

TRANSMITTAL OF RULES ADOPTED BY INSTITUTION OF HIGHER EDUCATION

FROM: Central Washington University  
(Name of Institution)

TO: CODE REVISER  
LEGISLATIVE BLDG. (Southwest Corner, Ground Floor)  
OLYMPIA 98504

The enclosed rules  Permanent rules  Emergency rules, being Order No. 36  
relating to (Name of rules or description of subject matter)

Equal Employment Opportunity Policy

(ALTERNATIVE A. Use only for adoption of permanent rules)

pursuant to Notice No. 7792 (1) filed with the code reviser  
on Oct. 4, 1977 (2) were regularly adopted as permanent rules of  
(date)  
this institution at C.W.U. campus on 11/8/77 and are herewith  
(place) (date)  
filed in the office of the code reviser pursuant to chapter 28B.19  
RCW. The effective date of such rules shall be \_\_\_\_\_ (3)

(ALTERNATIVE B. Use only for adoption of emergency rules)

pursuant to its finding in the attached administrative order,  
that the immediate adoption of these rules is necessary for the  
preservation of the public health, safety, or general welfare and  
that observance of the requirements of notice and opportunity to  
present views on the proposed action would be contrary to the  
public interest, were regularly adopted as emergency rules of this  
institution at \_\_\_\_\_ on \_\_\_\_\_ and  
(place) (date)  
are herewith filed in the office of the code reviser pursuant to  
chapter 28B.19 RCW.

The undersigned hereby certifies that the requirements of chapter  
28B.19 RCW and of the Open Public Meetings Act of 1971, chapter  
42.30 RCW have been fulfilled.

Dated this Ninth day of November 19 77.

STATE OF WASHINGTON  
**FILED**  
NOV 14 1977

Central Washington University  
(INSTITUTION)  
P. Owen F. Clarke Jr.  
By  
Assistant Attorney General  
Title

CODE REVISER'S OFFICE  
DOCKET # 8623 FILE # 2

- ① Notice number as appears on the copy of notice returned to you by reviser's office (if proceedings were continued, use no. of last notice)
- ② Stamped date as appears on the copy of notice returned to you by reviser's office (if proceedings were continued, use date of last notice)
- ③ Unless a later date is specified in this order or is prescribed in another statute, rules are effective 30 days after filing:  
RCW 28B.19.050(2). Leave this space blank except in such special cases.

STATE OF WASHINGTON  
CENTRAL WASHINGTON UNIVERSITY

ADMINISTRATIVE ORDER NO. 36

(1) I, Jimmie R. Applegate, Special Assistant to the President of Central Washington University, by virtue of the authority vested in me under chapters 34.04, 28B.19 and 28B.40.120 RCW, Central Washington University Board of Trustees Resolution No. 71-16, and a letter of designation from the President, do promulgate and adopt as permanent rules of this institution, the annexed rules and regulations to wit:

Amendment to WAC 106-112-200, 106-112-210, 106-112-220, and 106-112-230 and an addition of WAC 106-112-240.

(2) This order after being first recorded in the order register of this institution shall be forwarded to the Code Reviser for filing pursuant to chapter 28B.19 RCW and chapter 1-13 WAC.

APPROVED AND ADOPTED November 8, 1977

BY Jimmie R. Applegate  
Special Assistant to the President

## AMENDATORY SECTION

WAC 106-112-200 EQUAL EMPLOYMENT OPPORTUNITY POLICY. Central Washington ~~((State-College))~~ University ~~((will))~~ provides equal employment opportunity to all persons on the basis of merit ~~((and))~~ without ~~((discrimination-because-of))~~ regard to race, creed, color, religion, sex, marital status, age, national origin, or the presence of any sensory, physical, or mental handicap unless based upon a bona fide positional requirement. The ~~((College))~~ University also ~~((extends))~~ provides equal employment opportunity to persons ~~((possessing))~~ who have had criminal convictions ~~((,))~~ ; however, the employment of ~~((a-person possessing-a-criminal-conviction))~~ such persons will be contingent upon a thorough review of the specific ~~((convictions))~~ of offenses and their relationship to the welfare of the ~~((College))~~ University. The ~~((College))~~ University precludes the employment of persons ~~((possessing))~~ having had criminal convictions in the Campus Police Department.

~~((The-College-will-provide-equal-opportunity-for-all-qualified-persons,-and-will-promote-equal-employment-opportunity through-positive-affirmative-efforts-in-each-department-and organizational-unit,-This-policy-of-equal-employment-opportunity-applies-to-everyone-involved-in-employment-policies-and practices-at-Central-Washington-State-College-))~~

The ~~((College))~~ University will take affirmative action to ~~((insure-that-all-applicants-receive-fair-consideration-for employment,-and-that-all-employees-are-treated-fairly-during employment,-without-regard-to-their-race,-creed,-color,-religion, sex,-marital-status,-age,-national-origin,-criminal-conviction, the-presence-of-any-sensory,-physical-or-mental-handicap))~~ ensure equal employment opportunity for all qualified minorities, women, Vietnam era veterans, handicapped persons and persons between the ages of 40 and 65 in all personnel actions pursuant to Federal Executive Orders 11246 ~~((and))~~ , 11375 and ~~((Governor Evans'-Executive-Order-72-07-))~~ 11141, U. S. Department of Labor's Revised Order No. 4, Sections 501-504 of the Vocational Rehabilitation Act of 1973 and Chapter 42, Section 2012 of the Vietnam Era Veterans' Readjustment Act of 1974. ~~((The-College))~~ Further, the University will ~~((insure))~~ ensure that all personnel actions ~~((including-promotion-decisions-will-be))~~ are administered without regard to race, creed, color, religion, sex, marital status, age, national origin, or the presence of any sensory, physical or mental handicap ~~((unless-based-upon-a bona-fide-positional-requirement-))~~ pursuant to the Governor's Executive Order 72-07 and RCW 49.60.

No department, organizational unit, employing authority or employee will be excluded from compliance with the provisions of this policy.

AMENDATORY SECTION

WAC 106-112-210 ESTABLISH GOALS AND TIMETABLES. Each department and organizational unit of the ~~((College-must))~~ University will determine , with the assistance of the Affirmative Action Director, whether ~~((or-not))~~ women and minorities are underutilized in its employee work force; and, if deficiencies are found, separate goals and timetables ~~((must))~~ will be developed ~~((for-both-women-and-minorities))~~ to overcome that underutilization. Underutilization is defined in the regulations as "having fewer women or minorities in a particular job than would reasonably be expected by their availability." (Higher Education Guidelines - Executive Order 11246, p. 3.)

~~((Nothing-in-this-policy-shall-be-construed-to-effect-employment-quotas-of-any-type-~~

~~if-underutilization-is-determined,-then-realistic-goals-and-timetables-will-be-set-for-both-women-and-minorities,-))~~ The University and each organizational unit will make every possible effort to recruit and employ qualified minorities and women to fill current and future vacancies in order to achieve its goals ~~((.)~~ , searching for personnel in areas and channels previously unexplored to the extent necessary to overcome underutilization. Before each vacancy can be officially filled, the Affirmative Action Director must certify that every possible effort has been made to recruit, employ or promote women and minorities ~~((--This is))~~ to ~~((insure))~~ ensure that the ~~((College))~~ University is constantly and in good faith moving towards the goals of increased employment for women and minority persons.

~~((This-mandate-does-not))~~ Nothing in this policy shall be construed to establish employment quotas of any kind. Nor does this policy require departments and organizational units to hire unqualified women and minorities ~~((.)~~ or to abandon its long standing policy of hiring and promoting only the best qualified persons. Neither the Federal nor State Executive Orders require the ~~((College))~~ University to "...eliminate or dilute standards which are necessary to the successful performance of the institution's educational and research functions." (Higher Education Guidelines - Executive Order 11246, p. 4.) However, the Federal Executive Orders do require "that any standards or criteria which have the effect of excluding women and minorities be eliminated unless the contractor ~~((the-College))~~ can demonstrate that such criteria are conditions of successful performance in the particular position involved." (Higher Education Guidelines- Executive Order 11246, p. 4.)

~~((This-does-not-mean-that-only-members-of-a-particular-minority-group-or-sex-will-be-considered-for-employment,---However,-it-does-mean-that-the-College-must-recruit-and-hire-qualified-women-and-minority-persons-as-actively-as-it-has-recruited-and-hired-nonminority-males.--To-the-extent-necessary-to-overcome-underutilization,-the-College-must-search-in-areas-and-channels-previously-unexplored-))~~

## AMENDATORY SECTION

WAC 106-112-220 COMPLAINTS OF DISCRIMINATION. The Affirmative Action ~~((Plan))~~ Program ~~((with))~~ provides for the prompt, fair and impartial consideration of all complaints of discrimination against the ~~((College))~~ University because of race, creed, color, religion, sex, marital status, age, national origin, criminal conviction, the presence of any sensory, physical or mental handicap. Employees, students, or their representatives filing a discrimination ~~((grievance))~~ complaint will not be subject to harassment, intimidation or disciplinary action based upon filing such ~~((grievance))~~ complaint. Procedures for considering complaints of discrimination are established ~~((in))~~ as a part of the ~~((College's))~~ University's Affirmative Action ~~((Policy))~~ Program.

## AMENDATORY SECTION

WAC 106-112-230 COMMITMENT TO AFFIRMATIVE ACTION. Affirmative action demands a conscious and deliberate commitment by the ~~((College))~~ University to change attitudes and to ~~((consider))~~ seek for employment all available qualified women and minorities within the relevant job categories ~~((of))~~ in the ~~((established))~~ appropriate recruiting area. The ~~((College's))~~ University's commitment to ~~((achieve))~~ equal employment opportunity will be based upon recruiting ~~((and))~~ hiring and promoting the ~~((most))~~ best qualified applicants for all vacant positions. ~~((It-is-complicated-and-time-consuming-but))~~ Such a commitment is required under the aforementioned State and Federal Executive Orders (See WAC 106-112-200). Failure to comply is a violation of the law.

## NEW SECTION

WAC 106-112-240 NON-DISCRIMINATION IN DELIVERY OF SERVICES. Central Washington University will provide equal access to all programs for all students on the basis of merit without regard to race, color, religion, sex, age, national origin, marital status or the presence of any sensory, physical or mental handicap.

No person will be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity sponsored by the University, pursuant to Title VI of the Civil Rights Act of 1964, Section 303 of the Age Discrimination Act of 1975, Section 504 of the Vocational Rehabilitation Act of 1973 and Title IX of the Educational Amendments of 1972. Further, the University will ensure that no person will be denied access for participation in or be discriminated against

under any program or activity sponsored by the University on the basis of race, creed, color, sex, age, national origin, marital status or the presence of any sensory, physical or mental handicap pursuant to the Governor's Executive Order issued August 2, 1966 and RCW 49.60.