

Appendix

Campus Security Report

Security Information and Crime Statistics

This material is excerpted from the annual report written to comply with Section 28B.10.569 of the Revised Code of Washington and with the Federal Student Assistance General Provisions; Campus Safety (Student Right to Know and Campus Security Act, 34CFR Part 668). For current statistical information, contact the Security/Safety Department.

Campus Security Program

The Clark College Security/Safety Department is staffed by a Security/Safety Manager, who is a full-time staff member; three full-time Campus Security Officers; one full-time Dispatcher; seven part-time Campus Security Officers; and three part-time Dispatchers. The department also includes the campus switchboard operator and student workers who assist in staffing the Security/Information Desk.

The principal responsibilities and objectives of the college Security/Safety Department staff include insuring public and employee safety; preventing crime; providing information; enforcing parking and traffic regulations; lending assistance, and maximizing efforts to preserve a safe environment for the college community.

Campus Security Officers have citizens' arrest powers only. All significant crimes committed on campus are immediately referred to the Vancouver Police Department. The Clark College Security/Safety Department maintains a positive working relationship with the Washington State Patrol, the Clark County Sheriff's Office, and the Vancouver Police Department for information sharing, report transferring and staff training. During special events on campus, the college utilizes off-duty law enforcement officers to provide additional security.

Incident Reporting

The Security/Safety Department provides a Dispatcher from 7 a.m. to 10 p.m., Monday through Thursday, from 7 a.m. to 7 p.m. on Friday, from 8 a.m. to 4 p.m. on Saturday, and 2 p.m. to 6 p.m. on Sunday to respond to questions and concerns of visitors, students, or faculty/staff members, and to dispatch appropriate Security responses, as necessary. Hours are reduced during breaks.

Posted in each college building are lists of essential telephone numbers to call in case of specific emergencies. If a crime is in progress, the Vancouver Police Department can be immediately summoned by calling Emergency 911. When campus buildings are closed, the outdoor public phones can be used to call Emergency 911 directly. From college phones, Security is 2133. From off-campus, the number is 992-2133. From campus pay phones, callers can hit the campus security button.

Each time a security situation is reported to the Security/Safety Department, a written record is generated; copies of case reports are provided to appropriate campus departments and law enforcement agencies.

Each week the Security/Safety Manager makes available to the college newspaper a summary of the incidents which occurred during the previous week. The college complies with Section 28B.10.569 of the Revised Code of Washington and the Crime Awareness and Campus Security Act of the Federal Government; information and procedures are provided at the Security/Information Desk. Notices dealing with special concerns are periodically printed in the college newspaper and the campus staff newsletter, and posted at the Security office and on campus bulletin boards. Bulletins are distributed campus-wide and through e-mail when emergency situations require immediate notification.

Physical Security

All buildings are closed to students and the public before and after regular college hours, 6:30 a.m. to 10:30 p.m., Monday through Thursday, and 6:30 a.m. to 6 p.m. on Friday, Saturday and Sunday except for those times and for those purposes otherwise approved by administration. Individuals violating the facility use rules adopted by the Board of Trustees of Clark College may be subject to disciplinary proceedings or criminal prosecution.

The Security/Safety Manager or designee remains in close contact with the Director of Plant Services on maintenance requests with regard to security/safety issues for grounds, parking lots, and campus buildings. Lighting problems are specifically noted.

Employees and students who are concerned about safety and security issues can participate through the college's Environmental Health and Safety Committee or the college's Security/Parking Advisory Committee.

Crime Prevention Education

The Security/Safety Manager participates in Student Orientations each quarter to present to incoming students information on personal safety, crime prevention, reporting, and campus regulations. The Security/Safety Manager and/or designee meets with particular campus departments and personnel to assist with planning related to crime prevention, safety, and security. The Security/Safety Manager is available upon request to discuss similar issues with interested campus groups or student organizations.

Drug and Alcohol Abuse Policy

The college maintains a drug-free environment and campus in accordance with the Federal and State policies. Prohibited acts include, but are not limited to:

1. Furnishing, purchasing, sale, possession, or consumption of alcoholic beverages (as defined by Federal or State law) on college-owned or controlled property, or at a college or student organization supervised function. When these acts occur with the prior permission of the Board of Trustees or its authorized designee and under a permit issued by the State of Washington Liquor Control Board or its designee, they shall not constitute a violation of this provision. Being demonstrably under the influence of alcoholic beverages is a violation in any case.
2. Possession, consumption, or furnishing of any narcotic or dangerous drug, or being demonstrably under the influence of drugs as defined in Chapter 69.41 RCW as now law or hereinafter amended, except when use or possession is prescribed by an authorized individual under that statute.

Sexual Assault Policy and Procedures

Victims of a sex offense at Clark College should contact Vancouver Police Department by calling Emergency 911 (from a campus phone, dial 91-911, from a pay phone dial 911) immediately and then contact the Clark College Security/Safety Department at 992-2133 (on-campus 2133). An Officer will respond to the location to be with the victim to provide assistance until the police arrive.

Victims of a criminal sexual assault on the college campus should not attempt to clean themselves or tamper with any evidence until the proper law enforcement agency can be contacted. Victims should not take showers, use a tampon, or change clothing until the appropriate law enforcement agency is contacted and an incident report and medical examination are completed. The clothing and examination by a qualified physician are important evidence that should be preserved to prove that a sexual assault has occurred and to help with the successful prosecution of the offender.

Victims have the option of contacting the Vancouver Police Department or the college Security/Safety Department. If the Security/Safety Department is contacted first, they will assist in notifying the proper authorities.

Sex offense educational materials are available in Health Services and Student Support Services. After an alleged sex offense, academic situations will be changed upon request, if reasonable alternatives are available. Disciplinary procedures and sanctions for sex offenses are prescribed in the Student Code of Conduct or employee contracts/personnel rules, as applicable.

The college's Health Services (campus extension 2264 and pager 735-6137), and Student Support Services (campus extension 2366) are located in Gaiser Hall. Counseling services and/or referrals are available in these offices.

Code of Student Conduct

Chapter 132N 120 WAC
(Formerly chapter 132N 20)
Last Update: 8/8/97

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WAC 132N—120 010 Code of student conduct.

This chapter shall be known as the code of student conduct of Clark College. Admission to the college carries with it the presumption that students have specified rights as members of the college community. In addition, when they enroll, students assume the obligation to observe standards of conduct that are appropriate to the pursuit of educational goals.

[Statutory Authority: Chapters [28B.50](#) and [28B.10](#) RCW. 97-17-013, § 132N—120 010, filed 8/8/97, effective 9/8/97.]

WAC 132N—120 020 Authority.

The board of trustees, acting pursuant to RCW 28B.50.140(14), has delegated to the president of the college the authority to administer disciplinary action. Pursuant to this authority, the president or designee(s) shall be responsible for the administration of the disciplinary procedures provided for herein.

Only where the institution's interests as an academic community are distinctly and clearly involved shall the special authority of the institution be asserted. Institutional action shall be based on the facts and circumstances of each case, and shall be independent of community pressure.

[Statutory Authority: Chapters [28B.50](#) and [28B.10](#) RCW. 97-17-013, § 132N—120 020, filed 8/8/97, effective 9/8/97.]

WAC 132N—120 030 Definitions.

As used in this chapter, the following words and phrases shall be defined as follows:

1. "Academic dishonesty" means plagiarism, cheating on classwork, fraudulent representation of student work product, or other similar act of academic dishonesty.
2. "Alcoholic beverages" means liquor as defined at RCW [66.04.010\(15\)](#) as now or hereafter amended.
3. "Assembly" means any overt 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.
4. "ASCC" means the associated students of Clark College as defined in the constitution of that body.
5. "Board" means the board of trustees of Community College District No. 14, state of Washington.
6. "President" means the president of Clark College and Community College District No. 14, state of Washington.
7. "College" means Clark College and any other community college centers or facilities established within Washington State Community College District No. 14.
8. "Designee" means a person appointed by an officer or another person designated in a rule to perform a function, to perform that function on the appointer's behalf.
9. "College facilities" and "college facility" means and includes any and all real and personal property and real property owned, rented, leased or operated by the board of trustees of Washington State Community College District No. 14, and shall include all buildings and appurtenances attached thereto and all parking lots and other grounds.
10. "Disciplinary action" and "discipline" means and includes a warning, reprimand, probation, suspension, dismissal/expulsion, monetary fine, restitution, and any other action taken against a student as a sanction or penalty for violation of a designated rule of student conduct.
11. "Controlled substance" means and includes any drug or substance as defined in chapter 69.50 RCW as now law or hereafter amended.
12. "Faculty member" and "instructor" means any employee of Community College District No. 14 who is employed on a full-time or part-time basis as a teacher, instructor, counselor or librarian.
13. "Rules of student conduct" means those rules contained within this chapter as now exist or which may be hereafter amended, the violation of which subjects a student to disciplinary action.

Code of Student Conduct

14. "Student," unless otherwise qualified, means and includes any person who is registered for classes or is formally in the process of applying for admission to the college.
15. "Committee on student conduct" means the judicial body provided in this chapter.
16. "Trespass" means the definition of trespass as contained within chapter 9A.52 RCW, as now law or hereafter amended.
17. "Hazing" means any method of initiation into a student organization or any pastime or amusement engaged in with respect to such an organization that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm, to any student or other person attending Clark College.
18. "Service," "serve," "filing" and "file" shall have the meanings in WAC 10-08-110.

[Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 97-17-013, § 132N—120 030, filed 8/8/97, effective 9/8/97.]

WAC 132N—120 040 Jurisdiction.

1. All rules herein adopted shall apply to every student whenever said student is present upon or in any college facility and whenever said student is present at or engaged in any college-sponsored activity.
2. Faculty members, college employees, students, and members of the public who breach or aid or abet another in the breach of any provision of this chapter shall be subject to:
 - a. Possible prosecution under the state criminal law;
 - b. Any other civil or criminal remedies available to the public; or
 - c. Appropriate disciplinary action pursuant to the state of Washington higher education personnel board rules or the district's policies and regulations.
3. This chapter is not exclusive, and where conduct becomes known which may also violate any other rule or provision of law, nothing herein shall limit the right or duty of any person to report elsewhere or seek another remedy for that conduct.
4. Statutory authority of the Revised Code of Washington for this chapter is on file and available in the office of the vice president of administrative services.

[Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 97-17-013, § 132N—120 040, filed 8/8/97, effective 9/8/97.]

WAC 132N—120 050 Student rights.

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

1. Academic freedom.
 - a. Students are guaranteed the rights of free inquiry, expression, and assembly upon and within college facilities that are generally open and available to the public.
 - b. Students are free to pursue appropriate educational objectives from among the college's curricula, programs, and services, subject to the limitations of RCW 28B.50.090 (3)(b).
 - c. Students shall be protected from academic evaluation which is arbitrary, prejudiced, or capricious, but are responsible for meeting the standards of academic performance established by each of their instructors.
 - d. Students have the right to a learning environment which is free from unlawful discrimination, inappropriate and disrespectful conduct, and any and all harassment, including sexual harassment.
2. Due process.
 - a. The rights of students to be secure in their persons, quarters, papers, and effects against unreasonable searches and seizures is guaranteed.
 - b. No disciplinary sanction may be imposed on any student without notice to the accused of the nature of the charges.
 - c. A student accused of violating this code of student conduct is entitled, upon request, to procedural due process as set forth in this chapter.

[Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 97-17-013, § 132N—120 050, filed 8/8/97, effective 9/8/97.]

WAC 132N—120 060 Student responsibilities.

Any student shall be subject to disciplinary action as provided for in this chapter who, either as a principle actor, aider, abettor, or accomplice as defined in RCW 9A.08.020 interferes with the personal rights or privileges of others or the educational process of the college; violates any provision of this chapter, or commits any of the following personal, property, or status offenses which are hereby prohibited:

1. Personal offenses.
 - a. *Assault, reckless endangerment, malicious harassment, intimidation, or interference* upon another person in the manner set forth in chapter 9A.36 RCW, and RCW 28B.10.570 through 28B.50.572, as now or hereafter amended.
 - b. *Disorderly, abusive, or bothersome conduct.* Disorderly or abusive behavior which interferes with the rights of others or which obstructs or disrupts teaching, research, or administrative functions.
 - c. *Failure to follow instructions.* Inattentiveness, inability, or failure of student to follow instructions of a duly authorized college employee or to abide by college rules, procedures and notices, thereby infringing upon the rights and privileges of other persons.

- d. *Illegal assembly, obstruction, or disruption.* Any assembly or other act which materially and substantially interferes with vehicular or pedestrian traffic, classes, hearings, meetings, and the educational and administrative functions of the college, or the private rights and privileges of others.
 - e. *False complaint.* Filing a formal complaint falsely accusing another student or college employee with violating a provision of this chapter.
 - f. *False alarms.* Falsely setting off or otherwise tampering with any emergency safety equipment, alarm, or other device established for the safety of individuals and/or college facilities.
 - g. *Sexual harassment.* Engaging in unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where such behavior offends the recipient, causes discomfort or humiliation, or interferes with job or school performance.
 - h. *Hazing.* Engaging in or conspiring to engage in hazing and conduct which amounts to hazing including conduct which causes embarrassment, sleep deprivation, or personal humiliation, ridicule or unprotected speech amounting to verbal abuse.
 - i. *Sexual offenses.* Physical abuse, threats, intimidation, coercion and/or other conduct which is intended unlawfully to threaten imminent bodily harm or to endanger the health or safety of any person.
2. Property offenses.
- a. *Theft and robbery.* While in any college facility or participating in a college-related program, committing theft as defined in RCW [9A.56.020](#) or robbery as defined in RCW [9A.56.190](#) or possessing stolen property as defined in RCW [9A.56.140](#).
 - b. *Malicious mischief.* Malicious damage to college property, or the property of any person where such property is located on the college campus and malicious mischief in violation of RCW [9A.48.070](#) through [9A.48.090](#).
 - c. *Unauthorized use of college equipment and supplies.* Conversion of college equipment or supplies for personal gain or use without proper authority or permission.
 - d. *Other offenses.* Any student who, while in any college facility or participating in a college-related program, commits any other act which is punishable as a misdemeanor or a felony under the laws of the state of Washington and/or the United States and which act is not a violation of any other provision of the rules of student conduct, shall be subject to disciplinary action.
3. Status offenses.
- a. *Cheating and plagiarism.* Submitting to a faculty member any work product that the student fraudulently represents to the faculty member as the student's work product for the purpose of fulfilling or partially fulfilling any assignment or task required by the faculty member as part of the student's program of instruction.
 - b. *Forgery or alteration of records.* Forging or tendering any forged records or instruments, as defined in RCW [9A.60.010](#) through [9A.60.020](#) as now law or hereafter amended, of any college record or instrument to an employee or agent of the college acting in their official capacity as such.
 - c. *Refusal to provide identification.* Refusal to provide identification in appropriate circumstances. Refusal to provide positive identification (e.g., valid driver's license or state identification card) in appropriate circumstances to any college employee in the lawful discharge of said employee's duties.
 - d. *Illegal entry.* Entering any administrative or other employee office or any locked or otherwise closed college facility in any manner, at any time, without permission of the college employee or agent in charge thereof.
 - e. *Smoking.* Smoking as described in Clark College administrative procedure 510.030.
 - f. *Controlled substances.* Using, possessing, being demonstrably under the influence of, or selling any narcotic or controlled substance as defined in chapter [69.50](#) RCW as now law or hereafter amended, except when the use or possession of a drug is specifically prescribed as medication by an authorized medical doctor or dentist. For the purpose of this regulation, "sale" shall include the statutory meaning defined in RCW [69.50.410](#) as now law or hereafter amended.
 - g. *Alcoholic beverages.* Being demonstrably under the influence of any form of alcoholic beverage. Possessing or consuming any form of alcoholic beverage on college property, with the exception of sanctioned events, approved by the president or designee(s) and in compliance with other state law or college policy.
 - h. *Weapons, explosives, and dangerous chemicals.* Illegal or unauthorized use or possession of any device or substance which can be used to inflict bodily harm or to damage real or personal property. Exceptions to this policy are permitted when the weapon is used in conjunction with a college instructional program or is carried by duly constituted federal, state, county, or city law enforcement officers.
 - i. *Computers.* Infractions of Clark College administrative procedures 535.035, *Use of College Computing Resources*.

[Statutory Authority: Chapters [28B.50](#) and [28B.10](#) RCW. 97-17-013, § 132N—120 060, filed 8/8/97, effective 9/8/97.]

WAC 132N—120 065

Denial of access to Clark College.

The vice president of student services or designee or president/designee shall have the authority and power to prohibit the entry or withdraw the license or privilege of any person or group of persons to enter into or remain in any college property or facility. Such power and authority may be exercised to halt any event which is deemed to be unreasonably disruptive of order or impedes the movement of persons or vehicles or which disrupts or threatens to disrupt the ingress and/or egress of persons from facilities owned and/or operated by the college. Any individual who disobeys a lawful order given by the vice president of student services or designee or president/designee shall be subject to disciplinary action and/or charges of criminal trespass.

[Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 97-17-013, § 132N—120 065, filed 8/8/97, effective 9/8/97.]

WAC 132N—120 070

Disciplinary action.

Any college administrator, except the president or a member of the committee on student conduct, may take any of the following disciplinary actions against a student:

1. *Disciplinary warning.* Notice to a student, either verbally or in writing, by the vice president of student services or designee(s) that the student has failed to satisfy the college's expectations regarding conduct. Such warnings will include a statement that continuation or repetition of the specific conduct involved or other misconduct will result in one of the more serious disciplinary actions described below.
2. *Disciplinary reprimand.* Formal action censuring a student for violating the student code of conduct. Reprimands shall be made in writing to the student by the vice president of student services or designee(s), with copies placed on file in the office of the vice president of student services. A reprimand shall indicate to the student that continuing or repeating the specific conduct involved or other misconduct will result in one of the more serious disciplinary actions described below.
3. *Disciplinary probation.* Formal action by the vice president of student services or designee(s), placing conditions upon the student's continued attendance. Notice shall be made in writing and shall specify the period of probation and the conditions, such as limiting the student's participation in extracurricular activities. Disciplinary probation may be for a specific term or for an indefinite period that may extend to graduation or other termination of the student's enrollment in the college. Repetition, during the probationary period, of the conduct which resulted in disciplinary probation or a new violation may be cause for suspension or other disciplinary action.
4. *Disciplinary suspension.* Temporary dismissal from the college and termination of the person's student status. Notice shall be given in writing and specify the duration of the dismissal and any special conditions that must be met before readmission. Refund of fees for the quarter in which disciplinary action is taken shall be in accordance with the college's refund policy.
5. *Disciplinary dismissal/expulsion.* Permanent termination of a student's status. Notice must be given in writing. There shall be no refund of fees for the quarter in which the action is taken but fees paid in advance for a subsequent quarter will be refunded.
6. *Disciplinary restitution.* Requirement of a student to make restitution for damage or loss to college or other property. Failure to make restitution within the time limits established by the vice president of student services or designee will result in suspension for an indefinite period of time as set forth in subsection (4) of this section. A student may be reinstated upon payment of fee or completion of designated public service activity.
7. *Disciplinary penalties for hazing.*
 - a. Any organization, association or student group that knowingly permits hazing shall: (i) Be liable for harm caused to persons or property resulting from hazing; and (ii) Be denied recognition by Clark College as an official organization, association or student group on this campus. If the organization, association or student group is a corporation, whether for profit or non-profit, the individual directors of the corporation may be held individually liable for damages.
 - b. A person who participates in hazing of another shall forfeit any entitlement to state-funded grants, scholarships, or awards for not less than one academic quarter and up to and including permanent forfeiture, based upon the seriousness of the violation(s). Other sections of the student code of conduct also may be applicable to hazing violations. Hazing violations are also misdemeanors punishable under state criminal law according to RCW 9A.20.021.

[Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 97-17-013, § 132N—120 070, filed 8/8/97, effective 9/8/97.]

WAC 132N—120 080

Initial disciplinary proceedings.

1. Allegations of misconduct that constitute a violation of this chapter shall be filed in the office of the vice president of student services in writing. The allegation shall state specifically the alleged violation and summarize the supporting evidence. The vice president of student services or designee will be responsible for gathering information and documentation in the investigation of the allegations. Disciplinary proceedings will be initiated by the vice president of student services or designated representative. The student may be placed on suspension pending commencement of disciplinary action, pursuant to the conditions set forth in WAC 132N 120 150(1).

2. Any student accused of violating any provision of the rules of conduct will meet with the vice president of student services or designee within twenty-four hours of notification, excluding nonclass days. Failure to cooperate with the meeting process may be taken into consideration and shall not preclude the vice president of student services from making a decision and imposing or recommending sanctions. The student will be informed of which provision(s) of the rules of conduct the student is charged with violating, and what appears to be the range of penalties, if any, that might result from disciplinary proceedings. The vice president of student services or designee will be responsible for gathering information and documentation in the investigation of the allegations.
3. After considering the evidence in the case and interviewing the student(s) involved, the vice president of student services may take the following actions:
 - a. Terminate the proceedings and exonerate the student;
 - b. Dismiss after counseling; or
 - c. Impose disciplinary sanctions from WAC 132N—120 070.
4. Within seven working days of the initial meeting, or as soon thereafter as possible, the student will be provided written notice of any disciplinary action except a verbal warning. The notice shall be delivered personally or mailed first-class to the student's last known address. The notice shall state the factual basis for the action, shall advise the student of the right to appeal, and indicate whether the appeal will be heard informally by the chair of the committee on student conduct or formally by the entire committee membership. In the case of an unmarried student under eighteen years of age, written notification of the disciplinary action shall also be sent to the parents or guardian of the student at the discretion of the vice president of student services or designee.

[Statutory Authority: Chapters [28B.50](#) and [28B.10](#) RCW. 97-17-013, § 132N—120 080, filed 8/8/97, effective 9/8/97.]

WAC 132N-120-090 Appeals.

A student may appeal a disciplinary action by filing with the committee on student conduct, within ten days after the earlier of personal delivery or mailing of notice of the disciplinary action, a written application for an adjudicative proceeding. The vice president of student services or designee has discretion to extend this deadline for good cause.

1. A student may appeal any disciplinary action, other than a verbal warning, in the following order:
 - a. Disciplinary action taken by the vice president of student services or designee(s) may be appealed by filing a written application for an adjudicative proceeding with the committee on student conduct.
 - b. Disciplinary recommendations made by the committee on student conduct may be appealed by filing a petition for administrative review with the president of the college.
2. Any appeal by a student receiving a disciplinary sanction must be in writing, filed within ten working days from the date on which the decision is received and must state the grounds for the appeal. The following are grounds for appeal:
 - a. A procedural error which materially affected the decision;
 - b. New evidence not previously available which would have materially affected the decision;
 - c. The decision was not supported by substantial evidence; or
 - d. The severity or appropriateness of the sanction(s).
3. All appellate decisions shall be sent from the office of the vice president of student services. Written decisions shall include the signature of the committee on student conduct chair.

[Statutory Authority: Chapters [28B.50](#) and [28B.10](#) RCW. 97-17-013, § 132N—120 090, filed 8/8/97, effective 9/8/97.]

WAC 132N—120 100 Committee on student conduct.

1. The committee on student conduct shall be convened by the vice president of student services no later than October 15 of each academic year. The committee shall provide a fair and impartial hearing and will make decisions on all disciplinary decisions appealed to it. Vacancies on the committee shall be filled as they arise.
2. The committee shall include:
 - a. Two full-time students and two alternates appointed by the ASCC of Clark College vice-president of elections and appointments (one-year appointments);
 - b. Two faculty members and two alternates appointed by the president or designee (two-year appointments, staggered terms);
 - c. One member of the administration, but not the vice president of student services, and one alternate appointed by the president of the college (two-year appointment).
3. A quorum of the committee shall consist of three members with at least one student member present. All committee members shall have voting rights. The committee shall select its chair.

4. The chair shall be responsible for making procedural decisions and ensuring that all procedural safeguards and guidelines specified in RCW [34.05.413](#) through [34.05.476](#) and chapters 10-08 and 132N-120 WAC are followed. In addition to the authority specified in WAC 10-08-200, the chair may conduct prehearing conferences in accordance with RCW [34.05.431](#) and WAC 10-08-130 and permit or conduct discovery in accordance with RCW [34.05.466](#) and WAC 10-08-060.
5. Members of the committee on student conduct shall not participate in any case in which they are a defendant, complainant, or witness, in which they have direct or personal interest, prejudice, or bias, or in which they have acted previously in an advisory capacity. Any party may petition for disqualification of a committee member pursuant to RCW [34.05.425](#)(4).

[Statutory Authority: Chapters [28B.50](#) and [28B.10](#) RCW. 97-17-013, § 132N—120 100, filed 8/8/97, effective 9/8/97.]

WAC 132N—120 110 Adjudicative proceedings before the committee on student conduct.

1. The hearing shall be conducted in accordance with chapter [34.05](#) RCW, chapters 10-08 and 132N—120 WAC. The committee or chair shall prepare a written opinion that shall include findings of fact, conclusions, and recommendations.
2. The student's failure to answer the charges, appear at the hearing or cooperate in the hearing shall not preclude the committee on student conduct from making its findings of facts, conclusions, and recommendations. This shall not limit the possibility of a default pursuant to RCW [34.05.440](#).
3. The committee chair shall give written notice of the time and place of the hearing to all parties in accordance with RCW [34.05.434](#) and WAC 10-08-040. Such notice shall be given not less than ten calendar days before the date set for the hearing.
4. The student shall be entitled to:
 - a. Hear and examine the evidence against them and be informed of the identity of its source; and
 - b. Present evidence and argument in their own behalf and to cross-examine witnesses.
5. The student may have one advisor present at the hearing. The advisor may be allowed to advise the student during the proceedings, but is not permitted to speak to the committee; conduct examinations of witnesses; or disrupt the proceeding. No attorney representative of any party may participate in a hearing unless a notice of appearance has been filed and served at least five days before the hearing, but in the event of such notice the college may be represented by an assistant attorney general.

6. In all disciplinary proceedings, the college may be represented by a designee appointed by the vice president of student services; that designee may then present the college's case against the student accused of violating the rules of conduct.
7. The presiding officer is responsible for causing the hearing to be recorded. All hearings shall be recorded by manual, electronic, or other type of recording device. Hearings shall be recorded in accordance with WAC 10-08-170.
8. The record in an adjudicative proceeding shall consist of all documents as required by law and as specified in RCW [34.05.476](#) as now or hereafter amended.
9. The time of the hearing may be continued for good cause by the committee chair upon timely request of any party.
10. In accordance with the Family Educational Rights and Privacy Act, [20 U.S.C. 1232g](#), hearings conducted by the committee on student conduct will be held in closed session; provided the student(s) involved may waive in writing this requirement and request the hearing to be held in open session. The chair may exclude from the hearing room any person who is disruptive of the proceedings and may limit the number who may attend the hearing in order to afford orderliness to the proceedings. Any person attending the disciplinary hearing who continues to disrupt the proceedings after the chair has asked them to cease or leave the hearing room shall be subject to disciplinary action.

[Statutory Authority: Chapters [28B.50](#) and [28B.10](#) RCW. 97-17-013, § 132N-120-110, filed 8/8/97, effective 9/8/97.]

WAC 132N—120 120 Recordkeeping.

1. The vice president of student services shall maintain for at least six years the following records of student grievance and disciplinary actions and proceedings:
 - a. Only initial and final orders in cases where a student's grievance has been sustained or a disciplinary action against a student has been reversed and the student fully exonerated;
 - b. The complete records, including all orders, in all other cases where adjudication has been requested;
 - c. A list or other summary of all disciplinary actions reported or known to the vice president and not appealed.
2. Final disciplinary actions shall be entered into student records, provided that the vice president of student services shall have discretion to remove some or all of that information from a student's record upon the student's request and showing of good cause.

[Statutory Authority: Chapters [28B.50](#) and [28B.10](#) RCW. 97-17-013, § 132N—120 120, filed 8/8/97, effective 9/8/97.]

WAC 132N—120 130**Evidence admissible in hearings.**

1. Only those matters presented at the hearing, in the presence of the accused student, except where the student fails to attend after receipt of proper notice, will be considered in determining whether the college committee on student conduct has sufficient cause to believe that the accused student is guilty of violating the rules the student is charged with having violated. In determining the appropriate sanction that should be recommended, evidence of past misconduct that the committee chair deems relevant may be considered.
2. The chair of the committee on student conduct shall, in the course of presiding at the disciplinary hearing, give effect to the rules of privilege recognized by the law and exclude incompetent, irrelevant, immaterial and unduly repetitious evidence. Hearsay evidence is admissible.
3. Evidence or testimony to be offered by or on behalf of the student in extenuation or mitigation shall not be presented or considered until all substantive evidence or testimony has been presented.

[Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 97-17-013, § 132N—120 130, filed 8/8/97, effective 9/8/97.]

WAC 132N—120 140**Initial order—Petition for administrative review—Final order.**

1. The burden of proof shall be on the party seeking to uphold the discipline to establish sufficient cause by a preponderance of the evidence. Upon conclusion of the disciplinary hearing, the committee on student conduct shall consider all the evidence therein presented and decide by majority vote whether to uphold the decision of the vice president of student services or to recommend any of the following actions:
 - a. That the college terminate the proceedings and exonerate the student; or
 - b. That the college impose any of the disciplinary actions as provided in this chapter.
2. Within ninety days specified in RCW 34.05.461, and preferably within thirty days, the chair shall serve on the parties and the president an initial order. At the same time, a full and complete record of the proceedings shall also be transmitted to the president. The initial order shall include a statement of findings and conclusions and otherwise comply with RCW 34.05.461 and WAC 10-08-210. It shall also describe the available administrative review procedures specified in WAC 132N-120-140(3).
3. The initial order shall become the final order without further action, unless within twenty days of service of the initial order:

- a. The president or designee upon their own motion, determines that the initial order should be reviewed; or
- b. A party to the proceedings files with the president a written petition for administrative review of the initial order. The president or designee shall be the reviewing officer and RCW 34.05.464 and WAC 10-08-211 shall apply to any such determination or petition.

[Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 97-17-013, § 132N—120 140, filed 8/8/97, effective 9/8/97.]

WAC 132N—120 150**Summary action.**

1. Ordinarily, disciplinary sanctions will be imposed only after the appropriate brief adjudicative proceedings or adjudicative proceedings have taken place and after the student has, if so chosen, exercised the student's right to appeal. However, if the vice president of student services or designee(s) has cause to believe that any student:
 - a. Has committed a felony; or
 - b. Has violated any provision of this chapter; or
 - c. Presents an imminent danger either to himself or herself, other persons on the college campus, or to the educational process, that student shall be summarily suspended and shall be notified verbally and/or by writing mailed by first-class mail to the student's last known address. Summary suspension is appropriate only where (c) of this subsection can be shown either alone or in conjunction with (a) or (b) of this subsection.
2. The notice shall be entitled "notice of summary suspension proceedings" and shall state:
 - a. The charges against the student including reference to rules of student conduct or law allegedly violated;
 - b. The time period during which summary suspension is effective; and
 - c. That the student charged may request the summary suspension be reviewed by the vice president of student services or designee.
3. After review, the vice president of student services shall issue a written decision continuing, modifying or rescinding the summary suspension and/or taking any further disciplinary action that they deems appropriate. The decision shall include a brief statement of facts, conclusions and policy reasons to justify the decision to continue the summary action.
4. A student may appeal a summary suspension like any other disciplinary action, by filing an application for an adjudicative proceeding. This appeal may be consolidated with any related pending matter.

[Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 97-17-013, § 132N—120 150, filed 8/8/97, effective 9/8/97.]

WAC 132N—120 160
Suspension for failure to appear.

The vice president of student services is authorized to enforce the suspension of the summarily suspended student in the event the student has been served notice pursuant to WAC 132N-120-150 and fails to appear at the time designated for the summary suspension proceeding.

[Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 97-17-013, § 132N—120 160, filed 8/8/97, effective 9/8/97.]

WAC 132N—120 170
Appeals from summary suspension hearing.

1. Any student aggrieved by an order issued at the summary suspension proceeding may appeal to the committee on student conduct. No such appeal shall be entertained, however, unless:
 - a. The charges have been reviewed by the vice president of student services; and
 - b. The student has been officially notified of the outcome of the review; and
 - c. Summary suspension or another disciplinary sanction has been upheld; and

d. The appeal conforms to the standards set forth in WAC 132N—120 90.

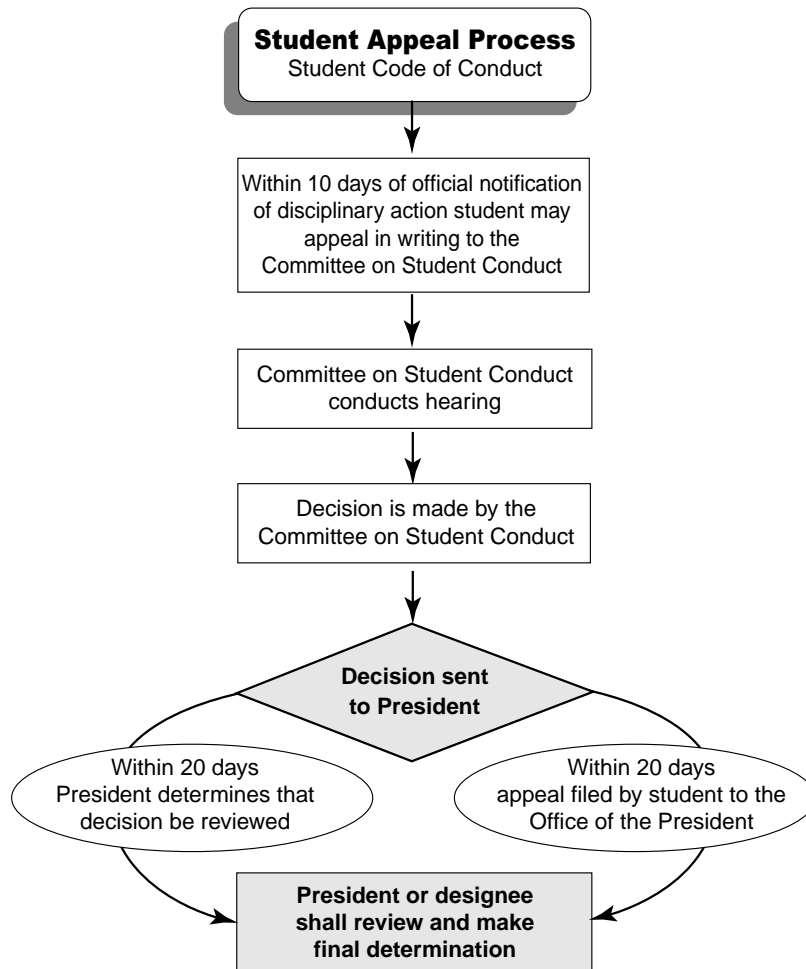
2. The committee on student conduct shall, within five working days, conduct a formal hearing according to the provisions of WAC 132N—120 110. Appeals from summary suspension take precedence over other matters before the committee.

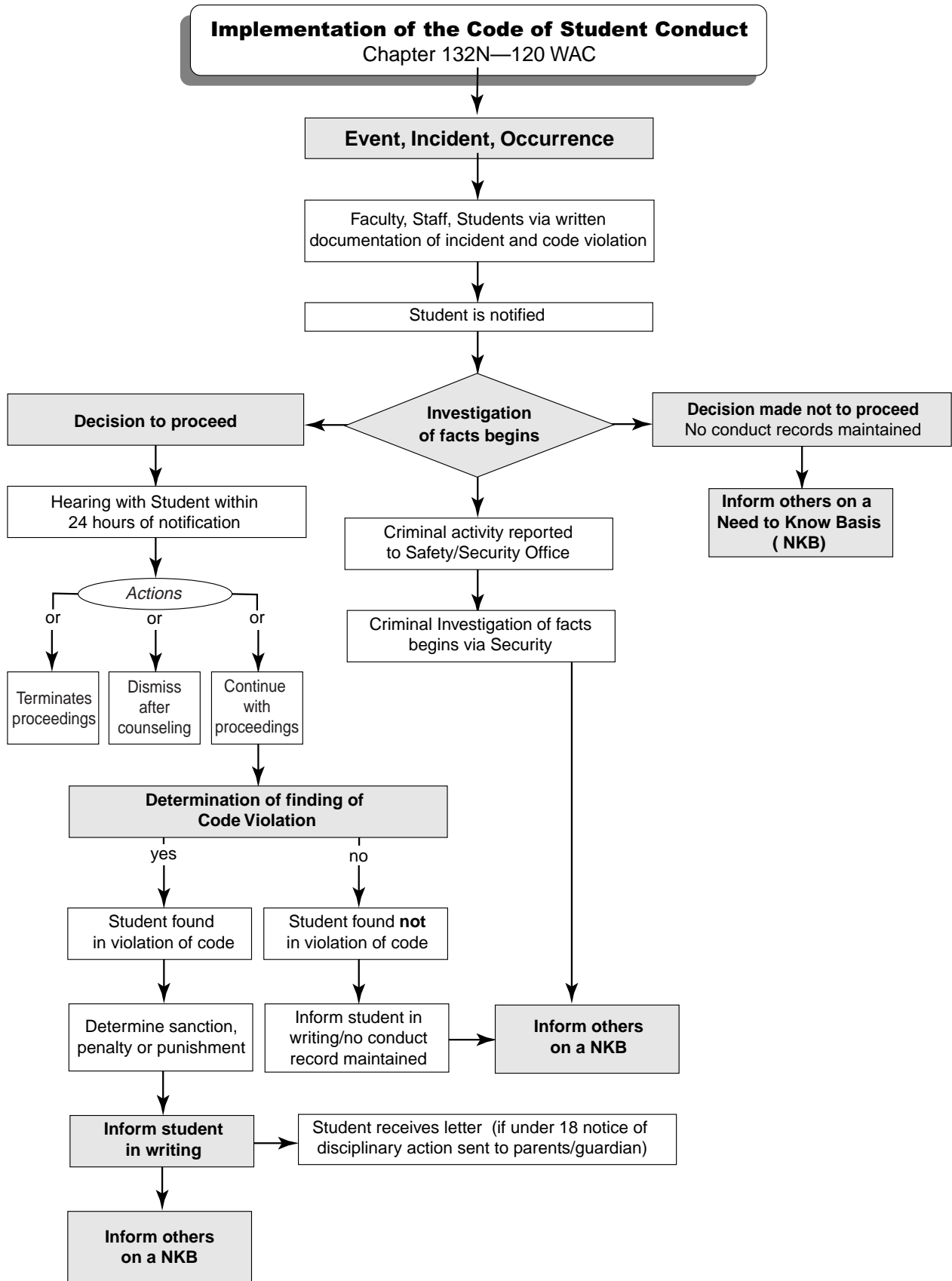
[Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 97-17-013, § 132N—120 170, filed 8/8/97, effective 9/8/97.]

WAC 132N—120 180
Final decision.

The president or designee(s) shall review the findings and conclusions of the vice president of student services in conjunction with the recommendations of the committee on student conduct and will issue a final decision within three days.

[Statutory Authority: Chapters 28B.50 and 28B.10 RCW. 97-17-013, § 132N—120 180, filed 8/8/97, effective 9/8/97.]





Discrimination and Harassment Grievance Procedure

Clark College affirms a commitment to freedom from discrimination for all members of the college community. The College expressly prohibits discrimination against any person on the basis of:

- Race
- National Origin
- Sex
- Age
- Creed
- Presence of physical, sensory or mental disability
- Religion
- Color
- Disabled veteran status
- Sexual Orientation
- Vietnam-era Veteran status
- Marital Status

The responsibility for, and the protection of, this commitment extends to students, faculty, administration, staff, contractors, and those who develop or participate in College programs. It encompasses every aspect of employment and every student and community activity.

Persons who believe they have been discriminated against or harassed by Clark College or its employee(s) or agent(s) on the basis of any status listed above, may request informal assistance and/or lodge a formal grievance.

The College President delegates investigation of grievances on the basis of race, sex creed, religion, color, national origin, age, sexual orientation, and/or marital status to:

Director of Equal Opportunity (DEO)
Room 134, Baird Administration Building
(360)992-2355

The College President delegates investigation of grievances on the basis of any physical, sensory or mental disability, or status as a disabled or Vietnam-era veteran to:

ADA Compliance Officer (ADACO)
Room 141, Gaiser Hall
(360)992-2580

Definitions

Sexual Harassment: A form of sex discrimination which involves the inappropriate introduction into the work or learning situation of sexual activities or comments that demean or otherwise diminish one's self worth on the basis of gender. Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment under any of the following conditions:

1. When submission to such conduct is made either explicitly or implicitly a term or condition of an individual's

employment or academic standing.

2. When submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting such individual.
3. When such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, offensive working or educational environment.

Sexual harassment often involves relationships of unequal power and contains elements of coercion-as when compliance with requests for sexual favors becomes a criterion for granting work, study, or grading benefits. However, sexual harassment may also involve relationships among equals, e.g., student to student, as when repeated sexual advances or demeaning verbal behavior have a harmful effect on a person's ability to study or work.

Gender Discrimination: The process of making a distinction in favor of, or against, a person or persons on the basis of sex rather than on individual merit. If gender is taken into account when making a decision regarding an employee, except when it is a bona fide occupational qualification or is otherwise authorized by law, or if a person is sexually harassed, that person has been subjected to gender discrimination.

Racial Harassment: Physical or verbal conduct that is maliciously intended to harass, intimidate, or humiliate a person or persons on account of race, color, or national origin and that causes severe emotional distress, physical injury or damage or destruction to the property of another, or threatens and places a specific person or group of persons in reasonable fear of harm.

Disabilities: People with disabilities are persons with a physical, mental, or sensory impairment which substantially limits one or more major life activities. Persons are disabled if they meet at least any one of the following tests: (i) they are substantially impaired with respect to a major life activity; or (ii) they have a record of such an impairment, or (iii) they are regarded as having such an impairment.

Disabled Veteran: A person entitled to disability compensation under laws administered by the U.S. Department of Veterans Affairs, or a person whose discharge or release from active duty was for a disability incurred or aggravated in the line of duty.

Vietnam-era Veteran: A person who served on active duty for a period of more than 180 days, any part of which occurred between August 5, 1964, and May 7, 1975, and was discharged or released from duty with other than a dishonorable discharge.

No Retaliation

No one shall be singled out, penalized, or retaliated against in any way by a member of the College community for initiating or participating in a grievance procedure. Retaliation may be grounds for disciplinary action.

Grievance Procedure

Complaints should be filed within 180 days from the most recent incident. Where extraordinary circumstances are shown, the ADACO or DEO may waive the 180 day limit.

Step 1: Informal Meeting.

In an attempt to informally resolve the concern, the complainant may request a meeting with the individual believed to have committed the discriminatory act (the respondent) or with the appropriate supervisor or President's designee. The time period in which attempts to informally resolve the concern are made shall not exceed thirty (30) working days from the time the complaint is lodged.

Step 2: Formal Grievance Procedure.

The complainant may initiate a formal grievance. A formal grievance must be filed in writing and must set forth the specific grievance(s) raised by the complainant, including the dates, times, places, and circumstances surrounding the complaint. A form for this purpose is available from the ADACO or DEO; however, any written document is acceptable. Formal complaints may not be filed by e-mail.

Upon receipt of the grievance, the ADACO or DEO will conduct an investigation which includes, but is not limited to, interview(s) with the complainant, the respondent, and any additional persons necessary to determine the merit(s) of the complaint. The investigation should be completed within thirty (30) working days.

Upon completion of the investigation, the ADACO or DEO will present a written report, including findings and conclusions to the complainant and the respondent. The report may include a recommendation by the ADACO or DEO for appropriate disciplinary or corrective action, or the report may be sent to the designated Vice President or administrator to determine appropriate disciplinary or corrective action. If the complaint is found to be false and malicious, the ADACO or DEO will notify the designated Vice President or administrator for possible disciplinary action against the complainant.

Step 3: Presidential Appeal.

If the complaint is not resolved at Step 2, the complainant may appeal to the College President. The appeal must be made in writing within twenty-one (21) days after the report is issued.

Within twenty (20) days after receiving the appeal, the College President or the president's designee will conduct the presidential review and report the results in writing to both the complainant and the respondent. The College President may affirm or modify the report, remand the case for further investigation, or dismiss the appeal. The written results of the presidential review will be considered final.

No further intra-institutional appeal exists.

Inquiries or Appeals

If desired, inquiries or appeals beyond the Clark College level may be directed to:

Equal Employment Opportunity Commission

909 First Avenue, Suite 400
Seattle, WA 98104
(206) 220-6883

Washington State Human Rights Commission

711 South Capitol Way, Suite 402
PO Box 42490
Olympia, WA 98504
(360) 753-6770

Regional Director Office of Civil Rights

Department of Education
Jackson Federal Building, Room 3310
915 Second Avenue
Seattle, WA 98174-1099
(206) 220-7880

Notification of Students' Rights Under The Family Education Rights and Privacy Act

Clark College conforms to the Family Educational Rights and Privacy Act (FERPA), as amended, which affords students certain rights as to their education records.

1. Students have the right to inspect and review their education records within 45 days of the day the college receives a written request for access. Students should submit to the Registrar written requests that identify the record(s) they wish to inspect. The Registrar will make arrangements for access and notify the student of the time and place where the record(s) may be inspected. If the records requested are not maintained in the Registrar's Office, the student will be advised of the correct official to whom the request should be addressed.
2. Students have the right to request the amendment of the education records that they believe are inaccurate or misleading. Students must write the college official responsible for the record, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the college decides not to amend the record as requested by the student, the college will notify the student of the decision and advise the student of the process by which the student may appeal the decision.
3. A student has the right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent. With few exceptions (stated below), no one will have access to student records without the written consent of the student. Clark College will not release a student's record to a parent/guardian without the student's written permission. Such a policy is in effect regardless of the student's age or financial dependency upon the parent/guardian.

Exceptions include college employees with a legitimate educational interest in a student's educational record; the Veterans Administration; accrediting agencies; student financial aid agencies; those who require student information in an emergency situation in which someone's health or safety is at risk; or a student serving on an official committee, such as a disciplinary or grievance committee. Clark College also discloses education records without consent to official of baccalaureate institutions in which a student seeks to, or intends to, enroll.

In compliance with the Higher Education Amendments of 1998, the college is authorized to disclose information to a parent or guardian about any school disciplinary violation involving alcohol or a controlled substance which has been found to have been committed by a student who is under the age of 21.

The college will release student directory information without student consent which includes student name, date of birth, major field of study, quarters of attendance, degrees and awards received, participation in activities and sports, and weight and height of members of athletic teams. Included also are addresses for use by the Clark College Foundation.

Pursuant to the Solomon Amendment, Clark College is authorized to disclose the following directory information to the military for recruitment purposes: student's name, address, telephone listing, date of birth, academic major, and degrees received from Clark College.

Students who do not wish to have directory information released by the college must file a Student Directory Restriction Request with the Registrar's Office. The request will be honored for one year. Students must renew their request annually.

4. A student has the right to file a complaint with the U.S. Department of Education concerning alleged failures by Clark College to comply with the requirements of FERPA by writing to:

Family Policy Compliance Office
U.S. Dept. of Education
600 Independence Ave. S.W.
Washington, DC 20202-4605

In some instances, records may be withheld by the college. Academic transcripts are routinely withheld if a student has a financial obligation to the college. The Security/Safety Office may request a hold on records if there is concern that such records may compromise a criminal investigation.

Copies of the complete FERPA policy may be obtained at the Registration Office.

Refund Policy

Students who officially withdraw through the Registration Office may receive a refund of tuition and certain fees according to the following schedules:

1. For classes that last at least seven weeks and begin the first week of the quarter:
 - 100% If the withdrawal occurs during the first five business days of the quarter (Business days are Monday through Friday).
 - 100% If the class begins on the first Saturday of the quarter, and withdrawal occurs no later than the close of business on Monday of the second week of classes.
 - 50% If the withdrawal occurs between the sixth business day and the 20th calendar day of the quarter.
 - 0% If the withdrawal occurs after the 20th calendar day.
2. For classes that do not begin the first week of the quarter, last less than seven weeks, but have more than five class sessions:
 - 100% If the withdrawal occurs before the first class session.
 - 50% If the withdrawal occurs after the first class session but before the fourth class session.
3. For classes with a total of five class sessions:
 - 100% If the withdrawal occurs before the second class session.
 - 50% If the withdrawal occurs after the second class session but before the third class session.
4. For classes with a total of three or four class sessions:
 - 100% If the withdrawal occurs before the first class session.
 - 50% If the withdrawal occurs after the first class session but before the second class session.
 - 0% All other cases.
5. There is an automatic 100% refund for classes that are canceled by the college.
6. Refunds for students receiving financial aid will be made directly to the sponsoring agency (not the student). The college will issue pro-rata refunds in compliance with federal regulations for eligible students.
7. Payments made with credit cards will be credited back to the card. Payments made with cash will be reimbursed by check to be mailed within five working days. Payments made by check will be reimbursed by check to be mailed within four weeks after the date of payment. Amounts of reimbursement are established by the refund policy. Payments made by a sponsoring agency are reimbursed directly to that agency.
8. Students who believe extenuating circumstances justify an exception to the policy may complete a Refund Exception Form at the Registration Office. Exceptions may be granted for **documented** medical or job-related reasons.
9. A separate refund policy applies to classes offered by Community Education and Mature Learning classes. For more information see the Community Education or Mature Learning section of the class schedule.

Title IV Funds Policy

Effective July 1, 2000, Clark College implemented the new Federal Return of Title IV Funds Policy that conforms to the 1998 Reauthorization of the Higher Education Amendments (Section 668.22). This policy affects any recipient of Title IV financial aid funding.

This policy is effective only if a student completely terminates enrollment by withdrawing from all credits. Students who remain enrolled through at least 60 percent of the payment period (quarter) are considered to have earned 100 percent of the aid received and will not owe a repayment of federal Title IV funds. If a student completes at least one course, they will be subject to the Satisfactory Academic Progress Policy, rather than the Federal Return of Title IV Funds Policy. Federal financial aid recipients are subject to both the federal policy for Title IV aid and the Clark College Refund Policy for institutional aid.

1. A student's withdrawal date is one of the following:
 - a. The date the student began the institution's withdrawal process or officially notified the institution in writing of intent to withdraw.
 - b. The midpoint of the quarter for a student who leaves without notifying the institution.
 - c. The student's last date of attendance at a documented academically related activity.
2. Funds are returned to the following sources in order of priority, as established by Congress:
 - a. Unsubsidized FFEL Loans.
 - b. Subsidized FFEL Loans.
 - c. Federal Perkins Loans.
 - d. FFEL PLUS Loans.
 - e. Federal Pell Grants.
 - f. Federal SEOG.
 - g. Other Title IV assistance for which the return of funds is required.
 - h. Other federal, state, private or institutional financial assistance.
3. There are six basic steps to the formula for calculating the amount of funds that must be returned to the Title IV programs:
 - a. Determine date of withdrawal and percentage of payment period attended by the student.
 - b. Calculate amount of Title IV aid earned by the student.
 - c. Compare amount earned and amounts disbursed to determine amount unearned.
 - d. Determine late disbursement if amount earned is greater than amount disbursed.
 - e. Determine amount of Title IV aid must be returned if amount earned is less than amount disbursed.
 - f. Calculate portion of funds to be returned by institution and student.

Both the College and the student have specific responsibilities under this policy. Students who owe a repayment of Title IV funds must pay that obligation before regaining eligibility for additional financial assistance.