

BOARD OF TRUSTEES
WESTERN WASHINGTON STATE COLLEGE
October 12, 1972

2:00 p.m.
163 Miller Hall

1. Approval of the minutes of the meeting of September 7, 1972
2. Business Management Items
 - a. Informational

Students' Co-op Bookstore Financial Statement
Annual Financial Report for Fiscal Year 1971-72
Housing and Dining System Budget for 1972-73
Status of Proposed Improvements in the TIAA/CREF Retirement Program
Crew Shell House
 - b. Action

Collective Bargaining Agreement with the Washington State Employees Association (WSEA) Sehome Chapter
 - c. Capital Project Items

#67-8, Social Sciences, Phase I
~~#69-4(K), South Campus Athletic Field~~
#71-2(J), Utilities, Instructional Media Cabling
3. Time and Place for November 16 Special meeting of the Board
4. Personnel Actions
 - a. Appointments and reappointments
 - b. Informational items
 - c. Resignations
 - d. Tenure recommendation
5. Executive Session

BOARD OF TRUSTEES
WESTERN WASHINGTON STATE COLLEGE
October 12, 1972

The regular meeting of the Board of Trustees of Western Washington State College was held at 2:00 p.m., Miller Hall 163, October 12, 1972. Present were:

Board of Trustees	Mr. Harold C. Philbrick Mrs. Ritajean Butterworth Mr. Paul Hanson Mr. Robert Winston
WWSC Personnel	Charles J. Flora Michael W. Barnhart Gerald Brock William Bultmann Don Cole Pete Coy George Gerhold William Gingery H. A. Goltz Tim Kao Lester Lee C. W. McDonald Knutte Skinner, Chairman, Faculty Council
Others	Donald White, Public Relations Officer of Washington State Employees Association

APPROVAL OF THE MINUTES OF THE MEETING OF SEPTEMBER 7, 1972

Mr. Hanson moved that the minutes of the Board of Trustees meeting of September 7, 1972, be approved; Mrs. Butterworth seconded the motion; the motion passed.

BUSINESS MANAGEMENT ITEMS

Students Co-Op Bookstore Financial Statement

Mr. Cole reviewed for the Board the financial statement from the Bookstore, submitted by Mr. George Elliott, reflecting a total rebate to 1970-71 patrons of \$71,468.40, representing a 5% rebate on gross sales and a \$20,258.41 rebate as directed by the Bookstore Board; the store lost \$26,832.05 during the period, reflecting an inventory reduction loss, as well as the increased rebate.

Annual Financial Report - Western Washington State College - 1971-72

Mr. Cole reviewed for the Board the financial report for Western for the fiscal year ending June 30, 1972; the report shows a balance of \$87,263 which has been applied to the current year. He anticipates another year in which the college will end the fiscal year in the black. Mr. Cole reported to the Board that during the current year they will receive at the end of each quarter a statement of the financial condition and, at the end of the last quarter of the year, a monthly financial report. Mr. Cole also reviewed for the Board the 1971-72 financial report on intercollegiate athletics which shows a slight increase of approximately \$700.00 over the previous year.

Housing and Dining System Budget for 1972-73

Mr. Cole reported on the various services which have been reduced to the residence halls, due to decreased enrollment, except for insurance and bond redemption payments (a 1.25 debt service coverage is the minimum required by Western's bond resolution). Occupancy in the dormitories (as of September 29, 1972) stands at 76%, slightly better than reported at the September Board meeting. He advised the Board that, in accordance with its request last May, this October report on occupancy and budget reveals no significant change and no rate change is recommended at this time.

Enrollment Figures

President Flora reported that enrollment figures as of October 7, 1972, reflect:

Full fee paying students	8,313
Head count enrollment	8,884

representing a decrease from 1971 in full fee paying students of 1,122.

Status of Proposed Improvements in the TIAA/CREF Retirement Program

Mr. Barnhart reviewed for the Board improvements proposed by the Council of Faculty Representatives. Following discussion, Mr. Winston moved that the Board of Trustees accept in concept the proposed improvements in the TIAA/CREF retirement program with final approval to await the dollar figures involved. Mrs. Butterworth seconded the motion; the motion passed.

Crew Shell House

Mr. Cole reported on the status of the negotiations for leasing of property on Lake Samish for construction of a shell house to store equipment for Western's intercollegiate and intramural rowing program (due to prevailing wind and weather conditions, Western's Lake Whatcom Lakewood site is not suitable for competitive rowing). The property owners at Lutherwood, Lake Samish, are willing to enter into a lease with Western for ten years (with option to renew for an additional ten years) if Western will allow Lutherwood the use of 25% of the shell house for storage; the shell house building is valued at less than \$10,000, with funding provided through the service and activity fee fund balance with the concurrence of the Associated Students.

Collective Bargaining Agreement with the Washington State Employees Association (WSEA) Sehome Chapter

Mr. Cole reported that negotiations have been completed for a collective bargaining agreement by and between the Washington State Employees Association, Sehome Chapter, and Western Washington State College; following discussion, Mrs. Butterworth moved approval of the contract; Mr. Hanson seconded the motion; the motion passed.

CAPITAL PROJECT ITEMS

#67-8, Social Sciences, Phase I

Mr. Goltz reported that, in accordance with instructions received from the Board at its meeting September 7, 1972, this project be negotiated down to a total cost of \$2,790,000, and the Department of Health, Education and Welfare has been requested to authorize the award of the contract. The decision of HEW is awaited at this time.

#71-2(J), Utilities, Instructional Media Cabling

Mr. Goltz reported to the Board that a plan has been devised for the above project (\$25,000 was allocated in August 1971 by the Board of Trustees to develop an inter-cabling of academic facilities). The project does not include the cabling of the residence halls. Mr. Winston moved that upon the recommendation of the administration, the Board of Trustees approves the plan for project #71-2(J), Utilities, Instructional Media Cabling, and authorizes the call for bids and the award of the contract within the funds available. Mrs. Butterworth seconded the motion; the motion passed.

TIME AND PLACE FOR NOVEMBER 16 SPECIAL MEETING OF THE BOARD

President Flora recommended to the Board that 2:00 p.m., Miller Hall 163, be set for the time and place of the special meeting of the Board of Trustees to consider administrative procedures. Mr. Hanson moved approval of the recommendation; Mrs. Butterworth seconded the motion; the motion passed, with Mr. Winston indicating the possibility that he will not be able to attend.

EARLY RELEASE PROGRAM FOR FELONS

President Flora advised the Board of the action taken recently by Whatcom Community College to approve an early release program for felons which would involve Whatcom Community College, Western Washington State College, and the Bellingham Technical Institute. This program is designed to offer to felons an opportunity to engage in educational and job training prior to their release from prison. In order for the program to be approved, the Boards of Trustees of all three participating institutions must agree to a resolution setting forth the plans and restrictions of the program. Dr. James Wilkins, who has served as Western's representative to the committee discussing this proposal, answered questions from the Board. After considerable discussion of such matters as the liability of the Board of Trustees, potential danger to students, Mr. Hanson moved to table the proposal until the next regular meeting of the Board; Mr. Winston seconded the motion; the motion passed. The Board directed that the various constituencies of the College should be informed of the proposal and given the opportunity to react to it.

PERSONNEL ACTIONS

Appointments (effective September, 1972, unless otherwise noted)

- Richard L. Bartsch, Assistant Professor of Physical Education
B.S., Springfield College; M.A., Michigan State University; Ph.D. candidate,
University of Oregon
Base nine months' salary: Step 9
- Patricia Anne Friedland, Assistant Professor of Physical Education
B.S., Oregon State College; M.S., University of Oregon
Base nine months' salary: Step 7
- Gunter R. Hadersberger, Lecturer in Psychology (Fall quarter, 1972 - August 31, 1973)
B.S., State University of New York, Syracuse; M.S., San Diego State College;
Ph.D. in progress, University of Washington
Base eleven months' salary: \$12,464.22 (to be paid from grant funds)
- William R. Hare, Jr., Visiting Associate Professor of Mathematics (Winter and Spring
B.S., Henderson State College; M.S., Ph.D., University of Florida quarters, 1973)
Salary (Winter and Spring quarters, 1973): \$8,214.00
- Maynard F. Hicks, Visiting Lecturer in English (Journalism)
A.B., Central Michigan University; M.A., University of Michigan
Base nine months' salary: \$11,000
- Thomas F. Johnston, Lecturer in Anthropology
Licentiate, Trinity College of Music, London; M.A. (Music), California State
University at Hayward; M.A. (Anthropology), California State University at
Fullerton; Ph.D. candidate, University of the Witwatersrand, Johannesburg, South
Africa
Base nine months' salary: \$13,000 (to be paid from grant funds)
- John W. Mairs, Lecturer in Geography
A.A., San Jose City College; B.A., M.A., San Jose State College; Ph.D. in
progress, Oregon State University
Base nine months' salary: \$9,500
- Edward A. Solem, Lecturer in Education (one-half time, academic year, 1972-73)
B. A. in Ed. (1968), M.A. in Ed. (1972), Western Washington State College
Salary (one-half time): \$6,000
- James A. Swan, Assistant Professor, Huxley College
B.S., M.S., Ph.D., University of Michigan
Base nine months' salary: Step 9.2
- David Yen, Assistant Professor, College of Ethnic Studies
B.A., Baylor University; M.Div., American Baptist Seminary of the West;
M.S.L.S., University of Southern California; M.A., Claremont Graduate School
and University Center; Ph.D. candidate, Claremont Graduate School
Base nine months' salary: Step 9 (with Ph.D.: Step 9.1)
- Sara Ann Burgess, Associate Director of Continuing Studies (effective September 18, 1972)
B.S. Ed., M.S. Ed., University of Idaho; M.A., Washington State University; Ph.D.
program, University of Washington
Base twelve months' salary: \$16,000
- Zdenko Frankenberger (Frank) Danes, Research Associate, Department of Geology,
effective July 1, 1972 (no salary involved)
- Peter Kotzer, Research Associate, working through Fairhaven College at the request
of Dean Freeman, effective October 15, 1972 to May 15, 1973 (no salary involved)

Informational Items

- Hyung-Chan Kim, change from Assistant Professor and Acting Dean, College of Ethnic
Studies, to Assistant Professor, College of Ethnic Studies, effective October 1, 1972
Base nine months' salary: Step 9.1
- Gail Atneosen, Associate Professor of Mathematics and Computer Science, leave without
pay, academic year, 1972-73

Colleen J. McElroy, Assistant Professor of Speech, leave without pay, academic year, 1972-73

Resignations

Thomas Brose, Assistant Professor, Fairhaven College, resignation, effective September 27, 1972

Dean G. Elias, Associate Director of Continuing Studies, resignation, effective September 15, 1972

Tenure Recommendation

Farrokh Safavi, Associate Professor of Economics & Business, tenure recommended, effective October 12, 1972

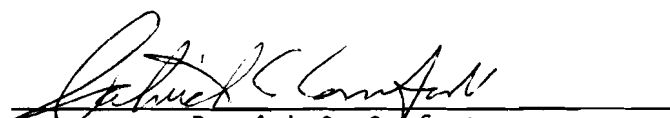
Mr. Winston moved approval of the recommended personnel actions; Mr. Hanson seconded the motion; the motion passed.

At 4:00 p.m. the Board adjourned into executive session for discussion of a legal matter.

At 4:30 p.m. the Board reconvened into regular session.

ADJOURNMENT


Chairman, Harold C. Philbrick


Secretary, Patrick C. Comfort

STUDENT RIGHTS AND RESPONSIBILITIES

PREAMBLE

The purpose of this "Guide to Student Rights and Responsibilities" is to (1) protect the rights of the students, and (2) to inform students of their ethical and legal responsibilities to each other and to the college. The Guide applies to all students at the College, including students from the cluster colleges.

It is intended to be an informative and educative document composed by a student/faculty committee for the enlightenment of students—a consensus of opinion regarding standards of behavior at Western.

Hopefully, this Guide will help students to grow in their consideration of others and thereby enhance the learning and living environment. All students, faculty and administration are strongly urged to participate in the constantly on-going process of revising this document.

When a student enrolls at Western Washington State College, the College and the student enter into an agreement of mutual responsibility. The College is obligated to advise students of established policies and procedures as well as to provide opportunities for participation and representation in those matters with which they are directly concerned. The student is expected to respect the established college policies, federal, state and local laws, and to act as a responsible member of the college community. It should be further understood that the civil authorities have the obligation to perform their normal functions on campus. In some instances a violation of the Guide to Student Rights and Responsibilities may also subject a student to criminal prosecution by the civil authorities. The President of the College or his designee may at his discretion call upon civil authorities for assistance in cases where a demonstration or a group expression of a point of view raises a clear and present

danger of physical injury to persons or property and/or when personal appeals by college authorities fail to achieve the cessation of acts which materially and substantially disrupt college work and discipline.

THE LAW AND ITS APPLICATION

Within the framework of public law, and subject at all times to it, exist the special rules and regulations which explain the relationships between individuals and the College. By law, the student must be assured of his rights as a citizen, including the right to due process of law. By law, the College has the authority to refuse admission or to suspend a student for violating its regulations.

While college officials have this authority according to state code, they are also responsible to educate and counsel wherever possible in preference to punitive measures. Judiciary action is intended to be the result of serious and thorough deliberation in which the interests and rights of the student, college and community are considered and where justice is served. Any student who violates the following Guide to Student Rights and Responsibilities is subject to judicial proceedings by the appropriate campus body.

I. REGULATIONS

A. ACADEMIC HONESTY

POLICY:

Acts of academic dishonesty are considered as serious breaches of honor. Sustaining a situation in which the vast majority of students are protected from those

who are dishonest is an administration-faculty-student responsibility. The College provides all possible security measures regarding examinations and conditions under which examinations are given.

The teaching faculty is responsible for formulating examinations which are secure and for taking all reasonable steps to detect dishonesty. Students must necessarily be committed to refrain from any acts of academic dishonesty.

RULES:

1. Plagiarism, cheating on examinations and all other acts which are normally considered acts of academic dishonesty are prohibited.
2. The first finding of academic dishonesty ordinarily carries the penalty of an F in the course involved and an official account of the offense shall be filed in the office of the Dean of Students.

PROCEDURE:

Accusations of academic dishonesty shall be reviewed by the Dean of Students in consultation with the faculty member(s) and students involved. Should an impasse occur an ad hoc committee will review the evidence evoked at a full hearing if such is requested by the student. The committee shall be composed of four members with equal faculty/student representation. The Provost shall appoint the faculty members of the committee and

the student body president shall appoint the student representatives. The Dean of Students will convene the meeting and serve as chairman (ex officio without vote). At such a hearing the student shall be accorded the procedural rights enumerated under II-A of this document.

B. FREEDOM OF EXPRESSION

1. Demonstrations

POLICY:

The rights of free speech, petition, and assembly are fundamental to the democratic process guaranteed under the Constitution of the United States. Such freedoms are guaranteed to all members of the Western Washington State College community. Participation in political and social activities of which peaceful demonstrations are often an integral part is recognized by Western Washington State College as enhancing the education of the individual and contributing to the betterment of American society. The College further recognizes that it has an obligation to maintain on campus an atmosphere which allows the institution to perform the fundamental task of providing an opportunity for all members of this community to pursue knowledge through accepted academic processes. To maintain a balance between the stated objectives of the College and the rights of the student to demonstrate, it is essential that demonstrations and other expressions of opinion be peaceful. The trustees, the administration, and the faculty of the College subscribe to the proposition that an important aspect of the education of college students is the opportunity to listen to speakers representing a wide variety of opinions and beliefs on important public issues.

RULE:

No person shall participate in a demonstration which materially and substantially disrupts the work or normal operations of the College or the requirements of appropriate discipline.

2. Free Speech - Speakers and Sound Amplification

POLICY:

Because of the confidence reposed in Western Washington State College students' capacity to listen critically and to judge intelligently the statements made by advocates of varying ideologies, beliefs and philosophies and in conformity with American traditions of free speech and free inquiry the following rules are established governing the appearance on campus of speakers not themselves members of the college community. In addition certain regulations have been established to assure the rights of free speech to students. Because of the congested nature of Western's campus certain ground rules in the use of public address and amplified sound equipment must be established to meet the needs of the students and at the same time recognize the needs of the academic community for quiet in areas where students are studying or classes are in session.

RULES:

a. Any student, faculty member, or college group may invite to the campus any speaker the group would like to hear. Normal restraints imposed by law—such as rules and regulations concerning slander or obscenity shall be observed by speakers.

- b. The appearance of an invited speaker on the campus does not involve an endorsement, either implicitly or explicitly, of his views by the college's faculty, its administration, or its Board of Trustees, nor does the college assume any responsibility for views expressed by speakers.
- c. A person who is not a member of the community of Western Washington State College does not have an inherent right to deliver a formal address on campus unless he has been invited by a student, faculty member, or by a recognized college group. A person who is not a member of the WWSC community does not have a right to demand that he be allowed to listen to an address of an invited speaker.
- d. The scheduling of speakers will always be subject to the availability of appropriate space and the exigencies of regularly scheduled college activities.
- e. The Dean of Student's office will be notified at least seven days before the appearance of an invited speaker.
- f. The President may take steps to have views other than those of an invited speaker represented at a subsequent meeting.
- g. Sound Amplification Equipment—Public address or audio-amplification equipment may be used only at the free speech platform. Exceptions may be made by the Director of Student Activities.
- h. The free speech platform located in the Viking Union Plaza may be used at any time by any college student, faculty member, college group or anyone who has been invited in accordance with this rule.
- i. The right of free speech does not spare the speaker from legal action if the substance of the remarks is found to violate the legal rights of others. Use

of the free speech platform does not accord speakers immunity from legal action.

- j. The essence of the right to speak is the freedom of the speaker to make his statement; both the speaker and the audience are entitled to proceed without being subjected to physical violence. Persons deliberately engaging in acts of violence or threats of violence or in other conduct which materially and substantially disrupts the exchange of ideas are subject to removal from the premises, to college discipline, and/or to prosecution under civil law.
- k. The program council is responsible for administering and interpreting the policies for the use of the free speech platform.

3. Printed Material

POLICY:

In order to provide some means to convey news to students and to provide space for advertising coming events, the College provides bulletin boards and other methods for disseminating information through leaflets, handbills and posters.

RULES:

a. Handbills

Handbills, leaflets, statements and similar materials, except those which are commercial, obscene or unlawful in character, may be distributed, without review or approval, by any student, faculty, staff, or group of students enrolled at Western Washington State College. It is to be understood that such materials do not necessarily represent the views of the College, its student body, faculty or staff. Such materials may be distributed from any room properly scheduled for that reason, from authorized public areas

in the Viking Union, any scheduled table area, and at other outdoor areas on the campus consistent with the maintenance of college property, with the free flow of traffic and persons, and not in any manner which in itself materially and substantially disrupts the operation of the college. Efforts must be made to avoid litter. All such material shall indicate the name of the sponsoring person or student organization and its chairman by which the distribution is made. Handbills distributed in the Residence Halls require the approval of the Resident Director or the Hall President.

b. Posters

Any poster or notice not bearing the approval stamp or not posted in adherence to the following regulations shall be removed.

- (1) The primary use of the bulletin boards is to provide the Associated Students and other campus organizations with adequate communication facilities.
- (2) Except on bulletin boards otherwise designated, posters may not represent any commercial interests other than those involving some temporary entertainment attraction that may be of student interest.
- (3) Religious groups may use the bulletin boards but the material presented must be informational rather than promotional in nature.
- (4) Posters must specify time, place and sponsor of event.
- (5) Posters in Old Main are restricted to the bulletin board in the south wing and to the board at the main entrance. Posters in the Viking Union are restricted to the board in the main lobby, the board by the entrance to coffee

shop, and other designated areas. All posters distributed in areas mentioned above must be approved by the Director of Student Activities. All posters placed in residence halls require the approval of the resident director or hall president. Posters in all other areas not specified above must be approved by the building chairman of the respective building.

- (6) Posters may be disapproved if their content is obscene or slanderous.

C. PLACEMENT

POLICY:

The College endorses a free and open placement and recruitment policy.

RULE:

Any person representing himself or a company/organization who is interested in hiring individuals for employment shall be defined as a recruiter. Recruiters, as defined above, or students wishing to contact said recruiter, cannot be discriminated against under the present antidiscrimination regulations of the State Board Against Discrimination. Any student wishing to use the Placement Office to talk with recruiters for reasons other than employment must adhere to the procedures required of those seeking employment.

D. DISORDERLY CONDUCT

RULE:

No student shall materially or substantially disrupt college activities, nor shall a student intentionally physically abuse another person or damage property at the College or while engaged in college activities on or off campus.

E. ALCOHOLIC BEVERAGES

RULE:

With regard to alcoholic beverages on the College campus, the following policy is in effect. The College prohibits the use or possession of alcoholic beverages on College property except by persons of legal age within the following prescribed limits:

1. Alcoholic beverages may be used or possessed only in living unit rooms, suites or apartments. For the purposes of this policy, the College considers these to be private residences.
2. Alcoholic beverages may only be used or possessed in those buildings where such is first approved by the Dean of Students and where a policy permitting such is ratified by a two-thirds majority of the students in residence.
3. The intent of this policy is not to provide opportunities for large gatherings for the consumption of alcohol. Keggers or cocktail parties are not permitted under this policy.
4. Alcoholic beverages may be used or possessed only within the confines of Washington State Law.

In order that all students be fully aware of existing state statutes regarding alcohol use and possession, the following are included in this section for your information.

RCW 66.04.010 (24) defines "public place" in part as follows: "Public place" includes streets and alleys of incorporated cities and towns; state or county or township highways or roads; buildings and grounds used for school purposes; . . . public buildings, public meeting halls, lobbies, halls and dining rooms of hotels, restaurants, theatres, stores, garages and filling stations which are open to and are generally used by the public, and to which the public is permitted to have unrestricted access; . . . publicly owned bathing beaches, parks,

and/or playgrounds; and all other places of like or similar nature to which the general public has unrestricted right of access, and which are generally used by the public.

RCW 66.44.100 Opening or consuming liquor in public place. Except as permitted by this title, no person shall open the package containing liquor or consume liquor in a public place. Every person who violates any provision of this section shall be guilty of a misdemeanor, and on conviction therefore shall be fined not more than ten dollars.

RCW 66.44.110 Intoxication in public place. No person who is intoxicated shall be or remain in any public place, and every person who violates any provision of this section shall be liable, on conviction for a first offense to a penalty of not more than ten dollars; and for a third or subsequent offense to imprisonment for not more than thirty days, with or without hard labor, without the option of a fine.

RCW 66.44.130 Sales of liquor by drink or bottle. Except as otherwise provided in this title, every person who sells by the drink or bottle, any liquor shall be guilty of a violation of this title.

RCW 66.44.150 Buying liquor illegally. If any person in this state buys alcoholic beverages from any person other than the board, a state liquor store, or some person authorized by the board to sell them, he shall be guilty of a misdemeanor.

RCW 66.44.270 Furnishing liquor to minors—possession, use. Except in the case of liquor given or permitted to be given to a person under the age of twenty-one years by his parent or guardian for beverage or medicinal purposes, or administered to him by his physician or dentist for medicinal purposes, no person shall give, or otherwise supply liquor to any

person under the age of twenty-one years, or permit any person under that age to consume liquor on his premises or on any premises under his control. It is unlawful for any person under the age of twenty-one years to acquire or have in his possession or consume any liquor except as in this section provided and except when such liquor is being used in connection with religious services.

RCW 66.44.290 Minor purchasing or attempting to purchase liquor. Every person under the age of twenty-one years who purchases or attempts to purchase liquor shall be guilty of a violation of this title.

RCW 66.44.291 Penalty against persons between ages of eighteen and twenty, inclusive. Every person between the ages of eighteen and twenty, inclusive, who is convicted of a violation of RCW 66.44.290 shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail for a term of not more than thirty days, or both.

RCW 66.44.300 Treating minor, etc., in public place where liquor sold. Any person who invites a minor into a public place where liquor is sold and treats, gives or purchases liquor for such minor, or permits a minor to treat, give or purchase liquor for him; or holds out such minor to be over the age of twenty-one years to the owner of the liquor establishment shall be guilty of a misdemeanor.

RCW 66.44.310 Minors frequenting taverns—misrepresentation of age. (1) It shall be a misdemeanor, (a) To serve or allow to remain on the premises of any tavern any person under the age of twenty-one years; (b) For any person under the age of twenty-one years to enter or remain on the premises of any tavern; (c) For any person under the age of twenty-one years to represent his age as being twenty-

one or more years for the purpose of securing admission to or remaining on the premises of any tavern.

RCW 66.44.320 Sales of liquor to minors a felony. Every person who shall sell any intoxicating liquor to any minor shall be guilty of a felony.

RCW.44.325 Unlawful transfer to a minor of an identification of age. Any person who transfers in any manner an identification of age to a minor for the purpose of permitting such minor to obtain alcoholic beverages shall be guilty of a misdemeanor: *Provided*, that corroborative testimony of a witness other than the minor shall be a condition precedent to conviction.

F. DRUGS

POLICY:

With respect to the use of drugs by members of the college community, the College recognizes a responsibility to provide educational information and counseling facilities. Information and a listing of locations where students may seek confidential assistance can be found in the college drug publication.

The College acknowledges and upholds the legal restrictions regarding drugs. In light of this educational relationship between the College and its students, the College believes that illegal drugs, by virtue of their alleged physical and psychological effects, are inappropriate in an educational setting.

RULE:

The use, possession, sale, gift or exchange of illegal drugs is prohibited on campus or at college sponsored events on or off campus.

G. THEFT

RULE:

Theft of personal or public property shall constitute a violation of this code.

H. FIREARMS AND EXPLOSIVES

RULE:

Possession or use of firearms or explosives on the campus is prohibited, except possession of firearms is permitted when a residence hall student is in the process of checking a firearm in or out of storage with a residence hall staff member. The loading and unloading of firearms on campus is prohibited.

I. RESIDENCE HALL ROOM VISITATION

RULE:

Room visitation by members of the opposite sex is permitted within the policy established by Inter-Hall Council as approved by the administration (and the Board of Trustees). Each hall's program becomes effective when (1) the proposal has been approved by a favorable vote of two-thirds of that hall's residents, and (2) I-HC has passed the hall's proposal. Hours and any additional regulations will be posted conspicuously in each hall, and it is the responsibility of host-hostess and guests alike to be acquainted with the regulations of each individual hall. Violations of these regulations are considered violations of this guide.

J. STUDENT IDENTIFICATION CARD

POLICY:

Each student, upon enrollment at the College, is issued a student identification card. The College, through this card, maintains the right to seek proper identification of persons on the campus and to determine what connection, if any, they have with the campus. Students, when identified as legitimate members of the campus community, are to be afforded all rights due them under this guide.

RULE:

Upon the request of security officers or other individuals charged with the responsibility of enforcing college regulations, a

person suspected of violating this guide is required to identify himself as a student by showing his student identification card.

K. FAILURE TO APPEAR BEFORE A JUDICIAL HEARING

RULE:

The failure of a student (formally charged under this guide) to appear before a judiciary body when so requested shall be a separate violation of the Guide to Student Rights and Responsibilities.

L. FAILURE TO ADHERE TO JUDICIAL BOARD SANCTIONS

RULE: Failure of a student to obey a sanction of a judicial body shall be a violation of the Guide to Student Rights and Responsibilities.

II. JUDICIAL PROCEEDINGS

A. Procedural Rights of Students

1. Rights of the Accused

a. An accused student has the right to a fair and impartial hearing before the appropriate committee composed of members of the academic community.

b. No student may be asked by a college official or judiciary body to give information or to answer any question concerning the alleged violation of the Guide to Student Rights and Responsibilities which he is suspected of having committed until he has been informed of:

(1) the fact that he is suspected of having violated the Guide to Student Rights and Responsibilities and which regulation he is suspected of having violated,

- (2) *the nature and approximate date of the activity in which he is suspected of having engaged,*
- (3) *the fact that he need not give any information regarding the alleged acts.*

- c. In all judicial proceedings the student shall enjoy the right to speak on his own behalf.
 - d. Both the judiciary body and the student shall enjoy the right to call any resource persons whom they wish to speak concerning the case, subject to the rules of privilege recognized by law and rules excluding evidence which is incompetent, irrelevant, immaterial or unduly repetitious.
 - e. *The accused student has the right to know his accuser(s) and to cross-examine him (them) and those who present evidence against the accused.*
 - f. A student shall not be subjected to college judicial action more than once for a single violation of a regulation.
 - g. The burden of proof rests with the accuser(s). Said burden shall be carried if guilt is indicated by a fair preponderance of the evidence considered as a whole.
2. Procedures
- a. All students required to appear before a judiciary body shall be notified in writing as to why their appearance has been requested. Such notification shall include:
 - (1) a specific list of charges,
 - (2) the specific rules, policies and/or guidelines violated,
 - (3) the time and place of hearing,
 - (4) a copy of the student's rights as stated herein.
 The notification shall be sent by certified mail or hand delivered. When certified mail is used as a means of notification, the letter will be mailed to the student charged at the last known address on file in the Dean of Students

office. The letter shall be considered received by this rule two working days after deposit in the U.S. mail. The student must receive notification of the charge one week prior to the Intermediate All-Student Judiciary Board or the College Judiciary Board hearing. Residence hall judiciaries may hear cases 24 hours after notification unless the accused requests in writing an extension of up to one week.

- b. *Any student who withdraws from the College and absents himself from a scheduled appearance before a judiciary body is not excused from the jurisdiction of that body if at some time in the future he wishes to re-enroll. A "hold" will be placed on the accused's official record for five years unless he makes an appearance before the appropriate board before that time. In residence hall cases, if the accused leaves the hall before its judiciary can hear the case, the case will be referred to the Intermediate All-Student Judiciary Board.*
- c. All hearings shall be closed to the public and all persons not directly related to the proceedings. The hearing will be opened if the student so requests in writing to the chairman of the board. The board chairman may declare an open hearing closed if in his judgment the observers demonstrate disruptive behavior. The chairman of any judiciary body may require resource persons to leave the hearing if in the judgment of the chairman these persons are demonstrating disruptive behavior.
- d. Each member of a judicial body shall have one vote in arriving at conclusions of that body. A simple majority shall be required to render a

decision. A member who considers himself unable to render an impartial decision in any particular case shall absent himself from the deliberations. The decision of the judiciary body shall be based solely on the evidence presented.

- e. *The judiciary body will notify the accused in writing as to the disposition of his case and the appeal resource available to him.*
- f. The judiciary body will make a procedural record of each case it handles. This record shall include:
 - (1) a statement of charges,
 - (2) a listing of participants in the judicial action,
 - (3) a summary of evidence presented (pro and con),
 - (4) a clear designation of action taken,
 - (5) a statement of the appeal recourse available.
 This record will be delivered to the Dean of Students office for filing. It may not be opened to public inspection except at the written request of the student. In residence hall cases, a copy of the procedural record shall be retained in the hall judiciary's file for one year. The same strictures governing confidentiality of records shall apply.
- g. *College judiciary proceedings are instituted only for violations of college regulations established in advance and published in a place generally accessible to students.*
- h. Responsibility for interpreting the Guide to Student Rights and Responsibilities is vested in the judiciary body while deliberating on the disposition of particular cases. A decision whether certain acts constitute

a violation of the Guide to Student Rights and Responsibilities shall be made with reference to "was forewarning that the act was prohibited given to students according to a reasonable interpretation of the language of the regulation?" In discharging its responsibility of interpretation, the judiciary body may call upon the Committee on Student Rights and Responsibilities for an advisory interpretation of the Guide to Student Rights and Responsibilities.

3. Appeals

- a. An accused student shall enjoy the right of appeal, and no sanction(s) may be invoked while such appeal is pending. Any appeal may be considered de novo at the discretion of the appellate body.
- b. The appeal route shall be from the residence hall judicial board to the Intermediate All-Student Judiciary Board, thence to the College Judiciary Board. Any decision of the College Judiciary Board may be appealed to the President of the College.
- c. Within one week of receipt of a decision of a judicial body, the student may appeal that decision to the next highest body in the following manner:
 - (1) The appellant shall inform the Dean of Students of his intent in writing. This letter must include his reason(s) for appeal.
 - (2) The Dean of Students will forward the appeal to the judiciary body's chairman, who will arrange for a suitable time and place for a hearing and will notify all individuals involved.

B. Judicial Boards

1. College Judiciary Board

a. Structure

The College Judiciary Board will consist of six

members: two faculty, three students, and one member of the student personnel staff.

b. Selection

- (1) The two faculty members will be appointed by the Faculty Council.
- (2) The representative of the student personnel staff will be appointed by the Dean of Students.
- (3) The three student members will be selected by the same procedure used in the selection of student representatives to the Intermediate All-Student Judiciary Board. All appointments for each academic year will be made during the Fall quarter of each year.
- (4) The chairman will be elected from within the group.

c. Jurisdiction

The College Judiciary Board will only entertain appeals from the Intermediate All-Student Judiciary Board with the exception of sanctions recommending suspension from the College, which will be reviewed automatically.

2. Intermediate All-Student Judiciary Board

a. Structure

- (1) The Board will be coeducational, composed of eight student members.
- (2) A minimum of two members must be of the opposite sex of the other six.
- (3) The chairman will be elected from within the group.
- (4) A non-voting faculty adviser for the Board will be appointed by the College President.

b. Selection

- (1) The Board will be selected by a group composed of the Associated Students' President, a legislator selected by the A.S. Legislature, the Inter-Hall Council Chairman, four

students drawn randomly from the student body, the Dean of Students, and the Board's faculty adviser.

- (2) Only students submitting application forms will be considered for selection.
- (3) Board members' term of office will be three consecutive quarters. Four Board members will be selected within the first three weeks of Fall quarter and four will be selected within the first two weeks of Spring quarter. Three alternates will be chosen and ranked concurrently with the above selections.
- (4) Should a vacancy occur in the Board between selection times, that position will be filled by the top-ranked alternate. The selection board will be convened in the event alternates are unavailable.

c. Jurisdiction

The areas of jurisdiction for the Intermediate All-Student Judiciary Board will be:

- (1) all appeals and referrals from the residence hall judicial boards.
- (2) violations of college regulations outside the jurisdiction of the residence hall boards, including
 - (a) violations occurring when more than two residences are involved,
 - (b) violations by individuals who are not residing in college residence halls,
 - (c) violations at college-sponsored functions,
 - (d) violations of the drug policy,
 - (e) violations of the college regulations outside the physical confines of residence halls.

3. Residence Hall Judiciaries

a. Structure

Each residence hall has its own judicial body as provided for by the hall constitution.

b. Selection

Judicial board members are selected from the hall's resident population, and the specific method of selection varies by halls.

c. Jurisdiction

(1) Each Residence Hall Judiciary Board will have jurisdiction over:

- (a) violations of hall regulations by residents within their hall,
- (b) violations of college regulations by residents within their hall,
- (c) violations of hall or college regulations by their residents in another hall,

EXCEPTIONS: areas within the jurisdiction of the Intermediate All-Student Judiciary Board, as previously listed.

4. Fairhaven Judiciary Board Fairhaven College, by implication of its charter, has autonomy with respect to the judiciary process on the Fairhaven Campus. The procedure at Fairhaven is subject to community review and change, and is established in a manner consonant with the Fairhaven Philosophy. The current judicial guidelines are consistent with the judicial guidelines and due process rights outlined in the Guide to Student Rights and Responsibilities.

The Fairhaven Judiciary Board currently handles all violations of the Guide to Student Rights and Responsibilities and any violations of special Fairhaven restrictions by Fairhaven students on the Fairhaven Campus. Violations of the Guide to Student Rights and Responsibilities by Fairhaven students on the Western Campus will normally be handled by the appropriate Western Judicial Body.

C. Types of Judicial Action

1. College Judiciary Board

- a. The sanction of suspension is reserved to this board.
- b. This board entertains appeals.

2. Intermediate All-Student Judiciary Board

a. Sanctions recommended as appropriate for the Intermediate All-Student Judiciary Board are:

- (1) all sanctions available to residence hall judicial board.
- (2) campus activity restriction—loss of right to attend college social, athletic and entertainment events;
- (3) loss of right to represent college in a) athletics, b) debate, c) drama, d) music, e) student government and other elected offices, f) appointive offices;
- (4) loss of campus employment (it is recognized that this sanction could constitute, in effect, suspension for those in dire economic need);
- (5) appropriate measures as defined by the Board's discretion;
- (6) recommendation to the College Judiciary Board for suspension from the institution.

3. Residence Hall Judiciary Boards

a. Sanctions recommended as appropriate for hall boards include:

- (1) official warning/reprimand with letter to be kept on file in the Dean of Students office,
- (2) hall social probation,
- (3) campus social probation,
- (4) removal from the hall for a specified length of time,
- (5) referrals to the Intermediate All-Student Judiciary Board when:
 - (a) recommendation is for removal from the Residence Hall system,

(b) in the judgment of an individual hall board it cannot handle a particular case.

III. COMMITTEE ON STUDENT RIGHTS AND RESPONSIBILITIES

Of primary concern to this committee is the student conduct and judicial program. Composed of three students, three faculty, and one representative from the Dean of Students Office, this committee encourages free, responsible, exemplary student conduct at Western. The specific responsibilities of this committee are to:

- 1. Recommend policies relating to student rights and responsibilities.
- 2. Re-evaluate on a continual basis the Guide to Student Rights and Responsibilities.
- 3. Formulate rules and enforcement procedures within the framework of existing policies.
- 4. Recommend changes in the administration of student rights and responsibilities.
- 5. Act as a clearing house for recommendations and comments from all members of the college community that relate to the Guide to Student Rights and Responsibilities.
- 6. Serve as an authority for interpretation of the Guide to Student Rights and Responsibilities.

JUDICIAL STRUCTURE

