

WAC 174-123-140 Definitions. Agreement of accountability means a written mutual agreement between the respondent and student conduct official which states the violations of the code and the resolution and sanction(s).

Business day means any calendar day, exclusive of weekends and federal and school holidays, in which the college is open to the public for business.

Calendar day means any day of the month including weekends and state holidays.

College means The Evergreen State College.

College official means any person employed by the college performing assigned teaching, administrative, or professional responsibilities.

College premises means all campuses including all land, buildings, facilities, and other property in the possession of or owned, used, leased, or controlled by the college including adjacent streets and sidewalks.

College-sponsored event or activity means activities or events involving planning or funding, or other authorized participation by the college.

Complainant means any person, group, or entity that submits a complaint alleging that a student or recognized organization violated the code and/or a person who believes they have been harmed by another student's behavior.

Complaint means a report that alleges a student or recognized organization violated the code.

Conduct appeal is the process by which a student or recognized organization can appeal their determination of responsibility and/or required resolutions and sanctions.

Conduct hold is a measure restricting release of a student's transcript, diploma(s), or other records; and access to registration prohibiting registration for any program or course.

Consent is affirmative, conscious, voluntary, and clear permission by word(s) or action(s) for specific activity. See the section on sexual misconduct for additional information.

Determination of responsibility means a decision of the student conduct official regarding whether or not the respondent is responsible for the alleged violation(s) of the code, including a required resolution and sanctions if appropriate.

Faculty member means any person employed by the college to conduct teaching activities or who is otherwise considered by the college to be a member of the faculty.

Filing is the process by which a document is officially delivered to a college official responsible for facilitating processes as outlined in the code. Filing will be considered completed upon actual receipt during office hours at the senior college official's office by:

(a) Hand delivery of the document to the senior college official's office; or

(b) Sending the document by email or first class mail to the senior college official's office or college email address.

Final determination means the college's final action with regard to a complaint. A final determination occurs when a conduct official, conduct review officer, senior college official, or student conduct appeal panel determines whether a respondent is responsible for the alleged violation(s) of the code; and

(a) No appeal or request for reconsideration is filed by the applicable deadline set forth in the code; or

(b) No appeal or request for reconsideration is allowed under the code.

Guest means any person who is not a member of the college community and is on college premises or at a college-sponsored event at the invitation and/or hosting of a student.

Informal resolution is the outcome of a conduct conference when a student and a student conduct official enter into an agreement of accountability.

Member of the college community means any person who is a student, faculty, staff, or volunteer. A volunteer is any person who is not receiving compensation for services or work for and/or at the college. A person's status in a particular situation will be determined by the senior conduct official or designee.

Mental safety is a state of mind characterized by the absence of fear or anxiety that substantially limits one's ability to participate in or benefit from the services, activities, or privileges provided by the college, or an employee to engage in their work duties.

No contact order means an order directing a student to have no contact with a specified member(s) of the college community, visitor(s), or particular college facilities. The order may include, but is not limited to, directives with regard to path of travel, parking, arrival on campus, or specified times for use of campus resources.

Policy means the official written policies and procedures of the college published on the college's website or in the college catalog, or posted anywhere on college premises or at college-sponsored events or activities; or the individual requirements of a department or office, or course syllabi or covenant.

Protected status includes a person's race; color; national origin; sensory, mental or physical disability; use of a service animal; sex; gender, including pregnancy; marital status; age; religion; creed; genetic information; sexual orientation; gender identity; veteran's status; or any other legally protected classification.

Recognized organization means any group which has complied with the formal requirements for college recognition and is an officially recognized college organization. A group's status in a particular situation will be determined by the senior conduct official or designee.

Required resolution and sanction means the decision of the student conduct official regarding the resolution and sanction(s) appropriate to the level of responsibility for violating the code as conveyed in the determination of responsibility.

Respondent means any student or recognized organization alleged to have violated the code.

Restorative practice process means a process to involve those who have a stake in a specific violation of the code, to the extent possible and with their consent, to collectively identify and address harms, needs, and obligations. It may be part of a decision of the student conduct official regarding resolutions and sanctions in cases where the student or recognized organization has taken responsibility for their actions and a violation of the code.

Senior college official is the person designated by the college president to oversee the administration of the code, and for performing the other duties and obligations of the position.

Senior student conduct official means the primary college official authorized by the senior college official responsible for administration and implementation of the code.

Served notice is the process by which a document is officially delivered to a party. Unless otherwise provided in this code, service upon a party will be accomplished by:

(a) Hand delivery of the document to the party; or

(b) By sending the document by email or certified mail or first class mail to the party's last known address. A student's last known address will be the current address on file with the registrar unless a student has provided written notice of a different address to the office of the senior college official.

Service is deemed complete upon hand delivery of the document or upon the date the document is emailed or deposited in the mail.

Sexual misconduct has the meaning ascribed to this term in WAC 174-123-170 Prohibited conduct.

Staff member means any person employed by the college in a nonfaculty role.

Student means:

(a) Any applicant who becomes enrolled, when an applicant commits violations of the code as part of the application process or commits violations of the code following their submittal of the application through official enrollment;

(b) Any applicant accepted for admission or readmission to the college;

(c) Any person currently enrolled at the college;

(d) Any person enrolled at the college in a prior quarter or summer session, and eligible to continue enrollment in the quarter or summer session that immediately follows; or

(e) Any person who was enrolled at the time of alleged violations of the code; or

(f) Any person not employed by the college on a permanent basis who resides in college housing.

Student conduct official means a college official authorized by the senior student conduct official to administer the code in response to a complaint.

Written notice means written communication personally provided to the student or registered organization or delivered via the student's or registered organization leaders' assigned college account electronic mail address.

[Statutory Authority: RCW 28B.40.120. WSR 18-17-102, § 174-123-140, filed 8/15/18, effective 9/15/18; WSR 12-03-040, § 174-123-140, filed 1/10/12, effective 2/10/12.]