

RENTON TECHNICAL COLLEGE RULEMAKING SUMMARY

Proposed Rules Under Consideration: Repeal of Chapter 495E-12 (Student Misconduct) and creation of Chapter 495E-110 WAC (Student Conduct Code and Hearing Procedures)

Authority: RCW 34.05.325 requires state agencies and institutions to provide for oral and written comments in response to proposed rules and to provide a summary of those comments to the Board of Trustees.

WAC 131-12-060 requires college districts to involve students in the promulgation, amendment and revocation of rules defining student rights and responsibilities. At a minimum, students should be afforded a reasonable opportunity to review and express opinions regarding a college's proposed exercise of rule-making authority.

The College held a rulemaking hearing on March 10th and 11th, 2015, and received 9 oral comments and no written comments.

Summary: The purpose of this rulemaking hearing was to solicit comment on changes relating to the Student Conduct Code and Hearing Procedures. The proposed revisions would:

- (1) Update the student conduct code to current best practices and reflect recent changes in the law regarding sexual violence and to bring the code into compliance with requirements imposed by the Violence Against Women Act (VAWA).
- (2) Update and clarify disciplinary sanctions and terms and conditions that the college can impose against students who are found to have violated the student conduct code.
- (3) Update the student conduct procedures and bring them into compliance with VAWA.
- (4) Expand the jurisdiction of the student conduct code to include off campus conduct.
- (5) Make appeals from disciplinary reprimands and disciplinary probation to Brief Adjudicative Proceedings.
- (6) Retain review by the Student Conduct Committee for appeals from disciplinary suspensions and dismissals.
- (7) Make the preponderance of the evidence the applicable standard of proof for disciplinary matters.
- (8) Make available the same procedural rights to alleged victims of sexual misconduct as are available to student respondents accused of sexual misconduct.

Proposed Action	Comment	Response	Change
WAC 495E-110-20 (1)(a) Academic Freedom	Comment acknowledging that there is language in place with regard to expression and assembly within the proposed rules.	No response necessary.	No change.
WAC 495E-110-030 (8) Weapons	Did not know you could have a weapon on campus.	The proposed rule prohibits weapons on campus except in the case of a few limited exceptions.	No change.
WAC 495E-110-030 (20) Ethical Violation	This could be more specific on ethics and mores. This could be open for really loose interpretation and a person's culture.	The draft rule language does not apply to the College's subjective beliefs on ethics. Instead, it expressly applies to "a recognized and published code of ethics or standards of professional practice that governs the conduct of a particular profession."	No change.
WAC 495E-110-040 (1)(a,b,c) Disciplinary sanctions and terms and conditions	This looks like the policy in place right now.	The new proposed rule is very similar to the existing rule. The new rule does more clearly outline disciplinary conditions that can be imposed in conjunction with disciplinary sanctions.	No change.
WAC 495E-110-040 (2)(c)(i) Disciplinary sanctions and terms and conditions	This needs to include students who are paid, on stipend or work study.	Paid/stipend/work study student can be deemed "not in good standing." Per WAC 495E-110-040(2), the examples listed in this rule are not all inclusive. There is	No change.

		discretion to impose unlisted disciplinary conditions.	
WAC 495E-110-070 Initiation of disciplinary actions (1)	Define the term ‘complainant’.	A “complainant” is defined in proposed WAC 495E-110-180(1).	No change.
WAC 495E-110-120 Appeal—Student Conduct Committee (9)	Question of clarification regarding when a student would be deemed to have waived the right to be represented by an attorney. Another commenter added that the rules require giving notice of attorney representation at least four business days before the hearing. This satisfied the initial commenter’s concern.	Proposed WAC 495E-110-120(9) specifies that the election to be represented by an attorney is waived if the Committee chair is not notified in writing at least four days before the hearing.	No Change.
WAC 495E-110-200 Supplemental appeal rights (5)(a)	Comment acknowledging an understanding of this language and no recommendation to modify it.	No response necessary.	No change.
WAC 495E-110	Appears thorough and cannot see any bases that are not covered. The due process is lengthy and if something of a really serious nature happens and needs quick action, that is covered.	No response necessary.	No change.