

WAC 132X-60-105 Student judicial board appeals process. (1)

Composition. The college shall have a student judicial board composed of six members, who shall be chosen and appointed to serve until their successors are appointed. The membership of the board shall consist of two members of the exempt staff, excepting the vice president for student services, appointed by the president; two faculty members appointed by the faculty senate; and two students appointed by the associated student body president. Any student entitled to a hearing before the student judicial board shall choose, in writing, three members of the board to hear and decide the appeal, provided the student must choose at least one student, one faculty member and one exempt staff from the six-member board. In the event that unforeseen circumstances prevent a previously selected board member from attending the hearing, the student must choose a replacement from among the balance of the board.

(2) Disciplinary hearing procedures.

(a) The three members of the student judicial board will hear the appeal within ten days of receipt of the appeal from the student.

(b) The three members of the student judicial board shall elect from among themselves a chairperson for the purpose of presiding at the disciplinary hearing.

(c) At least seven calendar days in advance, the student shall be given written notice of the time, date, and location of the hearing; the specific charges against him/her; and shall be given reasonable access to a list of witnesses who will appear with a brief summary of the witness expected testimony and other evidence. The evidence will be retained by the vice president for student services.

(d) Student judicial board hearings shall be held in closed session. The complainant, accused student and their representative/advocate, if any, the vice president for student services, college counsel, counsel for the judicial board, and a court reporter or person operating audio recording equipment shall be allowed to attend the entire portion of the student judicial board hearing, excluding deliberation. Admission of any other person to the student judicial board hearing shall be at the election of the accused student.

(e) The chairperson shall exercise control over the hearing to avoid needless consumption of time and to prevent the harassment or intimidation of witnesses. Any person, including the accused student, who disrupts a hearing or who fails to adhere to the rulings of the chairperson or board may be excluded from the proceedings and may be subject to disciplinary action as set forth in this code.

(f) The accused student has the right to be assisted by any person they choose, at their own expense. The chosen person is not permitted to speak or participate directly in any hearing before the judicial board. If the accused student chooses a licensed attorney, the accused student must notify the vice president for student services at least five calendar days prior to the hearing, of the attorney's intended appearance.

(g) The accused student, vice president for student services and/or their counsel may arrange for witnesses to present pertinent information to the student judicial board. Witnesses will provide information under oath and answer questions.

(h) Formal rules of evidence and procedure shall not be applicable in disciplinary proceedings conducted under this code. Pertinent records, exhibits, and written statements may be accepted as information for consideration by the student judicial board at the discretion

of the chairperson. All procedural questions are subject to the final decision of the chairperson of the student judicial board.

(i) There shall be a single verbatim record, such as a tape recording or transcript, of all student judicial board hearings, excluding deliberations. The record shall be the property of the college.

(3) Hearing conclusions. After considering the evidence in the case, the student judicial board shall decide by majority vote whether to:

(a) Affirm the disciplinary sanctions imposed by the vice president for student services; or

(b) Terminate the proceedings exonerating the student(s); or

(c) Impose other appropriate disciplinary sanctions as provided in WAC 132X-60-120.

Final decisions of the student judicial board, reasons for the decision, including findings of fact, and conclusions of law, shall be delivered within ten calendar days of the hearing by return receipt requested mail to the student's last known address and a copy filed with the office of the vice president for student services.

The decision of the student judicial board is final.

[Statutory Authority: Chapter 28B.50 RCW and RCW 42.56.040. WSR 12-03-093, § 132X-60-105, filed 1/17/12, effective 2/17/12.]