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17 **UNITED STATES DISTRICT COURT**  
18 **EASTERN DISTRICT OF WASHINGTON**

19 **BETH C. SHEERAN,**

20 Plaintiff,

21 vs.

22 **PATTY SHEA, DON COX, GREG**  
23 **BEVER, BEN CABILDO, CAROL**  
24 **LANDA-McVICKER,** all in their  
25 individual and official capacities as  
26 trustees of the Community Colleges of  
27 Spokane; **GARY LIVINGSTON,** in  
28 his individual and official capacities as  
Chancellor of the Community  
Colleges of Spokane; **MARK**  
**PALEK,** in his individual and official  
capacities as President of Spokane

Case No.

**VERIFIED COMPLAINT**  
**OF PLAINTIFF**

Demand for Jury Trial

1 Falls Community College;  
2 **GREGORY ROBERTS**, in his  
3 individual and official capacities as  
4 Associate Dean of Student Services at  
5 Spokane Falls Community College;  
6 **HEATHER McKENZIE**, in her  
7 individual and official capacities as  
8 Director of Student Funded Programs  
9 at Spokane Falls Community College,  
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Defendants.

1 Plaintiff Beth C. Sheeran, by and through counsel, and for her Verified  
2 Complaint against Patty Shea, Don Cox, Greg Bever, Ben Cabildo, Carol Landa-  
3 McVicker, trustees of Washington State Community College District 17, the  
4 Community Colleges of Spokane; Gary Livingston, Chancellor of the  
5 Community Colleges of Spokane; Mark Palek, President of Spokane Falls  
6 Community College; Gregory Roberts, Associate Dean of Student Services at  
7 Spokane Falls Community College; and Heather McKenzie, Director of Student  
8 Funded Programs at Spokane Falls Community College, hereby states as follows:

9 **INTRODUCTION**

10 1. The hallmark of a free society is the ability of people to express their  
11 ideas without government restraint. Nowhere is this freedom more necessary  
12 than on America's public college campuses—the marketplace of ideas.  
13 However, Washington State Community College District 17, the Community  
14 Colleges of Spokane (the District), as well as Spokane Falls Community College  
15 (the College), systematically prohibits religious and political student speech that  
16 is outside the campus political mainstream.

17 2. This case arises from the efforts and policies of a public community  
18 college, through its officials, to restrict the expressive rights of its students and  
19 student organizations. The District, as a public institution of higher learning, is  
20 bound by the First Amendment to the United States Constitution to refrain from  
21 infringing on the free speech rights of those it educates. Instead, the Defendants  
22 in this case have engaged in unlawful censorship. Through a series of  
23 unconstitutional policies and practices, they have attempted to suppress  
24 constitutionally protected expression on campus simply because that expression  
25 offended the sensitivities of some.

26 3. When Plaintiff Beth Sheeran and the Spokane Falls Christian  
27 Fellowship (SFCF) wanted to hold a pro-life event at the College on the  
28 anniversary of Roe v. Wade, Defendants refused to allow the event. Defendants

1 told Ms. Sheeran and SFCF that their pro-life display was “offensive” and  
2 “discriminatory,” and said that they were required to also present the opposite  
3 point of view during the event. Even after the anniversary date passed, when Ms.  
4 Sheeran and SFCF persisted in requesting permission to hold the event,  
5 Defendants told them it was “biased” and that if they held the event they could be  
6 expelled from the College for “discriminating” or “offending” someone.

7 4. The violation of Ms. Sheeran’s First Amendment rights is a  
8 symptom of a systemic problem in the District. By policy and practice, the  
9 District, the College, and officials thereof are violating the free speech and  
10 expression rights of each and every student on campus. The District, acting  
11 through its trustees and chancellor, has implemented a District-wide Orwellian  
12 speech code that is vague, overbroad, viewpoint discriminatory, and a prior  
13 restraint on student speech. The College, acting through Defendants Mark Palek,  
14 Gregory Roberts, and Heather McKenzie, enforces the District speech code and  
15 censors religious and pro-life speech by students. This speech code is enforced,  
16 in part, through a system of reporting that encourages students to file complaints  
17 about their fellow students whenever those students utter words or engage in  
18 actions deemed subjectively “offensive,” “biased,” or “harassing.” These  
19 policies are challenged on their face and as applied to Ms. Sheeran.

20 5. To remedy these constitutional violations and to put an end to the  
21 ongoing harm Defendants are causing, Ms. Sheeran seeks declaratory and  
22 injunctive relief invalidating and prohibiting the enforcement of each of the  
23 policies comprising the District’s and the College’s speech code, and seeks  
24 damages for the chilling and deprivation of her First Amendment rights by the  
25 College’s censorship of her protected speech. Defendants’ policies and actions  
26 have deprived and will continue to deprive Ms. Sheeran of her paramount rights  
27 and guarantees under the United States Constitution.

28

1 6. Each and every act of Defendants alleged herein was committed by  
2 Defendants, each and every one of them, under the color of state law and  
3 authority.

4 **JURISDICTION AND VENUE**

5 7. This action raises federal questions under the United States  
6 Constitution, particularly the First and Fourteenth Amendments, and the Civil  
7 Rights Act of 1871, 42 U.S.C. §§ 1983 and 1988.

8 8. This Court has original jurisdiction over the federal claims by  
9 operation of 28 U.S.C. §§ 1331 and 1343.

10 9. This Court has authority to grant the requested declaratory relief  
11 under 28 U.S.C. §§ 2201 and 2202, the requested injunctive relief under 28  
12 U.S.C. § 1343(a)(3-4), the requested damages under 28 U.S.C. § 1343(a)(4), and  
13 attorneys' fees under 42 U.S.C. § 1988(b).

14 10. Venue is proper in the United States District Court for the Eastern  
15 District of Washington under 28 U.S.C. § 1391, because the events giving rise to  
16 the claims occurred in this District, and because at least one Defendant resides in  
17 this District.

18 **PLAINTIFF**

19 11. Plaintiff Beth C. Sheeran is, and was at all times relevant to this  
20 Verified Complaint, a resident of Cheney, Washington, and a student at the  
21 College pursuing an associate of arts degree.

22 **DEFENDANTS**

23 12. Defendant Patty Shea is, and was at all times relevant to this  
24 Complaint, Chair and a member of the District Board of Trustees. In her official  
25 capacity as a member of the Board of Trustees, Shea is responsible for adopting  
26 rules and regulations pursuant to Wash. Rev. Code §§ 28B.50.100, 28B.50.140,  
27 and Wash. Admin. Code § 132Q-01-006 that govern the District, including rules  
28 and regulations that govern student conduct. Defendant Shea acted under color

1 of state law when she violated Ms. Sheeran's First and Fourteenth Amendment  
2 rights. She is sued in her individual and official capacities.

3 13. Defendant Don Cox is, and was at all times relevant to this  
4 Complaint, a member of the District Board of Trustees. In his official capacity as  
5 a member of the Board of Trustees, Cox is responsible for adopting rules and  
6 regulations pursuant to Wash. Rev. Code §§ 28B.50.100, 28B.50.140, and Wash.  
7 Admin. Code § 132Q-01-006 that govern the District, including rules and  
8 regulations that govern student conduct. Defendant Cox acted under color of  
9 state law when he violated Ms. Sheeran's First and Fourteenth Amendment  
10 rights. He is sued in his individual and official capacities.

11 14. Defendant Greg Bever is, and was at all times relevant to this  
12 Complaint, a member of the District Board of Trustees. In his official capacity as  
13 a member of the Board of Trustees, Bever is responsible for adopting rules and  
14 regulations pursuant to Wash. Rev. Code §§ 28B.50.100, 28B.50.140, and Wash.  
15 Admin. Code § 132Q-01-006 that govern the District, including rules and  
16 regulations that govern student conduct. Defendant Bever acted under color of  
17 state law when he violated Ms. Sheeran's First and Fourteenth Amendment  
18 rights. He is sued in his individual and official capacities.

19 15. Defendant Ben Cabildo is, and was at all times relevant to this  
20 Complaint, a member of the District Board of Trustees. In his official capacity as  
21 a member of the Board of Trustees, Cabildo is responsible for adopting rules and  
22 regulations pursuant to Wash. Rev. Code §§ 28B.50.100, 28B.50.140, and Wash.  
23 Admin. Code § 132Q-01-006 that govern the District, including rules and  
24 regulations that govern student conduct. Defendant Cabildo acted under color of  
25 state law when he violated Ms. Sheeran's First and Fourteenth Amendment  
26 rights. He is sued in his individual and official capacities.

27 16. Defendant Carol Landa-McVicker is, and was at all times relevant to  
28 this Complaint, a member of the District Board of Trustees. In her official

1 capacity as a member of the Board of Trustees, Landa-McVicker is responsible  
2 for adopting rules and regulations pursuant to Wash. Rev. Code §§ 28B.50.100,  
3 28B.50.140, and Wash. Admin. Code § 132Q-01-006 that govern the District,  
4 including rules and regulations that govern student conduct. Defendant Landa-  
5 McVicker acted under color of state law when she violated Ms. Sheeran's First  
6 and Fourteenth Amendment rights. She is sued in her individual and official  
7 capacities.

8 17. Defendant Gary Livingston is, and was at all times relevant to this  
9 Complaint, Chancellor of the District. In his official capacity as Chancellor,  
10 Livingston is responsible for interpreting Board of Trustees policy and  
11 administering and operating the District in accordance with those policies, state  
12 law, and the rules and policies of the State Board for Community and Technical  
13 Colleges. Defendant Livingston acted under color of state law when he violated  
14 Ms. Sheeran's First and Fourteenth Amendment rights. He is sued in his  
15 individual and official capacities.

16 18. Defendant Mark Palek is, and was at all times relevant to this  
17 Complaint, President of the College, a public community college within the  
18 District. Defendant Palek's duties include the oversight of the College, the  
19 execution of policies and regulations that govern the College, and decision-  
20 making concerning student conduct discipline. Defendant Palek acted under  
21 color of state law when he violated Ms. Sheeran's First and Fourteenth  
22 Amendment rights. He is sued in his individual and official capacities.

23 19. Defendant Gregory Roberts is, and was at all times relevant to this  
24 Complaint, Associate Dean of Student Services at the College. Defendant  
25 Roberts' duties include oversight of student life and student organization  
26 activities, the execution of policies and regulations that govern the College, and  
27 decision-making concerning student conduct discipline. Defendant Roberts acted  
28

1 under color of state law when he violated Ms. Sheeran's First and Fourteenth  
2 Amendment rights. He is sued in his individual and official capacities.

3 20. Defendant Heather McKenzie is, and was at all times relevant to this  
4 Complaint, Director of Student Funded Programs at the College. Defendant  
5 McKenzie's duties include providing advice, assistance, and information to  
6 students and student organizations regarding State, District and College policies  
7 and procedures, and ensuring compliance with these policies and procedures.  
8 Defendant McKenzie acted under color of state law when she violated Ms.  
9 Sheeran's First and Fourteenth Amendment rights. She is sued in her individual  
10 and official capacities.

### 11 **FACTUAL BACKGROUND**

#### 12 **I. Unlawful Censorship of Ms. Sheeran's Speech**

13 21. Ms. Sheeran is a Christian and, as a tenet of her faith, she shares her  
14 beliefs about Christianity with others, particularly, her fellow students. Ms.  
15 Sheeran believes sharing her beliefs about Christianity is a religious duty.

16 22. In an effort to comply with her duty to share her Christian beliefs  
17 with others, Ms. Sheeran looks for opportunities to speak with other students  
18 about her faith. Sometimes this occurs between classes among friends and fellow  
19 students, and sometimes during appropriate class opportunities. Ms. Sheeran  
20 often discusses her faith and how it applies to guide her views on political, social,  
21 and cultural issues and events.

22 23. Ms. Sheeran is also pro-life and believes that abortion is the great  
23 moral issue of our time. She seeks to inform others, including people on the  
24 College campus, of her pro-life views and to foster respect for human life in her  
25 community.

26 24. Ms. Sheeran is part of SFCF and associates with them in  
27 coordinating activities and events on campus. SFCF seeks to develop Christian  
28



1 fellowship on campus, spread the gospel, and share Christian views on important  
2 cultural issues with other College students on campus.

3 25. At the beginning of the winter 2009 semester, Ms. Sheeran and the  
4 SFCF president decided to hold a pro-life event on campus on the anniversary of  
5 Roe v. Wade, January 22, 2009. They planned to reserve space in a display case  
6 of the College's student center. In the display case, they planned to post facts  
7 about abortion and provide students with a pro-life viewpoint on the topic. They  
8 also planned to hand out flyers to willing recipients in the outdoor areas of  
9 campus. Copies of the documents they planned to post in the student center  
10 display case and hand out to students are attached as Exhibit 1 to this Complaint.

11 26. On information and belief, other student clubs at the College  
12 regularly use the student center display case to express their viewpoints on  
13 various cultural, social, political and religious issues. These other displays  
14 included, but were not limited to, the following topics: art, cultural themes, Bible  
15 verses and a cross, "coming out"/homosexuality, photography, and a local food  
16 bank.

17 27. The display case is a public forum for student speech.

18 28. On information and belief, student club events espousing particular  
19 viewpoints on various cultural, social, political and religious issues regularly  
20 occur on campus without censorship from College officials.

21 29. The campuses of the District are a public forum for student speech.

22 30. On or about January 11, 2009, Ms. Sheeran submitted a timely  
23 request on behalf of SFCF to reserve the display case, and submitted the fliers to  
24 the student government president for review.

25 31. On or about January 14, 2009, Defendant McKenzie and the College  
26 student government president informed SFCF and Ms. Sheeran that they could  
27 not hold the event because it was too one-sided and that they would need to place  
28 "pro-abortion" information next to their pro-life expression. McKenzie said there

1 is a College policy that prohibits one-sided events and expressive displays from  
2 occurring on campus.

3 32. Defendant McKenzie also told Ms. Sheeran that if she and the group  
4 held the event, they could be disciplined according to the provisions of the  
5 Student Conduct Code.

6 33. On information and belief, Defendant McKenzie also told SFCF's  
7 president that Washington is a "pro-choice" state, so SFCF could not use state  
8 money for "non-pro-choice" speech events.

9 34. On or about January 15, 2009, Ms. Sheeran met with Defendant  
10 McKenzie to discuss the display case and McKenzie's concerns. During the  
11 meeting, Ms. Sheeran described the pro-life event to Defendant McKenzie.  
12 Defendant McKenzie told Ms. Sheeran that a student club on a state college  
13 campus cannot hand out pro-life fliers or post pro-life materials in the display  
14 case because the clubs are sponsored by the state.

15 35. SFCF is an independent, unincorporated expressive student  
16 organization at the College and is not a state entity.

17 36. Defendant McKenzie also told Ms. Sheeran that the pro-life event  
18 was discriminatory, one-sided and hateful, and that it would violate college  
19 policy and state law.

20 37. Defendant McKenzie stated that the event was "biased" according to  
21 college policies because it did not include pro-abortion information.

22 38. Ms. Sheeran asked Defendant McKenzie what policies or laws she  
23 was referring to, and McKenzie stated that she was too busy to provide copies.

24 39. Defendant McKenzie also said that the pro-life documents to be  
25 posted with the event were discriminatory and could be construed as racist,  
26 because of their citation to statistics indicating the large numbers of babies from  
27 certain ethnic groups who are aborted each year.

28

1 40. Defendant McKenzie also told Ms. Sheeran that every student club  
2 event must present both sides of a debate and that the District and College do not  
3 allow clubs to engage in advocacy from one point of view.

4 41. Ms. Sheeran asked Defendant McKenzie about a Guantanamo Bay  
5 protest that was allowed to occur on campus. The protest involved a student  
6 sitting bound and blindfolded on a campus sidewalk all day. In response,  
7 Defendant McKenzie said it was an “educational awareness” event.

8 42. On information and belief, the College has permitted materials to be  
9 posted in the student center display case supporting many topics, without  
10 requiring that an opposing point of view be posted simultaneously.

11 43. On information and belief, on October 8, 2008, the College  
12 permitted the Alliance Club to hold on an event on campus called “Coming Out  
13 As an Ally: Why Communities of Faith Must Step Up.” The event featured a  
14 clergyman and advocated a pro-homosexual religious viewpoint. No opposing  
15 viewpoint was included in the event. A copy of the College’s events calendar  
16 listing the event and the event description are attached as Exhibit 2 to this  
17 Complaint.

18 44. On information and belief, on February 9, 2009, the College  
19 permitted the French Club to hold an event on campus called “Localism Teach-  
20 in.” The event advocated “Slow Food, Co-ops, Sustainable Agriculture, and  
21 Farmers Markets” because of the “food/climate change connection.” No  
22 opposing viewpoint was included in the event. A copy of the College’s events  
23 calendar listing the French Club event and the event description are attached as  
24 Exhibit 3 to this Complaint.

25 45. On information and belief, on February 13, 2009, the College  
26 permitted the Associated Women Students of the College to hold a performance  
27 of “The Vagina Monologues” on campus. “The Vagina Monologues” is an  
28 ideologically charged, controversial play. It includes explicit sexual content and

1 explicit language. No opposing viewpoint was included in the event. (See  
2 College's events calendar, attached as Exhibit 3.)

3 46. On information and belief, on March 5, 2009, the College permitted  
4 an event on campus called "The J-Spot Lecture: Jay Friedman." Mr. Friedman  
5 speaks to college students about sexual technique and political and cultural  
6 attitudes toward sexual activity. No opposing viewpoint was included in the  
7 event. A copy of the College's events calendar listing "The J-Spot Lecture" and  
8 a description of the lecture are attached as Exhibit 4 to this Complaint.

9 47. After Defendant McKenzie stated at the January 15 meeting with  
10 Ms. Sheeran that SFCF could not place their desired materials in the display case,  
11 Ms. Sheeran asked if SFCF could distribute the flier containing the statistics  
12 about abortion on campus. Defendant McKenzie said they could not.

13 48. Ms. Sheeran asked Defendant McKenzie why the College was  
14 prohibiting her speech, and McKenzie responded that her speech was  
15 "discriminatory."

16 49. Defendant McKenzie threatened Ms. Sheeran and SFCF members  
17 with formal College discipline if SFCF held the pro-life event.

18 50. Ms. Sheeran and SFCF did not hold the event for fear of discipline  
19 by the Defendants.

20 51. After the January 15, 2009, meeting between Ms. Sheeran and  
21 Defendant McKenzie, SFCF's faculty advisor, Ms. Stormy Kurtz, told Ms.  
22 Sheeran that SFCF should not do the pro-life event and should instead hold a  
23 debate.

24 52. On or about February 2, 2009, Ms. Sheeran met with Defendant  
25 Roberts about holding the pro-life event. Defendant Roberts told Ms. Sheeran  
26 that she and SFCF could hold the event and pass out the fliers so long as SFCF  
27 members voted to have the event.

28

1 53. After meeting with Defendant Roberts, Ms. Sheeran saw Defendant  
2 McKenzie in the building. Ms. Sheeran asked McKenzie if the SFCF members  
3 could be disciplined if someone was offended by the pro-life event. McKenzie  
4 said no, but told Ms. Sheeran that the SFCF flier was “wrong” because not all  
5 Christians hold the same view that abortion is wrong, and that SFCF was not  
6 representing all Christians.

7 54. On or about February 3, 2009, SFCF voted to hold the pro-life event.

8 55. On or about February 4, 2009, Ms. Kurtz and Defendants Roberts  
9 and McKenzie attended a regularly scheduled SFCF meeting to convince SFCF  
10 to not hold the pro-life event.

11 56. Ms. Kurtz, a professor of English at the College and SFCF faculty  
12 advisor, told Ms. Sheeran and SFCF members that the pro-life event was biased,  
13 discriminatory, violated the District’s Stop the Hate policy and state law, and if  
14 SFCF held the event, all the members could be punished under District policy  
15 and even expelled from school.

16 57. Ms. Kurtz distributed two documents from the District’s Stop the  
17 Hate program and said that if the SFCF students and Ms. Sheeran offended  
18 someone, they could be punished under this program and its policies. One  
19 document is entitled “The Details” and states that “[a] bias incident . . . is an act  
20 of conduct, speech or expression to which a bias motive . . . is evident as a  
21 contributing factor regardless of whether the act is criminal.” The other  
22 document, entitled “Pyramid of Hate,” defines acts of bias as “stereotyping,  
23 jokes, rumors, justifying biases by seeking out like-minded people, accepting  
24 negative information, screening out positive information, insensitive remarks and  
25 non-inclusive language.” Copies of the Stop the Hate policy documents  
26 distributed by Ms. Kurtz are attached as Exhibit 5 to this Complaint.

27 58. These documents were also the basis for Defendant McKenzie’s  
28 earlier statement in ¶¶36-37 to Ms. Sheeran that their speech was “biased” and

1 “discriminatory.” One of the reasons was that their pro-life speech did not  
2 include any positive information about abortion.

3 59. Ms. Kurtz also showed Ms. Sheeran and the other students a copy of  
4 Wash. Admin. Code § 132Q-30-242 and told them that they would violate this  
5 discrimination policy if they conducted the event. Wash. Admin. Code § 132Q-  
6 30-242 is the District’s policy on “discrimination” and is part of the Standards of  
7 Conduct for Students. Section 132Q-30-242 contains the following statement:

8 Discrimination on the basis of race, national or ethnic origin, creed, age,  
9 sex, marital status, veteran’s status, sexual orientation, or disability is  
10 prohibited in conformity with federal and state laws. Discrimination  
11 includes sexual or racial harassment which is defined as conduct that is:

12 (1) Sexually or racially motivated and has the purpose or effect of  
13 unreasonably interfering with a person’s work or educational performance;  
and/or

14 (2) Creating an intimidating, hostile, or offensive environment.

15 60. Ms. Kurtz also told the students that if SFCF held the event and if  
16 any other student was “offended,” then the students in SFCF could be disciplined.  
17 Ms. Kurtz also asked the students, “You don’t want to be expelled, do you?”

18 61. Ms. Kurtz also said the flier created by Ms. Sheeran for the SFCF  
19 pro-life event was “offensive.”

20 62. Ms. Kurtz instructed the students that she could not tell them not to  
21 hand out the fliers, but that if the students did, there could be consequences. Ms.  
22 Kurtz told the students that they are part of a community that has rules and they  
23 should respect those rules.

24 63. Defendants Roberts and McKenzie were in the room while Ms.  
25 Kurtz was speaking and did nothing to refute her threats or ensure the students’  
26 free speech rights would be protected if they held the pro-life event.  
27  
28

1 64. As a result of Defendants Roberts' and McKenzie's actions and the  
2 District's and College's policies, Ms. Sheeran and SFCF have not been able to  
3 hold their pro-life event on campus for fear of discipline under District and  
4 College policies.

5 **II. The District's Speech-Repressive Policies**

6 65. Pursuant to Wash. Admin. Code § 131-12-050, the District  
7 promulgates, adopts and publishes rules defining and establishing student rights  
8 and responsibilities, including freedom of expression, petition, press, assembly  
9 and association; use and maintenance of records and campus facilities;  
10 disciplinary hearing and appeal procedures; and disciplinary sanctions.

11 66. The District's Board of Trustees, all Defendants herein, are  
12 responsible for promulgating, adopting and publishing rules governing student  
13 rights and responsibilities.

14 67. Wash. Admin. Code § 132Q-01-006 and District Board Policy  
15 2.10.01 charge Defendant Livingston with developing District administrative  
16 procedures that implement Board of Trustees policies.

17 68. The District's student rights and responsibilities policies are  
18 published in Wash. Admin. Code § 132Q-30 et seq. They are also republished in  
19 the College's Student Code of Conduct. A copy of the College's Student Code of  
20 Conduct is attached as Exhibit 6 to this Complaint.

21 69. Wash. Admin. Code § 132Q-07-020 states that "[s]tudents shall  
22 have the right of 'assembly' upon college facilities that are generally available to  
23 the public."

24 70. Wash. Admin. Code § 132Q-30-212 states that "[s]tudents have the  
25 right to freedom of speech, including the right to dissent or protest, but this  
26 expression may not interfere with the rights of other members of CCS [the  
27 District] or disrupt college activities."  
28



1                   **A. Prior restraint on student literature distribution**

2           71. Pursuant to Wash. Admin. Code § 132Q-07-040, the District allows  
3 the distribution of student handbills, leaflets, newspapers, and similarly related  
4 material only with prior approval by the appropriate student center administrator.

5           72. On information and belief, Defendants Palek, Roberts, and  
6 McKenzie are responsible for enforcing the student rights and responsibilities,  
7 including Wash. Admin. Code § 132Q-07-040, at the College.

8           73. Defendant McKenzie applied Wash. Admin. Code § 132Q-07-040 to  
9 Ms. Sheeran and SFCF when she refused to approve their pro-life fliers for the  
10 event.

11                   **B. Compelled speech and prior restraint**  
12                   **on expressive activities by students**

13           74. Students and their student organizations may hold expressive  
14 activities on campus that include outside speakers, but according to Wash.  
15 Admin. Code § 132Q-07-030(1), they must obtain prior written approval from  
16 their advisor. In addition, the scheduling of speakers shall be made through the  
17 facilities scheduling office of the campus at which the speaker will appear, with  
18 prior approval from the appropriate college student activities office. (See Wash.  
19 Admin. Code § 132Q-07-030(3).)

20           75. Moreover, students and student organizations must notify the student  
21 activities office at least thirty days prior to the appearance of an invited speaker,  
22 and must include the signature of the sponsoring organization’s advisor.  
23 Exceptions to the thirty-day ruling may be made by the appropriate administrator.  
24 (See Wash. Admin. Code § 132Q-07-030(4).)

25           76. The District’s policy states that the student activities office may also  
26 require a question period or arrange to have views other than those of the invited  
27 speakers represented at the meeting, or at a subsequent meeting. (See Wash.  
28 Admin. Code § 132Q-07-030(5).)



1 77. Defendants Palek, Roberts, and McKenzie are responsible for  
2 enforcing the Wash. Admin. Code § 132Q-07-030 at the College.

3 **C. The District's speech code**

4 78. The District also prohibits and punishes any speech subjectively  
5 deemed "discriminatory" and "offensive." Wash. Admin. Code § 132Q-30-242  
6 states "[d]iscrimination includes sexual or racial harassment which is defined as  
7 conduct that is: (1) Sexually or racially motivated and has the purpose or effect of  
8 unreasonably interfering with a person's work or educational performance; and/or  
9 (2) [c]reating an intimidating, hostile, or offensive environment."

10 79. Students who violate this policy are subject to discipline. (See  
11 Wash. Admin. Code § 132Q-30-101(2); Compl. Ex. 6 at 21).

12 80. Board Policy 3.30.01 states that "[s]tudents shall be provided an  
13 environment free from any form of discrimination or harassment directed to any  
14 individual or group on the basis of race, color, sex, religion, creed, age, marital  
15 status, national origin, sexual orientation, disability, or veteran status." A copy of  
16 Board Policy 3.30.01 is attached as Exhibit 7 to this Complaint.

17 81. District Administrative Procedure 3.30.01-A contains the following  
18 statement:

19 Discrimination and harassment includes sexual or racial harassment which  
20 is defined as conduct that is:

21 2.1 Sexually or racially motivated and has the purpose or effect of  
22 unreasonably interfering with a person's work or educational  
23 performance.

24 2.2 Creating an intimidating, hostile, or offensive environment.

25 2.3 Conduct by any means that is sufficiently severe, pervasive, or  
26 persistent so as to threaten an individual or limit the individual's  
27 ability to work, study, or participate in the activities of the college.  
28

1 None of these terms are defined. District Administrative Procedure 3.30.01-A  
2 references District Administrative Policy 2.30.01-A as related information. A  
3 copy of District Administrative Procedure 3.30.01-A is attached as Exhibit 8 to  
4 this Complaint.

5 82. District Administrative Procedure 2.30.01-A contains the following  
6 definitions of sexual harassment and discrimination:

7 Prohibited harassment shall include, but will not be limited to verbal and  
8 written comments, slurs, jokes, innuendos, cartoons, pranks and any and all  
9 other physical or nonphysical conduct or activity that can be construed as  
10 derogatory, intimidating, hostile or offensive and which is directed at the  
11 victim because of his/her membership in, association with or presumption  
12 of membership or association with the following: race, color, sex, religion,  
13 creed, age, marital status, national origin, sexual orientation, disability,  
14 political affiliation and veteran status; or any behavior or action, either  
15 physical or verbal, which is sexual in nature and unwelcome, unwanted or  
16 uninvited.

17 None of these terms are defined. A copy of District Administrative Procedure  
18 2.30.01-A is attached as Exhibit 9 to this Complaint.

19 83. The District and the College also operate a program called “Stop the  
20 Hate.”

21 84. Defendants Roberts is the chair of the Stop the Hate committee at  
22 the College.

23 85. Defendant McKenzie is a member of the Stop the Hate committee at  
24 the College.

25 86. The College’s Stop the Hate program is a mechanism to respond to  
26 so-called “bias incidents” and/or hate crimes on the campus.

27 87. Defendants Roberts and McKenzie enforce District policy with  
28 respect to “bias” on campus through the Stop the Hate program.

88. The District and College define “bias” as “an act of conduct, speech  
or expression to which a bias motive (relating to race, religion, disability status,

1 ethnicity/national origin, gender or sexual orientation) is evident as a contributing  
2 factor regardless of whether the act is criminal.” None of these terms are defined.  
3 (See Ex. 5.)

4 89. Defendants encourage students to report “bias” and “hate” they  
5 witness on campus by filing a District form entitled “Report It!” A copy of the  
6 District’s “Report It!” form is attached as Exhibit 10 to this Complaint.

7 90. Depending on the incident reported, the College’s Bias Incident  
8 Response Team will determine “an appropriate course of action,” which may  
9 include notifying the police, the Vice President of Student Services at the  
10 College, or campus security.

11 91. The Stop the Hate program is a District wide policy and program  
12 implemented by the Board of Trustees, all defendants herein, and Defendant  
13 Livingston.

14 92. Defendants Palek, Roberts, and McKenzie and Ms. Kurtz applied  
15 these policies to Ms. Sheeran’s and SFCF’s pro-life event, calling the event  
16 “discriminatory,” “offensive,” “biased,” and “racist.”

17 93. College officials use the speech code, prior restraints, and Stop the  
18 Hate policies to silence student club events they do not favor, but do not apply  
19 the same policies to those events they do favor.

20 94. Ms. Sheeran and SFCF cannot express their pro-life message on  
21 campus because they fear discipline and expulsion under the District’s policies.

22 95. The Defendants actions and policies have had a chilling effect on  
23 Ms. Sheeran’s First Amendment right to freedom of speech.

24 96. Defendants, acting under color of state law, have deprived Ms.  
25 Sheeran and all students in SFCF of their First Amendment right to free speech  
26 and their Fourteenth Amendment rights to due process of law and equal  
27 protection under law.

28

**FIRST CAUSE OF ACTION**

**Violation of Plaintiff's First Amendment Right to Freedom of Speech**

**(42 U.S.C. § 1983)**

1  
2  
3  
4 97. Plaintiff repeats and realleges each of the foregoing allegations in  
5 this Complaint.

6 98. By prohibiting Ms. Sheeran and SFCF from holding their pro-life  
7 event on campus, refusing to allow them to distribute pro-life fliers, placing a  
8 prior restraint on their distribution of literature and holding of events, threatening  
9 to punish them under the District's speech code, silencing their pro-life message,  
10 requiring students to advocate a view contrary to their own, and chilling their  
11 right to free speech, among other things, Defendants, acting under color of state  
12 law and according to policy and practice, have explicitly and implicitly  
13 discriminated against Ms. Sheeran based on the content and viewpoint of her  
14 speech, chilled her free expression, compelled her to express messages with  
15 which she disagrees, and deprived her of her clearly established rights to freedom  
16 of speech and expression secured by the First Amendment to the United States  
17 Constitution.

18 99. Because of Defendants' policies and actions, Ms. Sheeran has  
19 suffered, and continues to suffer, economic injury and irreparable harm. She,  
20 therefore, is entitled to an award of monetary damages, including punitive  
21 damages, and equitable relief.

22 100. Pursuant to 42 U.S.C. §§ 1983 and 1988, Ms. Sheeran is entitled to a  
23 declaration that Defendants violated her First Amendment rights and an  
24 injunction against their actions. Additionally, Ms. Sheeran is entitled to damages  
25 in an amount to be determined by the evidence and this Court, and the reasonable  
26 costs of this lawsuit, including her reasonable attorneys' fees.

1 **SECOND CAUSE OF ACTION**

2 **Violation of Plaintiff’s First and Fourteenth Amendment Rights to Freedom**  
3 **of Expression and Due Process of Law (42 U.S.C. § 1983) – Speech Code**

4 101. Plaintiff repeats and realleges each of the foregoing allegations in  
5 this Complaint.

6 102. The District’s and College’s speech code outlined in this Complaint  
7 conditions compliance with Washington Administrative Code, Board Policies,  
8 District Administrative Procedures, and College policies and programs on the  
9 subjective emotional experience of the listener, and limits and prohibits  
10 constitutionally protected speech without providing any objective guidelines by  
11 which students such as Ms. Sheeran can guide their behavior, or by which  
12 administrators may objectively and precisely apply the policies.

13 103. The vagueness and overbreadth of these policies has the effect of  
14 chilling the speech of students on District campuses, such as Ms. Sheeran.

15 104. The District’s speech code is both vague and overbroad and has  
16 therefore deprived Ms. Sheeran of her clearly established right of due process of  
17 law guaranteed by the Fourteenth Amendment and her clearly established right to  
18 freedom of expression guaranteed by the First Amendment.

19 105. Because of Defendants’ policies and actions, Ms. Sheeran has  
20 suffered, and continues to suffer, economic injury and irreparable harm. She,  
21 therefore, is entitled to an award of monetary damages, including punitive  
22 damages, and equitable relief.

23 106. Pursuant to 42 U.S.C. §§ 1983 and 1988, Ms. Sheeran is entitled to a  
24 declaration that Defendants violated her First and Fourteenth Amendment rights  
25 and an injunction against their actions. Additionally, Ms. Sheeran is entitled to  
26 damages in an amount to be determined by the evidence and this Court, and the  
27 reasonable costs of this lawsuit, including her reasonable attorneys’ fees.

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**THIRD CAUSE OF ACTION**  
**Violation of Plaintiff’s Fourteenth Amendment Right**  
**to Equal Protection Under Law (42 U.S.C. § 1983)**

107. Plaintiff repeats and realleges each of the foregoing allegations in this Complaint.

108. By prohibiting Ms. Sheeran and SFCF from holding their pro-life event on campus, refusing to allow them to distribute pro-life fliers, placing a prior restraint on their distribution of literature and holding of events, threatening to punish them under the District’s speech code, silencing their pro-life message, and chilling their right to free speech, among other things, Defendants, acting under color of state law and according to policy and practice, have explicitly and implicitly discriminated against Ms. Sheeran based on the content and viewpoint of her speech, treated her differently than similarly situated students because of her membership in a protected class and because of her exercise of fundamental rights, and have therefore deprived Ms. Sheeran of her clearly established right to equal protection under law as guaranteed by the Fourteenth Amendment to the United States Constitution.

109. Because of Defendants’ policies and actions, Ms. Sheeran has suffered, and continues to suffer, economic injury and irreparable harm. She, therefore, is entitled to an award of monetary damages, including punitive damages, and equitable relief.

110. Pursuant to 42 U.S.C. §§ 1983 and 1988, Ms. Sheeran is entitled to a declaration that Defendants violated her Fourteenth Amendment rights and an injunction against their actions. Additionally, Ms. Sheeran is entitled to damages in an amount to be determined by the evidence and this Court, and the reasonable costs of this lawsuit, including her reasonable attorneys’ fees.

**PRAYER FOR RELIEF**

1  
2 WHEREFORE, Plaintiff Beth C. Sheeran respectfully requests trial by jury and  
3 the following relief:

- 4 A) A preliminary and permanent injunction against the Defendants, their  
5 agents, servants, employees, officials, or any other person acting in  
6 concert with them or on their behalf, invalidating and restraining them  
7 from enforcing customs, procedures, codes, practices and/or policies as  
8 they pertain to the conduct made the subject of this Verified Complaint,  
9 specifically the discussed portions of Wash. Admin. Code §§ 132Q-07-  
10 030(3-5) (outside speakers), 132Q-07-040 (literature distribution), 132Q-  
11 30-242 (discrimination and harassment); District Board Policy 3.30.01  
12 (discrimination and harassment); District Administrative Procedures  
13 3.30.01-A(2.0) (discrimination and harassment) and 2.30.01-A(1.1)  
14 (discrimination and harassment); and the District’s Stop the Hate policies  
15 contained in Complaint Exhibits 5 & 10, or that in any way discriminate  
16 against Ms. Sheeran on the basis of his viewpoint or the content of her  
17 expression, or because of her membership in a protected class or exercise  
18 of fundamental rights;
- 19 B) A preliminary and permanent injunction prohibiting the Defendants and  
20 their agents from excluding Ms. Sheeran’s pro-life speech event from  
21 occurring on campus;
- 22 C) A declaration stating that the conduct of Defendants and Defendants’  
23 policies restricting speech on campuses within the District, specifically  
24 the discussed portions of Wash. Admin. Code §§ 132Q-07-030(3-5)  
25 (outside speakers), 132Q-07-040 (literature distribution), 132Q-30-242  
26 (discrimination and harassment); District Board Policy 3.30.01  
27 (discrimination and harassment); District Administrative Procedures  
28 3.30.01-A(2.0) (discrimination and harassment) and 2.30.01-A(1.1)

1 (discrimination and harassment); and the District's Stop the Hate policies  
2 contained in Complaint Exhibits 5 & 10, are unconstitutional both  
3 facially and as applied to Ms. Sheeran under the First and Fourteenth  
4 Amendments;

5 D) A declaration stating that the conduct of Defendants and Defendants'  
6 policies restricting Ms. Sheeran's pro-life speech event are  
7 unconstitutional under the First and Fourteenth Amendments;

8 E) That this Court adjudge, decree, and declare the rights and other legal  
9 relations with the subject matter here in controversy, in order that such  
10 declaration shall have the force and effect of final judgment;

11 F) An award of compensatory and/or nominal damages to Ms. Sheeran  
12 against the individual defendants in the amount of five thousand dollars  
13 (\$5,000.00);

14 G) An award of punitive damages to Ms. Sheeran against the individual  
15 defendants for their actions in violating her First Amendment right to  
16 freedom of speech and Fourteenth Amendment rights to due process and  
17 equal protection under law;

18 H) Ms. Sheeran's reasonable costs and expenses of this action, including  
19 attorneys' fees, in accordance with 42 U.S.C. § 1988;

20 I) All other and further relief as this Court deems just and proper; and

21 J) That this Court retain jurisdiction of this matter for the purpose of  
22 enforcing this Court's orders.

23 //  
24 //  
25 //  
26 //  
27 //  
28 //



1 Respectfully submitted this 9th day of March, 2009.

2 By: /s/Jeffrey R. Smith

3 JEFFREY R. SMITH, WA Bar No. 37460

4 *Local Counsel for Plaintiff*

5 THE SMITH LAW GROUP, PLLC

6 1318 West College Avenue, Suite 100

7 Spokane, Washington 99201

8 Telephone: (509) 252-5057

9 Fax: (509) 252-9703

10 Email: jrsmith@smithlawgroup.net

11 **DEMAND FOR JURY TRIAL**

12 Plaintiff demands trial by jury of all matters so triable herein.

13 By: /s/Jeffrey R. Smith

14 JEFFREY R. SMITH

15 Attorney for Plaintiff

**VERIFICATION OF COMPLAINT**

I, Beth C. Sheeran, a citizen of the United States and resident of the State of Washington, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that I have read the foregoing Verified Complaint and the factual allegations therein, and the facts as alleged are true and correct.

Executed this 27 day of February, 2009, at Cheney,  
Washington.

  
\_\_\_\_\_  
Beth C. Sheeran

# EXHIBIT 1

## WE Protest:

Today we are representing the one third of our generation that has been denied the right to life. We protest because their lives were silenced, their bodies discarded and their numbers forgotten.

What you are **not** being told.....

**9 out of every 10 Down Syndrome** children are aborted in the United States.

(New York Times. May 9, 2007)

About **20%** of all abortions taking place in the USA today are performed on teenage girls.  
(physiciansforlife.org)

**One out of every two** African American Pregnancies ends in abortion.

(Washington Times. August 25, 2008)

Female feticide, along with female infanticide, has caused the death of an estimated **60 million girls in Asia alone.**  
(Fox News. June 13, 2007)



We hold these truths to be self-evident, that all men are created equal and that they are endowed by their Creator with certain unalienable rights, and that among these are

**LIFE, LIBERTY and the PURSUIT of HAPPINESS.....**

(Declaration of Independence of the United States of America)

*What you are **not** being told...*

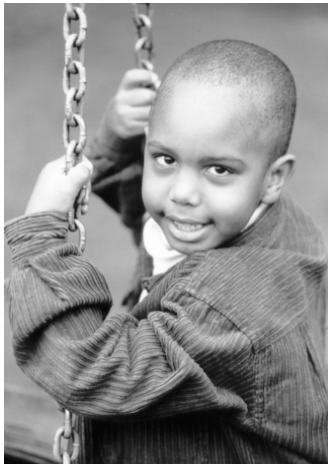


**Disabled :**



9 out of every 10 Down Syndrome children are aborted in the United States

*(New York Times. May 9, 2007)*



**African American:**



One out of every two African American Pregnancies ends in abortion.

*(Washington Times. August 25, 2008)*

**TEENAGERS:**



**The poor:**



The abortion rate among women living below the federal poverty level is more than four times that of women with greater means

*(Guttmacher Institute. Sept 23, 2008)*



**Women :**



Female feticide, along with female infanticide, has caused the death of an estimated 60 million girls in Asia alone

*(Fox News. June 13,2007)*

TEENAGERS

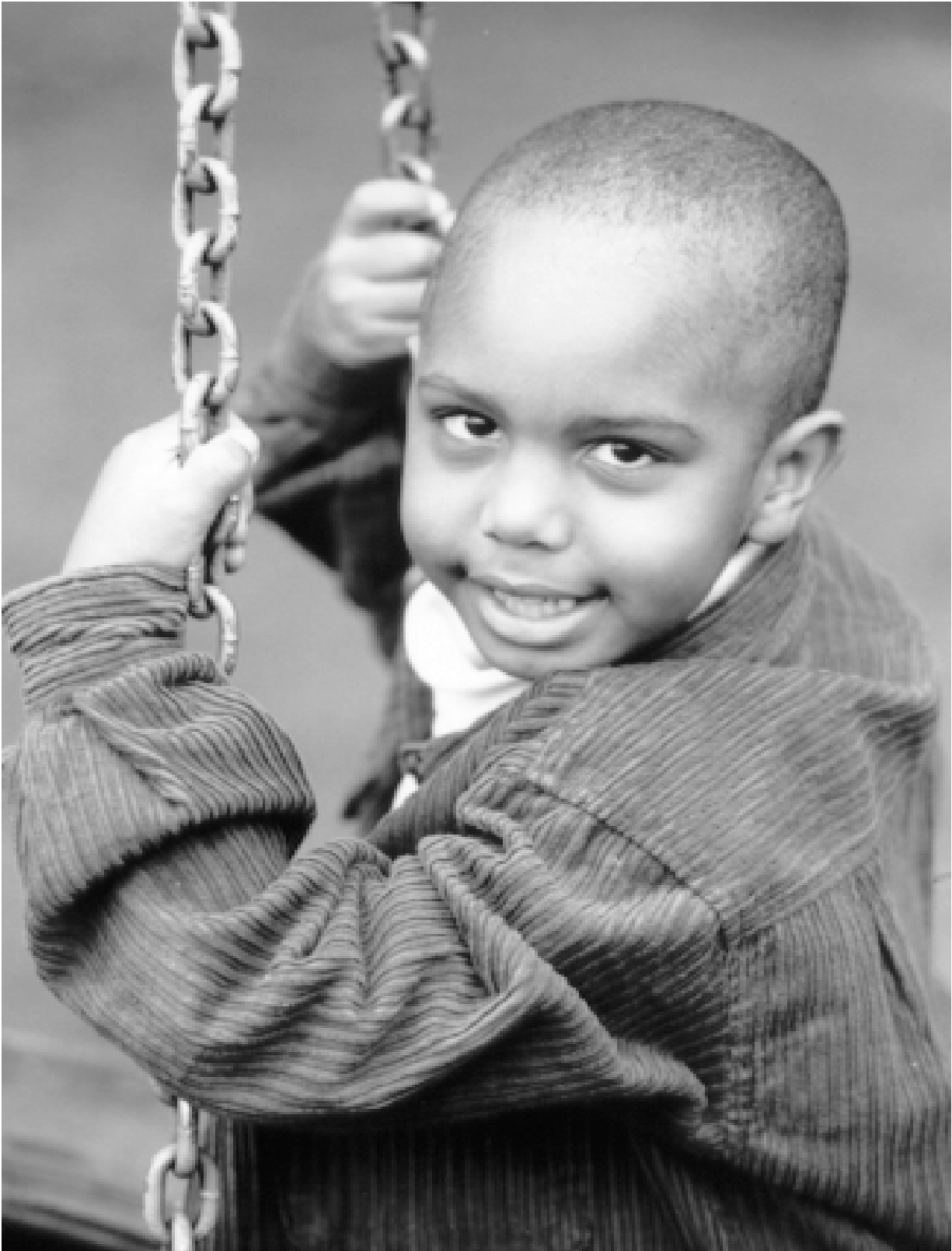




























*What You are NOT  
being told..*

# Disabled :

**9 out of every 10 Down Syndrome children are  
aborted in the United States**

*(New York Times. May 9, 2007)*

# **African American:**

**One out of every two African American Pregnancies  
ends in abortion.**

*(Washington Times. August 25, 2008)*

# The poor:

The abortion rate among women living below the federal poverty level is more than **four times** greater than that of women with greater means

*(Guttmacher Institute. Sept 23, 2008)*

# Asian Girls :

Female feticide, along with female infanticide, has caused the death of an estimated **60 million** girls in **Asia alone**

*(Fox News. June 13,2007)*

# Teens

About **20%** of all abortions taking place in the USA today are performed on teenage girls.

(Post abortion teens are 2 to 4 times more likely to commit suicide than other members of society and are nearly 3 times more likely to be admitted to mental health hospitals than women in general.)

([physiciansforlife.org](http://physiciansforlife.org))

We hold

*These* TRUTHS



to be  
*selfeviden*  
*t*, that

ALL men

are

created

equal,  
and that

they are  
endowed  
by their

Creator

with

certain

unalienable  
rights,  
and that

among

these are

**L I F F E ,**

**L I B E R T Y**



, and the  
PURSUIT

of  
HAPPINESS

*(Declaration of  
Independence of the*

*United States of  
America)*

**WARNING!!**



**Abortion may**

**lead to:**

*nightmares,*



**depression,  
eating**

*disorders,  
suicidal*

*feelings,  
problems*

*sleeping,*

*feelings of guilt*

**and shame,  
problems with**

**sexual  
intimacy,**

# *anxiety issues, clinical*

**depression,  
alcohol or drug**



*use, brief  
refractory*

**psychosis, and  
self abuse.**

(<http://postabortionsyndrome.org>)

# EXHIBIT 2



SPOKANE FALLS COMMUNITY COLLEGE

Calendars



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# What's Happening

[ANNOUNCEMENTS](#) [HOME SPORTS](#)

Previous Week

Next Week

**Monday, October 06, 2008**

**Community Service 'EXPO'**  
[Quichua Mashis - Andean Music Concert](#)

Time	Location
9:30 AM - 12:30 PM	SUB Lounge AB
11:30 AM	sn-w'ey'mn Auditorium (24-110).

**Tuesday, October 07, 2008**

[Fall Job Fair](#) Sponsored by Career & Student Employment  
**Activities Board**

Time	Location
9:00 AM - 1:00 PM	SFCC, SUB 17 - ABC
1:30 PM	

**Wednesday, October 08, 2008**

[Plan My Schedule Workshop](#) Sponsored by The Counseling Department  
[Coming Out as an Ally: Why Communities of Faith Must Step Up](#)

Time	Location
11:30 AM - 12:30 PM	Building 2, Rm. 211
11:30 PM - 12:45 PM	SUB Lounge AB

**A.S. Concert – John Floridis**  
**Multi Cultural Welcome Reception**

Time	Location
11:30 PM	Café at The Falls
11:30 PM	SUB Lounge C

**Thursday, October 09, 2008**

**SFCC Blood Drive**  
[A.S. Series "Views from different wheels"](#)  
**Senate meeting**

Time	Location
10:00 AM - 2:00 PM	Outside SUB
11:30 AM	SUB Lounge A/B
1:30 PM	

**Friday, October 10, 2008**

**African American Assoc. FISH FRY**  
**Alliance Club**

Time	Location
11:30 AM - 1:00 PM	SUB Lounge C
1:00 PM - 2:15 PM	SUB VIP room

**Saturday, October 11, 2008**

No events are scheduled today.

Time	Location

**Sunday, October 12, 2008**

No events are scheduled today.

Time	Location

**HOME SPORTS**

**SFCC Volleyball vs. Yakima Valley**  
**SFCC Volleyball vs. Wenatchee Valley College**  
**SFCC Women's Soccer vs. Clark College**  
**SFCC Volleyball vs. College of Southern Idaho**

Date/Time	Location
Wednesday, 10/8/2008 6:00 PM	SFCC
Friday, 10/10/2008 6:00 PM	SFCC
Saturday, 10/11/2008 12:00 PM	SFCC
Saturday, 10/11/2008 7:00 PM	SFCC

**ANNOUNCEMENTS**

**Rideshare**

Rideshare is a free computerized ride share matching service offered by Spokane County. After completing an online form, Rideshare will match your information with others to find a carpool, vanpool, walking or bicycling partner. And, it is completely confidential. Visit the [Rideshare](#) site for more information.

**Addressing Student Concerns**

Do you have a problem or concern with faculty or staff? Not sure how to resolve it? SFCC has a procedure to help you! Visit the [Addressing Student Concerns](#) page for more information. Or download the [Guidelines for Addressing Student Concerns](#) PDF document.

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SPOKANE FALLS COMMUNITY COLLEGE - 3410 W. FORT GEORGE WRIGHT DR. - SPOKANE, WA 99224-5288  
FOR GENERAL INFORMATION CALL: 509-533-3500 OR 888-509-7944

[CONTACT US](#) | [WEBMASTER](#) | [PRIVACY POLICY](#)

## Coming Out as an Ally: Why Communities of Faith Must Step Up

Rev. Paul Rodkey of Bethany Presbyterian Church will be our National Coming Out Day speaker.

---

**Date:** 10/8/2008  
**Time:** 11:30 PM  
**Location:** SUB Lounge AB

---

Close

# EXHIBIT 3





SPOKANE FALLS COMMUNITY COLLEGE

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## What's Happening

[ANNOUNCEMENTS](#)   
 [HOME SPORTS](#)

[Previous Week](#)

[Next Week](#)

### Monday, February 09, 2009

**Time**

**Location**

[Localism Teach-in](#) Sponsored by French Club, Theme

11:30 AM - 12:45 PM

SUB AB

### Tuesday, February 10, 2009

**Time**

**Location**

No events are scheduled today.

### Wednesday, February 11, 2009

**Time**

**Location**

[Time Management Workshop](#) Sponsored by The Counseling Department

1:30 PM

Building 17, Senate Chambers

### Thursday, February 12, 2009

**Time**

**Location**

No events are scheduled today.

### Friday, February 13, 2009

**Time**

**Location**

**Anime Club Film**

11:30 AM

SUB Lounges AB

**Vagina Monologues**

3:00 PM

SUB Lounges ABC

**Vagina Monologues**

7:30 PM

SUB Lounges ABC

### Saturday, February 14, 2009

**Time**

**Location**

No events are scheduled today.

### Sunday, February 15, 2009

**Time**

**Location**

No events are scheduled today.

### HOME SPORTS

**Date/Time**

**Location**

No Home Sports this week.

### ANNOUNCEMENTS

#### CCS Foundation Scholarship Deadline - March 16, 2009

CCS students are encouraged to apply for a scholarship by completing an application and submitting it to the foundation by **March 15** each year. To learn more about foundation scholarships see the link below:

<http://www.ccs.spokane.edu/Foundation/Scholarships.aspx>

For more information, contact Lisa Nispuruk.

Phone: (509) 434-5122

Email: [lnispuruk@ccs.spokane.edu](mailto:lnispuruk@ccs.spokane.edu)

#### Rideshare

Rideshare is a free computerized ride share matching service offered by Spokane County. After completing an online form, Rideshare will match your information with others to find a carpool, vanpool, walking or bicycling partner. And, it is completely confidential. Visit the [Rideshare](#) site for more information.

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SPOKANE FALLS COMMUNITY COLLEGE - 3410 W. FORT GEORGE WRIGHT DR. - SPOKANE, WA 99224-5288

FOR GENERAL INFORMATION CALL: 509-533-3500 OR 888-509-7944

[CONTACT US](#) | [WEBMASTER](#) | [PRIVACY POLICY](#)

## Localism Teach-in

### Sponsored by French Club, Theme

Yes We Can. Build community with free food, free gifts, free knowledge! Local chefs prepare locally-grown food for us, and while we munch away we'll learn about the food/global climate change connection through supporting Slow Food, Co-ops, Sustainable Agriculture, and Farmers Markets.

---

**Date:** 2/9/2009  
**Time:** 11:30 AM  
**Location:** SUB AB

For more information, contact Elodie Phan  
Phone: 533-3892  
E-mail: [elodiep@spokanefalls.edu](mailto:elodiep@spokanefalls.edu)

---

Close

# EXHIBIT 4



SPOKANE FALLS COMMUNITY COLLEGE

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# What's Happening

[ANNOUNCEMENTS](#) [HOME SPORTS](#)

Previous Week

Next Week

## Monday, March 02, 2009

Time

Location

Registration for Bear Creek Lodge Snow Tubing Trip

11:30 AM - 1:30 PM

Sub Lounge

Celebration Week "That takes Ovaries"

11:30 AM

SUB Lounges A&B

## Tuesday, March 03, 2009

Time

Location

No events are scheduled today.

## Wednesday, March 04, 2009

Time

Location

AMS/AWS Relaxation Event

11:30 AM - 1:30 PM

Sub Lounges A/B

[Core Book Author Jess Walter](#)

11:30 AM - 12:45 PM

sn-w'ey'-mn 110

## Thursday, March 05, 2009

Time

Location

"The J-Spot" Lecture-Jay Friedman

11:30 AM

Sub Lounges A/B

SFCC Play "Othello"

7:30 PM

Spartan Theatre

## Friday, March 06, 2009

Time

Location

Battle of the Sexes - Speech & Debate Club

11:30 AM

Sub Lounges A/B

SFCC Play "Othello"

7:30 PM

Spartan Theatre

## Saturday, March 07, 2009

Time

Location

SFCC Play "Othello"

7:30 PM

Spartan Theatre

## Sunday, March 08, 2009

Time

Location

SFCC Play "Othello"

2:00 PM

Spartan Theatre

## HOME SPORTS

Date/Time

Location

No Home Sports this week.

## ANNOUNCEMENTS

### CCS Foundation Scholarship Deadline - March 16, 2009

CCS students are encouraged to apply for a scholarship by completing an application and submitting it to the foundation by **March 15** each year. To learn more about foundation scholarships see the link below:

<http://www.ccs.spokane.edu/Foundation/Scholarships.aspx>

For more information, contact Lisa Nispuruk.

Phone: (509) 434-5122

Email: [lnispuruk@ccs.spokane.edu](mailto:lnispuruk@ccs.spokane.edu)

### Rideshare

Rideshare is a free computerized ride share matching service offered by Spokane County. After completing an online form, Rideshare will match your information with others to find a carpool, vanpool, walking or bicycling partner. And, it is completely confidential. Visit the [Rideshare](#) site for more information.

#### **Addressing Student Concerns**

Do you have a problem or concern with faculty or staff? Not sure how to resolve it? SFCC has a procedure to help you! Visit the [Addressing Student Concerns](#) page for more information. Or download the [Guidelines for Addressing Student Concerns](#) PDF document.

---

SPOKANE FALLS COMMUNITY COLLEGE - 3410 W. FORT GEORGE WRIGHT DR. - SPOKANE, WA 99224-5288

FOR GENERAL INFORMATION CALL: 509-533-3500 OR 888-509-7944

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## Stimulating the minds of student bodies

“The J-Spot: A Sex Educator Tells All” is a lecture unlike any other. Jay Friedman has his finger on the pulse of sexual issues in our society, and tackles the toughest of topics in a refreshingly sex-positive way. Time flies as he addresses a whirlwind of issues that will get your students thinking and talking long after the curtain closes, such as:

- three conditions to meet before having sex
- how to make condoms feel oh-so-much better
- the mysteriously missing sexual organ
- why sex is better in Scandinavia
- “Kegels with your Bagels”

Personal, philosophical, and prophetic, Jay delivers a “sexual state of affairs” address on where we’ve been, where we are, and where we’re headed sexually—with the ultimate goal of helping everyone enjoy healthy relationships. You get great bang for your buck, as Jay entertains while educating about the three P’s:

- **Prevention** of pregnancy, disease and sexual violence.
- **Pleasure.** Jay keeps the lecture positive and wildly fun with spine-tingling and sensible tips to increase sexual satisfaction.
- **Political/cultural climate.** Jay doesn’t shy away from showing how attitudes in America actually cripple people with sexual ignorance while robbing them of the pleasure they deserve.

You get all these topics (and more):

- AIDS/safer sex
- Communication / decision-making
- Cultural climate in America and beyond
- Dating and relationships
- G(ee) spots
- Gender roles and differences
- Homophobia
- Rape/sexual violence
- Sex and alcohol
- Tips and techniques for romance and pleasure

© 2009 Jay Friedman | All Rights Reserved | Design [Mountbracken and Campbell](#)  
206-378-0938 | [info@JayTalk.com](mailto:info@JayTalk.com)

# EXHIBIT 5



**Why is bias incident and hate crime reporting important?**

Such occurrences strike at the heart of our identity. At SFCC, we believe the inherent dignity of every individual is threatened whenever someone is victimized on the basis of race, religion, ethnicity, sexual orientation, gender or disability.

Bias incidents and hate crimes need to be reported. Often victims feel isolated, marginalized and/or terrorized. Reporting these incidents ensures perpetrators are brought to justice.

**The Stop the Hate Program at SFCC:**

- Provides awareness and education for the community
- Prepares a campus-coordinated mechanism to respond to bias incidents and/or hate crimes

**Definition of Bias Incident**

A bias incident, or hate incident, is an act of conduct, speech or expression to which a bias motive (relating to race, religion, disability status, ethnicity/national origin, gender or sexual orientation) is evident as a contributing factor regardless of whether the act is criminal.

**Definition of Hate Crime**

A hate crime is a criminal offense committed against a person that is motivated, in whole or in part, by the offender's bias.

**Report Bias Incidents or Hate Crimes**

A reporting form is filled out online or in paper form. Forms and information about the reporting process may be found at these locations:

- Counseling offices
- VP offices
- Information desk
- Multicultural Center
- Student Life
- Campus Security

**Bias Incident Response Team**

The Bias Incident Response Team (BIRT) is made up of students, faculty, staff and administrators who are extensively trained in fighting bias and hate crimes.

The BIRT will coordinate a response to all reported incidents. The benefits of a BIRT approach are:

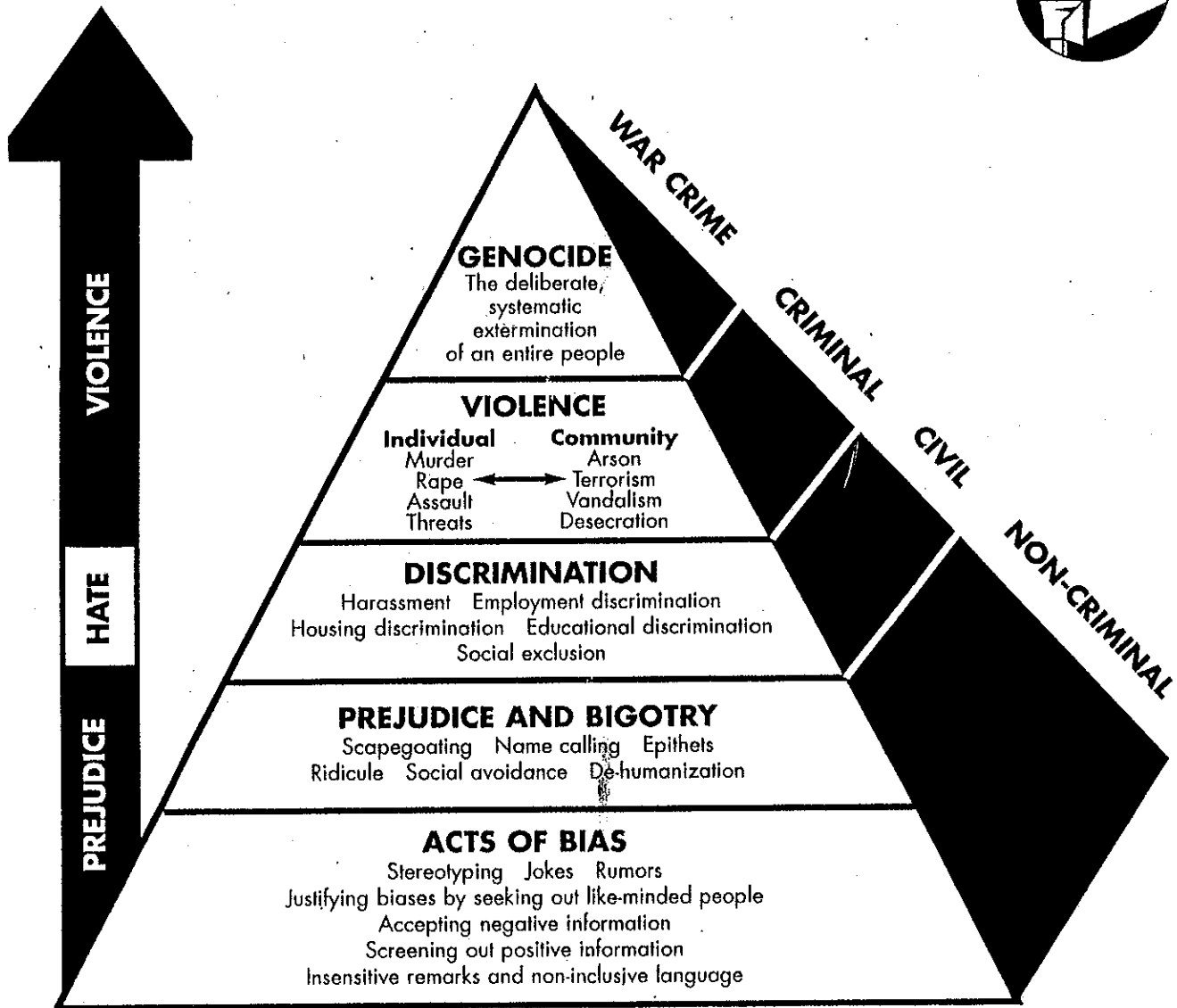
- Support to victims
- Education
- Anonymity as an option
- Team approach to fight hate
- Documentation
- Message against hate



<http://spokanefalls.edu/Resources/StopHate/Home.aspx>

the details...

# Pyramid of Hate



Acts of violence may be directed at individuals, institutions or entire communities. Community violence has a direct impact on individuals and violence directed at individuals also affects the community.

Pyramid of Hate  
©1998 Anti-Defamation League



# EXHIBIT 6

**WASHINGTON STATE COMMUNITY COLLEGE DISTRICT 17**

***STUDENT CODE OF CONDUCT  
AND GENERAL POLICIES***

***Community Colleges of Spokane  
Institute for Extended Learning  
Spokane Community College  
Spokane Falls Community College***

Subject to Revision

Adopted by Board of Trustees – March 20, 2007

Effective – June 25, 2007

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*This document contains information taken from official source documents compiled for information purposes only. Official rules, regulations and policies are subject to change; therefore the current version of these rules, regulations and policies should be obtained from the primary source documents located at the following:*

- Washington Administrative Code (WAC): <http://apps.leg.wa.gov/wac/default.aspx?cite=132g>
- CCS Board Policy Manual: <http://www.ccs.spokane.edu/Administration/bot/policy/default.aspx>

*For further information, please contact the office of the Vice President of Student Services at (509) 533-3514.*

### **COMMUNITY COLLEGES OF SPOKANE Mission Statement**

*Community Colleges of Spokane, collaborating as a district, is committed to providing quality, relevant learning opportunities for students and the six-county regional community we serve.*

*We fulfill our mission:*

- *Through our three student-centered institutions — Spokane Community College, Spokane Falls Community College, and the Institute for Extended Learning — where outstanding faculty and staff provide comprehensive educational, training and enrichment activities for people of all ages and backgrounds.*
- *Through a challenging and supportive environment where diverse students, faculty and staff flourish.*
- *Through collaboration with our colleagues in education and our partners in business and the community.*

*Adopted by the Community Colleges of Spokane Board of Trustees on July 20, 2004*

### **SPOKANE FALLS COMMUNITY COLLEGE Mission Statement**

*Spokane Falls Community College provides high-quality learning opportunities that are affordable and accessible. We accomplish our mission in various ways:*

- *offering comprehensive academic transfer, professional/technical, developmental, basic skills, and continuing education programs;*
- *providing comprehensive student support services;*
- *serving diverse communities;*
- *increasing flexible and innovative educational opportunities;*
- *fostering respect for knowledge and actively contributing to scholarship;*
- *preparing students to live responsibly in an increasingly global civilization;*
- *being an active partner in promoting community services of an educational, cultural, and recreational nature; and*
- *contributing to the economic well-being of the communities we serve.*

*Approved by the Community Colleges of Spokane Board of Trustees on March 19, 2002.*



**STUDENT RECORDS**  
**Chapter 132Q-02 WAC**

**EDUCATION RECORDS AND STUDENT RIGHTS STATEMENT**

*Public Law 93-380, (FERPA) the Family Educational Rights and Privacy Act of 1974 establishes that the education records of students attending or having attended the colleges are confidential and can be released only with written permission of the student. All students have the right to review their own records and to petition for correction of erroneous information in their records. Basic information is shown on a student's transcript, an unofficial copy of which can be requested from the admissions/registration office. Requests to review the records should be made in writing to the office having custody of the particular records in question.*

**HOLD ON RECORDS**

*Students who have been placed on academic hold (warning, probation or suspension) or who have outstanding debts owed to the college (such as tuition and fees, traffic and parking fines, library fines or instructional materials) will not be allowed to register or make changes to their class schedules until these have been cleared. Likewise, transcripts will not be released until all debts are cleared. Please allow 48 hours to process the release of a student record hold.*

**DEFINITIONS**

**132Q-02-340**

*The definitions in this chapter are those in WAC 132Q-30-105.*

**CONFIDENTIALITY OF STUDENT RECORDS**

**132Q-02-350**

*Community Colleges of Spokane receives requests from outside sources for information about students, both past and present. Public Law 93-380, the Family Educational Rights and Privacy Act (FERPA) of 1974 states that colleges adopt a policy on student education records to insure that information contained in such records is treated in a responsible manner with due regard to the personal nature of the information contained in these records. In order to prevent embarrassment or possible legal involvement of Community Colleges of Spokane and its employees, because of improper disclosure of information, it is imperative that FERPA be implemented in the release of such information.*

**EDUCATION RECORDS — STUDENT'S RIGHT TO INSPECT**

**132Q-02-360**

*(1) A student has the right to inspect and review his/her education records.*

- (a) For purposes of this section the term "education records" means those records, files, documents, and other materials which contain information directly related to a student, including records regarding the employment of a student when such employment is a result of, and directly related to, student status.*
- (b) The term "education records" does not include:*
  - (i) Records of instructional, supervisory and administrative personnel and educational personnel which are in the sole possession of the originator and which are not accessible or revealed to any other person except a substitute or designee.*



- (4) *The office of the chief student services officer is the official custodian of academic records; and, therefore, is the only office who may issue an official transcript of the student's academic record.*
- (5) *Student educational records may be destroyed in accordance with a department's routine retention schedule. In no case will any record which is requested by a student for review in accordance with this section be removed or destroyed prior to providing the student access.*

**RECORDS REQUESTS AND APPEALS**

**132Q-02-370**

- (1) *A request by a student for review of information shall be made in writing to the college individual(s) or office(s) having custody of the particular record. Any challenge to the contents of educational records shall be addressed by means of a brief adjudicative proceeding.*
- (2) *An individual(s) or office(s) must respond to a request for education records within a reasonable period of time, but in no case more than forty-five days after the request has been made. A college individual(s) or office(s) which is unable to comply with a student's request within the above-stated time period shall inform the student of that fact and the reason(s) in writing.*
- (3) (a) *A student who feels that his/her request has not been properly answered by a particular individual(s) or office(s) should contact the chief student services officer.*  
  
(b) *In cases where a student is dissatisfied after consulting with the chief student services officer, the student may appeal to the college records committee. The college's records committee shall render its decision within a reasonable period of time. In all cases, the decision of the college's records committee is final.*  
  
(c) *In no case shall any request for review by a student be considered by the college's records committee, which has not been filed with that body in writing within ninety days from the date of the initial request to the custodian of the record.*  
  
(d) *The college's records committee shall not review any matter regarding the appropriateness of official academic grades.*

**RELEASE OF PERSONALLY IDENTIFIABLE RECORDS**

**132Q-02-380**

- (1) *The college shall not permit access to or the release of education records or personally identifiable information contained therein, other than "directory information," without the written consent of the student, to any party other than the following:*
  - (a) *College personnel and students when officially appointed to a faculty council or administrative committee, when the information is required for a legitimate educational interest within the performance of their responsibilities to the college, with the understanding that its use will be strictly limited to the performance of those responsibilities.*
  - (b) *Federal and state officials requiring access to education records in connection with the audit and evaluation of a federally supported or state-supported educational program or in connection with the enforcement of the federal or state legal requirements which relate to such programs. In such cases the information required shall be protected by the federal or state official in a manner which will not permit the personal identification of students and their*

*parent(s) to other than those officials and such personally identifiable data shall be destroyed when no longer needed for such audit, evaluation or enforcement of legal requirements.*

- (c) Agencies or individual's requesting information in connection with a student's application for or receipt of financial aid.*
  - (d) Organizations conducting studies for or on behalf of the college for purposes of developing, validating or administering predictive tests, administering student aid programs, and improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students by persons other than the representatives of such organizations, and such information will be destroyed when no longer needed for the purposes for which it was provided.*
  - (e) Accrediting organizations in order to carry out their accrediting functions.*
  - (f) Any person or entity designated by judicial order or lawfully issued subpoena, upon condition that the student is notified of all such orders or subpoenas in advance of the compliance unless the court or other issuing agency orders the college not to notify the student before compliance with the subpoena. The college president, the president's designee, or office(s) receiving a subpoena or judicial order for education records should immediately notify the attorney general.*
  - (g) Parents transfer their rights under FERPA to their child when he/she reaches 18 years of age or attends an institution of postsecondary education. Parents of college students, who request to review their "adult child's" record, must provide documented "dependency status" under Internal Revenue Service (IRS) regulations or have written consent from the student. The final decision whether or not to disclose information about students to their parents is a matter of the institution's policy.*
- (2) Where the consent of a student is obtained for the release of education records, it shall be in writing, signed and dated by the person giving such consent, and shall include:*
- (a) A specification of the records to be released;*
  - (b) The reasons for such release; and*
  - (c) The names of the parties to whom such records will be released.*
- (3) In cases where records are made available without student release as permitted by subsection (1)(b), (c), (d), (e) and (f), the college shall maintain a record kept with the education record released which will indicate the parties which have requested or obtained access to a student's records maintained by the college and which will indicate the legitimate interest of the investigating party. Releases in accordance with subsection (1)(a) need not be recorded.*
- (4) Personally identifiable education records released to third parties, with or without student consent, shall be accompanied by a written statement indicating that the information cannot be subsequently released in a personally identifiable form to any other parties without obtaining consent of the student.*

- (5) *The term "directory information" used in subsection (1) is defined as information contained in an educational record of a student that would not be generally considered harmful or an invasion of privacy if disclosed. It includes, but is not limited to, the student's name, address, telephone listing, electronic mail address, photograph, date and place of birth, major field of study, dates of attendance, grade level, enrollment status (e.g., undergraduate or graduate; full-time or part-time), participation in officially recognized activities and sports, weight and height of members of athletic teams, degrees, honors and awards received, and the most recent educational agency or institution attended by the student.*
- (6) *Students may request in writing that the college not release directory information through written notice to the chief student services officer.*
- (7) *Information from education records may be released to appropriate persons in connection with an emergency if the knowledge of such information is necessary to protect the health or safety of a student or other person(s).*

### **COLLEGE RECORDS**

**132Q-02-390**

*All college individual(s) or office(s) that have custody of education records will develop procedures for handling these records. These procedures will be filed with the college's records committee, which will be responsible for periodic review of college and department procedures.*

- (1) *Disciplinary records shall be kept separate from academic records, and transcripts of a student's academic record shall contain no notation of any disciplinary action. Special precautions shall be exercised to insure that information from disciplinary or counseling files is not revealed to unauthorized persons. Provisions shall be made for periodic review and routine destruction of inactive disciplinary records by offices maintaining such records.*
- (2) *No records shall be kept that reflect a student's political or ideological beliefs or associations.*
- (3) *Entities within Community Colleges of Spokane share education records.*
- (4) *Students requesting an official copy of their educational transcripts must provide a written request including name, address, student identification number and where the transcript is to be sent.*
- (5) *A processing fee will be assessed for any official transcript sent to institutions outside the jurisdiction of Community Colleges of Spokane.*

### **RECORDS COMMITTEE**

**132Q-02-400**

*Each college shall have a college records committee. The college's records committee shall be responsible for reviewing unusual requests for information, hearing appeals under WAC 132Q-02-370, reviewing college and department records procedures, and for assisting in the interpretation of these rules.*

### **ELIGIBILITY FOR CLINICAL PROGRAMS**

**132Q-02-410**

*Any student who fails to comply with the requirements to be eligible for required clinical programs shall be subject to disciplinary action. Requirements may include, but are not limited to, the student having a record of current immunizations and a physical examination, TB test, CPR proficiency, state patrol clearance, proof of liability and medical and accident insurance coverage.*

**GENERAL CAMPUS CONDUCT**  
**Chapter 132Q-07 WAC**

**AUTHORITY TO DEMAND IDENTIFICATION**

**132Q-07-010**

- (1) *For the purpose of determining whether probable cause exists for application of any section of chapter 132Q-30 WAC to any conduct by any person on a college facility, any faculty or other college personnel of Community Colleges of Spokane may demand that any person on college facilities produce evidence of student enrollment at the college, by tender of said person's student identification card.*
- (2) *Refusal by a student to produce a student identification card, as required by subsection (1) of this section, shall be cause for disciplinary action under chapter 132Q-30 WAC.*

**RIGHT OF ASSEMBLY**

**132Q-07-020**

- (1) *Students shall have the right of "assembly" upon college facilities that are generally available to the public. Such assembly shall:*
  - (a) *Be conducted in an orderly manner; and*
  - (b) *Not unreasonably interfere with vehicular or pedestrian traffic; or*
  - (c) *Not unreasonably interfere with classes, schedules, meetings or ceremonies, or with educational functions of the college; and*
  - (d) *Not unreasonably interfere with college functions.*
- (2) *A student who conducts or participates in an assembly that violates any provision of this section shall be subject to disciplinary action under chapter 132Q-30 WAC.*
- (3) *Nonstudents who participate in, aid or abet any assembly or assemblies in violation of this section shall be subject to possible prosecution under the state criminal trespass law and/or any other possible civil or criminal remedies available to the college. Faculty and other college personnel who participate in, aid or abet any assembly or assemblies in violation of this section shall be subject to appropriate discipline.*

**OUTSIDE SPEAKERS**

**132Q-07-030**

- (1) *Any recognized campus student organization may invite speakers on campus with the written approval of its advisor, subject to provisions of this section.*
- (2) *The appearance of an invited speaker on a campus does not represent an endorsement, either implicit or explicit, of views or opinions of the speaker by CCS, its students, its faculty, its college personnel, its administration or its board.*
- (3) *The scheduling of speakers shall be made through the facilities scheduling office of the campus at which the speaker will appear, with prior approval from the appropriate college student activities office.*



- (4) *The appropriate student activities office will be notified at least thirty days prior to the appearance of an invited speaker, at which time a personal services contract (available in the student activities office) must be completed with all particulars regarding speaker, time, place, etc., signed by the sponsoring organization's advisor, and filed with the student activities office. Exceptions to the thirty-day ruling may be made by the appropriate administrator.*
- (5) *The appropriate student activities office may require a question period or arrange to have views other than those of the invited speakers represented at the meeting, or at a subsequent meeting.*

## **DISTRIBUTION OF MATERIALS**

**132Q-07-040**

- (1) *Handbills, leaflets, newspapers, and similarly related material (including religious matter) distributed free of charge by any student, nonstudent, by member of a recognized student organization or by college personnel, may be distributed upon a college campus with prior approval by the appropriate student center administrator, provided that such distribution does not interfere with the free flow of vehicle or pedestrian traffic.*
- (2) *Newspapers, leaflets, and similarly related materials offered for sale by any student or nonstudent person or organization may be distributed and sold only through the college book store as are other commercial forms of merchandise, subject to reasonable rules and regulations that may be imposed by the bookstore manager. Exceptions may be made by the appropriate vice-president or designee.*
- (3) *All handbills, leaflets, newspapers, and similarly related material (including religious matter) must bear identification as to the publishing agency and distributing organization or individual.*
- (4) *Any distribution of the materials regulated in this section shall not be construed as endorsement of the same by the college or by the board of trustees of Community Colleges of Spokane.*

## **COMMERCIAL ACTIVITIES**

**132Q-07-050**

- (1) *No student or college personnel shall use college facilities for commercial solicitation, or promotional activities except when such activities clearly serve educational objectives. These activities include but are not limited to the display of books of interest to the academic community or the display or demonstration of technical or research equipment. Commercial solicitation may be conducted under the sponsorship or request of a college department or the office of student activities of the college, provided that such solicitation does not interfere with or operate to the detriment of the conduct of college affairs or the free flow of pedestrian or vehicular traffic.*
- (2) *For the purpose of this regulation, the term "commercial activities" does not include handbills, leaflets, newspapers, and similarly related materials as regulated in WAC [132Q-07-040](#).*

## **TRESPASS**

**132Q-07-060**

*The appropriate president or designee of the college in the instance of any event that is determined to be disruptive of order, impedes the movement of vehicles or persons; or threatens to disrupt the movement of persons from college facilities or grounds, shall have the power and authority to:*

- (a) *Give notice against trespass by any manner provided for by law, to any person(s), or group against whom the privilege has been withdrawn or who have been prohibited from entering on or remaining upon any or all portions of a college facility; or*

*(b) Prohibit the entry of, or withdraw the privilege of a person(s) or any group to enter or remain on any portion of a college facility; or*

*(c) Order any person(s), or group to leave or vacate all or any portion of a college facility or grounds.*

*Any student or nonstudent who shall disobey a lawful order given by the president, or designee, pursuant to the requirements of subsection (1) of this section, shall be subject to disciplinary action and/or referred to law enforcement for possible criminal charges.*



**FACULTY AND STUDENT TRAFFIC RULES AND REGULATIONS**  
**Chapter 132Q-20 WAC**

**DEFINITIONS**

**132Q-20-005**

*As used in this chapter the following words and phrases shall mean:*

- (1) **Annual permits** -- *Permits, which are valid for fall through summer quarters.*
- (2) **Appropriate vice-president** -- *The chief administrative officer over student services regardless of current position title.*
- (3) **Board** -- *The board of trustees of Washington State Community College District 17, also known as Community Colleges of Spokane (CCS).*
- (4) **Campus** -- *Any or all real property owned, leased, operated or maintained by Community Colleges of Spokane.*
- (5) **Campus patrol** -- *An employee of the college, Administration of Justice student or contracted security personnel, who are responsible to the appropriate vice-president for campus security.*
- (6) **College** -- *Any community college or separate instructional unit which may be created by the board of trustees of Community Colleges of Spokane.*
- (7) **College personnel** -- *Any person employed or representing on a full- or part-time basis Community Colleges of Spokane.*
- (8) **Community Colleges of Spokane** -- *Spokane Community College, Spokane Falls Community College, Institute for Extended Learning and the District Office.*
- (9) **Quarterly permits** -- *Permits valid for a specified academic quarter.*
- (10) **Special Permits** -- *Permits issued under special circumstances such as "D" permit which is a quarterly disabled parking permit issued by disability support services; carpool permits, issued to college personnel who participate in commuter trip reduction; and honorary permit which are issued to Community Colleges of Spokane personnel upon retirement.*
- (11) **Student** -- *Any person who is or has officially registered at any college or instructional unit with the Community Colleges of Spokane and with respect to whom the college maintains education records or personally identifiable information.*
- (12) **Temporary guest permits** -- *Permits, which are valid for a specific period designated on the permit.*
- (13) **Vehicle** -- *An automobile, truck, motorcycle, scooter, or any vehicle empowered by a motor.*

- (14) **Visitors** -- Any person or persons, excluding students as previously defined, who come upon the campus as guests and person or persons who lawfully visit the campus for purposes, which are in keeping with the colleges' role as institutions of higher learning in the state of Washington.

**PURPOSE AND JURISDICTION FOR ADOPTING RULES** **132Q-20-010**

Pursuant to the authority granted by RCW 28B.50.140(10), the board of trustees of Community Colleges of Spokane is granted authority to make rules and regulations for pedestrian and vehicular traffic on property owned, operated or maintained by the college district. The rules and regulations contained in this chapter pertain to all students, college personnel, and visitors who use district facilities unless exempted by the chancellor/CEO of the district and are established for the following purposes:

- (1) To protect and control pedestrian and vehicular traffic; and
- (2) To assure access at all times for emergency traffic; and
- (3) To minimize traffic disturbance during class hours; and
- (4) To facilitate the work of the community colleges.

**APPLICABLE TRAFFIC RULES AND REGULATIONS** **132Q-20-030**

The other traffic rules and regulations which may also be applicable upon the campuses are as follows:

- (1) The motor vehicle and other traffic laws of the state of Washington; and
- (2) The Spokane municipal code.

**PERMITS REQUIRED FOR VEHICLES ON CAMPUS** **132Q-20-040**

Students, college personnel, guests and visitors shall not stop, park, or leave a vehicle whether attended or unattended upon the campus without a parking permit issued pursuant to WAC 132Q-20-050, except guests and visitors who will be given a reasonable time to secure a temporary permit from the appropriate vice-president or designee. All students who plan to park on campus and are attending educational programs on campus that meet ten or more times per quarter are required to purchase a valid quarterly permit. Failure to obtain a permit may be grounds for disciplinary action. The fee for the parking permit shall be established by the board of trustees of Community Colleges of Spokane and shall be published. Anyone parking on campus less than ten times per quarter shall obtain temporary guest permit(s).

**AUTHORIZATION FOR ISSUANCE OF PERMITS** **132Q-20-050**

The colleges are authorized to issue parking permits to students, college personnel, guests and visitors of the college pursuant to regulations and the payment of appropriate fees as determined by the board of trustees of Community Colleges of Spokane.

**VALID PERMIT**

**132Q-20-060**

A valid [CCS] parking permit is:

- (1) An unexpired parking permit registered and properly displayed; or
- (2) A special parking permit authorized by the appropriate vice-president or designee, and properly displayed; or
- (3) A temporary guest permit authorized by the appropriate vice-president or designee, and properly displayed.

**DISPLAY OF PERMIT**

**132Q-20-070**

All CCS permanent and temporary parking permits shall be hung on the rear view mirror or in such a manner that they may be viewed through the front windshield. For motorcycles, permits must be placed on the front fork area of the vehicle.

- (1) Expired permits should be removed before new permits are attached.
- (2) Permits not displayed pursuant to the provisions of this section shall not be valid.

**TRANSFER OF PERMITS**

**132Q-20-080**

Parking permits are not transferable to other individuals but may be transferred to another vehicle owned and operated by the purchaser of the permit.

**PERMIT REVOCATION**

**132Q-20-090**

Parking permits are the property of the college and may be recalled by the appropriate vice-president or designee for any of the following reasons:

- (1) When the purpose for which the permit was issued changes or no longer exists; or
- (2) When a permit is used for an unregistered vehicle or by an unauthorized individual; or
- (3) Falsification on a parking permit application; or
- (4) Continued violations of parking regulations; or
- (5) Counterfeiting or altering a parking permit.

**RIGHT TO REFUSE PERMIT**

**132Q-20-100**

The colleges reserve the right to refuse the issuance of a parking permit to anyone who has had a previous parking permit revoked.

**RIGHT TO APPEAL PERMIT REVOCATION/REFUSAL**

**132Q-20-110**

When a student parking permit has been recalled pursuant to WAC 132Q-20-090, or has been refused in accordance with WAC 132Q-20-100, or when a fine or penalty has been levied against a violator of the rules and regulations set forth in this chapter, such action by the appropriate vice-president or

designee, may be appealed pursuant to WAC 132Q-108-050; faculty, administrators, and college personnel of Community Colleges of Spokane shall appeal permit revocations, refusals to grant permits, and fines or penalties levied for violations by the appropriate vice-president to the respective college president whose decision on the matter shall be final.

**RESPONSIBILITY OF PERMIT HOLDER**

**132Q-20-120**

The person to whom a parking permit is issued pursuant to the rules and regulations set forth in this chapter shall be responsible for all violations of said rules and regulations involving the vehicle and established fines. Such responsibility shall not relieve other persons who violate the rules and regulations established by this chapter of their responsibility for their conduct with vehicles registered to another permit holder.

**DESIGNATION OF PARKING SPACES**

**132Q-20-130**

The parking spaces available on campus shall be designated and allocated by the appropriate vice-president or designee, in such a manner that best achieves the objectives of the rules and regulations in this chapter.

- (1) Faculty staff, student, and visitor spaces will be designated for their use; and
- (2) Parking spaces for the exclusive use by persons of disability will be designated. The appropriate vice-president or designee may issue special permits to students and others to park in these designated spaces;
- (3) CCS parking permit along with an official state disabled parking permit allows the permit holder to park in any designated parking space as listed above; and
- (4) Other special use spaces may be designated.

**PARKING WITHIN DESIGNATED SPACES**

**132Q-20-140**

- (1) All vehicles shall follow traffic arrows and other markings established for the purpose of directing traffic on campus.
- (2) In areas marked for diagonal parking, vehicles shall be parked at a forty-five degree angle, facing in.
- (3) In areas marked for parallel or right-angle parking, space or stall markings will be observed.
- (4) No vehicle shall be parked so as to occupy any portion of more than one parking space or stall as designated within the parking area. The fact that other vehicles may have been so parked as to require the vehicle parked to occupy a portion of more than one space or stall shall not constitute an excuse for a violation of this section.
- (5) No vehicle shall be parked on the campus except in those areas set aside and designated pursuant to WAC 132Q-20-130.

**PARKING HOURS**

**132Q-20-150**

Parking is permitted on campus between the hours of 6:30 a.m. to 11:00 p.m. for college personnel, and students. The rules and regulations pertaining to the use of certain parking permits in specific

areas are contained in WAC 132Q-20-[130]. Students and college personnel may park in any of the spaces or stalls designated in WAC 132Q-20-140 except visitor's areas on a first-come, first-served basis between the hours of 5:00 p.m. and 11:00 p.m. Custodial and other authorized personnel may park on campus from 10:00 p.m. to 6:30 a.m., and are still required to follow regular parking regulations and obtain parking permits.

### **OVERNIGHT PARKING**

**132Q-20-160**

Overnight parking is prohibited except when approval is granted by the appropriate vice-president or designee.

### **REGULATORY SIGNS AND DIRECTIONS**

**132Q-20-170**

The appropriate vice-president or designee is authorized to erect signs, barricades and other structures and to paint marks or other directions upon the entry ways and streets on campus and upon the various parking lots owned, leased or operated by the colleges. Such signs, barricades, structures, markings, and directions, shall be made and placed to best achieve the objectives stated in WAC 132Q-20-010 and the rules and regulations contained in this chapter.

Drivers of vehicles shall observe and obey the signs, barricades, structures, markings and directions erected pursuant to this section. Drivers shall also comply with the directions given them by the campus patrol in the control and regulation of traffic.

### **SPEED LIMIT**

**132Q-20-180**

No vehicle shall be operated on the campuses at a speed in excess of the posted speed limit or such slower speed as is reasonable and prudent in the circumstances. No person operating a vehicle of any type shall at any time use the campus parking lots for testing, racing, or other unauthorized activities unless authorized by the appropriate vice-president or designee.

### **PEDESTRIANS' RIGHT OF WAY**

**132Q-20-190**

- (1) The operator of a vehicle shall yield the right of way; slowing down or stopping, if need be, to yield to any pedestrian. No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle that is so close it is impossible for the driver to yield.
- (2) Whenever any vehicle slows or stops to yield to pedestrian traffic, the operator of any other vehicle approaching from the rear shall not overtake and pass such a vehicle that has slowed or stopped to yield to pedestrian traffic.
- (3) Every pedestrian crossing at any point other than a marked crosswalk or within an unmarked crosswalk at an intersection, shall yield the right of way to all vehicles.
- (4) Pedestrians shall use sidewalks where provided.

### **SPECIAL TRAFFIC AND PARKING REGULATIONS AND RESTRICTIONS AUTHORIZED**

**132Q-20-200**

When special occasions create additional and/or heavy traffic and during emergencies, the appropriate vice-president or designee, is authorized to impose additional traffic and parking regulations and restrictions achieve the objectives specified in WAC 132Q-20-010.

**TWO-WHEELED MOTOR BIKES OR BICYCLES**

**132Q-20-210**

- (1) All two-wheeled vehicles empowered by a motor shall park in a space designated for motorcycles only.
- (2) No vehicle shall be driven or ridden on the sidewalks on campus at any time unless authorized by the appropriate vice-president or designee.

No skateboards or roller blades/skates shall be allowed on campus.

**REPORT OF ACCIDENTS**

**132Q-20-220**

The operator of any vehicle involved in an accident on campus resulting in injury to or death of any person or total of claimed damage to either or both vehicles exceeding \$300.00 shall immediately report the accident to the appropriate vice-president or designee, and shall within twenty-four hours after such accident, file a state of Washington motor vehicle accident report if required.

**EXCEPTIONS FROM TRAFFIC AND PARKING RESTRICTIONS** 132Q-20-230

These rules and regulations shall not apply to city-, county-, state- or federally owned emergency vehicles.

**ENFORCEMENT**

**132Q-20-240**

- (1) Enforcement of the parking rules and regulations will begin the first day of fall quarter and will continue until the start of the following fall quarter.
- (2) The appropriate vice-president or designee shall be responsible for the enforcement of the rules and regulations contained in this chapter.

**ISSUANCE OF TRAFFIC CITATIONS**

**132Q-20-250**

Upon violation of any rules and/or regulations contained in this chapter, the appropriate vice-president or designee, may issue a traffic citations setting forth the date, approximate time, permit number, license information, infraction, officer, and schedule of fines. Traffic citations may be served by attaching or affixing a copy in a prominent place outside the vehicle or by personally serving the operator/owner and by direct entry into the violator's "Customer Account[.]"

**FINES AND PENALTIES FOR STUDENTS**

**132Q-20-260**

- (1) Fines will be levied by the appropriate vice-president or designee for all violations of the regulations contained in this chapter. A current schedule of fines is available from the security office.
- (2) Students have the right to due process and may appeal a decision of the appropriate vice-president or designee to the college president or chief administrator of a recognized instructional unit whose decision shall be final.
- (3) Vehicles parked on any campus in violation of any of the regulations contained in this chapter, may be impounded or detained by use of mechanical devices at the discretion of the appropriate vice-president or designee. If a vehicle is impounded, it may be taken to such place for storage as the appropriate vice-president or designee selects. The expenses of such impounding and storage

*shall be the sole responsibility of the owner or operator of the vehicle. CCS shall not be liable for loss or damage of any kind resulting from such impounding and storage.*

- (4) At the discretion of the appropriate vice-president or designee, an accumulation of traffic violations by a student will be cause for disciplinary action, pursuant to WAC 132Q-02-270.*
- (5) The duly elected associated student government officers of CCS recommend a proposed schedule of fines prior to adoption of a new fine schedule.*
- (6) Refusal to pay a fine still existing after exhaustion of the appellate process shall be grounds for disciplinary action. In the case of students, failure to pay fines shall be grounds for the college, in addition to disciplinary action, to deny admission to CCS, registration, official transcripts, graduation or other administrative action. Failure to pay fines could result in the denial of issuing a permit.*

***FINES AND PENALTIES FOR ALL DISTRICT EMPLOYEES*** ***132Q-20-265***

- (1) Fines levied for all violations are subject to payment to CCS in accordance with the established fine schedule.*
- (2) Faculty and other district employees have the right of due process and may appeal a decision of the appropriate vice-president or designee to the college president or chief administrator of a recognized institutional unit whose decision shall be final.*
- (3) Vehicles parked on any campus in violation of any of the regulations contained in this chapter, may be impounded or detained by use of mechanical devices at the discretion of the appropriate vice-president or designee. If a vehicle is impounded, it may be taken to such a place of storage as the appropriate vice-president or designee selects. The expenses of such impounding and storage shall be the sole responsibility of the owner or operator of the vehicle. CCS shall not be liable for loss or damage of any kind resulting from such impounding and storage.*
- (4) At the discretion of the appropriate vice-president or designee, an accumulation of traffic violations by college personnel is subject to disciplinary action pursuant to WAC 132Q-02-270.3*
- (5) Refusal to pay a fine still existing after exhaustion of the appellate process shall be grounds for disciplinary action. Failure to pay fines could result in the denial of issuance of a permit, and/or impounding of vehicle.*

***LIABILITY OF [CCS]*** ***132Q-20-270***

*Community Colleges of Spokane assumes no liability under any circumstances for vehicles parked on campus.*



**STANDARDS OF CONDUCT FOR STUDENTS**  
**Chapter 132Q-30 WAC**

**STANDARDS OF CONDUCT FOR STUDENTS – PREAMBLE** **132Q-30-101**

- (1) *Community Colleges of Spokane (CCS), a multicollege district, provides its community and students with education and services of the highest quality. We do this in a manner which exhibits concern and sensitivity to students, faculty, staff and others who utilize our services and facilities. It is essential that members of CCS exhibit appropriate and conscientious behavior in dealing with others.*
- (2) *CCS expects all students to conduct themselves in a manner consistent with its high standards of scholarship and conduct. Student conduct, which distracts from or interferes with accomplishment of these purposes, is not acceptable. Students are expected to comply with these standards of conduct for students both on and off campus and acknowledge the college's authority to take disciplinary action.*
- (3) *Admission to a college within CCS carries with it the presumption that students will conduct themselves as responsible members of the academic community. This includes an expectation that students will obey the law, comply with policies, procedures and rules of the district, the colleges and their departments, maintain a high standard of integrity and honesty and respect the rights, privileges and property of other members of CCS.*
- (4) *It is assumed that students are and wish to be treated as adults. As such, students are responsible for their conduct. These standards of conduct for students promote CCS' educational purposes and provide students a full understanding of their rights and responsibilities. Sanctions for violations of the standards of conduct for students will be administered under this chapter. When violations of laws of the state of Washington and/or the United States are also involved, the college may refer such matters to proper authorities and in the case of minors, this conduct may be referred to parents or legal guardians.*
- (5) *This chapter, chapter 132Q-30 WAC, constitutes the Community Colleges of Spokane standards of conduct for students.*

**DEFINITIONS** **132Q-30-105**

*For the purposes of this chapter, the following terms shall mean:*

- (1) *"Accused student" means any student accused of violating the standards of conduct for students.*
- (2) *"Appeal board" is a district-wide board composed of one administrator from each college appointed by the chief executive of that college. The appeal board considers appeals from a student conduct board's determination or from the sanctions imposed by the chief student services officer. The board is convened by the chief student services officer.*
- (3) *The "chief student services officer" is that person designated by the college president/executive vice-president to be responsible for the administration of the standards*



*of conduct for students. The term also includes a college official designated by the chief student services officer to act on his/her behalf in matters related to this chapter.*

- (4) *"College" means Spokane Community College, Spokane Falls Community College, or the Institute for Extended Learning, at all locations of Community Colleges of Spokane (CCS).*
- (5) *"College official" includes any person employed by the college performing assigned duties.*
- (6) *"College premises" includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by the Community Colleges of Spokane (including adjacent streets and sidewalks).*
- (7) *"Complainant" means any member of CCS who submits a charge alleging that a student violated the standards of conduct for students. When students believe they have been victimized by someone's misconduct, they have the same rights under these standards as are provided to the complainant, even if another member of CCS submitted the charge itself.*
- (8) *"Faculty member" means a teacher, counselor, or librarian or person who is otherwise considered by the college to be a member of its faculty.*
- (9) *"Instructional day" means Monday through Friday, except for federal or state holidays, when students are in attendance for instructional purposes.*
- (10) *"Member of CCS" includes any person who is a student, faculty member, college official, or any other person employed by CCS. A person's status in a particular situation is determined by the chief student services officer.*
- (11) *"Student" includes a person taking courses at the college, either full-time or part-time. The term also includes persons who withdraw after allegedly violating the standards of conduct for students, who are not officially enrolled for a particular quarter but have a continuing relationship with the college (including suspended students), students on study abroad programs or who have been notified of their acceptance for admission. "Student" also includes "student organization."*
- (12) *"Student organization" means any number of persons who have complied with the formal requirements for college recognition, such as clubs and associations, and are recognized by the college as such.*
- (13) *"Student conduct board" is a board appointed by the chief executive officer of the college to hear complaints referred by the chief student services officer to determine whether a student has violated the standards of conduct for students, and to impose sanctions when a violation has been committed. The board shall have at least one member from the respective groups: Faculty, students, administration. The chief student services officer convenes the board and appoints the chair.*

**INTERPRETATIONS****132Q-30-110**

*Any question of interpretation or application of the standards of conduct for students shall be determined by the chief student services officer.*

**DECISIONS AND APPEALS****132Q-30-115**

*Decisions made by a student conduct board or chief student services officer remain in effect during the appeal processes provided in this chapter. Appeals will comply with this chapter.*

**JURISDICTION OF THE STANDARDS OF CONDUCT FOR STUDENTS****132Q-30-120**

*The standards of conduct for students apply to conduct that occurs on college premises, at college-sponsored activities, and to off-campus conduct that adversely affects CCS and/or the pursuit of its objectives. Jurisdiction extends to locations in which students are engaged in official college activities including, but not limited to, athletic events, training internships, cooperative and distance education, practicums, supervised work experiences or any other college-sanctioned social or club activities. Students are responsible for their conduct from the time of application for admission through the actual receipt of a degree, 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 actual enrollment. These standards shall apply to a student's conduct even if the student withdraws from college while a disciplinary matter is pending. The college has sole discretion to determine what conduct occurring off campus adversely impacts the college and/or the pursuit of its objectives.*

**VIOLATION OF LAW AND STANDARDS OF STUDENT CONDUCT****132Q-30-125**

- (1) College disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and the standards of conduct for students without regard to pending criminal litigation in court or criminal arrest and prosecution. Proceedings under these standards of conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings at the discretion of the chief student services officer. Determinations made or sanctions imposed under these standards of conduct are not subject to change because criminal charges were dismissed, reduced or resolved in favor of or against the criminal law defendant. Students in this circumstance who remain silent should recognize that they give up their opportunity to explain their side of the story and that a decision will be made based on the information presented.*
- (2) When a student is charged by federal, state or local authorities with a violation of law, the college does not request or agree to special consideration for that student because he or she is a student. If the alleged offense also is being processed under the standards of conduct for students, the college may advise off-campus authorities of the existence of the standards and of how such matters are typically handled within CCS. The college cooperates with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators provided that the conditions do not conflict with college rules or sanctions. Members of CCS, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.*

**RESPONSIBILITY FOR GUESTS**

**132Q-30-130**

*A student or student organization is responsible for the conduct of guests on or in college premises and at functions sponsored by the college or sponsored by a recognized student organization.*

**STUDENTS STUDYING ABROAD**

**132Q-30-135**

*Students who participate in any college-sponsored or sanctioned international study program shall observe the following:*

- (1) The laws of the host country;*
- (2) The academic and disciplinary regulations of the educational institution or residential housing program where the student is studying;*
- (3) Any other agreements related to the student's study program in another country; and*
- (4) The CCS standards of conduct for students.*

**GROUP CONDUCT**

**132Q-30-140**

*Student organizations are expected to comply with the standards of conduct for students and with CCS policies and procedures. When a member or members of a student organization violates the standards of conduct for students or CCS policies or procedures, the student organization or individual members may be subject to appropriate sanctions.*

**RECORDS**

**132Q-30-145**

- (1) Disciplinary records are maintained in accordance with the records retention schedule.*
- (2) The disciplinary record is confidential.*
- (3) Students may request a copy of their own disciplinary record at their own reasonable expense by making a written request to the chief student services officer.*
- (4) Personally identifiable student information is redacted to protect another student's privacy.*
- (5) Students may authorize release of their own disciplinary record to a third party in compliance with the Family Educational Rights and Privacy Act (FERPA) by making a written request to the chief student services officer.*
- (6) The college may inform the complainant of the outcome of any disciplinary proceeding involving a crime of violence as defined at Section 16 of Title 18 of FERPA.*
- (7) The college may not communicate a student's disciplinary record to any person or agency outside the college without the prior written consent of the student, except as required or permitted by law. Exceptions include:*
  - (a) The student's parents or legal guardians may review these records, if the student is a minor or a dependent for tax purposes as permitted by FERPA.*

(b) To another educational institution, upon request, where the student seeks or intends to enroll.

**MISCONDUCT – VIOLATIONS OF THE  
STANDARDS OF CONDUCT FOR STUDENTS**

**132Q-30-200**

A student or student organization found to have committed or to have attempted to commit misconduct specified in WAC 132Q-30-210 through 132Q-30-299 is subject to the disciplinary process of WAC 132Q-30-300 through 132Q-30-399 and to the disciplinary sanctions in WAC 132Q-30-400.

**ACADEMIC DISHONESTY**

**132Q-30-210**

Acts of academic dishonesty include the following:

(1) Cheating, which includes:

(a) Use of unauthorized assistance in taking quizzes, tests, or examinations.

(b) Acquisition, without permission, of tests or other academic material belonging to a member of the college faculty or staff.

(c) Fabrication, which is the intentional invention or counterfeiting of information in the course of an academic activity. Fabrication includes:

(i) Counterfeiting data, research results, information, or procedures with inadequate foundation in fact;

(ii) Counterfeiting a record of internship or practicum experiences;

(iii) Submitting a false excuse for absence or tardiness;

(iv) Unauthorized multiple submission of the same work; sabotage of others' work.

(d) Engaging in any behavior specifically prohibited by a faculty member in the course syllabus or class discussion.

(e) Plagiarism which includes the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials.

(f) Facilitation of dishonesty, including not challenging academic dishonesty.

(2) Knowingly furnishing false information to any college official, faculty member, or office including submission of fraudulent transcripts from other institutions.

(3) Forgery, alteration or misuse of any college document, record or instrument of identification.

(4) Acts of academic dishonesty will be reported by the faculty member to the chief student services officer.

**DISRUPTION OR OBSTRUCTION**

**132Q-30-212**

*Students have the right to freedom of speech, including the right to dissent or protest, but this expression may not interfere with the rights of other members of CCS or disrupt college activities. Prohibited behavior includes disruption or obstruction of teaching, administration, disciplinary proceedings, other college activities, or authorized noncollege activities when the conduct occurs on college premises. Obstructing the free flow of pedestrian or vehicular traffic on college premises or at college-sponsored events is prohibited.*

**ABUSE OF SELF OR OTHERS**

**132Q-30-214**

*Physical abuse, threats, intimidation and/or other conduct, which threatens or endangers the health or safety of any person, including one's self.*

**THEFT OR DAMAGE TO PROPERTY**

**132Q-30-216**

*Theft of, and/or damage to, property of the college or property of a member of CCS or other personal or public property, on or off campus.*

**HAZING**

**132Q-30-218**

*(1) Conspiring to engage in hazing or participating in hazing of another.*

*(a) Hazing means any activity expected of someone joining a group (or maintaining full status in a group) that causes or is likely to cause a risk of mental, emotional and/or physical harm, regardless of the person's willingness to participate.*

*(b) Hazing activities may include the following: Abuse of alcohol during new member activities; striking another person whether by use of any object or one's body; creation of excessive fatigue; physical and/or psychological shock; and morally degrading or humiliating games or activities that create a risk of bodily, emotional, or mental harm.*

*(c) Hazing does not include practice, training, conditioning and eligibility requirements for customary athletic events such as intramural or club sports and intercollegiate athletics, or other similar contests or competitions, but gratuitous hazing activities occurring as part of such customary athletic event or contest are prohibited.*

*(2) Washington state law prohibits hazing which may subject violators to criminal prosecution under RCW 28B.10.901.*

*(3) Washington state law (RCW 28B.10.901) provides sanctions for hazing.*

**FAILURE TO COMPLY WITH COLLEGE OFFICIALS**

**132Q-30-220**

*Failure to comply with directions of college officials acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.*

**UNAUTHORIZED KEYS OR UNAUTHORIZED ENTRY**

**132Q-30-222**

*Unauthorized possession, duplication, or use of keys to any college premises, or unauthorized entry to or use of college premises.*

**VIOLATION OF CCS POLICY, PROCEDURE, RULE, OR REGULATION**

**132Q-30-224**

*Violation of policies, procedures, rules, or regulations of CCS, its colleges and departments.*

**VIOLATION OF LAW**

**132Q-30-226**

*Violation of any federal, state, or local law.*

**DRUGS AND DRUG PARAPHERNALIA**

**132Q-30-228**

*Use, possession, manufacture, or distribution of marijuana, narcotics, or other controlled substances, and drug paraphernalia except as expressly permitted by federal, state, and local law.*

**ALCOHOL**

**132Q-30-230**

*Use, possession, manufacture, or distribution of alcoholic beverages (except as expressly permitted by college rules), or public intoxication are prohibited. Alcoholic beverages may not, in any circumstance, be used by, possessed by, or distributed to any person under twenty-one years of age.*

**FIREARMS AND DANGEROUS WEAPONS**

**132Q-30-232**

*No student may carry, possess, or use any firearm, explosive (including fireworks), dangerous chemical, or any dangerous weapon on college premises. Paintball guns, air guns and any other items that shoot projectiles are not permitted on college premises.*

**DISORDERLY CONDUCT**

**132Q-30-234**

*Conduct that is disorderly, lewd, or indecent, disturbing the peace, or assisting or encouraging another person to disturb the peace.*

**UNAUTHORIZED USE OF ELECTRONIC OR OTHER DEVICES**

**132Q-30-236**

*Making an audio or video record of any person while on college premises without his/her prior knowledge, or without his/her effective consent, when such a recording is likely to cause injury or distress. This includes surreptitiously taking pictures of another person in a gym, locker room, or restroom.*

**ABUSE OR THEFT OF CCS INFORMATION TECHNOLOGY**

**132Q-30-238**

*Theft or abuse of computer facilities, equipment and information technology resources including:*

- (1) Unauthorized entry into a file, to use, read, or change the contents, or for any other purpose.*
- (2) Unauthorized transfer of a file.*
- (3) Use of another individual's identification and/or password.*
- (4) Use of computing facilities and resources to interfere with the work of another student, faculty member, or college official.*
- (5) Use of computing facilities and resources to send obscene, harassing, or threatening messages.*

- (6) *Use of computing facilities and resources to interfere with normal operation of the college computing system.*
- (7) *Use of computing facilities and resources in violation of copyright laws.*
- (8) *Any violation of the CCS Information Technology Resources Acceptable Use Policy (7.30.05) or procedure.*

**ABUSE OF THE STUDENT CONDUCT SYSTEM**

**132Q-30-240**

*Abuse of the student conduct system, including:*

- (1) *Failure to obey the notice from a student conduct board or college official to appear for a meeting or hearing as part of the student conduct system.*
- (2) *Willful falsification, distortion, or misrepresentation of information before a student conduct board.*
- (3) *Disruption or interference with the orderly conduct of a student conduct board proceeding.*
- (4) *Filing fraudulent charges or initiating a student conduct proceeding in bad faith.*
- (5) *Attempting to discourage an individual's proper participation in, or use of, the student conduct system.*
- (6) *Attempting to influence the impartiality of a member of a student conduct board prior to or during the course of the student conduct board proceeding.*
- (7) *Harassment (verbal or physical) or intimidation of a member of a student conduct board prior to, during, or after a student conduct code proceeding.*
- (8) *Failure to comply with the sanction(s) imposed under the standards of conduct for students.*
- (9) *Influencing or attempting to influence another person to commit an abuse of the student conduct code system.*

**DISCRIMINATION**

**132Q-30-242**

*Discrimination on the basis of race, national or ethnic origin, creed, age, sex, marital status, veteran's status, sexual orientation, or disability is prohibited in conformity with federal and state laws. Discrimination includes sexual or racial harassment which is defined as conduct that is:*

- (1) *Sexually or racially motivated and has the purpose or effect of unreasonably interfering with a person's work or educational performance; and/or*
- (2) *Creating an intimidating, hostile, or offensive environment.*

**SEXUAL MISCONDUCT**

**132Q-30-244**

*Sexual misconduct of any kind including rape, indecent liberties, assault of a sexual nature, voyeurism, or unwanted sexual contact is prohibited.*



(1) Rape is sexual intercourse with a person who did not consent by his or her words or conduct. Consent to sexual activity means actual words or conduct indicating the person has freely and voluntarily agreed to have sexual intercourse.

(a) Silence or mere passivity from a state of intoxication or unconsciousness does not imply consent to sexual intercourse.

(b) Lack of consent is implied if force or blackmail is threatened or used.

(2) Indecent liberties means knowingly causing sexual contact with a person by forcible compulsion or when the person is incapable of consent by reason of mental defect, mental incapacitation, or physical helplessness. Sexual contact is defined as any nonconsensual touching of the sexual or other intimate parts of a person done for the purpose of gratifying the sexual desire of either party.

(3) Voyeurism is arousing or gratifying sexual desire by viewing, photographing, or filming another person without that person's knowledge and consent and/or while the person being viewed, photographed, or filmed is in a place where he or she has a reasonable expectation of privacy.

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**HARASSMENT**

**132Q-30-246**

Conduct by any means that is sufficiently severe, pervasive, or persistent so as to threaten an individual or limit the individual's ability to work, study, or participate in the activities of the college.

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**STALKING**

**132Q-30-248**

Intentionally and repeatedly harassing or following a person and placing the person being followed or harassed in fear of physical harm to one's self or property or physical harm to another person or another's property.

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**RECKLESS ENDANGERMENT**

**132Q-30-250**

Engaging in conduct that creates an unreasonable risk of harm to another person or property.

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**TRESPASSING**

**132Q-30-252**

Any person who has been given written notice, served by a college official, excluding him or her from college property is not licensed, invited, or otherwise privileged to enter or remain on college property, unless given explicit written permission by a college official.

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**VIOLATION OF A DISCIPLINARY SANCTION**

**132Q-30-254**

Violation of any term or condition of any disciplinary sanction constitutes a new violation and may subject the student to additional sanctions.

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**COMPLAINTS**

**132Q-30-305**

Members of CCS may file with the chief student services officer a written complaint against a student for violation of the standards of conduct for students. Complaints are to be submitted as soon as possible after the event takes place, preferably within thirty calendar days after the event.



**DISPOSITION OF COMPLAINTS  
BY THE CHIEF STUDENT SERVICES OFFICER**

**132Q-30-310**

The chief student services officer determines if the complaint has merit. If the complaint has merit the chief student services officer meets with the student to discuss the complaint and an agreed upon resolution. If an agreed upon resolution cannot be reached the chief student services officer may:

- (1) Dismiss the complaint;
- (2) Determine the appropriate sanctions to be imposed on the student; or
- (3) Send the matter to the student conduct board.

**NOTICE TO THE ACCUSED STUDENT OF COMPLAINT**

**132Q-30-315**

(1) All complaints deemed by the chief student service officer to have merit are presented to the accused student in written form, in person, by regular mail or electronic mail. Notice by mail is sent to the student's last known local address. If the student no longer is enrolled at the time notice is sent, the notice is sent to the student's permanent address. The student is responsible for providing the college the current address.

(2) The written notice shall include:

- (a) The specific complaint, including the policy, procedure, rule or standard of conduct allegedly violated;
- (b) The approximate time and place of the alleged act;
- (c) The time and place of the meeting with the chief student services officer. A time for the meeting is set not less than five nor more than ten instructional days after the student has been notified. Time limits may be altered by the chief student services officer at the written request of the accused student.

**INTERIM SUSPENSION**

**132Q-30-320**

(1) In certain circumstances, the chief student services officer may impose an interim suspension from college prior to the student conduct board hearing. Interim suspension may be imposed only:

- (a) In situations involving an immediate danger to the health, safety, or welfare of members of CCS or the public at large;
- (b) To ensure the student's own physical safety and well-being; or
- (c) If the student poses an ongoing threat of disruption to, or interference with, the operations of the college.

(2) During the interim suspension, a student may be denied access to classes, activities and privileges, as the chief student services officer determines.

- (3) *The interim suspension shall not replace the regular discipline process, which shall proceed as quickly as feasible in light of the interim suspension.*

## **STUDENT CONDUCT BOARD HEARINGS**

**132Q-30-325**

*Student conduct board hearings are conducted as follows:*

- (1) *Hearings will take place between five and ten instructional days from the date of the meeting with the chief student services officer. The chief student services officer will notify the student of the time and place of the hearing.*
- (2) *Hearings are conducted in private.*
- (3) *The complainant, the accused student, and their respective advisors may attend the portion of the hearing at which information is received, but may not attend the board's deliberations. Admission of any other person to the hearing is at the discretion of the student conduct board chair or the chief student services officer.*
- (4) *In circumstances involving more than one accused student, the chief student services officer may permit joint or separate hearings.*
- (5) *The complainant and the accused student have the right to be assisted by an advisor they choose, at their own expense. The complainant and the accused student are responsible for presenting their own information. Advisors are not permitted to address the board or participate directly in the hearing. An advisor may communicate only with the person they are advising. The board chair may call recesses to facilitate this communication. A student should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the hearing. Delays are not normally allowed due to the scheduling conflicts of an advisor.*
- (6) *The complainant, the accused student, and the board chair may arrange for witnesses to present pertinent information to the student conduct board. Witnesses may provide written statements in lieu of their attendance at the hearing. The accused student is responsible for informing his/her witnesses of the time and place of the hearing. Witnesses provide information to, and answer questions from, the student conduct board. To preserve the educational tone of the hearing and to avoid an adversarial environment, questions are directed to the chair, rather than to the witness directly. Questions concerning whether potential information may be received are resolved by the chair.*
- (7) *The board chair determines which records, exhibits and written statements may be accepted as information for consideration by the board.*
- (8) *Formal rules of process, procedure and technical rules of evidence, such as are applied in criminal or civil court, are not used in board proceedings.*
- (9) *Questions related to the order of the proceedings are determined by the board chair.*
- (10) *If an accused student, with notice, does not appear before a student conduct board hearing, the information in support of the complaint is presented and considered in the absence of the accused student.*

- (11) *The board chair may accommodate concerns for the personal safety, well-being or fears of confrontation during the hearing by providing separate facilities, or by permitting participation by telephone, audio tape, written statement, or other means.*
- (12) *There is a single verbatim record, such as a tape recording or transcript, of the information gathering portion of student conduct board hearings. Board deliberations are not recorded. The record is the property of the college.*

**STUDENT CONDUCT BOARD DECISION AND NOTIFICATION 132Q-30-330**

- (1) *At the conclusion of the hearing and deliberations the student conduct board determines by majority vote whether the accused student has violated the standards of conduct for students (WAC 132Q-30-200 through 132Q-30-299). If so, the board determines and imposes the appropriate sanctions from WAC 132Q-30-400.*
- (2) *The burden of proof that guides the board's decision is the preponderance of evidence, whether it is more likely than not that the accused student violated the standards of conduct for students.*
- (3) *The chief student services officer notifies the student in writing, in person, by mail or electronic mail of the board's decision. Notice is sent within ten calendar days from the hearing date. If the college is not in session, this period may be reasonably extended. The chief student services officer includes in the written notice of the decision the reasons for the decision, the sanctions, and information about the appeal process. The chief student services officer may notify the student prior to receipt of the formal written notice. The notice, if sent by mail, is sent to the student's last known address.*
- (4) *The written decision is the college's initial order. Appeals are governed by WAC 132Q-30-335.*
- (5) *If the student does not appeal the board's decision within twenty-one calendar days from the date of the decision, it becomes the college's final order.*

**APPEALS – REVIEW OF DECISION 132Q-30-335**

- (1) *A decision reached by the student conduct board or a sanction imposed by the chief student services officer may be appealed by the accused students in writing to the chief student services officer within twenty-one calendar days of the date of the decision.*
- (2) *Appeals are reviewed by the appeals board. Except as required to explain the basis of new information, an appeal is limited to a review of the verbatim record of the student conduct board hearing and supporting documents for one or more of the following purposes:*
  - (a) *Determine whether the student conduct board hearing was conducted fairly in light of the charges, and whether information was presented in conformity with prescribed procedures giving the accused student a reasonable opportunity to prepare and to present a response to those allegations. Deviations from designated procedures are not a basis for sustaining an appeal unless significant prejudice is evident.*
  - (b) *Determine whether the decision is supported by the evidence.*

(c) Determine whether the sanctions imposed are appropriate for the violation which the student was found to have committed.

(d) Consider new information, sufficient to alter a decision, or other relevant facts not disclosed in the original hearing, because such information and/or facts were not known to the student appealing at the time of the chief student services officer's decision or the student conduct board hearing.

(3) The appeal board shall review the record and make one of the following determinations:

(a) Affirm the decision and uphold sanctions; or

(b) Reverse the decision; or

(c) Affirm the decision and modify the sanctions imposed.

(4) The student is notified of the appeal board's decision within twenty calendar days from the date of the appeal letter. If the college is not in session, this period may be reasonably extended. The appeal board's decision is the college's final order and may not be appealed.

## **DISCIPLINARY SANCTIONS**

**132Q-30-400**

(1) The following sanctions may be imposed by the chief student services officer or the student conduct board on a student found to have violated the standards of conduct for students.

(a) *Warning.* A notice in writing to the student that the student is violating or has violated standards of conduct for students and a disciplinary record has been created.

(b) *Probation.* Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to violate any standards of conduct for students during the probationary period.

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

(d) *Restitution or compensation for loss, damage, or injury.* This may take the form of appropriate service and/or monetary or material replacement.

(e) *Education.* The college may require the student to complete an educational project or attend sessions, at the student's expense, which address the student's behavior such as anger management or counseling.

(f) *Fines* may be imposed by the college.

(g) *College suspension.* Separation of the student from the college for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.

(h) *College expulsion.* Permanent separation of the student from the college.

(i) *Revocation of admission or degree.* Admission to or a degree awarded from the college may be revoked for fraud, misrepresentation, or other violation of standards of conduct for students in

*obtaining the degree, or for other serious violations committed by a student prior to graduation.*

- (j) Withholding degree. The college may withhold awarding a degree otherwise earned until the completion of the process set forth in this chapter, including the completion of all sanctions imposed.*
  - (k) No trespass order. A student may be restricted from college property based on his/her misconduct.*
  - (l) Assessment. The student may be required to have an assessment, such as alcohol/drug or anger management, by a certified professional, and complete the recommended treatment.*
  - (m) Loss of recognition. A student organization's recognition may be withheld permanently or for a specific period of time. Loss of recognition is defined as withholding college services or administrative approval from a student organization. Services and approval to be withdrawn include intramural sports, information technology services, college facility use and rental, and involvement in organizational activities.*
  - (n) Hold on transcript or registration. This is a temporary measure restricting release of a student's transcript or access to registration. Upon satisfactory completion of the conditions of the sanction, the hold is released.*
  - (o) No contact order. A prohibition of direct or indirect physical, verbal, and/or written contact with another individual or group.*
- (2) A sanction may be made effective for the entire district or the student's college. If only to the student's college, the chief student services officers at the other colleges may enforce the disciplinary action at their respective college.*
  - (3) More than one of the sanctions listed in subsection (1) of this section may be imposed for any single violation.*
  - (4) Other than college expulsion or revocation or withholding of a degree, disciplinary sanctions are not made part of the student's academic record, but are part of the student's disciplinary record.*
  - (5) If a student's behavior is found to have been motivated by another's race, color, religion, ancestry, national origin, gender, sexual orientation, or mental, physical, sensory handicap, or veteran's status, such finding is considered an aggravating factor in determining a sanction for such conduct.*

**CLASSROOM MISCONDUCT AND AUTHORITY  
TO SUSPEND FOR UP TO THREE DAYS**

**132Q-30-500**

- (1) Faculty members have the authority to take appropriate action to maintain order and proper conduct in the classroom and to maintain the effective cooperation of students in fulfilling the objectives of the course.*

- (2) *Bringing any person, thing or object to a teaching and learning environment that may disrupt the environment or cause a safety or health hazard, without the express approval of the faculty member is expressly prohibited.*
- (3) *Faculty members or college administrators have the right to suspend any student from any single class or program, up to three instructional days, if the student's misconduct creates disruption to the point that it is difficult or impossible to maintain the decorum of the class, program or the learning and teaching environment. The faculty member or college administrator shall report this suspension to the chief student services officer who may set conditions for the student upon return to the class or program.*
- (4) *The student may appeal the classroom suspension to the chief student services officer who may authorize an earlier return by the student only after consultation with the faculty member or appropriate administrator. The chief student services officer's decision is final.*

**FACULTY AND STUDENT HEALTH AND SAFETY REGULATIONS**  
**Chapter 132Q-94 WAC**

**DECLARATION OF PURPOSE**

**132Q-94-010**

*By adoption of the following health and safety regulations the board of trustees of Community Colleges of Spokane expresses its firm commitment to the safety and health of its students and employees. The board further recognizes the importance of students and employees developing safe work habits, particularly in the areas of equipment and machinery operation, and in the handling of potentially hazardous chemical substances. This chapter shall apply to all students, college [personnel] and visitors and shall pertain to all campuses and sites under the direct or indirect control of the district.*

**RATIONALE**

**132Q-94-020**

*Adoption of these health and safety rules by the board of trustees is based on the following standards:*

- (1) The possibility of accidental injury to an individual exists at all times and in all places and no place of work or any human activity is exempt from the possibility of accidents.*
- (2) All community college safety programs are for the benefit of the Community Colleges of Spokane and the individual students enrolled within the institution(s). There is no conflict of interests between the students and the college in the area of an accident prevention program; through accident prevention, everyone benefits.*
- (3) Accident prevention requires both organization and education, consisting largely of the desire to provide and maintain an environment free of hazards through institution of a common-sense safety program and the determination to carry out the program effectively.*
- (4) Effective accident prevention includes instructor leadership, student cooperation, effective organization, thorough training, and good supervision.*

**STUDENTS' RESPONSIBILITIES**

**132Q-94-030**

*Students attending Community Colleges of Spokane shall, to the best of their ability, make it their individual responsibility to keep themselves and their fellow students free from accidents. In the interest of accident prevention, students shall obey the approved district safety rules and procedures including those outlined below, as well as other, more specific safety rules, as outlined by their instructors:*

- (1) Students shall consider the benefits of accident prevention to themselves, to others, and to their work, and shall act accordingly, conducting their work to avoid accidents through observation of safe work practices.*
- (2) Students shall study and observe all safe practices governing their specific area of work or class assignment, and shall make a concerted effort to understand their job and area of assignment.*
- (3) Students shall ascertain emergency procedures from their instructor or supervisor.*



- (4) *Students shall remain alert for any unsafe condition(s) or practice(s), immediately reporting any observed to their instructor or supervisor.*
- (5) *Students shall promptly report any accident in which they are injured, regardless of the degree of severity, to their instructor or supervisor.*
- (6) *Students shall not engage in practical jokes or horseplay while attending class or while on the job.*
- (7) *Students shall not report to class or a work-study position while under the influence of intoxicants or drugs, nor shall such items be used or consumed while on the premises of the Community Colleges of Spokane or representing the Community Colleges of Spokane at an off-site location.*
- (8) *Students who receive their instructor or supervisor's permission to operate a state vehicle shall comply with existing fleet policies and procedures of Community Colleges of Spokane.*
- (9) *Students shall comply with existing smoking regulations of the Community Colleges of Spokane.*

**PROHIBITING UNSAFE ACTS OR UNHEALTHFUL PRACTICES 132Q-94-120**

*Nothing contained in this chapter shall prohibit an instructor or supervisor from immediately prohibiting an unsafe practice which is not specifically outlined in this chapter.*

*Any violation of sound health and safety practices not specifically enumerated in this chapter shall not be permitted, and the instructor or supervisor in charge may prohibit such practices.*

**PETS AND OTHER ANIMALS PROHIBITED  
IN COLLEGE BUILDINGS AND GROUNDS**

**132Q-94-125**

*For reasons of health, sanitation, and safety, no person shall be permitted to bring or leave any dog, cat, or any other pet or animal in any college building, nor leave such pet or animal unattended on any district property. This section does not apply to persons with a disability who require the services and assistance of a guide dog and/or trained service animal as defined by law.*

**VIOLATIONS**

**132Q-94-130**

*Violations of these rules and regulations based on health and safety standards within this chapter shall be cause for disciplinary action under the provisions of chapter 132Q-[02] WAC. Disciplinary proceedings shall be conducted in accordance with chapter 132Q-[02] WAC.*

**SEVERABILITY**

**132Q-94-140**

*If any section or part of a section of this chapter shall for any cause be unconstitutional or unlawful, such holdings shall not affect the rest of this chapter or any other sections hereof.*

**PROHIBITION OF WEAPONS  
AND OTHER DANGEROUS INSTRUMENTALITIES**

**132Q-94-150**

*No college personnel, student or member of the public shall carry, transport within a vehicle or otherwise possess any weapon explosive device, hazardous chemicals or any other hazardous weapon such as knives or substance on any college campus or other district property except for use in an*



*authorized college activity with express authorization from the chief executive of the campus or an authorized designee.*

**PROHIBITION OF OPEN FLAMES IN COLLEGE BUILDINGS 132Q-94-160**

*Candles and other open flames, including lighting and burning of incense, are prohibited in any building owned or operated by Community Colleges of Spokane. Open flames create a fire hazard, and scented candles and incense can be an irritant to other individuals. Exceptions may be made if the candle or flame is associated with instructional equipment under appropriate faculty supervision or for decorative/food preparation purposes as part of an approved college function and with appropriate equipment. The facilities department obtains necessary permits from the city of Spokane fire department for such uses.*

**GENERAL POLICIES**

**NON-DISCRIMINATION/ANTI-HARASSMENT BOARD POLICY 3.30.01**

*Students shall be provided an environment free from any form of discrimination or harassment directed to any individual or group on the basis of race, color, sex, religion, creed, age, marital status, national origin, sexual orientation, disability, or veteran status.*

*Students shall use the complaint procedure established under policy 2.30.01 (5). [Adopted 07/19/05; effective 01/01/06]*

**DRUG FREE WORKPLACE BOARD POLICY 2.30.03**

*The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance in all facilities, grounds, events or activities directly or indirectly under the control of Community Colleges of Spokane shall not be tolerated and, pursuant to this policy, shall be prohibited. Community Colleges of Spokane will comply with the Federal Drug-Free Workplace Act of 1988, Drug-Free Schools and Communities Act of 1989, U.S. Department of Transportation regulations implementing the Federal Omnibus Transportation Employee Testing Act of 1991, and WAC 132Q-04-031(2) & (3). Employees or students engaging in prohibited activities shall be subject to disciplinary action, pursuant to applicable rules, regulations and employment contracts, which may result in suspension or termination. [Adopted 06/21/05; effective 07/01/05]*

**USE OF HUMAN SUBJECTS BOARD POLICY 7.40.01**

*Academic research or training activities which use human subjects shall protect the rights, well-being, and personal privacy of individuals, assure a favorable climate for the acquisition of practical skills and the conduct of academically-oriented inquiry, and protect the interests of the institution.*

*(a) Academic research*

*All research conducted by faculty, staff and students which use human subjects require prior review by an institutional review board. Informed written consent shall be obtained from each prospective subject, or the subject's legally authorized representative. All research using human subjects will be conducted in compliance with Federal Regulations, Title 45, Part 46 of the Code of Federal Regulations.*

*(b) Training activities*

*Training procedures and demonstrations which use human subjects shall receive the prior approval of the VP for Learning or a review committee established by the VP of Learning. Such procedures and demonstrations shall be conducted only by instructors who assume responsibility for the approved activity. Informed written consent shall be obtained from each prospective subject or the subject's legally authorized representative. Students who enroll in programs which use students as human subjects shall be informed of the procedures at the beginning of the program. Students who do not give their consent to be a human subject may be given alternative learning experiences at the discretion of the instructor. Students who choose to neither participate as a human subject nor accept an alternative learning experience will be informed that they may not be able to complete the program successfully. [Adopted 12/20/05; effective 01/01/06; formerly 1.70.04]*

**ACCEPTABLE USE OF INFORMATION  
TECHNOLOGY RESOURCES**

**BOARD POLICY 7.30.05**

*Community Colleges of Spokane provides information technology resources (IT resources) to support the instructional, support and administrative activities of the district. The IT resources are intended for the sole use of college faculty, staff, students and other authorized users. IT resources include but are not limited to host computer systems, web sites, desktop computers and workstations, communications networks, electronic software, electronic hardware, library automation systems, multi-media equipment, electronic data, computer files, video networks, telephones, voice mail, e-mail, and internet resources. IT resources will be used according to state laws and the policies and procedures of the district and its institutions. Use of CCS IT resources, as state resources, does not confer a right to privacy in those resources. CCS reserves the right to monitor its IT resources and to take appropriate action to protect the integrity of its IT resources in accordance with existing laws, policies and procedures.*

*Violations of this policy or implementing procedures may subject the user to disciplinary action.  
[Adopted 12/20/05; effective 01/01/06; formerly 1.70.07]*

**GENERAL ETHICS FOR EMPLOYEES AND OFFICERS BOARD POLICY 2.10.06**

*It shall be the policy of Community Colleges of Spokane that no employees or officers of this district, including student employees, may have a financial interest or engage in any activity that is in conflict with the proper discharge of the employee's or officer's official duties. Furthermore, no district employee or officer may use his/her official position to secure special privileges for himself/herself or any other person, and no district employee or officer may receive compensation from any person or entity except the State of Washington for performing his or her official duties. The statutory requirements of chapter 42.52 RCW, as well as rules and advisory opinions adopted by the state Executive Ethics Board, shall apply to all district employees and officers.*

*Off-duty activities that are a conflict of interest under chapter 42.52 RCW, are detrimental to the employee's work performance or district programs, or otherwise constitute violation of this policy may be cause for disciplinary action, up to and including termination.*

*Employees will report all arrests and any court-imposed sanctions or conditions that affect their ability to perform assigned duties to their appointing authority within 24 hours or prior to their scheduled work shift, whichever occurs first.*

*Community Colleges of Spokane, as a steward of the public trust and consistent with its obligations under chapter 42.40 RCW (State Employee Whistleblower Protection), will protect any employee who has reported improper governmental action from retaliation. [Adopted 03/19/96; Amended 06/17/03; Amended 06/21/05; effective 07/01/05]*

**USE OF COPYRIGHTED MATERIALS**

**BOARD POLICY 7.50.20**

*Community Colleges of Spokane recognizes that United States copyright laws exist for the public good and balance the intellectual property rights of authors, publishers, license holders and copyright owners with the educational community's need for the free exchange of ideas. CCS will adhere to the provisions of U.S. copyright laws, including all relevant copyright and patent laws, the Digital Millennium Copyright Act, the Technology, Education and Copyright Harmonization (TEACH) Act,*

Guidelines for Off-Air Recording and all other relevant laws and regulations. [Adopted 12/20/05; effective 01/01/06; formerly 2.71.00]

## **STUDENT AND EMPLOYEE RIGHT TO KNOW**

CCS Student and Employee Right to Know information may be accessed on the web at: [http://www.ccs.spokane.edu/Students/Right\\_to\\_know/](http://www.ccs.spokane.edu/Students/Right_to_know/). Reports on this web site cover: college-wide completion and/or graduation rates; athletic program participation rates and financial support data; completion and/or graduation rates for student-athletes; Drug Free Workplace and Drug Free Schools and Communities policies and procedures; confidentiality and access of student records under the Family Education Rights and Privacy Act (FERPA); student tuition, fees, expenses, and financial assistance; and district security policies and crime statistics. The report on security and crime contains CCS policies and procedures regarding: the reporting of criminal activity; facility safety and access; law enforcement; the sale, possession and use of alcohol and illegal drugs; and the handling of sex offenses. Included in this report is information regarding programs for safety and crime prevention, drug and alcohol education, and sexual assault programs; and crime statistics for the most recent three calendar years. Paper copies of all of the above reports are available in the registration/admissions offices of SCC, SFCC, and IEL. Athletics reports are also available in the athletics department offices in Bldg 5 at SCC and Bldg 7 at SFCC. The report on safety and crime statistics is also available in the SCC and SFCC campus security offices.

## **PROCEDURE FOR ADDRESSING STUDENT CONCERNS**

It is the belief and practice at Spokane Community College that the best way for students to solve problems is to first meet with the instructor or staff member involved and attempt to resolve the problem. This is an informal process, requiring no paperwork or forms. Students engage in this form of problem solving every day with a great deal of success. This process is detailed in the **Guidelines for Addressing Student Concerns** and is available at the below link: [http://www.scc.spokane.edu/docs/stsrv/Student\\_Concern.pdf](http://www.scc.spokane.edu/docs/stsrv/Student_Concern.pdf).

In some instances, resolution is not possible at this level. In these cases, after all three steps of the informal process have been followed, students may choose to initiate a more formal process of review. The Formal Process for Addressing Student Concerns is initiated only after a student has been unsuccessful in resolving the issue of concern at the informal level. If the concern warrants formal action, the student will be asked to submit the concern in writing to the appropriate administrator. The employee involved will be notified in writing within ten (10) working days that a complaint has been received, and the appropriate bargaining unit procedures for addressing such matters will be followed. Forms are available through the office of the appropriate administrator. **Note: Issues involving**

**alleged harassment do not follow this process, but must be reported directly to an administrator.**

**Special Circumstances:** There are some instances when students believe they have been the victims of harassment. In the event of an allegation of harassment, the student should immediately see the VP/Dean of Student Services. "Harassment directed toward any individual or group on the basis of race, creed, color, national origin, age, gender, marital status, sexual orientation or veteran status is a violation of the mission and purpose of the Community Colleges of Spokane as an institution of higher education and shall not be tolerated, and pursuant to Board Policy 3.30.01, shall be prohibited."

# EXHIBIT 7

## **Chapter 3 – Student Services**

### **3.30.01 Non-discrimination/Anti-harassment**

Students shall be provided an environment free from any form of discrimination or harassment directed to any individual or group on the basis of race, color, sex, religion, creed, age, marital status, national origin, sexual orientation, disability, or veteran status.

Students shall use the complaint procedure established under policy 2.30.01 (5).

[Adopted 07/19/05; effective 01/01/06]

### **3.30.01 Administrative Procedures**

#### **A. Non-discrimination/Anti-harassment**

# EXHIBIT 8

## **CCS Administrative Procedure**

### **3.30.01-A Non-discrimination / Anti-harassment**

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#### **Implementing Board Policy [3.30.01](#)**

**Contact: District Academic Services Officer, 434-5060**

#### **1.0 Purpose**

Community Colleges of Spokane promotes collegiality based on a belief in human rights and the dignity of each individual, therefore, students shall be provided an environment free from any form of discrimination or harassment directed to any individual or group on the basis of race, color, sex, religion, creed, age, marital status, national origin, sexual orientation, disability, or veteran status. The purpose of this procedure is to establish the methods by which CCS will show reasonable care in the prevention of harassment and discrimination.

#### **2.0 Limitations and Requirements**

Discrimination on the basis of race, national or ethnic origin, creed, age, sex, marital status, veteran's status, sexual orientation, or disability is prohibited in conformity with federal and state laws. Discrimination and harassment includes sexual or racial harassment which is defined as conduct that is:

- 2.1 Sexually or racially motivated and has the purpose or effect of unreasonably interfering with a person's work or educational performance.
- 2.2 Creating an intimidating, hostile, or offensive environment.
- 2.3 Conduct by any means that is sufficiently severe, pervasive, or persistent so as to threaten an individual or limit the individual's ability to work, study, or participate in the activities of the college.

#### **3.0 Complaint Procedures**

Students or members of the public who feel they have been harassed by or discriminated against by an employee of CCS are encouraged to report that belief according administrative procedure #2.30.01-A, Prevention of Harassment and Discrimination within CCS, section 2.0.

#### **4.0 Complaint Investigation**

The Human Resources Office is solely authorized to consider complaints of harassment and discrimination and to investigate them for CCS. All complaints, regardless of perceived merit or basis, are forwarded to the Human Resources Office for review and processing, without exception. See administrative procedure #2.30.01-A, section 3.0, for additional information regarding investigations.

#### **5.0 Confidentiality and Non-retaliation**

- 5.1 To the extent possible, proceedings will be conducted in a discreet and sensitive manner. Anonymity and complete confidentiality cannot be guaranteed once a complaint is made or unlawful behavior is alleged. Files pertaining to the complaint will be maintained in confidence to the fullest extent of the law.
- 5.2 Retaliation by, for or against any participant (accused, accuser or witness) is expressly prohibited. Any person who thinks he/she has been the victim of retaliation should contact the Chief Human Resources Officer immediately, 434-5040.



## 6.0 Rights of the Accused

- 6.1 If a formal investigation is undertaken, the accused will be notified of the existence of the formal complaint and that an investigation of the complaint is underway. During the investigative process the accused will be informed of his/her right to representation during any investigatory meeting.
- 6.2 When the investigation is complete, to the extent appropriate, the complainant and accused will be informed of the results of the investigation in summary form.

## 7.0 Corrective Action

CCS will take appropriate corrective and/or disciplinary action in situations where it is proven or is reasonable to believe that harassment or discrimination took place. Any action taken will follow the due process provisions of applicable contracts or state regulations and will be reasonably calculated to end harassing or discriminatory behavior and correct inappropriate behavior.

## 8.0 Campus Contacts

- 8.1 Spokane Community College
- Associate Dean of Student Development, Bldg. 6
  - Dean of Student Services, Bldg. 15
  - Vice President of Student and Instructional Services, Bldg. 50
- 8.2 Spokane Falls Community College
- Office of the Associate Dean for Student Life, Bldg. 17, Rm 126
  - Office of the Chief Student Services Officer, Bldg. 17, Room 150
- 8.3 Institute for Extended Learning
- Office of the Dean of Student Services, Bldg. 9, Rm 109
  - Office of the Vice President of Learning, Bldg. 9, Rm 107
- 8.4 Human Resources Office
- 501 N. Riverpoint Blvd, Suite 125
  - Telephone: 434-5040

## 9.0 Related Information

- 9.1 [Administrative Procedure #2.30.01-A](#), Prevention of Harassment and Discrimination within CCS
- 9.2 [Chapter 132Q-30 WAC](#), Standards of Conduct for Students

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**Originated:** November 2008  
**Cabinet approval:** January 12, 2009

# EXHIBIT 9

**CCS Administrative Procedure****2.30.01 – A Prevention of Harassment and Discrimination within CCS**

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**Implementing Board Policy [2.30.01](#)****Contact: Human Resources****1.0 Harassment/Discrimination Prevention Procedure Objective (summary of Board of Trustees Policy 2.30.01)**

Workplace harassment and discrimination directed to any individual or group on the basis of race, color, sex, religion, creed, age, marital status, national origin, sexual orientation, disability and veteran status is a violation of the mission and purpose of the Community Colleges of Spokane as an institution of higher education and shall not be tolerated, and, pursuant to Board policy and this procedure, shall be prohibited.

- 1.1 Prohibited harassment: Prohibited harassment shall include, but will not be limited to verbal and written comments, slurs, jokes, innuendos, cartoons, pranks and any and all other physical or nonphysical conduct or activity that can be construed as derogatory, intimidating, hostile or offensive and which is directed at the victim because of his/her membership in, association with or presumption of membership or association with the following: race, color, sex, religion, creed, age, marital status, national origin, sexual orientation, disability, political affiliation and veteran status; or any behavior or action, either physical or verbal, which is sexual in nature and unwelcome, unwanted or uninvited.
- 1.2 Prohibited discrimination: Prohibited discrimination is an action taken on the basis of an individual's membership in, association with or presumption of membership or association with the following: race, color, sex, religion, creed, age, marital status, national origin, sexual orientation, disability and veteran status, such action resulting in a tangible loss to an employee or student.
- 1.3 Board policy is based on the principle that all forms of harassment and/or discrimination are unacceptable and will be dealt with promptly and effectively. The purpose of this procedure is to establish the methods by which CCS will show reasonable care in the prevention of harassment and discrimination. This may include, but will not be limited to the following:
  - 1.3.1 Have in place an effective harassment and discrimination prevention procedure that supports Board policy;
  - 1.3.2 Offer and communicate existence of flexible, accessible, and non-intimidating complaint procedures;
  - 1.3.3 Protect confidentiality to the extent possible under the law;
  - 1.3.4 Develop an investigative protocol aimed at prompt fact gathering without bias or subjectivity;
  - 1.3.5 Provide a disciplinary mechanism that is reasonably calculated to end harassing or discriminatory behavior and correct inappropriate behavior;
  - 1.3.6 Provide periodic training of supervisors and separate training for non-supervisory employees.

**2.0 Complaint Procedures**

Those employees who believe that they have been harassed and/or discriminated against in employment, or those students/members of the public who feel that they have been harassed by or discriminated against by an employee of the Community Colleges of Spokane, are encouraged to report that belief to CCS under this procedure's complaint mechanism.

- 2.1 Incident Notification Form: CCS has developed an incident notification form on which any person may report complaints of harassment or discrimination, regardless of the complaint's basis. The form is made widely available and includes directions on how to complete and route. The form also identifies the limits of confidentiality and the CCS

non-retaliation policy. Any supervisor or administrator is authorized to accept and process the form, or it may be submitted directly to the Chief Human Resources Officer.

- 2.2 Filing a Complaint: Any employee or student who believes he/she has been subject to harassment/discrimination has the right to file a complaint. Any supervisor or administrator is authorized to accept or take a complaint. If the complainant does not feel comfortable with filing a written complaint, every effort will be made to take the complaint verbally. The supervisor/administrator will then document the verbal complaint on the Incident Notification Form. If the employee or student believes he/she is being harassed or discriminated against by a supervisor, administrator or employee he/she should notify the Chief Human Resources Officer.
- 2.3 Complaint Consideration: Although isolated incidents of harassment and discrimination may not violate federal or state law, such incidents may nevertheless create a knowing and willful course of conduct which seriously alarms, annoys, harasses or is detrimental to that person or the work environment, serves no legitimate or lawful purpose, or is in direct violation of Board values or the Chancellor's directive regarding mutual respect. Such complaints will be taken seriously and considered under this procedure.

### 3.0 Complaint Investigation

The Human Resources Office is solely authorized to consider complaints of harassment and discrimination and to investigate them for all of CCS. All complaints, regardless of the perceived merit or basis, are to be forwarded to the HR Office for review and processing, without exception.

- 3.1 Investigation: The Chief Human Resources Officer, or his/her designee, will assess the written complaint and determine the appropriate process necessary to ensure all relevant evidence is obtained and all critical elements are addressed. This normally begins with an initial interview with the complainant/s. The goal is to obtain sufficient information to determine the next step/s; which may include providing consultation, obtaining clarification, making referral and/or initiating a formal fact-finding investigation. If a formal investigation is undertaken, the complainant/accused will be alerted to the existence of a formal complaint and that an investigation of the complaint is underway.
- 3.1.1 Employees, as a condition of employment, are required to be truthful and to fully cooperate in the investigation process.
- 3.2 Other Complaints: Conduct covered by this policy and procedure are those actions that occur on the basis of an individual's race, color, sex, religion, creed, age, marital status, national origin, sexual orientation, disability and veteran status or any unwelcome conduct of a sexual nature. Complaints alleging conduct not covered by this policy and procedure will be remanded to the appropriate Vice President/Administrative Officer for consideration and investigation as a performance-based issue.
- 3.2.1 Harassment or discrimination allegations based upon union activities are not included in this procedure, but covered by the various collective bargaining agreements between the Board of Trustees and its recognized employee representatives.
- 3.3 Findings Report: When the investigation is complete, to the extent appropriate, the complainant/accused will be informed of the results of the investigation in summary form.
- 3.4 Records: Copies of all complaints of harassment or discrimination, and records related to a subsequent formal investigation conducted pursuant to that complaint, if any, shall be maintained confidentially to the extent allowed by law for an indeterminate period of time in the Human Resources Office.

#### 4.0 Confidentiality and Non-retaliation

- 4.1 Confidentiality: To the extent possible, proceedings will be conducted in a discreet and sensitive manner. Anonymity and complete confidentiality cannot be guaranteed once a complaint is made or unlawful behavior is alleged. Files pertaining to the complaints will be maintained in confidence to the fullest extent of the law. CCS cannot guarantee complete confidentiality.
- 4.2 Retaliation: Retaliation by, for or against any participant (accused, accuser or witness) is expressly prohibited. Retaliatory action of any kind taken against individuals as a result of seeking redress under the applicable procedures or serving as a witness in a subsequent investigation dealing with harassment/discrimination is prohibited. Any person who thinks he/she has been the victim of retaliation should contact the Chief Human Resources Officer immediately.

#### 5.0 Rights of Accused

- 5.1 Notice of Complaint: If a formal investigation is undertaken, the accused will be alerted to the existence of a formal complaint and that an investigation of the complaint is underway. During the investigative process, the accused will be informed of his/her right to representation during any investigatory meeting.
- 5.2 Report of Findings: When the investigation is complete, to the extent appropriate, the complainant/accused will be informed of the results of the investigation in summary form.
- 5.3 Corrective Action: CCS will take appropriate corrective and/or disciplinary action in situations where it is proven or is reasonable to believe that harassment or discrimination took place. Any action taken will follow the due process provisions of applicable contracts or state regulations and will be reasonably calculated to end harassing or discriminatory behavior and correct inappropriate behavior.

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**Originated:** February 2002; Revised April 2005, December 2006  
**Cabinet approval:** December 2006

# EXHIBIT 10



## REPORT IT!

To report a **hate crime** or **bias incident** go to the website below or call Student Activities at 509-533-3553.

[www.tba](http://www.tba)

### 1. Hate Hurts!

A hate crime or bias incident is experienced or observed.

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### 2. Incident is Reported

The reporting form is filled out online or in paper form. Forms and information about the reporting process may also be found throughout the campus and at these locations:

Counseling Offices, VP and Deans' Offices, Information Desk, Multicultural Student Center  
Student Activities, Campus Security

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### 3. Bias Incident Response Team (BIRT)

Depending on the nature of the incident, the Bias Incident Response Team may involve the police, the V.P. of Student Services, and/or Campus Security to determine an appropriate course of action.

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### 4. Appropriate Response is Determined

The Bias Incident Response Team Leaders will work with the appropriate organizations and other individuals to take action abiding by the following protocols:

→ Listen to the person reporting - Let them tell the story. - Probe for details. - Clarify how the person wants the team to respond.

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### 5. Report/Community Response

The course of action decided by the committee will be implemented. Members include faculty, staff, students and administrators who have participated in the "Stop the Hate" training.

→ Determine if a district-wide response is needed.

→ Implement community response if appropriate.