

1 **THE EVERGREEN STATE COLLEGE**
2 **STUDENT CONDUCT CODE**
3 **Recommended 4/8/2010**
4
5

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

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

9 **BACKGROUND**

10 **WAC XXX-XX-XXX Purpose**

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

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

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

27 (2) Students alleged to have violated the Code have the
28 following procedural protections:

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

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

4 (c) to participate in developing a mutually agreed upon
5 Contract of Accountability with the Student Conduct
6 Administrator;

7 (d) to appeal a Determination of Responsibility and/or
8 Resolution and Sanctions issued by a Student Conduct
9 Administrator to the Student Conduct Appeals Board

10 (e) to hear and respond to information upon which a charge
11 is based;

12 (f) to call relevant persons to provide information, and
13 question any person who provides information, at hearings before
14 the Student Conduct Code Appeals Board;

15 (g) to request that any person conducting a conduct
16 conference, or serving as a Student Conduct Code Appeals Board
17 member be disqualified on the grounds of bias; and

18 (3) to be provided with any other process stated in the
19 Code.

20 **WAC XXX-XX-XXX Definitions**

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

22 (2) "Student" means any person:

23 (a) currently enrolled at the College;

24 (b) accepted for admission or readmission to the College;

25 (c) enrolled at the College in a prior quarter or summer
26 session, and eligible to continue enrollment in the quarter or
27 summer session that immediately follows; or

1 (d) applicants who become students, for violations of the
2 Code committed as part of the application process;

3 (e) applicants who become students, for violations of the
4 Code that occur following a student's submittal of the
5 application through his or her official enrollment; and

6 (f) former students for violations of the Code that
7 occurred while a student; or

8 (g) any person who resides in College housing.

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

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

14 (5) "College official" means any person employed by the
15 College performing assigned teaching, administrative or
16 professional responsibilities.

17 (6) "Member of the College Community" means any person who
18 is a student or College official. A person's status in a
19 particular situation shall be determined by the Vice President
20 for Student Affairs.

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

24 (8) "College premises" means all land, buildings,
25 facilities, and other property in the possession of or owned,
26 used, leased or controlled by the College including adjacent
27 streets and sidewalks.

1 (9) "Adjacent" means properties that border the Evergreen
2 property line and/or border the streets that surround College
3 property.

4 (10) "College-sponsored event or activity" means activities
5 or events involving planning or funding, or other approved
6 authorized participation by the College.

7 (11) "Organization" means any number of persons who have
8 complied with the formal requirements for College recognition
9 and is an officially recognized College organization. A group's
10 status in a particular situation shall be determined by the Vice
11 President for Student Affairs.

12 (12) "Policy" means the written regulations of the College
13 found in the College website, catalog, or the individual
14 requirements of a program or service posted anywhere on College
15 premises or at College-sponsored events or activities.

16 (13) "Vice President for Student Affairs" is that person
17 designated by the College President to be responsible for the
18 administration of the Code and for performing other duties and
19 obligations of the position.

20 (14) "Senior Student Conduct Administrator" means the
21 primary College official responsible for administering the Code.

22 (15) "Student Conduct Administrator" means a College
23 official authorized to administer the Code in response to a
24 complaint.

25 (16) "Complainant" means any person who submits a complaint
26 alleging that a student violated the Code. When a student
27 believes that he or she has been the victim of or observed

1 another student's misconduct, he or she will have the same
2 rights under the Student Conduct Code as are provided to the
3 Complainant, even if another member of the College community
4 submitted the complaint itself. The Complainant has the right
5 to inquire about the status of the complaint.

6 (17) "Respondent" means any student alleged to have
7 violated the Code.

8 (18) "No Contact Order" means an order of "no contact" with
9 a member of the College community. In the case where a "no
10 contact order" is issued, a student may be required to organize
11 his or her activities in order to avoid contact with designated
12 individuals.

13 (19) "Conduct Hold" means a block placed on the student's
14 official file with the registrar by the Senior Student Conduct
15 Code Administrator prohibiting a student from registering for
16 academic credit or receiving a copy of his or her transcript
17 until the hold is removed by the Senior Student Conduct Code
18 Administrator.

19 (20) "Resolution and Sanction(s)" means those tasks or
20 consequences, and associated deadlines, the Respondent must
21 execute to address violations of the Code.

22 (21) "Contract of Accountability" means a written mutual
23 agreement between the Respondent and Student Conduct
24 Administrator which states the determination of responsibility
25 and the required resolution and sanction(s).

1 (22) "Required Resolution and Sanction" means the decision
2 of the Student Conduct Administrator regarding the Resolution
3 and Sanction(s) appropriate to the level of responsibility for
4 violating the Code as determined in the determination of
5 responsibility.

6 (23) "Final Determination" means a decision by the Student
7 Conduct Appeals Board stating the outcome of the hearing.

8 (24) "Notice" means delivery via the student's assigned
9 College account electronic mail address. Service will be
10 considered delivered upon the message being sent to the
11 student's account.

12 (25) "Calendar day" means every day of the month including
13 weekends and state holidays. In cases where a specified date
14 falls on a weekend or holiday, the working day closest to the
15 date due will be used (i.e., if the tenth day deadline falls on
16 Saturday the document will be done on Friday).

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

20 **WAC XXX-XX-XXX Jurisdiction**

21 (1) The Code applies to:

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

26 (b) Prohibited conduct that occurs off campus (i.e.,
27 behavior that does not occur on College premises or in the

1 context of a college-sponsored event or activity) where it is
2 reasonable to conclude that the presence of the Respondent at
3 the College would constitute a danger to the health or personal
4 safety of a member of the College community, or where harm has
5 occurred to a member of the College community and the continued
6 presence of the Respondent at the College may cause additional
7 harm to that person or other members of the College community.
8 The Vice President for Student Affairs shall determine whether
9 the Code shall be applied to conduct occurring off campus on a
10 case by case basis.

11 (2) Each student is responsible for his or her conduct
12 from the time of acceptance for admission through the actual
13 awarding of a degree, even though conduct may occur before or
14 after a program or course begins or ends, as well as during the
15 academic year and during periods between terms of actual
16 enrollment, even if the person's conduct is reported after a
17 degree is awarded.

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

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

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

26 **WAC XXX-XX-XXX Prohibited Conduct**

27 Students are required to engage in responsible conduct that

1 reflects credit upon the College community and to model good
2 citizenship. Students are expected to preserve College
3 functions, maintain academic integrity, provide honest and
4 accurate information, prevent harm to self or others, foster a
5 safe community, protect and preserve College and personal
6 property, and to adhere to published policies, contracts, and
7 local, state and federal laws. Attempting or engaging in any of
8 the following conduct is specifically prohibited under the Code
9 and shall be the basis for required resolution and sanctions as
10 set forth in the Code when a Respondent is found responsible for
11 engaging in the prohibited conduct.

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

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

17 (b) Copying from another person's academic work without
18 proper acknowledgment;

19 (c) Using unauthorized assistance or materials to complete
20 an academic product or assignment;

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

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

25 (f) Permitting any other person to substitute oneself to
26 complete academic work; or

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

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

8 (3) Failure to be truthful to the College or a College
9 official. This includes making false charges against another
10 member of the College community; and providing false or
11 misleading information in an application for admission, to gain
12 employment, or in a College investigation, hearing or process.

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

15 (5) Failure to comply with the directions of College
16 officials or other public official acting in the performance of
17 his or her duties. This includes the failure to identify
18 oneself to these persons when requested to do so.

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

22 (7) Harassment which is defined as unwelcome conduct
23 directed at an individual that is sufficiently severe,
24 pervasive, or persistent such that it diminishes or interferes
25 with the ability of the student to participate in or benefit
26 from the services, activities, or privileges provided by the
27 College or an employee to engage in his or her work duties.

1 (8) Stalking defined as behavior in which a person
2 repeatedly engages in a course of conduct directed at another
3 person and places that person in reasonable fear for his or her
4 safety, or the safety of his or her family.

5 (9) The recording of any private conversation, by any
6 device, without the consent of all persons engaged in the
7 conversation. For purposes of this section, the term "consent"
8 shall be considered obtained only when one party has announced
9 to all other parties engaged in the communication or
10 conversation that such communication or conversation is about to
11 be recorded or transmitted; and the announcement itself is
12 recorded as part of the conversation or communication.

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

17 (11) Possessing firearms or other dangerous weapons; the
18 unauthorized use, possession or storage of any explosives,
19 fireworks, dangerous chemicals, or substances; or the possession
20 or use of any instrument designed to cause harm, or realistic
21 replica of such instrument, which might reasonably threaten or
22 cause fear or alarm to others.

23 (12) Unauthorized entry into or onto, or the unauthorized
24 remaining in, or upon, any College premise; or the unauthorized
25 possession, duplication, or use of a College key or other access
26 device.

27 (13) Intentional sounding of a false alarm which includes,

1 but is not limited to, initiating or causing to be initiated any
2 false report, warning or threat, such as that of fire, explosion
3 or emergency that intentionally causes a false emergency
4 response; and the improper use or disabling of safety equipment
5 and signs.

6 (14) Failure to evacuate during a fire alarm; the improper
7 use or damaging of fire prevention or safety equipment, such as
8 fire extinguishers, smoke detectors, alarm pull stations, or
9 emergency exits; or the unauthorized setting of fires.

10 (15) The possession, use, manufacture, or distribution of
11 alcohol except as expressly permitted by law or College policy;
12 or public appearance on College premises while intoxicated.
13 Alcoholic beverages may not, in any circumstance, be used,
14 possessed, or consumed by, or distributed to, any person under
15 the legal age.

16 (16) Possession, use, manufacture, cultivation, packaging,
17 distribution, selling, or the providing of an illegal substance,
18 or any controlled substance as identified in RCW 69.50; or the
19 possession or use of drug paraphernalia as defined in RCW
20 69.50.102; use of a prescription drug other than as prescribed,
21 use of a prescription drug not issued to the student, or the
22 distribution or sale of a prescription drug to a person to whom
23 the prescription was not originally issued; or public appearance
24 while under the influence of a controlled or illegal substance.

25 (17) Damaging, defacing, destroying, or tampering with,
26 College property or other personal or public property. This
27 includes but is not limited to graffiti and vandalism.

1 (18) The attempted or actual theft of property or services.
2 This includes, but is not limited to, taking, attempting to
3 take, possessing, or aiding another to take College property or
4 services, or property belonging to any person, without express
5 permission.

6 (19) Sexual Misconduct which includes the following:

7 (a) The actual or attempted sexual intercourse or sexual
8 contact that is forced upon another without the consent of that
9 person. Consent means that at the time of the act of sexual
10 intercourse or sexual contact there are actual words or conduct
11 indicating a voluntary and mutually understandable agreement
12 between the parties to have sexual intercourse or sexual
13 contact. Consent may not be given or granted when one's
14 capacity for effective decision making has been diminished by
15 the use of alcohol or drugs, or a person is unconscious, or is
16 experiencing some other cognitive impairment. Sexual misconduct
17 can occur with any combination of genders, gender expressions
18 and sexual orientations.

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

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

27 (20) Failure to respond to any notice to appear for a

1 meeting as part of the student conduct process and failure to
2 comply with or violation of the Contract of Accountability, a
3 Required Resolution and Sanction, conditions in an Interim
4 Suspension, Final Determination, or any agreement made during
5 the conduct process.

6 (21) Failure to ensure that a guest adheres to the Code.

7 (22) Violation of any College policy including, but not
8 limited to, Residential and Dining Services policies.

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

14 (24) Tampering with the election of any student
15 organization or group.

16 (25) Accusation of an alleged violation of federal, state,
17 or local law by law enforcement, or conviction of a felony or
18 misdemeanor, under circumstances where it is reasonable to
19 conclude that the presence of the person on College premises
20 would constitute a danger to the health, or personal safety of
21 members of the College community.

22 (26) Knowingly assisting another person to violate the Code
23 or failing to intervene with a violation by, at a minimum,
24 bringing the action to the attention of College officials.

25 **WAC XXX-XX-XXX Interim Suspension**

26 (1) The Vice President for Student Affairs or designee may
27 suspend a student from the College for an interim period prior

1 to an investigation of an alleged Code violation, if the Vice
2 President has reason to believe that the student's alleged act
3 of misconduct is of such a serious nature that his or her
4 continued enrollment at the College presents a threat to the
5 safety, health, and well-being of other College community
6 members, or the protection of College property. The interim
7 suspension remains in effect until the complaint is resolved.

8 (2) A student placed on interim suspension shall be given
9 prompt notice of the suspension, the allegations and reason for
10 imposing an interim suspension, and advised of the date, time
11 and place for a hearing regarding the immediacy of the action
12 before a person designated by the President to conduct the
13 hearing. The hearing shall take place no later than ten business
14 days from the effective date of the interim suspension.

15 **STUDENT CONDUCT CODE PROCEDURES**

16 **WAC XXX-XX-XXX Purpose**

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

23 **WAC XXX-XX-XXX Filing of Complaint**

24 (1) Any person may submit a complaint against a student
25 alleging a violation of the Code. The complaint must be
26 submitted in writing to a College official who will forward it
27 to the appropriate Student Conduct Administrator. A complaint

1 should be submitted as soon as possible after the event takes
2 place.

3 (2) The Vice President for Student Affairs shall delegate
4 the responsibility for addressing a complaint to the Senior
5 Student Conduct Code Administrator. The Senior Student Conduct
6 Administrator is generally responsible for addressing most
7 alleged violations of the Code and specifically addresses those
8 where the Respondent is alleged to have engaged in acts and
9 threats of physical abuse; sexual misconduct; violations
10 occurring near the end of, or after a student's contract with
11 RAD; conduct reported by Police Services; and conduct that may
12 result in suspension or expulsion from the College. Student
13 Conduct Administrators identified in Residential and Dining
14 Services (RAD) are generally responsible for addressing most
15 violations of the Code allegedly committed by on-campus
16 residents in or near residential facilities. If a question of
17 who is responsible for addressing a complaint is present, the
18 Senior Student Conduct Administrator determines who shall be
19 authorized to address the complaint and if necessary, serve as a
20 Student Conduct Administrator.

21 (3) A Complainant or Respondent may request to have a
22 complaint addressed by an alternate Student Conduct
23 Administrator if a conflict of interest is identified. The Vice
24 President of Student Affairs shall have the final authority to
25 determine the appropriate Student Conduct Administrator to
26 assign in this case.

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

1 (1) The Respondent shall meet with the Student Conduct
2 Code Administrator for a conduct conference on the date and at
3 the time notified by any College official or the Respondent must
4 schedule a conduct conference by the deadline indicated on the
5 notice of alleged violations as issued by a Student Conduct
6 Administrator.

7 (2) The Student Conduct Administrator may impose interim
8 restrictions on the Respondent prior to, or at any stage during,
9 a conduct conference, when the health or safety of the
10 Complainant or any other member of the College community is
11 deemed at risk. The interim restriction(s) shall remain in place
12 until such time that the Student Conduct Administrator notifies
13 the Respondent in writing that the interim restrictions have
14 been modified or are no longer in effect. If the Respondent
15 files an appeal of the Student Conduct Administrators'
16 determination of responsibility and required resolution and
17 sanction, the interim restrictions shall remain in effect until
18 the Board issues a final determination. These restrictions may
19 include, but are not limited to, loss of privileges or no
20 contact orders.

21 **WAC XXX-XX-XXX Conduct Conference**

22 (1) During the conduct conference, which may occur over a
23 series of meetings, the Student Conduct Administrator shall
24 explain to the Respondent the process for addressing complaints
25 under the Code, advise the Respondent of his or her rights and
26 responsibilities, and review with the Respondent the complaint
27 and alleged violation(s) of the Code.

1 (2) If there is more than one Respondent involved in the
2 complaint, the Student Conduct Administrator, in his or her
3 discretion, may permit the conduct conferences concerning each
4 Respondent to be conducted either separately, or jointly.

5 (3) Failure to meet with the Student Conduct Administrator
6 at the appointed time during the conduct conference process may
7 subject a Respondent to a conduct hold. If the Respondent fails
8 to meet with the Student Conduct Administrator as required the
9 complaint may be determined in the Respondent's absence.

10 (4) In addition to information sought from the Respondent
11 regarding the allegations, the Student Conduct Administrator may
12 seek additional information from other persons with information
13 relevant to the investigation of the complaint.

14 (5) If the complaint is determined to have merit, the
15 Student Conduct Administrator shall proceed with informal
16 resolution, enter into a contract of accountability with the
17 Respondent, or complete an investigation and make a
18 determination of responsibility and determine the required
19 resolution and sanction(s). If the Student Conduct Administrator
20 determines that the Respondent is not responsible for violating
21 the Code, no action shall be taken.

22 **WAC XXX-XX-XXX Informal Resolution**

23 (1) If the Student Conduct Administrator concludes that
24 efforts at informal resolution are appropriate to resolve a
25 complaint, he or she shall take whatever steps are useful to
26 that end, including mediation, arbitration or restorative
27 justice intervention.

1 (2) If an informal resolution is reached and the
2 Respondent complies with the agreed terms and conditions, if
3 any, of the resolution, no further action against the Respondent
4 will be taken and the matter will be closed. If a resolution is
5 not reached or the Respondent fails to comply with the agreed
6 terms and conditions of the resolution, the Student Conduct Code
7 Administrator may proceed to take action necessary to resolve
8 the complaint.

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

10 (1) The Student Conduct Administrator may work with any
11 Respondent who acknowledges responsibility for engaging in
12 prohibited conduct to identify the required resolution and
13 sanction. If an agreement is reached, the required resolution
14 and sanction(s) shall be contained in a written Contract of
15 Accountability signed by both the Respondent and the Student
16 Conduct Administrator.

17 (2) A Respondent who enters into a Contract of
18 Accountability shall comply with the required resolution and
19 sanction(s) set forth in the Contract and shall have no further
20 right of appeal under the Code. A Respondent's failure to
21 comply with the required resolution and sanction in the Contract
22 of Accountability shall be the basis for a separate violation of
23 misconduct under the Code and may result in a Conduct Hold.

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

27 (1) If a complaint is not resolved through informal
28 resolution or by entering into a Contract of Accountability, the
29 Student Conduct Administrator shall issue a notice of

1 determination of responsibility based on a standard of more
2 likely than not and if appropriate, required resolution and
3 sanction(s).

4 (2) The determination of responsibility shall identify the
5 specific prohibited conduct to have been violated by the
6 Respondent. The required resolution and sanction(s) shall
7 provide for those tasks or consequences, and associated
8 deadlines, the Respondent must execute to address violations of
9 the Code.

10 (3) The Student Conduct Administrator's determination of
11 responsibility and required resolution and sanction(s) shall be
12 final unless the Respondent files a timely appeal to the Student
13 Conduct 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.* A notice in writing to the student that the
26 student is 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, or service to the College.

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

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

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

19 (6) *No Contact*. A directive that a student may have no
20 contact with other stated members of the College community.

21 (7) *Residence Hall Suspension*. Separation of the student
22 from the residence halls for a definite period of time, after
23 which the student is eligible to return. Conditions allowing
24 for a student to return to the Hall may be specified in the
25 suspension.

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

1 resolution and sanction(s) to the Student Conduct Appeals Board.
2 An appeal must be in writing and received by the Vice President
3 for Student Affairs within five calendar days of service of the
4 Student Conduct Administrator's determination of responsibility
5 and required resolution and sanction(s).

6 (2) Except in cases of an interim suspension, the
7 Respondent's student status will not be altered until the final
8 opportunity for appeal has passed.

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

10 (1) After receipt of a timely request for a hearing, the
11 Vice President for Student Affairs shall schedule a hearing
12 before the Student Conduct Appeals Board and provide written
13 notice to the Respondent at least seven business days in advance
14 of the hearing. The seven days advance notice may be waived by
15 the Vice President for Student Affairs, with the student's
16 permission.

17 (2) The written notice provided to the Respondent shall
18 include the following:

19 (a) the date, time, location, and nature of the
20 proceeding;

21 (b) a date by which the Respondent and Student Conduct
22 Administrator must identify individuals who will be involved in
23 sharing information on his or her behalf;

24 (c) a date by which the Student Conduct Administrator and
25 Respondent must provide copies of any documents to be provided
26 to the Board at the hearing. The date for providing documents
27 must be at least two business days prior to the hearing date;

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

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

4 (1) All procedural questions and other decisions are
5 subject to the final decision of the Chair of the Board. The
6 Chair shall insure that the proceeding is held in an orderly
7 manner such that the rights of all parties to a full, fair and
8 impartial proceeding that adheres to the Code and any other
9 applicable laws are maintained;

10 (2) The hearing is a closed proceeding which includes only
11 members of the Board; the advisor to the Board; the Student
12 Conduct Administrator; the Respondent and their advisor(s), if
13 any; and persons requested to provide information at the
14 hearing. Admission of any other person to the hearing is at the
15 discretion of the Board's chair and subject to the requirement
16 set forth in subsection (4).

17 (3) The Complainant and the Respondent are neither
18 encouraged nor required to be assisted by an advisor of their
19 choosing at their own expense. The Complainant and Respondent
20 are responsible for presenting all information during the
21 proceedings, and therefore, advisors are not permitted to speak
22 or to participate directly in any proceeding. Proceedings will
23 not be delayed due to the scheduling conflicts of an advisor.

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

27 (5) The Respondent's failure to cooperate with or attend a

1 hearing shall not preclude the Board from proceeding and making
2 a final determination or denying the appeal.

3 (6) Only those materials and information presented at the
4 proceeding will be considered. The Chair may exclude or limit
5 incompetent, irrelevant, or unduly repetitious information.

6 (7) Any person disruptive of the proceeding shall be duly
7 warned and subsequently may be excluded from the hearing by the
8 Chair. Any student engaging in such interference shall be in
9 violation of the Student Conduct Code.

10 (8) The Chair is authorized to take reasonable measures
11 to maintain control over the proceedings in order to elicit
12 relevant facts, to prevent the mistreatment of participants, to
13 insure that proceedings are not disrupted and the interests of
14 fairness are served. This may include regulating the timing,
15 length and manner of presentations, declaring recesses in the
16 proceedings, and taking other appropriate actions.

17 (9)As required by the Jeanne Cleary Disclosure of Campus
18 Security Policy and Campus Crime Statistics Act, 20 USC 1092(f),
19 if a complaint alleges facts that would, if proven, constitute a
20 sex offense for purposes of the Cleary Act:

21 (a) The complainant may be present during the proceedings
22 and is entitled to the same opportunities as provided to the
23 Respondent to have others present during the proceedings; and

24 (b) the complainant is to be informed of the final
25 determination with respect to the alleged offense and any
26 sanction imposed against the Respondent.

27 (10) Only members of the Appeal Board and the advisor to

1 the Board shall be present for deliberations. Deliberations are
2 not recorded. During deliberations the Board shall consider all
3 the information presented and decide by majority vote whether it
4 is more likely than not that the Respondent is responsible for
5 violating each section of the Code the Respondent is charged
6 with violating and/or what resolution and sanction(s) to impose.

7

8 **WAC XXX-XX-XXX Board Composition**

9 (1) The Student Conduct Appeals Board shall hear all
10 appeals filed by a Respondent of the determination of
11 responsibility and required resolution and sanction(s) issued by
12 the Student Conduct Administrator. The Board shall be composed
13 of five members consisting of one faculty member, one staff
14 member, and three students. One member shall be designated by
15 the Vice President to serve as the Chair of the Board for a
16 hearing.

17 (2) The faculty member serving on the Board shall be
18 appointed by the faculty agenda committee. The committee shall
19 appoint three alternate faculty members to serve in the event
20 the faculty member is unavailable or is unable to serve due to a
21 conflict of interest.

22 (3) The Vice President for Student Affairs shall be
23 responsible for designating the student and staff members
24 serving on the Board. The student members, including the
25 selection of alternate members to serve as necessary, shall be
26 done through an open selection process established by the Vice
27 President.

1 (4) A Respondent may request removal of a member of the
2 Board at the commencement of the hearing for reasons of bias.
3 The Chair of the Board shall be responsible for making decisions
4 regarding removal, unless the student is requesting removal of
5 the Chair. When there is a request to remove the Chair, and the
6 Chair does not voluntarily remove himself or herself, a quorum
7 of the remaining members shall decide whether removal is
8 warranted. If a member is removed, an appropriate alternate
9 member (i.e., faculty, student or staff) shall serve on the
10 Board for the excused member.

11 **WAC XXX-XX-XXX Final Determination**

12 The Board shall issue a final determination that:

13 (a) upholds the determination of responsibility and
14 required resolution and sanction(s) of the Student Conduct
15 Administrator.

16 (b) upholds part, or all, of the determination of
17 responsibility; and upholds the required resolution and
18 sanction(s), or modifies the resolution and sanction(s); or

19 (c) determines that the student is not responsible for
20 violating the Student Code of Conduct, reverse the determination
21 of responsibility issued by the Student Conduct Administrator,
22 and dismiss the case.

23 **WAC XXX-XX-XXX Reconsideration**

24 (1) Within ten business days of the service of the final
25 determination, the Respondent may file a petition for
26 reconsideration with the Student Conduct Appeals Board. The
27 petition must state the specific grounds upon which relief is

1 requested.

2 (2) The petition shall be filed:

3 (a) by United States mail, postage prepaid, addressed as
4 follows: The Evergreen State College, Student Conduct Appeals
5 Board, Office of the Vice President for Student Affairs, 2700
6 Evergreen Parkway NW, Olympia, Washington, 98504; or

7 (b) by personal service on the Student Conduct Appeals
8 Board which shall be deemed accomplished by hand delivering the
9 petition to the Office of the Vice President for Student Affairs
10 at the address listed in subsection(2)(a).

11 (c) The final determination remains in effect until the
12 petition for reconsideration is complete. The Board is deemed
13 to have denied the petition for reconsideration if, within
14 twenty business days from the date the petition is filed, the
15 Board does not: (a) dismiss the petition; or (b) serve the
16 Respondent with a written notice specifying the date by which it
17 will act on the petition.

18 **MAINTENANCE OF STUDENT CONDUCT CODE RECORDS**

19 **WAC XXX-XX-XXX Retention**

20 (1) A student's conduct record may be retained for seven
21 years after the final disposition of the case. When the
22 resolution and sanction includes College expulsion or revocation
23 of a degree the record will be retained in perpetuity. Final
24 disposition is defined as when:

25 (a) Respondent fulfills the Contract of Accountability or
26 the required resolution and sanctions issued the Student Conduct
27 Appeals Board; or

1 (b) a case is closed at the discretion of the Student
2 Conduct Code Administrator when the Respondent has not completed
3 the required resolution and sanction and has not been enrolled
4 for twelve months.

5 (2) Other than College expulsion, degree revocation, or
6 withholding of a degree, resolution and sanctions shall not be
7 made part of the student's permanent academic record, but shall
8 be part of the student's conduct record.

9 **SIMULTANEOUS CIVIL OR CRIMINAL PROCEEDINGS**

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

11 (1) Code proceedings may be instituted and carried out
12 without regard to any criminal or civil litigation or external
13 processes with which the student may be involved. Issuance of a
14 determination of responsibility or required resolution and
15 sanction(s) by the Student Conduct Administrator or Appeals
16 Board shall not be subject to change because criminal charges or
17 civil litigation from the same facts resulting in an allegation
18 of violation of the Code were dismissed, reduced, or resolved in
19 favor of or against the Respondent.

20 (2) If a Respondent charged with misconduct under this Code
21 has been charged with a crime for the same act or closely
22 related acts by federal, state, or local authorities, or if it
23 appears that such criminal charge is under consideration, the
24 Respondent may petition the Vice President for Student Affairs
25 to postpone action on the complaint until there has been a
26 disposition of the criminal charge or of the consideration of
27 filing such charge. The Vice President shall have the

1 discretion to grant or deny the request.

2 (3) When a Respondent is charged by federal, state, or
3 local authorities with a violation of law, the College will not
4 request or agree to special consideration for the individual
5 because of his or her status as a student. If the alleged
6 offense is also being addressed under the Code, the College may
7 advise off-campus authorities of the existence of the Code and
8 how such matters are typically handled within the College
9 community.

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