

MEMBERS:

- **Wendy Bohlke**
Chair
- **Teresa Taylor,**
Vice Chair
- **Jeff Fairchild**
- **Rebecca Johnson**
- **John Pedlow**

If you are a person with a disability and require an accommodation while attending the meeting, please contact the President's Office at rkloke@whatcom.edu two days prior to the meeting to allow sufficient time to make arrangements.

**NEXT MEETING
REMINDER**

June 14, 2023

- I. Call to Order & Approval of Agenda, and Notice of Public Comment Time
- II. Consent Agenda Tab 1
 - a. Minutes of April 12, 2023 Board of Trustees Meeting (Attachment A)
 - b. WCC Winter 2023 Graduates (Attachment B)
- III. Public Comment
 - [Protocols for Public Comment](#)
- IV. Budget Presentations Tab 2
 - Proposed S&A Budget Presentation – Joshua Norton, ASWCC President
 - Proposed 2022-2023 Operating Budget Presentation – Nate Langstraat, VP For Administrative Services
- V. Action Item Tab 3
 - Proposed Telework Policy – Nate Langstraat, VP for Administrative Services (first reading)
 - Proposed Amendment to Policy 620 and Policy 3045 – James Siegel, VP for Student Services (first reading, possible action)
- VI. Report from the President
- VII. Reports Tab 4
 - ASWCC – Joshua Norton, President
 - WCCFT – Anna Wolff, President
 - WFSE – Dan Andreason, President
 - Administrative Services –Vice President Nate Langstraat
 - Student Services – Vice President James Siegel
 - Instruction – Vice President Barry Robinson
- VIII. Discussion/Items of the Board
 - Upcoming Events
- IX. Executive Session
 - ...as provided in RCW 42.30.110 and 42.30.140 (4)(a), to discuss collective bargaining...
 - to discuss with legal counsel representing the agency matters relating to litigation or legal risks of a proposed action or current practice the agency has identified when public discussion of the litigation or legal risks is likely to result in an adverse legal or financial consequence to the agency
- X. Adjournment

***The Board of Trustees may adjourn to an Executive Session to discuss items provided for in RCW 42.30.110 (1):**

- (b) to consider the selection of a site or the acquisition of real estate by lease or purchase...;
- (c) to consider the minimum price at which real estate will be offered for sale or lease...;
- (d) to review negotiations on the performance of a publicly bid contract...;
- (f) to receive and evaluate complaints or charges brought against a public officer or employee...;
- (g) to evaluate the qualifications of an applicant for public employment or to review the performance of a public employee...; or as provided in RCW 42.30.140 (4)(a), to discuss collective bargaining
- (h) to evaluate the qualifications of a candidate for appointment to elective office...;
- (i) to discuss with legal counsel representing the agency matters relating to agency enforcement actions... or... litigation or potential litigation...



CONSENT AGENDA

- a. Minutes of April 12, 2023 Board of Trustees Meeting (Attachment A)

SUGGESTED RESPONSE

The chair reads out the letters of the consent items. Then the chair states: "If there are no objections, these items will be adopted". After pausing for any objections, the chair states, "As there are no objections, these items are adopted."

Whatcom

COMMUNITY COLLEGE

MINUTES

BOARD OF TRUSTEES MEETING

237 W. Kellogg Road, Bellingham

Laidlaw 143

Wednesday, April 12, 2023

2:00 p.m.

- ➔ **CALL TO ORDER** Chair Wendy Bohlke officially called the Board of Trustees meeting to order at 2:00 p.m. Present in addition to the chair were trustees Jeff Fairchild, Rebecca Johnson, John Pedlow and Teresa Taylor, constituting a quorum. Others present included President Hiyane-Brown; Nate Langstraat, Vice President for Administrative Services; Barry Robinson, Vice President for Instruction; James Siegel, Vice President for Student Services; Julie Nicholl, Assistant Attorney General; and Rafeeka Kloke, Executive Director for the Office of the President.

Chair Bohlke began with a land acknowledgement to recognize and pay respect to the Coast Salish Peoples as traditional stewards of this land and the enduring relationship that exists between Indigenous Peoples and their traditional territories.

ACTION TO ACCEPT AGENDA

- ➔ Trustee Johnson moved to accept the agenda. It was seconded by Trustee Taylor and the **motion was approved.**
- ➔ Chair Bohlke announced that there is a designated time for public comment on the agenda.

CONSENT AGENDA

- ➔ **Consent Agenda**

Minutes of March 15, 2023 Board of Trustees Meeting.

Chair Bohlke stated: "If there are no objections, item in the consent agenda will be adopted." As there was no objection, this item was adopted.

PUBLIC COMMENT

- Chair Bohlke called for public comment. She announced a 15-minute public comment period with 2 minutes allocated to each person.
- There was no public comment.

ACTION ITEM

- **Proposed 2024-2025 and 2025-2026 academic calendars – Becky Rawlings, Executive Director for Human Resources**

Trustee Taylor move to approve the proposed 2024-2025 and 2025-2026 academic calendars. It was seconded by Trustee Johnson and was unanimously approved.

PRESIDENT'S REPORT

- President Kathi extended a congratulations to Trustee Pedlow for getting confirmed by the Washington State Senate.
- President Kathi shared that additional input was solicited. Stephen Shields, consultant, met with individual board members to solicit input. Sarah Simpson along with members of the strategic planning core team met with several college committees to solicit additional input on specific feedback received during Professional Development Day. The Core Team will further refine the draft based on the input collected and shared with campus.
- The Executive Director for Diversity Equity Inclusion recruitment did not result in hiring. The College has decided to take a pause and hire a consultant to complete the work needed to comply with requirements in the legislation.
- The State board and presidents continue to advocate for funding support for our system, a comprised budget could be released by April 14, 2023. There was serious concern for funding gap for compensation. If the budget get passed as is, the college would be looking at a gap of over \$873,000.
- President Kathi shared a statement as required by the Unfair Labor Practice Settlement Agreement between Whatcom Community College and Whatcom Community College Federation of Teachers#351.
- A recent the Seattle Times' publication of the AP article, ["Waste of time': Community college transfers derail students."](#) was critical of our community and technical colleges. Paul Francis, Executive Director of the State Board of Community & Technical Colleges, submitted a letter to editor in response to the article noting the work of the two-year system in supporting student

success and meeting workforce needs.

- ➔ President Kathi was invited to a private roundtable discussion between Senator Maria Cantwell, NSF Director Sethuranman Panchanathan, and local university leaders to discuss science and technology investment priorities and relevant NSF programs. The event was hosted by University of Washington on its campus. She shared that NSF Director Panchanathan acknowledged the incredible work of WCC's NCyTE.

REPORTS

- ➔ **WCCFT** - Anna Wolff, President
Wolff noted that members of AFT across the state advocated for priorities regarding compensation and wrap around services for students.
- ➔ **Administrative Services** – Nate Langstraat, Vice President
Langstraat shared that the State Board approved support for the college's ground lease with the Bellingham School District.
- ➔ **Instruction** – Barry Robinson, Vice President
Robinson noted huge fluctuation in enrollment number within a couple weeks due to fraudulent applications by individuals trying to get student email account to access support and free goods for students.

DISCUSSION/ITEMS OF THE BOARD

- ➔ **ACT Spring Conference – May 15-16**
Chair Bohlke shared that she attended Trustees Tuesdays hosted by ACT and they have been informative and look forward to the ACT Spring Conference.

EXECUTIVE SESSION

- ➔ At 2:40 p.m. the meeting was adjourned for a closed session of the Board for twenty minutes as provided in RCW 42.31.110, to discuss collective bargaining and a Executive Session immediately after the closed session,... and to discuss with legal counsel representing the agency matters relating to litigation or legal risks of a proposed action or current practice the agency has identified when public discussion of the litigation or legal risks is likely to result in an adverse legal or financial consequence to the agency...

Chair Bohlke announced that action was not anticipated. Guests included President Kathi Hiyane-Brown, Vice Presidents Nate Langstraat and Barry Robinson, Executive Director Rafeeka Kloke and

Assistant Attorney General Julie Nicoll and Drew Nishiyama.

The Executive Session was adjourned at 2:55 p.m. and the Board reconvened into open session at 2:55 p.m.

ADJOURNMENT

- There being no further business, the meeting was adjourned at 2:56 p.m.

Whatcom Community College
Fall 2022 Graduates, December 19, 2022

Bachelor of Applied Sciences Degrees

Applied Business Management

Elizeth Castro Avila

Honors Program

Haylia C. Bettis

Arianna L. Tomilson

Associate Degrees

Associate in Applied Science Transfer Degree- Cybersecurity

Jon A. Bennett

Sean Chambers *

Brian-Zen Limbert

Dustin McClure

Brian J. Mcmonigle

Lowell A. Thoerner *

Russell J. Vanderveen *

Associate in Arts and Sciences Degree

Tara Afshari *

Shannon Sue Ba-Aye

Sang Z. Bailey *

Holland Marie Barnes *

Haylia C. Bettis *

Bailey E. Bowers *

Carlos Braga

Peyton C. Bring

Charisma Bystrom *

Christopher Cowan

Katherine Elyse Daley

Elora F. Dallas

Olivia J. Dallas *

Sydney Alana Durst *

Katharine L. Ewing *

Gage Farrar

Joshua K Fehr * Amanda

K Ferrell * Mirella

Miranda Figueroa Julie

A. Flores *

Maya Galley *

Olivia Goldston

Ashley R. Gonzalez *

April Marie Gossett

Tess Griffin

Micah Hofman*

Emily R. House

Kennedy A. House

Amanda Lee Johnson *

Gregory I. Kaminsky

Rimplejeet Kaur *

Micah D. Lamarche *

William Liang Leighton

Madison Claire Lloyd

Evalin K Lohrer *

Lisa Loomis

Makenna C. Marsh *

Sarah Martinez

Sydney Erin Moore

Sofia S. Morgan

Christopher Paradowski *

Shelby E. Pregler

Danielle M. Priest *

Maryfiona C. Rudolph *

Eleanore A. Samms *

Mackenzie Ann Sharp

Elliot Shaughnessy

Note: * indicates student who graduated with honors
 FERPA block student are not listed.

Lawrence Shields
Jackson E. Stokes
Alexandria E. Stuart
Arianna L. Tomilson *

Caitlin G. Weathermon *
Kevin T. Williamson
Allayna G. Zimmerman *

Associate in Business Degree

Cody C. Coppinger
Kuhti H. Jihan *
Kritsanapor Khamphitui
Amanda LaClair

Hoang M. Nguyen *
Sruangsuda Sansri *
Muhamad-Maliq Tasmaya *
Kianna A. Trew

Associate in Nursing Degree

Opeyemi A. Adesiyakan *
Laura I. Basart
Morgan J. Bates
Michael B. Cragan *
Jobanpreet Dhillon
Dena B. Hollingsworth *
Brittney D. Jorgensen *
Isabella F. Jukic *

Sukhman Deep Kaur
Anna L. Ketola *
Edna Abigail Akinyi Owuoth
Sarah M. Postma *
Alyssa C. Reetz *
Julia M. Stephenson
Jessica Van Diest
Angela J. Van-Beek *

Associate in Science-Transfer Bioengineering and Chemical Engineering

Abdulrahman Alsanad

Associate in Science-Transfer Civil and Mechanical Engineering

Salman R. Alghmedi
Abdulaziz Almuzaini

Associate in Engineering-Materials Science and Manufacturing Engineering

Salman Abdulelah N Almulhim
Feras Aa Althomali
Mohammed Yahya Y Refaei

Associate in Science - Transfer Biology

Sarah Moss

Associate in Liberal Studies

Michael K Britt
Emalee D. Hyde *
Grace A. Lydum *
Sophie Regina Tice *

Associate of Applied Science Degree-Accounting

Hoa T. La

Associate of Applied Science Degree-Business Administration

Michael Doran*

Note: * indicates student who graduated with honors
FERPA block student are not listed.

Associate of Applied Science Degree-Computer Information System

Jean F. Aristide
Sarah Moran
Osvaldo Zamora

Associate of Applied Science Degree-Criminal Justice

Rachael L. Hagin*

Associate of Applied Science Degree-Medical Assisting

Ana R. Mendozatorres
Son Ho-Hoang Nguyen
Alyssa K Webster

Associate of Applied Science Degree-Paralegal Studies

Katharine L. Ewing*

Associate of Applied Science Degree-Substance Use Disorder Professional

Holland Marie Barnes

Associate of Technical Arts Degree-Visual Communications

Certificates

Kelsey E. Anderson
Satkiran Dhaliwal
Elijah J. Yakimyuk

High School Diploma

Acasia Ailyn Akins
Salman R. Alghmedi
Salman Abdulelah N Almulhim
Feras Aa Althomali
Syarifah F. Azzahra
April C. Burnett
Michael Doran
Juan Carlos Gonzalez
Alberto A. Halim
Jessica A. Haryono
Dena B. Hollingsworth
Kuhti H. Jihan

Gregory I. Kaminsky
Kritsanapor Khamphitui
Brian-Zen Limbert
Son Ho-Hoang Nguyen
Makayla M. Ray
Eleanore A. Samms
Isaac T. Samuelson
Sruangsuda Sansri
Zephani Yetta Swanson
Muhamad-Maliq Tasmaya
Caitlin G. Weathermon
Kevin T. Williamson

Note: * indicates student who graduated with honors
FERPA block student are not listed.

Past Term Graduate Receiving Diploma in Winter 2023

Bachelors

Isaac L. Parks

Associate level

Bijay Kumar Basy

Kyle Bryant

Orchid R. Cassidy

Jackson Thomas Dean

Christifer Funderburg

Jacob C. Garza *

holli gorveatt

Brittany L. Grant

Sara M. Haling *

Matt Haltiner *

Alexandra C. Harper

Erynn M. Hunt

Brittani E. Isenhour

Harlene K Johal

Caitlin K Kemberling *

Aaron Andrew Kirby

Tracy J. Lamb

Johnna J. Langen

Mengjun Lin

Mengjun Lin

Jonathan D. Lolkema

Diana Celeste Love *

Diana Celeste Love *

Nichole L. Macmillan *

Pasit Maiket *

Alyssa A. Marr

Andrew Marshall-Rodenberg

Mickael S. Moquin

Nghi C. Nguyen *

Maggie Norton

Yuliya V. Peterson

Andreana Polichronakis

Rosemary D. Robbins *

Madison O. Roegele *

Dalraj S. Romana

Austin Sanders

Megan Nicole Santos

Lisa Marie Sedano

Ben Jared Stewart

Ben Jared Stewart

Nghia T. Vo

Opal C. Wilfong

Certificate

Janah Di Stefano

Kristie L. Edwards

High School Diploma

Lisa Kathleen Bailey

Jackson Thomas Dean

Cecelia Ann Jacobson-Johnson

Note: * indicates student who graduated with honors
FERPA block student are not listed.

2023-24 Services and Activities Draft Budget

Memo Posted 04/26/2023

Orcas, Whatcom Staff, Faculty, and Administration,

Along with this memo is a breakdown of the draft budget of the allocation of Services and Activities fees for next year. Per Washington law these fees are meant to provide programming and activities to meet the needs of students at Whatcom Community College and this budget proposal has been drafted with this purpose in mind. This budget will be posted for 30 days to solicit student feedback. This is an opportunity for student voice to be heard before the budget is presented to the WCC Board of Trustees on June 14th, 2023.

A brief overview of the budget to help make sense of the attached document is as follows:

- The Associated Students of Whatcom Community College- \$194,852
 - \$154,572 in the form of the ASWCC Senate and Executive Board.
 - \$21,780 in the form of funding for ASWCC Clubs and Club Activities.
 - \$15,500 in the form of staffing ASWCC Organizations, The Horizon & Performing Arts
 - \$3000 in the form of new Student Unions to meet the needs of underserved and underrepresented students at WCC.
- Whatcom Community College- \$175,496
 - \$89,627 as salary to the Associate Director of The Office of Student Life and Development.
 - \$40,766 as 60% of the salary of the Coordinator for the Office of Student Life and Development.
 - \$45,103 as 40% of the salary of the Athletics and Recreation Director.
- The Office of Student Life and Development- \$213,014
 - \$163,418 in the form of student employees and their training to provide programming and engagement across campus as well as staff the Orca Food Pantry.
 - \$49,596 in the form of resources and tools used in events and programming.
- Orca Athletics- \$192000
 - \$130,000 in the form of resources allocated to Orca Athletics Teams to support each program.
 - \$62,000 in the form of athletics trainers, officiants, uniforms, and contingency travel funds to support all Orca Athletics Teams as needed.
- The Intercultural Center- \$53,250 to support the Intercultural Center Peer Navigator program.
- The Learning Center-\$10,000 to support specialized tutoring needs at WCC.
- Success and Retention-\$10,000 to support the Pod Leader program.
- Residence Life-\$4000 to support programming in Cedar Hall.

These allocations total \$852,612 dollars, of which an estimated \$826,797 will be funded through S&A Fees collected and the remaining \$25,815 to be pulled from the ASWCC Savings Fund.

Please feel free to send feedback to JNorton@Whatcom.edu or deliver written feedback to the Office of Student Life and Development in Syre Student Center addressed to Joshua Norton or ASWCC President by Friday, May 26th.

Thank you,

Joshua Norton,

ASWCC President

2023-24 S&A Draft Budget

FY24 Budget Forecast-\$826,797

Budget Title/Category		FY23 Request	FY24 Proposed Alloc
Orca Field Replacement Reserve	\$ 51,306	\$ 82,680	\$ -
Fund Balance Reserve	\$ (49,627)	\$ -	\$ -
ASWCC Student Government			
Exec Board Stipends	\$ 66,913	\$ 83,200	\$ 83,200
Executive Board Training	\$ 12,000	\$ -	\$ -
Exec Board Projects	\$ 10,600	\$ -	\$ -
ASWCC Senate			
Senator Wages	\$ 17,226	\$ 36,372	\$ 36,372
Conferences & Presentations	\$ 20,000	\$ 20,000	\$ 20,000
Special Projects	\$ 12,000	\$ 12,000	\$ 12,000
Equipment & Furnishings	\$ 3,000	\$ 3,000	\$ 3,000
Office of Student Life & Development			
Associate Director for OSLD @ %100	\$ 88,981	\$ 89,627	\$ 89,627
Coordinator for OSLD @ %60	\$ 39,611	\$ 40,766	\$ 40,766
Orca Food Pantry		\$ 40,516	\$ 22,508
OSLD Front Desk Staffing		\$ 40,516	\$ -
Student Staff Training- Exec, Senate, Engagement Specialists, etc.	\$ 9,000	\$ 15,000	\$ 15,000
ASWCC Engagement Specialists	\$ 49,830	\$ 111,710	\$ 111,710
Commencement	\$ 1,500	\$ 1,500	\$ 1,500
Mobile Up	-	\$ 4,250	\$ 4,250
Student Life Supplies	\$ 5,000	\$ 5,000	\$ 5,000
"Welcome Back" quarterly events	\$ 4,250	\$ 7,000	\$ 7,000
Quarterly Programming	\$ 18,000	\$ 18,000	\$ 18,000
Student Leadership Celebration	\$ 3,000	\$ 3,000	\$ 3,000
Orca Day	\$ 9,000	\$ 9,000	\$ 9,000
Quarterly Conferences	\$ 15,000	\$ 15,000	\$ -
ASWCC Graphic Designer Internship	\$ 8,608	\$ 18,182	\$ 14,200
Mascot Stipend	\$ 1,650	\$ 5,000	\$ -
ASWCC Postings Manager	\$ 4,208	\$ -	\$ -
Music Licenses	\$ 2,175	\$ 1,846	\$ 1,846
ASWCC Clubs			
ASWCC Clubs	\$ 15,000	\$ 15,000	\$ 15,000
AWCC Club Leader Training Stipends	\$ -	\$ 2,780	\$ 2,780
Orca Day	\$ 4,000	\$ 4,000	\$ 4,000
ASWCC Organizations/Unions			
Performing Arts	\$ 11,476	\$ 12,466	\$ 6,500
Horizon	\$ 23,350	\$ 23,350	\$ 9,000
Student Unions (establishment of up to three)	\$ -	\$ 3,000	\$ 3,000
Athletics: Teams			
Men's Basketball	\$ 23,000	\$ 28,000	\$ 23,000
Women's Basketball	\$ 23,000	\$ 28,000	\$ 23,000
Volleyball	\$ 23,000	\$ 28,000	\$ 23,000
Men's Soccer	\$ 23,000	\$ 30,000	\$ 23,000

Women's Soccer	\$ 23,000	\$ 30,000	\$ 23,000
Men's Cross Country	\$ 8,500	\$ 8,500	\$ 7,500
Women's Cross Country	\$ 8,500	\$ 8,500	\$ 7,500
Uniforms	\$ 9,000	\$ 9,000	\$ 9,000
Athletics Contingency Travel	\$ 10,000	\$ 15,000	\$ 15,000
Athletics Admin (managed by Rob Pedicone)			
Athletic Admin Staff #1 (@ 40%) - Athletics and Recreation Director	\$ 43,629	\$ 45,103	45,103
Athletics Trainer	\$ 13,000	\$ 13,000	13,000
Officiating Fees	\$ 25,000	\$ 25,000	25,000
Services			
Intercultural Center (managed by Tanya Zaragoza-	\$ 53,250	\$ 121,000	53,250
Learning Center (managed by Jason Babcock)	\$ 80,000	\$ 80,000	10,000
Academic & Careers Services - Transfer Fair	\$ 1,000	\$ -	-
Student Success & Retention-Pod Leader Program	\$ 25,000	\$ 30,000	10,000
Student Success & Retention- Orientation	\$ -	\$ 5,500	-
Residence Life Programing	\$ 3,200	\$ 4,000	4,000
Nursing Pinning Ceremonies	\$ -	\$ 1,420	-
AIR Office Student Advisory Group	\$ 1,964	\$ 2,134	-
	\$ 910,430	\$ 1,235,918	\$ 852,612
		\$ (409,120.88)	\$ (25,815) Left to Allocate

TO: WCC Board of Trustees

FROM: Nate Langstraat, Vice President for Administrative Services
Becky Rawlings, Executive Director for Human Resources

DATE: Thursday, May 3, 2023

RE: Telework Policy for Whatcom Community College

Whatcom Community College continues its work on development of a telework policy and related procedures. This work started pre-pandemic however was derailed when the pandemic hit and remote work became standardized for most (but not all) employees.

We recognize that remnants of remote work continue post-pandemic, without the formal adoption of policy and procedure. This has evolved into varying degrees of telework occurring with inconsistent expectations and review/approval processes.

It is evident that definitions for type of telework are not clear and that the distinction between accommodations and other telework arrangements is confusing.

Implementing a telework process, that is framed by a Board Policy, will standardize expectations while clarifying telework eligibility. A draft Board Policy has been created and provided to the campus community to provide input. Feedback has been received and is under review. Concurrently, Administration has received a demand to bargain from the faculty union, which will provide further opportunity for consultation on the draft policy.

Based on feedback received to date and continued conversation with the faculty union, there may be revisions to this initial draft that are incorporated into the second reading of the Board in June. It is important to note that the College must have a telework policy and procedure in place to meet the obligations of the classified union contract by July 1, 2023.

Implementing a telework policy (and procedure) must be done carefully to ensure expectations are clear and well managed. Given this is new to the College, there are likely to be needed revisions in the future.

SUGGESTED ACTION

No proposed action at this time. First reading of draft policy.

DRAFT Telework Policy

Telework refers to an arrangement where an employee works from home or from another non-college location away from the usual workplace through telecommunications technology.

Telework is designed to support a strategy that maximizes employee productivity and performance, regardless of the work location, when the duties of the position allow. Telework may be considered for recruitments for high demand positions as identified by college administration and in alignment with telework procedure.

Depending on the details of the arrangement, telework may constitute either a portion of the employee's work schedule or all of it.

The College allows the use of telework arrangements and flexible scheduling within the bounds of good public practice, operational needs, and resource limitations.

Telework should be incorporated into the continuity of operations plans, as referenced in the College's comprehensive emergency management plan.

Requests for telework assignments are to be made following the process outlined in the telework procedure. The determination of whether an employee is eligible and approved for telework will be made in accordance with this policy, related procedure, and the department's operational needs.

Memorandum

Student Services

To: Whatcom Community College Board of Trustees

From: Dr. James S. Siegel, Vice President for Student Services

Date: May 10, 2023

RE: Recommended Changes Policies 620 & 621 (formerly 3045)

Overview

In accordance with Washington State Legislature House Bills (SSHB 2513 and SSHB 1751), significant required changes have been made to two of our Washington Administrative Codes in order to comply with the new legislative mandates. The Student Rights and Responsibilities (Student Conduct Code) Policy 620 was last amended by the Board of Trustees on March 17, 2021, and Withholding Services for Outstanding Debts Policy 621 (formerly 3045) was last amended by the Board of Trustees on June 14, 1988.

Change Highlights

Policy 620

1. Alignment with House Bill 1751 (SSHB 1751).
2. Anti-hazing programming provided to students and employees.
3. Changes to the College's definition of hazing.
4. Formation of a Hazing Prevention Committee with chair appointed by the President.
5. Updated hazing reporting policies.
6. Updated sanctions.

Policy 3045

1. Alignment with House Bill 2513 (SSHB 2513).
2. Updated language to remove withholding of transcripts for outstanding debt.

Recommendation

Move to approve the proposed revisions to Policies 620 and 621 (formerly 3045).

TITLE:	STUDENT RIGHTS AND RESPONSIBILITIES POLICY (STUDENT CONDUCT CODE)
NUMBER:	620
APPROVED BY THE BOARD OF TRUSTEES	6/14/88
AMENDED BY THE BOARD OF TRUSTEES	10/11/17; 01/14/14; 09/23/09; 07/11/07; 12/10/02

TABLE OF CONTENTS

WAC 132U-126-001 AUTHORITY
WAC 132U-126-003 PURPOSE
WAC 132U-126-005 STATEMENT OF JURISDICTION
WAC 132U-126-010 DEFINITIONS
WAC 132U-126-015 STATEMENT OF STUDENT RIGHTS
WAC 132U-126-020 STUDENT RESPONSIBILITY FOR GUESTS
WAC 132U-126-025 AMNESTY
WAC 132U-126-030 PROHIBITED STUDENT CONDUCT
WAC 132U-126-035 CLASSROOM CONDUCT
WAC 132U-126-040 SANCTIONS
WAC 132U-126-045 INITIATION OF DISCIPLINARY ACTION
WAC 132U-126-050 APPEAL FROM DISCIPLINARY ACTION
WAC 132U-126-055 BRIEF ADJUDICATIVE PROCEEDINGS – INITIAL HEARING
WAC 132U-126-060 BRIEF ADJUDICATIVE PROCEEDINGS – REVIEW OF AN INITIAL DECISION
WAC 132U-126-070 STUDENT CONDUCT COMMITTEE
WAC 132U-126-075 APPEAL – STUDENT CONDUCT COMMITTEE
WAC 132U-126-080 STUDENT CONDUCT APPEALS COMMITTEE HEARINGS – PRESENTATIONS OF EVIDENCE
WAC 132U-126-085 STUDENT CONDUCT COMMITTEE – INITIAL DECISION
WAC 132U-126-090 APPEAL FROM STUDENT CONDUCT COMMITTEE INITIAL DECISION
WAC 132U-126-095 SUMMARY SUSPENSION
WAC 132U-126-100 SEXUAL MISCONDUCT PROCEDURES

WAC 132U-126-001 AUTHORITY. The board of trustees, acting pursuant to RCW 28B.50.140(14), delegates to the president of the college the authority to administer the disciplinary procedure. Administration of the disciplinary procedures is the responsibility of the vice president for student services or designee. Unless otherwise specified, the student conduct officer or designee shall serve as the principal investigator and administrator for alleged violations of this code.

WAC 132U-126-003 PURPOSE. Whatcom Community College, as a state supported institution of higher education, has a primary mission to contribute to the vitality of its communities by providing quality education and preparing students for active citizenship in a global society. Students and college personnel share the responsibility of contributing to a learning environment that promotes academic integrity, social justice, civility, and nonviolence within a safe and supportive college community.

Enrollment in Whatcom Community College carries with it the obligation to be a responsible citizen of the college community and to treat others with respect and dignity. All students are responsible for understanding and complying with college policies and regulations along with local, state, and federal laws. The student conduct code and disciplinary procedures are implemented to assist in the protection of the rights and freedoms of all members of the college community. The purpose of the student code is to hold students accountable while upholding their rights and responsibilities.

WAC 132U-126-005 STATEMENT OF JURISDICTION. (1) The student conduct code shall apply to student conduct that occurs: (a) On college premises; (b) At or in connection with college sponsored activities; or (c) To off-

campus conduct that, in the judgment of the college, adversely affects the college community or the pursuit of its objectives.

(2) Jurisdiction extends to, but is not limited to, locations in which students or student groups are engaged in official college activities including, but not limited to, foreign or domestic travel, activities funded by the associated students, athletic events, training, internships, cooperative and distance education, online education, practicums, supervised work experiences, study abroad, or any other college-sanctioned social or club activities and college sanctioned housing.

(3) Students are responsible for their conduct from the time notification of admissions to the college through the actual receipt of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment. The student conduct officer has sole discretion, on a case-by-case basis, to determine whether the student conduct code will be applied to conduct that occurs off campus.

(4) These standards shall apply to a student's conduct even if the student withdraws from college while a disciplinary matter is pending.

WAC 132U-126-010 DEFINITIONS. The following definitions shall apply for the purpose of this student conduct code:

(1) "Business day" any day, Monday through Friday (excluding holidays), during which college offices are open.

(2) "College community" shall include any person or entity with a connection or relationship with pursuit of the college mission.

(3) "College premises" shall include the college campus and includes all land, buildings, facilities, vehicles, equipment, and other property owned, used, leased, or controlled by the college.

(4) "Complainant" is an employee(s), applicant(s), student(s), or visitor(s) of Whatcom Community College who alleges that they have been subjected to behavior that is a violation of this policy.

(5) "Consent" means knowing, voluntary, and clear permission by word or action, to engage in mutually agreed upon sexual activity. Each party has the responsibility to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be at the time of the act of sexual intercourse or sexual contact actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact. A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has engaged in nonconsensual conduct. Intoxication is not a defense against allegations that an individual has engaged in nonconsensual sexual conduct.

(6) "Conduct review officer" is the vice president for student services or other college administrator designated by the president to be responsible for receiving and for reviewing or referring appeals of student disciplinary cases in accordance with the procedures of this code.

(7) "Disciplinary action" is the process by which the student conduct officer imposes discipline against a student for a violation of the student conduct code.

(8) "Disciplinary appeal" is the process by which an aggrieved student can appeal the discipline imposed by the student conduct officer. Disciplinary appeals from a suspension in excess of ten business days or an expulsion are heard by the student conduct appeals board. Appeals of all other appealable disciplinary action shall be reviewed through brief adjudicative proceedings.

(9) "Filing" is the process by which a document is received by a college official responsible for facilitating a disciplinary process. Documents required to be filed shall be deemed filed upon actual receipt during office hours at the office of the specified college official. Unless otherwise provided, filing shall be accomplished by:

- (a) Hand delivery of the document to the specified college official or college official's assistant; or
- (b) Sending the document by first class mail to the specified college official's office; or
- (c) Emailing the document to specified college official's colleges email address.

(10) As used in RCW 28B.10.091 and 28B.10.902, "hazing" includes any act committed as part of a person's recruitment, initiation, pledging, and admission into, or affiliation with a student organization, athletic team, or living group, or any pastime or amusement engaged in with respect to such an organization, athletic team, or living group that causes, or is likely to cause, bodily danger or physical harm, or serious psychological or emotional harm, to any student or other person attending a public or private institution of higher education or other postsecondary educational institution in this state, including causing, directing, coercing, or forcing a person to consume any food, liquid, alcohol, drug, or other substance which subjects the person to risk of such harm, regardless of the person's willingness to participate. "Hazing" does not include customary athletic events or similar contests or competitions.

~~(4011)~~ "Guest" is any person who is not a member of the college community, who is on institutional property or attending an institutional function that the invitation of and/or hosted by a member of the college community.

~~(4412)~~ "Preponderance of evidence" is defined as "more likely than not" and is the standard of responsibility that is used when determine whether a violation of the student rights and responsibilities has occurred.

~~(4213)~~ "President" is the president of the college. The president is authorized to delegate or reassign any and all of their responsibilities as may be reasonably necessary.

~~(4314)~~ "Reporting party" is a student or another member of the college community who reports an alleged violation of this code that has been committed.

~~(4415)~~ "Respondent" is the student against whom disciplinary action is initiated.

~~(4516)~~ "Service" is the process by which a document is officially delivered to a party. Service is deemed complete upon the hand delivery of the document, or upon the date the document is emailed or post marked by the mail service. Unless otherwise provided, service upon a person shall be accomplished by: (a) Hand delivery of the document to a person; or (b) Sending the document by certified or first class mail to the person's last known address; or (c) Emailing the document to the party's official college email address.

~~(4617)~~ "Student" includes all persons taking courses at or through the college, whether on a full-time or a part-time basis, and whether such courses are credit courses, noncredit courses, online courses, or otherwise. Persons who withdraw after allegedly violating the code, who are not officially enrolled for a particular term but who have a continuing relationship with the college, or who have been notified of their acceptance for admissions are considered "students."

~~(4718)~~ "Student conduct code" or "code" is the student rights and responsibilities policy in this chapter. (18) "Student conduct officer" is a college administrator designated by the president or vice president for student services to be responsible for implementing and enforcing the student conduct code.

(19) Student Group. A student group for purposes of this Code, is a student organization, athletic team, or living group, including, but not limited to, student clubs and organizations, members of a class or student cohort, student performance groups, and student living groups within student housing.

WAC 132U-126-015 STATEMENT OF STUDENT RIGHTS. As members of the academic community, students are encouraged to develop the capacity for critical judgment and to engage in an independent search for truth. Freedom to teach and freedom to learn are inseparable facets of academic freedom. The freedom to learn depends upon appropriate opportunities and conditions in the classroom, on the campus, and in the larger community. Students should exercise their freedom with responsibilities. The responsibility to secure and to respect general conditions conducive to the freedom to learn is shared by all members of the college community.

The following enumerated rights are guaranteed to each student within the limitations of statutory law and college policy, which are deemed necessary to achieve the education goals of the college:

(1) Academic freedom.

(a) Students are guaranteed the rights of free inquiry, expression, and assembly upon and within college facilities that are generally open and available to the public.

(b) Students are free to pursue appropriate educational objectives from among the college's curricula, programs, and services, subject to the limitations of RCW 28B.50.090 (3)(b).

(c) Students shall be protected from academic evaluation which is arbitrary, prejudiced, or capricious but are responsible for meeting the standards of academic performance established by each of their instructors.

(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 harassment.

(2) Due process.

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

(b) No 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.

(3) Sexual misconduct complainant. In any case involving an allegation of sexual misconduct as defined in this code, a complainant and respondent are afforded certain rights under this code including, but not limited to:

(a) The right to be informed of all orders issued in the disciplinary case in which they are a complainant;

(b) The right to appeal to the student conduct committee an initial order issued by a conduct officer;

(c) The right to request presidential review of an initial order issued by the student conduct committee;

and

(d) The right to be accompanied to all hearings by an advisor and/or an attorney at the student's expense.

WAC 132U-126-020 STUDENTS RESPONSIBILITY FOR GUESTS. Guests and visitors on college property or at official college functions are expected to comply with all college policies and procedures, as well as all applicable local, state, and federal laws and regulations.

(1) Guests who willfully refuse to comply with an order of a college official or other law enforcement officer to desist from prohibited conduct may be ejected from the premises by legal trespass order.

(2) Students who invite guests into their college controlled residence, or to official college functions are responsible for the behavior of their guests. As a result, a student may be held responsible for any alleged violation(s) of the code committed by their guest.

WAC 132U-126-025 AMNESTY. Students are encouraged to seek swift medical assistance for themselves and others without fear of penalty in situations involving use of, or medical issues related to, alcohol or drugs. Students requesting and receiving medical assistance in these situations will not typically be subject to the formal student conduct process. While disciplinary action may not be taken, the college reserves the right to take steps necessary to address health and safety concerns for the individual and the community. This policy refers to isolated incidents and does not excuse students who repeatedly or knowingly violate the alcohol or drug policy, nor does it preclude action arising from other violations of the code. The student conduct officer will consider the positive impact of reporting a situation when determining any course of action.

Complainants and witnesses who, in good faith, report sexual misconduct will not be subject to alcohol or drug violations of the code occurring at or near the time of the sexual misconduct unless their own conduct placed another person's health or safety at risk.

WAC 132U-126-030 PROHIBITED STUDENT CONDUCT. The college may impose sanctions against a student found responsible for committing, attempting to commit, aiding, abetting, inciting, encouraging, or assisting another person to commit, an act(s) of misconduct which include, but are not limited to, the following:

(1) Academic dishonesty. Any act of academic dishonesty including, but not limited to, cheating, plagiarism, and fabrication:

(a) Cheating includes any attempt to give or obtain unauthorized collaboration relating to the completion of an academic assignment.

(b) Plagiarism includes taking and using as one's own, without proper attribution, the ideas, writings, or work of another person in completing an academic assignment. Prohibited conduct may also include the unauthorized submission for credit of academic work that has been submitted for credit in another course.

(c) Fabrication includes falsifying data, information, or citations in completing an academic assignment and also includes providing false or deceptive information to an instructor concerning the completion of an assignment.

(d) The decision to bring a student conduct proceeding under this code for academic dishonesty is at the sole discretion of the student conduct officer. Nothing in this code prohibits instructors and/or academic divisions or departments from imposing academic sanctions, up to and including a failing grade in an academic course or dismissal from an academic program, in response to academic dishonesty. Policies and procedures governing the imposition of academic sanctions for academic dishonesty can be found in the course syllabus, and any applicable program handbook.

(2) **Other dishonesty.** Any other act of dishonesty including, but not limited to:

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

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

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

(3) **Disruption or obstruction.** Conduct not otherwise protected by law, that interferes with, impedes, or otherwise unreasonably hinders the following:

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

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

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

(5) **Cyber misconduct.** Cyberstalking, cyberbullying, or online harassment. Use of electronic communication including, but not limited to, electronic mail, instant messaging, electronic bulletin boards, and social media sites, to harass, abuse, bully or engage in other conduct which harms, threatens, or is reasonably perceived as threatening the health or safety of another person. Prohibited activities include, but are not limited to, unauthorized monitoring of another's email communications directly or through spyware, sending threatening emails, disrupting electronic communications with spam or by sending a computer virus, correspondence using another's identity, nonconsensual recording of sexual activity, and nonconsensual distribution of a recording of sexual activity.

(6) **Property violation.** Damage to, misappropriation of, unauthorized use or possession of, vandalism, or other nonaccidental damaging or destruction of college property or property of another person. Property for the purposes of this subsection includes, but is not limited to, computer passwords, access

codes, identification cards, personal financial account numbers, other confidential personal information, intellectual property, and college copyrights and trademarks.

(7) **Failure to comply.** Failure to comply with a directive of a college officer or employee who is acting in the legitimate performance of their duties, including failure to properly identify oneself to such a person when requested to do so.

(8) **Weapons.** Possession, holding, wearing, transporting, storage or presence of any firearm, dagger, sword, knife or other cutting or stabbing instrument, club, explosive device, or any other weapon apparently capable of producing bodily harm is prohibited on the college campus, subject to the following exceptions:

(a) Commissioned law enforcement personnel or legally authorized military personnel while in performance of their duties;

(b) A student with a valid concealed weapons permit may store a pistol in their vehicle parked on campus in accordance with RCW 9.41.050 (2) or (3), provided the vehicle is locked and the weapon is concealed from view; or

(c) The president may grant permission to bring a weapon on campus upon a determination that the weapon is reasonably related to a legitimate pedagogical purpose. Such permission shall be in writing and shall be subject to such terms or conditions incorporated in the written permission.

(d) This policy does not apply to the possession and/or use of legal disabling chemical sprays when possessed and/or used for self defense.

~~(9) **Hazing.** Hazing includes, but is not limited to, any initiation into a student organization or any pastime or amusement engaged in with respect to such an organization that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm.~~

~~(a) Hazing is an act committed as part of:~~

~~(1) a person's recruitment, initiation, pledging, admissions into, or affiliation with a student group; or~~

~~(2) any pastime or amusement engaged in with respect to such a student group;~~

~~(3) that causes, or is likely to cause, bodily danger or physical harm, or serious psychological or emotional harm, to any student.~~

~~(b) Examples of hazing include, but are not limited to:~~

~~(1) Causing, directing, coercing, or forcing a person to consume any food, liquid, alcohol, drug, or substance which subjects the person to risk of such harm;~~

~~(2) Humiliation by ritual act;~~

~~(3) Striking another person with an object or body part;~~

~~(4) Causing someone to experience excessive fatigue, or physical and/or psychological shock; or~~

~~(5) Causing someone to engage in degrading or humiliating games or activities that create a risk of serious psychological, emotional, and/or physical harm.~~

~~(c) "Hazing" does not include customary athletic events or other similar contests or competitions.~~

~~(d) Consent is not a valid defense against hazing.~~

(10) **Alcohol, drug, and tobacco violations.**

(a) Alcohol. The use, possession, sale, or being observably under the influence of any alcoholic beverage, except as permitted by law and applicable college policies.

(b) Marijuana. The use, possession, delivery, or sale of marijuana or the psychoactive compounds found in marijuana and intended for human consumption, regardless of form, or being under the influence of marijuana or the psychoactive compounds found in marijuana and intended for human consumption, regardless

Formatted: Indent: Left: 0.5"

of form. While state law permits the recreational use of marijuana, federal law prohibits such use on college premises or in connection with college activities.

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

(d) **Tobacco, electronic cigarettes, and related products.** The use of tobacco, electronic cigarettes, and related products in any building owned, leased or operated by the college or in any location where such use is prohibited, including twenty-five feet from entrances, exits, windows that open, and ventilation intakes of any building owned, leased or operated by the college. The use of tobacco, electronic cigarettes, and related products on the college campus is restricted to designated smoking areas. "Related products" include, but are not limited to, cigarettes, pipes, bidi, clove cigarettes, water pipes, hookahs, chewing tobacco, vaporizers, and snuff.

(11) **Lewd conduct.** Conduct which is obscene, indecent, pornographic and/or lascivious that is not otherwise protected under the law.

(12) **Discriminatory conduct.** Conduct which harms or adversely affects any member of the college community because of race; color; national origin; sensory, mental, or physical disability; use of a service animal; age; religion; creed; gender, including pregnancy; marital status; genetic information; sexual orientation; gender identity; veteran's status; or any other legally protected classification.

(13) **Sexual misconduct.** The term "sexual misconduct" includes sexual harassment, sexual intimidation, and sexual violence.

(a) **Sexual harassment.** The term "sexual harassment" means unwelcome sexual or gender-based conduct, including unwelcome sexual advances, requests for sexual favors, quid pro quo harassment, and other verbal, nonverbal, or physical conduct of a sexual or a gendered nature that is sufficiently severe, persistent, or pervasive as to: (i) Deny or limit the ability to participate in or benefit from the college's educational program; (ii) Alter the terms or conditions of employment for a college employee(s); and/or (iii) Create an intimidating, hostile, or offensive environment for other campus community members.

(b) **Sexual intimidation.** The term "sexual intimidation" incorporates the definition of "sexual harassment" and means threatening or emotionally distressing conduct based on gender identity or perceived gender including, but not limited to, nonconsensual recording of sexual activity or the distribution of such recording.

(c) **Sexual violence.** "Sexual violence" is a type of sexual discrimination and harassment. Nonconsensual sexual intercourse, nonconsensual sexual contact, domestic violence, dating violence, and stalking are all types of sexual violence.

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

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

(iii) Domestic violence includes physical violence, bodily injury, assault, the infliction of fear of imminent physical harm, sexual assault, or stalking committed by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse,

by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the state of Washington, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the state of Washington, RCW 26.50.010.

(iv) Dating violence means physical violence, bodily injury, assault, the infliction of fear or imminent physical harm, sexual assault, or stalking committed by a person who has been in a romantic or intimate relationship with the victim. Whether there was such relationship will be gauged by its length, type, and frequency of interaction.

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

(14) **Harassment.** Unwelcome and offensive conduct, including verbal, nonverbal, or physical conduct, that is directed at a person because of such person's protected status and that is sufficiently serious as to deny or limit, and that does deny or limit, the ability of a student to participate in or benefit from the college's educational program or that creates an intimidating, hostile, or offensive environment for other campus community members. Protected status includes a person's race; color; national origin; sensory, mental, or physical disability; use of a service animal; age; religion; genetic information; gender, including pregnancy, marital status; sexual orientation; gender identity; veteran's status; or any other legally protected classification. See "sexual misconduct" for the definition of "sexual harassment." Harassing conduct may include, but is not limited to, physical conduct, verbal, written, social media and electronic communications.

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

(16) **Retaliation.** Harming, threatening, intimidating, coercing, or taking adverse action of any kind against a person because such person reported an alleged violation of this code or college policy, provided information about an alleged violation, or participated as a witness or in any other capacity in a college investigation or disciplinary proceeding.

(17) **Misuse of electronic resources.** Theft or other misuse of computer time or other electronic information resources of the college. Such misuse includes, but is not limited to:

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

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

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

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

(i) Failure to comply with the college's electronic use policy. Unauthorized access. Unauthorized possession, duplication, or other use of a key, keycard, or other restricted means of access to college property, or unauthorized entry onto or into college property.

(19) **Safety violation.** Any nonaccidental or negligent conduct that interferes with or otherwise compromises any college policy, equipment, or procedure relating to the safety and security of self or the campus community, including tampering with fire safety equipment and triggering false alarms or other emergency response systems. A safety violation may include the operation of any motor vehicle on college property in an unsafe manner or in a manner which is reasonably perceived as threatening the health or safety of another person.

(20) **Violation of other laws and policies.** Violation of any federal, state, or local law, rule, or regulation or other college rules or policies.

(21) **Ethical violation.** The breach of any generally recognized and published code of ethics or standards of professional practice that governs the conduct of a particular profession for which the student is taking a course or is pursuing as an educational goal or major. In addition to initiating discipline proceedings for violation of the student conduct code, the college may refer any violations of federal, state, or local laws to civil and criminal authorities for disposition. The college shall proceed with student disciplinary proceedings regardless of whether the underlying conduct is subject to civil or criminal prosecution.

WAC 132U-126-035 CLASSROOM CONDUCT. Faculty have the authority to take appropriate action to maintain order and proper conduct in the classroom and to maintain the effective cooperation of the class in fulfilling the objectives of the course. Any instructor has the authority to exclude a student from any single class session during which the student is disruptive to the learning environment. The instructor shall report any such exclusion from the class to the vice president for student services, or designee, who may summarily suspend the student or initiate conduct proceedings as provided in this procedure. The vice president for student services, or designee, may impose a disciplinary probation that restricts the student from the classroom until the student has met with the student conduct officer and the student agrees to comply with the specific conditions outlined by the student conduct officer for behavior in the classroom. The student may appeal the disciplinary sanction according to the disciplinary appeal procedures.

WAC 132U-126-040 SANCTIONS. In keeping with the educational mission of Whatcom Community College, sanctions serve the purpose of educating students about their rights and responsibilities, reinforcing the high standards of scholarship expected of Whatcom students, promoting student development, and maintaining safety and well-being of members of the college community. When appropriate, the college may attempt to resolve issues without formal disciplinary action and may give verbal warnings. When a student takes responsibility for a violation or is determined to have violated the code, the student conduct officer may impose one or more of the following sanctions. This list is not meant to be exhaustive and other sanctions may be applied at the discretion of the student conduct officer.

- (1) Disciplinary warning. A verbal statement to a student that there is a violation and that continued violation may be cause for further disciplinary action.
- (2) Written reprimand. Notice in writing that the student has violated one or more terms of this code of conduct and that continuation of the same or similar behavior may result in more severe disciplinary action.
- (3) Disciplinary probation. Formal action placing specific conditions and restrictions upon the student's continued attendance depending upon the seriousness of the violation. Probation may be for a specific period of time or for the duration of the student's enrollment at the college.
- (4) Disciplinary suspension. Dismissal from the college and from the student status for a stated period of time. There may be no refund of tuition or fees for the quarter in which the action is taken.
- (5) Dismissal. The revocation of all rights and privileges of membership in the college community and exclusion from the campus and college-owned or controlled facilities without any possibility of return. There will be no refund of tuition or fees for the quarter in which the action is taken.

(6) Educational activity. A student may be required to engage in educational activities related to violation(s). Such activities may include, but are not limited to, attendance at educational programs, community services, project or written assignments, and/or meeting with campus officials.

(7) Loss of privileges. A student may be denied specific privileges on a temporary or permanent basis such as participating in specific activities or restriction from specific areas of campus.

(8) Restitution. Reimbursement for damage to or misappropriation of property, or for injury to persons, or for reasonable costs incurred by the college in pursuing an investigation or disciplinary proceedings.

(9) Professional evaluation. Referral for drug, alcohol, psychological or medical evaluation by an appropriately certified or licensed professional may be required. The student may choose the professional within the scope of practice and with the professional credentials as defined by the college. The student will sign all necessary releases to allow the college access to any such evaluation. The student's return to college may be conditional upon compliance with the recommendations set forth in such a professional evaluation. If the evaluation indicates that the student is not capable of functioning within the college community, the student will remain suspended until further evaluation recommends that the student is capable of reentering the college and complying with the rules of conduct.

(10) Administrative no-contact order. An order directing a student to have no contact with a specified student, college employee, a member of the college community, or a particular college facility.

(11) Student housing relocation. Students who are living in college-controlled or administered housing may be transferred to alternate college-controlled or administered housing.

(12) Termination of student housing contract. A student may be removed from their college-controlled housing and their housing contract terminated.

(13) Disqualification from athletics. Any student found by the college to have violated this code related to the use, possession, sale, or delivery of legend drugs is subject to additional sanctions, including disqualification from college-sponsored athletic events.

(14) College community service. Assignment of labor or responsibilities to any student or student organization with the college or local community. May also include mandatory attendance to educational programs or courses or other assignments.

(15) Hazing by a student or a student group is prohibited pursuant to WAC 132U-126-030 (-). No student may conspire to engage in hazing or participate in the hazing of another. State law provides that hazing is a criminal offense, punishable as a misdemeanor. Washington state law provides that:

(a) Any Student Group that knowingly permits hazing is strictly liable for harm caused to persons or property resulting from hazing. If the organization, association, or student living group is a corporation whether for profit or nonprofit, the individual directors of the corporation may be held individually liable for damages.

(b) Any person who participates in the hazing of another shall forfeit any entitlement to state-funded grants, scholarships, or awards for a period of time determined by the college in accordance.

(c) Student groups that knowingly permits hazing to be conducted by its members or by other subject to its direction or control shall be deprived of any official recognition or approval granted by the college.

(d) Student groups found responsible for violating the code of student conduct, college anti-hazing policies, or state or federal laws relating to hazing or offenses related to alcohol, drugs, sexual assault, or physical assault will be disclosed in a public report issued by the college setting forth the name of the student group, the date the investigation began, the date the investigation ended, a finding of responsibility, a description of the incident(s) giving rise to the finding, and the details of the sanction(s) imposed.

WAC 132U-126-045 INITIATION OF DISCIPLINARY ACTION.

(1) All disciplinary actions will be initiated by the student conduct officer in response to a report filed by any college community member. A complaint should be made in writing to the office of community standards. Additionally, information received from any source (police report, third party, electronic, etc.) may be

considered as a complaint. If that officer is the subject of a complaint initiated by the respondent, the president shall, upon request and when feasible, designate another person to fulfill any such disciplinary responsibilities relative to the complaint. All complaints of sexual misconduct will be reviewed by the Title IX coordinator or designee to determine whether the complaint is a violation of chapter 132U-305 WAC or the student code of conduct.

(2) The student conduct officer or designee 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. At the meeting, the student conduct officer will present the allegations to the respondent and the respondent shall be afforded an opportunity to explain what took place. If the respondent fails to attend the meeting after proper service of notice, the student conduct officer may take disciplinary action based upon the available information.

(3) The student conduct officer or designee, prior to taking disciplinary action in a case involving allegations of sexual misconduct, will make a reasonable effort to contact the complainant to discuss the results of the investigation and possible sanctions and/or conditions, if any, that may be imposed upon the respondent if the allegations of sexual misconduct are found to have merit.

(4) Within ten business days of the initial disciplinary meeting, and after considering the evidence in the case, including any facts or argument presented by the respondent, the student conduct officer or designee shall serve the respondent with a written decision setting forth the facts and conclusions supporting their decision, the specific student conduct code provisions found to have been violated, the sanction imposed, if any, and a notice of any appeal rights with an explanation of the consequences of failing to file a timely appeal.

(5) 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 132U-125-035.

(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.

(6) In cases involving allegations of sexual misconduct, the student conduct officer or designee, on the same date that a disciplinary decision is served on the respondent, will serve a written notice informing the complainant whether the allegations of sexual misconduct were found to have merit and describing any sanctions and/or conditions imposed upon the respondent for the complainant's protection, including disciplinary suspension or dismissal of the respondent. The notice will also inform the complainant of their appeal rights. If protective sanctions and/or conditions are imposed, the student conduct officer shall make a reasonable effort to contact the complainant to ensure prompt notice of the protective sanctions and/or conditions.

WAC 132U-126-050 APPEAL FROM DISCIPLINARY ACTION.

(1) The respondent may appeal a disciplinary action by submitting a written appeal with the conduct review officer within ten business days of service. Failure to appeal on or before the deadline constitutes a waiver of the right to appeal and the initial decision shall be deemed final.

(2) The written appeal must include a brief statement explaining why the respondent is seeking review.

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

(4) A respondent, who timely appeals a disciplinary action or whose case is referred to the student conduct committee, has a right to a prompt, fair, and impartial hearing as provided for in these procedures.

(5) On appeal, the college bears the burden of establishing the evidentiary facts underlying the imposition of a sanction by a preponderance of the evidence.

(6) Disciplinary action imposed for violation will not begin while an appeal is pending, except summary suspension and any conditions included in a summary suspension.

- (7) The student conduct committee shall hear appeals from: (a) Disciplinary suspensions in excess of ten instructional days;
- (a) Disciplinary suspension in excess of ten (10) instructional days;
 - (b) Dismissals; and
 - (c) Discipline cases referred to the committee by the student conduct officer, the conduct review officer, the president or designee.
- (8) Appeals to the following sanctions shall be reviewed through brief adjudicative proceedings:
- (a) Suspension of ten (10) instructional days or less;
 - (b) Disciplinary probation;
 - (c) Written reprimands; and
 - (d) Any conditions or terms imposed in conjunction with one of the three sanctions listed in this subsection.
- (9) In cases involving allegations of sexual misconduct, the complainant has the right to appeal the following actions by the student conduct officer or designee following the same procedures as set forth in subsection (8)(a) through (d) of this section for the respondent:
- (a) The dismissal of a sexual misconduct complaint; or
 - (b) Any sanctions and/or conditions imposed against a respondent for a sexual misconduct violation, including a disciplinary warning.
- (10) If the respondent files an appeal to a decision imposing sanctions for a sexual misconduct violation, the college shall notify the complainant of the appeal and provide the complainant an opportunity to participate as a party to the appeal.
- (11) Except as otherwise specified in this chapter, a complainant who files an appeal to sanctions or who participates as a party to a respondent's appeal of a disciplinary decision shall be afforded the same procedural rights as are afforded the respondent.

WAC 132U-126-055 BRIEF ADJUDICATIVE PROCEEDINGS – INITIAL HEARING.

- (1) Brief adjudicative proceedings shall be conducted by a conduct review officer or designee. The conduct review officer shall not participate in any case in which the conduct officer is complainant or witness; or in which they have direct or personal interest, prejudice, or bias; or in which they have acted previously in an advisory capacity.
- (2) The parties to a brief adjudicative proceeding are the respondent, the student conduct officer, and the complainant in cases involving sexual misconduct. The conduct review officer shall conduct an informal hearing and provide each party an opportunity to be informed of the facts as viewed by the college and the initial disciplinary findings. Each party will also have an opportunity to explain their view of the matter.
- (3) The conduct review officer shall serve an initial decision to both the respondent and the student conduct officer within ten days of consideration of the appeal. The initial decision shall contain a brief written statement of the reasons for the decision and information about how to seek administrative review of the initial decision. If no request for review is filed within ten days of service of the initial decision, the initial decision shall be deemed the final decision.
- (4) In cases involving allegations of sexual misconduct, the conduct review officer, on the same date as the initial decision is served on the respondent, will serve a written notice upon the complainant informing the complainant whether the allegations of sexual misconduct were found to have merit and describing any sanctions and/or conditions imposed upon the respondent for the complainant's protection. The notice will also inform the complainant of their appeal rights.
- (5) Upon review, if the conduct review officer determines that the respondent's conduct may warrant imposition of a disciplinary suspension of more than ten days or dismissal, the matter shall be referred to the student conduct committee for a disciplinary hearing.

WAC 132U-126-060 BRIEF ADJUDICATIVE PROCEEDINGS – REVIEW OF AN INITIAL DECISION.

- (1) An initial decision is subject to review by the president or designee, provided a party files a written request for review with the conduct review officer within ten days of service of the initial decision.

(2) The president or designee shall not participate in any case in which they are a complainant or witness; has direct or personal interest, prejudice, or bias; or has acted previously in an advisory capacity.

(3) During the review, the president or designee shall give each party an opportunity to file written responses explaining their view of the matter and shall make any inquiries necessary to ascertain whether the sanctions should be modified or whether the proceedings should be referred to the student conduct committee for a formal adjudicative hearing.

(4) The decision on review must be in writing and must include a brief statement of the reasons for the decision. The decision must be served on the parties within twenty days of the initial decision or of the request for review, whichever is later. The decision on review will contain a notice that judicial review may be available. A request for review may be deemed to have been denied if the president or designee does not make a disposition of the matter within twenty instructional days after the request is submitted.

(5) If, upon review, the president or designee determines that the respondent's conduct may warrant disciplinary suspension of more than ten business days or expulsion, the matter shall be referred to the student conduct committee for a disciplinary hearing.

(6) In cases involving sexual misconduct, the president will, on the same date as the final decision is served to the respondent, serve a written notice to the complainant informing the complainant whether the allegations of sexual misconduct were found to have merit and describing any disciplinary sanctions and/or conditions imposed upon the respondent for the complainant's protection, including suspension or dismissal of the respondent. The notice will also inform the complainant of their appeal rights.

WAC 132U-126-070 STUDENT CONDUCT COMMITTEE STRUCTURE.

- (1) The student conduct committee shall consist of five members appointed each year:
 - (a) Two full-time students appointed by the student government;
 - (b) Two faculty members appointed by the faculty union;
 - (c) One administrative staff member (other than an administrator serving as a student conduct or conduct review officer) appointed by the president or designee.
- (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 in 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 involved party may petition the committee for disqualification of a committee member.

WAC 132U-126-075 Appeal—STUDENT CONDUCT COMMITTEE.

- (1) Proceedings of the student conduct committee shall be governed by the Administrative Procedure Act, chapter 34.05 RCW.
- (2) The student conduct committee chair shall serve all parties with written notice of the hearing not less than seven business days in advance of the hearing date. The chair may shorten this notice period if both parties agree, and may continue the hearing to a later time for good cause shown.
- (3) The committee chair is authorized to conduct prehearing conferences and/or to make prehearing decisions concerning the extent and form of any discovery, issuance of protective decisions, and similar procedural matters.
- (4) Any involved party, including the committee chair, may submit a request to submit and exchange lists of potential witnesses and copies of potential exhibits that reasonably expect to be presented to the committee.

This request must be submitted to the committee chair at least five business days prior to the hearing. The parties shall exchange the items no later than the third business day prior to the hearing. Failure to participate in good faith in such a requested exchange may be cause for exclusion from the hearing of any witness or exhibit not disclosed, absent a showing of good cause for such failure.

(5) The committee chair may provide to the committee members in advance of the hearings copies of:

(a) The conduct officer's notification of imposition of discipline or referral to the committee; and

(b) The notice of appeal or any response to referral by the respondent. If doing so, however, the chair should remind the members that these "pleadings" are not evidence of any facts they may allege.

(6) The parties may agree before the hearing to designate specific exhibits as admissible without objection and, if they do so, whether the committee chair may provide copies of these admissible exhibits to the committee members before the hearing.

(7) The student conduct officer, upon request, shall provide reasonable assistance to the respondent in obtaining relevant and admissible evidence that is within the college's control.

(8) Communications between committee members and other hearing participants regarding any issue in the proceeding, other than procedural communications that are necessary to maintain an orderly process, are generally prohibited without notice and opportunity for 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) Each party may be accompanied at the hearing by a nonattorney assistant of their choice. A respondent, or complainant in a case involving allegations of sexual misconduct, may elect to be represented by an attorney at their 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 or complainant is represented by an attorney, the student conduct officer may also be represented by a second, appropriately screened assistant attorney general.

(10) At the option of the college president, the college may appoint an administrative law judge to serve as a hearing officer responsible for handling procedural matters otherwise assigned to the chair and to conduct the hearing on behalf of the student conduct committee.

WAC 132U-126-080 Student conduct committee hearings—Presentations of evidence.

(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 they select, in accordance with RCW 34.05.449. That recording, or a copy, shall be made available to any party upon request. The chair shall assure maintenance of the record of the proceeding that is required by RCW 34.05.476, which shall also be available upon request for inspection and copying by any party. Other recording shall also be permitted, in accordance with WAC 10-08-190.

(4) The chair shall preside at the hearing and decide procedural questions that arise during the hearing, except as overridden by majority vote of the committee.

(5) The student conduct officer, unless represented by an assistant attorney general, shall present the case for imposing disciplinary sanctions.

(6) All testimony shall be given under oath or affirmation. Evidence shall be admitted or excluded in accordance with RCW 34.05.452.

(7) In cases involving allegations of sexual misconduct, neither party shall directly question or cross-examine one another. Attorneys from the parties are also prohibited from questioning the opposing party absent express permission from the committee chair. Subject to this exception, all cross-examination questions shall be directed to the committee chair, who in their discretion, shall pose the questions on the party's behalf.

WAC 132U-126-085 STUDENT CONDUCT COMMITTEE – INITIAL DECISION.

- (1) At the conclusion of the hearing, the student conduct committee shall permit the parties to make closing arguments in whatever form it wishes to receive them. The committee also may permit each party to propose findings, conclusion, and/or a proposed decision for its consideration.
- (2) Within twenty business days following the later of the conclusion of the hearing or the committee's receipt of closing arguments, the committee shall issue an initial decision in accordance with RCW 34.05.461 and WAC 10-08-210. The initial decision shall include findings on all material issues of fact and conclusion on all material issues of law. The decision shall state the related section(s) of the conduct code the respondent is alleged to have violated and if the allegations are sustained. Any findings based substantially on the credibility of evidence or the demeanor of witnesses shall be so identified.
- (3) The committee's initial order shall also include a determination on appropriate discipline, if any. If the matter was referred to the committee by the student conduct officer, the committee shall identify and impose disciplinary sanction(s) or conditions, if any, as authorized in the student code. If the matter is an appeal by the respondent, the committee may affirm, reverse, or modify the disciplinary sanction and/or conditions imposed by the student conduct officer and/or impose additional disciplinary sanction(s) or conditions as authorized herein.
- (4) The committee chair shall cause copies of the initial decision to be served on the parties and their legal counsel of record. The committee chair shall also promptly transmit a copy of the decision and the record of the committee's proceedings to the president or designee.
- (5) In cases involving allegations of sexual misconduct, the chair of the student conduct committee, on the same date as the initial decision is served on the respondent, will serve a written notice upon the complainant informing the complainant whether the allegations of sexual misconduct were found to have merit and describing any disciplinary sanctions and/or conditions imposed upon the respondent for the complainant's protection, including suspension or dismissal of the respondent. A complainant may appeal the student conduct committee's initial decision to the president subject to the same procedures and deadlines applicable to other parties. The notice will also inform the complainant of their appeal rights.

WAC 132U-126-090 APPEAL FROM STUDENT CONDUCT COMMITTEE INITIAL DECISION.

- (1) A respondent, or complainant in a case involving allegations of sexual misconduct, who is aggrieved by the findings or conclusions issued by the student conduct committee may appeal the student conduct committee's initial decision to the president or designee by filing a written notice of appeal with the president's office within ten days of service of the committee's initial decision. Failure to file a timely appeal constitutes a waiver of the right and the initial decision shall be deemed final.
- (2) The president or designee shall not participate in any case in which the president or designee is a complainant or witness; has direct or personal interest, prejudice, or bias has or has acted previously in an advisory capacity.
- (3) The notice of appeal must identify the specific findings of fact and/or conclusions of law in the initial decision that are challenged and must contain argument why the appeal should be granted. If necessary to aid review, the president or designee's may ask for additional briefing from the parties on issues raised on appeal. The 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 notice of appeal.

(4) The president or designee shall provide a written decision to all parties within twenty days after receipt of the notice of appeal. The president or designee's decision shall be final and shall include a notice of any rights to request reconsideration and/or judicial review.

(5) In cases involving allegations of sexual misconduct, the president, on the same date that the final decision is served upon the respondent, shall serve a written notice informing the complainant of the final decision. This notice shall inform the complainant whether the sexual misconduct allegation was found to have merit and describe any disciplinary sanctions and/or conditions imposed upon the respondent for the complainant's protection, including suspension or dismissal of the respondent.

(6) The president or designee shall not engage in an ex parte communication with any of the parties regarding any appeal.

WAC 132U-126-095 SUMMARY SUSPENSION.

(1) Summary suspension is a temporary exclusion from specified college premises or denial of access to all activities or privileges for which a respondent might otherwise be eligible, while an investigation and/or formal disciplinary procedures are pending.

(2) The student conduct officer, or designee may impose a summary suspension if there is probable cause to believe that the respondent:

(a) Has violated any provision of the code of conduct; and

(b) Presents an immediate danger to the health, safety or welfare of members of the college

community; or

(c) Poses an ongoing threat of substantial disruption of, or interference with, the operations of the college.

(3) Notice. Any respondent who has been summarily suspended shall be served with oral or written notice of the summary suspension. If oral notice is given, a written notification shall be served on the respondent within two business days of the oral notice.

(4) The written notification shall be entitled "Notice of Summary Suspension" and shall include:

(a) The reason for imposing the summary suspension, including a description of the conduct giving rise to the summary suspension and reference to the provisions of the student conduct code or the law allegedly violated;

(b) The date, time, and location when the respondent must appear before the conduct review officer for a hearing on the summary suspension; and

(c) The conditions, if any, under which the respondent may physically access the campus or communicate with members of the campus community. If the respondent has been trespassed from the campus, a notice against trespass shall be included that warns the student that their privilege to enter into or remain on college premises has been withdrawn, that the respondent shall be considered trespassing and subject to arrest for criminal trespass if the respondent enters the college campus other than to meet as scheduled with the student conduct officer or conduct review officer or to attend a scheduled disciplinary hearing.

(5) The conduct review officer shall conduct a hearing on the summary suspension as soon as practicable after imposition of the summary suspension.

(a) During the summary suspension hearing, the issue before the conduct review officer is whether there is probable cause to believe that the summary suspension should be continued pending the conclusion of disciplinary proceedings and/or whether the summary suspension should be less restrictive in scope.

(b) The respondent shall be afforded an opportunity to explain why summary suspension should not be continued while disciplinary proceedings are pending or why the summary suspension should be less restrictive in scope.

- (c) If the student fails to appear at the designated hearing time, the conduct review officer may order that the summary suspension remain in place pending the conclusion of the disciplinary proceedings.
- (d) As soon as practicable following the hearing, the conduct review officer shall issue a written decision which shall include a brief explanation for any decision continuing and/or modifying the summary suspension and notice of any right to appeal.
- (e) To the extent permissible under applicable law, the conduct review officer shall provide a copy of the decision to all persons or offices who may be bound or protected by it.
- (f) In cases involving allegations of sexual misconduct, the complainant shall be notified that a summary suspension has been imposed on the same day that the summary suspension notice is served on the respondent. The college will also provide the complainant with timely notice of any subsequent changes to the summary suspension order.

TITLE: Withholding Services for Outstanding Debts
(Chapter 132U-122 WAC)
NUMBER: 621 (formerly 3045)
APPROVED BY BOARD OF TRUSTEES: 6/14/88

WAC

132U-122-010 Statement of policy.

132U-122-020 Withholding services for outstanding debts.

WAC 132U-122-010 STATEMENT OF POLICY The college expects that students who receive services for which a financial obligation is incurred will exercise responsibility in meeting these obligations. Appropriate college staff are empowered to act in accordance with regularly adopted procedures to carry out the intent of this policy, and if necessary to initiate legal action to insure that collection matters are brought to a timely and satisfactory conclusion.

Admission to or registration with the college, ~~or~~ and conferring of degrees ~~and issuance of academic transcripts~~ may be withheld for failure to meet financial obligations to the college. [Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), S 132U-122-010, filed 7/8/88.]

WAC 132U-122-020 WITHHOLDING SERVICES FOR OUTSTANDING DEBTS Upon receipt of a request for services where there is an outstanding debt due the institution from the requesting person, the institution shall notify the person, in writing, that the services will not be provided since there is an outstanding debt due the institution, and further that until that debt is satisfied, no such services will be provided the individual.

Notification that services will be withheld shall also inform the individual that he or she has a right to a hearing before a person designated by the president of the institution if he or she believes that no debt is owed. Notification shall also indicate that the request for the hearing must be made within ten days from the date of the notification.

Upon receipt of a timely request for a hearing, the person designated by the president shall have the records and files of the institution available for review and, at that time, shall hold an informal hearing concerning whether the individual owes or owed any outstanding debts to the institution. After the informal hearing, a decision shall be rendered by the president's designee indicating whether the institution is correct in withholding services and/or applying off set for the outstanding debt. If the outstanding debt is found to be owed by the individual involved, no further services shall be provided. Notification of this shall be sent to the individual within five days after the hearing. [Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), S 132U-122-020, filed 7/8/88.]

AMENDATORY SECTION (Amending WSR 18-17-025, filed 8/6/18, effective 9/6/18)

WAC 132U-126-005 Statement of jurisdiction. (1) The student conduct code shall apply to student conduct that occurs:

(a) On college premises;
(b) At or in connection with college sponsored activities; or
(c) To off-campus conduct that, in the judgment of the college, adversely affects the college community or the pursuit of its objectives.

(2) Jurisdiction extends to, but is not limited to, locations in which students or student groups are engaged in official college activities including, but not limited to, foreign or domestic travel, activities funded by the associated students, athletic events, training, internships, cooperative and distance education, online education, practicums, supervised work experiences, study abroad, or any other college-sanctioned social or club activities and college sanctioned housing.

(3) Students are responsible for their conduct from (~~the time~~) notification of admissions to the college through the actual receipt of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment. The student conduct officer has sole discretion, on a case-by-case basis, to determine whether the student conduct code will be applied to conduct that occurs off campus.

(4) These standards shall apply to a student's conduct even if the student withdraws from college while a disciplinary matter is pending.

AMENDATORY SECTION (Amending WSR 21-18-100, filed 8/31/21, effective 10/1/21)

WAC 132U-126-010 Definitions. The following definitions shall apply for the purpose of this student conduct code:

(1) "Business day" any day, Monday through Friday (excluding holidays), during which college offices are open.

(2) "College community" shall include any person or entity with a connection or relationship with pursuit of the college mission.

(3) "College premises" shall include the college campus and includes all land, buildings, facilities, vehicles, equipment, and other property owned, used, leased, or controlled by the college.

(4) "Complainant" is an employee(s), applicant(s), student(s), or visitor(s) of Whatcom Community College who alleges that they have been subjected to behavior that is a violation of this policy.

(5) "Consent" means knowing, voluntary, and clear permission by word or action, to engage in mutually agreed upon sexual activity. Each party has the responsibility to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be at the time of the act of sexual intercourse or sexual contact actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact. A person cannot consent if they are unable to understand what is happening or is disoriented,

helpless, asleep, or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has engaged in nonconsensual conduct. Intoxication is not a defense against allegations that an individual has engaged in nonconsensual sexual conduct.

(6) "Conduct review officer" is the vice president for student services or other college administrator designated by the president to be responsible for receiving and for reviewing or referring appeals of student disciplinary cases in accordance with the procedures of this code.

(7) "Disciplinary action" is the process by which the student conduct officer imposes discipline against a student for a violation of the student conduct code.

(8) "Disciplinary appeal" is the process by which an aggrieved student can appeal the discipline imposed by the student conduct officer. Disciplinary appeals from a suspension in excess of ~~((ten))~~ 10 business days or an expulsion are heard by the student conduct appeals board. Appeals of all other appealable disciplinary action shall be reviewed through brief adjudicative proceedings.

(9) "Filing" is the process by which a document is received by a college official responsible for facilitating a disciplinary process. Documents required to be filed shall be deemed filed upon actual receipt during office hours at the office of the specified college official. Unless otherwise provided, filing shall be accomplished by:

(a) Hand delivery of the document to the specified college official or college official's assistant; or

(b) Sending the document by first class mail to the specified college official's office; or

(c) Emailing the document to specified college official's college ~~((s))~~ email address.

(10) As used in RCW 28B.10.901 and 28B.10.902, "hazing" includes any act committed as part of a person's recruitment, initiation, pledging, and admission into, or affiliation with a student organization, athletic team, or living group, or any pastime or amusement engaged in with respect to such an organization, athletic team, or living group that causes, or is likely to cause, bodily danger or physical harm, or serious psychological or emotional harm, to any student or other person attending a public or private institution of higher education or other postsecondary educational institution in this state, including causing, directing, coercing, or forcing a person to consume any food, liquid, alcohol, drug, or other substance which subjects the person to risk of such harm, regardless of the person's willingness to participate. "Hazing" does not include customary athletic events or similar contests or competitions.

(11) "Guest" is any person who is not a member of the college community, who is on institutional property or attending an institutional function that the invitation of and/or hosted by a member of the college community.

~~((11))~~ (12) "Preponderance of evidence" is defined as "more likely than not" and is the standard of responsibility that is used when determining whether a violation of the student rights and responsibilities has occurred.

~~((12))~~ (13) "President" is the president of the college. The president is authorized to delegate or reassign any and all of their responsibilities as may be reasonably necessary.

~~((13))~~ (14) "Reporting party" is a student or another member of the college community who reports an alleged violation of this code that has been committed.

~~((14))~~ (15) "Respondent" is the student against whom disciplinary action is initiated.

~~((15))~~ (16) "Service" is the process by which a document is officially delivered to a party. Service is deemed complete upon the hand delivery of the document, or upon the date the document is emailed or post marked by the mail service. Unless otherwise provided, service upon a person shall be accomplished by:

- (a) Hand delivery of the document to a person; or
- (b) Sending the document by certified or first class mail to the person's last known address; or
- (c) Emailing the document to the party's official college email address.

~~((16))~~ (17) "Student" includes all persons taking courses at or through the college, whether on a full-time or a part-time basis, and whether such courses are credit courses, noncredit courses, online courses, or otherwise. Persons who withdraw after allegedly violating the code, who are not officially enrolled for a particular term but who have a continuing relationship with the college, or who have been notified of their acceptance for admissions are considered "students."

~~((17))~~ (18) "Student conduct code" or "code" is the student rights and responsibilities policy in this chapter.

~~((18))~~ (19) "Student conduct officer" is a college administrator designated by the president or vice president for student services to be responsible for implementing and enforcing the student conduct code.

(20) "Student group" for purposes of this code, is a student organization, athletic team, or living group including, but not limited to, student clubs and organizations, members of a class or student cohort, student performance groups, and student living groups within student housing.

AMENDATORY SECTION (Amending WSR 21-18-100, filed 8/31/21, effective 10/1/21)

WAC 132U-126-030 Prohibited student conduct. The college may impose sanctions against a student found responsible for committing, attempting to commit, aiding, abetting, inciting, encouraging, or assisting another person to commit, an act(s) of misconduct which include, but are not limited to, the following:

(1) **Academic dishonesty.** Any act of academic dishonesty including, but not limited to, cheating, plagiarism, and fabrication:

(a) Cheating includes any attempt to give or obtain unauthorized collaboration relating to the completion of an academic assignment.

(b) Plagiarism includes taking and using as one's own, without proper attribution, the ideas, writings, or work of another person in completing an academic assignment. Prohibited conduct may also include the unauthorized submission for credit of academic work that has been submitted for credit in another course.

(c) Fabrication includes falsifying data, information, or citations in completing an academic assignment and also includes providing

false or deceptive information to an instructor concerning the completion of an assignment.

(d) The decision to bring a student conduct proceeding under this code for academic dishonesty is at the sole discretion of the student conduct officer. Nothing in this code prohibits instructors and/or academic divisions or departments from imposing academic sanctions, up to and including a failing grade in an academic course or dismissal from an academic program, in response to academic dishonesty. Policies and procedures governing the imposition of academic sanctions for academic dishonesty can be found in the course syllabus, and any applicable program handbook.

(2) **Other dishonesty.** Any other act of dishonesty including, but not limited to:

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

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

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

(3) **Disruption or obstruction.** Conduct not otherwise protected by law, that interferes with, impedes, or otherwise unreasonably hinders the following:

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

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

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

(5) **Cyber misconduct.** Cyberstalking, cyberbullying, or online harassment. Use of electronic communication including, but not limited to, electronic mail, instant messaging, electronic bulletin boards, and social media sites, to harass, abuse, bully or engage in other conduct which harms, threatens, or is reasonably perceived as threatening the health or safety of another person. Prohibited activities include, but are not limited to, unauthorized monitoring of another's email communications directly or through spyware, sending threatening emails, disrupting electronic communications with spam or by sending a computer virus, correspondence using another's identity, nonconsensual recording of sexual activity, and nonconsensual distribution of a recording of sexual activity.

(6) **Property violation.** Damage to, misappropriation of, unauthorized use or possession of, vandalism, or other nonaccidental damaging or destruction of college property or property of another person. Property for the purposes of this subsection includes, but is not limited to, computer passwords, access codes, identification cards, personal financial account numbers, other confidential personal information, intellectual property, and college copyrights and trademarks.

(7) **Failure to comply.** Failure to comply with a directive of a college officer or employee who is acting in the legitimate performance of their duties, including failure to properly identify oneself to such a person when requested to do so.

(8) **Weapons.** Possession, holding, wearing, transporting, storage or presence of any firearm, dagger, sword, knife or other cutting or stabbing instrument, club, explosive device, or any other weapon apparently capable of producing bodily harm is prohibited on the college campus, subject to the following exceptions:

(a) Commissioned law enforcement personnel or legally authorized military personnel while in performance of their duties;

(b) A student with a valid concealed weapons permit may store a pistol in their vehicle parked on campus in accordance with RCW 9.41.050 (2) or (3), provided the vehicle is locked and the weapon is concealed from view; or

(c) The president may grant permission to bring a weapon on campus upon a determination that the weapon is reasonably related to a legitimate pedagogical purpose. Such permission shall be in writing and shall be subject to such terms or conditions incorporated in the written permission.

(d) This policy does not apply to the possession and/or use of legal disabling chemical sprays when possessed and/or used for self defense.

(9) **Hazing.** (~~Hazing includes, but is not limited to, any initiation into a student organization or any pastime or amusement engaged in with respect to such an organization that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm.~~)

(a) Hazing is an act committed as part of:

(i) A person's recruitment, initiation, pledging, admissions into, or affiliation with a student group; or

(ii) Any pastime or amusement engaged in with respect to such a student group;

(iii) That causes, or is likely to cause, bodily danger or physical harm, or serious psychological or emotional harm, to any student.

(b) Examples of hazing include, but are not limited to:

(i) Causing, directing, coercing, or forcing a person to consume any food, liquid, alcohol, drug, or substance which subjects the person to risk of such harm;

(ii) Humiliation by ritual act;

(iii) Striking another person with an object or body part;

(iv) Causing someone to experience excessive fatigue, or physical and/or psychological shock; or

(v) Causing someone to engage in degrading or humiliating games or activities that create a risk of serious psychological, emotional, and/or physical harm.

(c) "Hazing" does not include customary athletic events or other similar contests or competitions.

(d) Consent is not a valid defense against hazing.

(10) **Alcohol, drug, and tobacco violations.**

(a) **Alcohol.** The use, possession, sale, or being observably under the influence of any alcoholic beverage, except as permitted by law and applicable college policies.

(b) **Marijuana.** The use, possession, delivery, or sale of marijuana or the psychoactive compounds found in marijuana and intended for human consumption, regardless of form, or being under the influence of marijuana or the psychoactive compounds found in marijuana and inten-

ded for human consumption, regardless of form. While state law permits the recreational use of marijuana, federal law prohibits such use on college premises or in connection with college activities.

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

(d) **Tobacco, electronic cigarettes, and related products.** The use of tobacco, electronic cigarettes, and related products in any building owned, leased or operated by the college or in any location where such use is prohibited, including (~~twenty-five~~) 25 feet from entrances, exits, windows that open, and ventilation intakes of any building owned, leased or operated by the college. The use of tobacco, electronic cigarettes, and related products on the college campus is restricted to designated smoking areas. "Related products" include, but are not limited to, cigarettes, pipes, bidi, clove cigarettes, water pipes, hookahs, chewing tobacco, vaporizers, and snuff.

(11) **Lewd conduct.** Conduct which is obscene, indecent, pornographic and/or lascivious that is not otherwise protected under the law.

(12) **Discriminatory conduct.** Conduct which harms or adversely affects any member of the college community because of race; color; national origin; sensory, mental, or physical disability; use of a service animal; age; religion; creed; gender, including pregnancy; marital status; genetic information; sexual orientation; gender identity; veteran's status; or any other legally protected classification.

(13) **Sexual misconduct.** The term "sexual misconduct" includes sexual harassment, sexual intimidation, and sexual violence.

(a) **Sexual harassment.** The term "sexual harassment" means unwelcome sexual or gender-based conduct, including unwelcome sexual advances, requests for sexual favors, quid pro quo harassment, and other verbal, nonverbal, or physical conduct of a sexual or a gendered nature that is sufficiently severe, persistent, or pervasive as to:

(i) Deny or limit the ability to participate in or benefit from the college's educational program;

(ii) Alter the terms or conditions of employment for a college employee(s); and/or

(iii) Create an intimidating, hostile, or offensive environment for other campus community members.

(b) **Sexual intimidation.** The term "sexual intimidation" incorporates the definition of "sexual harassment" and means threatening or emotionally distressing conduct based on gender identity or perceived gender including, but not limited to, nonconsensual recording of sexual activity or the distribution of such recording.

(c) **Sexual violence.** "Sexual violence" is a type of sexual discrimination and harassment. Nonconsensual sexual intercourse, nonconsensual sexual contact, domestic violence, dating violence, and stalking are all types of sexual violence.

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

(ii) Nonconsensual sexual contact is any intentional sexual touching, however slight, with any object or body part, by a person

upon another person that is without consent and/or by force. Sexual touching includes any bodily contact with the breast, groin, mouth, or other bodily orifice of another individual, or any other bodily contact in a sexual manner.

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

(iv) Dating violence means physical violence, bodily injury, assault, the infliction of fear or imminent physical harm, sexual assault, or stalking committed by a person who has been in a romantic or intimate relationship with the victim. Whether there was such relationship will be gauged by its length, type, and frequency of interaction.

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

(14) **Harassment.** Unwelcome and offensive conduct, including verbal, nonverbal, or physical conduct, that is directed at a person because of such person's protected status and that is sufficiently serious as to deny or limit, and that does deny or limit, the ability of a student to participate in or benefit from the college's educational program or that creates an intimidating, hostile, or offensive environment for other campus community members. Protected status includes a person's race; color; national origin; sensory, mental, or physical disability; use of a service animal; age; religion; genetic information; gender, including pregnancy, marital status; sexual orientation; gender identity; veteran's status; or any other legally protected classification. See "sexual misconduct" for the definition of "sexual harassment." Harassing conduct may include, but is not limited to, physical conduct, verbal, written, social media and electronic communications.

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

(16) **Retaliation.** Harming, threatening, intimidating, coercing, or taking adverse action of any kind against a person because such person reported an alleged violation of this code or college policy, provided information about an alleged violation, or participated as a witness or in any other capacity in a college investigation or disciplinary proceeding.

(17) **Misuse of electronic resources.** Theft or other misuse of computer time or other electronic information resources of the college. Such misuse includes, but is not limited to:

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

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

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

(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;

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

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

(18) **Unauthorized access.** Unauthorized possession, duplication, or other use of a key, keycard, or other restricted means of access to college property, or unauthorized entry onto or into college property.

(19) **Safety violation.** Any nonaccidental or negligent conduct that interferes with or otherwise compromises any college policy, equipment, or procedure relating to the safety and security of self or the campus community, including tampering with fire safety equipment and triggering false alarms or other emergency response systems. A safety violation may include the operation of any motor vehicle on college property in an unsafe manner or in a manner which is reasonably perceived as threatening the health or safety of another person.

(20) **Violation of other laws and policies.** Violation of any federal, state, or local law, rule, or regulation or other college rules or policies.

(21) **Ethical violation.** The breach of any generally recognized and published code of ethics or standards of professional practice that governs the conduct of a particular profession for which the student is taking a course or is pursuing as an educational goal or major.

In addition to initiating discipline proceedings for violation of the student conduct code, the college may refer any violations of federal, state, or local laws to civil and criminal authorities for disposition. The college shall proceed with student disciplinary proceedings regardless of whether the underlying conduct is subject to civil or criminal prosecution.

AMENDATORY SECTION (Amending WSR 21-18-100, filed 8/31/21, effective 10/1/21)

WAC 132U-126-040 Sanctions. In keeping with the educational mission of Whatcom Community College, sanctions serve the purpose of educating students about their rights and responsibilities, reinforcing the high standards of scholarship expected of Whatcom students, promoting student development, and maintaining safety and well-being of members of the college community. When appropriate, the college may attempt to resolve issues without formal disciplinary action and may give verbal warnings. When a student takes responsibility for a violation or is determined to have violated the code, the student conduct

officer may impose one or more of the following sanctions. This list is not meant to be exhaustive and other sanctions may be applied at the discretion of the student conduct officer.

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

(2) **Written reprimand.** Notice in writing that the student has violated one or more terms of this code of conduct and that continuation of the same or similar behavior may result in more severe disciplinary action.

(3) **Disciplinary probation.** Formal action placing specific conditions and restrictions upon the student's continued attendance depending upon the seriousness of the violation. Probation may be for a specific period of time or for the duration of the student's enrollment at the college.

(4) **Disciplinary suspension.** Dismissal from the college and from the student status for a stated period of time. There may be no refund of tuition or fees for the quarter in which the action is taken.

(5) **Dismissal.** The revocation of all rights and privileges of membership in the college community and exclusion from the campus and college-owned or controlled facilities without any possibility of return. There will be no refund of tuition or fees for the quarter in which the action is taken.

(6) **Educational activity.** A student may be required to engage in educational activities related to violation(s). Such activities may include, but are not limited to, attendance at educational programs, community services, project or written assignments, and/or meeting with campus officials.

(7) **Loss of privileges.** A student may be denied specific privileges on a temporary or permanent basis such as participating in specific activities or restriction from specific areas of campus.

(8) **Restitution.** Reimbursement for damage to or misappropriation of property, or for injury to persons, or for reasonable costs incurred by the college in pursuing an investigation or disciplinary proceedings.

(9) **Professional evaluation.** Referral for drug, alcohol, psychological or medical evaluation by an appropriately certified or licensed professional may be required. The student may choose the professional within the scope of practice and with the professional credentials as defined by the college. The student will sign all necessary releases to allow the college access to any such evaluation. The student's return to college may be conditional upon compliance with the recommendations set forth in such a professional evaluation. If the evaluation indicates that the student is not capable of functioning within the college community, the student will remain suspended until further evaluation recommends that the student is capable of re-entering the college and complying with the rules of conduct.

(10) **Administrative no-contact order.** An order directing a student to have no contact with a specified student, college employee, a member of the college community, or a particular college facility.

(11) **Student housing relocation.** Students who are living in college-controlled or administered housing may be transferred to alternate college-controlled or administered housing.

(12) **Termination of student housing contract.** A student may be removed from their college-controlled housing and their housing contract terminated.

(13) **Disqualification from athletics.** Any student found by the college to have violated this code related to the use, possession, sale, or delivery of legend drugs is subject to additional sanctions, including disqualification from college-sponsored athletic events.

(14) **College community service.** Assignment of labor or responsibilities to any student or student organization with the college or local community. May also include mandatory attendance to educational programs or courses or other assignments.

(15) **Hazing by a student or a student group is prohibited pursuant to WAC 132U-126-030(9).** No student may conspire to engage in hazing or participate in the hazing of another. State law provides that hazing is a criminal offense, punishable as a misdemeanor. Washington state law provides that:

(a) Any student group that knowingly permits hazing is strictly liable for harm caused to persons or property resulting from hazing. If the organization, association, or student living group is a corporation, whether for profit or nonprofit, the individual directors of the corporation may be held individually liable for damages.

(b) Any person who participates in the hazing of another shall forfeit any entitlement to state-funded grants, scholarships, or awards for a period of time determined by the college in accordance.

(c) Student groups that knowingly permit hazing to be conducted by its members or by other subject to its direction or control shall be deprived of any official recognition or approval granted by the college.

(d) Student groups found responsible for violating the code of student conduct, college antihazing policies, or state or federal laws relating to hazing or offenses related to alcohol, drugs, sexual assault, or physical assault will be disclosed in a public report issued by the college setting forth the name of the student group, the date the investigation began, the date the investigation ended, a finding of responsibility, a description of the incident(s) giving rise to the finding, and the details of the sanction(s) imposed.

WAC 132U-122-010 Statement of policy. The college expects that students who receive services for which a financial obligation is incurred will exercise responsibility in meeting these obligations. Appropriate college staff are empowered to act in accordance with regularly adopted procedures to carry out the intent of this policy, and if necessary to initiate legal action to insure that collection matters are brought to a timely and satisfactory conclusion.

Admission to or registration with the college, and conferring of degrees (~~and issuance of academic transcripts~~), may be withheld for failure to meet financial obligations to the college.

Reports to the Board of Trustees May 10, 2023 Meeting

➤ ASWCC – Joshua Norton, President

- Executive Board (*1.3 Promote student access through quality services and resources*)
 - Services and Activities Fee Budget Committee, Ongoing- This committee has submitted a draft budget to the Presidents cabinet and is awaiting feedback before presenting to the Board of Trustees.
 - Students Leading Change conference has been set for Saturday May 20th, 2023 from 10am to 2pm. A keynote speaker has been identified, Samara Almonte. Board of Trustee & President Cabinet members are welcome to join us as students host a conference focusing on social justice, equity, and pluralism.
 - The Senate has voted to amendments to the ASWCC Bylaws and Constitution, the amendments are pending approval by the Board of Trustees before adopting the changes for next year.
- Programming and Diversity Board (*1.3 Promote student access through quality services and resources*)
 - 04/04/2023 - Spring Quarter Welcome Back, 117 Attendees
 - 04/24/2023- Just Dance Party, 9 Attendees
 - Wingles attendance-
 - 04/12/2023, Build Your Own Parfait Wingle, 51 Attendees
 - 04/26/2023, Sugar Cookie Decorating Wingle, 35 Attendees
- ASWCC Clubs (*1.3 Promote student access through quality services and resources*)
 - Though not all of them lasted throughout the year, up to twenty clubs have been active throughout the year.
 - 04/19/2023- ASWCC Spring Club Fair, 65 Attendees

➤ WCCFT—Anna Wolff, President

Our union is proud of our lobbying efforts this legislative session that, along with the efforts of students, colleges, and community members, helped to achieve full funding for our COLAs among a number of other wins for our CTC system.

Our union is in the midst of our elections for next year's Union Executive Committee; I look forward to introducing next year's union leaders at the June Board meeting.

As part of the resolution of our Unfair Labor Practice complaint, our Union and the College agreed to shared trainings with PERC and PERC mediated meetings between the Union

Executive Committee and Cabinet. President Kathi and I began that process by meeting with a PERC mediator on Tuesday, April 25 to discuss training topics.

On Wednesday, April 26, our union issued a Demand to Bargain the proposed Telework Policy and Procedure from the college as it represents a significant change to faculty schedules and working conditions. We have grave concerns about how the policy as written will apply to faculty along with concerns about circumvention of the union. We will be meeting with members of College administration in the coming weeks to discuss the matter.

➤ **Administrative Services—Nate Langstraat, Vice President**

- **Bookstore** (4.1 Offer programs, services, and facilities that support college needs and market demands, 3.1 Ensure all students have access to campus resources that support educational success)
 - Supporting WCC’s English Language Learners (ELL) Program, the Bookstore in April, set up a mobile evening sales site in the Kulshan Building to answer course material questions, match 20 students with purchasing the correct course books, and offer a limited number of associated school supplies for purchase.
 - The Bookstore invited representatives from Red Shelf, a leading digital course materials fulfillment company, to campus in April. Representatives from RedShelf and the Bookstore hosted an information table for faculty interested in growing the Inclusive Access (IA) Program. For spring quarter, a total of 127 Whatcom students were enrolled in at least one IA course with only one student choosing to opt out of the program. What is Inclusive Access?
 - Inclusive Access offers digital course materials at costs lower than if students went direct to publishers for the same digital materials and usually 60% lower in cost than traditional printed material.
 - A course material fee is attached to student’s accounts as they register. Students may opt out of the program.
 - Students can access course material by, or even prior to, the first day of classes.
 - Digital course materials are linked through a course section’s Canvas site allowing the instructor to directly integrate publisher materials into their curriculum.
- **Conference & Event Services (CES)** (4.1 Offer programs, services, and facilities that support college needs and market demands)
 - Agreements have been confirmed for National Alliance on Mental Health (NAMI) Whatcom – film screening & resource fair, The Roller Betties, CHSS Spring Collaborative Conference, Pioneer FlexSpace Board Meeting, 2022-23 Leadership Whatcom Graduation, Microsoft – Intern Games (Practice Run), Unified Sports, Bellingham School District Leadership, Whatcom County Adult Soccer Association, Bellingham United FC, Bellingham Warriors Lacrosse, WFC Rangers (soccer), and Chuckanut Bay Rugby.
 - Conference & Event Services will support the following internal events: Shuksan, Meridian and Nooksack Middle School campus tours, commencement singer/speaker auditions, All College Job & Internship Fair, High School Senior

Day, ASWCC Student Leadership Celebration, Students Leading Change Conference, Student Services division meeting, Music Department rehearsals, and the Honors and Awards rehearsals. Planning and organization of 2023 commencement continues—to take place on Orca Field on Friday, June 16.

- **ctcLink** (4.1 Offer programs, services, and facilities that support college needs and market)
 - SBCTC Student Services, Business Operations, and Information Technology divisions, as well as Instruction Commission leadership, have collaborated to develop guidance and technical measures for mitigating enrollment fraud and prevention.
 - A new version of PeopleTools (ctcLink) launched on April 29, 2023. This upgrade provides end-users with a number of enhancements to the web-based interface, including improved search functionality.
- **Finance** (4.1 Offer programs, services, and facilities that support college needs and market demands)
 - Budget development for 2023-24 is in progress. The Budget Review Committee and Cabinet have reviewed the requests. Budget shortfall includes enrollment decline, \$3 million in maintenance costs (e.g., contractual obligations, cost of living adjustments, etc.), and almost \$1 million in new requests. Administration has asked all budget managers to revisit their budgets to identify 10-15% cost savings.
 - The Legislature has reached a conference budget for the 2023-25 biennium. The College is waiting on a preliminary allocation from the State Board for Community and Technical Colleges. Cost of living adjustments (COLAs) are identified as “fully funded.” This is generally very good news and now sets a precedent for future state budgets. Once the SBCTC allocation is received, the Whatcom-specific amount can be reviewed to determine the funding level covers the actual costs.
 - The CTC’s DEI policy request was for \$25.5M. The legislative budget commits \$6M per year (\$12M total), so slightly less than half. The funding is only for the 2023-25 biennium and will not carry forward beyond that. This will be a continued advocacy need for our system.
 - No other CTC system policy requests were funded, including no support for high-demand and high-cost workforce programs, nor funding to sustain competitive wages (beyond COLA).
 - The State Auditor’s office is conducting an accountability audit looking at the fiscal years 2019, 2020, 2021 and 2022. An accountability audit evaluates whether the college has adhered to applicable federal or state laws, rules, and our own policies and procedures. The process includes auditing records to ensure public funds are accounted for and internal controls are in place to protect public resources from misappropriation and misuse. The college is anticipating some recommendations due to the conversion to ctcLink and staffing shortages over the past several years.

➤ **Student Services—James Siegel, Vice President**

- **Advising and Career Services** (3.2 Apply culturally responsive pedagogy in all teaching and learning environments; 3.4 Revise policies, practices, services, and curricula from an equity-based lens)
 - Veteran Services participated in a VA compliance process, and the auditor reported no findings and that VA student files were in exceptional condition and meticulously kept in appropriate order.
- **Athletics and Recreation** (1.3 Promote student access through quality services and resources, 2.5 Cultivate community awareness and support for the college, Goal 3.5 Improve recruitment and retention of diverse students, faculty, staff, and administrators)
 - Open gyms have started for Volleyball, Men’s Basketball, and Women’s Basketball. 15-20 participants each session that include WCC student athletes, committed recruits, and top high school players in the area.
 - Ongoing Men’s Soccer Spring Season:
 - Saturday, April 1st 11am vs. Trinity Western University (at WCC) WCC 3-2 win.
 - Saturday, April 8th 2pm vs. Skagit Valley College (at WCC) WCC 2-1 win.
 - Saturday, April 15th 2pm vs. Seattle Pacific University (at SPU) WCC 2-3 loss.
 - Saturday, April 22nd 7pm vs. University of Washington (at UW) WCC 0-4 loss.
 - The first annual Orca Pickleball Spring Classic tournament will be held from May 19-21 at the WCC Pickleball Courts in collaboration with Bellingham Pickleball Club. 120 registrations as of 4/26. This will be a major fundraising event for the department.
- **Accessibility and Disability Services** (1.3 Promote student access through quality services and resources, 3.1 Ensure all students have access to campus resources that support educational success, 3.3 Increase services focused on supporting marginalized student populations to close the equity gap in student outcomes)
 - Students registered with ADS increased by 26% Spring 2023 (230 students) compared with Spring 2022 (182 students).
 - 481 letters of accommodation were sent to faculty as of April 17, 2023, compared with 354 letters at the end of Spring Quarter 2022 and 465 at end of Winter 2023.
 - Starting May 2023, Melissa Anderson, ADS Accommodation Specialist, will spend 3 hours every Wed in the Testing Center supporting TC staff and students with accommodated testing. This partnership builds stronger bridges and support for students with disabilities and connections between ADS and faculty.

- **Entry and Enrollment Services** (*1.3 Promote student access through quality services and resources*)
 - Admissions Applications for Summer 2022: 799 Total. Summer 2023: 388 YTD. Summer classes begin on June 26, 2023. We are on trend to exceed Summer applications compared to last year.
 - Admissions Applications for Fall 2022: 2451 Total. Fall 2023: 931 YTD. Fall classes begin September 19. While it is early in the Fall application cycle, we are on trend to see a higher number of applicants for Fall 2023.
 - The Head Count for Spring 2023 was up 4% (3986) from Spring of 2022 (3840), but students are taking fewer credits, which explains the 4% overall FTE decrease.
 - Commencement ceremony planning is ongoing. The Commencement Ceremony is June 16. As of 4/21/2023, 142 students have RSVP'd for participation in the Commencement Ceremony.

- **Financial Aid** (*Goal 1.3 Promote student access through quality services and resources, 2.5 Cultivate community awareness and support for the college, Goal 3.5 Improve recruitment and retention of diverse students, faculty, staff, and administrators*)
 - WCC received hundreds of new Financial Aid applications over the last month, but the Financial Aid Office determined about 86% of those are fraudulent and not enrolled students for 2022-2023.
 - For 2023-2024 we have uploaded 1728 Federal FAFSA applications and 29 State WASFA applications. 1030 of those applications are returning students and 727 of the applications are new students.

- **Residence Life and Community Standards** (*1.3 Promote student access through quality services and resources*)
 - Cedar Hall currently has 165 residents: 41% international students and 15% athletes and is at a total of 76% capacity. Capacity for Cedar Hall is 230 residents.
 - April Events:
 - Spring Forward Week: 4/10/-4/14
 - Egg hunt, karaoke, crafting, door decorating
 - Diversity Cupcakes: Decorating cupcakes based on their personal identities

- **Intercultural Center** (*1.3 Promote student access through quality services and resources; 3.3 Increase services focused on supporting marginalized student populations to close the equity gap in student outcomes, 3.5 Improve recruitment and retention of diverse students, faculty, staff, and administrators*)
 - On April 20, the Simpson Intercultural Center hosted a Talkin' Stories program on the concept of "Unmasking." This was a workshop geared towards neurodivergent people, guided by a worksheet to discover what "masks" we wear, why we wear them, and who those come up around
 - Beginning April 11, the Simpson Intercultural Center partnered with Student Completion Coaches for AIM and TRIO to host weekly group study sessions from 2-4pm in the Simpson Intercultural Center. These study sessions are titled: "IC You Study."

- The Intercultural Center Peer Navigators (ICPN) completed 14 class visits in April. This was an opportunity for our Peer Navigators to work on their public speaking skills and make new connections with the campus community.
 - On April 15th, five of the ICPNs attended the Queer Students of Color Conference in Portland, OR. This conference was a great opportunity for the ICPNs to connect with other college students with similar experiences, to learn new frameworks for better contextualizing their lived experiences, and hearing about additional strategies for the Queer + BIPOC communities to thrive. In order to receive funding from the ASWCC Senate for the trip, the ICPNs crafted a written rationale and presented their request at the ASWCC Senate meeting on 4/10. This was a great opportunity for the ICPNs to apply the leadership skills they have gained this year to advocate for their needs and those of their fellow students.
- **Office of Student Life and Development** *(1.3 Promote student access through quality services and resources, 1.4 Provide students with mentors, internships, and career preparation, 2.1 Increase collaboration and communication to serve collective needs across the College, 2.2 Create teaching and learning communities, 3.1 Ensure students have access to campus resources that support educational success, 4.1 Offer programs, services, and facilities that support college needs and market demands.*
 - Orca Food Pantry:
 - There was a total of 305 students that utilized the food pantry this month.
 - During Winter Quarter, there were average weekly visits of 79 students.
 - The Orca Food Pantry received donations from Miracle Food Network and campus donations. The ongoing partnership with Miracle Food Network has resulted in weekly Monday donations. Miracle Food Network donated 64.2 lbs, and campus donations accounted for 62.7 lbs. These donations totaled 126.9 pounds.
 - The Orca Food Pantry had the highest number of daily visits since inception, on April 4th, with 40 student visits.
 - Upcoming Activities:
 - Student Leadership Celebration in Syre Auditorium - May 17th at 4:30pm-6:30.

➤ **Instruction— Barry Robinson, Vice President**

- **International Programs** *(3.5 Improve recruitment and retention of diverse students, faculty, staff, and administrators; 4.1 Offer programs, services, and facilities that support college needs and market demands; 4.2 Increase college enrollment and secure resources for the continued viability of the College.)*
 - 26 new international students arrived for the spring 2023 quarter on March 30 and March 31. Pre-arrival orientation was conducted online for students on March 22, and in-person orientation was conducted on April 3rd. 206 international students

are enrolled for spring 2023 which is slightly more students than before the start of the pandemic in winter 2020.

- Online marketing and recruitment activities for international student enrollments continue, in spite of the waning impact of the pandemic. Online recruitment presentations are being conducted with partners from Vietnam, Spain, and China to bolster fall 2023 recruitment.
- Recruitment travel has resumed after a three-year hiatus. A two-week recruitment trip to SE Asia is being arranged for May. Kelly Kester, Director for International Programs, will be in Hong Kong, Shenzhen (China), Ho Chi Minh City/Danang/Hanoi (Vietnam), and Jakarta (Indonesia) from May 8–23. Whatcom will be accompanied by the International Admissions Representative from Western Washington University on this visit, to share information about the 2 + 2 pathway between the institutions.

• **Grants** (1.1 Improve student success in retention, completion, transfer, and employment; 1.4 Provide students with mentors, internships, and career preparation; 2.2 Create teaching and learning communities; 2.3 Strengthen partnerships with K-12 and higher education institutions; 2.6 Engage with business and industry to strengthen regional economic development; 3.1 Ensure all students have access to campus resources that support educational success; 4.1 Offer programs, services, and facilities that support college needs and market demands; 4.3 Provide ongoing opportunities for faculty and staff professional growth.)

ACCCE (Microsoft Accelerating Community College Cybersecurity Excellence)

CCNC (Centers of Academic Excellence Candidates National Center)

CCOE (Cybersecurity Center of Excellence of Washington State)

NCyTE (National Cybersecurity Training & Education Center)

- NCyTE sponsored the following events:
 - Virtual Cybersecurity Career Challenge for students and coordinated an accompanying train-the-trainer component. Over a ten-week period, students will work in small teams to configure a network of computers for a fictional company. They spend approximately 160 hours completing the project and gain real-world work experience. The workshop is free and 23 students from community colleges across the nation, including three Washington students, are enrolled. The train-the-trainer component will teach instructors from across the nation how to deliver a virtual cybersecurity career challenge for college students. Nine instructors are attending.
 - Ten college students to attend a cloud-based capture the flag competition at the Association of Computer Science Departments at Minority Institutions (ADMI) symposium held in Virginia Beach, VA. ADMI hosted a Cybersecurity CTF Challenge Competition as part of the 20232 ADMI Symposium on Computing at Minority Institutions. Teams from a number of Historically Black Colleges & Universities (HBCUs) competed for prizes and bragging rights.

➤ **Marketing and Communications – Rafeeka Kloke, Executive Director for the Office of the President**

- **Communications, Marketing and Publications Programs & Campaigns:** (3.5 Improve recruitment and retention of diverse students, faculty, staff, and administrators; 4.1 Offer programs, services, and facilities that support college needs and market demands; 4.2 Increase college enrollment and secure resources for the continued viability of the College.)

Web redesign: Successful launched the college new website on Thursday, April 27. This new site incorporates feedback from students, faculty, and staff. Our intention is to create the best user experience for students to navigate enrolling, paying for college, and finding the support and community they need to succeed on their educational journey. The new website's style emphasizes accessibility, readability and phone optimization.

Running Start Campaign featuring WCC RS students: TV spots, streaming spots, videos posted on YouTube & Running Start webpages:

- Joel's Running Start Video:
<https://www.youtube.com/watch?v=j4OiZzcRa8s>
- Opal's Running Start Video:
<https://www.youtube.com/watch?v=Wyv45mX4YV8>
- Seneca's Running Start Video:
<https://www.youtube.com/watch?v=u0OUredvZUI>
- Thomas's Running Start Video:
<https://www.youtube.com/watch?v=lnuCyHEKZDo>
- Running Start: Summer 2023 – Branding:
 - Bus Sides and bus backs
 - Print/online ads: Chamber ad and City of Bellingham: Leisure Guide
 - Homepage Banner
 - Interior Page Banner
 - Running Start Contact Card
- Running Start 10 Easy Steps to Get Started At WCC- Handout

Projects/Publications completed or in development - for a variety of events and programs:

- The Orca Pickleball Spring Classic Tournament May 19, 20, 21 at the Whatcom Community College Pickleball Court:
 - Donor Sign to be installed May 17,2023
 - Press release
 - Pickleball and Athletics Sponsorship Contract
 - WCC Oriented Pickleball Tourney Flier
 - Web page

- President's Circle Invite and program
- Honors & Awards: Program cover
- Athletics Celebration: May 24, 2023:
 - Invitation and program in progress
- Commencement:
 - Commencement Banners for Orca Field Fence
 - Grad Banners for Orca Field Fence
 - Commencement Program Cover
- Instruction: Cyber: Guys & Guts, Digital Download ads
 - Guys & Guts ad for Discover catalog, summer edition
- Employer's Guide to Internships flyer
- Area of Study Icons (9) for Homepage and Landing Pages
- Orca Central 10 Easy Steps to Get Started At WCC- Handout

Video or Photo shoots:

- Running Start Student Testimonial video and photo shoot: University of Washington, April 8, 2023
- Whatcom Family Co-op Preschool Open House, April 20, 2023
- President's Circle event, April 21, 2023
- Upcoming: Instruction program promotion: BAS social work, Physical Therapy Assistant, Software Development May 15-19

Social media, Campus Digital Monitors & Campus Communication Campaigns

- Commencement campaign:
 - 2023 commencement is in person at Orca Field
 - Commencement National Anthem Singer/Speaker: Last Chance to Apply
 - 2023 commencement is in person at Orca Field
 - Save the date commencement post
- Student Life Hiring 4/29/23
- Orca Day party planning
- ASWCC Just Dance Party 4-26-23
- Mental Health Awareness
- Media Center & Makerspace
- Certified Nursing Assistant Program
- NAMI Whatcom
- Street Law: @ WCC
- Job & Internship Fair
- Massage Therapist
- Whatcom Family Co-op Preschool Open House-50 Years Celebration
- Substance Use Disorder Professional
- WCC's Earth Week Events

- Understanding Technology at WCC
- Welcome to Spring Quarter
- Spring Quarter Classes Start reminder
- Women’s Film Festival: Category Women SM
- Certified Nursing Assistant Program
- WCC’s Earth Week Events & sharing Earth Week 2023 post
- Workshops:
 - Wellness Workshop
 - Orca Central Getting Started Workshop
 - Resume and Job Fair Prep Workshop
 - Academic Strategies Workshop
 - Getting Started at WCC
- Info Sessions:
 - Running Start info session
 - Bachelor of Applied Science info session
 - Visual Communications info session
 - Nursing online info session
 - Physical Therapist Assistant online info session
 - Medical Assisting Info Session

Press Releases/Media Relations – Summary/Highlights of Media Coverage (4.1 Offer programs, services, and facilities that support college needs and market demands; 4.2 Increase college enrollment and secure resources for the continued viability of the College.) (2.5 Cultivate community awareness and support for the College; 2.6 Engage with business and industry to strengthen regional economic development)

New Sculpture Arrives on Campus: by Nathan Welch. WCC Horizon Student Newspaper Article: <https://www.whatcomhorizon.com/2023/04/12/new-sculpture-arrives-on-campus/>

➔ **Foundation**

- **Foundation** (2.5 Cultivate community awareness and support for the College; 3.3 Increase services focused on supporting marginalized student populations to close the equity gap in student outcomes)
- **Fundraising**
 - **Fiscal year-to-date:** \$364,506.75 donations received
 - Calendar year-to-date: 307 active donors, 136 new donors, and 35 reactivated donors.
- **Events**
 - President’s Circle Reception
 - On Friday evening, April 21, the WCC Foundation and WCC President Kathi Hiyane-Brown hosted the President’s Circle Reception for our most dedicated donors. The event was well-attended with a total of 75

attendees. The program featured remarks by Indigenous artist James Harry, who created the recent art installation, Thunderbird, located in front of the Phyllis and Charles Self Learning Commons; and Altynay Bekbossyn, WCC Graduate and WCC Foundation staff.

- **Spring Wayfinding**

- The WCC Foundation partnered with the Office of Student Life and Development and the Associated Students of Whatcom Community College to host the spring Wayfinding event. Foundation staff shared scholarship information with new students and assisted ASWCC in welcoming students on their first day of school.