



Hello Trustees,

I can't believe we're already in the thick of the holidays! Employees have been working extremely hard to support almost 30 percent more students than last fall. Everyone is ready to take a much-deserved break. Faculty and students started their break last week, so your agenda will be a little lighter and the audience a little smaller.

Here are some highlights of what to expect at the meeting:

Presentations:

- When you approved the 2023-24 budget, you approved a tuition waiver so High School+ students could take a college-level class at no charge as they complete their high school diploma. You will have an opportunity to meet Daniel Shearing, a student who benefited from receiving that tuition waiver.
- Our Marketing & Communications Team, led by Aimee Gordon, has put PC on the map with student engagement through social media. They'll share some recent successes and data.

Standing Reports:

- Gemma Rowland, Associated Student Council President – report is in your packet
- Faculty Senate – report is in your packet
- Peninsula College Faculty Association – report is in your packet
- Institutional Effectiveness – Terye Senderhauf had a death in the family this week, so can't make it to your meeting. I will give a progress report on Strategic Goal 1: Increase enrollments to meet State FTE targets: I will share results from the New Student Experience Survey
- Cheryl Crane, Foundation Executive Director
- President's Report. I will report on:
 - Peninsula College Talking Points
 - 2024-25 SBCTC Audit
 - Legislative advocacy
 - January 30 with Washington Education Association and Association of Federation of Teachers
 - Interest in February, March, April visits?
 - Updates

Trustee Update

- This is time for you to share any updates/meetings you've attended.



Item for Board Study

- Policy 463 Student Activities: Clubs and Organizations – This policy is being revised as part of our institution-wide effort to update policies and procedures.
- Trisha will give you an overview of new policy software we are in the process of purchasing.

Item for Board Action

- Athletic Waivers
- Student Rights and Responsibilities WAC 132A-127

Executive Session

- There will be no executive session this month.



Trustees:

Joe Floyd, Chair

Claire Roney, Vice-Chair

Celeste Schoenthaler

Glenn Ellis, Jr.

Meeting will be held in Peninsula College Cornaby Center, A-12 and on Zoom

Join Zoom Meeting

<https://pencol-edu.zoom.us/j/84443251802?pwd=eYBlxmSLQldalXOAbxIf3Kgoa3eDb8.1&from=addon>

Meeting ID: 844 4325 1802

Passcode: 638016

ROLL CALL and DETERMINATION OF QUORUM

Joe Floyd, Chair

Claire Roney, Vice-Chair

Celeste Schoenthaler

Glenn Ellis, Jr.

PUBLIC COMMENT/CORRESPONDENCE

MODIFICATION TO THE AGENDA

APPROVAL OF MINUTES

November 19, 2024

INTRODUCTIONS

New Employees

PRESENTATIONS

Student – Daniel Shearing

Student/Community Engagement through Social Media – Aimee Gordon, Director of Marketing and Communications

STANDING REPORTS:

- ASC – ASC President, Gemma Rowland – Report in Board Packet
- Faculty Senate – Report in Board Packet
- PCFA – Tim Williams – Report in Board Packet

- Institutional/Enrollment Report – Strategic Goal 1: Increase enrollments to meet State FTE targets. Results from New Student Experience Survey. – Suzy Ames will be presenting
- Foundation – Cheryl Crane

PRESIDENT’S REPORT

PC Talking Points Revised

2024-2025 Audit Letter

Legislative advocacy

Updates

TRUSTEE UPDATE

ITEMS FOR BOARD STUDY

Policy 463 Student Activities: Clubs and Organizations

Board Docs Software

ITEMS FOR BOARD ACTION

Athletic Waivers

Finalize Student Rights and Responsibilities WAC 132A-127

EXECUTIVE SESSION

None

NEXT MEETING

February 18, 2025, Port Angles, Cornaby Center A-12



Trustees:

- Joe Floyd, Chair
- Claire Roney, Vice-Chair
- Celeste Schoenthaler
- Glenn Ellis, Jr.

Meeting moved to Zoom because of forecasted windstorm.

Join Zoom Meeting

<https://pencol->

[edu.zoom.us/j/89559649840?pwd=3mPMU65dnjbALVpoLiOwAviogQv73y.1&from=addon](https://pencol-edu.zoom.us/j/89559649840?pwd=3mPMU65dnjbALVpoLiOwAviogQv73y.1&from=addon)

Meeting ID: 895 5964 9840

Passcode: 955509

One tap mobile

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Dial by your location

- +1 253 205 0468 US
- +1 253 215 8782 US (Tacoma)

Joe Floyd called meeting to order at 2:02 pm.

ROLL CALL and DETERMINATION OF QUORUM

- Joe Floyd, Chair – present
- Claire Roney, Vice-Chair – present
- Celeste Schoenthaler – present
- Glenn Ellis, Jr. – excused

PUBLIC COMMENT/CORRESPONDENCE

None

MODIFICATION TO THE AGENDA

The student scheduled to present is unable to attend and will be moved to December.

APPROVAL OF MINUTES

October 15, 2024

Motion to approve October 15, 2024 minutes made by Clarie Roney, seconded by Celeste Schoenthaler. All approved.

INTRODUCTIONS

New Employees

Student Services – Introduced by Krista Francis, Vice President for Student Services

Alex Muya – Financial Aid Director

Instruction – Introduced by Maria Ethier, Director of Corrections Education

Riley Hession - Corrections Education Navigator

PRESENTATIONS

Student – Daniel Shearing - Moved to December, Daniel had something come up and was not able to attend today.

Inclusive Pedagogy – Olivia Heeter, Faculty Assessment, and Instructional Design Coordinator.

Inclusive pedagogy describes a culture in which all learners feel welcome, valued, and safe. Inclusive strategies include adopting alternative grading practices, highly structured courses, student-friendly syllabus language, flexibility in assignments. The Center for Teaching and Learning is supporting and training faculty in Inclusive Pedagogy and the four connections.

STANDING REPORTS:

- ASC – ASC President, Gemma Rowland.
ASC has been very busy the last couple of weeks, during Halloween they had a costume contest for staff and students and a pumpkin carving contest. They had a movie night at William Shore Pool. They also had a table tennis tournament. Tomorrow is one of the biggest events of the quarter, blacklight dodgeball. They are doing coffee coupons for finals week.

Gemma also introduced student Ellie Barden and Rilee Leigh.

Ellie Barden chose PC because of the soccer program, and she loves the area, she is from Spokane WA. Ellie shared that her favorite instructor is Helen Lovejoy, and her best memory is winning the NWAC championship!

Rilee Leigh transferred to PC from Green River and is also on the soccer team. She feels very welcome at PC. Her favorite course is Indigenous Humanities taught by Kate Reavey.

Suzy Ames took the opportunity to congratulate them for the NWAC Championship! Both the Women's and Men's teams won their Championship this weekend! The College is celebrating both teams tomorrow at noon in the PUB.

- Faculty Senate – Rob DeCou
The Faculty Senate met at the end of September, in addition to the committee reports, they discussed the purpose of Faculty Senate and who will lead it. They have not had a tenured faculty member step up. They discussed rotating leadership. President Ames joined at the end of the meeting to discuss shared governance. They are meeting again next Monday to continue the conversation of the future of Faculty Senate.
- PCFA – Tim Williams
Their next meeting is Dec. 2. They are looking to improve transparency and engagement in union work. Working on continuous improvement for the PCFA. One of the improvements they will discuss with members adding another team alongside the contract bargaining team

called the contract action team.

- Institutional/Enrollment Report – Strategic Goal 3: Fostering Equity and Inclusion: Results from Student Satisfaction Survey– Amar Chinthapalli, Data Analyst. Report in Board Packet.
- Foundation – Cheryl Crane

The members of the Foundation Board finance committee met with D.A. Davidson to review the Foundations assets. Total value of assets \$7,476,152.18; donor designated endowment \$6,496,206.41 managed under Paragon Elite model. Year-to-date growth = 11.2%.

The Executive Committee and Finance Committee have approved the procurement of credit cards for the PC Foundation.

The PC Foundation will be having monthly meetings with the Marketing and Communications team for strategic planning and promotion of the Foundation’s projects and priorities.

PRESIDENT’S REPORT

1st Quarter Financials – In Board Packet

PC Talking Points – In Board Packet, we will be updating them to include 2 more NWAC championships. The Marketing staff will create a card Trustees can hand out when they are in the community.

Updates

- For the first time since 2013 both the Men’s and Women’s Soccer teams are NWAC Champions! The Men’s team are back to back champions.
- We are starting to plan for the 2024-2025 budget early because there is so much up in the air from the Office of Financial Management. We should know in January if we will have to pay back any funds from the OFM budget error this year. We won’t know until April or May the budget for 2024-2025, we are working on plans for multiple scenarios. We are looking into efficiencies and ways to reduce the budget. In March the Peninsula College Cabinet will work on both a list of strategic priorities for adding much-needed staff positions and options/scenarios for reducing the budget.
- Legislative Advocacy Hill Climb on January 30th, Community College Employees and students will be going to Olympia. Trisha will be helping scheduling, please reach out to Trisha if you would like to attend. There will also be opportunities to go in February and March. We are working on a student testimonial video to take to meetings with legislators.
- We are still waiting for the Governor to select our new Trustee.

TRUSTEE UPDATE

Claire Roney announced that there is an important Trustee Tuesday meeting on Dec. 10th about what is coming for Educational Programs on the national level. They will also be discussing talking points for Trustees.

Claire Roney and Celeste Schoenthaler and Suzy Ames attended the ACCT Leadership Congress in Seattle in October. Celeste was happy to see the Washington camaraderie.

Suzy Ames, Mike Maxwell, and Claire Roney did a presentation on Saturday morning at ACCT. The presentation was about how we have grown our enrollment. It had a good turnout and was well received.

ITEMS FOR BOARD STUDY

Athletic Waivers – Krista Francis, Vice President of Student Services shared the Athletic Aid Proposal in the Board Packet.

DEI Planning – In Board Packet

ITEMS FOR BOARD ACTION

Emeriti Status

Motion to grant Emeritus Status to:

- Michael Cassella-Blackburn, History Faculty, started at Peninsula College 10/1/2003, retirement date 9/1/2024.
- Getta Rogers, Foundation Director, started at Peninsula College 5/17/2010, retirement date 3/30/2024.

and Meritorious Service Status to:

- Michael (Mike) Edwards, Maintenance Mechanic, started at Peninsula College 7/30/2001, retirement date 10/1/2024.

made by Claire Roney, seconded by Celeste Schoenthaler. All approved.

EXECUTIVE SESSION

None

NEXT MEETING

December 17, 2024 – 2:00pm Cornaby Center, Port Angeles

We will have a hybrid meeting in December. Celeste Schoenthaler will be attending remotely.

Joe Floyd adjourned the meeting at 4:15pm

Joe Floyd, Board Chair

Date:

Suzy Ames, President

Date:

Tuition Waivers

Waiver Title	Waiver Information
High School Completion	Waives 85% of resident tuition for the first 10 credits below 100 level* Waives 100% of first 5 credits of above 100 level course
Needy	No Charge
Over 18 credits for Vocational Students	Waive 85% tuition & fees in excess of 18 credits
Parent Education	Waives all but \$20 of Operating Fee
Refugee	Waives difference of non resident and resident tuition & fees
Residency Category for current & former active duty military and their spouses and dependents, as well as members of the WA Nat'l Guard and their spouses and dependents	Mandatory - charge resident tuition rates to those students who meet the residency requirements
Running Start	Waives 100% tuition and fees up to 1.2 FTE's between high school and college courses (does not include courses under 100 level or specific course fees)
Senior Citizen Audit/Credit	Waives 100% of tuition & fees (does not include specific course fees)
U.S. Citizen, Non-Resident	Waives 100% difference of non resident to resident operating fee
Wrongfully convicted individuals and their children - Mandatory Waiver	Waives 100% of tuition & fees (does not include specific course fees)

*Rounded to the nearest dollar

PENINSULA COLLEGE BOARD INFORMATION

Subject: **RESOLUTION**
THE 2023-24 OPERATING BUDGET

BACKGROUND:

The Board of Trustees reviews and approves the College's budget annually.

The budget is typically developed based on the enacted budget law (signed by the Governor), the allocations, tuition and fee rates, and tuition waivers established by the action of the State Board for Community and Technical Colleges (SBCTC). Also includes estimates of major grant and contract revenues, auxiliary, Associated Student Council (ASC) and capital revenue.

PROPOSAL:

Information regarding the estimated revenues for the development of the 2023-24 Operating Budget was shared with the Board for study in May 2023.

The budget for fiscal year 2023-24 is presented for the Board's approval. The President recommends that the Board approve the 2023-24 Operating and Capital Budget, Tuition and Fee Schedule, and Tuition Waivers. In addition, the President recommends that the Board delegate authority to the President to make budget adjustments as necessary throughout the fiscal year.

2023-24 BUDGET SUMMARY:

The proposed Budget for Fiscal Year 2023-2024 totals approximately \$31.2 million, of which \$24.7 million supports the general operations for instruction, instructional support, student services, administration, and facility operations. \$2.1 million of reserves has been used to balance the general operations portion of the budget. In addition, the budget includes \$6.4 million in revenue and expenditures related to grants, contracts, financial aid programs, auxiliary enterprise funds, student activities and capital projects.

The budget presented at this time for fiscal year 2024 compared to fiscal year 2023 includes an overall increase of \$1.7 million mostly due to increased state allocation for program funding, cost of living adjustment (COLA), health and pension benefit funding changes. A drop in revenue from enrollment is projected due to decreased running start enrollment and the mix of credit taking students (due to increased mix of waiver eligibility). Grant revenue has decreased with the end of Title III and HEERF/CARES funding.

SBCTC Board approved the Legislature's authorized 3% tuition rate increase. 2% of college generated operating fee, 1.5% Running Start and 2.5% International Contract revenues are earmarked by the SBCTC for the ctcLink debt payment, offset funding shortfall and broaden the revenue base supporting central IT services at SBCTC.

Additional details are included in the 2023-24 Budget Book in the Board meeting materials.

RECOMMENDATION: The President recommends that the Board approve the 2023-24 Operating and Capital Budget, tuition and fee schedule and tuition waivers as presented and that the Board delegate authority to the President to make adjustments as necessary to the 2023-24 budget.

ASC Report – December 2024

Hi everyone,

Sorry that I was not able to make it today. Here is a review of the last month of ASC events:

-Blacklight dodgeball:

We held our annual blacklight dodgeball event on November 20th. We had 105 people sign up! It was a mix of many different students, and everyone had a lot of fun!

-Hot chocolate station

We provided free hot chocolate with all the toppings on December 4th, from 11-12:30. It was a nice way to ease into the holidays while doing something with less labor and resources as everyone was focused on their classes and finishing the quarter strong.

-Finals week coffee coupon

With the amazing support from Corey Roblan in the Market and Deli, we were able to do free coffee and drink coupons for students the last two weeks of the quarter. This is one of our favorite ways to show our support to the whole student population as they make their way through the hardest part of the quarter.

And that's a wrap! Thank you all for your support and I can't wait for the next quarter to begin! Happy Holidays to you all.

-Gemma Rowland

Faculty Senate December Update

Faculty Senate continues to discuss and debate the purpose and future leadership structure of faculty senate.

Date and time for next meeting: January 27th – 12:30 - 1:30

Items for next meeting could include selecting the council for leadership and further discussion on having a Teams space for the group.

PCFA Report to Board of Trustees

12/17/2024

- PCFA continues its efforts to promote unity among all PC faculty.
 - This is part of PCFA's purpose in its Constitution and Bylaws:

ARTICLE II PURPOSE

The purpose of PCFA is to be the bargaining agent for Peninsula College Faculty, and to foster good will and unity among faculty, students, and administration at Peninsula College.

- A number of interrelated factors have led to some division among faculty members vis a vis the roles of Senate and PCFA.
- PCFA has clearly stated that it should not and shall not shape Faculty Senate's future.
 - However, since we are such a small college, there is significant overlap between members of both bodies.
 - Clarity of purpose in both bodies will allow faculty to support both and, in turn, each other.
- PCFA Membership has helped its leaders develop improvements to meeting structure, communications, and collective bargaining.
 - PCFA leadership will investigate common polls and survey instruments used by other faculty unions to gauge satisfaction and inform continuous improvement.
- PCFA is preparing for AFT Lobby Day on February 17.
 - Priorities include fully funding pay equity for contingent faculty and improving progressive revenue.
- Association Employer Committee (more commonly known as a labor relations committee) continues working on a number of issues, including:
 - Advising workload
 - Ensuring faculty advisors are well-prepared to support students & that overall workload is well-distributed among full-time advisors and faculty advisors.
 - Corrections faculty workload: DOC interagency agreements & local CBAs
 - These issues are being addressed by multiple CTCs.
 - Academic calendars
 - Aiming to get an even number of instructional days each quarter in addition to quarterly professional development days.

Institutional Effectiveness Report

Board of Trustees Meeting

December 17, 2024

New Student Experience Survey

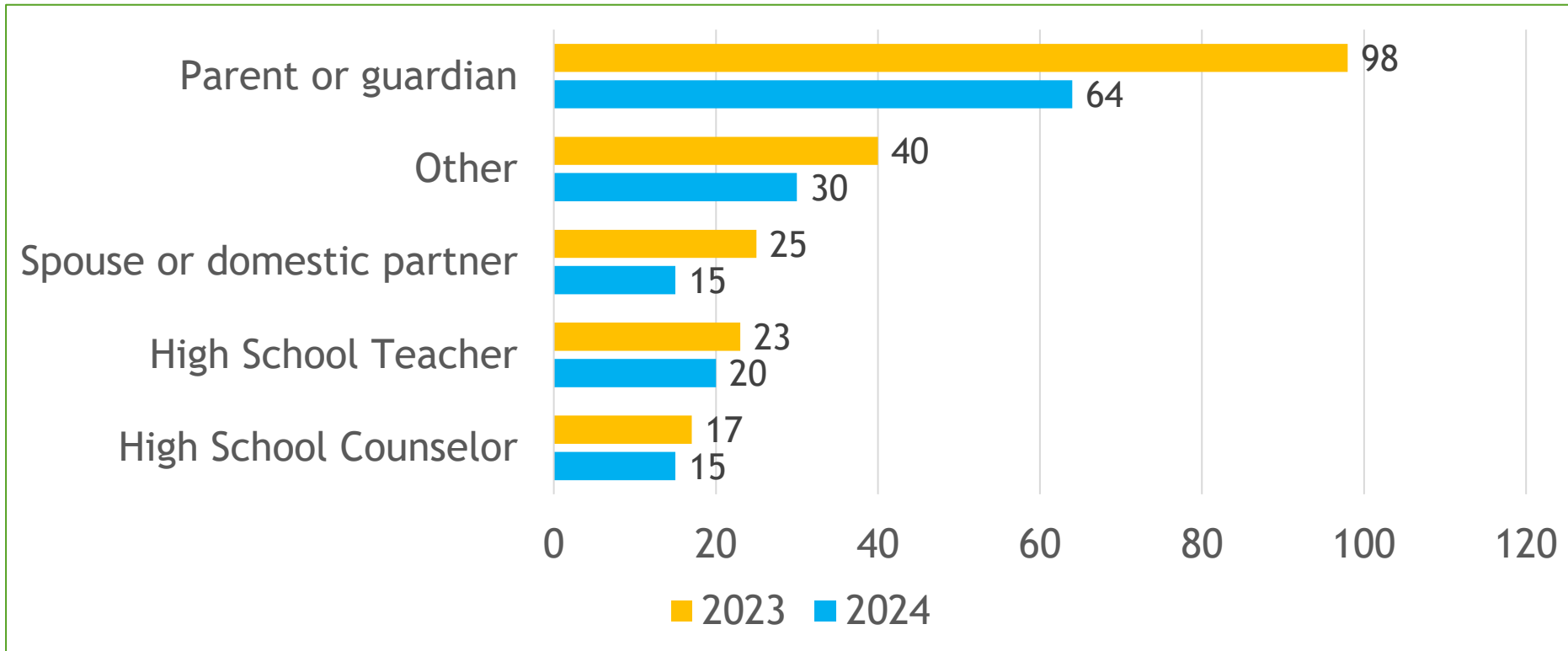
- ▶ The survey was developed internally and is administered by Institutional Effectiveness by email annually to students new to PC in summer and fall.
- ▶ Contains questions regarding overall experience at PC as well as specific aspects of the onboarding process including placement, advising, financial aid, and New Student Orientation.
- ▶ Decreasing participation in the online survey:
 - ▶ 2021 - 64/262 responses = 25% response rate
 - ▶ 2022 - 168/442 = 38% response rate
 - ▶ 2023 - 181/597 = 31% response rate
 - ▶ 2024 - 194/829 = 23% response rate

Selected Demographics

Demographic	2024	
	NSES	PC
Male	25%	34%
Students of Color	32%	30%
Part-time	30%	40%
Age (40-49)	19%	31%
Academic/Transfer	8%	22%
Running Start	36%	21%
Basic Skills	48%	9%

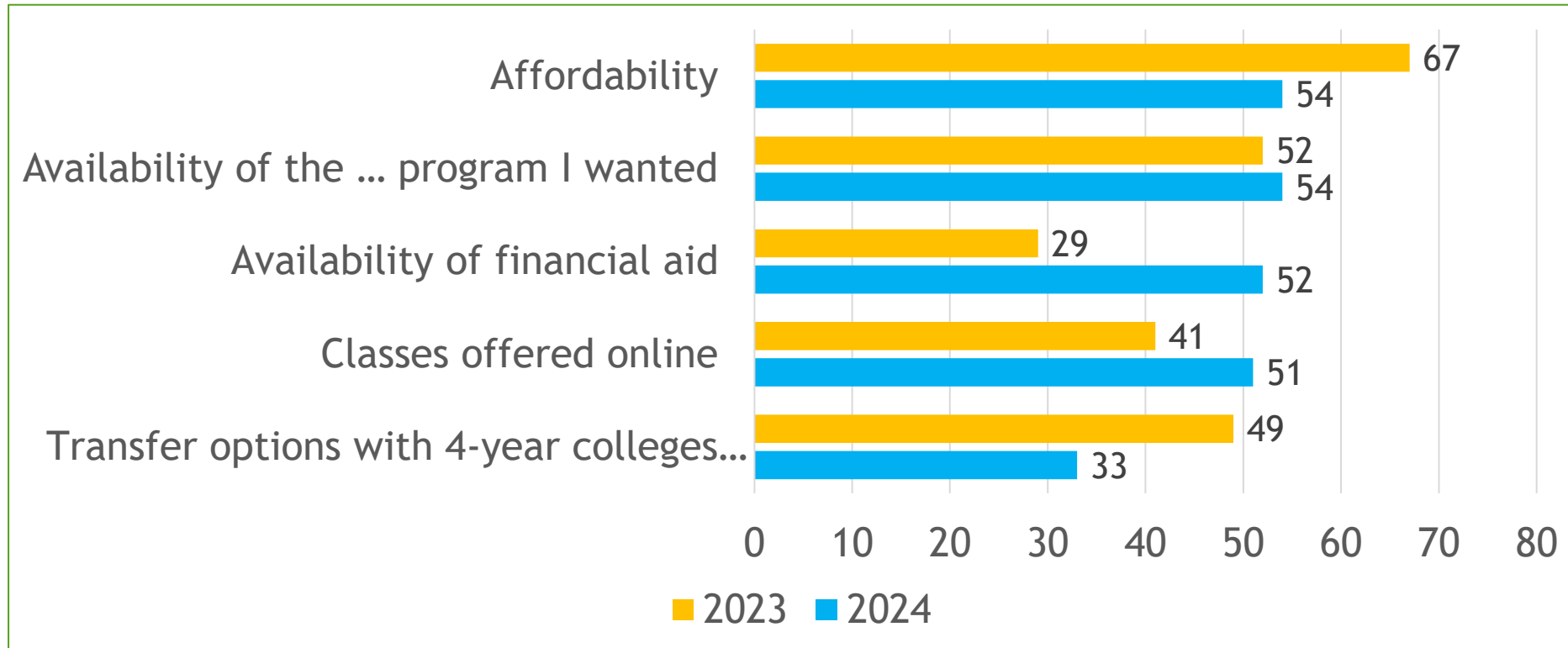
Students are sent the survey via email with several reminders throughout the survey. The survey was advertised via social media posts, Canvas reminders, posters around campus, and electronic billboard. Instructors also encouraged students to participate. These results will be examined more closely before the next survey cycle to explore ways to raise participation in all student groups.

Top 5 Influencers in Choosing PC



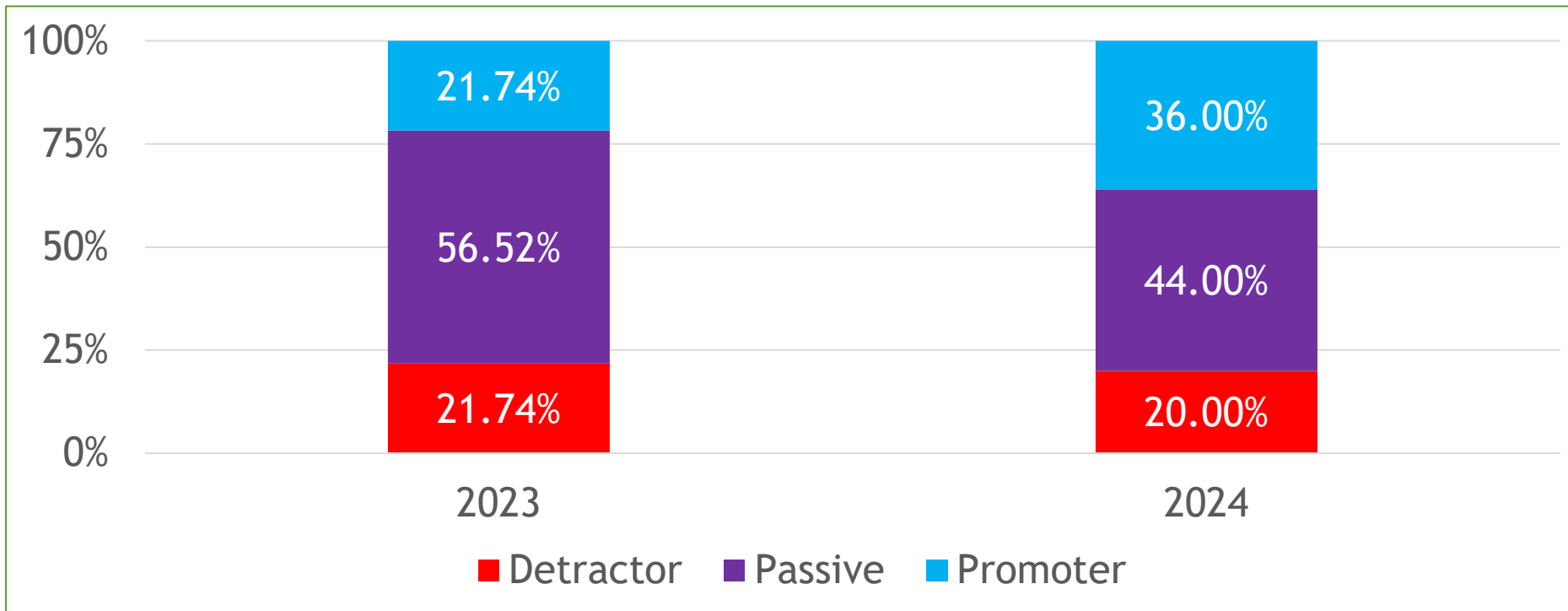
Students were asked to select 1 to 3 people that influenced their decision to come to Peninsula College. The answers that occurred most frequently in 2024 are listed here. Students could also write in answers, and “myself” was the most frequent response.

Top 5 Most Attractive Features



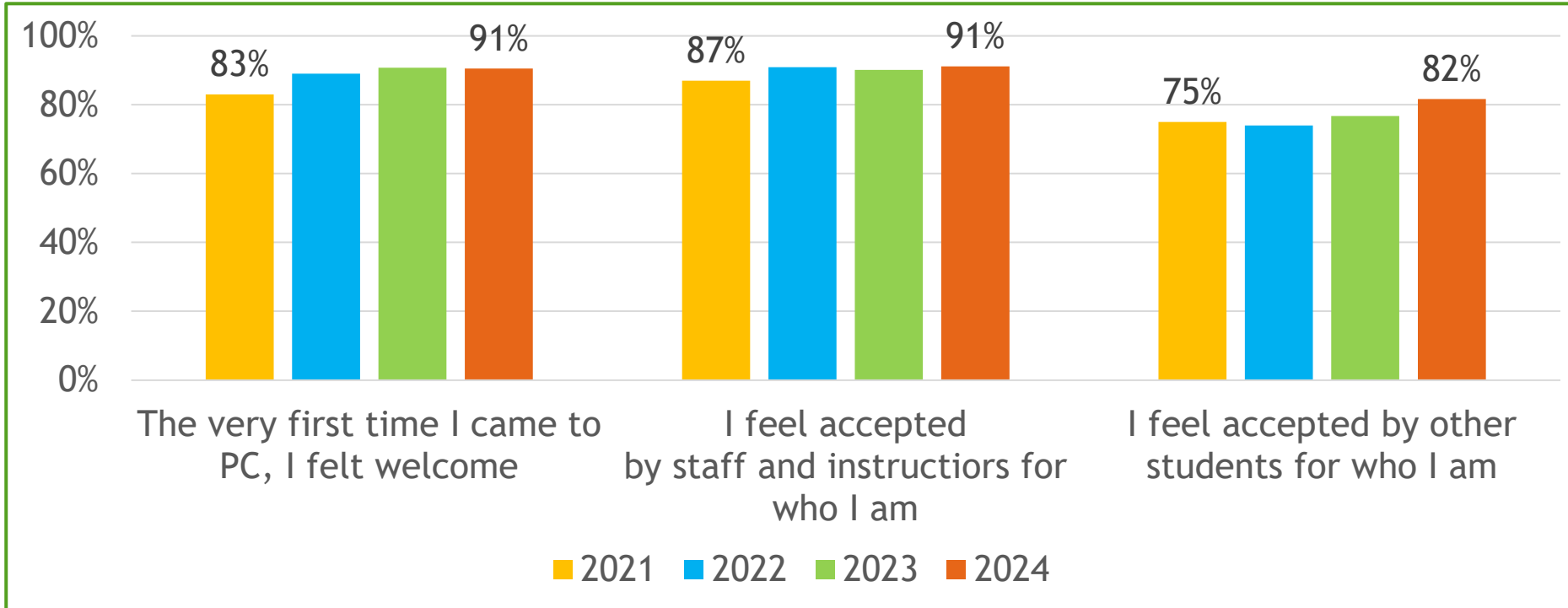
Students were asked to select 1 to 3 factors that influenced their decision to come to Peninsula College. The answers that occurred most frequently in 2024 are listed here. Students could also write in answers, and the Running Start program and the location of the campus were the two most frequent write-in responses.

How likely are you to recommend PC to a friend or family member?



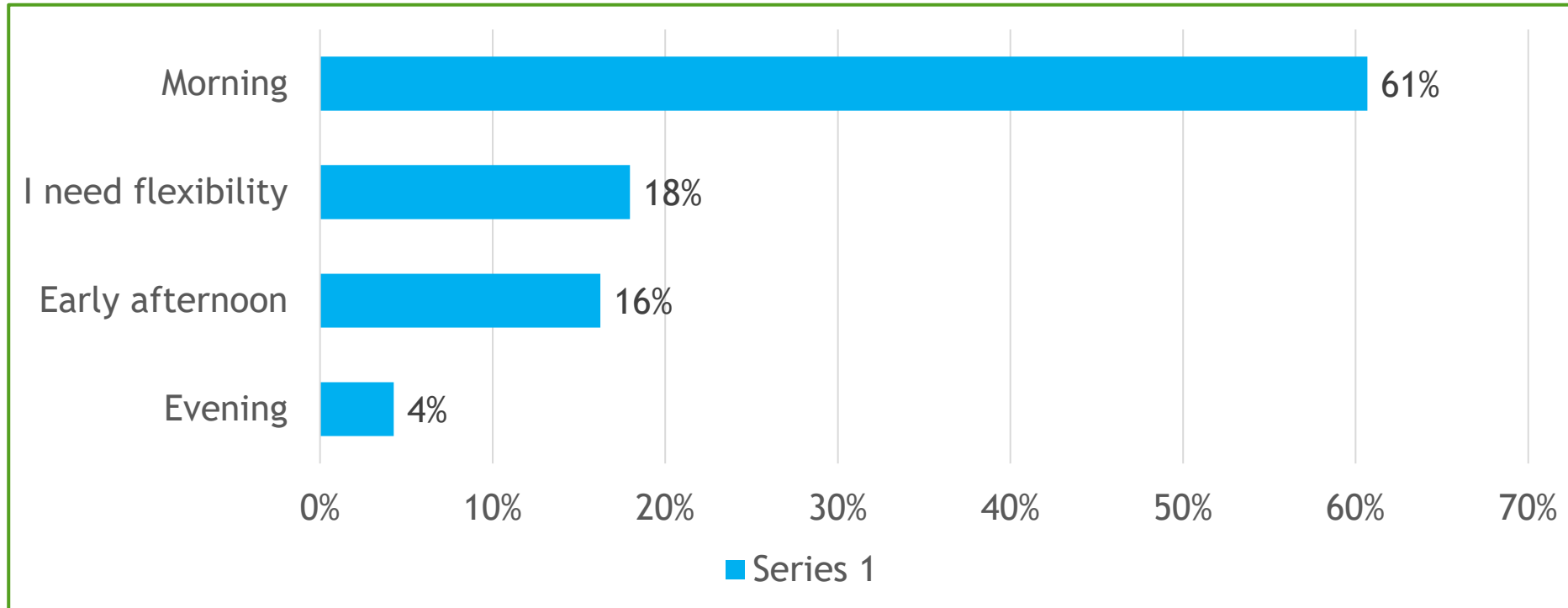
Students were asked to respond on a scale of 1 to 10. Zero to six are considered detractors, 7 and 8 are considered passive, and 9 and 10 are considered promoters. With very small responses rates (25 responses in 2024) there was a 15% increase in promoters between this year and last year.

Acceptance



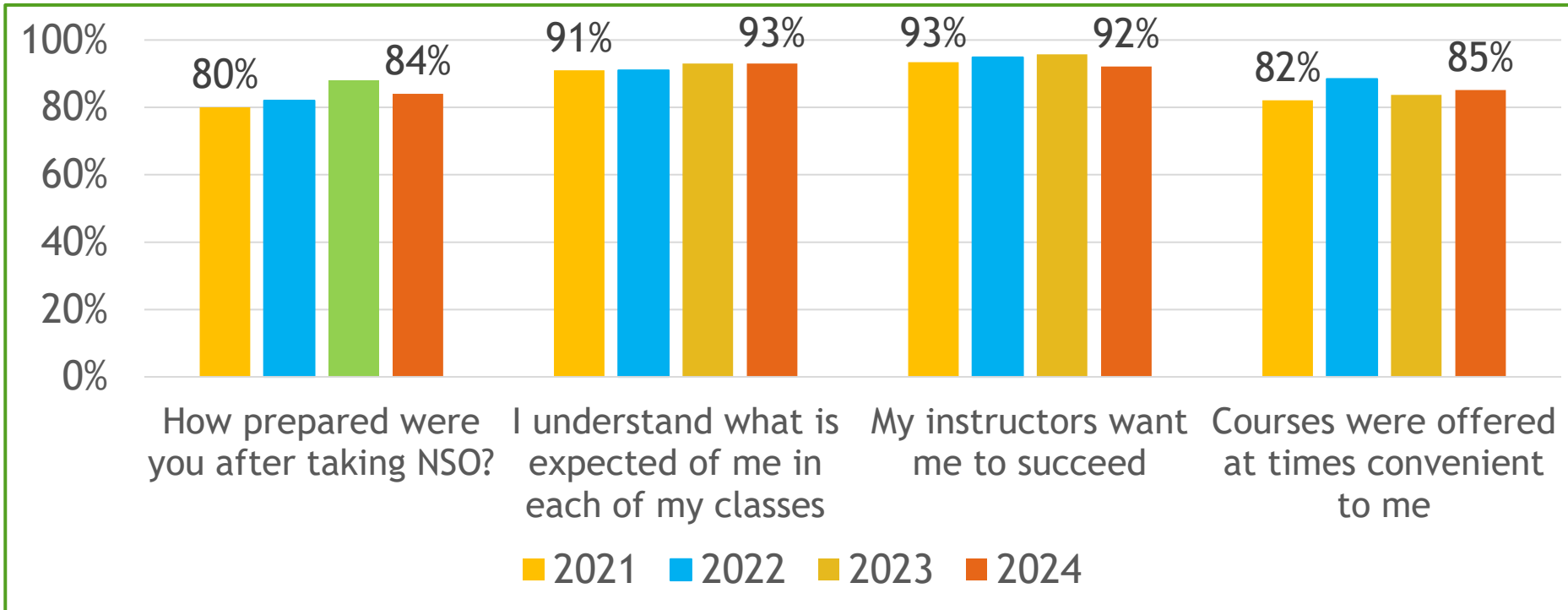
Students were asked how much they agreed with these statements about acceptance and welcome at Peninsula College. Responses reported here are “strongly agree” and “somewhat agree” with each question showing a slight increase over the past four years.

Class Time (First Preference)



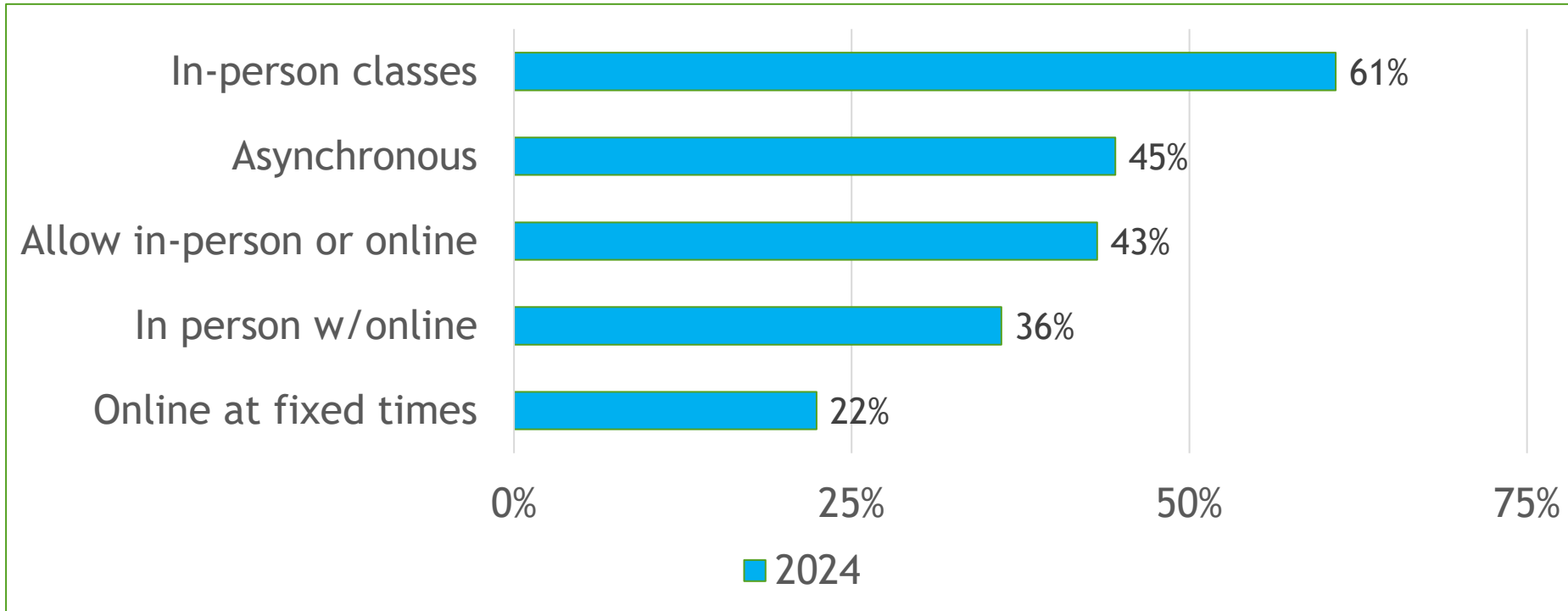
In 2024 we added a question asking students to rank the class times in order of preference from one to six, with one being the most preferred. This question does not differentiate between class delivery format (in person, online, etc.). Two-thirds of students prefer morning classes, while almost 20% preferred a flexible schedule followed by early afternoon

Settling in at PC



These questions help PC assess their effectiveness in helping students adjust to being at PC. For the New Student Orientation (NSO) questions, responses reported include “very prepared” and “somewhat prepared.” The other questions asked students how much they agreed with the statements. Responses reported include “strongly agree” and “agree.”

Class Delivery Format (five stars)

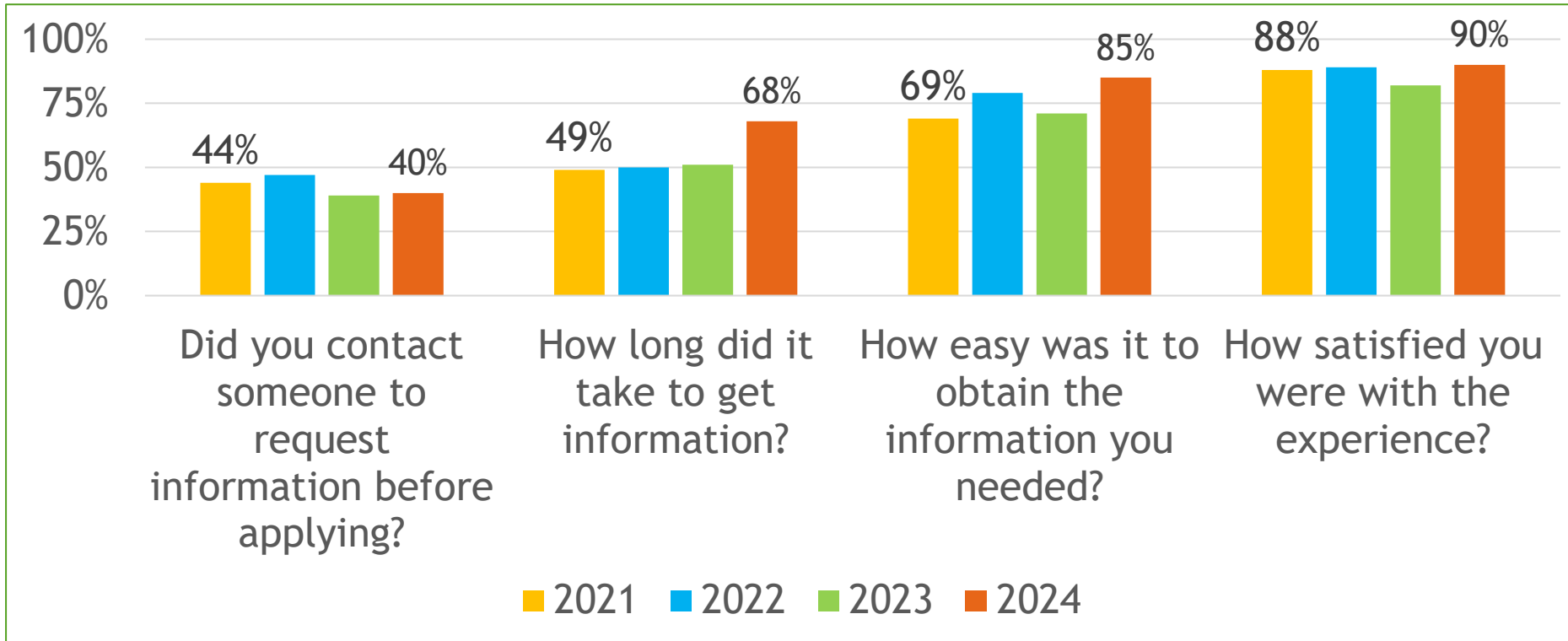


Students were asked to rate each class delivery format on a scale of 0 to 5 stars, with five being their most preferred. Students could rate any or all class formats. The most popular formats were in-person, asynchronous (where students can work on their own time) and flexible classes that allow attendance either online or in person.

Questions about services

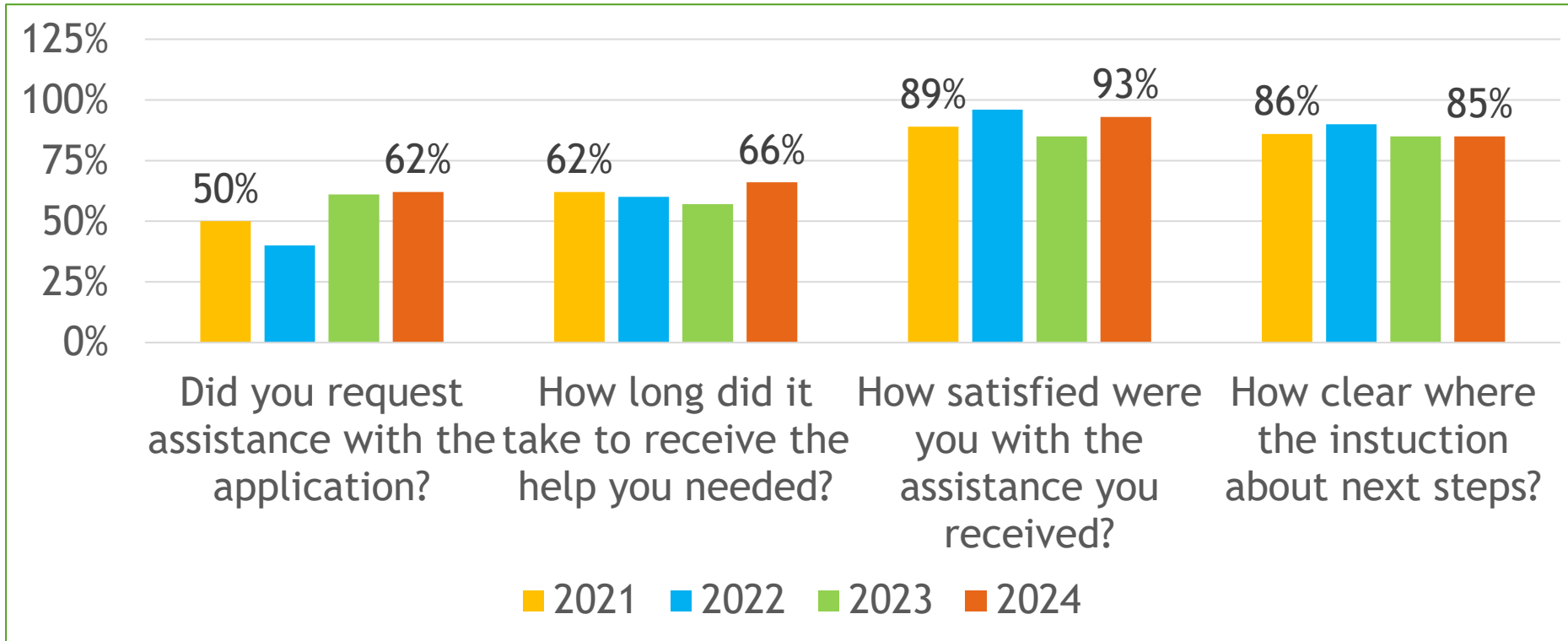
- ▶ Students were asked whether they had contacted the college or used the following services:
 - ▶ Requesting more information before they applied
 - ▶ Requesting help with completing the application
 - ▶ Placement and Testing
 - ▶ Advising
 - ▶ Financial Aid
- ▶ For each of those services, the following slides show:
 - ▶ The number of students responding that yes, they had used that service
 - ▶ If applicable, how long it took to receive the information requested. Responses reported include between “Immediately” and “one business day.”
 - ▶ Other questions were asked about the student’s use of the experience. Responses reported include positive answers such as “very” or “extremely” and “somewhat”- “satisfied,” “clear,” knowledgeable,” “comfortable”, and “easy.”

Obtaining information before applying



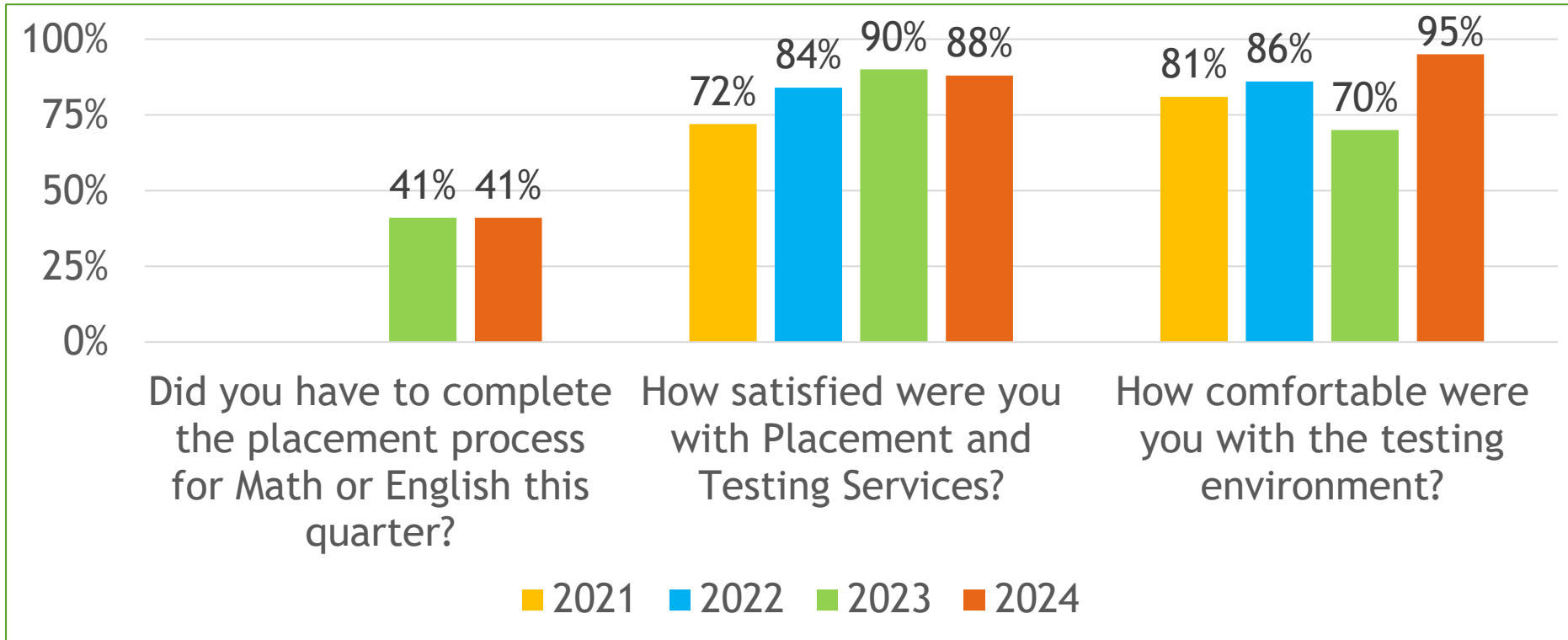
Students were asked to report on their experience in requesting and receiving information before they applied. One in four students requested information, and between half and two-thirds of them received the requested information within one business day. 8 of 10 students reported that it was easy to obtain the information they needed, and 9 of 10 students reported being satisfied with that interaction.

Completing the application



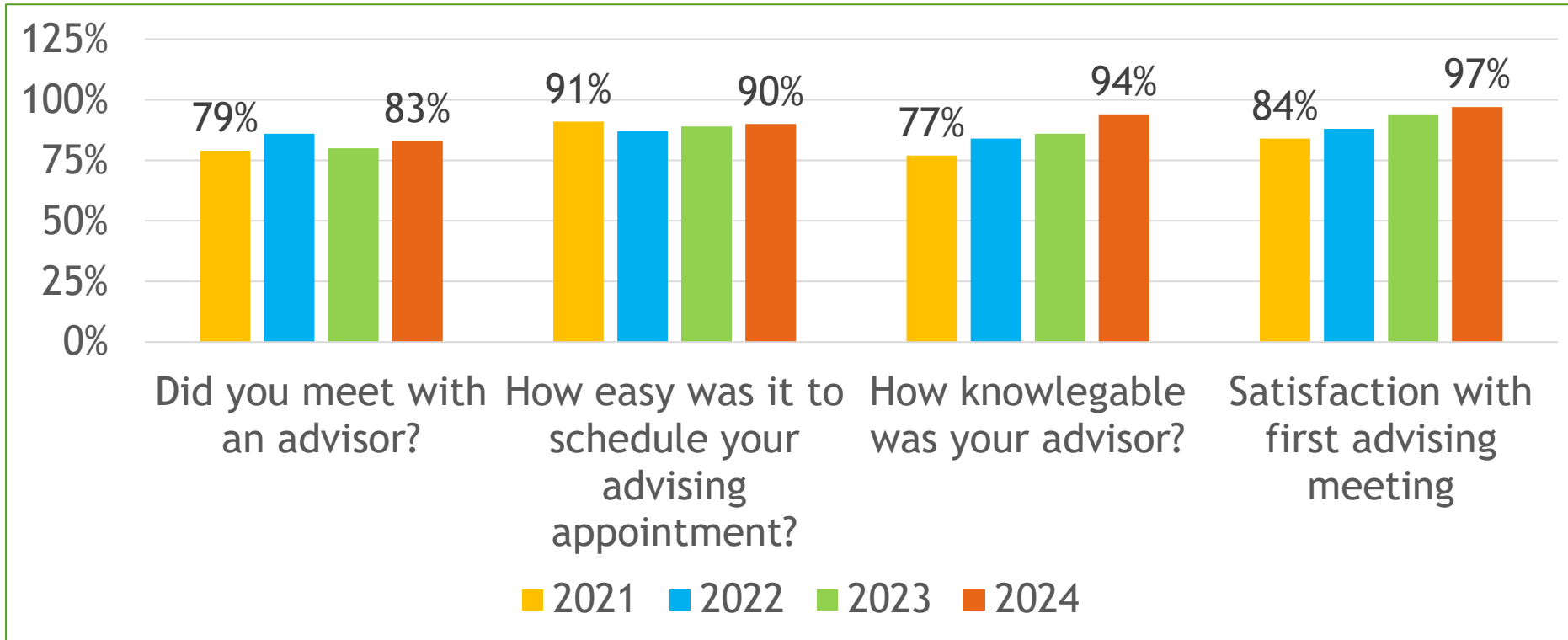
Students were asked to report on their experience in completing their college application. About two-thirds of the students who requested assistance with completing the application received that assistance within one business day. 9 out of 10 students were satisfied with the assistance they received, and 8 out of 10 students said that the next-step instructions were clear.

Placement and Testing



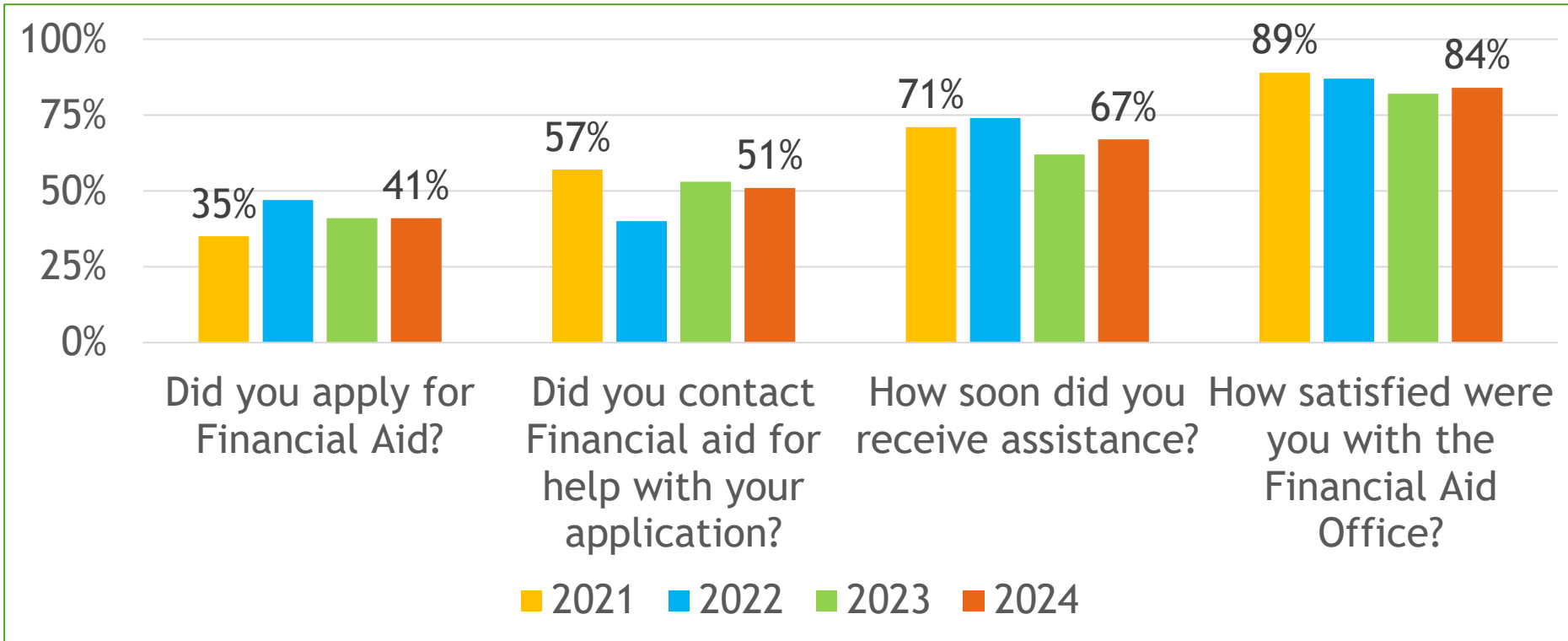
Students were asked to rate their satisfaction with aspects of Placement and Testing. The question changed in 2023 so we don't have data for earlier years for how many students completed the placement process. In 2023 about 40% of students used one or more placement and testing services. Of those students, 9 out of 10 were satisfied with Placement and Testing services, and in 2024, 95% said they were comfortable in the testing environment.

Advising



Students were asked to rate their satisfaction with aspects of advising. 8 out of 10 students surveyed met with an advisor, and of those students 9 out of 10 stated that it was easy to schedule their advising appointment. In 2024, 94% of students reported that they felt their advisor was knowledgeable about course options, prerequisites, and degree requirements; and 97% reported being satisfied with their first advising meeting.

Financial Aid



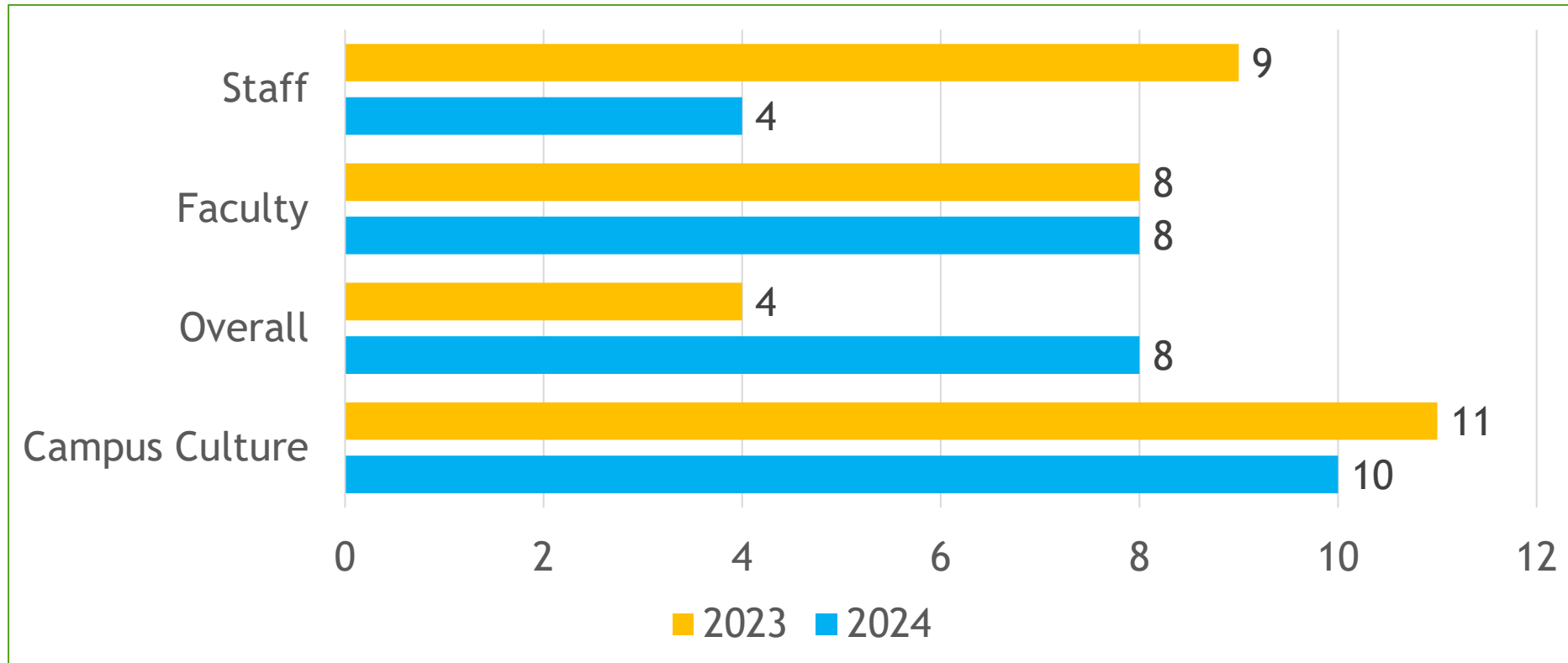
Students were asked to rate their satisfaction with aspects of Financial Aid. About 4 in 10 students reported applying for Financial Aid, and about half of those students contacted Financial aid for help with their Financial Aid application. Two-thirds of students that asked for help received it within one business day, and 8 out of 10 students reported being satisfied with their experience with the Financial Aid office.

Comments

	Negative	Neutral	Positive	Total
2021	6 (13%)	4 (9%)	38 (79%)	47
2022	14 (22%)	3 (5%)	47 (73%)	64
2023	16 (27%)	3 (5%)	40 (68%)	59
2024	9 (19%)	0 (0%)	39 (81%)	48

- Students were asked “In a few short sentences, please tell us more about your experience as a new student at Peninsula College.”
- Responses were categorized and counted as either positive or negative comments, with a handful of comments that were not actionable and so were counted as neutral.
- Comments with more than one subject were categorized separately.

Top 4 Positive Comments



Over the past two years, comments about how welcomed students felt on campus were the most common, followed by positive comments about faculty and staff. Comments such as “love being a student here” or “everything was great!” were categorized as “Overall.”

Negative comments

With only a small number of negative comments from each survey, each category received only a handful of mentions each year.

Often students would say something like “overall my experience was great, but I had an issue with xxx.”

In the past two years, the most frequently mentioned negative issues included

- classes being offered only online or difficulty with aspects of online classes (4)
- Negative experiences with a particular department or departments (3)
- Negative experiences with faculty (3)
- Difficulty navigating the registration process online (2),

Questions?



Enrollment Highlights

as of December 9, 2024

Fall 2024 Enrollment Highlights

State FTEs at 1511.7 are up 336.3 FTES or 28.6% from Fall 2023 end-of-quarter.

- new programs such as BAS and Cybersecurity are continuing to enroll at high numbers.

Contract FTEs at 419.5 are up 27.2 FTES or 6.9% from Fall 2023.

Self-support FTEs at 41.4 are up 6.3 FTES or 17.9% from Fall 2023.

Annualized FTE Enrollment Highlights

Fall and Summer 2024 compared to Fall and Summer 2023

- State FTEs - 2061.1 FTEs - are up 40.1% from YTD Fall 2023.

- Contract FTEs - 502.7 FTEs - are up 15.7% from YTD Fall 2023.

- Self Support FTEs - 51.1 FTEs - are down -1.7% from YTD Fall 2023.

Kind of Student or Student Intent (unverified data are estimates subject to change)

- Transfer FTEs - 720.7 FTEs - increased 7.8%.

- Professional/Technical -1371.5 FTEs - increased by 59.0%.

- Transitional Studies -394.3 FTEs - increased by 41.3%.

Summer 2024

State FTEs in summer 2024 (549) are 253 FTEs more than summer 2023, an 85% increase, due primarily to an increase in CMAA enrollments.

Winter 2025

Estimated State FTEs for winter 2025 (600.2) are 35% higher than this day last year for winter 2024 (444.2).

Definitions:

FTE - Equivalent to one student taking 15 credits per quarter or 45 credits per year.

Annualized FTE - Total FTE divided by 2 in winter, 3 in spring.

State FTES- the sum of FTES for students in state-supported classes. State FTES drive the appropriation formula used to determine state income to the college.

Contract FTES - the sum of FTES for students in contract-funded classes.

The main sources of contract FTES are Running Start and Department of Corrections.

Self-Support FTES - the sum of FTES for students in self-support classes. Self-support classes are those for which there is no outside funding, such as most Continuing Education.

Kind of Student or Student Intent -

Transfer - Students enrolled in academic transfer programs.

Prof/Tech - Students enrolled in professional/technical programs.

Transitional Studies - Students pursuing a high school diploma or GED.

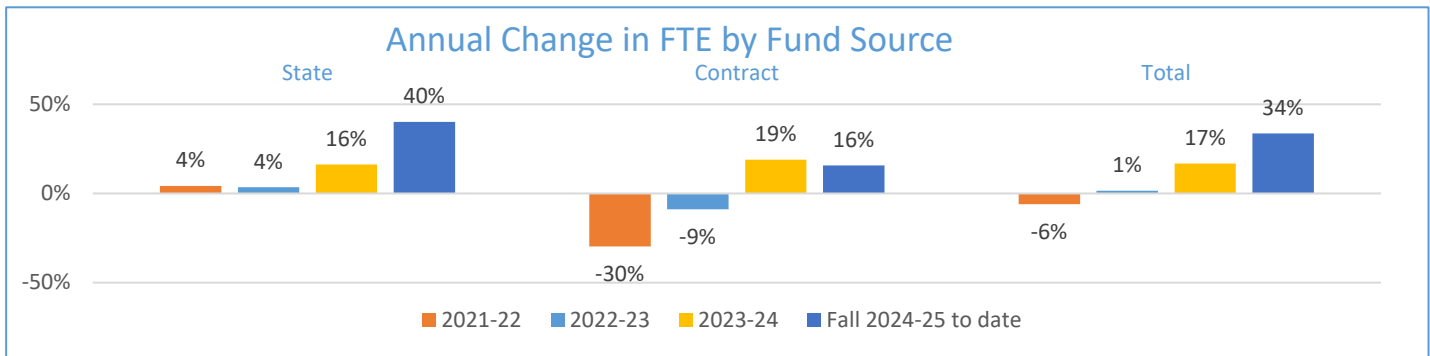
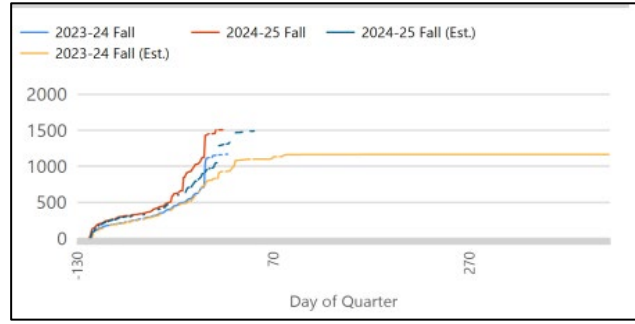
Other - All other students.



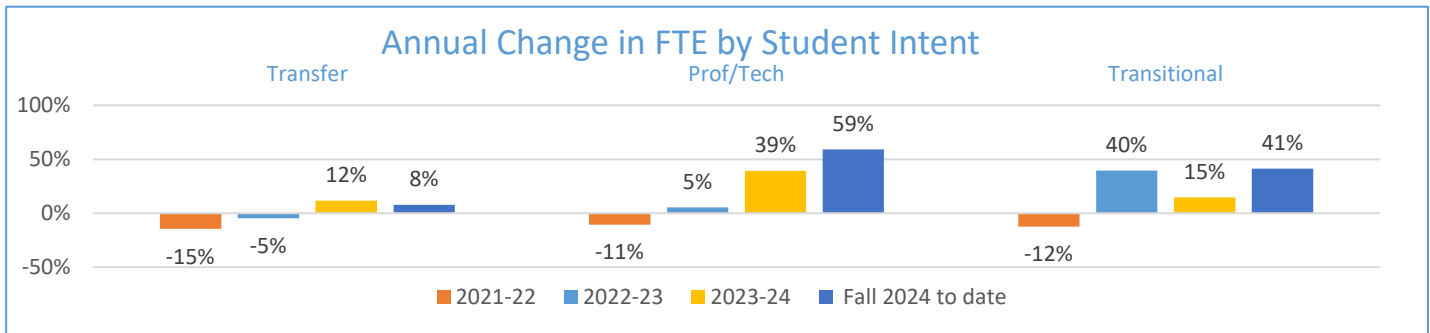
FALL 2024 Enrollment Highlights

as of December 9, 2024

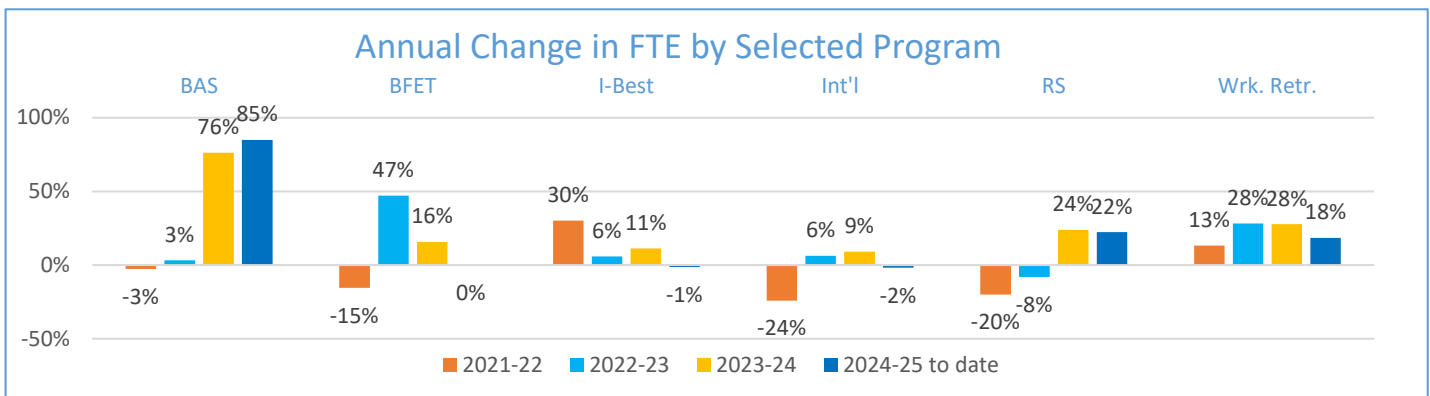
FTES	State	Contract	Self	Total
Fall 2023 to date	1175			
Fall 2024 to date	1512	420	41	1973
Difference	336			
	28.6%			
Fall 2023 Total	1175.4	392	35	1603
Difference	336	27	6	370
	28.6%	6.9%	17.9%	23.1%



2024-25 Annual FTEs to date	State	Contract	Other	Total
	2061.1	502.7	51.1	2614.9



2024-25 Annual FTEs to date	Transfer	Prof/Tech	TS	Other	Total
	720.7	1371.5	394.3	128.4	2614.9



2024-25 Annual FTEs to date	BAS	BFET	I-Best	Int'l	RS	Wrk Retr.	(enrollments are not mutually exclusive)
	102.5	125.0	144.7	48.1	363.0	278.1	



November 22, 2024

Ref: 24-32-45

Dr. Suzy Ames
 President
 Peninsula College
 1502 East Lauridsen Blvd.
 Port Angeles, WA 98362

Re: Fiscal Year 2022-23 Financial Review

Dear Dr. Ames:

During the past few months, the System Internal Auditor for the State Board for Community and Technical Colleges (SBCTC) performed a fiscal and programmatic review of Peninsula College (the “college”) for the state fiscal year ending June 30, 2023.

Details of the grants reviewed are as follows:

Program Title	Contract Number	Contract Period		Amount
BEdA Leadership Block Grant	I01-BLB-23	7/1/2022	6/30/2023	\$5950.00
BEdA Master Grant	I01-BEDA-23	7/1/2022	6/30/2023	190,109.00
BFET	I01-BFET-22	10/1/2021	9/30/2022	242,236.00
BFET	I01-BFET-23	10/1/2022	9/30/2023	268,809.00
Corrections Education Grant	I01-CE-23	7/1/2022	6/30/2023	1,470,763.00
Early Achievers Grant	I01-EAG-23	7/1/2022	6/30/2023	24,900.00
Perkins Leadership Grant	I01-PLB-23	7/1/2022	6/30/2023	17,400.00
Perkins Non-Traditional Grant	I01-PNT-23	7/1/2022	6/30/2023	4,400.00
Perkins Plan	I01-PRK-23	7/1/2022	6/30/2023	218,975.00
Running Start ESSR Funds	I01-RS-23	7/1/2022	6/30/2023	\$303,560.00
WorkFirst Delivery Agreement	I01-WFDA-23	7/1/2022	6/30/2023	253,978.00

In addition to the review of the federal grants and contracts listed above, the engagement also included an examination of the Early Achievers Grant (EAG), a state funded award, to verify compliance with the required grant and legal provisions, and a review of cybersecurity practices at the college.

This letter is to provide you with the final results of this review, and, if applicable, to outline any further steps necessary as a result of this engagement.

Cybersecurity Review

Due to the increase in cybersecurity risk, continuous changes in technology, and the occurrence of several ransomware attacks on state systems, this audit included a brief review of Peninsula College's efforts to address these risks. The review was planned using generally accepted and recommended industry practices described in various guidelines, to include the International Professional Framework (IPPF) Global Technology Audit guide, National Institute of Standards and Technology (NIST) cybersecurity guidance, and Washington technology Solutions (WaTech) publications, all of which provide general guidelines and suggested practices to secure Information Technology (IT) systems. The purpose of this review is to ensure the college is following generally accepted and recommended guidelines for maintaining a secure system and to identify further actions that can be taken to safeguard information and technology assets maintained by the college. The recommendations in this section of the report are not based on established guidelines and are only included to assist the college in further improving its security. No response to these issues is required.

The review found the college is following most recommended steps to reduce risk and to prevent a security event. However, the engagement did find a few opportunities for the college leadership and the IT division to further reduce the risk of a cybersecurity event and system failure. These recommended steps are as follows:

Update, Review and Addition of Policies and Procedures

One of the most important steps to decreasing risk is providing clear and direct expectations and boundaries for users and setting sanctions for noncompliance with these guidelines. Peninsula College currently has two main policies relating to Information Security (IT). These policies are as follows:

Policy Number:	Policy	Last Reviewed:
232	Telework	1/19/2018
530	Electronic Information Systems Acceptable Use	2/15/2018

The college is currently in the process of updating the Electronic Information Systems Acceptable Use policy and adding several new procedure sections to the main policy. A review of the current drafts of these additions found the proposed changes to include many recommended guidelines and address several different areas of risk. To assist users in finding this pertinent information easily, it is recommended the college consider creating new policies or renaming the various procedures to better describe the various guidelines provided. Specifically, it is recommended the college separate and rename the Network Security, and Incident Response sections.

It is also recommended the college consider updating the Telework policy. With the increase in the volume of teleworking, clear and concise guidelines for remotely accessing systems are even more crucial for security. The revisions should provide users with the college's IT principles and requirements for connecting remotely to networks, as well as the use of personal clouds and portable data storage devices (mobile phones, laptops, etc.). In addition, it is recommended the policy outline employee responsibilities for safeguarding items and data taken off campus and their duty to report any security incident, theft, or loss to the college's IT division immediately.

Finally, to further safeguard college assets and to clearly communicate expectations to all individuals using college IT assets, it is recommended the college consider adopting the following additional industry recommended policies:

- **Third Part Access** – It is also recommended the college consider creating rules and regulations governing how and when to provide access to the system and/or information to outside parties. Such a policy would ensure access is only provided by authorized individuals and establish the responsibilities of both the third party and the college for safeguarding college assets, and how potential incidents of damage or loss will be managed.
- **Incident Response** – As noted above, it is recommended that the college maintain a separate and detailed policy on how a suspected or actual breach, disruption, or catastrophic event would be handled. This type of policy would be instrumental in notifying users how to report and respond to possible threats and disruption. In addition, clear guidelines could help reduce disruption and damage to the college in case of any major incident and could assist in reducing loss. The policy should also address the roles of various parties in responding to the event, and the required steps to minimize damage and restore services as soon as possible.

Required Training for Staff and Faculty

The strongest and most effective tool in preventing cybersecurity events is training. With the growing sophistication of cyber criminals and the continued evolvement of the IT field, annual training is critical to ensure users are aware of risks they may encounter and how to deal with various situations. The college's is currently only requiring IT Security training for user when they are hired, but no training courses are required after onboarding. With the continuous changes to technology and the growing sophistication of cyber criminals, annual training is crucial to ensuring staff are prepared for possible cyber events and attempts to breach the system. Currently the IT division is looking into a course to use in providing mandatory annual training. It is recommended the college take necessary steps to adopt this training as soon as possible. In addition, the college is encouraged to take steps to verify all those required to take the course participate in the training, and to establish sanctions and remedies to ensure participation by all users.

Independent Audit

The college has not had an independent audit of its IT system since 2018. Industry guidance and WaTech both recommend an independent audit of IT systems at least once every three years to provide an assessment of a system from an independent perspective. It is recommended the college make arrangements for such an independent audit of the IT system to verify current security measures in place are effective and to learn how risk can be further reduced.

Artificial Intelligence

Finally, the college is encouraged to consider and plan for future security risks connected to Artificial Intelligence (AI). With the increase in sophistication and use of AI, it is expected that IT systems will face an increase in the number and quality of cyber-attacks. To better prepare, manage, and respond to these new risks, the college will be required to use more tools and resources. Leadership and management are encouraged to consider taking steps to prepare and plan for these new risks, as necessary.

State Grant Review

As mentioned above, as part of this review a sample of expenses from several state grants was selected and reviewed to verify costs paid by grant funds were for allowable items, properly approved and

documented, and incurred during the grant period. In addition, the Early Achiever's Grant, awarded by Department of Children, Youth and Families (DCYF), which provides educational benefits to students participating in the Early Childhood Education program was audited to verify all grant recipients were eligible for benefits, and that grant legal provisions are being followed. The results were as follows:

Early Achiever's Grant (EAG)

The review of Washington State Early Achiever's Grant (EAG) was performed to ensure the college has necessary systems and internal controls in place to ensure grant provisions are being followed and that student files include all required records.

The review found the college has the required systems and internal controls to provide proper oversight and to ensure all grant provisions are being followed. In addition, a review of a sample of student files belonging to grant recipients found all recipients eligible for funding, evidence that grant provisions are being followed, and that required student records and documentation is being maintained.

The audit also included a review of a sample of expenses invoiced under EAG. All reviewed costs invoiced for the grant were allowable, incurred during the grant period of availability, and properly supported.

Corrections

To verify the accuracy and validity of expenses charged to the Corrections grant, a sample of goods and service, and travel costs were selected for review. The review found all expenses were supported, allowable, and compliant with state and grant requirements.

To ensure continued compliance with grant provisions and to provide business continuity, it is recommended the college create and maintain local policies and procedures describing how these state grants are administered locally and the internal controls and systems used to ensure continued compliance.

Federal Grants Review

The review of federal grants for this audit consisted of examination of supporting documents for payroll and other expenses charged to the grant. The tests were performed on a judgmentally selected sample of each category of expense from each grant. Review procedures were designed to verify all grant requirements are being followed and that all documentation required by State and Federal law are on hand to support these expenditures.

Federal guidelines require that all charges paid by grant funds be supported with documentation that shows the expenses were approved, allowable, and supported with appropriate documentation, such as receipts, packing slips and purchase orders. In addition, all expenses must have been incurred within the grant period of availability. In the case of salaries and wages charged to federal grants, all charges must be supported with time and effort certifications (T&E), signed, and attested by the employee that performed the work or someone with first-hand knowledge of the employee's work, under penalty of perjury in a timely manner. In case of an audit by an outside agency, salaries and wages or any other expense not properly supported with required documentation would be categorized as "questioned" or "unallowable" costs and the grant recipient could be required to return all unsupported funds to the grantor.

For the purposes of this review, any T&E signed within three months of the end of the pay period was considered timely however, past federal reviews by federal inspectors and single audits usually require T&Es to be signed within a month of the completion of a pay period.

Results of testing performed on each grant's expenditures are as follows:

BEa Grants (Adult Basic Education)

The college was the recipient of two BEa grants during the period under review: BEa Master Grant and BEa Leadership. The review of time and efforts for a sample quarter of payroll costs found documentation prepared to support these expenses had not been signed or dated and did not meet federal requirements. In addition, a comparison of the documentation provided with payroll records found the documents did not support the amount invoiced.

The BEa grant also requires recipients to spend .25c of local funds for every \$1.00 of federal funds used, which is called the Matching provision. The college had received approval to use salaries and wages of other BEa staff and faculty to fulfill this requirement. The college was unable to provide documentation that this requirement had been met.

All selected expenditures reviewed for the BEa grant were allowable, paid at the correct amount, and properly supported with receipts and other required documentation.

BFET (Basic Food Employment and Training)

The BFET grant reimburses recipients for half of the amount spent on the program and as such all charges made to the grant should be supported with payroll records totaling twice the amount invoiced. The review found the college had time and efforts to support the amount invoiced and that all documents were properly completed and certified. In addition, a review of a sample of expenses charged to BFET found all expenses were allowable, properly supported, and incurred during the grant period.

Perkins Grant

For the Perkins grant, none of the time and efforts provided to support payroll costs were signed and therefore the certification requirement had not been met. In addition, due to the absence of a signature, the timeliness of the documents could not be supported. Due to these factors, payroll costs for the grant were unsupported.

The review of goods and services purchased with grant funds found all expenses were properly supported, allowable, and incurred during the period of grant availability. However, a review of travel expenses found various issues and areas of concern. The sample selected for audit included eighteen (18) transactions. Of these eighteen transactions:

- Two were for lodging costs that were at a rate over the allowable per diem. The higher rates had not been pre-approved as required by state law. The amount the grant was overcharged for these two instances was over \$700.00.
- Seven expenses paid for travel were not supported with a receipt.
- Two of the charges paid by the college were unallowable; and
- One for mileage reimbursement paid was for an amount significantly larger than the distance traveled for the trip described.

Running Start

For the Running Start grant, the engagement only included a review of a sample of nonpayroll expenses charged to the award. The review found all sample expenses were allowable and supported with required documentation.

WorkFirst

Finally, for WorkFirst, the college invoiced the grant for \$27,879.23 in salaries and wages during the sample period but was only able to provide time and efforts to support \$20,533.79 of this amount, \$7,176.71 less than the amount required. Those T&Es provided as support were accurately completed and signed in a timely manner.

A review of a sample of nonpayroll expenses found all expenses in the sample were allowable and supported with required documentation.

Corrective Action for Prior Reviews

In addition to the issues noted above, the review found that the college had not implemented the agreed upon corrective actions described and agreed to by the college after its previous SBCTC audit. The issues found in the previous review also concerned the inadequacy of time and efforts certification supporting payroll costs charged to federal grants.

Corrective Actions

Peninsula College must take corrective action to address areas of non-compliance by taking the following measures:

- Creating local policies and procedures on grant administration, management, and fiscal requirements;
- Ensuring all employees involved in administration, management and oversight of grants are trained in appropriate federal and state policies and requirements;
- Implementing controls over all grant expenses and activities designed to ensure they are approved, allowable, supported, and paid at the correct amount;
- Creating systems and controls designed to ensure required documentation for all expenses are properly prepared, reviewed, and maintained; and
- Creating a process for periodic reconciliation and review of grant expenditures and files to the approved budget to ensure the award is properly managed.

The college must provide SBCTC with a Corrective Action Plan (CAP) that includes a brief description of how the exceptions noted in this correspondence will be addressed within 60 days of receipt of this letter. The CAP should include information on the individual(s) responsible for ensuring the agreed upon corrective action is complete and the date by which the corrective action is expected to be implemented.

Upon receipt and approval of the college's CAP, SBCTC will issue a letter notifying the college that the Corrective Actions proposed are sufficient in addressing all areas of noncompliance. SBCTC will follow

up on the status of corrections and may request documentation to show the corrective action has been completed.

If you have any questions pertaining to this review or if I can be of any assistance, please feel free to contact me at (253) 691-7618 or [mjacobson@sbctc.edu](mailto:mjacobs@sbctc.edu).

As always, we appreciate the assistance, professionalism, and patience of Peninsula college's personnel during this engagement and look forward to working with you again in the future.

Sincerely,

Maryam Jacobs

Maryam Jacobs, CPA, CFE
System Internal Auditor

cc: Choi Halladay, Deputy Executive Director of Business Operations, SBCTC
Joyce Hammer, Deputy Executive Director of Education, SBCTC
Teri Sexton, Director of Accounting & Business Services, SBCTC
Marie Bruin, Director of Workforce Education, SBCTC
Jennifer Dellinger, Policy Associate, SBCTC
Denise Costello, Associate Director of Fiscal Management, SBCTC
Will Durden, Director of BEA, SBCTC
Megan Harper, Program administrator, SBCTC
Carie Edmiston, Vice President for Finance and Administration, Peninsula
Richele Ferretti, Fiscal Analyst, Peninsula

**PENINSULA COLLEGE
BOARD INFORMATION**

Subject: **STUDENT ACTIVITIES: CLUBS AND ORGANIZATIONS**

Policy Number: 463

Date Adopted: April 11, 1995

Date Revised: 8/17/2017

Lead Administrator: Vice President – Student Services

BACKGROUND:

The Student Activities: Clubs and Organizations Policy establishes that a student club or organization must be officially recognized by the Associated Student Council before it can use the college name, facilities, or provide activities on behalf of the Associated Student Council.

PROPOSAL:

The revised policy adds the use of the college logos and some minor edits.

RECOMMENDATION: The President recommends that the Board consider Policy 463 – Student Activities: Clubs and Organizations at the December 2024 meeting of the Board of Trustees.



PENINSULA COLLEGE

Board Policy

Subject: **Student Activities: Clubs and Organizations**

Reference #: 463

Statutory Authority:

Date Adopted: April 11, 1995

Date Revised: Not Set

Reviewed: Not Set

Lead Administrator: Vice President - Student Services

Category: Student Services

Peninsula College encourages student participation in creating and maintaining clubs and organizations that reflect student interests and which contribute to the educational, cultural, or social life of the college community.

To establish the relationship between each student organization and Peninsula College, each organization must be officially recognized by the Associated Student Council (ASC) before it may:

1. use the name of the college and/or official college logos;
2. ~~be guaranteed the~~ use ~~of~~ college facilities (groups not recognized will be subject to the college facilities use policy);
3. sponsor or provide activities on behalf of the students or of the Associated Student Council.

Athletic Aid Proposal (study in November, vote in December)

We are asking the Board to give the authority to the President to determine what rate we approve athletic waivers at moving forward, on an annual basis. Knowing the financial struggles the College is facing this year (24-25) we understand the need to continue to recruit athletes for the 25-26 academic year using the current waiver and scholarship amounts. Cabinet is committed to finding a way for athletics to continue to be competitive, which means keeping up with what other NWAC schools are offering for waivers and scholarships. Not all WA ctc's are increasing waivers right away but there are some WA ctc's that are moving forward with increasing waivers and more plan to increase them over the coming years.

The new rule allows Washington Community Colleges to provide up to 100% of 15 credits of in-state tuition (\$1,247 per quarter). Here's a look at what that means at Peninsula College. The maximum we can give is 8 for each basketball team and 11 for each soccer team. With four teams that is 38 total awards.

Currently allowed	No.	Amount	Source
25% waiver	38	\$45,258	Uncaptured tuition
40% scholarship	38	\$72,504	Fund raise/ASC (\$25,000)
Out-of-state scholarship	30	\$16,830	Fund raise
Out-of-state scholarship intl.	4	\$24,552	Fund raise
\$1000 employment	38	\$38,000	ASC

Fund raise need: \$113,886. Revenue: ASC \$25,000, Casino Night \$45,000 (best case), Corporate Sponsors/Boosters \$40,000 (best case), Golf Tournament \$3,000, total: \$113,000. This is more than we have ever fund raised and isn't sustainable. We already started organizing additional efforts to increase our fund-raising revenue.

Proposed options for increasing waiver amount:

Proposed Plan A	No.	Amount	Source
75% waiver	33	\$106,590	Uncaptured tuition
25% scholarship	33	\$30,888	Fund raise/ASC (\$25,000)
Out-of-state scholarship	30	\$16,830	Fund raise
Out-of-state scholarship international	5	\$24,552	Fund raise
\$1000 employment	38	\$38,000	ASC

The base need for fundraising would be \$47,270. However, there is a significant interest in increasing the international scholarships from the 4 we're funding with this effort, plus 1 through a team fund-raising effort. If we could increase our Casino Night revenue from \$30,000 to \$40,000 and find another \$20,000-\$30,000 between corporate sponsorships and the golf tournament, we would be in a position to increase the funding available for international scholarships. This proposal would cost the college an additional \$61,332.

Proposed Plan B	No.	Amount	Source
60% waiver	33	74,052	Uncaptured tuition
40% scholarship	33	72,504	Fund raise/ASC (\$25,000)
Out-of-state scholarship	30	\$16,830	Fund raise
Out-of-state scholarship international	5	\$24,552	Fund raise
\$1000 employment	38	\$38,000	ASC

The base need for fundraising would mirror what we're already doing (see current allowed chart), which, due to the increase in tuition and the demand for international scholarships would be difficult to sustain. This proposal would cost the college an additional \$28,794.

Rationale

- It's the right thing to do for student athletes. The cost to go to college is way up and every year we lose students due to lack of funding. Many of them regularly access the PA Food Bank.
- Of our 88 student athletes in 2023-24, nearly 60 percent of them were students of color. Finding ways to support diverse populations of students supports our campus DEI efforts.
- We are one of the premier athletic programs in the NWAC. We have worked for years to reach that level. We're very proud for the college and the community, but mostly for the high quality comprehensive

experience we provide our student athletes. It would be a huge setback to fall behind what other colleges are offering student athletes.

- We are the only program at Peninsula College that fund raises as much as we do, just to sustain a level of excellence. If we could work toward a full tuition waiver, like all of the colleges in Oregon provide, and some colleges in Washington plan to provide, we could continue to be competitive and also take some pressure off of our fund raising to focus more on college affairs, like recruitment, retention, advising, etc.
- We would still collect the FTE funding for this group of students, who represent half of the students on our rosters. If we split up the aid package, which we commonly do, we'd be able to attract blue chip athletes with full tuition and also be in a better position to retain all 88 of our student athletes by giving them partial aid.
- Student athletes make up the lion's share of our international program. We could expand that effort with more fund-raised monies going to international scholarships. That population isn't eligible for any waiver amount.
- When Dr. Bob Morbacher presented the NWAC's proposal to the Presidents and to the State Board, he provided similar rationale, adding the crisis of small women's rosters, particularly in soccer and softball. He also suggested, in the grand scheme of things, this was a manageable amount for colleges to absorb, as Oregon did when those colleges joined the NWAC 40 years ago.

Here's a look deeper into the amounts:

Waivers

38 waivers at 25% of 15 credits of in-state tuition (\$397) per quarter equals annual total: \$45,258

Note: State policy does not allow a waiver to be provided to an international student, so we don't actually give 38 waivers per quarter. We provided 85 in 2023-24. We were allowed to provide 114.

Source: Uncaptured tuition revenue

Scholarships

38 scholarships at 40% of 15 credits of in-state tuition (\$636) per quarter equals annual total: \$72,504

Also allowed to provide a scholarship equal to the difference between in-state and out-of-state tuition. This amounts to \$187 per quarter for an out-of-state student. In 2023-24, we provided 87 totaling \$13,572.

We are also allowed to provide the out-of-state difference for international students at \$2,046 per quarter or \$6,138 per year. Due to budget constraints, we provided only 1 per team totaling \$21,384 at last year's rate. This is new to the NWAC and caused a strain on our scholarship fundraising.

Source: ASC \$23,000/Fundraising \$80,000 (appx)

Athletic Work Study

38 athletic jobs at \$1,000 each equals annual total: \$38,000

Source: ASC \$36,000 (students don't always earn \$1,000 each)

Athletic Aid New

Under the new state policy, we are allowed to provide up to 38 total waivers at 100% of resident operating fee (\$1,247) per quarter which equals an annual total of \$142,158, assuming we had no international student athletes on scholarship.

STATE OF WASHINGTON
BOARD OF TRUSTEES, COMMUNITY
COLLEGE DISTRICT NO. 1 PENINSULA
COLLEGE

Resolution 2024-07

A resolution recognizing the importance of athletics to
Peninsula College, the Community, and the State of Washington

WHEREAS, the State Board for Community and Technical Colleges authorized Washington community colleges to provide up to 100% athletic tuition waiver (up to 15 credits per quarter, per student). For Peninsula College, the maximum waivers are 8 for each basketball team and 11 for each soccer team; with four teams that is 38 total awards.

WHEREAS, Knowing the financial struggles the College might face in 2025-26, we understand the need to continue to recruit athletes for the 2025-26 academic year using the current waiver and scholarship amounts.

WHEREAS, The College is committed to finding a way for athletics to continue to be competitive, which means keeping up with what other Northwest Athletic Conference (NWAC) schools are offering for waivers and scholarships. Not all Washington community colleges are increasing waivers right away but there are some that are moving forward with increasing waivers and more colleges plan to increase them over the coming years.

THEREFORE, BE IT RESOLVED, The Board hereby delegates authority to the President to annually determine the athletic waiver rate, up to 100 percent.

ADOPTED by the Board of Trustees of Peninsula College, District No. 1, on this Seventeenth day of December in the year 2024.

Signed and Attested This Date:

Joe Floyd, Board Chair

Suzy Ames, President



RULE-MAKING ORDER

PERMANENT RULE ONLY

CR-103P (December 2017)

(Implements RCW 34.05.360)

Agency: Peninsula College, 1502 East Lauridsen Boulevard, Port Angeles, Washington 98362

Effective date of rule:

Permanent Rules

31 days after filing.

Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes No If Yes, explain:

Purpose: To bring the college's Student Code of Rights and Responsibilities (the code) into compliance with a new Final Rule governing sex discrimination grievance procedures recently adopted by the United States Department of Education and to update the code to ensure its prohibited conduct and procedures adequately protect the interests of the college community and the constitutional and procedural rights of individual students

Citation of rules affected by this order:

New: 132A-127

Repealed: 132A-126

Amended:

Suspended:

Statutory authority for adoption: RCW 28B.50.140(13)

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 24-22-119 on 11/5/2024 (date).

Describe any changes other than editing from proposed to adopted version: To be in compliance with the Federal Drug-Free Schools and Communities Act we removed the word "recreational" in 6a "Cannabis, drug and tobacco violations" to make it clear that cannabis is prohibited on college premises or in connection with college activities.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Web site:

Other:

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	<u>17</u>	Amended	___	Repealed	<u>29</u>
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

The number of sections adopted at the request of a nongovernmental entity:

New	___	Amended	___	Repealed	___
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The number of sections adopted on the agency's own initiative:

New	___	Amended	___	Repealed	___
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	___	Amended	___	Repealed	___
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The number of sections adopted using:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

Date Adopted:

Name: Trisha Haggerty

Title: Rules Coordinator, Peninsula College

Signature:

Place signature here

Chapter 132A-127 WAC
PENINSULA COLLEGE STUDENT RIGHTS AND RESPONSIBILITIES

NEW SECTION

WAC 132A-127-005 Authority. The Peninsula College board of trustees, acting pursuant to RCW 28B.50.140(14), delegates to the president of the college the authority to administer student disciplinary action. The president is authorized to delegate or reassign any and all duties and responsibilities as set forth in the chapter as may be reasonably necessary. Administration of the disciplinary procedures is the responsibility of the vice president of student services or their designee. Except in cases involving allegations of sex discrimination, including sex-based harassment, the student conduct officer, or delegate, shall serve as the principal investigator and administrator for alleged violations of this code.

[]

NEW SECTION

WAC 132A-127-010 Statement of jurisdiction. (1) The Peninsula College student rights and responsibilities shall apply to conduct by students or student groups that occurs:

(a) On college premises;

(b) At or in connection with college programs or activities; or

(c) Off college premises, if in the judgment of the college, the conduct has an adverse impact on the college community, the pursuit of its objectives, or the ability of a student or staff to participate in the college's programs and activities.

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

(3) Students are responsible for their conduct from the time they gain admission to the college through the last day of enrollment or award of any degree or certificate, 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 enrollment.

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

(5) The college has sole discretion, on a case-by-case basis, to determine whether the student conduct code will be applied to conduct by students or student groups that occurs off-campus.

(6) In addition to initiating disciplinary 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.

[]

NEW SECTION

WAC 132A-127-015 Statement of student rights. As members of the academic community, students are encouraged to develop the capacity for critical judgment and to engage in an independent search for truth. Freedom to teach and freedom to learn are inseparable facets of academic freedom. The freedom to learn depends upon appropriate opportunities and conditions in the classroom, on the campus, and in the larger community. Students should exercise their freedom with 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 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 student affairs, subject to the limitations of RCW 28B.50.090 (3) (b).

(c) Students shall be protected from academic evaluation that 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 that is free from unlawful discrimination, inappropriate and disrespectful conduct, and any and all harassment, including sex discrimination.

(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.

[]

NEW SECTION

WAC 132A-127-020 Definitions. The following definitions shall apply for purpose of this student conduct code:

(1) "**Business day**" means a weekday, excluding weekends and college holidays.

(2) "**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.

(3) "**Complainant**" means the following individuals who are alleged to have been subjected to conduct that would constitute 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.

(4) "**Conduct review officer**" is the vice president of student services or other college administrator designated by the president who is responsible for reviewing or referring appeals of student disciplinary actions as specified in this code.

(5) "**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.

(6) "**Disciplinary appeal**" is the process by which an aggrieved party can appeal the discipline imposed or recommended by the student conduct officer. Academic dishonesty and disciplinary appeals from a suspension in excess of 10 instructional days or a dismissal from the college are heard by the student conduct appeals committee. Appeals of

all other disciplinary action shall be reviewed by a conduct review officer through brief adjudicative proceedings.

(7) "**Filing**" is the process by which a document is officially delivered to a college official responsible for facilitating a disciplinary review. Unless otherwise provided, filing shall be accomplished by:

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

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

Papers required to be filed shall be deemed filed upon actual receipt during office hours at the office of the specified college official.

(8) "**Instructional day**" is a day identified in the academic calendar and quarterly schedule as a classroom instruction day.

(9) "**Pregnancy or related conditions**" means:

(a) Pregnancy, childbirth, termination of pregnancy, or lactation;

(b) Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or

(c) Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

(10) "**President**" is the president of the college. The president is authorized to:

(a) Delegate any of their responsibilities as set forth in this chapter as may be reasonably necessary; and

(b) Reassign any and all duties and responsibilities as set forth in this chapter as may be reasonably necessary.

(11) "**Program**" or "**programs and activities**" means all operations of the college.

(12) "**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.

(13) "**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.

(14) "**Respondent**" is a student who is alleged to have violated the student conduct code.

(15) "**Service**" is the process by which a document is officially delivered to a party. Unless otherwise provided, service upon a party shall be accomplished by:

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

(b) Sending the document by email and 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 that the document is emailed and deposited in the mail, whichever is first.

(16) "**Student**" includes all persons taking 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 a "student" for purposes of this chapter.

(17) "**Student conduct officer**" is a college administrator designated by the president to be responsible for implementing and enforcing the student conduct code.

(18) "**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.

(19) "**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.

(20) "**Supportive measures**" means measures reasonably available, individualized and appropriate, nonpunitive and nondisciplinary 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.

(21) "**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.

[]

NEW SECTION

WAC 132A-127-025 Prohibited student conduct. 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.**

(a) 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

(b) Domestic violence, dating violence, sexual assault, or stalking of an adult aged 50 or older by any individual; and

(c) Does not include self-neglect.

(3) **Academic dishonesty.** Any act of academic dishonesty, including:

(a) Cheating - Any attempt to give or obtain unauthorized assistance relating to the completion of an academic assignment.

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

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

(d) Deliberate damage - Taking deliberate action to destroy or damage another's academic work or college property in order to gain an advantage for oneself or another.

(4) **Acts of dishonesty.** Acts of dishonesty include, but are not limited to:

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

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

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

(d) Knowingly making a false statement or submitting false information in relation, or in response, to a college academic or disciplinary investigation or process.

(5) **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.

(6) **Cannabis, drug, and tobacco violations.**

(a) 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 use of cannabis, federal law prohibits such use on college premises or in connection with college activities.

(b) Drugs. The use, possession, production, 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.

(c) 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, waterpipes, hookahs, chewing tobacco, vaporizers, and snuff.

(7) **Cyber misconduct.** Use of electronic communications including, but not limited to, electronic mail, instant messaging, electronic bulletin boards, applications (apps), and social media sites, to

harass, abuse, bully or engage in other conduct which harms, threatens, or is reasonably perceived as threatening the health or safety of another person. Prohibited activities include, but are not limited to, unauthorized monitoring of another's email communications directly or through spyware, sending threatening emails, disrupting electronic communications with spam or by sending a computer virus, sending false messages to third parties using another's email identity, nonconsensual recording of sexual activity, and nonconsensual distribution of a recording of sexual activity.

(8) **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.

(9) **Discriminatory harassment.**

(a) 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:

(i) Limit the ability of a student to participate in or benefit from the college's educational and/or social programs and/or student housing;

(ii) Alter the terms of an employee's employment; or

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

(b) 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.

(c) Discriminatory harassment may be physical, verbal, or nonverbal conduct and may include written, social media, and electronic communications not otherwise protected by law.

(10) **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.

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

(12) **Harassment or bullying.** 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.

(a) 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.

(b) 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.

(c) 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.

(13) **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.

(14) **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.

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

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

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

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

(d) Use of such time or resources to interfere with someone else's work;

(e) Use of such time or resources to send, display, or print an obscene or abusive message, text, or image;

(f) Use of such time or resources to interfere with normal operation of the college's computing system or other electronic information resources;

(g) Use of such time or resources in violation of applicable copyright or other law;

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

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

(16) **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.

(17) **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.

(18) **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.

(19) **Sex discrimination.** The term "sex discrimination" includes sex-based harassment, and may occur when a respondent causes more than de minimis harm to an individual by treating them different from a similarly situated individual on the basis of: Sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. Conduct that prevents an individual from

participating in an education program or activity consistent with the person's gender identity subjects a person to more than de minimis (insignificant) harm on the basis of sex.

(a) **Sex-based harassment.** "Sex-based harassment" is a form of sex discrimination and means sexual harassment or other harassment on the basis of sex, including the following conduct:

(i) **Quid pro quo harassment.** A student, employee, agent, or other person authorized by the college to provide an aid, benefit, or service under the college's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct.

(ii) **Hostile environment.** Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the recipient's education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

(A) The degree to which the conduct affected the complainant's ability to access the college's education program or activity;

(B) The type, frequency, and duration of the conduct;

(C) The parties' ages, roles within the college's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;

(D) The location of the conduct and the context in which the conduct occurred; and

(E) Other sex-based harassment in the college's education program or activity.

(iii) **Sexual violence.** "Sexual violence" includes nonconsensual sexual intercourse, nonconsensual sexual contact, incest, statutory rape, domestic violence, dating violence, and stalking.

(A) **Nonconsensual sexual intercourse** is any sexual intercourse (anal, oral, or vaginal), however slight, with any object, 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 (fondling)** is 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** is 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.

(D) **Statutory rape (rape of a child)** is nonforcible sexual intercourse with a person who is under the statutory age of consent.

(E) **Domestic violence** is physical violence, bodily injury, assault, the infliction of fear of imminent physical harm, sexual assault, coercive control, damage or destruction of personal property, stalking or any other conduct prohibited under RCW 10.99.020, 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.

(F) **Dating violence** is physical violence, bodily injury, assault, the infliction of fear of imminent physical harm, sexual assault, or stalking committed by a person 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:

(I) The length of the relationship;

(II) The type of relationship; and

(III) The frequency of interaction between the persons involved in the relationship.

(G) **Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or to suffer substantial emotional distress.

(b) **Consent.** For purposes of this code "consent" means knowing, voluntary and clear permission by word or action, to engage in mutually agreed upon sexual activity.

(i) Each party has the responsibility to make certain that the other has consented before engaging in the activity.

(ii) 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.

(iii) 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.

(iv) Intoxication is not a defense against allegations that an individual has engaged in nonconsensual sexual conduct.

(c) **Title IX retaliation** means intimidation, threats, coercion, or discrimination against any person by a student, for the purpose of interfering with any right or privilege secured by Title IX, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in a sex discrimination investigation, proceeding, or hearing including during an informal resolution process, during a Title IX investigation, or during any disciplinary proceeding involving allegations of sex discrimination.

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

(21) **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 housing, traffic, and parking rules.

(22) **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 and during college programming and activities, subject to the following exceptions:

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

(b) Students with legally issued weapons permits may store their weapons in their vehicle parked on campus in accordance with RCW 9.41.050 (2) or (3), provided the vehicle is locked and the weapon is concealed from view.

(c) The president may grant permission to bring a weapon on campus upon a determination that the weapon is reasonably related to a

legitimate pedagogical purpose. Such permission shall be in writing and shall be subject to such terms or conditions incorporated in the written permission.

(d) Possession and/or use of disabling chemical sprays for purposes of self-defense is not prohibited.

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NEW SECTION

WAC 132A-127-030 Corrective action, disciplinary sanctions, terms and conditions. (1) 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.

(a) **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.

(b) **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.

(c) **Disciplinary probation.** Formal action placing specific 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 a 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.

(d) **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 suspension is imposed.

(e) **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 dismissal is imposed.

(2) 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:

(a) **Education.** Participation in or successful completion of an educational assignment designed to create an awareness of the student's misconduct.

(b) **Loss of privileges.** Denial of specified privileges for a designated period of time.

(c) **Not in good standing.** A student deemed "not in good standing" with the college shall be subject to the following restrictions:

(i) Ineligible to hold an office in any student organization recognized by the college or to hold any elected or appointed office of the college.

(ii) 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.

(d) **No contact directive.** 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.

(e) **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.

(f) **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.

(g) **Trespass or restriction.** A student may be restricted from any or all college premises and/or college-sponsored activities based on the violation.

(3) More than one of the disciplinary terms and conditions listed above may be imposed for any single violation.

(4) If a student withdraws from the college or fails to reenroll before completing a disciplinary sanction or condition, the disciplinary sanction or condition must be completed either prior to or upon the student's reenrollment, depending on the nature of the sanction, condition, and/or the underlying violation. Completion of disciplinary sanctions and conditions may be considered in petitions for readmission to the college.

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NEW SECTION

WAC 132A-127-035 Hazing sanctions. (1) 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.

(2) 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.

(3) 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.

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

[]

NEW SECTION

WAC 132A-127-040 Initiation of disciplinary action. (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.

(2) 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.

(a) **Sex discrimination, including sex-based harassment.** The college's Title IX coordinator or designee shall review, process, and, if applicable, investigate complaints or other reports of sex discrimination, including sex-based harassment. Allegations of sex discrimination, including sex-based harassment, by a student shall be addressed through the student conduct code. Allegations involving employees or third parties associated with the college will be handled in accordance with college policies.

(b) **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.

(3) 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.

(4) 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.

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

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

(5) 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.

(6) Both the respondent and the complainant in cases involving allegations of sex discrimination shall be provided the same procedural rights to participate in student discipline matters, including the right to participate in the disciplinary process and to appeal any disciplinary decision.

(7) 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.

(8) The student conduct officer shall initiate disciplinary action by serving the respondent with written notice directing them to attend a disciplinary meeting. The notice shall briefly describe the factual allegations, the provision(s) of the conduct code the respondent is alleged to have violated, the range of possible sanctions for the alleged violation(s), and specify the time and location of the meeting.

(9) 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.

(10) Within 10 calendar 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.

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

(a) Exonerate the respondent and terminate the proceedings.

(b) Impose a disciplinary sanction(s), with or without conditions, as described in WAC 132A-127-030; or

(c) Refer the matter directly to the student conduct committee for such disciplinary action as the committee deems appropriate. Such

referral shall be in writing, to the attention of the chair of the student conduct committee, with a copy served on the respondent.

(12) In cases involving allegations of sex discrimination, the student conduct officer shall review the investigation report provided by the Title IX coordinator, and determine whether, by a preponderance of the evidence, there was a violation of the student conduct code; and if so, what disciplinary sanction(s) and/or remedies will be recommended. The student conduct officer shall, within five business days of receiving the investigation report, serve respondent, complainant, and the Title IX coordinator with a written recommendation, setting forth the facts and conclusions supporting their recommendation. The time for serving a written recommendation may be extended by the student conduct officer for good cause.

(a) The complainant and respondent may either accept the student conduct officer's recommended disciplinary sanction(s) or request a hearing before a student conduct committee.

(b) The complainant and respondent shall have 21 calendar days from the date of the written recommendation to request a hearing before a student conduct committee.

(c) The request for a hearing may be verbal or written, but must be clearly communicated to the student conduct officer.

(d) The student conduct officer shall promptly notify the other party of the request.

(e) In cases involving sex discrimination, the student conduct officer may recommend dismissal of the complaint if:

(i) The college is unable to identify respondent after taking reasonable steps to do so;

(ii) Respondent is not participating in the college's educational programs or activities;

(iii) The complainant has voluntarily withdrawn any or all of the allegations in the complaint, and the Title IX coordinator has declined to initiate their own complaint;

(iv) The college determines that, even if proven, the conduct alleged by the complainant would not constitute sex discrimination; or

(v) The conduct alleged by the complainant falls outside the college's disciplinary jurisdiction.

(f) In cases involving allegations of sex-based harassment, the college must obtain the complainant's voluntary withdrawal in writing before the matter can be dismissed.

(g) If no request for a full hearing is provided to the student conduct officer, the student conduct officer's written recommendation

shall be final and implemented immediately following the expiration of 21 calendar days from the date of the written recommendation.

(h) Upon receipt of the student conduct officer's written recommendation, the Title IX coordinator or their designee shall review all supportive measures and, within five business days, provide written direction to the complainant and respondent as to any supportive measures that will be implemented, continued, modified, or terminated. If either party is dissatisfied with the supportive measures, the party may seek review in accordance with the college's Title IX investigation procedure.

(i) If the respondent is found responsible for engaging in sex discrimination, the Title IX coordinator shall also take prompt steps to coordinate and implement any necessary remedies to ensure that sex discrimination does not recur and that complainant has equal access to the college's programs and activities.

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NEW SECTION

WAC 132A-127-045 Appeal from disciplinary action. (1) Except as specified for cases involving allegations of sex discrimination, as

set forth in WAC 132A-127-040(12), the respondent may appeal a disciplinary action by filing a written notice of appeal with the student conduct officer within 21 calendar 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; and

(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) Sex discrimination, including sex-based harassment cases;

(d) Academic dishonesty cases; and

(e) Disciplinary cases referred to the committee by the student conduct officer, a conduct review officer, or the president.

[]

NEW SECTION

WAC 132A-127-050 Brief adjudicative proceedings—Initial

hearing. (1) Brief adjudicative proceedings shall be conducted by a conduct review officer. The conduct review officer 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.

(2) The parties to a brief adjudicative proceeding are the respondent and the student conduct officer. Before taking action, the conduct review officer shall conduct an informal hearing and provide each party:

(a) An opportunity to be informed of the agency's view of the matter; and

(b) An opportunity to explain the party's view of the matter.

(3) The conduct review officer shall serve an initial decision upon the respondent and the student conduct officer within 10 calendar days of consideration of the appeal. The initial decision shall contain a brief written statement of the reasons for the decision and information about how to seek administrative review of the initial decision. If no request for review is filed within 21 calendar days of service of the initial decision, the initial decision shall be deemed the final decision.

(4) If the conduct review officer upon review determines that the respondent's conduct may warrant imposition of a disciplinary suspension in excess of 10 instructional days or expulsion, the matter

shall be referred to the student conduct committee for a disciplinary hearing.

[]

NEW SECTION

WAC 132A-127-055 Brief adjudicative proceedings—Review of an initial decision. (1) An initial decision is subject to review by the president, provided a party files a written request for review with the conduct review officer within 21 calendar days of service of the initial decision.

(2) 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.

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

(4) The decision on review must be in writing and must include a brief statement of the reasons for the decision and must be served on the parties within 20 calendar days of the initial decision or of the request for review, whichever is later. The decision on review will contain a notice that judicial review may be available. A request for review may be deemed to have been denied if the president does not make a disposition of the matter within 20 calendar days after the request is submitted.

(5) If the president upon review determines that the respondent's conduct may warrant imposition of a disciplinary suspension of more than 10 instructional days or expulsion, the matter shall be referred to the student conduct committee for a disciplinary hearing.

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NEW SECTION

WAC 132A-127-060 Student conduct committee. (1) The student conduct committee shall consist of five members:

- (a) Two full-time students appointed by the student government;
- (b) Two faculty members appointed by the president or designee;

(c) One faculty member or administrator (other than an administrator serving as a student conduct or conduct review officer) appointed by the president at the beginning of the academic year.

(2) The faculty 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.

(3) Hearings may be heard by a quorum of three members of the committee so long as the chair, one faculty member, and one student are included on the hearing panel. Committee action may be taken upon a majority vote of all committee members attending the hearing.

(4) Members of the student conduct committee shall not participate in any case in which they are 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 the committee for disqualification of a committee member.

(5) For cases involving allegations of sex discrimination, including sex-based harassment, members of the student conduct committee must receive training on serving impartially, avoiding prejudgment of facts at issue, conflicts of interest, and bias. The chair must also receive training on the student conduct process for

sex discrimination cases, as well as the meaning and application of the term "relevant" in relation to questions and evidence, and the types of evidence that are impermissible, regardless of relevance in accordance with 34 C.F.R. §§ 106.45 and 106.46.

(6) The college may, in its sole and exclusive discretion, for sex discrimination or other conduct cases, contract with an administrative law judge or other qualified person to act as the presiding officer, authorized to exercise any or all duties of the student conduct committee and/or committee chair.

[]

NEW SECTION

WAC 132A-127-065 Student conduct committee—Prehearing. (1)

Proceedings of the student conduct committee shall be governed by the Administrative Procedure Act, chapter 34.05 RCW.

(2) The student conduct committee chair shall serve all parties with written notice of the hearing not less than seven calendar 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) A copy of the student conduct code;
- (b) The basis for jurisdiction;
- (c) The alleged violation(s);
- (d) A summary of facts underlying the allegations;
- (e) The range of possible sanctions that may be imposed; and
- (f) A statement that retaliation is prohibited.

(3) The chair is authorized to conduct prehearing conferences and/or to make prehearing decisions concerning the extent and form of any discovery, issuance of protective decisions, and similar procedural matters.

(4) Upon request filed at least five calendar days before the hearing by any party or at the direction of the chair, the parties shall exchange, no later than the third 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.

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

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

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

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

(7) The student conduct officer shall provide reasonable assistance to the respondent and complainant in procuring the presence of college students, employees, staff, and volunteers to appear at a hearing, provided the respondent and complainant provide a witness list to the student conduct officer no less than three business days in advance of the hearing. The student conduct officer shall notify the respondent and complainant no later than 24 hours in advance of the hearing if they have been unable to contact any prospective witnesses to procure their appearance at the hearing. The committee chair will determine how to handle the absence of a witness and shall describe on the record their rationale for any decision.

(8) Communications between committee members and other hearing participants regarding any issue in the proceeding, other than procedural communications that are necessary to maintain an orderly process, are generally prohibited without notice and opportunity for all parties to participate, and any improper "ex parte" communication shall be placed on the record, as further provided in RCW 34.05.455.

(9) 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.

(10) The committee will ordinarily be advised by an assistant attorney general or their designee. If the respondent and/or the complainant is represented by an attorney, the student conduct officer may be represented by an assistant attorney general.

(11) 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.

(12) In cases involving allegations of sex discrimination, the complainant has a right to participate equally in any part of the

disciplinary process, including appeals. Respondent and complainant both have the following rights:

(a) **Notice.** The college must provide a notice that includes all information required in subsection (2) of this section, and a statement that the parties are entitled to an equal opportunity to access relevant and permissible evidence, or a description of the evidence upon request.

(b) **Advisors.** The complainant and respondent are both entitled to have an advisor present, who may be an attorney retained at the party's expense.

(c) **Extensions of time.** The chair may, upon written request of any party and a showing of good cause, extend the time for disclosure of witness and exhibit lists, accessing and reviewing evidence, or the hearing date, in accordance with the procedures set forth in subsection (13)(b) of this section.

(d) **Evidence.** In advance of the hearing, the student conduct officer shall provide reasonable assistance to the respondent and complainant in accessing and reviewing the investigative report and relevant and not otherwise impermissible evidence that is within the college's control.

(e) **Confidentiality.** The college shall take reasonable steps to prevent the unauthorized disclosure of information obtained by a party solely through the disciplinary process, which may include, but are not limited to, directives by the student conduct officer or chair pertaining to the dissemination, disclosure, or access to evidence outside the context of the disciplinary hearing.

(13) In cases involving allegations of sex-based harassment, the following additional procedures apply:

(a) **Notice.** In addition to all information required in subsection (2) of this section, the notice must also inform the parties that:

(i) The respondent is presumed not responsible for the alleged sex-based harassment;

(ii) The parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial decision maker;

(iii) They may have an advisor of their choice, who may be an attorney at their expense, to assist them during the hearing; and

(iv) They are entitled to an equal opportunity to access relevant and not otherwise impermissible evidence in advance of the hearing; and

(v) The student conduct code prohibits knowingly making false statements or knowingly submitting false information during a student conduct proceeding.

(b) **Extensions of time.** The chair may, upon written request of any party and a showing of good cause, extend the time for disclosure of witness and exhibit lists, accessing and reviewing evidence, or the hearing date. The party requesting an extension must do so no later than 48 hours before any date specified in the notice of hearing or by the chair in any prehearing conference. The written request must be served simultaneously by email to all parties and the chair. Any party may respond and object to the request for an extension of time no later than 24 hours after service of the request for an extension. The chair will serve a written decision upon all parties, to include the reasons for granting or denying any request. The chair's decision shall be final. In exceptional circumstances, for good cause shown, the chair may, in their sole discretion, grant extensions of time that are made less than 48 hours before any deadline.

(c) **Advisors.** The college shall provide an advisor to the respondent and any complainant, if the respondent or complainant have not otherwise identified an advisor to assist during the hearing. The college shall not pay for another party's attorney.

(d) **Evidence.** In advance of the hearing, the student conduct officer shall provide reasonable assistance to the respondent and complainant in accessing and reviewing the investigative report and relevant and not otherwise impermissible evidence that is within the college's control.

(e) **Confidentiality.** The college shall take reasonable steps to prevent the unauthorized disclosure of information obtained by a party solely through the disciplinary process, which may include, but are not limited to, directives by the student conduct officer or chair issuing directives pertaining to the dissemination, disclosure, or access to evidence outside the context of the disciplinary hearing.

(f) **Separate locations.** The chair may, or upon the request of any party, must, conduct the hearing with the parties physically present in separate locations, with technology enabling the committee and parties to simultaneously see and hear the party or the witness while that person is speaking.

(g) **Withdrawal of complaint.** If a complainant wants to voluntarily withdraw a complaint, they must provide notice to the college in writing before a case can be dismissed.

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NEW SECTION

WAC 132A-127-070 Student conduct committee—Presentation of

evidence. (1) Upon the failure of any party to attend or participate in a hearing, the student conduct committee may either:

(a) Proceed with the hearing and issuance of its decision; or

(b) Serve a decision of default in accordance with RCW 34.05.440.

(2) The hearing will ordinarily be closed to the public. However, if all parties agree on the record that some or all of the proceedings be open, the chair shall determine any extent to which the hearing will be open. If any person disrupts the proceedings, the chair may exclude that person from the hearing room.

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

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

(5) The student conduct officer (unless represented by an assistant attorney general) shall present the college's case.

(6) All testimony shall be given under oath or affirmation. Except as otherwise provided in this section, evidence shall be admitted or excluded in accordance with RCW 34.05.452.

(7) In cases involving allegations of sex-based harassment, the complainant and respondent may not directly question one another or other witnesses. In such circumstances, the chair will determine whether questions will be submitted to the chair, who will then ask questions of the parties and witnesses, or allow questions to be asked directly of any party or witnesses by a party's attorney or advisor. The committee chair may revise this process if, in the chair's determination, the questioning by any party, attorney, or advisor, becomes contentious or harassing.

(a) Prior to any question being posed to a party or witness, the chair must determine whether the question is relevant and not otherwise impermissible; and must explain any decision to exclude a question that is deemed not relevant, or is otherwise impermissible.

The chair will retain for the record copies of any written questions provided by any party.

(b) The chair must not permit questions that are unclear or harassing; but shall give the party an opportunity to clarify or revise such a question.

(c) The chair shall exclude and the committee shall not consider legally privileged information unless the individual holding the privilege has waived the privilege. Privileged information includes, but is not limited to information protected by the following:

(i) Spousal/domestic partner privilege;

(ii) Attorney-client communications and attorney work product privilege;

(iii) Clergy privileges;

(iv) Medical or mental health providers and counselor privileges;

(v) Sexual assault and domestic violence advocate privileges; and

(vi) Other legal privileges set forth in RCW 5.60.060 or federal law.

(d) The chair shall exclude and the committee shall not consider questions or evidence that relate to the complainant's sexual interests or prior sexual conduct, unless such question or evidence is offered to prove someone other than the respondent committed the

alleged conduct, or is evidence of specific instances of prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

(e) The committee may choose to place less or no weight upon statements by a party or witness who refuses to respond to questions deemed relevant and not impermissible. The committee must not draw an inference about whether sex-based harassment occurred based solely on a party's or witness's refusal to respond to such questions.

(8) Except in cases involving allegations of sex-based harassment, the chair has the discretion to determine whether a respondent may directly question any witnesses; and if not, to determine whether questions must be submitted to the chair to be asked of witnesses, or to allow questions to be asked by an attorney or advisor for the respondent.

[]

NEW SECTION

WAC 132A-127-075 Student conduct committee—Initial decision.

(1) At the conclusion of the hearing, the committee chair shall permit the parties to make closing arguments in whatever form, written or verbal, 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 later of the conclusion of the hearing or the committee's receipt of closing arguments, the committee shall issue a decision in accordance with RCW 34.05.461 and WAC 10-08-210. The 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 of appropriate sanctions, if any. If the matter was referred to the committee by the student conduct officer, the committee shall identify and impose disciplinary sanction(s) or conditions (if any) as authorized in the student code. If the matter is an appeal by 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 sex-based harassment, the initial decision shall be served on all parties simultaneously, as well as the Title IX coordinator.

[]

NEW SECTION

WAC 132A-127-080 Student conduct committee—Review of initial decision. (1) Any party, including a complainant in sex-based harassment cases, may appeal the committee's decision to the president by filing a written appeal with the president's office within 21 calendar days of service of the committee's decision. Failure to file

a timely appeal constitutes a waiver of the right and the decision shall be deemed final.

(2) The written appeal must identify the specific findings of fact and/or conclusions of law in the decision that are challenged and must contain argument why the appeal should be granted. Appeals may be based upon, but are not limited to:

(a) Procedural irregularity that would change the outcome;

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

(c) 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.

(3) 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 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.

(4) 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.

(5) 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.

(6) In cases involving allegations of sex-based harassment, the president's decision must be served simultaneously on the complainant, respondent, and Title IX coordinator.

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

[]

NEW SECTION

WAC 132A-127-085 Summary suspension. (1) Summary suspension is a temporary exclusion from specified college premises or denial of access to all activities or privileges for which a respondent might otherwise be eligible, while an investigation and/or formal disciplinary procedures are pending.

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

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

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

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

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

(4) The written notification shall be entitled "notice of summary suspension" and shall include:

(a) The 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(s) allegedly violated;

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

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

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

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

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

(c) If the respondent fails to appear at the designated hearing time, the conduct review officer may order that the summary suspension remain in place pending the conclusion of the disciplinary proceedings.

(d) As soon as practicable following the hearing, the conduct review officer shall issue a written decision which shall include a brief explanation for any decision continuing and/or modifying the summary suspension and notice of any right to appeal.

(e) To the extent permissible under applicable law, the conduct review officer shall provide a copy of the decision to all persons or offices who may be bound or protected by it.

(6) In cases involving allegations of sex discrimination, 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.

[]

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 132A-126-005	Preamble.
WAC 132A-126-010	Authority.
WAC 132A-126-015	Definitions.
WAC 132A-126-020	Statement of jurisdiction.
WAC 132A-126-025	Statement of student rights.
WAC 132A-126-030	Prohibited student conduct.
WAC 132A-126-035	Disciplinary sanctions—Terms— Conditions.
WAC 132A-126-040	Initiation of disciplinary action.
WAC 132A-126-045	Appeal of disciplinary action.
WAC 132A-126-050	Brief adjudicative proceedings authorized.
WAC 132A-126-055	Brief adjudicative proceedings—Initial hearing.
WAC 132A-126-060	Brief adjudicative proceedings—Review of an initial decision.
WAC 132A-126-065	Brief adjudicative proceedings—Agency record.
WAC 132A-126-070	Student conduct committee proceedings.
WAC 132A-126-075	Appeal—Student conduct committee.
WAC 132A-126-080	Student conduct committee hearings— Presentations of evidence.
WAC 132A-126-085	Student conduct committee—Initial decision.
WAC 132A-126-090	Appeal from student conduct committee initial decision.
WAC 132A-126-095	Summary suspension.
WAC 132A-126-100	Sexual misconduct proceedings.
WAC 132A-126-200	Supplemental Title IX student conduct procedures—Order of precedence.
WAC 132A-126-205	Prohibited conduct under Title IX.
WAC 132A-126-210	Title IX jurisdiction.
WAC 132A-126-215	Initiation of discipline.
WAC 132A-126-220	Prehearing procedure.
WAC 132A-126-225	Rights of parties.
WAC 132A-126-230	Evidence.
WAC 132A-126-235	Initial order.
WAC 132A-126-240	Appeals.