 the Student Conduct Administrator regarding whether or not the
20 Respondent is responsible for the alleged violation(s) of the
21 Code.

22 (23) "Required Resolution and Sanction" means the decision
23 of the Student Conduct Administrator regarding the resolution
24 and sanction(s) appropriate to the level of responsibility for
25 violating the Code as conveyed in the determination of
26 responsibility.

1 (24) "Final Determination" means a decision by the Student
2 Conduct Appeals Board stating the outcome of the hearing.

3 (25) "Written Notice" means written communication
4 personally provided to the student or delivered upon the
5 student's assigned College account electronic mail address.

6 (26) "Served Notice" means written communication personally
7 provided to the student, or upon deposit in the United States
8 mail addressed to the student at his or her last known address.
9 A student's last known address will be the current address on
10 file with the Registrar unless a student has provided written
11 notice of a different address to the Office of the Vice
12 President for Student Affairs.

13 (26) "Calendar day" means every day of the month including
14 weekends and state holidays.

15 (27) "Business day" means any calendar day, exclusive of
16 weekends and federal and school holidays, in which the College
17 is open to the public for the conduct of business.

18 **WAC XXX-XX-XXX Jurisdiction**

19 (1) The Code applies to:

20 (a) Prohibited conduct that occurs on College premises or
21 at College-sponsored events or activities; and applies in all
22 locations of the College, including locations other than
23 Olympia, Washington; and

24 (b) Prohibited conduct that does not occur on College
25 premises or in the context of College-sponsored events or
26 activities where it is reasonable to conclude the conduct
27 adversely interferes with student learning and the College's

1 mission or where the presence of the Respondent at the College
2 would constitute a danger to the health, personal safety, or
3 property of any member of the College community. The Vice
4 President for Student Affairs will determine whether the Code
5 will be applied to conduct occurring off campus on a case by
6 case basis.

7 (2) Each student is responsible for their conduct from the
8 time of application for admission through the actual awarding of
9 a degree as follows:

10 a) before a program or course of study begins or after it
11 ends,

12 b) during the academic year, and

13 c) during periods between terms of actual enrollment,
14 even if the person's conduct is reported after a degree is
15 awarded.

16 (3) The Code applies to a student's conduct even if the
17 student withdraws from the College while a complaint is pending.

18 (4) Alleged misconduct by a student organization will be
19 addressed by Student Activities' policies and procedures.

20 (5) Nothing herein will be construed as being intended to
21 create a legal obligation on the part of the College to protect
22 any person or class of persons from injury or harm, or to deny
23 students their legal and/or constitutionally protected rights.

24 **WAC XXX-XX-XXX Computation of Time**

25 In computing any period of time in these rules, the day
26 from which the designated period begins to run will not be
27 included. The last day of the period will be included unless it

1 is a Saturday, Sunday or holiday, in which event the period runs
2 until the end of the next day which is not a Saturday, Sunday or
3 holiday.

4 **WAC XXX-XX-XXX Prohibited Conduct**

5 Students are expected to engage in responsible conduct that
6 reflects credit upon the College community and to model good
7 citizenship. Students are expected to preserve College
8 functions, maintain academic integrity, provide honest and
9 accurate information, prevent harm to self or others, foster a
10 safe community, protect and preserve College and personal
11 property, and to adhere to published policies, contracts, and
12 local, state and federal laws. Attempting or engaging in any of
13 the following conduct is specifically prohibited under the Code.

14 (1) Academic dishonesty which includes, but is not limited
15 to, the following:

16 (a) Plagiarism defined as appropriating or incorporating
17 any other person's published or unpublished work in one's own
18 work without full, clear and correct acknowledgement.

19 (b) Copying from another person's academic work without
20 proper acknowledgment;

21 (c) Using unauthorized assistance or materials to complete
22 an academic product or assignment;

23 (d) The unauthorized collaboration with any other person
24 during the completion of independent academic work;

25 (e) Knowingly falsifying or assisting in falsifying in
26 whole, or in part, the contents of one's academic work;

1 (f) Permitting any other person to substitute oneself to
2 complete academic work; or

3 (g) Engaging in any academic behavior specifically
4 prohibited by a faculty member in the course covenant, syllabus,
5 or class discussion.

6 (2) Conduct that obstructs or disrupts any College
7 learning, teaching, research, administration, adjudicative
8 process, public service functions or College-sponsored events or
9 activities.

10 (3) Failure to be truthful to the College or a College
11 official. This includes, but is not limited to, making false
12 charges against another member of the College community; and
13 providing false or misleading information in an application for
14 admission, to gain employment, or in a College investigation,
15 hearing or process.

16 (4) Forgery, alteration, or the misuse of College
17 documents, records or identification cards.

18 (5) Failure to comply with the direction of or failure to
19 identify yourself to a College official or other public official
20 acting in the performance of their duties.

21 (6) Physical abuse of any person including, but not limited
22 to, physical assault with bodily injury or the threat of
23 physical harm to another person;

24 (7) The recording of any private conversation, by any
25 device, without the consent of all persons engaged in the
26 conversation except as permitted by state law RCW 9.73. For
27 purposes of this section, the term "consent" will be considered

1 obtained only when one party has announced to all other parties
2 engaged in the communication or conversation that such
3 communication or conversation will be recorded or transmitted;
4 and the announcement itself is recorded as part of the
5 conversation or communication.

6 (8) Viewing, photographing, or filming another person
7 without that person's knowledge and consent, while the person
8 being photographed, viewed or filmed is in a place where he or
9 she would have a reasonable expectation of privacy.

10 (9) Unauthorized entry into or onto, or the unauthorized
11 remaining in, or upon, any College premise; or the unauthorized
12 possession, duplication, or use of a College key or other access
13 device.

14 (10) Intentional sounding of a false alarm which includes,
15 but is not limited to, initiating or causing to be initiated any
16 false report, warning or threat, such as that of fire, explosion
17 or emergency that intentionally causes a false emergency
18 response; and the improper use or disabling of safety equipment
19 and signs.

20 (11) Failure to evacuate during a fire alarm; the improper
21 use or damaging of fire prevention or safety equipment, such as
22 fire extinguishers, smoke detectors, alarm pull stations, or
23 emergency exits; or the unauthorized setting of fires.

24 (12) The possession, use, manufacture, or distribution of
25 alcohol except as expressly permitted by law or College policy;
26 or public appearance on College premises while intoxicated.
27 Alcoholic beverages may not, in any circumstance, be used,

1 possessed, consumed by, or distributed to, any person under the
2 legal age.

3 (13) Possession, use, manufacture, cultivation, packaging,
4 distribution, selling, or the providing of any controlled
5 substance as identified in RCW 69.50; or the possession or use
6 of drug paraphernalia as defined in RCW 69.50.102; use of a
7 prescription drug other than as prescribed, use of a
8 prescription drug not issued to the student, or the distribution
9 or sale of a prescription drug to a person to whom the
10 prescription was not originally issued; or public appearance
11 while under the influence of a controlled or illegal substance.

12 (14) Damaging, defacing, destroying, or tampering with,
13 College property or other personal or public property. This
14 includes but is not limited to graffiti and vandalism.

15 (15) The attempted or actual theft of property or services.
16 This includes, but is not limited to, taking, attempting to
17 take, possessing, or aiding another to take College property or
18 services, or property belonging to any person, without express
19 permission.

20 (16) Possessing firearms or other dangerous weapons; the
21 unauthorized use, possession or storage of any explosives,
22 fireworks, dangerous chemicals, or substances; or the use of any
23 instrument designed to cause harm, or realistic replica of such
24 instrument, in such a manner which might reasonably threaten or
25 cause fear or alarm to others.

26 (17) Sexual Misconduct which includes the following:

27 (a) The actual or attempted sexual intercourse or sexual

1 contact that is unwanted or forced upon another, without the
2 consent of that person. Sexual contact is any intentional
3 contact with the breasts, buttock, groin or genitals, or
4 touching another with any of these body parts, or making another
5 touch you or themselves with or on any of these body parts.
6 Sexual intercourse means any anal, oral or vaginal intercourse,
7 however slight, with any object. Consent means that at the time
8 of the act of sexual intercourse or sexual contact there are
9 actual words or conduct indicating a voluntary and mutually
10 understandable agreement between the parties to have sexual
11 intercourse or sexual contact. Consent may not be given or
12 granted when one's capacity for effective decision making has
13 been diminished by the use of alcohol or drugs, or a person is
14 unconscious, or is experiencing some other cognitive impairment.
15 Sexual misconduct can occur with any combination of genders,
16 gender expressions and sexual orientations.

17 (b) The photographing or filming of the intimate areas of
18 another person without that person's knowledge and consent and
19 under circumstances where the person has a reasonable
20 expectation of privacy, whether in a public or private place.

21 (c) The indecent exposure of a person's genitals, for the
22 gratification of the person engaged in such exposure, when done
23 in a place where such exposure is likely to be an offense
24 against generally accepted standards of decency.

25 (d) Sexual exploitation which occurs when one takes non-
26 consensual or abusive sexual advantage of another for another's
27 advantage or benefit and that behavior does not otherwise

1 constitute one of the other sexual misconduct prohibitions.
2 Sexual exploitation includes, but is not limited to, going
3 beyond the boundaries of consent (such as allowing others to
4 view otherwise consensual sexual activity).

5 (18) Harm, which is behavior directed at an individual that
6 is sufficiently severe, pervasive, or persistent such that it
7 diminishes or interferes with the ability of an individual to
8 participate in or benefit from the services, activities, or
9 privileges provided by the College or an employee to engage in
10 their work duties.

11 (19) Stalking which is defined as repeatedly engaging in a
12 course of conduct directed at another individual that would
13 cause a reasonable person to experience alarm, fright or
14 determine that their safety, or the safety of those affiliated
15 or associated with them is at risk.

16 (20) Harassment which is defined as conduct against a
17 person on the basis of race, color, ethnicity, national origin,
18 religious affiliation, sex, gender identity, disability, or
19 sexual orientation that is sufficiently severe, pervasive, or
20 persistent to create an objectively hostile environment that
21 interferes with or diminishes the ability of an individual to
22 participate in or benefit from the services, activities, or
23 privileges provided by the College, or an employee to engage in
24 work duties.

25 (21) Failing to monitor the behavior of a visitor or guest
26 to assure their adherence to the Code.

27 (22) Violation of any College policy including, but not

1 limited to, Residential and Dining Services policies.

2 (23) Knowingly assisting another person to violate the Code
3 or failing to report to a College official conduct that
4 constitutes significant damage to property or a serious danger
5 to the health or personal safety of an individual.

6 (24) Tampering with the election of any student
7 organization or group.

8 (25) Hazing which is conduct that includes any activity or
9 method of initiation into a student social, living, learning, or
10 athletic group that causes, or is likely to cause, bodily danger
11 or physical, mental, or emotional harm to any member of the
12 College community.

13 (26) Being charged with violation of federal, state, or
14 local law by law enforcement, or conviction of a felony or
15 misdemeanor, under circumstances where it is reasonable to
16 conclude that the presence of the person on College premises
17 would constitute a danger to the health, or personal safety of
18 members of the College community.

19 **WAC XXX-XX-XXX Emergency Suspension**

20 (1) The Vice President for Student Affairs, or designee,
21 may immediately suspend a student from the College for an
22 interim period prior to the completion of an investigation of an
23 alleged Code violation by the Student Conduct Administrator, if
24 the student's alleged act of misconduct is of such a serious
25 nature that continued enrollment at the College presents a
26 threat to the safety, health, or welfare of any member of the
27 College community, or the protection of College property.

1 (2) A student placed on emergency suspension will be
2 served notice of the suspension, the reason for imposing an
3 emergency suspension, and advised of the date, time and place
4 for a hearing regarding the suspension before the Vice President
5 of Student Affairs, or their designee. The hearing will take
6 place no later than ten business days from the effective date of
7 the emergency suspension.

8 (3) The Respondent may request to proceed with a conduct
9 conference with the Senior Conduct Administrator prior to the
10 emergency suspension hearing. The resolution of the conduct
11 conference may result in removal of the emergency suspension
12 with the Vice President's approval.

13 (4) Failure of a student to appear at the time and place
14 scheduled in the served notice will result in the issuance of an
15 order of default and in the loss of the student's right to a
16 hearing challenging the emergency suspension.

17 **STUDENT CONDUCT CODE PROCEDURES**

18 **WAC XXX-XX-XXX Purpose**

19 The procedures governing a Student Conduct Administrator's
20 handling of complaints under the Code are designed to afford
21 Complainants and Respondents informal resolution options and a
22 fair and accessible process. The process educates students
23 about their rights and responsibilities, holds students
24 accountable for their actions, and provides due process.

25 **WAC XXX-XX-XXX Submitting A Complaint**

26 (1) Any person may submit a complaint against a student
27 alleging a violation of the Code. The complaint must be

1 submitted in writing to the Senior Student Conduct Administrator
2 or to any other College official. A complaint should be
3 submitted as soon as possible after the event has taken place.

4 (2) The Senior Conduct Administrator, or designee, will be
5 responsible for addressing alleged violations of the Code. If
6 there is a question about who should be responsible for
7 addressing a complaint, the Vice President for Student Affairs,
8 or designee, will assign responsibility for handling the
9 complaint and if necessary, serve as a Student Conduct
10 Administrator.

11 (3) A Complainant or Respondent may request, in writing
12 to the Vice President for Student Affairs, to have a complaint
13 addressed by an alternate Student Conduct Administrator if a
14 bias, prejudice, or conflict of interest is identified. The Vice
15 President of Student Affairs will have the final authority to
16 determine the appropriate Student Conduct Administrator to
17 assign in this case.

18 **WAC XXX-XX-XXX Notification to Respondent**

19 (1) The Respondent will meet with the Student Conduct Code
20 Administrator for a conduct conference as directed in a written
21 notice.

22 (2) The Student Conduct Administrator may impose interim
23 restrictions on the Respondent prior to, or at any stage during,
24 a conduct conference, when the health or safety of the
25 Complainant or any member of the College community is deemed at
26 risk. The interim restriction may include a no contact order
27 and/or loss of privileges limiting access to community members

1 who may be at risk due to the Respondent's presence.

2 (a) A student issued an interim restriction that includes
3 loss of privileges will receive written notice of the interim
4 restriction, the reason for imposing an interim restriction, and
5 advised of the date, time and place for a hearing regarding the
6 interim restriction before the Student Conduct Administrator, or
7 their designee. The hearing will take place no later than three
8 business days from the effective date of the interim
9 restriction.

10 (3) The interim restriction will remain in place until a
11 contract of accountability exists, an Appeal Board issues a
12 final determination, or the Student Conduct Administrator
13 notifies the Respondent in writing that the interim restriction
14 has been modified or is no longer in effect.

15 **WAC XXX-XX-XXX Conduct Conference**

16 (1) During the conduct conference, which may occur over a
17 series of meetings, the Student Conduct Administrator will
18 explain to the Respondent the process for addressing complaints
19 under the Code, advise the Respondent of their rights and
20 responsibilities, and review with the Respondent the complaint
21 and alleged violation(s) of the Code.

22 (2) If there is more than one Respondent involved in the
23 complaint, the Student Conduct Administrator, in their
24 discretion, may conduct the conferences concerning each
25 Respondent either separately, or jointly.

26 (3) Failure to meet with the Student Conduct Administrator
27 at the appointed time during the conduct conference process may

1 subject a Respondent to a conduct hold. If the Respondent fails
2 to meet with the Student Conduct Administrator as required, a
3 determination of responsibility and required resolution and
4 sanctions may be determined in the Respondent's absence.

5 (4) In addition to information sought from the Respondent
6 regarding the allegations, the Student Conduct Administrator may
7 seek additional information from other persons with information
8 relevant to the investigation of the complaint.

9 (5) If the complaint is determined to have merit, the
10 Student Conduct Administrator will proceed with informal
11 resolution, enter into a contract of accountability with the
12 Respondent, or complete an investigation and issue a
13 determination of responsibility and required resolution and
14 sanction(s). If the Student Conduct Administrator determines
15 that the Respondent is not responsible for violating the Code,
16 no action will be taken and the complaint will be dismissed.

17 **WAC XXX-XX-XXX Informal Resolution**

18 If the Student Conduct Administrator concludes that efforts at
19 informal resolution are appropriate to resolve a complaint, the
20 Administrator will take whatever steps are useful to that end,
21 including mediation, arbitration or a restorative justice
22 conference. The Complainant may end the informal resolution at
23 any time and request formal resolution of the complaint.

24 (1) If an informal resolution is reached and the
25 Respondent complies with the agreed terms and conditions, if
26 any, no further action against the Respondent will be taken and
27 the matter will be closed. If a resolution is not reached, or

1 the Respondent fails to comply with the agreed terms and
2 conditions of the resolution, the Student Conduct Code
3 Administrator may proceed to take action necessary to resolve
4 the complaint.

5 **WAC XXX-XX-XXX Contract of Accountability**

6 (1) The Student Conduct Administrator may work with any
7 Respondent who acknowledges responsibility for engaging in
8 prohibited conduct to identify the resolution and sanction. If
9 an agreement is reached, the resolution and sanction(s) will be
10 contained in a written contract of accountability signed by both
11 the Respondent and the Student Conduct Administrator.

12 (2) A Respondent who enters into a contract of
13 accountability will comply with the resolution and sanction(s)
14 set forth in the contract and will have no further right of
15 appeal under the Code. A Respondent's failure to comply with a
16 contract of accountability may be the basis for a separate
17 violation of misconduct under the Code and may result in the
18 Student Conduct Administrator issuing a conduct hold. The
19 conduct hold will remain in effect until such time that the
20 student satisfactorily completes all of the requirements of the
21 contract of accountability.

22

23 **WAC XXX-XX-XXX Notice of Determination of Responsibility and**
24 **Required Resolution and Sanctions**

25 (1) If a complaint is not resolved through informal
26 resolution or by entering into a contract of accountability, the
27 Student Conduct Administrator will issue a determination of
28 responsibility based on a standard of more likely than not and
29 if appropriate, a required resolution and sanction(s).

1 (2) The determination of responsibility will identify the
2 specific prohibited conduct that has been violated by the
3 Respondent. The required resolution and sanction(s) will provide
4 for those tasks or consequences, and associated deadlines, the
5 Respondent must execute to address violations of the Code.

6 (3) The Student Conduct Administrator's determination of
7 responsibility and required resolution and sanction(s) will be
8 final unless the Respondent files a timely appeal to the Student
9 Conduct Appeals Board. If a complaint alleges sexual misconduct
10 or sexual harassment the Complainant is to be informed of the
11 final determination and any sanction imposed against the
12 Respondent and may file a timely appeal to the Student Conduct
13 Appeals Board.

14 **WAC XXX-XX-XXX. Resolution and Sanctions**

15 The following resolution and sanctions may be agreed to by,
16 or required of, a Respondent found to have violated the Code.
17 More than one resolution and sanction may be imposed for any
18 single violation. Resolution and sanctions are based on the
19 unique aspects of each situation and should be appropriate to
20 the violation, taking into consideration the context and
21 seriousness of the violation. History, patterns, and frequency
22 of misconduct; severity and level of impact on the community;
23 and a student's motivation and response all determine the
24 resolution and sanction for each individual Respondent.

25 (1) *Warning.* This is a written notice that the student is
26 violating, or has violated, the Code.

27 (2) *Educational and Discretionary Actions.* This includes,

1 but is not limited to, work assignments, essays, behavior
2 assessment and recommended treatment, completion of a workshop
3 or training, restorative justice conference, or service to the
4 College.

5 (3) *Probation*. A written reprimand and notice that for a
6 designated period of time a student will be on special status
7 with conditions imposed that include the probability of
8 additional required resolution and sanctions if the student is
9 found to violate the Code during the probationary period of
10 time.

11 (4) *Loss of Privileges*. This may include, but is not
12 limited to, limited access or restriction from College premises,
13 College-sponsored activities or events, use of equipment,
14 student employment, or participation in co-curricular
15 activities.

16 (5) *Restitution*. Compensation for loss, damage, or
17 expenses for injury incurred by the College or other persons
18 resulting from a violation of the Code. This may take the form
19 of appropriate service, monetary or material replacement, or a
20 combination of both.

21 (6) *No Contact Order*. A directive that a student may have
22 no contact with other stated members of the College community.
23 In the case where a "no contact order" is issued, a student may
24 be required to organize their activities in order to avoid
25 contact with designated individuals.

1 (7) *Residence Hall Suspension.* Separation of the student
2 from the residence halls for a definite period of time, after
3 which the student is eligible to return. Conditions allowing
4 for a student to return to the residence hall may be specified
5 in the suspension.

6 (8) *Residence Hall Expulsion.* Permanent separation of the
7 student from the residence halls.

8 (9) *College Suspension.* Separation of the student from
9 the College for a definite period of time, after which the
10 student is eligible to return, provided that the student has
11 complied with all conditions imposed as part of the suspension
12 and the student is otherwise qualified for re-enrolling.
13 Conditions for re-enrollment may be specified in the suspension.

14 (11) *College Expulsion.* Permanent separation of the student
15 from the College with a notation on the student's transcript.

16 (12) *Withholding Admission or Degree.* The withholding of
17 admission to, or the withholding of a degree awarded from, the
18 College for a specified amount of time.

19 (13) *Revocation of Admission or Degree.* The revocation of
20 the admission to or the revocation of an award of a degree from
21 the College which will be noted on the student's academic
22 record.

23 (14) *Records Hold.* The placement of a records hold on the
24 student's academic record prohibiting the release of any
25 transcripts, diplomas(s) or other records until a student
26 satisfies the terms and conditions of any required resolution
27 and sanction.

1 **STUDENT CONDUCT APPEALS**

2 **WAC XXX-XX-XXX Filing of Appeal**

3 (1) A Respondent may appeal a Student Conduct
4 Administrator's determination of responsibility and required
5 resolution and sanction(s) to the Student Conduct Appeals Board.
6 A Complainant, in cases where a complaint alleges sexual
7 misconduct or sexual harassment, may also appeal a Student
8 Conduct Administrator's determination of responsibility and
9 required resolution and sanction(s) to the Student Conduct
10 Appeals Board. An appeal must be in writing and received by the
11 Vice President for Student Affairs within twenty calendar days
12 of written notice of the Student Conduct Administrator's
13 determination of responsibility and required resolution and
14 sanction(s).

15 (2) Except in cases of an emergency suspension, the
16 Respondent's enrollment status, and rights as an enrolled
17 student, will not be altered if a timely appeal is filed with
18 the Student Conduct Appeals Board under section (1).

19 **WAC XXX-XX-XXX Notice of Hearing**

20 (1) After receipt of a timely request for a hearing, the
21 Vice President for Student Affairs, or designee, will schedule a
22 hearing before the Student Conduct Appeals Board and provide
23 served notice to the Respondent at least seven business days in
24 advance of the hearing. The seven days advance notice may be
25 waived by the Vice President for Student Affairs, or designee,
26 with the student's permission.

27 (2) The served notice provided to the Respondent will

1 include the following:

2 (a) the date, time, location, and nature of the
3 proceeding;

4 (b) a date by which the Respondent and Student Conduct
5 Administrator must identify advisors and/or individuals who will
6 be involved in sharing information on their behalf as well as
7 requests for reasonable accommodations, if any, for these
8 individuals;

9 (c) a date by which the Student Conduct Administrator and
10 Respondent must provide copies of any documents to be provided
11 to the Board at the hearing. The date for providing documents
12 must be at least two business days prior to the hearing date.

13 **WAC XXX-XX-XXX Procedure at Hearing**

14 The procedures to be followed at hearings conducted by the
15 Student Conduct Appeals Board are as follow:

16 (1) All procedural questions and other decisions are
17 subject to the final decision of the Chair of the Board unless
18 otherwise provided for in these rules. The Chair will insure
19 that the proceeding is held in an orderly manner such that the
20 rights of all parties to a full, fair and impartial proceeding
21 that adheres to the Code

22 (2) The hearing is a closed proceeding which includes only
23 members of the Board; the advisor to the Board, if any; the
24 Student Conduct Administrator and their advisor, if any; the
25 Complainant and the Respondent and their advisor(s), if any; and
26 persons requested to provide information at the hearing.
27 Admission of any other person to the hearing is at the

1 discretion of the Board's Chair and subject to the requirement
2 set forth in subsection (8).

3 (3) The Complainant and the Respondent are neither
4 encouraged nor required to be assisted by an advisor of their
5 choosing at their own expense. The Student Conduct
6 Administrator and Respondent are expected to present all
7 information during the proceedings. Proceedings will not be
8 delayed due to the unreasonable scheduling conflicts of an
9 advisor. In cases where the complaint alleges sexual misconduct
10 or sexual harassment, the Complainant may present information
11 during the proceedings.

12 (4) There will be a single verbatim sound recording of the
13 hearing, and the record will be on file with the Vice President
14 for Student Affairs and is the property of the College.

15 (5) The Respondent's failure to cooperate with or attend a
16 hearing will not preclude the Board from proceeding and issuing
17 a final determination, or upholding the determination of the
18 Student Conduct Administrator.

19 (6) Only those materials and information presented at the
20 hearing will be considered. The Chair may exclude or limit
21 ineffectual, irrelevant, or unduly repetitious information.

22 (7) Any person disruptive of the proceeding will be duly
23 warned and subsequently may be excluded from the hearing by the
24 Chair. Any student engaging in such interference will be in
25 violation of the Student Conduct Code.

26 (8) The Chair is authorized to take reasonable measures
27 to maintain control over the proceedings in order to elicit

1 relevant information, to prevent the mistreatment of
2 participants, to insure that proceedings are not disrupted and
3 the interests of fairness are served. This may include
4 regulating the timing, length and manner of presentations,
5 declaring recesses in the proceedings, and taking other
6 appropriate actions.

7 (9) Only members of the Student Conduct Appeals Board and
8 the advisor, if any, to the Board will be present for
9 deliberations. Deliberations are not recorded. During
10 deliberations the Board will consider all the information
11 presented and decide by majority vote whether it is more likely
12 than not that the Respondent is responsible for violating each
13 section of the Code the Respondent is charged with violating
14 and/or what resolution and sanction(s) to impose.

15 **WAC XXX-XX-XXX Board Composition**

16 (1) The Student Conduct Appeals Board will hear all
17 appeals filed by a Respondent, or a Complainant, in cases where
18 a complaint alleges sexual misconduct or sexual harassment, of
19 the determination of responsibility and required resolution and
20 sanction(s) issued by the Student Conduct Administrator. The
21 Board will be composed of five members consisting of one faculty
22 member, one staff member, and three students. One member will
23 be designated by the Vice President to serve as the Chair of the
24 Board for a hearing.

25 (2) The Faculty Agenda Committee will designate faculty
26 members to serve on the Student Conduct Appeals Board as needed.

27 (3) The Vice President for Student Affairs will be

1 responsible for designating the student and staff members
2 serving on the Board. The student members, including the
3 selection of alternate members to serve as necessary, will be
4 done through an open selection process established by the Vice
5 President.

6 (4) A Respondent, Complainant, and/or the Student Conduct
7 Administrator may request removal of a member of the Board at
8 the commencement of the hearing for reasons of bias, prejudice
9 or conflict of interest. The Chair of the Board will be
10 responsible for making decisions regarding removal, unless the
11 student is requesting removal of the Chair. When there is a
12 request to remove the Chair, and the Chair does not voluntarily
13 step down, a quorum of the remaining members will decide whether
14 removal is warranted. If a member is removed, an appropriate
15 alternate member (i.e., faculty, student or staff) will serve on
16 the Board for the excused member.

17 **WAC XXX-XX-XXX Final Determination**

18 The Board will issue a final determination that:

19 (a) upholds the determination of responsibility and
20 required resolution and sanction(s) of the Student Conduct
21 Administrator;

22 (b) upholds part, or all, of the determination of
23 responsibility; and upholds the required resolution and
24 sanction(s), or modifies or develops an alternate resolution and
25 sanction(s); or

1 (c) determines that it is more likely than not that the
2 student is not responsible for violating the Code, reverse the
3 determination of responsibility issued by the Student Conduct
4 Administrator, and dismiss the case.

5 The final determination will be provided to the Respondent
6 by served notice. If a complaint alleges sexual misconduct the
7 Complainant will be informed of the final determination and any
8 sanction imposed against the Respondent by written notice.

9 **WAC XXX-XX-XXX Reconsideration**

10 (1) Within ten business days of the served notice of the
11 final determination, the Complainant or the Respondent may
12 submit a petition for reconsideration with the Student Conduct
13 Appeals Board. The petition must state the specific grounds
14 upon which relief is requested.

15 (2) The petition will be deemed submitted on the day of
16 actual receipt by the Board. Service on the Board can be made
17 by one of the following means:

18 (a) email received by the Office of the Vice President for
19 Student Affairs; or

20 (b) by deposit in the United States mail, postage prepaid,
21 addressed as follows: The Evergreen State College, Student
22 Conduct Appeals Board, Office of the Vice President for Student
23 Affairs, 2700 Evergreen Parkway NW, Olympia, Washington, 98505;
24 or

25 (c) by personal service on the Student Conduct Appeals
26 Board which will be deemed accomplished by hand delivering the
27 petition to the Office of the Vice President for Student Affairs

1 during regular business hours at the address listed in
2 subsection(2)(b).

3 (3) The final determination issued by the Student Conduct
4 Appeals Board will remain in effect during the time period that
5 a petition for reconsideration is under review by the Board.
6 The Board will respond within twenty business days from the date
7 the petition is submitted.

8 **MAINTENANCE OF STUDENT CONDUCT CODE RECORDS**

9 **WAC XXX-XX-XXX Retention**

10 (1) A student's conduct record may be retained for seven
11 years after the final disposition of the case unless the College
12 is required to retain the record for a longer period of time
13 under another provision of state or federal law. When the
14 resolution and sanction includes College expulsion or revocation
15 of a degree the record will be retained in perpetuity. Final
16 disposition is defined as when:

17 (a) a Respondent fulfills the contract of accountability
18 or the required resolution and sanctions issued by the Student
19 Conduct Appeals Board; or

20 (b) a case is closed at the discretion of the Student
21 Conduct Administrator when the Respondent has not completed the
22 required resolution and sanction and has not been enrolled for
23 twelve months.

24 (2) Other than College expulsion, degree revocation, or
25 withholding of a degree, resolution and sanctions will not be
26 made part of the student's permanent academic record, but will
27 be part of the student's conduct record.

1 **SIMULTANEOUS CIVIL OR CRIMINAL PROCEEDINGS**

2 **WAC XX-XX-XXX Simultaneous Civil or Criminal Proceedings**

3 (1) Student Conduct Code proceedings may be instituted and
4 carried out without regard to any criminal or civil litigation
5 or external processes with which the student may be involved.
6 Issuance of a determination of responsibility or required
7 resolution and sanction(s) by the Student Conduct Administrator
8 or Appeals Board will not be subject to change because criminal
9 charges or civil litigation from the same facts resulting in an
10 allegation of violation of the Code were dismissed, reduced, or
11 resolved in favor of or against the Respondent.

12 (2) If a Respondent charged with misconduct under this Code
13 has been charged with a crime for the same act or closely
14 related acts by federal, state, or local authorities, or if it
15 appears that such criminal charge is under consideration, the
16 Respondent may petition the Vice President for Student Affairs
17 to postpone action on the complaint until there has been a
18 disposition of the criminal charge or of the consideration of
19 filing such charge. The Vice President will have the discretion
20 to grant or deny the request.

21 (3) When a Respondent is charged by federal, state, or
22 local authorities with a violation of law, the College will not
23 request or agree to special consideration for the individual
24 because of their status as a student. If the alleged criminal
25 offense is also being addressed under the Code, the College may
26 advise off-campus authorities of the existence of the Code and
27 how such matters are typically handled within the College

1 community.