

Clover Park Technical College

Lakewood Campus
4500 Steilacoom Blvd SW
Lakewood, WA 98499
(253) 589-5800

South Hill Campus
17214 110th Ave E
Puyallup, WA 98374
(253) 583-8904

Educating Tomorrow's Workforce

Our Vision:

Strengthening our community through responsive education and services.

Our Values:

Access

Provide equitable supports and services necessary for students from diverse backgrounds to access higher education and the career opportunities it provides.

Collaboration

Promote cooperative learning and working in order to benefit from collective knowledge and produce the best work possible.

Equity

Recognize that the unique needs, goals and circumstances of the individual have a direct impact on a person's ability to access and benefit from college activities and opportunities.

Excellence

Seek opportunities to consistently exceed our best individual and institutional performance.

Inclusion

Commit to fostering a curriculum and a campus community that provides deliberate engagement with, appreciation of, and understanding of diversity and its impact on the human experience.

Innovation

Pursue the development and application of new ideas that lead to creative solutions.

Respect

Consider respect to be the inherent dignity we give all people.

Clover Park Technical College does not discriminate on the basis of race, color, national origin, age, perceived or actual physical or mental disability, pregnancy, genetic information, sex, sexual orientation, gender identity, marital status, creed, religion, honorably discharged veteran or military status, or use of a trained guide dog or service animal. For inquiries please contact Title IX coordinator James Neblett, Associate Vice President for Human Resources & Culture, 253-589-5533, james.neblett@cptc.edu; or Section 504/disability coordinator Sarah Addington, Manager of Student Disability Services, 253-589-5755, sarah.addington@cptc.edu. All offices are located in Building 17, 4500 Steilacoom Blvd SW, Lakewood, WA 98499.

College Policies

Handbook Policy

The student handbook provides an overview of the college's policies and services for enrolled students. We make every effort to convey accurate information, however, the college's programs and activities may change without notice. This document is not intended to create a contractual obligation.

Discrimination and Sexual Harassment (Title IX)

HR Director/Title IX Coordinator (253) 589-5533

Clover Park Technical College provides equal opportunity and access in education and employment and does not exclude, deny benefits to, or otherwise discriminate against any person on the basis of race, ethnicity, creed, color, sex, gender, gender identity, citizenship status, national origin, age, marital status, religious preference, the presence of any sensory, mental or physical disability, reliance on public assistance, sexual orientation, veteran status, political opinions or affiliations, or genetic information under any of its programs, activities or services. CPTC complies with all Washington State anti-discrimination laws (RCW 49.60) and the following federal laws relating to equal opportunity: Title VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age of Discrimination Act of 1975, and the Americans with Disabilities Act (ADA) of 1990.

The following individual has been designated to handle inquiries regarding non-discrimination, equal opportunity, affirmative action or the ADA policies for Title IX/504 compliance issues:

HR Director/Title IX Coordinator

4500 Steilacoom Blvd. SW Lakewood, WA 98499

Bldg 17, 114 • (253) 589-5533.

To view the College's complete policy and complaint procedures related to non-discrimination, please visit the CPTC Policies and Procedures webpage: www.cptc.edu/policies

Other resources:

- For emergencies, call 911
- Domestic violence helpline (253) 498-4116
- Non-emergency line (253) 798-4721
- Clover Park Technical College Campus Safety, Contact at (253) 589-5682
- Clover Park Technical College Student Counseling Center, Contact at (253) 589-5548
- Crystal Judson Family Justice Center
- Domestic Violence Helpline (253) 798-4166 or 1-800-764-2420
- Rebuilding Hope: The Sexual Assault Center for Pierce County
- 24 hour crisis, information, and referral line: (253) 474-7273 or 1-800-756-7273
- YWCA Pierce County, 24 hour crisis line:
(253) 383-2593, crisis@ywcapiercecounty.org

Distribution of Information

Handbills, leaflets, newspapers, and similar materials may be sold or distributed free of charge by any student(s), or by members of recognized student organizations, by college employees on/in college facilities at locations specifically designated by the president or designee (provided such distribution or sale does not interfere with the ingress or egress of persons or interfere with the free flow of vehicular or pedestrian traffic). Such handbills, newspapers, leaflets, and related matter must bear identification as to the publishing agency and distributing organization or individual. All non-students shall register with the president or designee prior to the distribution of any handbill, leaflet, newspaper or related matter. Any person or persons who violate the provisions of paragraphs above will be subject to disciplinary action.

Drug-Free Environment

Clover Park Technical College aims for a drug-free environment. Use, possession, delivery, sale, or being observably under the influence of alcohol, marijuana, or any legend drug is a violation of the Code of Student Conduct and subject to disciplinary action.

Free Movement on Campus

The president or designee is authorized in the instance of any event that they deem impedes the movement of persons or vehicles or which they deem to disrupt the ingress or egress of persons from the college facilities to prohibit the entry of, withdraw the license of, or privileges of a person(s) or any group of persons to enter onto or remain upon any portion of the college facilities.

Smoking Policy

Smoking or the use of any tobacco product is permitted only in closed private vehicles and designated smoking shelters. Smoking or the use of any tobacco product will not be permitted in any state-owned building. This policy includes e-cigarettes and similar devices.

Student Right-to-Know

(253) 589-5895

In compliance with the federal Student Right-to-Know (SR2K) and Campus Security Act of 1990 (Public Law 101-542), Clover Park Technical College makes available information about program completions on the college website at www.cptc.edu/right-to-know.

Code of Conduct



Code of Student Conduct

For the complete code: www.cptc.edu/conduct-code

CHAPTER 495C-121

WAC STUDENT CONDUCT CODE

EFFECTIVE September 10, 2021

WAC 495C-121-050 Prohibited student conduct

The college may initiate disciplinary action against a student who commits, attempts to commit, or aids, abets, incites, encourages, or assists another person to commit any act of misconduct, which includes, but is not limited to, the following:

1. **Academic dishonesty.** Any act of academic dishonesty, including cheating, plagiarism, and fabrication.
 - (a) Cheating includes any attempt to give or obtain unauthorized assistance relating to the completion of an academic assignment or requirement.
 - (b) Plagiarism includes taking and using as one's own, without proper attribution, the ideas, writings, or work of another person in completing an academic assignment or requirement.
 - (c) Fabrication includes falsifying data, information, or citations in completing an academic assignment or requirement, or providing false or deceptive information to an instructor concerning the completion of an assignment or requirement, including submitting for credit without authorization academic work also submitted for credit in another course.

Code of Conduct

2. **Other dishonesty.** Any other act of dishonesty, including:
 - (a) Forgery, alteration, submission of falsified documents, or misuse of any college document, record, or instrument of identification;
 - (b) Tampering with an election conducted by or for college students; or
 - (c) Furnishing false information, or failing to furnish correct or complete information, in response to the request or requirement of a college official or employee.
3. **Obstruction or disruption.** Conduct which significantly obstructs or disrupts any operation of the college, any college meeting, any college class or other activity, any activity authorized to occur at a college facility, or any college-sponsored activity, including obstructing the free flow of pedestrian or vehicular movement or blocking access to or from any college facility or college-sponsored event.
4. **Assault, abuse, intimidation, etc.** Assault, physical abuse, verbal abuse, threat(s), intimidation, harassment, bullying, stalking, reckless conduct, or other conduct which harms, threatens, or is reasonably perceived as threatening the health or safety of another person or another person's property or which unreasonably disrupts the educational environment. For purposes of this subsection:
 - (a) Bullying is severe or pervasive physical or verbal abuse involving an apparent power imbalance between the aggressor and victim.
 - (b) Stalking is intentional and repeated following of another person, which places that person in reasonable fear that the perpetrator intends to injure, intimidate, or harass that person. Stalking also includes instances where the perpetrator knows or reasonably should know that the person is frightened, intimidated, or harassed, even if the perpetrator lacks such an intent.
 - (c) Reckless conduct means acts performed with a heightened degree of carelessness or indifference so as to create a significant risk of physical, mental, or emotional harm to another person.
5. **Cyber misconduct. Cyberstalking, cyberbullying or online harassment.** Use of electronic communications including, but not limited to, electronic mail, instant messaging, texting, electronic bulletin boards, and social media sites, to harass, abuse, bully, or engage in other conduct which harms, threatens, or is reasonably perceived as threatening the health, safety, or well-being of another person. Prohibited activities include, but are not limited to, unauthorized monitoring of another's electronic communications directly or through spyware, sending threatening messages, disrupting electronic communications, sending a computer virus or malware, sending false messages to third parties using another's identity, nonconsensual recording of sexual activity, or nonconsensual distribution of a recording of sexual activity.
6. **Property violation.** Damage to, or theft or misuse of, real or personal property or money of:
 - (a) The college or state, including college facilities;
 - (b) Any college student, official, employee, or organization; or
 - (c) Any other member of the college community or a college organization.(d) Property violation also includes possession of such property or money after it has been stolen.

7. **Failure to comply with directive.** Failure to comply with the direction of a college official or employee who is acting in the legitimate performance of their duties, including failure to properly identify oneself to such a person when requested to do so.
8. **Weapons.** Holding, wearing, transporting, storing, or otherwise possessing any firearm, dagger, sword, knife or other cutting or stabbing instrument, club, explosive device, or any other weapon or device which is apparently capable of producing bodily harm, on or in any college facility, subject to the following exceptions:
- (a) Commissioned law enforcement personnel or legally authorized military personnel while in performance of their duties;
 - (b) College-owned knives, tools, etc., that are being used for a legitimate educational purpose as part of a college instructional program;
 - (c) A student with a valid concealed pistol license may store a pistol in their vehicle parked on campus in accordance with RCW 9.41.050 (2) or (3), provided the vehicle is locked and the pistol is concealed from view;
 - (d) The president may grant permission to bring such a weapon or device on or into a college facility when they determine that it is reasonably related to a legitimate pedagogical purpose, provided that such permission shall be in writing and shall be subject to all terms and conditions incorporated in that writing; and
 - (e) This policy does not apply to the possession and/or use of disabling chemical sprays when possessed and/or used for self-defense.
9. **Hazing.** Hazing includes, but is not limited to, any initiation into a student organization, or any pastime or amusement engaged in with respect to such an organization, that causes, or is likely to cause, bodily danger, physical harm, or serious mental or emotional harm to any student, regardless of whether the victim has consented.
10. **Alcohol, drug, and tobacco violations.**
- (a) **Alcohol.** Use, possession, delivery, sale, or being observably under the influence of any alcoholic beverage, except as permitted by law and applicable college policies.
 - (b) **Marijuana.** Use, possession, delivery, sale, or being observably under the influence of marijuana, the psychoactive compounds found in marijuana, or any product containing marijuana or such compounds that is intended for human consumption, regardless of form. While state law permits the recreational use of marijuana, federal law prohibits such use on college facilities or in connection with college activities.
 - (c) **Drugs.** The use, possession, delivery, sale, or being observably under the influence of any legend drug, including anabolic steroids, androgens, or human growth hormones as defined in chapter 69.41 RCW, or any other controlled substance under chapter 69.50 RCW, except as prescribed for a student's use by a licensed health care practitioner.
 - (d) **Tobacco, electronic cigarettes, and related products.** Use of



tobacco, electronic cigarettes or smoking devices, and/or related products on or in any college facility is prohibited, except that such use in a designated smoking area or in a closed private vehicle is permitted when consistent with applicable law and rules. "Related products" include cigarettes, pipes, bidi, clove cigarettes, water pipes, hookahs, chewing tobacco, and snuff.

11. **Lewd conduct.** Conduct which is lewd or obscene.
12. **Discriminatory conduct.** Discriminatory conduct which harms or adversely affects any member of the college community because of their race; color; national origin; sensory, mental or physical disability; use of a service animal; gender, including pregnancy; marital status; age; religion; creed; genetic information; sexual orientation; gender identity; veteran's status; or any other legally protected classification.
13. **Sexual misconduct.** Any act of sexual misconduct, including sexual harassment, sexual intimidation, and sexual violence.
 - (a) Sexual harassment means unwelcome conduct of a sexual nature, including unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, that is sufficiently serious as to deny or limit, and that does deny or limit, based on sex, the ability of a student to participate in or benefit from the college's educational program or that creates an intimidating, hostile, or offensive environment for campus community members.
 - (b) Sexual intimidation. The term "sexual intimidation" incorporates the definition of "sexual harassment" and means threatening or emotionally distressing conduct based on sex including, but not limited to, nonconsensual recording of sexual activity or distribution of such a recording.
 - (c) Sexual violence is a type of sexual discrimination and harassment. Nonconsensual sexual intercourse, nonconsensual sexual contact, domestic violence, dating violence, and stalking are all types of sexual violence.
 - (i) Nonconsensual sexual intercourse is any sexual intercourse (anal, oral, or vaginal), however slight, with any object, by a person upon another person, that is without consent and/or by force. Sexual intercourse includes anal or vaginal penetration by a penis, tongue, finger or object, or oral copulation by mouth to genital contact or genital to mouth contact.
 - (ii) Nonconsensual sexual contact is any intentional sexual touching, however slight, with any object, by a person upon another person that is without consent and/or by force. Sexual touching includes any bodily contact with the breasts, groin, mouth, or other bodily orifice of another individual or any other bodily contact in a sexual manner.
 - (iii) Domestic violence includes asserted violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.
 - (iv) Dating violence means violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such relationship will be gauged by its length, type, and frequency of interaction.
 - (v) Stalking means intentional and repeated harassment or following of another person, which places that person in reasonable fear that the perpetrator intends

to injure, intimidate, or harass that person. Stalking also includes instances where the perpetrator knows or reasonably should know that the person is frightened, intimidated, or harassed, even if the perpetrator lacks such intent.

- (vi) Consent means knowing, voluntary and clear permission by word or action, to engage in mutually agreed upon sexual activity. Each party has the responsibility to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be at the time of the act of sexual intercourse or sexual contact actual words or conduct indicating freely given agreement to have sexual intercourse or sexual contact.

A person cannot consent if they're unable to understand what is happening or if they're disoriented, helpless, asleep or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has engaged in nonconsensual conduct.

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



14. **Harassment.** Unwelcome and offensive conduct, including verbal, nonverbal, or physical conduct, that is directed at a person because of such person's protected status and that is sufficiently serious as to deny or limit, and that does deny or limit, the ability of a student to participate in or benefit from the college's educational program or that creates an intimidating, hostile, or offensive environment for other campus community members. Protected status includes a person's race; color; national origin; sensory, mental or physical disability; use of a service animal; gender, including pregnancy; marital status; age; religion; creed; genetic information; sexual orientation; gender identity; veteran's status; or any other legally protected classification. See "Sexual misconduct" for the definition of "sexual harassment." Harassing conduct may include, but is not limited to, physical conduct, verbal, written, social media, and electronic.

15. **Retaliation.** Taking adverse action against any individual for, providing information, or otherwise participating in a process for addressing alleged violations of federal, state, or local law, or college policies, including allegations of discrimination or harassment.
16. **Misuse of electronic resources.** Theft or other misuse of computer time or other electronic information resources of the college, which includes:
 - (a) Unauthorized use of such resources or opening of a file, message, or other item;
 - (b) Unauthorized duplication, transfer, or distribution of a computer program, file, message, or other item;
 - (c) Unauthorized use or distribution of someone else's password or other identification;
 - (d) Use of such time or resources to interfere with someone else's work;
 - (e) Use of such time or resources to send, display, or print an obscene or abusive message, text, or image;
 - (f) Use of such time or resources to interfere with normal operation of the college's computing system or other electronic information resources;
 - (g) Use of such time or resources in violation of applicable copyright or other law;
 - (h) Adding to or otherwise altering the infrastructure of the college's electronic information resources without authorization; or
 - (i) Failure to comply with the college's policies or procedures governing the use of such time or resources.
17. **Unauthorized access.** Unauthorized possession, duplication, or other use of a key, keycard, or other restricted means of access to college property, or unauthorized entry onto or into college property.
18. **Safety violations.** Any nonaccidental conduct that violates, interferes with, or otherwise compromises any law, rule, policy, procedure, or equipment relating to the safety and of college facilities or the college community, including tampering with fire safety equipment or triggering false alarms or other emergency response systems.
19. **Motor vehicle operation.** Operation of any motor vehicle in an unsafe manner or contrary to posted signs or college procedures.
20. **Violation of laws or policies.** Violation of any federal, state, or local law or regulation, or college rule, policy, or procedure, which regulates the behavior of the college's students, including a parking rule.
21. **Student procedures violations.** Misuse of or failure to follow any of the procedures relating to student complaints or misconduct, including:
 - (a) Falsification or misrepresentation of information;
 - (b) Failure to obey a subpoena;
 - (c) Disruption or interference with the orderly conduct of a proceeding;
 - (d) Destroying or altering potential evidence, or attempting to intimidate or otherwise improperly pressure a witness or potential witness;
 - (e) Attempting to influence the impartiality of, or harassing or intimidating, a student conduct committee member or other disciplinary official; or

- (f) Failure to comply with any disciplinary action, term, or condition imposed under this chapter.
22. **Ethical violation.** Ethical violations include, but are not limited to, breach of a generally recognized and published code of ethics or standard of professional practice that governs the conduct of a particular profession, which the student has been specifically informed about and is required to adhere to as a condition of enrolling in a course or participating in an educational program.
- In addition to initiating discipline proceedings for violation of the student conduct code, the college may refer any violations of federal, state or local laws to civil and criminal authorities for disposition. The college shall proceed with student disciplinary proceedings regardless of whether the underlying conduct is subject to civil or criminal prosecution.

[Statutory Authority: RCW 28B.50.140. WSR 16-06-026, § 495C-121-050, filed 2/22/16, effective 3/24/16; WSR 14-11-070, § 495C-121-050, filed 5/19/14, effective 6/19/14.]

WAC 495C-121-060

Disciplinary sanctions and conditions.

1. **Disciplinary sanctions.** The following disciplinary sanctions may be imposed upon students found to have violated the student conduct code:
 - (a) Disciplinary warning. An oral statement to a student that there is a violation and that any further violation may be cause for further disciplinary action. Although verbal, the student conduct officer should make a record of the warning. The respondent cannot appeal a disciplinary warning.
 - (b) Written disciplinary reprimand. A written notice informing a student that they have violated one or more terms of the code of conduct and that future misconduct involving the same or similar behavior may result in the imposition of a more severe disciplinary sanction.
 - (c) Disciplinary probation. A written notice placing specific term(s) and condition(s) upon the student's continued attendance at the college. Disciplinary probation may be for a limited period of time or for the duration of the student's attendance at the college.
 - (d) Disciplinary suspension. Temporary revocation of enrollment and termination of student status, for a stated period of time. The student may be prohibited from coming onto any college facility and may be subject to law enforcement action for criminal trespass for violating that prohibition. There will be no refund of tuition or fees for the quarter in which the action is taken.
 - (e) Dismissal. Revocation of enrollment and of all rights and privileges of membership in the college community, and exclusion from college facilities, without any time limitation. There will be no refund of tuition or fees for the quarter in which the action is taken. The student may be subject to law enforcement action for criminal trespass for violating that exclusion. A dismissal may be rescinded only by a written decision of the president, for documented good cause.
2. **Disciplinary conditions.** Disciplinary conditions that may be imposed alone or in conjunction with the imposition of a disciplinary sanction under subsection (1) of this section include:

- (a) Restitution. Reimbursement for (i) damage to, or theft or misuse of, real or personal property or money, or (ii) injury to persons. This reimbursement may take the form of money, appropriate service, or other compensation.
- (b) Professional evaluation. Referral for drug, alcohol, psychological, or medical evaluation, at the student's expense, by an appropriately certified or licensed professional. The student may choose the professional within the scope of practice and with the professional credentials as specified by the college. The student must sign all necessary releases to allow the college access to any such evaluation. The student's return to college may be conditioned upon compliance with recommendations set forth in the evaluation. If the student has been suspended, the student may remain suspended until the most recent evaluation finds that the student is capable of reentering the college and complying with the college's expectations for conduct.
- (c) Restrictions on activities. A student may be subjected to the following restrictions:
 - (i) Ineligible to hold any college office or position or any office in any student organization;
 - (ii) Ineligible to participate in any college activity(ies); and/or
 - (iii) Ineligible to represent the college outside the college community, including at any event or in any form of competition.
- (d) Required activities. Assignment of appropriate tasks or responsibilities, or required attendance at an appropriate program, instructional course, or other educational activity, which may be at the student's expense.
- (e) Protective or no contact order. An order directing a student to have limited or no contact with any specified student(s), college employee(s), member(s) of the college community, or college facility.
- (f) Loss of state funding. A student found to have committed hazing shall forfeit any entitlement to state-funded grants, scholarships, or awards, pursuant to RCW 28B.10.902.

[Statutory Authority: RCW 28B.50.140. WSR 16-06-026, § 495C-121-060, filed 2/22/16, effective 3/24/16; WSR 14-11-070, § 495C-121-060, filed 5/19/14, effective 6/19/14.]

495C-121-080

Disciplinary records.

1. Records of a disciplinary proceeding under this chapter are disciplinary records which must be maintained by the office of the vice-president of student services separately from student academic records and in accordance with applicable state records retention requirements.
2. Disciplinary records are confidential to the extent required by applicable laws, including the Family Educational Rights and Privacy Act. To the extent permitted by such laws, the respondent, or if a minor, the student's parent, may review their disciplinary records, obtain a copy of such records upon payment of any lawful charges for duplication, and/or authorize disclosure of such records.

[Statutory Authority: RCW 28B.50.140. WSR 14-11-070, § 495C-121-080, filed 5/19/14, effective 6/19/14.]

495C-121-100

Initiation of disciplinary action.

1. All disciplinary actions will be initiated by the student conduct officer. If that officer is the subject of a complaint initiated by the respondent, the president shall, upon request and when feasible, designate another person to fulfill any such disciplinary responsibilities relative to the complainant.
2. The student conduct officer shall initiate possible disciplinary action by serving the respondent with written notice directing them to attend a disciplinary meeting. The notice shall briefly describe the factual allegations, the specific apparent misconduct under WAC 495C-121-050, and the range of possible disciplinary sanctions, and specify the time and location of the meeting. At the meeting, the student conduct officer will present the allegations to the respondent and the respondent shall be afforded an opportunity to explain what took place. If the respondent fails to attend the meeting after proper service of notice, the student conduct officer may impose disciplinary sanction(s) and conditions based upon the available information.
3. Within ten days of the scheduled initial disciplinary meeting, and after considering the information obtained by investigation and any information presented by the respondent, the student conduct officer shall serve the respondent with a written decision setting forth the facts and conclusions supporting their decision, the specific student conduct code provisions found to have been violated, the discipline imposed, if any, the consequences if a student fails to satisfy any disciplinary condition(s) which are being imposed, and a notice of the respondent's appeal rights, if any, with an explanation of the consequences of failing to file a timely appeal.
4. The student conduct officer may take any of the following actions:
 - (a) Terminate the proceeding, with any appropriate exoneration of the respondent or counseling or advice to the respondent. The respondent cannot appeal a termination of the proceedings;
 - (b) Specify misconduct under WAC 495C-121-050 which they've found to have occurred and impose disciplinary sanction and/or condition(s), as described in WAC 495C-121-060; or
 - (c) Refer the matter directly to the student conduct committee for a hearing and imposition of such disciplinary sanction and/or condition(s) as the committee deems appropriate. Such referral shall be to the attention of the chair of the committee with a copy served on the respondent.

[Statutory Authority: RCW 28B.50.140. WSR 14-11-070, § 495C-121-100, filed 5/19/14, effective 6/19/14.]

495C-121-110

Appeals and referrals—Routing.

1. The respondent may appeal a disciplinary action by filing a written notice of appeal with the conduct review officer within twenty-one days of service of the student conduct officer's decision. Failure to file a timely notice of appeal constitutes a waiver of the right to appeal, and the student conduct officer's decision shall be deemed final.
2. The notice of appeal must include a brief statement explaining why the respondent is seeking review.
3. Except as provided in WAC 495C-121-230 or elsewhere in these rules, the parties to an appeal shall be the respondent and the student conduct officer.
4. On appeal, the student conduct officer bears the burden of establishing the factual elements of the alleged misconduct by a preponderance of the evidence, i.e., that it is more likely than not that the respondent engaged in the alleged misconduct.

5. Imposition of a disciplinary sanction and conditions shall be stayed during an appeal, except for a summary suspension that has been imposed under WAC 495C-121-190.T
6. The student conduct committee shall hear:
 - a. Appeals from disciplinary suspensions in excess of ten instructional days, and any related disciplinary condition(s);
 - b. Appeals from dismissals, and any related disciplinary condition(s); and
 - c. Cases referred by the student conduct officer, the conduct review officer, or the president.
7. Appeals from the following disciplinary sanctions and related disciplinary conditions shall be reviewed through a brief adjudicative proceeding:
 - a. Written disciplinary reprimands, and any related disciplinary condition(s);
 - b. Disciplinary probation, and any related disciplinary condition(s); and
 - c. Disciplinary suspensions of ten instructional days or less, and any related disciplinary condition(s).
8. Except as provided elsewhere in these rules, disciplinary warnings and terminations of proceedings are final actions and are not subject to appeal.

[Statutory Authority: RCW 28B.50.140. WSR 14-11-070, § 495C-121-110, filed 5/19/14, effective 6/19/14.]

495C-121-190

Summary suspension.

1. Summary suspension is a temporary exclusion from specified college facilities and denial of access to all activities or privileges for which a respondent might otherwise be eligible, while an investigation, disciplinary procedures, and/or an appeal are pending.
2. The student conduct officer may impose a summary suspension if there is probable cause to believe, i.e., there are reasonable grounds for believing, that the respondent has committed misconduct under WAC 495C-121-050 and that either:
 - (a) The situation involves an immediate danger to the public health, safety, or welfare which requires immediate college action; or
 - (b) The student's behavior poses an ongoing threat of substantial disruption of, or interference with, the operations of the college.
3. A summary suspension shall be effective when the respondent receives written or oral notice of that suspension. If oral notice is given, a written notification must be served on the respondent within two business days of the oral notice. The written notification shall be entitled "Notice of Summary Suspension" and shall include:
 - (a) The reasons for imposing the summary suspension, including a description of the misconduct and specification of the provisions of WAC 495C-121-050 allegedly violated;
 - (b) The date, time, and location when the respondent must appear before the conduct review officer for a hearing on the summary suspension; and
 - (c) The conditions, if any, under which the respondent may physically access college facilities or communicate with members of the college community. If the respondent is prohibited from entering college facilities, they may be given a notice against trespass which warns that their privilege to enter college facilities has been withdrawn, subject to any specified exceptions such as an invitation to meet with the student conduct officer or conduct review

- officer or to attend a scheduled disciplinary hearing, and that they shall be considered to be trespassing and subject to arrest for criminal trespass for any violation.
4. The hearing before the conduct review officer shall be scheduled as soon as practicable after service of the notice of summary suspension. If the respondent fails to appear at the scheduled time, the conduct review officer may order that the summary suspension remain in place. During the summary suspension hearing, the issues shall be:
 - (a) Whether the requirements under subsection (2) of this section are satisfied; and
 - (b) Whether the summary suspension should be continued pending the conclusion of disciplinary proceedings and/or should be less restrictive in scope.
 5. As soon as practicable following the hearing, the conduct review officer shall issue, and serve on the respondent and student conduct officer, a written decision which addresses the issues at the hearing. The conduct review officer shall also provide information about the decision, to the extent legally permissible under FERPA, to all persons and offices who may be bound or protected by it.
 6. The respondent may request a de novo review of the summary suspension hearing decision by the student conduct committee. The review will be scheduled promptly. Either party may request the review to be consolidated with any other disciplinary proceeding arising from the same matter.

[Statutory Authority: RCW 28B.50.140. WSR 14-11-070, § 495C-121-190, filed 5/19/14, effective 6/19/14.]

495C-121-200

Supplemental definitions.

The following supplemental definitions apply in student disciplinary matters involving allegations of sexual misconduct by a student:

1. A "complainant" is an alleged victim of sexual misconduct.
2. "Sexual misconduct" has the meaning ascribed to this term in WAC 495C-121-050.
3. "Title IX compliance officer" is the college position designated by the president as having the primary direct responsibilities related to Title IX, 20 U.S.C. §§ 1681-88.

[Statutory Authority: RCW 28B.50.140. WSR 14-11-070, § 495C-121-200, filed 5/19/14, effective 6/19/14.]

495C-121-210

Supplemental sexual misconduct procedures.

Pursuant to RCW 28B.50.140(13) and Title IX of the Education Amendments Act of 1972, 20 U.S.C. Sec. 1681, Clover Park Technical College may impose disciplinary sanctions against a student who commits, attempts to commit, or aids, abets, incites, encourages, or assists another person to commit, an act(s) of sexual misconduct. The supplemental procedures provided for in WAC 495C-121-210 through 495C-121-270 shall supplement the other procedural requirements of this chapter and will govern all student conduct proceedings regarding alleged acts of sexual misconduct. In the event of a conflict between the supplemental procedure and other requirements of this chapter, the requirements of the supplemental procedure shall control. For purposes of this supplemental procedure, "sexual misconduct" encompasses the following conduct:

1. Quid pro quo harassment. A college employee conditioning the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct.
2. Hostile environment. Unwelcome conduct that a reasonable person would find to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Clover Park Technical College's educational programs or activities, or employment.
3. Sexual assault. Sexual assault includes the following conduct:
 - a. Nonconsensual sexual intercourse. Any actual or attempted sexual intercourse (anal, oral, or vaginal), however slight, with any object or body part, by a person upon another person, that is without consent and/or by force. Sexual intercourse includes anal or vaginal penetration by a penis, tongue, finger, or object, or oral copulation by mouth to genital contact or genital to mouth contact.
 - b. Nonconsensual sexual contact. Any actual or attempted sexual touching, however slight, with any body part or object, by a person upon another person that is without consent and/or by force. Sexual touching includes any bodily contact with the breasts, groin, mouth, or other bodily orifice of another individual, or any other bodily contact in a sexual manner.
 - c. Incest. Sexual intercourse or sexual contact with a person known to be related to them, either legitimately or illegitimately, as an ancestor, descendant, brother, or sister of either wholly or half related. Descendant includes stepchildren and adopted children under the age of eighteen.
 - d. Statutory rape. Consensual sexual intercourse between someone who is eighteen years of age or older and someone who is under the age of sixteen.
4. Domestic violence. Physical violence, bodily injury, assault, the infliction of fear of imminent physical harm, sexual assault, or stalking committed by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the state of Washington, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the state of Washington, RCW 26.50.010.
5. Dating violence. Physical violence, bodily injury, assault, the infliction of fear of imminent physical harm, sexual assault, or stalking committed by a person:
 - a. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - b. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - (i) The length of the relationship;
 - (ii) The type of relationship; and
 - (iii) The frequency of interaction between the persons involved in the relationship.
6. Stalking. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress.

[Statutory Authority: RCW 28B.50.140, United States Department [of] Education 34 C.F.R. Part 106 and chapter 495C-121 WAC. WSR 21-17-056, § 495C-121-210, filed 8/10/21, effective 9/10/21. Statutory Authority: RCW 28B.50.140. WSR 14-11-070, § 495C-121-210, filed 5/19/14, effective 6/19/14.]

495C-121-215

Title IX Jurisdiction.

1. This supplemental procedure applies only if the alleged misconduct:
 - a. Occurred in the United States;
 - b. Occurred during a Clover Park Technical College educational program or activity; and
 - c. Meets the definition of sexual harassment as that term is defined in this supplemental procedure.
2. For purposes of this supplemental procedure, an “educational program or activity” is defined as locations, events, or circumstances over which Clover Park Technical College exercised substantial control over both the respondent and the context in which the alleged sexual harassment occurred. This definition includes any building owned or controlled by a student organization that is officially recognized by the college.
3. Proceedings under this supplemental procedure must be dismissed if the decision maker determines that one or all of the requirements of subsection (1)(a) through (c) of this section, have not been met. Dismissal under this Title IX supplemental procedure does not prohibit the college from pursuing other disciplinary action based on in situations where the allegations against the respondent, if true, would constitute violations of other provisions of the college’s student conduct code, chapter 495C-121 WAC.
4. If the student conduct officer determines the facts in the investigation report are not sufficient to support Title IX jurisdiction and/or pursuit of a Title IX violation, the student conduct officer will issue a notice of dismissal in whole or part to both parties explaining why some or all of the Title IX claims have been dismissed.

[Statutory Authority: RCW 28B.50.140, United States Department [of] Education 34 C.F.R. Part 106 and chapter 495C-121 WAC. WSR 21-17-056, § 495C-121-215, filed 8/10/21, effective 9/10/21.]

495C-121-220

Supplemental complaint process.

With respect to complaints or other reports of alleged sexual misconduct by a student:

1. The college’s Title IX compliance officer shall investigate, or assure investigation of, complaints or other reports of alleged sexual misconduct by a student. The investigation will be completed in a timely manner and the results of the investigation shall be referred to the student conduct officer for possible disciplinary action.
2. Informal dispute resolution shall not be used to resolve sexual misconduct complaints without written permission from both the complainant and the respondent. If the parties elect to mediate a dispute, either party shall be free to discontinue the mediation at any time. Mediation shall not be used to resolve complaints involving allegations of sexual violence.
3. College personnel will honor requests to keep sexual misconduct complaints confidential to the extent this can be done without unreasonably risking the health, safety, and welfare of the complainant or other members of the college community or compromising the college’s duty to investigate and process such complaints.

[Statutory Authority: RCW 28B.50.140, United States Department [of] Education 34 C.F.R. Part 106 and chapter 495C-121 WAC. WSR 21-17-056, § 495C-121-220, filed 8/10/21, effective 9/10/21. Statutory Authority: RCW 28B.50.140. WSR 14-11-070, § 495C-121-220, filed 5/19/14, effective 6/19/14.]

495C-121-225

Initiation of discipline.

1. Upon receiving the Title IX investigation report from the Title IX compliance officer, the student conduct officer will independently review the report to determine whether there are sufficient grounds to pursue a disciplinary action against the respondent for engaging in prohibited conduct under Title IX.
2. If the student conduct officer determines that there are sufficient grounds to proceed under these supplemental procedures, the student conduct officer will initiate a Title IX disciplinary proceeding by filing a written disciplinary notice with the chair of the student conduct committee and serving the notice on the respondent and the complainant, and their respective advisors. The notice must:
 - a. Set forth the basis for Title IX jurisdiction;
 - b. Identify the alleged Title IX violation(s);
 - c. Set forth the facts underlying the allegation(s);
 - d. Identify the range of possible sanctions that may be imposed if the respondent is found responsible for the alleged violation(s);
 - e. Explain that the parties are entitled to be accompanied by their chosen advisors during the hearing and that:
 - i. The advisors will be responsible for questioning all witnesses on the party's behalf;
 - ii. An advisor may be an attorney; and
 - iii. The college will appoint the party an advisor of the college's choosing at no cost to the party, if the party fails to do so.
3. Explain that if a party fails to appear at the hearing, a decision of responsibility may be made in their absence.

[Statutory Authority: RCW 28B.50.140, United States Department [of] Education 34 C.F.R. Part 106 and chapter 495C-121 WAC. WSR 21-17-056, § 495C-121-225, filed 8/10/21, effective 9/10/21.]

495C-121-225

Prehearing procedure.

1. Upon receiving the disciplinary notice, the chair of the student conduct committee will send a hearing notice to all parties, in compliance with WAC 495C-121-150. In no event will the hearing date be set less than ten days after the Title IX compliance officer provides the final investigation report to the parties.
2. A party may choose to have an attorney serve as their advisor at the party's own expense. This right will be waived unless, at least five days before the hearing, the attorney files a notice of appearance with the committee chair with copies to all parties and the student conduct officer.
3. In preparation for the hearing, the parties will have equal access to all evidence gathered by the investigator during the investigation, regardless of whether the college intends to offer the evidence at the hearing.

[Statutory Authority: RCW 28B.50.140, United States Department [of] Education 34 C.F.R. Part 106 and chapter 495C-121 WAC. WSR 21-17-056, § 495C-121-235, filed 8/10/21, effective 9/10/21.]

495C-121-240

Rights of parties.

1. Clover Park Technical College's student conduct procedures, chapter 495C-121 WAC, and this supplemental procedure shall apply equally to all parties.
2. The college bears the burden of offering and presenting sufficient testimony and evidence to establish that the respondent is responsible for a Title IX violation by a preponderance of the evidence.
3. The respondent will be presumed not responsible until such time as the disciplinary process has been finally resolved.
4. During the hearing, each party shall be represented by an advisor. The parties are entitled to an advisor of their own choosing and the advisor may be an attorney. If a party does not choose an advisor, then the Title IX compliance officer will appoint an advisor of the college's choosing on the party's behalf at no expense to the party.

[Statutory Authority: RCW 28B.50.140, United States Department [of] Education 34 C.F.R. Part 106 and chapter 495C-121 WAC. WSR 21-17-056, § 495C-121-240, filed 8/10/21, effective 9/10/21.]

495C-121-250

Evidence.

With respect to complaints or other reports of alleged sexual misconduct by a student:

1. Relevance: The chair of the student conduct committee shall review all questions for relevance and shall explain on the record their reasons for excluding any question based on lack of relevance.
2. Relevance means that information elicited by the question makes facts in dispute more or less likely to be true.
3. Questions or evidence about a complainant's sexual predisposition or prior sexual behavior are not relevant and must be excluded, unless such question or evidence:
 - a. Is asked or offered to prove someone other than the respondent committed the alleged misconduct; or
 - b. Concerns specific incidents of prior sexual behavior between the complainant and the respondent, which are asked or offered on the issue of consent.
4. Cross-examination required: If a party or witness does not submit to cross-examination during the live hearing, the committee must not rely on any statement by that party or witness in reaching a determination of responsibility.
5. No negative inference: The committee may not make an inference regarding responsibility solely on a witness's or party's absence from the hearing or refusal to answer questions.
6. Privileged evidence: The committee shall not consider legally privileged information unless the holder has effectively waived the privilege. Privileged information includes, but is not limited to, information protected by the following:
 - a. Spousal/domestic partner privilege;
 - b. Attorney-client and attorney work product privileges;
 - c. Privileges applicable to members of the clergy and priests;
 - d. Privileges applicable to medical providers, mental health therapists, and counselors;

- e. Privileges applicable to sexual assault and domestic violence advocates; and
- f. Other legal privileges identified in RCW 5.60.060.

[Statutory Authority: RCW 28B.50.140, United States Department [of] Education 34 C.F.R. Part 106 and chapter 495C-121 WAC. WSR 21-17-056, § 495C-121-250, filed 8/10/21, effective 9/10/21.]

495C-121-260

Initial order.

1. Relevance: The chair of the student conduct committee shall review all questions for relevance and shall explain on the record their reasons for excluding any question based on lack of relevance.
 - a. Identifies the allegations of sexual harassment;
 - b. Describes the grievance and disciplinary procedures, starting with filing of the formal complaint through the determination of responsibility, including notices to parties, interviews with witnesses and parties, site visits, methods used to gather evidence, and hearings held;
 - c. Makes findings of fact supporting the determination of responsibility;
 - d. Reaches conclusions as to whether the facts establish whether the respondent is responsible for engaging in sexual harassment in violation of Title IX;
 - e. Contains a statement of, and rationale for, the committee's determination of responsibility for each allegation;
 - f. Describes any disciplinary sanction or conditions imposed against the respondent, if any;
 - g. Describes to what extent, if any, complainant is entitled to remedies designed to restore or preserve complainant's equal access to Clover Park Technical College's educational programs or activities; and
 - h. Describes the process for appealing the initial order to the college president.
2. The chair of the student conduct committee will serve the initial order on the parties simultaneously.

[Statutory Authority: RCW 28B.50.140, United States Department [of] Education 34 C.F.R. Part 106 and chapter 495C-121 WAC. WSR 21-17-056, § 495C-121-260, filed 8/10/21, effective 9/10/21.]

495C-121-270

Appeals.

1. The parties shall have the right to appeal from the initial order's determination of responsibility and/or dismissal of an allegation(s) of sexual harassment in a formal complaint. The right to appeal will be subject to the same procedures and time frames set forth in WAC 495C-121-080.
2. The president or designee will determine whether the grounds for appeal have merit, provide the rationale for this conclusion, and state whether the disciplinary sanction and condition(s) imposed in the initial order are affirmed, vacated, or amended, and, if amended, set forth any new disciplinary sanction and/or condition(s).
3. President's office shall serve the final decision on the parties simultaneously.

[Statutory Authority: RCW 28B.50.140, United States Department [of] Education 34 C.F.R. Part 106 and chapter 495C-121 WAC. WSR 21-17-056, § 495C-121-270, filed 8/10/21, effective 9/10/21.]

Student Concerns

General Information on Student Concerns

It is the policy of Clover Park Technical College to provide students with an opportunity to resolve any alleged violation of college academic policy, procedure or regulation, or to resolve any alleged case of inequitable treatment. The college encourages informal resolution of disputes whenever possible, and also maintains fair and equitable procedures for formally expressing and resolving concerns. Student rights are protected in the concern/appeal process and the college must ensure that a student will not suffer repercussions because they choose to file a concern/appeal in good faith.

All concerns can be reported by visiting <https://www.cptc.edu/better-cptc> and filling out the applicable concern form. The form will be automatically sent to the appropriate person/office to respond and investigate the concern in a timely manner.

The following are guidelines for determining who can assist a student with a concern regarding:

Academic/Instructional.....	Instruction
Accommodations	Student Success
Disciplinary/Student Code of Conduct	Student Success
Discrimination/Harassment	Human Resources
Facilities/Bookstore	Finance and Administration Office
Financial Aid	Student Aid & Scholarships
Financial (College)	Finance and Administration Office

Federal and state laws, rules and regulations, in addition to policies, regulations, and procedures adopted by the State Board for Community and Technical Colleges, shall not be grievable matters. Students shall use chapter 495C-300 and 495C-310 WAC for grievances pertaining to sexual discrimination or equal opportunity discrimination based upon disability.

Academic Appeal Process

The process outlined below is for Academic concerns or Grade Appeals. It is not to be used for filing an appeal based on the outcome of a summary or disciplinary proceeding, financial appeal, or discrimination/harassment complaint as described in other areas of the College Catalog or Student Handbook.

Academic Appeal must be made within fifteen (15) instructional days following the issuance of the grade or decision.

- Step 1** Before a student can file a written concern or appeal, they should try to resolve the problem informally. The college expects the student to address their concern by first meeting and/or discussing the concern with the college employee(s) whose actions resulted in the concern and documenting the discussion with notes. If not resolved, the student may proceed to the next step.
- Step 2** If, within 5 instructional days following the informal resolution attempt, the student feels a satisfactory resolution has not been achieved, the student may file a formal written concern with the employee's immediate supervisor or department chair—the concern or appeal must be in writing, utilizing the appropriate form, and include the documentation from Step 1 as well as any other supporting documentation as an attachment. A "Student Academic Concern Form" or "Grade Appeal Form" is available from any instructor, division dean's office or Advising Center.
- Step 3** Within 5 instructional days after receiving the concern or appeal in writing, the supervisor (or designee) will be responsible to investigate the concern. The supervisor or designee will provide the employee with a copy of the written concern or appeal; the employee will have 5 instructional days in which to provide a written response to their supervisor.
- Step 4** The supervisor, or designee, will convene a meeting of both parties in an attempt to resolve the issue, provided that the parties agree to meet for this purpose. In the event that one or both parties do not agree to meet, the supervisor or designee will investigate and render a decision based on the written statements and testimony of the parties. The supervisor or designee will impart this decision in writing to both parties within 5 instructional days. If the student feels a satisfactory resolution has not been achieved, the student may proceed to the next step.
- Step 5** Within 5 instructional days after Step 4, the student will notify the appropriate Vice-President for Instruction, in writing, to request a hearing before the Appeal Review Committee. The Committee will be chaired by the Vice President for Student Learning (or designee) and will also include the Vice President for Student Success (or designee), two student representatives appointed by the Student Council, and two faculty members appointed by the Faculty Union.
- Step 6** Within 10 instructional days, the Appeal Review Committee will meet with the student, instructor, and director, department chair or supervisor to hear the points at issue in the appeal. The Committee will provide its written decision to all parties within 5 instructional days following the hearing. The decision is final and may not be reviewed.

The process above is used for filing a concern in which a resolution has been requested that is specific to the student filing. If a student wishes to file an official complaint that has no personal resolution, or wishes to remain anonymous, that complaint will not follow the above steps.

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