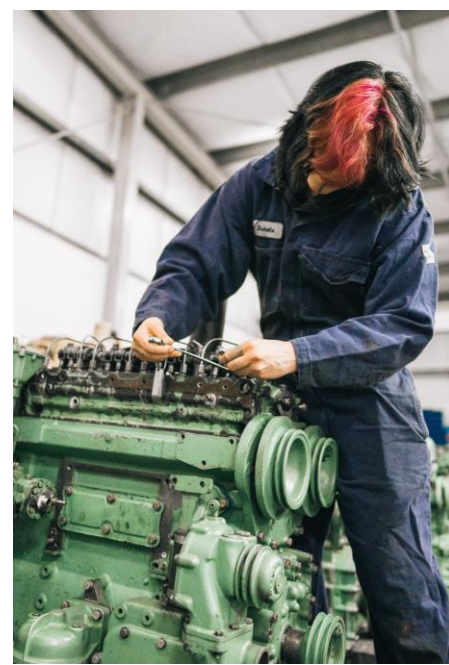
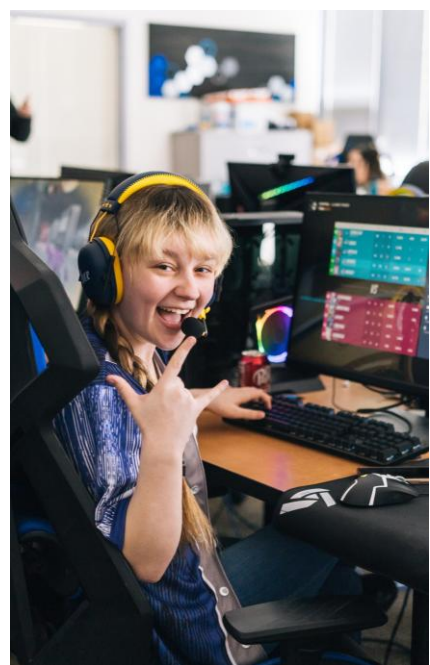


# STUDENT RIGHTS & RESPONSIBILITIES



GRAYS HARBOR COLLEGE

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## Authority

### WAC 132B-125-105 – Authority for Student Disciplinary Action

The Grays Harbor College board of trustees, acting pursuant to [RCW 28B.50.140](#), delegates to the president of the College the authority to administer student disciplinary action. Administration of the disciplinary procedures is the responsibility of the student conduct officer or their designee. Unless otherwise specified, the student conduct officer or designee shall serve as the principal investigator and administrator for alleged violations of this code.

## Statement of Jurisdiction

### WAC 132B-125-300 – Student Conduct

This chapter shall apply to student conduct that occurs:

- On college premises and/or in college facilities;
- At or in connection with college-sponsored activities; and
- Off-campus student conduct that, in the judgment of the college, adversely affects the well-being of the college community and/or the pursuit of its objectives. The college has sole discretion, on a case-by-case basis, to determine whether the code of student conduct will be applied to conduct occurring off campus.

Jurisdiction includes, but is not limited to, locations in which students 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 or any other college-sanctioned social or club activities.

Students are responsible for their conduct from the time of application for admission 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. These standards shall apply to a student's conduct even if the student withdraws from college while a disciplinary matter is pending.

The student conduct officer and the student conduct committee shall have the authority to interpret and apply the standards of conduct for students.

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 may proceed with student disciplinary proceedings regardless of whether the underlying conduct is subject to civil proceedings or criminal prosecution.

## Nondiscrimination Statement

Grays Harbor College does not discriminate on the basis of race, color, national origin,



sex, disability, sexual orientation, gender identity, creed, religion, marital status, veteran status, genetics, or age in its programs, activities, and employment.

## Technology File Sharing

### GHC 407.03

The Higher Education Opportunity Act of 2008 (HEOA) sets forth a requirement for colleges and universities to address illegal peer-to-peer file sharing of copyrighted works by those using campus resources. Grays Harbor College is required to have a policy that informs students annually that they may be subject to criminal and civil penalties if they engage in illegal distribution of copyrighted materials, define sanctions for those who do not comply, certify to the Secretary of Education that GHC has plans to effectively combat unauthorized distribution of copyrighted material, and offers alternatives to illegal file sharing.

- I. Students are informed quarterly via email
- II. When students are found to be in violation by IT staff or faculty, progressive discipline is utilized as spelled out in the student conduct code. The sanctions may include disabling access to the internet and/or the network.
- III. File sharing alternatives are provided to students.
- IV. Infringement, even unwittingly-may cause the student to be subject to civil damages. The college assumes no liability for such actions.

## Definitions

Washington Administrative Code [WAC 132B-125-305 - Definitions of Terms Related to Student Conduct](#)

As used in this document the following words and phrases shall mean:

1. "Assembly" shall mean any activity engaged in by two or more persons the object of which is to gain publicity, advocate a view, petition for a cause, or disseminate information to any person, persons or group of persons.
2. "Board" shall mean the board of trustees of Community College District No. 2, state of Washington.
3. "Business day" means a weekday, excluding weekends and college holidays.
4. "College" shall mean Grays Harbor College or any additional community college hereafter established within Community College District No. 2, state of Washington.
5. "College community" shall mean all employees and students of the college.
6. "College facilities" shall mean and include any or all real property owned, rented, leased, controlled or operated by the college and shall include all buildings and appurtenances affixed thereon or attached thereto. College facilities extend to affiliated websites, distance learning classroom environments and agencies or institutions that have educational agreements with Grays Harbor College.
7. "College official" shall mean any person employed by the college performing

assigned duties.

8. "College premises" shall include all campuses of the college, wherever located, and includes all land, buildings, facilities, vehicles, equipment, and other property owned, used, or controlled by the college.
9. "Complainant" means the following individuals who are alleged to have been subjected to conduct that would constitute sex discrimination:
  - a. A student or employee; or
  - b. A person other than a student or employee who was participating or attempting to participate in the College's education program or activity at the time of the alleged discrimination.
10. "Conduct review officer" is a college administrator designated by the president who is responsible for reviewing or referring appeals of student disciplinary actions as specified in this code.
11. "Day" means a calendar day, except when a "business day" is specified. "Business day" means a weekday, excluding weekends and college holidays. Business day is used when a time period of less than 10 days. Calendar day is used when the time period is 10 days or more, unless otherwise specified.
12. "Disciplinary action" is the process by which the student conduct officer imposes discipline against a student for a violation of the student conduct code. A written or verbal warning is not disciplinary action.
13. "Disciplinary appeal" is the process by which an aggrieved student can appeal the discipline imposed by the student conduct officer as provided in [WAC 132B-125-320](#) Appeal from disciplinary action. The student conduct committee hears disciplinary appeals from a suspension in excess of ((ten)) 10 instructional days or a dismissal/expulsion. Appeals of all other appealable disciplinary action shall be reviewed through brief adjudicative proceedings.
14. "Employee" shall mean any classified, faculty, administrator, exempt, student worker or volunteer person of the college or an affiliated institution.
15. "Faculty" shall mean any person employed on a full- or part-time basis as a teacher, instructor, counselor, coach or librarian for the college or an affiliated institution. Includes faculty of other colleges (whether or not employed by Grays Harbor College (GHC)) that provide instruction to GHC students through distance education.
16. "Filing" is the process by which a document is officially delivered to a school official responsible for facilitating a disciplinary review or a presiding officer. Unless expressly specified otherwise, filing shall be accomplished by:
  - a. Hand delivery of the document to the school official or school official's assistant; or
  - b. By sending the document by email and/or first-class mail to the recipient's college email and office address. Papers required to be filed shall be deemed filed upon actual receipt during office hours at the office of the specified official or presiding officer.
17. "President" is the president of the college appointed by the board of trustees. The president is authorized to delegate any of their responsibilities as set forth in this

chapter as ((they deem appropriate)) may be reasonably necessary and reassign any and all duties and responsibilities as set forth in this chapter as may be reasonably necessary.

18. "Program" or "programs and activities" means all operations of the college.
19. "RCW" shall mean the Revised Code of Washington.
20. "Relevant" means related to the allegations of sex discrimination under investigation. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decision maker in determining whether the alleged sex discrimination occurred.
21. "Remedies" means measures provided to a complainant or other person whose equal access to the college's educational programs and activities has been limited or denied by sex discrimination. These measures are intended to restore or preserve that person's access to educational programs and activities after a determination that sex discrimination has occurred.
22. "Respondent" is a student who is alleged to have violated the student conduct code.
23. "Service" is the process by which a document is officially delivered to a party. Unless expressly specified otherwise, service upon a party shall be accomplished by:
  - a. Hand delivery of the document to the party; or
  - b. By sending the document by email and/or by certified mail or first-class mail to the party's last known address. Service is deemed complete upon hand delivery of the document or upon the date the document is emailed and deposited into the mail.
24. "Student" shall mean and include any person who is enrolled in courses at or through the college, whether on a full-time or 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 admission are considered "students."
25. "Student conduct officer" is a college administrator designated by the president to be responsible for implementing and enforcing the student conduct code. The student conduct officer is authorized to delegate any and all of their responsibilities as set forth in this chapter as may be reasonably necessary.
26. "Student employee" means an individual who is both a student and an employee of the college. When a complainant or respondent is a student employee, the college must make a fact-specific inquiry to determine whether the individual's primary relationship with the college is to receive an education and whether any alleged student conduct code violation including, but not limited to, sex-based harassment, occurred while the individual was performing employment-related work.
27. "Student group" 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.

28. "Supportive measures" means reasonably available, individualized and appropriate, nonpunitive and non-disciplinary measures offered by the college to the complainant or respondent without unreasonably burdening either party, and without fee or charge for purposes of:
- a. Restoring or preserving a party's access to the college's educational program or activity, including measures that are designed to protect the safety of the parties or the college's educational environment; or providing support during the college's investigation and disciplinary procedures, or during any informal resolution process; or
  - b. Supportive measures may include, but are not limited to: Counseling; extensions of deadlines and other course-related adjustments; campus escort services; increased security and monitoring of certain areas of campus; restriction on contact applied to one or more parties; a leave of absence; change in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; and training and education programs related to sex-based harassment.
29. "Title IX coordinator" is the administrator responsible for processing complaints of sex discrimination, including sex-based harassment, overseeing investigations and informal resolution processes, and coordinating supportive measures, in accordance with college policy.
30. "Vice president" is the administrator responsible for implementing and enforcing the student conduct code. The vice president is authorized to delegate any and all of their responsibilities as set forth in this chapter as may be reasonably necessary.

## Student Rights

### WAC 132B-125-110

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 responsibility. 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 federal and state law and college rules, policies, and procedures:

1. Academic freedom



- a) Students are guaranteed rights of free inquiry, expression and peaceful 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) (College board—Powers and duties), available space in the class, and meeting any required prerequisites.
  - c) Students have the right to a learning environment, which is free from unlawful discrimination, inappropriate or disrespectful conduct, and any and all harassment, including sexual harassment.
  - d) Students are 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.
2. Nondiscrimination: Students have the right not to be discriminated against on the basis of age, color, creed, disability, gender, gender identity and expression, marital status, national origin or ancestry, race, religion, sexual orientation, or veteran status, or any other legally protected class.
  3. Due process: The rights of students to be secure in their persons, quarters, papers, and effects against unreasonable searches and seizures is guaranteed.
    - a) No disciplinary sanction may be imposed on any student without notice to the accused of the nature of the charges.
    - b) A student accused of violating this code of student conduct is entitled to procedural due process as set forth in this chapter.
  4. Right to assembly: Students shall have the right of assembly upon college facilities that are generally available to the public provided such assemblies are in compliance with procedures established in Administrative Procedure 516.03, Rules for Use of Campus as Public Forums, and other behavioral expectations outlined in the code of conduct.
  5. Grievances: Students have the right to express and resolve misunderstandings, complaints and grievances according to the stated process in [WAC 132B-125-500](#) Student complaint, grievance, and grade appeal policy and procedures.
  6. Conduct code revision: The associated students of Grays Harbor College has the right to participate in the formulation and review of all policies and rules pertaining to student conduct.

## Student Responsibilities

### [WAC 132B-125-115](#)

Students who choose to attend Grays Harbor College also choose to participate actively in the learning process offered by the college. The college is responsible for providing its students with an educational environment rich in the high quality resources needed by students to attain their educational goals. In return, the college expects each student assume responsibility to:

1. Participate actively in the learning process, both in and out of the classroom;
2. Seek timely assistance in meeting educational goals;
3. Attend all class sessions;
4. Prepare adequately to participate fully in class activities;
5. Participate actively in the academic advising system;
6. Develop skills required for learning, e.g., basic skills, time management, and study skills;
7. Assume final responsibility for the selection of appropriate educational goals;
8. Select courses appropriate and required for meeting chosen educational goals;
9. Make appropriate use of services;
10. Contribute towards improving the college;
11. Become knowledgeable of and adhere to the college's policies, practices and procedures; and
12. Abide by the standards set forth in the code of conduct.

## Enrollment for Registered Sex Offenders

### 407.01

#### Procedure: Notification of Convicted Sexual Offender

All registered sex offenders or kidnapping offenders, regardless of level, before enrolling in classes for the first time must:

Meet with the relevant Vice President, or designee, and self-disclose their status.

Provide any requested information and releases of information related to their crimes, treatment, risk level classification, compliance history, victim profile or any other information deemed by the college to be important to safety.

Agree to comply with any conditions or restrictions as part of a safety plan and/or behavioral contract that limits access, interactions or participation. Behavioral contracts shall specify consequences for non-compliance and shall be signed by the college and the student.

Failure to comply will be grounds for denial of admission. If already admitted, failure to comply will be grounds for dismissal under the provisions of [WAC 132B-125-125](#) Statement of policy and community philosophy. Student procedural violations.

The requirement for registered sex offenders or kidnapping offenders to meet with the relevant Vice President or designee before admission, shall be published in the college catalog, quarterly schedule, and selected admission materials.

## Academic Affairs/Instruction

### GHC Policy 302

#### Instruction, Instructional Council, and Executive Administrator

The Vice President overseeing Instruction shall be responsible for the instructional

programs of Grays Harbor College, making such administrative procedures deemed necessary.

The Vice President shall activate and chair an Instructional Council which will be responsible for overseeing and approving curricular development and revisions at GHC. Final approval rests with the Vice President for Instruction.

Voting Members:

- Faculty Division Chairs: Business, Math, Science, Transitions, Humanities and Communications, Social Sciences, Industrial Technologies, Stafford Creek Education Programs
- Instructional Managers: Workforce Education, Nursing, Transitions, Stafford Creek Education Program, Library, e-Learning and Learning Support Services, Transfer,
- Ex Officio Members (non-voting): Associate Dean for Enrollment Services, Faculty Counselor, Coordinator for Business and Workforce Development

## Student & Academic Affairs Grievance Procedures

WAC 132B-125-500

The purpose of these procedures is to provide guidelines, which enable a student to express and resolve misunderstandings, complaints, or grievances in a fair and equitable manner. Students have the right to receive clear information and fair application of college policies, standards, rules and requirements and are responsible for complying with them in their relationships with college personnel. This grievance procedure emphasizes an informal resolution, which promotes constructive dialogue and understanding.

### 1. Complaint process

- a. A complaint is any expression of dissatisfaction with the performance of a college employee or with the implementation of policy and procedure. The goal is to informally resolve the complaint with the employee most closely responsible for the policy, procedure or action. The college employee and student shall make a good faith effort to resolve the issue on a one-to-one basis. (If the complaint is about a grade, follow the grade appeal process below.) Both parties should openly discuss the concern, attempt to understand the other's perspective, explore alternatives and attempt to arrive at a satisfactory resolution.
- b. The college recognizes that in some cases a student will be unwilling or unable to speak directly with the employee. In such cases, the student may proceed to step one of the grievance process. In general, a student wishing to express a complaint should do so no later than three weeks from the time the student became aware of the concern.

- c. For assistance in identifying the appropriate person a student should contact, the office of the vice president is available to assist in that determination.
  - d. The following are guidelines for determining who a student should contact with a complaint regarding:
    - i. Academic/instruction: Faculty/dean/vice president who oversees instruction;
    - ii. Accommodations: Coordinator of disability support services/dean of student access and support;
    - iii. Bookstore: Bookstore manager/vice president administrative services;
    - iv. Problem student conduct: Student conduct officer;
    - v. Discrimination/harassment: Title IX coordinator/human resources;
    - vi. Facilities: Chief of campus operations/vice president for administrative services;
    - vii. Financial aid: Vice President;
    - viii. Other: Vice president's office for most appropriate contact.
2. Grievance process.
- a. A grievance is a formal procedure instituted when a complaint is not resolved through the informal complaint process. It involves taking the concern to a person other than the employee involved such as a supervisor, dean or vice president. For assistance in identifying the specific person, a student should contact the vice president's office. The following procedures shall be used when a student initiates the grievance process.
  - b. A discussion with the dean/vice president or supervisor who shall attempt to resolve the matter promptly and fairly. The student may be asked to express the grievance in writing. Written grievances should include an explanation of what has happened, the nature of the student's concern, what the student and/or others have done about it to date and what resolution the student seeks.
  - c. The supervisor will investigate and may:
    - i. Render an immediate decision;
    - ii. Ask the staff members for a written response;
    - iii. Request a meeting of one or both parties individually or together; and/or
    - iv. Request supporting materials prior to rendering a decision. In the case of a written grievance, the supervisor will provide a written decision within 15 instructional days of receipt of the written grievance. If an investigation requires more time, the deadline may be extended to a mutually agreed future date.
- (A) If the student feels a satisfactory resolution was not achieved in step two, they may appeal to the president of the college within five instructional days of receipt of the written decision. The president

may amend, modify, reverse or accept the recommendation of the vice president. The decision of the president shall be final.

(B) In general, a student wishing to express a complaint should do so no later than three weeks from the time the student became aware of the concern. In any event, with the exception of discrimination and harassment, informal complaints and formal grievances must be filed within one academic quarter of the inciting event. Timely initiation of a complaint rests with the student.

(C) The appropriate vice president may suspend this rule under exceptional circumstances such as extended illness or leave of a party to the complaint. When either party to the complaint is no longer present at the college and does not expect to return, the vice president will give the absent party reasonable opportunity to reply to the complaint before making a decision.

3. Grade appeal process.

- a. Before a student can file a formal or written grade appeal, they should try to resolve the issue directly with the instructor. Grade appeals should occur within one quarter of issuance of the grade. In any event, appeals will not be considered beyond one year of the grade report.
- b. If direct discussion with the faculty does not resolve the grade dispute to the student's satisfaction the student, within ten instructional days after meeting with the faculty, shall take the matter to the vice president. The student shall express the appeal in writing. The written appeal should include the course and instructor involved, an explanation of why the student believes the grade received is unfair or unwarranted, what steps the student has taken with the faculty member to resolve the issue, and what resolution the student seeks.
- c. The vice president will attempt to investigate the appeal and will:
  - i. Review the course syllabus;
  - ii. Meet with the course instructor; and
  - iii. May request and review other supporting documentation prior to rendering a decision. Within ten instructional days of receiving the written appeal, the vice president will provide a written decision. If an investigation requires more time, the deadline may be extended to a mutually agreed future date.
- d. If the student feels satisfactory resolution was not achieved in step three, they may, within five instructional days of receipt of the written decision, notify the vice president to request a hearing before the academic review committee. The vice president's designee will chair the committee.
  - i. If anyone on the academic review committee perceives a conflict of interest, they will recuse themselves from the committee for the duration of the appeal. Students are to be given an opportunity to



- talk with the committee chairperson regarding any concerns about committee membership.
  - ii. As soon as possible, the academic review committee (with a minimum attendance of six individuals) will meet with the student, instructor, the vice president and relevant parties to hear the points at issue in the appeal. The committee will provide its written decision to all parties within five instructional days following the hearing. The decision is final and may not be reviewed further.
4. Grievances excluded.
- a. The student grievance procedure described in this section is not intended to cover complaints of discrimination or sexual harassment. The college has separate specific procedures for such complaints. See the vice president for information on those specific procedures.
  - b. A student may not use the provisions of these sections as the basis for filing a grievance based on the outcome of summary or other disciplinary proceedings described in earlier sections of this student rights and responsibilities code or for resolution of specific categories of student complaints where other procedures are required.
  - c. Federal and state laws, rules and regulations, in addition to policies, regulations and procedures adopted by the state board for community college education or the board of trustees of Community College District No. 2 shall not be grievable matters.
5. Records. The appropriate supervisor shall keep all written statements or transcripts as follows:
- a. Complaints for one year from the initial complaint;
  - b. Grievances for six years from the initial complaint;
  - c. Grade appeals for five years following the last quarter attended by the student. At that time, the files shall be destroyed.

## Students as Research Subjects

### GHC Policy 310

It is the policy of Grays Harbor College to act in an ethically responsible manner when conducting research involving human subjects. The College adheres to the requirements and basic principles regarding human subject research provided in the [Belmont Report](#), written by the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research in 1979. These principles include: respect for persons, autonomy, beneficence, and justice.

**Basic Principles:** The basic principles adhered to by the College are drawn from the [Belmont Report](#), written by the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research in 1979.

- a. Respect for Persons: Individuals should be treated as autonomous agents. That is, individuals should be treated as capable of deliberation about personal goals

and of acting under the direction of such deliberation. To respect autonomy is to give weight to an individual person's considered opinions and choices while refraining from obstructing their actions unless they are clearly detrimental to others. To show lack of respect for an autonomous agent is to repudiate that person's considered judgments, to deny an individual the freedom to act on those considered judgments, or to withhold information necessary to make a considered judgment, when there are no compelling reasons to do so.

- b. Autonomy: The investigator has an obligation to each participant to treat them as a person fully capable of making an informed decision regarding his or her participation in the research. Each participant must be given a full disclosure of the nature of the study, including any risks or benefits. To ensure the autonomy of the participant, the College requires a signed informed consent form from each participant in the study unless the study meets the exception criteria outlined in the sections on "consent" (i.e., Specific Requirements, subsection (e) - "Consent") or "exemptions".
- c. Beneficence: The investigator has an obligation to each participant to attempt to maximize benefit for each participant and/or society, while minimizing the risk of harm to each participant.
- d. Justice: The investigator has an obligation to provide for equitable selection of participants, i.e., avoiding unfair coercion. The investigator is also obligated to provide for equitable distribution of benefits and burdens among the selected population. An injustice occurs when some benefit to which a person is entitled is denied without good reason or when some burden is imposed unduly. As an example, the burdens of serving as research subjects should not fall largely upon the poor, infirm, or upon particular racial or ethnic minorities, while the research benefits likewise should not fall largely and exclusively upon, for example, the rich and/or healthy populations.

The Human Subjects Review Committee shall be appointed by the president and chaired by the vice president for instruction. Its membership shall include at least one faculty member teaching in each of the disciplines of biology, nursing and psychology and at least two faculty members teaching in other fields. Instructors seeking approval for any human subject activity shall do so a reasonable time prior to the first term that the activity is planned for use.

## Disclosure of Student Information

### GHC Policy 403

Grays Harbor College recognizes the rights of students provided by the Family Educational Rights and Privacy Act of 1974. The college has developed guidelines and administrative procedures to ensure that the confidentiality of student educational records are consistent with the Family Educational Rights and Privacy Act of 1974, as amended, 20 U.S.C. 1232g.

The president of the College is responsible for establishing any other guidelines

regarding student records and documents consistent with this act.

## College Distribution of Literature Procedures

### GHC Policy 516.04

1. Bulletin Boards. Bulletin boards for posting materials in public areas of the College are labeled according to specific purposes. Postings on these boards may require prior approval and must comply with all guidelines indicated in these procedures.
  - a. College Information Boards (CIB) are for use by college groups (employees, students, and College groups) for publicizing programs, services, and events that may be of interest to the College. Off-campus events may be publicized on these boards if they are sponsored by the College, a college department, or a registered student organization.
    - i) Postings on College Information Boards must include the name and contact information of the author or sponsor.
    - ii) The size of postings must not exceed 11" x 17".
    - iii) Event publicity should be removed by the posting party within 48 hours following the event.
    - iv) College Information Boards will be cleared of all postings at the end of each quarter.
    - v) Posted materials should adhere to GHC branding, including an official GHC logo.
    - vi) College entities are not required to obtain prior approval to post on College Information Boards.
  - b. Community Access Boards (CAB) constitute a limited public forum for posting by the public. Noncollege entities may post materials on Community Access Boards in adherence to these procedures.
    - i) Community Access Board postings must be reviewed and date stamped by the Office of the Vice President.
    - ii) Postings on Community Access Boards must include the name and contact information of the author or sponsor. The size of postings must not exceed 11" x 17". Event publicity should be removed within 48-hours following the event.
    - iii) Community Access Boards will be cleared of all materials at the end of every quarter.
    - iv) A link to the procedures will be posted adjacent to each Community Access Board.
    - v) A Community Access Board is available on each campus (Aberdeen, Raymond, Ilwaco).
      - (1) Raymond and Ilwaco locations will identify and approve boards for this use. Page 2 of 2
2. Sandwich boards and easels are permitted only for use by students, employees, and College groups, so long as they do not obstruct pedestrian walkways, hallways, stairwells, elevators, and restrooms; do not pose a safety hazard; and do not

interfere with normal business operations. Safety and Security Department will approve the placement of sandwich boards on campus.

3. Temporary banners (indoor and outdoor) are permitted only for use by college employees and students, and College groups. These banners shall conform to the guidelines below:
  - a. Banners shall not block access to walkways, rails, and buildings, cover windows, or damage college property.
  - b. Banners shall be affixed using zip ties or other non-permanent fasteners.
  - c. Banners shall be removed within 48 hours of any event they promote.
4. Restrictions
  - a. Materials shall be posted only on bulletin boards or other designated posting facilities. Materials that do not conform to these procedures will be removed.
  - b. Department bulletin boards are restricted for use and maintained by the respective departments. Posting on these boards is subject to the appropriate department administrator or division dean's approval.
  - c. Classroom bulletin boards are restricted for use by faculty members and their respective departments.
  - d. Employee group bulletin boards, as stipulated by union contracts, are restricted for use by those groups.
  - e. ASGHC and Registered Student Organization Boards are restricted for use by those groups and maintained by ASGHC.
  - f. Health and Safety Bulletin Boards are restricted for use by the Campus Safety Committee, Associate Vice President of Human Resources, Campus Safety Officer, Director of Campus Operations/Facilities, and the President and Vice Presidents of the College, or their designees. The Human Resources Department shall answer questions regarding this item.
  - g. Distribution of literature by placing it on motor vehicles parked on Grays Harbor College property is prohibited.
  - h. Postings that are obscene or defamatory; contain false advertising or commercial speech unrelated to college functions; promote the imminent prospect of actual violence or harm; make terroristic threats or pose a material and substantial threat to the educational environment, are not permitted.
  - i. Use of the official GHC logos is restricted to employees, departments, ASGHC, and registered student organizations, in the promotion of college-related information. When the College logo is used in posted material, the appropriate non-discrimination statement must be included.
  - j. Use of Charlie Choker and the GHC Athletics logo is meant for casual use, especially athletics, bookstore products, and on-campus flyers.

## Prohibited Student Conduct

### [WAC 132B-125-120](#)

The college may impose disciplinary sanctions against a student or a college-sponsored student organization, athletic team, or living group, who commits, attempts to commit,

aids, abets, incites, encourages, or assists another person to commit, an act(s) of misconduct which include, but are not limited to, the following:

1. Abuse of others. Assault, physical abuse, verbal abuse, threat(s), intimidation, or other conduct that harms, threatens, or is reasonably perceived as threatening the health or safety of another person or another person's property unless otherwise protected by law.
2. Abuse in later life.
3. Neglect, abandonment, economic abuse, or willful harm of an adult aged 50 or older by an individual in an ongoing relationship of trust with the victim; or
4. Domestic violence, dating violence, sexual assault, or stalking of an adult aged 50 or older by any individual; and
5. Does not include self-neglect.
6. Academic dishonesty.
7. Any act of academic dishonesty including, but not limited to, cheating, plagiarism, and fabrication.
8. Cheating: Includes any attempt to give or obtain unauthorized assistance relating to the completion of an academic assignment.
9. 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.
10. 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, including submitting for credit without authorization academic work also submitted for credit in another course.
11. Academic consequences for academic dishonesty or abetting in academic dishonesty may be imposed at the discretion of a faculty member up to and including a failing grade for the course. Students should refer to each faculty member's course syllabus. Further academic consequences may follow consistent with the provisions in any program handbook. Incidents of academic dishonesty may also be referred to the student conduct officer for disciplinary action consistent with this chapter in addition to the academic consequences identified above.

This section shall not be construed as preventing an instructor from taking immediate disciplinary action as provided herein where the instructor is required to act upon such breach of academic dishonesty in order to preserve order and prevent disruptive conduct in the classroom.

#### Alcohol, drug, and tobacco violations

1. Alcohol. Use, possession, manufacture, or distribution of alcoholic beverages or paraphernalia (except as expressly permitted by college policies, and federal, state, and local laws), or public intoxication on college premises or at college-



sponsored events. Alcoholic beverages may not, in any circumstance, be used by, possessed by, or distributed to any person not of legal age.

2. Cannabis. The use, possession, growing, delivery, sale, or being visibly under the influence of cannabis or the psychoactive compounds found in cannabis and intended for human consumption, regardless of form, or the possession of cannabis paraphernalia on college premises or college-sponsored events. While state law permits the recreational use of cannabis, federal law prohibits such use on college premises or in connection with college activities.
3. Drugs. The use, possession, delivery, sale, or being observably 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.
4. 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 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.

### [Assault, intimidation, harassment](#)

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 purposes 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.

### [Classroom conduct](#)

1. Classroom conduct that seriously interferes with either the instructor's ability to conduct the class or the ability of other students to profit from the instructional program.
2. Faculty have the authority to take appropriate action to maintain proper conduct in the classroom and to maintain the effective cooperation of the class in fulfilling the objectives of the course.
3. A faculty member may order a student removed for the single class session in which disruptive conduct occurs. The instructor will report any such removal from the class to the student conduct officer, or their designee, immediately following the class. The student conduct officer services or designee may initiate further conduct proceedings as provided in this procedure.
4. The student is automatically permitted to return to the next class session pending

the outcome of any investigation or disciplinary hearings by the student conduct officer. If the student repeats behavior in any class session that again disrupts the normal classroom procedure, the student may be ordered removed again for that class session by the instructor who shall again report the infraction to the student conduct officer in writing. In all cases involving classroom disruption, the student conduct officer will proceed with the investigation and any disciplinary actions as quickly as possible consistent with the procedural requirements established in this code.

5. The student conduct officer or designee may set conditions for the student to meet upon return to the classroom or may enforce a continued removal from class pending an investigation. The student has the right to appeal any disciplinary action of an instructor or college employee to the student conduct officer in accordance with the procedures set forth in this code.

#### Cyber misconduct - Cyberstalking, cyberbullying or online harassment

1. Use of electronic communications including, but not limited to, electronic mail, instant messaging, texting, electronic bulletin boards, social media sites, and other communication apps, 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.
2. 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 or malware, sending false messages to third parties using another's identity, nonconsensual recording of sexual activity or sexually explicit or intimate images as defined in [RCW 9A.86.010](#), and nonconsensual distribution or disclosing of a recording of sexual activity or sexually explicit or intimate images as defined in [RCW 9A.86.010](#).

#### Disruption or obstruction

Disruption or obstruction of instruction, research, administration, disciplinary proceeding, or other college activity, including the obstruction of the free flow of pedestrian or vehicular movement on college premises or at a college activity, or any activity that is authorized to occur on college premises, whether or not actually conducted or sponsored by the college.

#### Discriminatory harassment

1. Unwelcome and offensive conduct, including verbal, nonverbal, or physical conduct, not otherwise protected by law, that is directed at a person because of such person's protected status and that is sufficiently severe, persistent, or pervasive so as to:
  - a. Limit the ability of a student to participate in or benefit from the college's educational and/or social programs and/or student housing;
  - b. Alter the terms of an employee's employment; or
  - c. Create an intimidating, hostile, or offensive environment for other campus community members.

2. Protected status includes a person's race; color; creed/religion; national origin; presence of any sensory, mental or physical disability; use of a trained service animal; sex, including pregnancy; marital status; age; genetic information; sexual orientation; gender identity or expression; veteran or military status; HIV/AIDS and hepatitis C status; or membership in any other group protected by federal, state, or local law.
3. Discriminatory harassment may be physical, verbal, or nonverbal conduct and may include written, social media, and electronic communications not otherwise protected by law.

#### 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.

#### Failure to comply with directive.

Failure to comply with the direction of college officer or employee acting in the legitimate performance of their duties, including failure to properly identify oneself to such a person when requested to do so.

#### Harassment or bullying

1. Conduct unrelated to a protected class that is unwelcome and sufficiently severe, persistent, or pervasive such that it could reasonably be expected to create an intimidating, hostile, or offensive environment, or has the purpose or effect of unreasonably interfering with a person's academic or work performance, or a person's ability to participate in or benefit from the college's programs, services, opportunities, or activities.
2. Harassing conduct may include, but is not limited to, physical, verbal, or nonverbal conduct, including written, social media, and electronic communications not otherwise protected by law.
3. For purposes of this code, "bullying" is defined as repeated or aggressive unwanted behavior not otherwise protected by law when a reasonable person would feel humiliated, harmed, or intimidated.
4. For purposes of this code, "intimidation" is an implied threat. Intimidation exists when a reasonable person would feel threatened or coerced even though an explicit threat or display of physical force has not been made. Intimidation is evaluated based on the intensity, frequency, context, and duration of the comments or actions.

#### Hazing

Hazing is any act committed as part of a person's recruitment, initiation, pledging, admission into, or affiliation with a college-sponsored 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, 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 other similar contests or competitions. Consent is not a valid defense against hazing.

Examples of hazing include, but are not limited to:

- 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;
- Humiliation by ritual act;
- Striking another person with an object or body part;
- Causing someone to experience excessive fatigue, or physical and/or psychological shock; or
- Causing someone to engage in degrading or humiliating games or activities that create a risk of serious psychological, emotional, and/or physical harm.

#### Indecent exposure

The intentional or knowing exposure of a person's genitals or other private body parts when done in a place or manner in which such exposure is likely to cause affront or alarm. Breastfeeding or expressing breast milk is not indecent exposure.

#### Misuse of electronic resources

1. Theft or misuse of computer time or other electronic information resources of the college. Such misuse includes, but is not limited to:
2. Unauthorized use of such resources or opening of a file, message or other item;
3. Unauthorized duplication, transfer, or distribution of a computer program, file, message or other item;
4. Unauthorized use or distribution of someone else's password or other identification;
5. Use of such time or resources to interfere with someone else's work;
6. Use of such time or resources to send, display, or print an obscene, abusive, threatening, or harassing message, text, or image;
7. Use of such time or resources to interfere with normal operation of the college's computing system or other electronic information resources;
8. Use of such time or resources in violation of applicable copyright or other law;
9. Adding to or otherwise altering the infrastructure of the college's electronic information resources without authorization;
10. Use of college electronic resources to intentionally disseminate viruses, destructive, malicious or invasive programs;
11. Failure to comply with the college's electronic use policy; or
12. Illegal peer-to-peer file sharing or distribution of copy-righted works using campus resources. In addition to code of conduct sanctions, students may be subject to criminal and civil penalties if they engage in such unauthorized activity.

#### Motor vehicle operation

1. Operation of any motor vehicle on college property in an unsafe manner or

contrary to posted signs or college procedures.

2. Obstructive or disruptive conduct. Conduct, not otherwise protected by law, that interferes with, impedes, or otherwise unreasonably hinders:
3. Instruction, research, administration, disciplinary proceeding, 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
4. Any activity that is authorized to occur on college property, whether or not actually conducted or sponsored by the college.
5. The person in charge of any college office, department, or facility is responsible for conduct in that office, department, or facility and is authorized to take such steps as are necessary when behavior of the student disrupts the normal operations. The person in charge may order a student removed for up to the full day in which such disruptive behavior occurs. When such behavior results in such removal from an office, department, or facility, the person in charge must report the infraction in writing to the student conduct officer at the earliest opportunity. The student is automatically permitted to return the next day pending the outcome of any investigation or disciplinary hearings by the student conduct officer. If the student repeats behavior at any time in the future that again disrupts the normal operations, the student may be ordered removed again for a single day by the person in charge who shall again report the infraction to the student conduct officer in writing. In all cases involving office, department, or facility disruption, the student conduct officer will proceed with the investigation and any disciplinary actions as quickly as possible consistent with the procedural requirements established in this code.
6. The student has the right to appeal any disciplinary action of a college employee to the student conduct officer in accordance with the procedures set forth in this code.

Other dishonesty. Any other acts of dishonesty  
Such acts include, but are not limited to:

1. Forgery, alteration, submission of falsified documents or misuse of any college document, record or instrument of identification;
2. Tampering with an election conducted by or for college students; or
3. Furnishing false information, or failing to furnish correct information, in response to the request or requirement of a college officer or employee.
4. Property violation. Damage to, misappropriation of, unauthorized use or possession of, vandalism, or other nonaccidental damaging or destruction of college property or the property of another person. Property for purposes of this subsection includes computer passwords, access codes, identification cards, personal financial account numbers, other confidential personal information, intellectual property, and college trademarks.
5. Retaliation. Harming, threatening, intimidating, coercing, or other adverse action taken against any individual for reporting, providing information, exercising one's rights or responsibilities, participating, or refusing to participate, in the process of responding to, investigating, or addressing



- allegations or violations of federal, state or local law, or college policies.
6. Safety violations. Nonaccidental, reckless, or unsafe conduct that interferes with or otherwise compromises any college policy, equipment, or procedure relating to the safety and security of the campus community, including tampering with fire safety equipment and triggering false alarms, or other emergency response systems.

### Sexual misconduct.

The term "sexual misconduct" includes sexual harassment, sexual intimidation, and sexual violence. Sexual harassment prohibited by Title IX is defined in [WAC 132B-125-405](#) Prohibited conduct under Title IX.

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:

1. Deny or limit the ability of a student to participate in or benefit from the college's educational program;
2. Alter the terms or conditions of employment for a college employee(s); and/or
3. Create an intimidating, hostile, or offensive environment for other campus community members.
4. Sexual intimidation. The term "sexual intimidation" incorporates the definition of "sexual harassment" and means threatening or emotionally distressing conduct based on sex including, but not limited to, nonconsensual recording of sexual activity or the distribution of such recording.)) (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:
5. Deny or limit the ability of a student to participate in or benefit from the college's educational program;
  - a. Alter the terms or conditions of employment for a college employee(s); and/or
  - b. Create an intimidating, hostile, or offensive environment for other campus community members.
6. 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.
7. Nonconsensual sexual intercourse. Any actual or attempted 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.

8. Nonconsensual sexual contact. Any actual or attempted sexual touching, however slight, with any body part or object, by a person upon another person that is without consent and/or by force. Sexual touching includes any bodily contact with the breasts, groin, mouth, or other bodily orifice of another individual, or any other bodily contact in a sexual manner.
9. Incest. Sexual intercourse or sexual contact with a person known to be related to them, either legitimately or illegitimately, as an ancestor, descendant, brother, or sister of either wholly or half related. Descendant includes stepchildren, and adopted children under the age of 18.
10. Statutory rape. Consensual intercourse between a person who is eighteen years of age or older, and a person who is under the age of 16.
11. Domestic violence. 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](#).
12. Dating violence, physical violence, bodily injury, assault, the infliction of fear of imminent physical harm, sexual assault, or stalking committed by a person:
  - a. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and Where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - b. The length of the relationship;
  - c. The type of relationship; and
  - d. The frequency of interaction between the persons involved in the relationship.
13. Stalking. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
  - a. Fear for their safety or the safety of others; or
  - b. Suffer substantial emotional distress.

For purposes of this code, "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 are 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.

#### Student procedure violations.

Abuse or misuse of any of the procedures relating to student complaints or misconduct including, but not limited to:

1. Failure to obey a subpoena;
2. Falsification or misrepresentation of information;
3. Disruption or interference with the orderly conduct of a proceeding;
4. Interfering with someone else's proper participation in a proceeding;
5. Destroying or altering potential evidence, or attempting to intimidate or otherwise improperly pressure a witness or potential witness;
6. Attempting to influence the impartiality of, or harassing or intimidating, a student conduct committee member or other disciplinary official; or
7. Failure to comply with any disciplinary sanction(s), action, term, or condition imposed under this chapter.
8. Unauthorized access. Unauthorized possession, duplication, or other use of a key, keycard, code or other restricted means of access to college property, unauthorized entry onto or into college property, or entering or remaining in any closed college facility or entering after closing time of the college facility without permission of a college official. In situations of apparent misconduct or apparent unauthorized presence in a college facility, it may be necessary for properly identified college personnel to ask a person to produce evidence of being a currently enrolled student at the college. Failure to comply with a legitimate request for identification from properly identified college personnel is a violation of this code and may result in a disciplinary action if the person is found to be a student. In emergency situations, cases of misconduct, or where there is a substantial danger to the college community or college property, failure to produce identification by a student may result in the assumption by college personnel that the person questioned is not a student and may result in direct civil or criminal action.
9. Unauthorized use. Unauthorized use of college equipment, facilities or supplies. Use of college equipment, facilities, supplies, or computer systems for personal gain without proper authority.
10. 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:
11. Commissioned law enforcement personnel or legally authorized military personnel while in performance of their duties;
12. A student with legally issued weapons permits may store their weapon in their vehicle parked on campus in accordance with [RCW 9.41.050](#) Carrying firearms, provided the vehicle is locked and the weapon is concealed from view; or
13. 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.

14. This policy does not apply to the possession and/or use of disabling chemical sprays when possessed and/or used for self-defense.
15. Violation of other laws or policies. Violation of any federal, state, or local law, rule, or regulation or other college rules or policies, including college traffic and parking rules.
16. Intentionally encouraging, compelling, attempting, aiding, abetting, conspiring, hiring or being an accessory to commit any of the foregoing acts of misconduct.
17. 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 reserves the right to pursue student disciplinary proceedings regardless of whether the underlying conduct is subject to civil or criminal prosecution.

### [Corrective action, disciplinary sanctions, terms and conditions.](#)

#### [WAC 132B-125-125](#)

One or more of the following corrective actions or disciplinary sanctions may be imposed upon a student or upon college-sponsored student organizations, athletic teams, or living groups found responsible for violating the student conduct code:

1. Warning. A verbal or written statement to a student that there is a violation and that continued violation may be cause for disciplinary action. Warnings are corrective actions, not disciplinary, and may not be appealed.
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 conditions and restrictions upon the student's continued attendance, depending upon the seriousness of the violation, and which may include a deferred disciplinary sanction. If the student subject to a deferred disciplinary sanction is found in violation of any college rule during the time of disciplinary probation, the deferred disciplinary sanction which may include, but is not limited to, a suspension or dismissal from the college, shall take effect immediately without further review. Any such sanction shall be in addition to any sanction or conditions arising from the new violation. Probation may be for a limited period of time, or may be for the duration of the student's attendance at the college.
4. Disciplinary suspension. Dismissal from the college and from student status for a stated period of time. There will be no refund of tuition or fees for the quarter in which the action is taken. Access may be denied to all or part of college facilities.
5. Discretionary sanctions. These may include, but are not limited to:
  - a. Work assignments;
  - b. Service to college or community;
  - c. Class/workshop attendance; or
  - d. Other discretionary assignments, such as educational interventions intended as

learning experiences.

6. Loss of recognition. A student organization's recognition may be withheld permanently or for a specific period of time. Loss of recognition is defined as withholding college services or administrative approval for a student organization. Loss of recognition may include, but is not limited to, withdrawal of use of information technology resources, funding, college facility use and rental, and involvement in organizational activities.
7. Loss of privileges. Loss of specific college privileges for a specified period of time. These may include, but are not limited to, student activities, athletic events, drama or music performances, or club participation.
8. 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.
9. No trespass. A student may be prohibited from entering upon or remaining upon college facilities and premises. Refer to [WAC 132B-125-205](#) Trespass.
10. Revocation of admission or degree. Admission to or a degree awarded from the college may be revoked for fraud, misrepresentation or for other serious violations committed by a student.
11. 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.
12. Disciplinary terms and conditions that may be imposed alone or in conjunction with the imposition of a disciplinary sanction include, but are not limited to, the following:
13. 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 proceeding. This may take the form of monetary reimbursement, appropriate service, or other compensation.
14. 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 conditioned upon compliance with 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 future evaluation recommends that the student is capable of reentering the college and complying with the rules of conduct.
15. Not in good standing. A student may be deemed "not in good standing" with the college. If so, the student shall be subject to the following restrictions:
  - a. Ineligible to hold an office in any student organization recognized by the college or to hold any elected or appointed office of the college.
  - b. Ineligible to represent the college to anyone outside the college community in any way, including representing the college at any official function, or any forms



of intercollegiate competition or representation.

16. Disqualification from athletics. Any student found by the college to have violated this is subject to additional sanctions, including disqualification from college-sponsored athletic events.

## Hazing

### GHC Policy 412

No student or recognized or registered student organization at Grays Harbor College may conspire to engage in hazing or participate in hazing of another. Grays Harbor College activities are committed to provide mutual respect and dignity, not harm or humiliation. The Revised Code of State of Washington ([RCW, Section 288.10.900](#)) may be known and cited as the Sam's Law Act. As used in [RCW 28B.10.901](#) and [RCW 28B.10.902](#), "hazing" includes any method of initiation into a recognized or registered student organization or living group, or any pastime or amusement engaged in with respect to such an organization or living group that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm, to any student or other person attending a public or private institution of higher education or other postsecondary education institution in this state.

Hazing includes any activity expected of someone joining a group (or maintaining full status in a group) that causes or is likely to cause a risk of mental, emotional and/or physical harm, regardless of the person's willingness to participate.

Hazing activities may include, but are not limited to, the following actions and situations:

- Acts of cause or are likely to cause bodily or physical harm, exposure to elements, kicking, paddling, pushing, shoving, striking, throwing items, and/or excessive consumption of food, alcohol, drugs, or other substances
- Acts that cause or likely to cause psychological or emotional harm
- Activities that a would be frightening, humiliating or intimidating such as blindfolding or having individuals wear scant clothing or to be nude
- Participation of sexual or lewd nature
- Activities that would harm academic performance and personal live
- Destruction of properties
- Acts that violate federal, state, or local laws
- Acts that violate Grays Harbor College policies

Hazing does not include practice, training, conditioning and eligibility requirements for customary athletic events such as intramural or club sports and NWAC athletics, or other similar contests or competitions, but gratuitous hazing activities occurring as part of such customary athletic event or contest are prohibited.

Washington state law ([RCW 28B.10.901](#)) also provides sanctions for hazing:

Any person who violates this rule, in addition to other sanctions that may be imposed, forfeits any entitlement to state-funded grants, scholarships, or awards for a period of

time determined by the College.

Any recognized or registered student organization that knowingly permits hazing by its members or others subject to its direction or control must be deprived of any official recognition or approval granted by the College.

The following behaviors are examples of violations of this policy:

- Knowingly or purposefully hazing an individual
- Involvement in the planning of hazing
- Implying that a person will be removed from a group or organization for not participating in the hazing activity
- Failure to intervene or prevent a hazing activity
- Failure to cooperate in an investigation

Designated Authority/Reporting Process:

- Employee or students who believe that they have been subject of hazing or witness hazing should report the incidents.
- Employees: Notify your supervisor as soon as possible and submit an Incident Report using the College's student conduct reporting form.
- Students: Notify a GHC staff or Campus Security.

Grays Harbor College will have a Hazing Prevention Committee. Per [WAC 123B-125-335](#), the committee shall consist of six members:

- Two full-time students appointed by Student Government
- Two faculty members appointed by the president
- One administrative staff member (other than an administrator serving as a student conduct or conduct review officer) appointed by the present at the beginning of the academic year. The administrative staff will serve as the chair of the committee and may take action on preliminary hearing matters prior to convening the committee.
- One parent

## Hazing Sanctions

### [WAC 132B-125-125](#)

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.

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.

Any student group that knowingly permits hazing to be conducted by its members or by

others subject to its direction or control shall be deprived of any official recognition or approval granted by the college.

Any student group 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.

## Loss of Eligibility—Student Athletic Participation

### WAC 132B-125-125

Disqualification from athletics. Any student found by the College to have violated this is subject to additional sanctions, including disqualification from college-sponsored athletic events.

## Disciplinary Process

### WAC 132B-125-315

All disciplinary actions will be initiated by the student conduct officer. If that person 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.

The student conduct officer shall initiate disciplinary action by notifying the respondent to attend a disciplinary meeting. At the meeting, the student will be presented with the allegations, the provisions of the conduct code the respondent is alleged to have violated; and the range of possible sanctions for the alleged violation. This information will be provided in writing, either at the meeting or within three business days of the meeting. The respondent shall be afforded an opportunity to explain what took place. If the respondent fails to attend the meeting, the student conduct officer may take disciplinary action based upon the available information.

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 shall serve the respondent with a written disciplinary decision letter setting forth the facts and conclusions supporting their decision, the specific student conduct code provisions found to have been violated, the discipline imposed, if any, and a notice of any appeal rights with an explanation of the consequences of failing to file a timely appeal. The student conduct officer may take any of the following disciplinary actions:

- Exonerate the respondent and terminate the proceedings;
- Impose a disciplinary sanction(s), as described in [WAC 132B-125-125](#);
- Refer the matter directly to the student conduct committee for such disciplinary

action as the committee deems appropriate.

Sexual harassment complaints or concerns may be directed to the Title IX coordinator or human resources office.

A student formally charged or under investigation for a violation of this code may not excuse himself or herself from disciplinary hearings by withdrawing from the college.

In cases involving allegations of sexual misconduct, the student conduct officer, on the same date that a disciplinary decision letter 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 disciplinary 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 that prompt notice of the protective disciplinary sanctions and/or conditions.)) (1) Any member of the college community may file a complaint against a student or student group for possible violations of the student conduct code.

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

Hazing by student groups. A student conduct officer, or designee, may review and investigate any complaint or allegation of hazing by a student group. A student group will be notified through its named officer(s) and address on file with the college. A student group may designate one representative who may speak on behalf of a student group during any investigation and/or disciplinary proceeding. A student group will have the rights of a respondent as set forth below.

Investigations will be completed in a timely manner and the results of the investigation shall be referred to the student conduct officer for disciplinary action.

If a student conduct officer determines that a complaint appears to state a violation of the student conduct code, the student conduct officer will consider whether the matter might be resolved through agreement with the respondent or through alternative dispute resolution proceedings involving the complainant and the reporting party.

Informal dispute resolution shall not be used to resolve sex-based harassment complaints without written permission from both the complainant and the respondent.

If the parties elect to mediate a dispute through informal dispute resolution, either party shall be free to discontinue mediation at any time.

If the student conduct officer has determined that a complaint has merit and if the matter is not resolved through agreement or informal dispute resolution, the student conduct officer may initiate disciplinary action against the respondent.

All disciplinary actions will be initiated by the student conduct officer. If that officer is the

subject of a complaint, the president shall, upon request and when feasible, designate another person to fulfill any such disciplinary responsibilities relative to the complaint.

The student conduct officer shall initiate disciplinary action by serving the respondent with written notice directing him or her 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.

Within 10 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 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 discipline imposed (if any), and a notice of any appeal rights with an explanation of the consequences of failing to file a timely appeal. This period may be extended at the sole discretion of the student conduct officer, if additional information is necessary to reach a determination. The student conduct officer will notify the parties of any extension period and the reason therefore.

The student conduct officer may take any of the following disciplinary actions:

Exonerate the respondent and terminate the proceedings.

Impose a disciplinary sanction(s), with or without conditions, as described in [WAC 132B-125-125](#); or

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.

## Appeal from Disciplinary Action

### [WAC 132B-125-320](#)

1. The respondent may appeal a disciplinary action by filing a written notice of appeal with the student conduct officer within 10 business days of service of the student conduct officer's decision. Failure to timely file a notice of appeal constitutes a waiver of the right to appeal and the student conduct officer's decision shall be deemed final.
2. The notice of appeal must include a brief statement explaining why the respondent is seeking review.
3. The parties to an appeal shall be the respondent, complainant if any, and the student conduct 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 disciplinary sanction by a preponderance of the evidence.
6. Imposition of disciplinary action for violation of the student conduct code shall be stayed pending appeal, unless respondent has been summarily suspended.
7. A conduct review officer shall conduct a brief adjudicative proceeding for appeals of:
  - a. Suspensions of 10 instructional days or less;
  - b. Disciplinary probation;
  - c. Written reprimands; and
  - d. Any conditions or terms imposed in conjunction with one of the foregoing disciplinary actions.
8. The student conduct committee shall hear appeals from:
  - a. Disciplinary suspensions in excess of 10 instructional days;
  - b. Dismissals;
  - c. Disciplinary cases referred to the committee by the student conduct officer, a conduct review officer, or the president.
  - d. Except as provided elsewhere in these rules, disciplinary warnings and dismissals of disciplinary actions are final and are not subject to appeal.

### [Brief Adjudicative Proceeding—Initial Hearing](#)

#### [WAC 132B-125-325](#)

The respondent may appeal a disciplinary action by filing a written notice of appeal with the student conduct officer within 10 business days of service of the student conduct officer's decision. Failure to timely file a notice of appeal constitutes a waiver of the right to appeal and the student conduct officer's decision shall be deemed final.

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

The parties to an appeal shall be the respondent, complainant if any, and the student conduct officer.

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.

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

Imposition of disciplinary action for violation of the student conduct code shall be stayed pending appeal, unless respondent has been summarily suspended.

A conduct review officer shall conduct a brief adjudicative proceeding for appeals of:



- Suspensions of 10 instructional days or less;
- Disciplinary probation;
- Written reprimands; and

Any conditions or terms imposed in conjunction with one of the foregoing disciplinary actions.

The student conduct committee shall hear appeals from:

- Disciplinary suspensions in excess of 10 instructional days;
- Dismissals;
- Except as provided elsewhere in these rules, disciplinary warnings and dismissals of disciplinary actions are final and are not subject to appeal.))
- Disciplinary cases referred to the committee by the student conduct officer, a conduct review officer, or the president.

## Brief Adjudicative Proceedings—Review of Initial Decision

### WAC 132B-125-330

An initial decision is subject to review by the president, provided a party files a written request for review with the student conduct officer within 10 business days of service of the initial decision.

The president shall not participate in any case in which they are a 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.

During the review, the president 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.

The decision on review must be in writing and must include a brief statement of the reasons for the decision and must be served on the parties within 10 business days. 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 does not make a disposition of the matter within 10 business days after the request is submitted.

If the president upon review determines that the respondent's conduct may warrant imposition of a disciplinary suspension or dismissal, the matter shall be referred to the student conduct committee for a disciplinary hearing.

In cases involving allegations of sexual misconduct, the president, on the same date as the final 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. The notice will also inform the complainant of their appeal

rights.

## Student Conduct Committee

### WAC 132B-125-335

With the exception of the Hazing Student Conduct Committee ([GHC Policy 412](#)), The student conduct committee shall consist of five members:

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

The faculty staff member or administrator appointed on a yearly basis 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 training on protecting victims and promoting accountability in cases involving allegations of sexual misconduct.

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.

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

## Student Conduct Committee—Process

### WAC 132B-125-340

Proceedings of the student conduct committee shall be governed by the Administrative Procedure Act, chapter [34.05](#) RCW.

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 also may continue the hearing to a later time for good cause shown. The notice must include:

- A copy of the student conduct code;
- The basis for jurisdiction;
- The alleged violation(s);
- A summary of facts underlying the allegations;

The range of possible sanctions that may be imposed; and (f) A statement that retaliation is prohibited.

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.

Upon request, filed at least five business days before the hearing by any party or at the direction of the committee chair, the parties shall exchange, no later than the third business day prior to the hearing, lists of potential witnesses and copies of potential exhibits that they reasonably expect to present to the committee. 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.

The committee chair may provide to the committee members in advance of the hearing copies of:

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

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.

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](#).

In cases heard by the committee, each party may be accompanied at the hearing by an advisor of their choice, which may be an attorney retained at the party's expense.

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

Attorneys for students must file a notice of appearance with the committee chair at least four business days before the hearing. Failure to do so may, at the discretion of the committee chair, result in a waiver of the attorney's ability to represent the student at the hearing, although an attorney may still serve as an advisor to the student.

## [Student Conduct Committee—Presentation of Evidence](#)

### [WAC 132B-125-345](#)

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](#) Procedure at hearing. 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](#) Agency record, 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](#) Adjudicative proceedings—Cameras—Recording devices.
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.
6. All testimony shall be given under oath or affirmation. Evidence shall be admitted or excluded in accordance with [RCW 34.05.452](#) Rules of evidence—Cross-examination.
7. In cases involving allegations of sexual misconduct, neither the complainant nor the respondent shall directly question or cross-examine one another. Attorneys or advisors for 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.

## Student Conduct Committee—Initial Decision

### [WAC 132B-125-350](#)

1. At the conclusion of the hearing, the committee chair shall permit the parties to make closing arguments in whatever form the committee wishes to receive them. The committee also may permit each party to propose findings, conclusions, and/or a proposed decision for its consideration.
2. Within 20 calendar days following 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](#) Entry of orders, and [WAC 10-08-210](#) Adjudicative proceedings—Initial or final order. The initial decision shall include findings on all material issues of fact and conclusions on all material issues of law, including which, if any, provisions of the student conduct code were violated. Any findings based substantially on the credibility of evidence or the demeanor of witnesses shall be so identified and explained.
3. The committee's decision 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 conduct code. If the matter is an appeal by a party, 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 its decision to be served on the parties and their attorney, if any. The notice will inform all parties of their appeal rights. The committee chair shall also promptly transmit a copy of the decision and the record of the committee's proceedings to the president.
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. 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.

## **Student Conduct Committee—Appeal of Initial Decision**

### **WAC 132B-125-355**

A party may appeal the committee's decision to the president by filing a notice of appeal with the president's office within 21 calendar 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.

The written 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.

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.

Appeals may be based upon, but are not limited to: (a) Procedural irregularity that would change the outcome;

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

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

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

If necessary to aid review, the president may ask for additional briefing from the parties on issues raised on appeal. The president's review shall be restricted to the hearing record made before the student conduct committee and will normally be limited to a review of those issues and arguments raised in the appeal. The president shall serve a written decision on all parties and their attorneys, if any, within 20 calendar days after receipt of the appeal. The president's decision shall be final and subject to judicial review pursuant to chapter [34.05 RCW](#), Part V.

The president shall not engage in an ex parte communication with any of the parties regarding an appeal.

## Summary Suspension

### [WAC 132B-125-200](#)

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. Summary suspension may include no contact orders.
2. The student conduct officer may impose a summary suspension if there is probable cause to believe that the respondent:
  - a. Has been alleged of violating 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 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. The written notification shall be entitled "Notice of Summary Suspension" and shall include:
  - a. The reasons 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 student conduct 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 with the student conduct officer or conduct review officer, or to attend a disciplinary hearing.

4. Summary suspension hearing.

- a. The student conduct officer shall conduct a hearing on the summary suspension as soon as practicable after imposition of the summary suspension. The hearing will be conducted as a brief adjudicative proceeding.
- b. During the summary suspension hearing, the issue before the student conduct 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.
- c. 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.
- d. 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.
- e. As soon as practicable following the hearing, the student conduct 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.
- f. To the extent permissible under applicable law, the student conduct officer shall provide a copy of the decision to all persons or offices that may be bound or protected by it.
- g. 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.

## Readmission After Dismissal

### [WAC 132B-125-360](#)

A student dismissed from the college may be readmitted only on written petition to the president. Petitions must indicate reasons that support reconsideration. The president may use whatever review procedures are at the president's disposal in consideration of readmission. The president shall convey a decision in writing to the student within thirty days after completion of the review process.

## Title IX – Sexual Misconduct - Order of Precedence

### WAC 132B-125-400

This supplemental procedure applies to allegations of sexual harassment subject to Title IX jurisdiction pursuant to regulations promulgated by the United States Department of Education. [See 34 C.F.R. Part 106](#). To the extent these supplemental hearing procedures conflict with Grays Harbor College's standard disciplinary procedures, chapter [132B-125 WAC](#), Student conduct code, these supplemental procedures shall take precedence. College may, at its discretion, contract with an administrative law judge or other person to act as presiding officer and assign such presiding officer to exercise any or all of the duties in lieu of the student conduct committee and committee chair.

## Sexual Misconduct proceedings

### WAC 132B-125-365

Both the respondent and the complainant in cases involving allegations of sexual misconduct shall be provided the same procedural rights to participate in student discipline matters, including the right to participate in the initial disciplinary decision-making process and to appeal any disciplinary decision.

## Prohibited Conduct Under Title IX

### WAC 132B-125-405

Pursuant to [RCW 28B.50.140](#) Boards of trustees—Powers and duties, and Title IX of the Education Amendments Act of 1972, 20 U.S.C. Sec. 1681, Grays Harbor College may impose disciplinary sanctions against a student who commits, attempts to commit, or aids, abets, incites, encourages, or assists another person to commit, an act(s) of "sexual harassment."

For purposes of this supplemental procedure, "sexual harassment" encompasses the following conduct:

1. Quid pro quo harassment. A Grays Harbor College employee conditioning the provision of an aid, benefit, or service of Grays Harbor College on an individual's participation in unwelcome sexual conduct.
2. Hostile environment. Unwelcome conduct that a reasonable person would find to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Grays Harbor College's educational programs or activities, or employment.
3. Sexual assault. Sexual assault includes the following conduct:
  - a. Nonconsensual sexual intercourse. Any actual or attempted 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.
  - b. Nonconsensual sexual contact. Any actual or attempted sexual touching, however slight, with any body part or object, by a person upon another person that is without consent and/or by force. Sexual touching includes any bodily contact with the breasts, groin, mouth, or other bodily orifice of another individual, or any other bodily contact in a sexual manner.
  - c. Incest. Sexual intercourse or sexual contact with a person known to be related to them, either legitimately or illegitimately, as an ancestor, descendant, brother, or sister of either wholly or half related. Descendant includes stepchildren and adopted children under the age of eighteen.
  - d. Statutory rape. Consensual sexual intercourse between someone who is eighteen years of age or older and someone who is under the age of sixteen.
4. Domestic violence. 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](#).
5. Dating violence. Physical violence, bodily injury, assault, the infliction of fear of imminent physical harm, sexual assault, or stalking committed by a person:
- a. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
  - b. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
    - i. The length of the relationship;
    - ii. The type of relationship; and
    - iii. The frequency of interaction between the persons involved in the relationship.
6. Stalking. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress.

## [Title IX Jurisdiction](#)

### [WAC 132B-125-410](#)

This supplemental procedure applies only if the alleged misconduct:

- a. Occurred in the United States;
- b. Occurred during a Grays Harbor College educational program or activity; and
- c. Meets the definition of sexual harassment as that term is defined in this

supplemental procedure.

2. For purposes of this supplemental procedure, an "educational program or activity" is defined as locations, events, or circumstances over which Grays Harbor College exercised substantial control over both the respondent and the context in which the alleged sexual harassment occurred. This definition includes any building owned or controlled by a student organization that is officially recognized by Grays Harbor College.
3. Proceedings under this supplemental procedure must be dismissed if the decision maker determines that one or all of the requirements of subsection (1)(a) through (c) of this section have not been met. Dismissal under this supplemental procedure does not prohibit Grays Harbor College from pursuing other disciplinary action based on allegations that the respondent violated other provisions of Grays Harbor College's student conduct code, [WAC 132B-125-120](#) Prohibited student conduct.
4. If the student conduct officer determines the facts in the investigation report are not sufficient to support Title IX jurisdiction and/or pursuit of a Title IX violation, the student conduct officer will issue a notice of dismissal in whole or in part to both parties explaining why some or all of the Title IX claims have been dismissed.

## Initiation of Discipline

### [WAC 132B-125-415](#)

1. Upon receiving the Title IX investigation report from the Title IX coordinator, the student conduct officer will independently review the report to determine whether there are sufficient grounds to pursue a disciplinary action against the respondent for engaging in prohibited conduct under Title IX.
2. If the student conduct officer determines that there are sufficient grounds to proceed under these supplemental procedures, the student conduct officer will initiate a Title IX disciplinary proceeding by filing a written disciplinary notice with the chair of the Title IX conduct committee and serving the notice on the respondent and the complainant, and their respective advisors. The notice must:
  - a. Set forth the basis for Title IX jurisdiction;
  - b. Identify the alleged Title IX violation(s);
  - c. Set forth the facts underlying the allegation(s);
  - d. Identify the range of possible sanctions that may be imposed if the respondent is found responsible for the alleged violation(s); and
  - e. Explain that the parties are entitled to be accompanied by their chosen advisors during the hearing and that:
    - i. The advisors will be responsible for questioning all witnesses on the party's behalf;
    - ii. An advisor may be an attorney; and
    - iii. Grays Harbor College will appoint the party an advisor of the college's choosing at no cost to the party, if the party fails to do so.

3. Explain that if a party fails to appear at the hearing, a decision of responsibility may be made in their absence.

## Prehearing Procedure

### WAC 132B-125-420

1. Upon receiving the disciplinary notice, the chair of the Title IX conduct committee will send a hearing notice to all parties, in compliance with [WAC 132B-125-340](#) Student conduct committee process. In no event will the hearing date be set less than ten days after the Title IX coordinator provided the final investigation report to the parties.
2. A party may choose to have an attorney serve as their advisor at the party's own expense. This right will be waived unless, at least five days before the hearing, the attorney files a notice of appearance with the committee chair with copies to all parties and the student conduct officer.
3. In preparation for the hearing, the parties will have equal access to all evidence gathered by the investigator during the investigation, regardless of whether the college intends to offer the evidence at the hearing

## Rights of Parties

### WAC 132B-125-425

1. Grays Harbor College's student conduct procedures, chapter [132B-125 WAC](#), Student conduct code and this supplemental procedure shall apply equally to all parties.
2. Grays Harbor College bears the burden of offering and presenting sufficient testimony and evidence to establish that the respondent is responsible for a Title IX violation by a preponderance of the evidence.
3. The respondent will be presumed not responsible until such time as the disciplinary process has been finally resolved.
4. During the hearing, each party shall be represented by an advisor. The parties are entitled to an advisor of their own choosing and the advisor may be an attorney. If a party does not choose an advisor, then the Title IX coordinator will appoint an advisor of the college's choosing on the party's behalf at no expense to the party.

## Evidence

### WAC 132B-125-430

The introduction and consideration of evidence during the hearing is subject to the following procedures and restrictions:

1. Relevance: The committee chair shall review all questions for relevance and shall explain on the record their reasons for excluding any question based on lack of relevance.
2. Relevance means that information elicited by the question makes facts in dispute

more or less likely to be true.

3. Questions or evidence about a complainant's sexual predisposition or prior sexual behavior are not relevant and must be excluded, unless such question or evidence:
  - a. Is asked or offered to prove someone other than the respondent committed the alleged misconduct; or
  - b. Concerns specific incidents of prior sexual behavior between the complainant and the respondent, which are asked or offered on the issue of consent.
4. No negative inference: The committee may not make an inference regarding responsibility solely on a witness's or party's absence from the hearing or refusal to answer questions. Privileged evidence: The committee shall not consider legally privileged information unless the holder has effectively waived the privilege. Privileged information includes, but is not limited to, information protected by the following:
  - a. Spousal/domestic partner privilege;
  - b. Attorney-client and attorney work product privileges;
  - c. Privileges applicable to members of the clergy and priests;
  - d. Privileges applicable to medical providers, mental health therapists, and counselors;
  - e. Privileges applicable to sexual assault and domestic violence advocates; and
  - f. Other legal privileges identified in [RCW 5.60.060](#) Who is disqualified—Privileged communications.

## Initial Order

### [WAC 132B-125-435](#)

1. In addition to complying with [WAC 132B-125-340](#) Student conduct committee procedures, the Title IX conduct committee:
  - a. Identifies the allegations of sexual harassment;
  - b. Describes the grievance and disciplinary procedures, starting with filing of the formal complaint through the determination of responsibility, including notices to parties, interviews with witnesses and parties, site visits, methods used to gather evidence, and hearings held;
  - c. Makes findings of fact supporting the determination of responsibility;
  - d. Reaches conclusions as to whether the facts establish whether the respondent is responsible for engaging in sexual harassment in violation of Title IX;
  - e. Contains a statement of, and rationale for, the committee's determination of responsibility for each allegation;
  - f. Describes any disciplinary sanction or conditions imposed against the respondent, if any;
  - g. Describes to what extent, if any, complainant is entitled to remedies



- designed to restore or preserve complainant's equal access to Grays Harbor College's educational programs or activities; and
- h. Describes the process for appealing the initial order to the Grays Harbor College president.
2. The committee chair will serve the initial order on the parties simultaneously.

## Title IX Appeals

### WAC 132B-125-440

1. All parties, including the student conduct officer in their capacity as a representative of the college, have the right to appeal from the determination of responsibility and/or from a dismissal, in whole or part, of a formal complaint during the investigative or hearing process. Appeals must be in writing and filed with the president's office within 21 days of service of the initial order or notice of dismissal. Appeals must identify the specific findings of fact and/or conclusions of law in the initial order or dismissal that the appealing party is challenging and must contain argument as to why the appeal should be granted. Failure to file a timely appeal constitutes a waiver of the right to appeal and the initial order or dismissal shall be deemed final.
2. Upon receiving a timely appeal, the president's office will serve a copy of the appeal on all parties, who will have 10 days from the date of service to submit written responses to the president's office addressing issues raised in the appeal. Failure to file a timely response constitutes a waiver of the right to participate in the appeal. Upon receipt of written responses, the president's office shall serve copies of the responses to the other parties.
3. Parties receiving a copy of the responses shall have five days in which to submit a written reply addressing issues raised in the responses to the president's office.
4. The president or their delegate, based on their review of parties' submissions and the hearing or investigative record, will determine whether the grounds for appeal have merit, provide the rationale for this conclusion, and state whether a dismissal is affirmed or denied, or if the disciplinary sanctions and conditions imposed in the initial order are affirmed, vacated, or amended, and, if amended, set forth the new disciplinary sanctions and conditions.
5. The president's office shall serve the final decision on the parties simultaneously.
6. All administrative decisions reached through this process are and may be judicially appealed pursuant to applicable provisions of chapter [34.05](#) RCW including, but not limited to, the timelines set forth in [RCW 34.05.542](#). No decisions or recommendations arising from this disciplinary procedure will be subject to grievance pursuant to any collective bargaining agreement.



# GRAYS HARBOR COLLEGE

Grays Harbor College does not discriminate on the basis of race, color, national origin, sex, disability, sexual orientation, creed, religion, marital status, veteran status, genetics, or age in its programs, activities, and employment. The following person has been designated to handle inquiries regarding the non-discrimination policies:

Title II/Section 504 Coordinator

Erin Tofte, Associate Vice President of Human Resources Grays Harbor College  
1620 Edward P. Smith Drive Aberdeen, WA 98520  
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[erin.tofte@ghc.edu](mailto:erin.tofte@ghc.edu)

Title IX Coordinator

Ashley Bowie Gallegos, Dean of Student Services & Enrollment Management Grays Harbor College  
1620 Edward P. Smith Drive Aberdeen, WA 98520  
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