

AMENDATORY SECTION (Amending WSR 15-15-071, filed 7/13/15, effective 8/13/15)

YCE 354L/348/232

(c) Off-campus premises if in the judgment of the college, (~~ad-~~
~~versely affects~~) the conduct has an adverse impact on the college
community (~~or~~), the pursuit of its objectives, or the ability of a
student or staff to participate in the college's programs and activi-
ties.

(2) Jurisdiction extends to locations in which students are en-
gaged in college programs or activities including, but (~~is~~) not
limited to, (~~locations in which students are engaged in official col-
lege activities including, but not limited to,~~) college-sponsored
housing, foreign or domestic travel, activities funded by the (~~asse-~~
~~ciated~~) students, student government, student clubs or organizations,
athletic events, training internships, cooperative and distance educa-
tion, online education, practicums, supervised work experiences or any
other college-sanctioned social or club activities.

(3) The college has sole discretion, on a case-by-case basis, to
determine whether the student conduct code will be applied to conduct
by students or student groups that occurs off-campus.

(4) Students are responsible for their conduct from the time of
application for admission through the (~~_____~~)

ciated with, or invited guests of a recognized student organization, recognized employee group, or the administration of the college.

"Qticpk|cvkqp" means number of persons who have complied with the formal requirements for college recognition/registration.

"Rncikctkuo" is defined as using others' original ideas in your written or spoken work without giving proper credit.

(a) Ideas include, but are not limited to:

- (i) Facts;
- (ii) Opinions;
- (iii) Images;
- (iv) Statistics;
- (v) Equations;
- (vi) Hypotheses;
- (vii) Theories.

(b) Plagiarism can occur in two ways: Intentional and unintentional.

(c) Ways that intentional plagiarism occur include, but are not limited to:

- (i) Turning in someone else's work as your own;
- (ii) Copying words or ideas from someone else without giving credit;
- (iii) Failing to put a quotation in quotation marks;
- (iv) Giving incorrect information about the source of a quotation;

(v) Changing words but copying the sentence structure of a source without giving credit;

(vi) Copying so many words or ideas from a source that it makes up the majority of your work, whether you give credit or not.

(d) Unintentional plagiarism may occur when a student has tried in good faith to document their academic work but fails to do so accurately and/or thoroughly. Unintentional plagiarism may also occur when a student has not had course work covering plagiarism and documentation and is therefore unprepared for college academic writing or speaking.

"Rqnke{" means the written regulations of the college as found in, but not limited to, the student code, the college web page and computer use policy, and catalogs.

"Rtgipcpe{ qt tgnvcvgf eqpfkvkqpu" means:

(a) Pregnancy, childbirth, termination of pregnancy, or lactation;

(b) Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or

(c) Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

"Rtgrqpfgtcpeg qh vjg gxkfgpeg" is the standard of proof used for decisions in the disciplinary and appeal processes.

"Rtgukfgpv" is the president of the college. The president is authorized to:

(a) Delegate any of their responsibilities as set forth in this chapter as may be reasonably necessary; and

(b) Reassign any and all duties and responsibilities as set forth in this chapter as may be reasonably necessary.

"Rtqegu cfxkuqt" is a person selected by a respondent or a complainant to provide support and guidance during disciplinary proceedings under this student conduct code. A process advisor must consent to participating in this role.

"Rtqitco" or "rtqitcou cpf cevkkvkgu" means all operations of the college.

"Tgngxcpv" means related to the allegations of sex discrimination under investigation. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decision maker in determining whether the alleged sex discrimination occurred.

"Tgogfkgu" means measures provided to a complainant or other per-

president of student affairs may designate a student conduct officer to fulfill this responsibility)).

"Uwrrqtvkxg ogcuwtgu" means reasonably available, individualized and appropriate, nonpunitive and nondisciplinary measures offered by the college to the complainant or respondent without unreasonably burdening either party, and without fee or charge for purposes of:

(a) Restoring or preserving a party's access to the college's educational program or activity, including measures that are designed to protect the safety of the parties or the college's educational environment; or providing support during the college's investigation and disciplinary procedures, or during any informal resolution process; or

(b) Supportive measures may include, but are not limited to: Counseling; extensions of deadlines and other course-related adjustments; campus escort services; increased security and monitoring of certain areas of campus; restriction on contact applied to one or more parties; a leave of absence; change in class, work, housing, or extra-curricular or any other activity, regardless of whether there is or is not a comparable alternative; and training and education programs related to sex-based harassment.

"Vkvng KZ eqgtfkpcvqt" is the administrator responsible for processing complaints of sex discrimination, including sex-based harassment, overseeing investigations and informal resolution processes, and coordinating supportive measures, in accordance with college policy.

NEW SECTION

YCE 354L/348/257 Ugtxkeg qh pqvkegu. hknkpiu. qtfgtu. cpf vkog nkokvu0 (1) Service of all college notices under this code will be sent by electronic mail (email) addressed to the party's college-issued email address. An alternative email address may be provided to the presiding officer(s) and reviewing officer(s) in writing. Service is complete at the moment the email is sent to the email address. If there is no email on record, service may also be accomplished by personal service or by posting it in the United States mail, properly addressed, and postage prepaid. Service by mail is complete upon deposit in the United States mail.

(2) The parties are permitted to file documents with the presiding officer or reviewing officer(s) via email or other electronic means as determined by the presiding officer or reviewing officer(s). Receipt of such documents will be determined by the date of the email.

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(d) Students have the right to a learning environment which is free from unlawful discrimination, inappropriate and disrespectful conduct, and any and all harassment, including ~~((sexual))~~ sex discrimination or sex-based harassment.

(2) ~~((Due process.))~~ **Fwg rtqeguu0**

(a) The rights of students to be secure in their persons, quarters, papers, and effects against unreasonable searches and seizures is guaranteed.

(b) No disciplinary sanction may be imposed on any student without notice to the accused of the nature of the charges.

(c) A student accused of violating this code of student conduct is entitled, upon request, to procedural due process as set forth in this chapter.

AMENDATORY SECTION (Amending WSR 15-15-071, filed 7/13/15, effective 8/13/15)

YCE 354L/348/292 Fgpkcn qh ceeguu vq Itggp Tkxgt Eqnngig0

~~Commits any prohibited act including, but not limited to, the following:~~

~~(1) **Cecfgoke fkujppguv{0**~~_____

~~erty owned, controlled or operated by another person while said prop-
erty is located on college facilities.~~

~~(b) Any student who in this or any other manner is guilty of ma-
licious mischief in violation of RCW 9A.48.070 through 9A.48.100.~~

~~(8) **Cdwug; kpvkokfcvkqp0** Physical abuse, verbal abuse, threats,~~

limited to, physical conduct, verbal, written, social media and electronic.

~~(16) Ugzwn okueqpfwev0~~

~~(a) Sexual misconduct is any sexual activity with another that is unwanted and nonconsensual. Sexual misconduct includes physical contact as well as voyeurism.~~

~~(b) Consent to sexual activity requires that, at the time of the act, there are actual words or conduct demonstrating freely given~~

~~(b) Possession or use of disabling chemical sprays when used for self-defense.~~

~~(c) The president may authorize possession of a weapon on campus upon a showing that the weapon is reasonably related to a legitimate pedagogical purpose. Such permission shall be in writing and shall be~~

premises or college-sponsored events. While state law permits the recreational use of cannabis, federal law prohibits such use on college premises or in connection with college activities.

(b) **Ftwiu0**

marital status; age; genetic information; sexual orientation; gender identity or expression; veteran or military status; HIV/AIDS and hepatitis C status; or membership in any other group protected by federal, state, or local law.

(c) Discriminatory harassment may be physical, verbal, or nonverbal conduct and may include written, social media, and electronic communications not otherwise protected by law.

(10) **Fkuqtfqtn{ eqpfwev0** Conduct that is disorderly, lewd, indecent, or obscene; breach of peace; or aiding, abetting, or procuring another person to breach the peace on college premises or at functions sponsored by, or participated in by, the college or members of the college community. Disorderly conduct includes, but is not limited to, any unauthorized use of electronic or other devices to make an audio or video record of any person while on college premises without their

(15) Hcnug eqornckpv0 Filing a formal complaint falsely accusing another student or college employee with violating a provision of this chapter.

(16) Jctcuuogpv qt dwnn{kpi0 Conduct unrelated to a protected class that is unwelcome and sufficiently severe, persistent, or perva-

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

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

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

(g) Use of such time or resources in violation of applicable copyright or other law;

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tigators, going through the victim's garbage, following the victim,
contacting the victim's friends, family work, or neighbors, etc.
(24)

(D) Uvcvwvgt{ tcrq *tcrq qh c ejknf+ is nonforcible sexual inter-
course with a person who is under the statutory age of consent.

(E) Fqoguvke xkqngpeg

(provided that the conditions do not conflict with campus rules or sanctions). Individual students and other members of the college community, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

NEW SECTION

YCE 354L/348/332 Copguv{0 (1) Green River College values the health, safety, and wellness of those in our college community. Students are encouraged to report crimes, share concerns, and seek medical attention for themselves or others in need.

(2) A student conduct officer may elect to not initiate disciplinary action against a student who, while in the course of helping another person seek medical or other emergency assistance, admits to a possible policy violation under this student conduct code, provided that any such violations did not and do not place the health or safety of any other person at risk.

(3) A student conduct officer may elect to not initiate disciplinary action against a student who, while in the course of reporting violence, sex discrimination, or a crime in progress, admits to personal consumption of alcohol or drugs at or near the time of the incident, provided that any such use did not place the health or safety of any other person at risk.

(4) While policy violations cannot be overlooked, the college may elect to offer educational options or referrals, rather than initiating disciplinary action against students who report crimes, serve as witnesses, or seek medical attention as described in this section.

(5) This amnesty policy may not apply to students who repeatedly violate college policies in regard to alcohol, drugs, or other prohibited conduct.

NEW SECTION

YCE 354L/348/337 Kpvgtko ogcuwtgu0 (1) After receiving a report of sex discrimination or other serious student misconduct, a student conduct officer or designee may implement interim measures which may include, but are not limited to:

(a) A no-contact order prohibiting direct or indirect contact, by any means, with a complainant, a respondent, a reporting party, other specified persons, and/or a specific student group or organization;

(b) Reassignment of on-campus housing;

(c) Reassignment of arranged off-campus housing;

(d) Changes to class schedules, assignments, or test schedules;

(e) Modified on-campus employment schedule or location;

(f) Restrictions on access to portions of campus including, but not limited to, on-campus housing; or

(g) Alternative safety arrangements such as campus safety escorts.

(2) If an interim measure is put in place pending or during a conduct proceeding, the student will be notified of the interim measure and be advised how to raise an objection about the interim measure

group that knowingly permits hazing is strictly liable for harm caused

or for other serious violations committed by a student prior to graduation.

(10) ~~Tgikuvtevkqp jgnf~~ — Students may have their registration privileges blocked pending the completion of specified sanctions/conditions. Holds may be placed and removed only by the vice president of student affairs or designee.

(11) ~~Tgxqecvkqp qh enwd uvevwu cpf nquu qh eqnngig tgeqipkvkqp~~ — Applies to clubs and organizations.) (1) The following corrective actions or disciplinary sanctions may be imposed upon students or upon college-sponsored student organizations, athletic teams, or living groups found responsible for violating the student conduct code:

(a) Yctpkpi0 A verbal or written statement to a student that there is a violation and that continued violation may be cause for disciplinary action. Warnings are corrective actions, not disciplinary, and may not be appealed.

(b) Ytkvvgp tgrtkocpf0 Notice in writing that the student has violated one or more terms of the student conduct code and that continuation of the same or similar behavior may result in more severe disciplinary action.

(c) Fkuekrnkpct{ rtqdcvkqp0 Formal action placing specific conditions and restrictions upon the student's continued attendance, depending upon the seriousness of the violation and which may include a deferred disciplinary sanction.

(i) Probation may be for a limited period of time or may be for the duration of the student's attendance at the college.

(ii) If the student, subject to a deferred disciplinary sanction, is found in violation of any college rule during the time of disciplinary probation, the deferred disciplinary sanction, which may include,

(a) **Gfwecvkqp0** Participation in or successful completion of an educational assignment designed to create an awareness of the student's misconduct.

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(4) If a student withdraws from the college or fails to reenroll before completing a disciplinary sanction, term, or condition, the disciplinary sanction, term, or condition must be completed either prior to or upon the student's reenrollment, depending on the nature of the sanctions, terms, or conditions, and may be considered in petitions for readmission to the college.

NEW SECTION

~~YCE 354L/348/357 Eqpfwv jnf qp uvwfgpv tgeqtfu0 (1) A student conduct officer or other designated college official may place a conduct hold on the student's record if the student is the respondent in a pending complaint of prohibited conduct, a pending conduct proceeding under this code, or in conjunction with a disciplinary sanction or condition under this code.~~

(2) A conduct hold may restrict the student from registering for classes, or receiving a degree from the college until the hold has been removed.

(3) If the conduct hold is placed pending or during a conduct proceeding, the student will be notified of the hold and be advised how to raise an objection about the hold or request that it be made less restrictive. The hold will remain in place until lifted by the student conduct officer or other designated college official, or until the conduct process has concluded.

(4) Implementation of any conduct hold prior to disciplinary say abpe

~~serve the respondent with a written decision setting forth the facts and conclusions supporting his or her decision, the specific student conduct code provisions found to have been violated, the discipline imposed, if any, and a notice of any appeal rights with an explanation of the consequences of failing to file a timely appeal.~~

~~(4) The student conduct officer may take any of the following disciplinary actions:~~

~~(a) Exonerate the respondent and terminate the proceedings;~~

~~(b) Impose a disciplinary sanction(s), as described in WAC 132J-126-130;~~

~~(c) Refer the matter directly to the student conduct committee for such disciplinary action as the committee deems appropriate. Such referral shall be in writing, to the attention of the chair of the student conduct committee, with a copy served on the respondent.)) (1) Any member of the college community may file a complaint against a student or student group for possible violations of the student conduct code.~~

~~(2) The student conduct officer, or designee, may review and investigate any complaint to determine whether it appears to state a violation of the student conduct code.~~

~~(a) Ugz fkuetkokpcvkqp. kpenwfkpi ugz/dcugf jctcuuogpv0 The college's Title IX coordinator or designee shall review, process, and, if applicable, investigate complaints or other reports of sex discrimina-~~

right to participate in the disciplinary process and to appeal any disciplinary decision.

(7) All disciplinary actions will be initiated by the student conduct officer. If that officer is the subject of a complaint, the vice president of student affairs or designee shall, upon request and when feasible, designate another person to fulfill any such disciplinary responsibilities relative to the complaint.

(8) The student conduct officer shall initiate disciplinary action by serving the respondent with written notice directing them to attend a disciplinary meeting. The notice shall briefly describe the factual allegations, the provision(s) of the conduct code the respondent is alleged to have violated, the range of possible sanctions for the alleged violation(s), and specify the time and location of the meeting.

(9)

~~appeal and the student conduct officer's decision shall be deemed final.~~

~~(1) The notice of appeal must include a brief statement explaining why the respondent is seeking review.~~

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

~~(3) A respondent, who timely appeals a disciplinary action or~~

(d)

(i) Dismisses disciplinary proceedings based upon a finding that the allegations of sexual misconduct have no merit; or
(ii) Issues a verbal warning to respondent.

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make a disposition of the matter within 21 calendar days after the request is submitted.

(e) If the president upon review determines that the respondent's conduct may warrant imposition of a disciplinary suspension in excess of 10 instructional days or expulsion, the matter shall be referred to the student conduct committee for a disciplinary hearing.

AMENDATORY SECTION (Amending WSR 14-24-129, filed 12/3/14, effective 1/3/15)

YCE 354L/348/3:2 ~~Uvwfgpv eqpfwev eqookvvgg—Ogodgtujkr cpf igx/gtpcpeg0~~ (1) The student conduct committee shall consist of five members:

- (a) Two full-time students appointed by the student government;
- (b) Two faculty members appointed by the president;
- (c) One administrative staff member (other than an administrator serving as a student conduct or conduct review officer) appointed by the president at the beginning of the academic year.

(2) The administrative staff member shall serve as the chair of the committee and may take action on preliminary hearing matters prior to convening the committee. The chair shall receive annual training on protecting victims and promoting accountability in cases involving allegations of sexual misconduct.

(3) Hearings may be heard by a quorum of three members of the committee so long as one faculty member and one student are included on the hearing panel. Committee action may be taken upon a majority vote of all committee members attending the hearing.

(4) Members of the student conduct committee shall not participate in any case in which they are a party, complainant, or witness, in which they have direct or personal interest, prejudice, or bias, or in which they have acted previously in an advisory capacity. Any party may petition for disqualification of a committee member pursuant to RCW 34.05.425(4).

(5) For cases involving allegations of sex discrimination, including sex-based harassment, refer to WAC 132J-126-540(1).

(6) Green River College may, in its sole discretion, contract with an administrative law judge or other qualified person to act as presiding officer and assign such presiding officer to exercise any or all of the duties in lieu of the student conduct committee and committee chair.

(7) Proceedings of the student conduct committee shall be governed by the Administrative Procedure Act, chapter 34.05 RCW, and by the Model Rules of Procedure, chapter 10-08 WAC. To the extent there is a conflict between these rules and chapter 10-08 WAC, these rules shall control.

all parties to participate, and any improper "ex parte" communication shall be placed on the record, as further provided in RCW 34.05.455.

~~((9))~~ (8) Each party may be accompanied at the hearing by a nonattorney ~~((assistant of his/her choice. A respondent may elect to be represented by an attorney at his or her own cost, but will be deemed to have waived that right unless, at least four business days before the hearing, written notice of the attorney's identity and participation is filed with the committee chair with a copy to the student conduct officer. The committee will ordinarily be advised by an assistant attorney general. If the respondent is represented by an attorney, the student conduct officer may also be represented by a second, appropriately screened assistant attorney general))~~ process advisor of their choice, which may be retained at the party's expense.

(9) Each party may elect to be represented by an attorney at their own expense. The respondent and/or complainant will be deemed to have waived the right to be represented by an attorney unless, at least five business days before the hearing, written notice of the attorney's identity and participation is filed with the committee chair with a copy to the student conduct officer. Failure to do so may, at the discretion of the committee chair, result in a waiver of the attorney's ability to represent the student at the hearing.

(10) The committee will ordinarily be advised by an assistant attorney general. If the respondent and/or the complainant is represented by an attorney, the student conduct officer may also be represented by a second, appropriately screened assistant attorney general.

(11) Cases involving allegations of sex discrimination, including sex-based harassment, will follow the procedure set forth in WAC 132J-126-540.

AMENDATORY SECTION (Amending WSR 14-24-129, filed 12/3/14, effective 1/3/15)

YCE 354L/348/422 Uvwfgpv eqpfwev ~~**errgenu+~~ eqookvvgg ~~**jget/kpiu+~~—Rtgugpvcvkqpu qh gxkfgpeg0 (1) Upon the failure of any party to attend or participate in a hearing, the student conduct committee may either:

- (a) Proceed with the hearing and issuance of its decision; or
- (b) Serve a decision of default in accordance with RCW 34.05.440.

(2) The hearing will ordinarily be closed to the public. However, if all parties agree on the record that some or all of the proceedings be open, the chair shall determine any extent to which the hearing will be open. If any person disrupts the proceedings, the chair may exclude that person from the hearing room.

(3) The chair shall cause the hearing to be recorded by a method that ~~((he/she selects))~~ they select, in accordance with RCW 34.05.449. That recording, t thr thb i's thi tf a y paq mMU+ Mth Mcha shaan

(5) The student conduct officer (unless represented by an assistant attorney general) shall present the

(5) Cases involving sex discrimination, including sex-based harassment, will follow the procedure set forth in WAC 132J-126-560.

AMENDATORY SECTION (Amending WSR 14-24-129, filed 12/3/14, effective 1/3/15)

YCE 354L/348/442 ~~Crrgcn htqo uvwfgpv eqpfwev eqookvvgg kpkvkcn fgekukqp0~~ (1) ~~((A respondent who is aggrieved by the findings or conclusions issued by the student conduct committee))~~ Any party, including a complainant in sex-based harassment cases, may appeal the committee's ~~((initial))~~ decision to the president by filing a ((

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*hq t cnngigf eqpfwev vjcv qeewttgf qp qt chvgt Cwiuv 3. 4246+

NEW SECTION

YCE 354L/348/722 Ugz fkuetkokpcvkqp—Uwrrngogpvcn uvwfgpv eqp/fwev eqfg cpf rtqegfwtgu—Qtfgt qh rtgegfgpeg0 This supplemental student conduct code and procedure applies to allegations of sex discrimination arising on or after August 1, 2024, subject to Title IX jurisdiction pursuant to regulations promulgated by the United States Department of Education. See 34 C.F.R. Part 106. To the extent these supplemental hearing procedures conflict with the college's standard student conduct code and procedure, WAC 132J-126-010 through 132J-126-480, this supplemental student conduct code and procedure shall take precedence.

NEW SECTION

YCE 354L/348/732 Ugz fkuetkokpcvkqp—Rtqjkdkgvf eqpfwev cpf fgh/kpkvkqpu0 Pursuant to RCW 28B.50.140(13) and Title IX of the Education Amendments Act of 1972, 20 U.S.C. Sec. 1681, the college may impose disciplinary sanctions against a student or student group who commits, attempts to commit, or aids, abets, incites, encourages, or assists another person to commit, an act(s) of "sex discrimination."

For purposes of this supplemental procedure, the following definitions apply:

(1) **"Eqornckpcpv"** means the following individuals who are alleged to have been subjected to conduct that would constitute sex discrimination:

(a) A student or employee; or

(b) A person other than a student or employee who was participating or attempting to participate in the college's education program or activity at the time of the alleged discrimination.

(2) **"Rtgipcpe{ qt tgncvgf eqpfkvkqpu"** means:

(a) Pregnancy, childbirth, termination of pregnancy, or lactation;

(b) Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or

(c) Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

(3) **"Rtqitco"** or **"rtqitcou cpf cevkkvkqgu"** means all operations of the college.

(4) **"Tgngxcpv"** means related to the allegations of sex discrimination under investigation. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination

force. Sexual touching includes any bodily contact with the breasts, groin, mouth, or other bodily orifice of another individual, or any other bodily contact in a sexual manner.

(C)

(iv) The college determines that, even if proven, the conduct alleged by the complainant would not constitute sex discrimination; or

(v) The conduct alleged by the complainant falls outside the college's disciplinary jurisdiction.

(f) If no request for a full hearing is provided to the student conduct officer, the student conduct officer's written recommendation shall be final and implemented immediately following the expiration of 21 calendar days from the service of the written recommendation.

(g) Upon receipt of the student conduct officer's written recommendation, the Title IX coordinator or their designee shall review all supportive measures and, within five business days, provide written direction to the complainant and respondent as to any supportive measures that will be implemented, continued, modified, or terminated. If either party is dissatisfied with the supportive measures, the party may seek review in accordance with the college's Title IX investigation procedure.

(h) If the respondent is found responsible for engaging in sex discrimination, the Title IX coordinator shall also take prompt steps to coordinate and implement any necessary remedies to ensure that sex discrimination does not recur and that complainant has equal access to the college's programs and activities.

NEW SECTION

YCE 354L/348/762 Ugz fkuetkokpcvkqp—Rtgjgctkpi rtqegfwtg0 (1)
For cases involving allegations of sex discrimination, including sex-based harassment, members of the student conduct committee must receive training on serving impartially, avoiding prejudgment of facts at issue, conflicts of interest, and bias. The chair must also receive training on the student conduct process for sex discrimination cases, as well as the meaning and application of the term, "relevant," in relations to questions and evidence, and the types of evidence that are impermissible, regardless of relevance in accordance with 34 C.F.R. §§ 106.45 and 106.46.

(2) In sex discrimination cases, the college may, in its sole and exclusive discretion, contract with an administrative law judge or other qualified person to act as the presiding officer, authorized to exercise any or all duties of the student conduct committee and/or committee chair.

(3) In cases involving allegations of sex discrimination, the complainant has a right to participate equally in any part of the disciplinary process, including appeals. Respondent and complainant both have the following rights:

(a) Notice. The college must provide a notice the parties are entitled to an equal opportunity to access relevant and permissible evidence, or a description of the evidence upon request.

(b) Advisors. The complainant and respondent are both entitled to have an advisor present, who may be an attorney retained at the party's expense.

(c) Extensions of time. The chair may, upon written request of any party and a showing of good cause, extend the time for disclosure of witness and exhibit lists, accessing and reviewing evidence, or the

hearing, in accordance with the procedures set forth in subsec-
tion (4)(b) of this section.
(d) Evidence. In advance of the hearing, the student conduct officer shall provide the respondent and complainant with access to and review of the investigative report and evidence that is within the college's control.

(e) Confidentiality. The college shall take reasonable steps to prevent the unauthorized disclosure of information obtained by a party solely through the disciplinary process, which may include, but are not limited to, directives by the student conduct officer or chair pertaining to the dissemination, disclosure, or access to evidence outside the context of the disciplinary hearing.

(4) In cases involving allegations of sex-based harassment, the following additional procedures apply:

(a) Notice. The prehearing notice must inform the parties that:

(i) The respondent is presumed not responsible for the alleged sex-based harassment;

(ii) The parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial decision maker;

(iii) They may have an advisor of their choice, who may be an attorney, to assist them during the hearing;

(iv) They are entitled to an equal opportunity to access relevant and not otherwise impermissible evidence in advance of the hearing; and

(v) The student conduct code prohibits knowingly making false statements or knowingly submitting false information during a student conduct proceeding.

(b) Extensions of time. The chair may, upon written request of any party and a showing of good cause, extend the time for disclosure of witness and exhibit lists, accessing and reviewing evidence, or the hearing date. The party requesting an extension must do so no later than 48 hours before any date specified in the notice of hearing or by the chair in any prehearing conference.

(f) Separate locations.

(i) The chair may conduct the hearing with the parties physically present in separate locations, with technology enabling the committee and parties to simultaneously see and hear the party or the witness

sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

(5) The committee may choose to place less or no weight upon statements by a party or witness who refuses to respond to questions deemed relevant and not impermissible. The committee must not draw an inference about whether sex-based harassment occurred based solely on a party's or witness's refusal to respond to such questions.

NEW SECTION

YCE 354L/348/782 Ugz fkuetkokpcvkqp—Kpkvkcn qtfgt0 In cases involving sex-based harassment, the initial decision shall be served on all parties simultaneously, as well as the Title IX coordinator.

NEW SECTION

YCE 354L/348/792 Ugz fkuetkokpcvkqp—Crrgcnu0 (1) Any party, including a complainant in sex-based harassment cases, may appeal the committee's decision to the president by filing a written appeal with the president's office within 21 calendar days of service of the committee's decision. Failure to file a timely appeal constitutes a waiver of the right and the decision shall be deemed final.

(2) The written appeal must identify the specific findings of fact and/or conclusions of law in the decision that are challenged and must contain argument why the appeal should be granted. Appeals may be based upon, but are not limited to:

(a) Procedural irregularity that would change the outcome;

(b) New evidence that would change the outcome and that was not reasonably available when the initial decision was made; and

(c) The investigator, decision maker, or Title IX coordinator had a conflict of interest or bias for or against a respondent or complainant individually or respondents or complainants generally.

(3) Upon receiving a timely appeal, the appeal authority will promptly serve a copy of the appeal on all nonappealing parties, who will have 10 business days from the date of service to submit a written response addressing the issues raised in the appeal to the president or a designee, and serve it on all parties. Failure to file a timely response constitutes a waiver of the right to participate in the appeal.

(4) If necessary to aid review, the appeal authority may ask for additional briefing from the parties on issues raised on appeal. The appeal authority's review shall be restricted to the hearing record made before the student conduct committee and will normally be limited to a review of those issues and arguments raised in the appeal.

(5) The appeal authority shall serve a written decision on all parties and their attorneys, if any, within 20 calendar days after receipt of the appeal. This decision shall be final and subject to judicial review pursuant to chapter 34.05 RCW, Part V.

(6) In cases involving allegations of sex-based harassment, the appeal decision must be served simultaneously on all parties and the Title IX coordinator.

(7) The appeal authority shall not engage in an ex parte communication with any of the parties regarding an appeal.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 132J-126-060	Right to sale of personal property.
WAC 132J-126-170	Brief adjudicative proceedings—Review of an initial decision.
WAC 132J-126-280	Brief adjudicative proceedings authorized.
WAC 132J-126-290	Brief adjudicative proceedings—Agency record.