

# Title 132A WAC

## COMMUNITY COLLEGES—PENINSULA COLLEGE

<b>Chapters</b>	
<b>132A-104</b>	<b>Board of trustees.</b>
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### DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE

#### Chapter 132A-128 REDUCTION IN FORCE AND TENURE CODE

132A-128-005	Purpose of policies. [Order 3, § 132A-128-005, filed 12/8/76.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
132A-128-010	Notification of potential RIF. [Order 3, § 132A-128-010, filed 12/8/76.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
132A-128-015	Employee consultation and response. [Order 3, § 132A-128-015, filed 12/8/76.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
132A-128-020	Major criteria for layoff. [Order 3, § 132A-128-020, filed 12/8/76.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
132A-128-025	Necessary duties. [Order 3, § 132A-128-025, filed 12/8/76.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
132A-128-030	Order of layoff. [Order 3, § 132A-128-030, filed 12/8/76.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
132A-128-035	Seniority. [Order 3, § 132A-128-035, filed 12/8/76.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
132A-128-040	Determination of qualifications. [Order 3, § 132A-128-040, filed 12/8/76.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
132A-128-045	Right to recall. [Order 3, § 132A-128-045, filed 12/8/76.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
132A-128-050	Dismissal policy. [Order 3, § 132A-128-050, filed 12/8/76.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
132A-128-060	Procedure for layoff or dismissal. [Order 3, § 132A-128-060, filed 12/8/76.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
132A-128-070	Hearing. [Order 3, § 132A-128-070, filed 12/8/76.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
132A-128-080	Recommendations. [Order 3, § 132A-128-080, filed 12/8/76.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
132A-128-090	Waiver of rights. [Order 3, § 132A-128-090, filed 12/8/76.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.

132A-128-100 Evaluation policy. [Order 3, § 132A-128-100, filed 12/8/76.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.

#### Chapter 132A-136 USE OF COLLEGE FACILITIES—ACADEMIC

132A-136-005	Placement service. [Order 4, § 132A-136-005, filed 8/31/77.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
132A-136-010	Student publications. [Statutory Authority: Chapter 28B.50 RCW. 84-14-019 (Order 8, Resolution No. 84-09-031), § 132A-136-010, filed 6/26/84; Order 4, § 132A-136-010, filed 8/31/77.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
132A-136-015	Distribution of material on campus. [Order 4, § 132A-136-015, filed 8/31/77.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
132A-136-020	Speakers policy. [Order 4, § 132A-136-020, filed 8/31/77.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
132A-136-025	Use of facilities. [Order 4, § 132A-136-025, filed 8/31/77.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
132A-136-030	Smoking regulations. [Order 4, § 132A-136-030, filed 8/31/77.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.

#### Chapter 132A-156 COLLEGE HOUSING

132A-156-005	General regulations. [Order 4, § 132A-156-005, filed 8/31/77.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
132A-156-006	Applications. [Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-156-006, filed 7/20/99, effective 8/20/99.] Repealed by 05-14-142, filed 7/5/05, effective 8/5/05. Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW.
132A-156-010	Specific regulations. [Order 4, § 132A-156-010, filed 8/31/77.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
132A-156-011	Fees. [Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-156-011, filed 7/20/99, effective 8/20/99.] Repealed by 05-14-142, filed 7/5/05, effective 8/5/05. Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW.
132A-156-015	Visitors. [Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 80-06-098 (Order 5, Resolution 80-04-016), § 132A-156-015, filed 5/30/80; Order 4, § 132A-156-015, filed 8/31/77.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
132A-156-016	Discipline. [Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-156-016, filed 7/20/99, effective 8/20/99.] Repealed by 05-14-142, filed 7/5/05, effective 8/5/05. Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW.
132A-156-020	Attire. [Order 4, § 132A-156-020, filed 8/31/77.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
132A-156-025	Damages. [Order 4, § 132A-156-025, filed 8/31/77.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
132A-156-030	Room inspection. [Order 4, § 132A-156-030, filed 8/31/77.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.

#### Chapter 132A-165 SCHOLASTIC STANDARDS

132A-165-005	Admission. [Statutory Authority: Chapters 28B.50, 28B.15 and 28B.10 RCW. 83-14-068 (Order 7, Resolution No. 83-09-041), § 132A-165-005, filed 7/5/83.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
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- 132A-165-015 Assessment and placement. [Statutory Authority: Chapters 28B.50, 28B.15 and 28B.10 RCW. 83-14-068 (Order 7, Resolution No. 83-09-041), § 132A-165-015, filed 7/5/83.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
- 132A-165-025 Advanced placement in English. [Statutory Authority: Chapters 28B.50, 28B.15 and 28B.10 RCW. 83-14-068 (Order 7, Resolution No. 83-09-041), § 132A-165-025, filed 7/5/83.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
- 132A-165-035 Grading. [Statutory Authority: Chapters 28B.50, 28B.15 and 28B.10 RCW. 83-14-068 (Order 7, Resolution No. 83-09-041), § 132A-165-035, filed 7/5/83.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
- 132A-165-045 Honor roll. [Statutory Authority: Chapters 28B.50, 28B.15 and 28B.10 RCW. 83-14-068 (Order 7, Resolution No. 83-09-041), § 132A-165-045, filed 7/5/83.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
- 132A-165-055 Academic probation. [Statutory Authority: Chapters 28B.50, 28B.15 and 28B.10 RCW. 83-14-068 (Order 7, Resolution No. 83-09-041), § 132A-165-055, filed 7/5/83.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
- 132A-165-065 Transfer policies. [Statutory Authority: Chapters 28B.50, 28B.15 and 28B.10 RCW. 83-14-068 (Order 7, Resolution No. 83-09-041), § 132A-165-065, filed 7/5/83.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
- 132A-165-075 Armed services courses. [Statutory Authority: Chapters 28B.50, 28B.15 and 28B.10 RCW. 83-14-068 (Order 7, Resolution No. 83-09-041), § 132A-165-075, filed 7/5/83.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
- 132A-165-085 College level examination program (CLEP). [Statutory Authority: Chapters 28B.50, 28B.15 and 28B.10 RCW. 83-14-068 (Order 7, Resolution No. 83-09-041), § 132A-165-085, filed 7/5/83.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.

**Chapter 132A-180****COPYRIGHT AND PATENT POLICIES**

- 132A-180-005 General statement. [Order 2, § 132A-180-005, filed 12/8/76.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
- 132A-180-010 Scope of policy. [Order 2, § 132A-180-010, filed 12/8/76.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
- 132A-180-015 Materials subject to copyright. [Order 2, § 132A-180-015, filed 12/8/76.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
- 132A-180-020 Rights to copyrightable materials. [Order 2, § 132A-180-020, filed 12/8/76.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
- 132A-180-025 Procedures. [Order 2, § 132A-180-025, filed 12/8/76.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
- 132A-180-030 Use of materials. [Order 2, § 132A-180-030, filed 12/8/76.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
- 132A-180-035 Payments to the individual creator. [Order 2, § 132A-180-035, filed 12/8/76.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
- 132A-180-040 Protection and liability. [Order 2, § 132A-180-040, filed 12/8/76.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.

**Chapter 132A-300****GRIEVANCE RULES—TITLE IX**

- 132A-300-005 Statement of policy. [Order 4, § 132A-300-005, filed 8/31/77.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
- 132A-300-010 Grievance procedure. [Order 4, § 132A-300-010, filed 8/31/77.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.

**Chapter 132A-310****GRIEVANCE PROCEDURES—HANDICAPPED**

- 132A-310-005 Statement of policy. [Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 80-06-098 (Order 5, Resolution No. 80-04-016), § 132A-310-005, filed 5/30/80.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.

- 132A-310-010 Grievance procedure. [Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 80-06-098 (Order 5, Resolution No. 80-04-016), § 132A-310-010, filed 5/30/80.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.

**Chapter 132A-104 WAC  
BOARD OF TRUSTEES****WAC**

- 132A-104-011 The board of trustees.
- 132A-104-016 Meetings of the board of trustees.
- 132A-104-021 Communication to the board of trustees.

**DISPOSITION OF SECTIONS FORMERLY  
CODIFIED IN THIS CHAPTER**

- 132A-104-005 Board meetings. [Order 3, § 132A-104-005, filed 12/8/76.] Repealed by 81-10-039 (Order 6, Resolution No. 81-06-031), filed 4/30/81. Statutory Authority: Chapter 28B.50 RCW, RCW 28B.50.140(13), and 28B.50.130.
- 132A-104-010 Conduct of business. [Order 3, § 132A-104-010, filed 12/8/76.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
- 132A-104-015 Place of meetings. [Order 3, § 132A-104-015, filed 12/8/76.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
- 132A-104-020 Official minutes. [Order 3, § 132A-104-020, filed 12/8/76.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.

**WAC 132A-104-011 The board of trustees.** The government of Community College District No. 1 (Peninsula College) is vested in a five-person board of trustees. The trustees are appointed by the governor and serve five-year terms and/or until their successors are appointed. At its annual October meeting, the board elects a chairperson and vice-chairperson who serve for a term of one year and until their successors are elected from the membership of the board.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-104-011, filed 7/20/99, effective 8/20/99.]

**WAC 132A-104-016 Meetings of the board of trustees.** The board customarily holds meetings on the second Tuesday of each month at such place as it may designate. Notice of the time and place of all regular and special meetings shall be governed by the requirements of the Open Public Meetings Act, chapter 42.30 RCW.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-104-016, filed 7/20/99, effective 8/20/99.]

**WAC 132A-104-021 Communication to the board of trustees.** Persons who wish to bring a matter to the attention of the board of trustees may do so by submitting written communication to the Executive Secretary of the Board of Trustees, President's Office, Peninsula College, 1502 E. Lauridsen Boulevard, Port Angeles, Washington 98362.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-104-021, filed 7/20/99, effective 8/20/99.]

**Chapter 132A-108 WAC  
PRACTICE AND PROCEDURE****WAC**

- 132A-108-010 Adoption of model rules of procedure.

132A-108-020	Appointment of presiding officers.
132A-108-030	Method of recording.
132A-108-040	Application for adjudicative proceeding.
132A-108-050	Brief adjudicative procedures.
132A-108-060	Discovery.
132A-108-070	Procedure for closing parts of the hearings.
132A-108-080	Recording devices.
132A-108-090	Petitions for stay of effectiveness.

**WAC 132A-108-010 Adoption of model rules of procedure.** The model rules of procedure adopted by the chief administrative law judge pursuant to RCW 34.05.250, as now or hereafter amended, are hereby adopted for use at this institution. Those rules may be found in chapter 10-08 WAC. Other procedural rules adopted in this title are supplementary to the model rules of procedure. In the case of a conflict between the model rules of procedure and procedural rules adopted by this institution, the institution's rules shall govern. All procedural rules previously adopted at this institution are specifically repealed. These rules supersede all procedural rules previously adopted by this institution.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-108-010, filed 7/20/99, effective 8/20/99.]

**WAC 132A-108-020 Appointment of presiding officers.** The president or president's designee shall designate a presiding officer for an adjudicative proceeding. The presiding officer shall be an administrative law judge, a member in good standing of the Washington State Bar Association, a panel of individuals, the resident or designee, or any combination of the above. Where more than one individual is designated to be the presiding officer, one person shall be designated by the president or president's designee to make decisions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-108-020, filed 7/20/99, effective 8/20/99.]

**WAC 132A-108-030 Method of recording.** Proceedings shall be recorded by a method determined by the presiding officer, among those available pursuant to the model rules of procedure in WAC 10-08-170.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-108-030, filed 7/20/99, effective 8/20/99.]

**WAC 132A-108-040 Application for adjudicative proceeding.** Applications for adjudicative proceedings shall be in writing. Application forms are available at the following address:

President's Office  
 Peninsula College  
 1502 E. Lauridsen Boulevard  
 Port Angeles, WA 98362

Written applications for adjudicative proceedings should be submitted to the above address within twenty days of the agency action giving rise to the application, unless provided for otherwise by statute or rule.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-108-040, filed 7/20/99, effective 8/20/99.]

(2007 Ed.)

**WAC 132A-108-050 Brief adjudicative procedures.**

This rule is adopted in accordance with RCW 34.05.482 through 34.05.494, the provisions of which are hereby adopted. Brief adjudicative procedures shall be used in all matters related to:

- (1) Residency determination made pursuant to RCW 28B.15.013, conducted by the admissions/registration office;
- (2) Challenges to content of education records;
- (3) Student conduct proceedings. The procedural rules in chapter 132A-120 WAC apply to these proceedings;
- (4) Parking violations. The procedural rules in chapter 132A-116 WAC apply to these proceedings;
- (5) Outstanding debts owed by students or employees.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-108-050, filed 7/20/99, effective 8/20/99.]

**WAC 132A-108-060 Discovery.** Discovery in adjudicative proceedings may be permitted at the discretion of the presiding officer. In permitting discovery, the presiding officer shall make reference to the civil rules of procedure. The presiding officer shall have the power to control the frequency and nature of discovery permitted, and to order discovery conferences to discuss discovery issues.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-108-060, filed 7/20/99, effective 8/20/99.]

**WAC 132A-108-070 Procedure for closing parts of the hearings.** A party may apply for a protective order to close part of a hearing. The party making the request should state the reasons for making the application to the presiding officer. If the other party opposes the request, a written response to the request shall be made to the presiding officer within ten days of the request. The presiding officer shall determine which, if any, parts of the proceeding shall be closed, and state the reasons therefor in writing within twenty days of receiving the request.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-108-070, filed 7/20/99, effective 8/20/99.]

**WAC 132A-108-080 Recording devices.** No cameras or recording devices shall be allowed in those parts of proceedings which the presiding officer has determined shall be closed pursuant to WAC 132A-108-010, except for the method of official recording selected by the institution.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-108-080, filed 7/20/99, effective 8/20/99.]

**WAC 132A-108-090 Petitions for stay of effectiveness.** Disposition of a petition for stay of effectiveness of a final order shall be made by the official, officer, or body of officers who entered the final order.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-108-090, filed 7/20/99, effective 8/20/99.]

**Chapter 132A-116 WAC  
 MOTOR VEHICLE REGULATIONS**

**WAC**

132A-116-001	Authority.
132A-116-006	Registration.
132A-116-011	Parking fees.

132A-116-016	Visitor parking.
132A-116-021	General regulations.
132A-116-026	Enforcement.
132A-116-030	Appeal of fines and penalties.

**DISPOSITION OF SECTIONS FORMERLY  
CODIFIED IN THIS CHAPTER**

132A-116-005	Registration. [Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 80-06-098 (Order 5, Resolution No. 80-04-016), § 132A-116-005, filed 5/30/80; Order 3, § 132A-116-005, filed 12/8/76.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
132A-116-010	Physically handicapped. [Order 3, § 132A-116-010, filed 12/8/76.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
132A-116-015	Visitor parking. [Order 3, § 132A-116-015, filed 12/8/76.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
132A-116-020	General regulations. [Order 3, § 132A-116-020, filed 12/8/76.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
132A-116-025	Enforcement. [Statutory Authority: Chapter 28B.50 RCW. 84-14-019 (Order 8, Resolution No. 84-09-031), § 132A-116-025, filed 6/26/84. Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 80-06-098 (Order 5, Resolution No. 80-04-016), § 132A-116-025, filed 5/30/80; Order 3, § 132A-116-025, filed 12/8/76.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.

**WAC 132A-116-001 Authority.** Pursuant to the authority granted by RCW 28B.50.140(10), the board of trustees of Community College District No. 1 empowers the president or designee to make rules and regulations for pedestrian and vehicular traffic on property owned, operated, or maintained by the college district.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-116-001, filed 7/20/99, effective 8/20/99.]

**WAC 132A-116-006 Registration.** Employees requesting assigned parking are required to register and display parking permits on their vehicles.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-116-006, filed 7/20/99, effective 8/20/99.]

**WAC 132A-116-011 Parking fees.** All employees with assigned parking and all students will pay fees for campus parking. Fees for parking will be established by the board of trustees.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 03-13-133, § 132A-116-011, filed 6/18/03, effective 7/19/03; 99-15-072, § 132A-116-011, filed 7/20/99, effective 8/20/99.]

**WAC 132A-116-016 Visitor parking.** Parking spaces reserved for visitors are designated. Staff and student vehicles, regardless of registration, are not permitted to park in these areas. Unauthorized vehicles parked in violation may be towed away and impounded at the expense of the operator.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-116-016, filed 7/20/99, effective 8/20/99.]

**WAC 132A-116-021 General regulations.** (1) Parking is prohibited:

- (a) In spaces assigned to specific vehicles.
- (b) Along entrance or service roads to the campus designated as fire lanes.
- (c) On the campus proper.

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- (d) In front of the residence hall.
- (e) In assigned residence hall parking.
- (f) In the area of the professional/technical shops except cars awaiting maintenance.
- (g) In the area of the arts and crafts laboratories.
- (h) In loading areas, except while in the process of loading or unloading, and not to exceed thirty minutes.
- (2) Traffic in the main parking area is one-way as marked. Back-in parking is not permitted.
- (3) Parking is permitted only in marked spaces. Cars must be parked within traffic lines on both sides.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-116-021, filed 7/20/99, effective 8/20/99.]

**WAC 132A-116-026 Enforcement.** (1) Campus motor vehicle regulations are enforced by the Peninsula College employees operating under the direction of the college parking officer. Disabled and fire lane parking enforcement is monitored by local law enforcement agencies. Citations will be issued for traffic violations which include: Parking in "no parking" zones, parking in "visitors" area, parking in assigned staff areas, parking in disabled areas without appropriate permit, parking in service areas, parking in the residence hall area, back-in parking, violation of parking lanes.

(2) Citations issued for violations are payable at the business office. Penalty is four dollars per violation if paid within forty-eight hours and ten dollars if paid after the first forty-eight hours.

(3) Failure by students to clear violation penalties may result in the withholding of transcripts, denial or cancellation of admission or registration, or withholding of degree awards.

(4) Vehicles in repeated, uncleared violation of the campus parking regulations and abandoned vehicles may be impounded at the expense of the operator.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-116-026, filed 7/20/99, effective 8/20/99.]

**WAC 132A-116-030 Appeal of fines and penalties.** Students may appeal parking fines and penalties for violations of rules and regulations in this chapter pursuant to the provisions of chapter 132A-120 WAC. Other violators may appeal fines or penalties directly to the college parking officer.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-116-030, filed 7/20/99, effective 8/20/99.]

## Chapter 132A-120 WAC

### STUDENT RIGHTS AND RESPONSIBILITIES

#### WAC

132A-120-006	Student rights.
132A-120-011	Student responsibilities.
132A-120-016	Hazing.
132A-120-021	Delegation of disciplinary authority.
132A-120-026	Disciplinary action.
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132A-120-061	Formal grievance procedures.

**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

132A-120-005	Purpose. [Order 4, § 132A-120-005, filed 8/31/77.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
132A-120-010	Alcoholic beverages. [Order 4, § 132A-120-010, filed 8/31/77.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
132A-120-015	Drugs and narcotics. [Statutory Authority: Chapters 28B.50, 28B.15 and 28B.10 RCW. 83-14-068 (Order 7, Resolution No. 83-09-041), § 132A-120-015, filed 7/5/83; Order 4, § 132A-120-015, filed 8/31/77.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
132A-120-020	Assembly rights. [Order 4, § 132A-120-020, filed 8/31/77.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
132A-120-025	Criminal violations. [Order 4, § 132A-120-025, filed 8/31/77.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
132A-120-030	Damaging property. [Order 4, § 132A-120-030, filed 8/31/77.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
132A-120-035	Cheating. [Order 4, § 132A-120-035, filed 8/31/77.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
132A-120-040	Trespass. [Statutory Authority: Chapters 28B.50, 28B.15 and 28B.10 RCW. 83-14-068 (Order 7, Resolution No. 83-09-041), § 132A-120-040, filed 7/5/83; Order 4, § 132A-120-040, filed 8/31/77.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
132A-120-045	Responsibility for discipline. [Statutory Authority: Chapters 28B.50, 28B.15 and 28B.10 RCW. 83-14-068 (Order 7, Resolution No. 83-09-041), § 132A-120-045, filed 7/5/83; Order 4, § 132A-120-045, filed 8/31/77.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
132A-120-050	Disciplinary procedures. [Statutory Authority: Chapters 28B.50, 28B.15 and 28B.10 RCW. 83-14-068 (Order 7, Resolution No. 83-09-041), § 132A-120-050, filed 7/5/83; Order 4, § 132A-120-050, filed 8/31/77.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
132A-120-055	Discipline and due process. [Statutory Authority: Chapters 28B.50, 28B.15 and 28B.10 RCW. 83-14-068 (Order 7, Resolution No. 83-09-041), § 132A-120-055, filed 7/5/83; Order 4, § 132A-120-055, filed 8/31/77.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
132A-120-060	Disciplinary committee. [Statutory Authority: Chapters 28B.50, 28B.15 and 28B.10 RCW. 83-14-068 (Order 7, Resolution No. 83-09-041), § 132A-120-060, filed 7/5/83; Order 4, § 132A-120-060, filed 8/31/77.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.

**WAC 132A-120-006 Student rights.** The following enumerated rights are guaranteed to each student within the limitations of the statutory law and college policy deemed necessary to achieve the educational goals of the college.

- (1) Academic freedom.
  - (a) Students are guaranteed the rights of free inquiry, expression, and assembly upon and within college facilities that are generally open and available to the public.
  - (b) Students are free to pursue appropriate educational objectives from college course offerings and services, subject to the limitations of RCW 28B.50.090 (3)(b).
  - (c) Students are entitled to a learning environment free from unlawful discrimination, sexual harassment, and disrespectful conduct.
  - (d) Students are entitled to protection from arbitrary and capricious academic evaluation, but are responsible for meeting the standards of academic progress established by their instructors.

- (2) Due process.
  - (a) Students are guaranteed the right to be secure in their persons, quarters, papers and effects against unreasonable searches and seizures.
  - (b) Students are guaranteed that no disciplinary sanction may be imposed against them without an attempt to notify them of the nature of the charges against them.
  - (c) Students accused of violating this policy are entitled, upon request, to procedural due process as set forth in this chapter.
    - (3) Distributing and posting. Students are entitled to distribute or post printed or published materials subject to the procedures available in the office of student activities.
    - (4) Hosting off-campus speakers. Recognized student organizations shall have the right to invite outside speakers to address the college and community, subject to availability of campus facilities and compliance with college procedures established for such presentations.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-120-006, filed 7/20/99, effective 8/20/99.]

**WAC 132A-120-011 Student responsibilities.** Any student shall be subject to disciplinary action as provided in this chapter who, either interferes with or assists others in interfering with the personal rights or privileges of others or the educational purpose of the college; violates any provision of this policy; or who commits any of the personal, property, or other offenses which are hereafter enumerated.

- (1) Personal offenses.
  - (a) Assault, reckless endangerment, intimidation or interference with another in the pursuit of educational goals.
  - (b) Disorderly or abusive behavior, refusal to follow instructions, or other conduct which interferes with the rights of others or which obstructs or disrupts the teaching, research, or administrative functions of the college.
    - (c) Illegal assembly, obstruction, disruption, or material and substantial interference with the conduct of classes, hearings, meetings, educational and administrative functions of the college; the private rights and privileges of others, or vehicular pedestrian traffic.
    - (d) Sexual harassment, engaging in unwelcome sexual advances, requesting sexual favors, or engaging in physical or verbal conduct of a sexual nature which offends the recipient, causes discomfort or humiliation, or interferes with job or academic performance.
      - (e) Filing a false complaint, accusing another student or a college employee of violating a provision of this policy.
      - (f) Creating a false alarm by setting off or tampering with any emergency safety equipment, alarm, or other device provided for the safety of individuals or college facilities.
  - (2) Property offenses.
    - (a) Theft of college property.
    - (b) Malicious mischief in causing either intentional or negligent damage to or destruction of any college facility or other public or personal property.
    - (c) Trespass: Either declining a legal order to vacate a college property or violating a legal prohibition of access to college facilities.
    - (d) Unauthorized use of college equipment and supplies or conversion of college equipment for personal gain. This includes intentionally and without authorization gaining

access to a computer system or electronic data of another student, a faculty member, or the district, in violation of RCW 9A.52.130.

(3) Other offenses.

(a) Cheating and plagiarism, submitting to a faculty member any work which is untruthfully represented as the student's own work for the purpose of meeting the requirements of any assignment or task required by the faculty member as a part of the student's program of instruction.

(b) Forgery or the alteration of official records, whereby a student either forges or offers a forged document as authentic to any agent acting on behalf of Peninsula College.

(c) Refusal to provide identification in appropriate circumstances to any college employee acting in the lawful discharge of the employee's duties.

(d) Illegal entry into any administrative or employee office or otherwise locked or closed college facility, at any time, without permission of the employee or an appropriate agent of the college.

(e) The use, possession, or sale of any controlled substances (as defined in chapter 69.50 RCW, now or hereafter amended) on college owned or leased property except when the use or possession of a drug is prescribed as medication by an authorized medical professional.

(f) The use, possession, or sale of any form of alcoholic beverage, or being demonstrably under the influence of alcohol on college owned or leased property.

(g) The possession on college property of weapons, explosives, or dangerous chemicals, or the unauthorized use or possession of any device or substance which can be used to inflict bodily harm or cause damage to real or personal property.

(h) Smoking in any nonresidential building or in any campus location not designated for smoking.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 01-08-071, § 132A-120-011, filed 4/3/01, effective 5/4/01; 99-15-072, § 132A-120-011, filed 7/20/99, effective 8/20/99.]

**WAC 132A-120-016 Hazing.** Student hazing includes any method of initiation into a student organization or living group or any pastime or amusement conducted by such an organization that causes or is likely to cause physical harm, bodily danger, or serious mental/emotional harm to the student. Conduct which does not meet the formal definition of hazing but is nevertheless offensive, including conduct resulting in serious embarrassment, ridicule, sleep deprivation, verbal abuse or personal humiliation, may be grounds for disciplinary action. Hazing shall not include customary athletic events or other similar contests or competitions, according to RCW 28B.10.900. Pursuant to RCW 28B.10.901 through 28B.10.903, Peninsula College shall enforce the following:

(1) No student may conspire to engage in hazing or participate in the hazing of another.

(2) Any person who hazes another shall forfeit for a period of one year entitlements to state-funded grants, scholarships, and awards.

(3) Any organization that knowingly permits hazing shall be deprived of official recognition by the college.

(4) Any organization that knowingly permits hazing is strictly liable for harm caused to persons or property.

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[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-120-016, filed 7/20/99, effective 8/20/99.]

**WAC 132A-120-021 Delegation of disciplinary authority.** The vice-president of student services or designee shall have the authority to administer the disciplinary action prescribed in this chapter. The president shall be informed of all student dismissals, suspensions or probation proceedings by the vice-president of student services.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 01-08-071, § 132A-120-021, filed 4/3/01, effective 5/4/01; 99-15-072, § 132A-120-021, filed 7/20/99, effective 8/20/99.]

**WAC 132A-120-026 Disciplinary action.** The following disciplinary actions are hereby established and shall be imposed upon violators of the rules of conduct enumerated in this chapter, pursuant to the right of appeal as outlined in this chapter.

(1) Disciplinary warning. This shall consist of verbal notice to the student that the student has violated college rules of conduct or has failed to meet the college's expectations regarding student conduct. The student will be cautioned that repeated misconduct will result in additional sanctions.

(2) Disciplinary reprimand. This shall consist of a formal written censure provided to the student and shall detail the rules violated as well as the more serious disciplinary action which may result from repeated violations of the rules of conduct.

(3) Disciplinary probation. This shall consist of formal action by the disciplinary officer, placing specific conditions on the student's continued student status. Notice of probation shall be made in writing and shall specify the period of probation and the conditions. Probation may be for a specific period or may extend through the student's period of enrollment.

(4) Suspension. This shall consist of a formal but limited dismissal from the college. Notice of the action shall be given in writing and shall specify both the length of the dismissal and any conditions which must be met before reinstatement.

(5) Expulsion. This shall result in permanent termination of a student's eligibility for enrollment. Notice of the expulsion and its cause shall be presented in writing. The expelled student shall receive no refund of any tuition or fees which have been paid for the period of enrollment in which the expulsion occurs, or for any period of enrollment.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-120-026, filed 7/20/99, effective 8/20/99.]

**WAC 132A-120-031 Initiation of discipline.** (1) A request for disciplinary action must be referred to the official designated by the president as responsible for college discipline. The request must be made within ten days of the discovery of the facts and must be made in writing and signed by the individual making the request.

(2) If in the opinion of the college discipline official the accused student's presence on campus represents a threat of danger or disruption, the student may be placed on suspension pending the commencement of disciplinary action.

(3) The student accused will be called for an informal meeting with the college discipline official and will be

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informed of the charges which have been made and the range of possible penalties should the student be judged guilty of having violated college regulations.

(4) After considering all evidence in the case, the discipline officer may take any of the following actions:

- (a) Terminate the proceeding, exonerating the accused;
- (b) Dismiss the case after whatever counseling and advice may be appropriate;
- (c) Impose minor sanctions directly, including verbal warning, reprimand, or such sanctions as the student may agree to in writing, such as community service or restitution;
- (d) Impose the formal sanctions of probation, limited dismissal, or expulsion. All formal sanctions will be subject to the student's right of appeal as set forth in the following procedures.

(5) The discipline officer shall inform both the person(s) making the accusation and the accused student of the disposition of the accusation. If the discipline includes formal sanctions, the decision will be rendered in writing and a copy will be provided to the office of the college president.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-120-031, filed 7/20/99, effective 8/20/99.]

**WAC 132A-120-036 Appeals.** A student may appeal any decision which imposes the sanctions of probation, suspension, or expulsion. Such appeals shall meet the following conditions:

(1) All appeals must be in writing and must be filed with the office of the college president not later than ten days from the date on which the student was notified of the disciplinary action. Appeals must clearly state either errors in fact or matters of extenuation or mitigation which justify the appeal.

(2) Initial appeals of decisions rendered by the college discipline officer shall be made to the college discipline committee, which shall be composed of three college faculty members appointed by the college president and three full-time students appointed by the associated student president.

(3) A final appeal to the president of the college may be made from a decision of the discipline committee. The president shall review the record of the proceedings which gave rise to the appeal, as well as the recommendation of the college discipline officer and the records of the discipline committee. The president's decision shall be final.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-120-036, filed 7/20/99, effective 8/20/99.]

**WAC 132A-120-041 Hearing of appeals.** (1) The discipline committee will hear all cases in which a student has appealed the decision of the college discipline officer imposing sanctions of suspension, termination of college residence, limited dismissal, or expulsion.

(2) When notified of an appeal, the committee shall meet to select a chairperson and establish a hearing date for the appeal not later than fourteen days from the date the appeal was filed with the office of the president.

(3) The student has a right to a fair and impartial hearing.

(a) If any member of the committee is unable to render a fair and impartial decision for any reason, including conflict of interest or conscience, that member shall abstain from considering the issues.

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(b) The student will be notified in writing, by personal service or by certified mail, of the time and place of the hearing. Such notice, to be provided not less than ten calendar days in advance of the hearing, shall include:

- (i) A statement of the time, place and nature of the hearing;
- (ii) A statement of the specific charges which will be considered;
- (iii) To the extent known, a list of the witnesses who will appear, and a summary of the documentary or physical evidence which will be presented by the college.

(c) The student may request that a hearing date be advanced or that the hearing be continued for good cause. The discipline committee chair shall be authorized to alter the hearing date.

(d) The student shall be entitled to hear and examine the evidence against him or her and be informed of the identity of the source.

(e) The student shall be entitled to representation by the counsel of his or her choice at the hearing. If the student elects to choose as counsel an attorney licensed to practice in the state of Washington, the student shall notify the office of the college president of that choice at least five working days prior to the hearing.

(f) The student shall be allowed to present evidence on his or her own behalf and cross-examine witnesses testifying on behalf of the college as to the accuracy of their testimony.

(g) The hearing shall be closed unless the student specifically requests an open hearing. In a closed hearing, participants, excluding those admitted for the purpose of presenting evidence, shall be limited to: Members of the discipline committee and a single person chosen to record the proceedings; the student and counsel, not to exceed three persons in total; and the college authorities presenting the case and counsel, not to exceed three persons in total. If at any time during a closed or open hearing, there should be a disruption of the proceeding, the chairperson of the discipline committee may exclude from the hearing the person or persons causing the disruption.

(4) In all disciplinary proceedings, a college official shall be appointed to present the case of the college against the student accused of violating the rules of conduct. In cases in which the student elects to be represented by a licensed attorney, the college may elect to be represented by an assistant attorney general.

(5) An audio recording shall be made of any disciplinary hearing. In addition, the chair of the discipline committee may select either a member of the committee or an additional person to take notes during the hearing and prepare a record of the hearing. The record of the hearing shall consist of all documents presented, all evidence received and considered, all testimony offered, a statement of matters officially noted, questions and offers of proof, objections, and rulings made thereon and during the course of the hearing.

(6) All records of college disciplinary proceedings shall be maintained in the office of the college president during the disciplinary proceedings, and shall be available during that time only to the discipline committee, the student and his or her attorney, and other college officials designated by the president. After the conclusion of the proceeding, access to

records of the proceeding will be limited to those records designated by the president.

(7) Only the evidence presented at a disciplinary hearing will be considered in determining whether the accused student has violated the rules as charged. The chair, with the consent of the committee, shall exclude evidence which is incompetent, irrelevant, immaterial, or unduly repetitive. Evidence or testimony to be offered on behalf of the student as extenuation or mitigation shall be presented only after substantive and factual evidence has been presented.

(8) At the conclusion of the hearing, the discipline committee shall meet in closed session to consider all information presented and shall decide by majority vote whether to uphold the decision of the college discipline official or to recommend any of the following actions:

(a) That the college terminate proceedings and exonerate the student;

(b) That the college impose any of the disciplinary sanctions defined in WAC 132A-120-026.

(9) Within seven calendar days of the hearing's conclusion, the discipline committee shall provide its recommendations to the college president. A copy of the committee's findings of fact and its recommendations will be made available to the student. The student will be advised of his or her right to present within ten days a written statement to the president of the college appealing the recommendations of the committee.

(10) Any student may appeal the findings of the discipline committee by providing a written appeal to the president of the college. The president shall then review the written record of evidence provided at the discipline committee's hearing, as well as the recommendations offered. During the review the president may, but is not required to, suspend any recommended disciplinary action. At the conclusion of the president's review, a statement of findings will be issued. The student will either be exonerated or sanctions will be imposed. The president's review shall be final.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-120-041, filed 7/20/99, effective 8/20/99.]

**WAC 132A-120-046 Summary suspension and appeals.** (1) Except in extraordinary cases disciplinary sanctions will be imposed only after the college discipline officer has conducted an interview with the student and the student has exercised or declined to exercise the right of appeal. Extraordinary circumstances will be considered to exist when the college discipline officer has cause to believe that the student has committed a felony or has violated one of the regulations defined in this policy and presents an imminent danger to himself or herself, other persons on the college campus, or the educational process.

(2) In such cases, the college discipline officer shall attempt to notify the student personally and shall send notice by certified mail at the student's last known address that the student is summarily suspended. The notice shall state the charges against the student, refer to the regulations alleged to have been violated, and summon the student to a meeting with the discipline officer at a time as early as possible following the suspension.

(3) If after meeting with the student, the college discipline officer determines that:

(a) There is probable cause to believe the student did commit one or more of the violations alleged;

(b) The alleged violations would be sufficient grounds for disciplinary action; and

(c) That summary suspension is necessary for the safety of the student, other students or persons on college facilities, or the educational processes of the institution, the college discipline officer shall continue the summary suspension. In this event the student will be notified within three days by personal service or by certified mail sent to the student's last known address. Notification shall include:

(i) The findings of fact and the conclusion which led to the continued summary suspension.

(ii) The duration of the suspension or the nature of additional disciplinary action.

(iii) The conditions under which the suspension can be terminated.

(4) Failure of the student to attend or participate in a meeting with the discipline officer shall not limit the college's ability to extend or enforce a summary suspension.

(5) The student retains the right to appeal from the discipline officer's decision to continue a summary suspension. Appeal may be made to the college discipline committee, provided that:

(a) The student has met with the discipline officer;

(b) The student has been officially notified of the outcome of that meeting;

(c) Summary suspension or another disciplinary sanction has been upheld; and

(d) The appeal is made in accordance with administrative procedure 501.03.

(6) The college discipline committee, in accordance with procedure 501.04, will conduct a hearing within five days to consider an appeal from summary suspension. The discipline committee shall render its recommendation(s) to the college president within three days of its hearing.

(7) The president shall consider the recommendations of the discipline committee and shall issue a final decision within three days.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-120-046, filed 7/20/99, effective 8/20/99.]

**WAC 132A-120-051 Student grievances.** If a student believes he or she has been unfairly treated by a college administrator, faculty member, or staff member, the student may pursue resolution of the grievance either informally or formally. To be considered valid, a grievance must be initiated within three weeks of the event giving rise to the grievance. The procedures outlined below are to be used, except that:

(1) Grievances may not be filed based on the outcome of summary or other disciplinary proceedings already described in earlier sections of this policy; and

(2) A grievance may not be filed in protest against federal or state laws, or against policies, regulations, or procedures adopted by the state community and technical college board or by the trustees of Peninsula College.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-120-051, filed 7/20/99, effective 8/20/99.]

**WAC 132A-120-056 Informal grievance procedures.**

(1) A student wishing to pursue informal resolution of a grievance may contact the officer designated by the college president as ombudsman. The ombudsman may advise the grievant of possible courses of action, or may attempt to mediate or gain the satisfaction of all parties to the grievance.

(2) A student may instead choose an alternative informal grievance procedure, in which case the student shall: Contact the college employee with whom he or she has a grievance and attempt to resolve the matter through direct discussion. If such discussion does not resolve the issue, the student shall: Contact the employee's immediate supervisor, who shall serve as mediator and attempt to resolve the issue promptly and fairly. If a resolution is not reached in this manner, it shall be the responsibility of the immediate supervisor to forward the complaint to the college administrator who provides general supervision of the employee. This administrator will investigate the complaint, and will, within one week, determine how best to resolve the grievance and will provide a written opinion to all parties.

(3) Informal grievance procedures must be completed within three weeks, unless all parties agree to an extended process.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-120-056, filed 7/20/99, effective 8/20/99.]

**WAC 132A-120-061 Formal grievance procedures.**

(1) If a grievance cannot be resolved through informal processes, the student may petition for formal grievance procedures by presenting to the college ombudsman within five days of the conclusion of informal procedures a written request for a formal hearing of the grievance. At the time of the presentation of the petition, the student and the ombudsman will establish whether the student wishes to be assisted by counsel, provided that if the student will be represented by an attorney, the college may be represented by an assistant attorney general.

(2) Members of the college discipline committee will hear the grievance. Three additional members chosen by classified employees will be added to the discipline committee, which will then elect its own chairperson. Each member of the grievance committee shall be provided with a copy of the written request for hearing.

(a) The committee shall meet within seven days of receiving the statement and shall be free to call witnesses and receive testimony that allows them to reach a fair and prompt resolution of the grievance.

(b) The committee meeting shall be closed unless all parties to the grievance agree that it shall be public.

(c) Records of the hearing will be maintained, although it is intended that the hearing will be informal and informational.

(d) The grievant may withdraw the grievance at any point in the process by requesting termination in writing. Failure of the grievant or appellant to appear at any hearing without prior arrangement will be considered a withdrawal of the grievance or appeal.

(e) Within three days of the conclusion of the hearing, the committee shall issue a written recommendation, which shall be provided to all parties to the grievance. Additionally, the recommendation will be provided to the dean responsible

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for ultimate supervision of the employee involved. Within three working days the dean shall accept, modify, or reject the recommendations of the hearing committee and shall notify parties of the decision.

(3) If the student remains unsatisfied with the decision, he or she may request a review of the decision by the president of the college. Such a request shall be in writing and made within five working days of the recommendation. The president will review the record of the hearing committee, the decision of the dean, and the appeal of the grievant, and will render a final decision on behalf of the college.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-120-061, filed 7/20/99, effective 8/20/99.]

**Chapter 132A-122 WAC****WITHHOLDING SERVICES FOR OUTSTANDING DEBTS****WAC**

132A-122-011 Policy.  
132A-122-021 Withholding services for outstanding debts.

**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

132A-122-010 Policy. [Order 4, § 132A-122-010, filed 8/31/77.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.  
132A-122-020 Notification. [Order 4, § 132A-122-020, filed 8/31/77.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.  
132A-122-030 Informal hearing notification. [Order 4, § 132A-122-030, filed 8/31/77.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.  
132A-122-040 Procedure for informal hearing. [Order 4, § 132A-122-040, filed 8/31/77.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.  
132A-122-050 Withholding services. [Order 4, § 132A-122-050, filed 8/31/77.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.

**WAC 132A-122-011 Policy.** If any student or former student is indebted to the institution for an outstanding overdue debt, the institution need not provide services of any kind to such individual, including, but not limited to, conferring degrees and transmitting files, records, transcripts or other services which have been requested by such person.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-122-011, filed 7/20/99, effective 8/20/99.]

**WAC 132A-122-021 Withholding services for outstanding debts.** Upon receipt of a request for services where there is an outstanding debt due the institution from the requesting person, the institution shall notify the person in writing by certified mail to the last known address, that the services will not be provided since there is an outstanding debt due the institution, and further that until that debt is satisfied, no such services will be provided to the individual.

Notification that services will be withheld shall also inform the individual that he or she has a right to a hearing before a person designated by the president of the institution if he or she believes that no debt is owed. Notification shall also indicate that the request for the hearing must be made within fifteen days from the date such notice is received. Upon receipt of a timely request for a hearing, the person designated by the president shall have the records and files of the

institution available for review and, at that time, shall hold a brief adjudicative proceeding concerning whether the individual owes or owed any outstanding debts to the institution. After the brief adjudicative proceeding, an order shall be entered by the president's designee indicating whether the institution is correct in withholding services and/or applying off set for outstanding debt. If the outstanding debt is owed by the individual involved, no further services shall be provided. Notification of the decision shall be sent to the individual within ten days after the hearing. This hearing shall constitute a brief adjudicative proceeding in accordance with RCW 34.05.482 through 34.05.494.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-122-021, filed 7/20/99, effective 8/20/99.]

### Chapter 132A-130 WAC TUITION AND FEE SCHEDULE

#### WAC

132A-130-010	Tuition and fee schedules.
132A-130-020	Location of schedules.
132A-130-030	Tuition and fee waivers.

**WAC 132A-130-010 Tuition and fee schedules.** Chapter 28B.15 RCW sets the parameters for tuition and fee levels at state community colleges. The legislature establishes the tuition and fee rates each biennium. The tuition and fee rates charged by Peninsula College are based on this legislation. The specific amounts to be charged are transmitted to Peninsula College by the state board for community college education.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-130-010, filed 7/20/99, effective 8/20/99.]

**WAC 132A-130-020 Location of schedules.** Additional and detailed information and specific amounts to be charged for each category of students will be found in the class schedule and at the following locations on the Peninsula campus:

- (1) The office of admissions;
- (2) The registration and records office;
- (3) The controller's office;
- (4) The continuing education office;
- (5) The financial aid office.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-130-020, filed 7/20/99, effective 8/20/99.]

**WAC 132A-130-030 Tuition and fee waivers.** (1) Peninsula may periodically establish tuition and fee waivers as authorized by state law and by the state board for community and technical colleges. This will be done in accordance with chapter 131-28 WAC and under regular college fiscal processes. Information regarding specific waivers will be available as provided in WAC 132A-130-020.

(2) Upon an applicant's request, individual determinations on tuition and fee waivers will be reviewed by the college (registrar), in a brief adjudicative proceeding under RCW 34.05.482 through 34.05.494.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-130-030, filed 7/20/99, effective 8/20/99.]

[Title 132A WAC—p. 10]

### Chapter 132A-131 WAC SCHOLARSHIPS AND FINANCIAL AID

#### WAC

132A-131-010	Scholarships.
132A-131-020	Financial aid.

**WAC 132A-131-010 Scholarships.** Detailed information concerning the criteria, eligibility, procedures for application and other information regarding scholarships may be obtained from the following address: Peninsula College, Attention: Scholarships, 1502 E. Lauridsen Blvd., Port Angeles, WA 98362.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-131-010, filed 7/20/99, effective 8/20/99.]

**WAC 132A-131-020 Financial aid.** Federal, state, and private financial aid applications and information may be obtained from the following address: Peninsula College, Attention: Financial Aid, 1502 E. Lauridsen Blvd., Port Angeles, WA 98362.

Award of federal and state aid will be made in accordance with applicable federal and state laws and regulations.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-131-020, filed 7/20/99, effective 8/20/99.]

### Chapter 132A-133 WAC ORGANIZATION

#### WAC

132A-133-020	Organization—Operation—Information.
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**WAC 132A-133-020 Organization—Operation—Information.** (1) Organization. Peninsula College, Community College District No. 1, is established in Title 28B RCW as a public institution of higher education. The institution is governed by a five-member board of trustees appointed by the governor. The board employs a president, who acts as the chief executive officer of the institution. The president establishes the structure of the administration.

(2) Operation. The administrative office is located at the following address:

1502 E. Lauridsen Boulevard  
Port Angeles, WA 98362

Customary office hours are 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays.

(3) Information. Additional and detailed information concerning educational offerings may be obtained from the college catalog, copies of which are available at the following address:

1502 E. Lauridsen Boulevard  
Port Angeles, WA 98362

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-133-020, filed 7/20/99, effective 8/20/99.]

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**Chapter 132A-140 WAC**  
**USE OF COLLEGE FACILITIES**

**WAC**

132A-140-001	Use of college facilities.
132A-140-006	Distribution of material on campus.
132A-140-011	Use of facilities.
132A-140-016	Administrative control.
132A-140-021	Liability.
132A-140-026	Use of tobacco on campus.
132A-140-030	Trespass.

**DISPOSITION OF SECTIONS FORMERLY  
CODIFIED IN THIS CHAPTER**

132A-140-005	General policy. [Order 4, § 132A-140-005, filed 8/31/77.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
132A-140-010	Limitations. [Order 4, § 132A-140-010, filed 8/31/77.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
132A-140-015	Liability. [Order 4, § 132A-140-015, filed 8/31/77.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
132A-140-020	Commercial ventures on campus. [Order 4, § 132A-140-020, filed 8/31/77.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
132A-140-025	Bookstore. [Order 4, § 132A-140-025, filed 8/31/77.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.

**WAC 132A-140-001 Use of college facilities.** Community College District No. 1 serves Clallam and east Jefferson counties by providing continued educational opportunities for their citizens. In keeping with this general purpose, the college offers its facilities for a variety of uses of benefit to the general public, provided that such uses do not interfere with the educational mission of the college. However, as a state agency, Peninsula College is under no obligation to make its public facilities available for private purposes.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-140-001, filed 7/20/99, effective 8/20/99.]

**WAC 132A-140-006 Distribution of material on campus.** (1) The college reserves the right to control and regulate the distribution of materials which might interfere with the college's educational mission.

(2) Off-campus and nonstudent groups or individuals must register with and obtain the approval of the director of student activities before distributing handbills, leaflets, or similar materials.

(3) Such materials must identify the publishing agency and distributing organization or individual.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-140-006, filed 7/20/99, effective 8/20/99.]

**WAC 132A-140-011 Use of facilities.** (1) The buildings, properties, and facilities of the college, including those assigned to student programs, may be used for:

(a) The regularly established teaching, research, or public service activities of the college and its departments or related agencies.

(b) Cultural, educational, or recreational activities of the students, faculty, or staff.

(c) Short courses, conferences, seminars, or similar events conducted either in the public service or for the advancement of specific departmental professional interests

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when arranged under the sponsorship of the college or its departments.

(d) Public events of a cultural or professional nature, brought to the campus at the request of college departments or committees and presented with their active participation.

(e) Activities or programs sponsored by educational institutions, by state or federal agencies, by charitable agencies or civic or community organizations whose activities are of widespread public service and of a character appropriate to the college.

(2) Primary consideration shall be given at all times to activities specifically related to the mission of the college, and no arrangements shall be made that may interfere with or operate to the detriment of the teaching, research, or public service programs.

(3) College facilities may not be used for commercial solicitation, advertising, or promotional activities unless such activities serve educational objectives and/or further the mission of the college.

(4) Activities of a commercial or partisan political nature will not be approved if they involve the use of promotional signs or posters on buildings, trees, walls, or bulletin boards or the distribution of samples outside rooms or facilities to which access may be granted.

(5) Use of exterior audio amplifying equipment is permitted only in locations and at times that will not interfere with the normal conduct of college affairs as determined by the college.

(6) The facilities of the college are available to recognized student groups subject to these general policies.

(7) The college reserves the right to establish administrative procedures, including rental fees, for the use of college facilities. Further information about the use of college facilities is available from the Director of Student Activities, Peninsula College, 1502 E. Lauridsen Boulevard, Port Angeles, WA 98362.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-140-011, filed 7/20/99, effective 8/20/99.]

**WAC 132A-140-016 Administrative control.** The board hereby delegates to the president the authority to set up administrative procedures for proper review of the use of district facilities; to establish, within the framework of these policies, regulation governing such use; and to establish rental schedules where appropriate.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-140-016, filed 7/20/99, effective 8/20/99.]

**WAC 132A-140-021 Liability.** Permission to use district and college facilities will be granted to an off-campus organization only under the express understanding and condition that such off-campus organization assumes full responsibility for any loss or damage resulting from such use and agrees to hold harmless and indemnify the district for any loss or damage or claims arising out of such use and agrees that in its use of facilities it will uphold the policies of Peninsula College and the laws of the state of Washington.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-140-021, filed 7/20/99, effective 8/20/99.]

**WAC 132A-140-026 Use of tobacco on campus.**

Smoking of tobacco or any other substance, either legal or illegal, is prohibited in all campus areas, including campus buildings, walkways, and doorways, except in designated smoking areas. This regulation shall apply to all individuals entering the campus grounds, whether as student, employee, or visitor. Except under circumstances where smoking may be allowed in individual rooms, this regulation shall also apply to the residence hall.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-140-026, filed 7/20/99, effective 8/20/99.]

**WAC 132A-140-030 Trespass.**

(1) Individuals who are not students or members of the faculty or staff and who violate these regulations will be advised of the specific nature of the violation, and if they persist in the violation, they will be requested by the president, or designee, to leave the college property. Such a request prohibits the entry of, and withdraws the license or privilege to enter onto or remain upon, any portion of the college facilities by the person or group of persons requested to leave. Such persons shall be subject to arrest for criminal trespass.

(2) Members of the college community (students, faculty, and staff) who do not comply with college regulations will be reported to the appropriate college office or agency for action in accord with established college policies.

(3) Persons who violate a district policy may have their license or privilege to be on district property revoked and be ordered to withdraw from and refrain from entering upon any district property.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-140-030, filed 7/20/99, effective 8/20/99.]

### Chapter 132A-150 WAC HEALTH AND SAFETY

**WAC**

132A-150-010	Animals on campus.
132A-150-020	Firearms, explosives, and dangerous chemicals restrictions.

**WAC 132A-150-010 Animals on campus.** With the exception of trained service animals, animals are not allowed in public areas of buildings or in areas shared by staff. Any animal on college property must be attended and on a leash at all times. Animals may not be tied up and left unattended. Animals found locked in vehicles on college property will be reported to the animal control authority. Violators are subject to institutional discipline and/or dismissal from campus.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 03-13-133, § 132A-150-010, filed 6/18/03, effective 7/19/03; 99-15-072, § 132A-150-010, filed 7/20/99, effective 8/20/99.]

**WAC 132A-150-020 Firearms, explosives, and dangerous chemicals restrictions.** No person shall have in his or her possession on college owned or leased property any guns (including shotguns, rifles, pistols, air guns and pellet guns), firearms, explosives, dangerous chemicals, or other dangerous weapons or instruments. Violation is grounds for disciplinary and/or legal action. Excepted are as follows:

[Title 132A WAC—p. 12]

(1) Authorized law enforcement officers carrying guns while engaged in regular duties;

(2) Activities requiring the use of prohibited items, subject to the president's approval.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-150-020, filed 7/20/99, effective 8/20/99.]

**Chapter 132A-160 WAC****ADMISSION AND REGISTRATION PROCEDURES****WAC**

132A-160-006	Peninsula College policy regarding admission and registration regulations and procedures.
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**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

132A-160-005	Application and registration. [Statutory Authority: Chapters 28B.50, 28B.15 and 28B.10 RCW. 83-14-068 (Order 7, Resolution No. 83-09-041), § 132A-160-005, filed 7/5/83. Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 80-06-098 (Order 5, Resolution No. 80-04-016), § 132A-160-005, filed 5/30/80; Order 4, § 132A-160-005, filed 8/31/77.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
132A-160-010	Testing. [Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 80-06-098 (Order 5, Resolution No. 80-04-016), § 132A-160-010, filed 5/30/80; Order 4, § 132A-160-010, filed 8/31/77.] Repealed by 83-14-068 (Order 7, Resolution No. 83-09-041), filed 7/5/83. Statutory Authority: Chapters 28B.50, 28B.15 and 28B.10 RCW.
132A-160-015	Foreign students. [Statutory Authority: Chapters 28B.50, 28B.15 and 28B.10 RCW. 83-14-068 (Order 7, Resolution No. 83-09-041), § 132A-160-015, filed 7/5/83; Order 4, § 132A-160-015, filed 8/31/77.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
132A-160-020	Tuition refund policy. [Statutory Authority: Chapters 28B.50, 28B.15 and 28B.10 RCW. 83-14-068 (Order 7, Resolution No. 83-09-041), § 132A-160-020, filed 7/5/83. Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 80-06-098 (Order 5, Resolution No. 80-04-016), § 132A-160-020, filed 5/30/80.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.

**WAC 132A-160-006 Peninsula College policy regarding admission and registration regulations and procedures.** Admission and registration regulations and procedures for students wishing to attend Peninsula College are published in the college catalog. Copies of the catalog are available in the registration office. Questions and inquiries about regulations and procedures should be directed to the appropriate administrator.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-16-029, § 132A-160-006, filed 7/27/99, effective 8/27/99.]

### Chapter 132A-168 WAC USE OF LIBRARY

**WAC**

132A-168-006	Purpose of the library.
132A-168-011	Materials selection.
132A-168-016	Hours.
132A-168-021	Circulation.
132A-168-026	Charges.

DISPOSITION OF SECTIONS FORMERLY  
CODIFIED IN THIS CHAPTER

132A-168-005	Circulation. [Order 4, § 132A-168-005, filed 8/31/77.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
132A-168-010	Fines and charges. [Order 4, § 132A-168-010, filed 8/31/77.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
132A-168-015	Hours. [Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 80-06-098 (Order 5, Resolution No. 80-04-016), § 132A-168-015, filed 5/30/80; Order 4, § 132A-168-015, filed 8/31/77.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.

**WAC 132A-168-006 Purpose of the library.** Peninsula College serves the information needs of students, faculty, staff, and the community in an environment which nurtures learning and fosters freedom of intellectual activity; the access, retrieval, management, application, and distribution of information are central to the college mission.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-168-006, filed 7/20/99, effective 8/20/99.]

**WAC 132A-168-011 Materials selection.** Information resources are acquired according to the principles and practices embodied in the Library/media center's *Collection Development and Materials Selection Policy*. Copies of this policy may be requested at the Library/Media Center.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-168-011, filed 7/20/99, effective 8/20/99.]

**WAC 132A-168-016 Hours.** Library/media center hours are posted on the exterior of the John D. Glann library building and published annually in the student handbook. Any changes to regularly scheduled hours are posted and announced in advance.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-168-016, filed 7/20/99, effective 8/20/99.]

**WAC 132A-168-021 Circulation.** The circulating collection is generally comprised of print resources, including, but not limited to, books, periodicals, catalogs, and vertical file materials. Noncirculating materials include reference resources and multimedia programs.

Loan time periods are based upon average demand and a reasonable turn-around time within the academic quarter. The loan time schedule is available upon request.

Circulation policies and practices are periodically revised to meet changing circumstances and are available upon request.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-168-021, filed 7/20/99, effective 8/20/99.]

**WAC 132A-168-026 Charges.** Charges are levied for lost library materials based upon the cost of replacement plus an ordering and processing fee. Replacement costs for items no longer in print, or otherwise unavailable, are based upon the average cost of similar resources plus an ordering and processing fee.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-168-026, filed 7/20/99, effective 8/20/99.]

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Chapter 132A-176 WAC  
ENVIRONMENTAL POLICY

## WAC

132A-176-006 Environmental policy.

DISPOSITION OF SECTIONS FORMERLY  
CODIFIED IN THIS CHAPTER

132A-176-005	Environmental policy. [Order 1, § 132A-176-005, filed 6/1/76.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
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**WAC 132A-176-006 Environmental policy.** It shall be the policy of Community College District No. 1 that capital projects proposed and developed by the district shall comply with the provisions of chapter 43.21C RCW, the State Environmental Policy Act (SEPA); chapter 197-10 WAC, guidelines for SEPA implementation; and WAC 131-24-030, SEPA implementation rules of the state board for community and technical college education; and comply with WAC 197-10-820 as presently enacted or hereafter amended. The district president or an administrative officer designated by the district president shall be the "responsible officer" for carrying out this policy.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-176-006, filed 7/20/99, effective 8/20/99.]

Chapter 132A-276 WAC  
PUBLIC DISCLOSURE POLICY

## WAC

132A-276-031 Public records officer.  
132A-276-045 Copying.

DISPOSITION OF SECTIONS FORMERLY  
CODIFIED IN THIS CHAPTER

132A-276-005	Purpose. [Order 3, § 132A-276-005, filed 12/8/76.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
132A-276-010	Definitions. [Order 3, § 132A-276-010, filed 12/8/76.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
132A-276-015	Description of district. [Order 3, § 132A-276-015, filed 12/8/76.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
132A-276-020	Operations and procedures. [Order 3, § 132A-276-020, filed 12/8/76.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
132A-276-025	Records availability. [Order 3, § 132A-276-025, filed 12/8/76.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
132A-276-030	Public records officer. [Order 3, § 132A-276-030, filed 12/8/76.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
132A-276-035	Office hours. [Order 3, § 132A-276-035, filed 12/8/76.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
132A-276-040	Requests for public records. [Order 3, § 132A-276-040, filed 12/8/76.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
132A-276-050	Exemptions. [Order 3, § 132A-276-050, filed 12/8/76.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
132A-276-055	Review of denials. [Order 3, § 132A-276-055, filed 12/8/76.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
132A-276-060	Protection of public records. [Order 3, § 132A-276-060, filed 12/8/76.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
132A-276-065	Records index. [Order 3, § 132A-276-065, filed 12/8/76.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.

132A-276-070 Adoption of form—Appendix A. [Order 3, § 132A-276-070, filed 12/8/76.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.

**WAC 132A-276-031 Public records officer.** The district's public records shall be in the charge of the public records officer designated by the college president and located on the main college campus. The public records officer shall be responsible for implementing the district's rules and regulations regarding release of public records, coordinating the staff of the district in this regard, and insuring compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-276-031, filed 7/20/99, effective 8/20/99.]

**WAC 132A-276-045 Copying.** No fee shall be charged for the inspection of public records. The district may impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy public records; such charges shall not exceed the amount necessary to reimburse the district for its actual costs incident to such copying. All fees must be paid by money order, credit card, cashier's check, or cash in advance.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-276-045, filed 7/20/99, effective 8/20/99; Order 3, § 132A-276-045, filed 12/8/76.]

## Chapter 132A-280 WAC

### CONFIDENTIALITY OF STUDENT RECORDS

#### WAC

132A-280-006	Purpose.
132A-280-011	Definitions.
132A-280-016	Direction to college offices retaining student education records.
132A-280-021	Access to education records.
132A-280-026	Access to education records—Limitations on access.
132A-280-031	Right to copy education records.
132A-280-035	Request for explanation or interpretation of record.
132A-280-040	Challenges—To content of education records, release of education records, or denial of access to education records.
132A-280-045	Challenges—Informal proceedings.
132A-280-050	Challenges—Hearing before grievance review committee.
132A-280-055	Release of personally identifiable information or education records.
132A-280-060	Release of personally identifiable information or education records—Nature of consent required.
132A-280-065	Release of personally identifiable information or education records—Exceptions to consent requirement.
132A-280-070	Release of information in emergencies.
132A-280-075	Directory information.
132A-280-080	Destruction of student records.
132A-280-085	Notification of rights under this chapter.

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

132A-280-005	General statement. [Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 80-06-098 (Order 5, Resolution No. 80-04-016), § 132A-280-005, filed 5/30/80.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.
132A-280-010	Definition of student. [Statutory Authority: Chapters 28B.50, 28B.15 and 28B.10 RCW. 83-14-068 (Order 7, Resolution No. 83-09-041), § 132A-280-010, filed 7/5/83. Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 80-06-098 (Order 5, Resolution No. 80-04-016), § 132A-280-010, filed 5/30/80.]

Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.

132A-280-015 Definition of official records. [Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 80-06-098 (Order 5, Resolution No. 80-04-016), § 132A-280-015, filed 5/30/80.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.

132A-280-020 Administrative safeguards. [Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 80-06-098 (Order 5, Resolution No. 80-04-016), § 132A-280-020, filed 5/30/80.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.

132A-280-030 Application of terms of the policy. [Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 80-06-098 (Order 5, Resolution No. 80-04-016), § 132A-280-030, filed 5/30/80.] Repealed by 99-19-150, filed 9/22/99, effective 10/23/99.

**WAC 132A-280-006 Purpose.** The purpose of this student records policy is to establish rules and procedures that appropriately implement the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. § 1232g). Peninsula College is committed to safeguarding appropriate access to student educational records as well as to maintaining individual student privacy.

(1) Generally, students have the right to review and copy their education records. Students also have the right to challenge the content of, the release of, or denial of access to, their educational records.

(2) The college normally will not permit access to or release of the student's education records to the public without authorization by the student, though some exceptions exist. Please see below for a complete description of the policy.

(3) The college may release directory information concerning a student unless the student requests in writing that directory information not be released.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-280-006, filed 7/20/99, effective 8/20/99.]

**WAC 132A-280-011 Definitions.** For purposes of this chapter, the following terms shall have the indicated meanings:

(1) "Student" shall mean any person who is, or has been officially registered at, and is or has been attending Peninsula College and with respect to whom the college maintains education records or personally identifiable information.

(2) "Education records" shall refer to:

(a) Records, files, documents, and other materials maintained by Peninsula College or by a person acting for Peninsula College containing information directly related to a student;

(b) Records relating to an individual in attendance at the college who is employed as a result of his or her status as a student. However, records made and maintained by the college in the normal course of business which relate exclusively to a person's capacity as an employee are not education records.

(3) The term "education records" does not include the following:

(a) Records of instructional, supervisory, or administrative personnel and educational personnel ancillary thereto which are in the sole possession of the maker thereof and which are not accessible or revealed to any other person except a substitute.

(b) Records of the college's department of safety and security, maintained solely for law enforcement purposes, disclosed only to law enforcement officials, and maintained separately from education records in subsection (2) of this section, but only if said law enforcement personnel do not have access to the records under WAC 132A-280-065; or

(c) Records concerning a student created or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in his or her professional or paraprofessional capacity, or assisting in that capacity, and which are created, maintained, or used only in connection with the provision of treatment to the student and are not available to anyone other than persons providing such treatment. However, such records may be personally reviewed by a physician or other appropriate professional of the student's choice.

(4) "Personally identifiable information" shall refer to data or information which includes either:

(a) The name of a student, the student's parent, or other family member;

(b) The address of the student;

(c) The address of the student's family;

(d) A personal identifier, such as the student's Social Security number or student number;

(e) A list of personal characteristics which would make it possible to identify the student with reasonable certainty; or

(f) Other information which would make it possible to identify the student with reasonable certainty.

(5) "Registration director" shall refer to the dean of enrollment and student services.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-280-011, filed 7/20/99, effective 8/20/99.]

**WAC 132A-280-016 Direction to college offices retaining student education records.** All college individuals or offices having custody of education records shall develop procedures in accordance with WAC 132A-280-026 through 132A-280-085. Any supplementary regulations found necessary by departments shall be filed with the college's records committee, which shall be responsible for periodic review of policy and procedures.

(1) Disciplinary records shall be kept separate from academic records, and transcripts and a student's academic record shall contain no notation of any disciplinary action. Special precautions shall be exercised to ensure that information from disciplinary or counseling files is not revealed to unauthorized persons. Provision shall be made for periodic review and routine destruction of inactive disciplinary records by offices maintaining such records.

(2) No records shall be kept that reflect a student's political or ideological beliefs or association.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-280-016, filed 7/20/99, effective 8/20/99.]

**WAC 132A-280-021 Access to education records.** (1) Except as provided in WAC 132A-280-026, students at Peninsula College shall have access to their education records. The right of access shall include the right to inspect, review, and obtain copies of education records.

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(2) The director of registration shall prepare and maintain a list of the types of student education records maintained by Peninsula College.

(3) Students wishing access to their education records shall submit a written request for access to the director of registration. A request for access shall be acted upon by the director of registration within a reasonable period of time, not to exceed ten days.

(4) The director of registration shall provide students of the college with a reasonable opportunity to access education records, provided that the director of registration shall be responsible for taking appropriate measures to safeguard and ensure the security and privacy of the institution's records being inspected by students.

(5) The director of registration will inform in writing students who have requested access to their education records of the nature of any records which are being withheld from the student on the basis of exceptions set forth in WAC 132A-280-065 and 132A-280-070. A student may challenge a decision by the director of registration to withhold certain of the student's records by filing an appeal with the grievance review committee, WAC 132A-280-050.

(6) Where requested records or data include information on more than one student, the requesting student shall be entitled to receive or be informed of only that part of the record or data that pertains to him or herself.

(7) Students have the right to obtain copies of their education records. Charges for the copies shall not exceed the cost normally charged by the college (except in cases where charges have previously been approved by the board of trustees for certain specified services, such as transcripts and grade sheets).

(8) This section shall not prohibit the college from providing a student with a copy of the student's academic transcript without prior clearance from the director of registration.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-280-021, filed 7/20/99, effective 8/20/99.]

**WAC 132A-280-026 Access to education records—Limitations on access.** (1) Peninsula College shall not make available to a student the following types of materials:

(a) The financial records of the student's parents or any information contained therein.

(b) Letters or statements of recommendation, evaluations, or comments provided to the college in express or implied confidence prior to January 1, 1975, provided that such letters or statements shall not be used for purposes other than those for which they were originally intended.

(c) If a student has signed a waiver of his or her right of access in accordance with subsection (2) of this section, confidential records relating to the following:

(i) Admission to any educational agency or institution;

(ii) An application for employment; or

(iii) The receipt of an honor or honorary recognition.

(2) Students and other people applying for admission to the college may waive their right of access to the type of confidential records referred to in subsection (1)(c) of this section. Such waiver shall apply only if the student is, upon request, notified of the names of all persons making confidential recommendations, and such recommendations are

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used solely for the specific purpose for which the waiver has been granted. The college is not allowed to require such waivers as a condition for admissions, receipt of financial aid, or receipt of other services or benefits from the college.

(3) If any material or document in the education record of a student includes information concerning more than one student, the student shall only have the right either to inspect and review that portion of the material or document which relates to him or herself or to be informed of the specific information contained in that portion of the material or document.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-280-026, filed 7/20/99, effective 8/20/99.]

**WAC 132A-280-031 Right to copy education records.** (1) The director of registration shall, at the request of a student, provide the student with copies of the student's education records. The fees for providing such copies shall not exceed the actual cost to the college of providing the copies.

(2) The college shall not provide to students official copies of transcripts from other educational institutions, such as high school or other college transcripts.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-280-031, filed 7/20/99, effective 8/20/99.]

**WAC 132A-280-035 Request for explanation or interpretation of record.** The director of registration shall respond to reasonable requests for explanation or interpretation of the contents of student education records.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-280-035, filed 7/20/99, effective 8/20/99.]

**WAC 132A-280-040 Challenges—To content of education records, release of education records, or denial of access to education records.** (1) Students who believe that inaccurate, misleading, or otherwise inappropriate data is contained within their education records shall be permitted to have included within the records a written explanation by the student concerning the content of the records.

(2) A student shall have the right, in accordance with the procedures set forth in WAC 132A-280-045 and 132A-280-050, to:

(a) Challenge the content of education records in order to ensure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the students;

(b) Have the opportunity to correct or delete inaccurate, misleading, or otherwise inappropriate data contained within education records;

(c) Challenge the release of education records to specific persons as contrary to the provisions of this chapter; and

(d) Challenge a decision by the college to deny the student access to particular types of records.

(3) A student shall not be permitted under this chapter to challenge the validity of grades given in academic courses, except on the grounds that, as a result of clerical error, the student's record fails to accurately reflect the grade actually assigned by an instructor.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-280-040, filed 7/20/99, effective 8/20/99.]

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**WAC 132A-280-045 Challenges—Informal proceedings.** A student wishing to exercise the rights set forth in WAC 132A-280-040(2) shall first discuss with the director of registration the nature of the corrective action sought by the student. Failing resolution, the student may seek formal corrective action under WAC 132A-280-050.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-280-045, filed 7/20/99, effective 8/20/99.]

**WAC 132A-280-050 Challenges—Hearing before grievance review committee.** (1) If informal proceedings fail to resolve the complaint of a student, the student may file with the director of registration a written request for a hearing before the grievance review committee of the college.

(2) Within a reasonable time after submission of a request for hearing, the grievance review committee shall conduct a hearing concerning the student's request for corrective action. The student and the college shall be given a full opportunity to present relevant evidence at the hearing before the student rights and responsibilities committee.

(3) If a student demonstrates that his or her education records are inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, the student rights and responsibilities committee shall have authority to order the correction or deletion of inaccurate, misleading, or otherwise inappropriate data contained in the records.

(4) If a student demonstrates that the release of his or her education records would be improper under this chapter, the student rights and responsibilities committee shall have authority to order that the records not be released.

(5) If a student demonstrates that he or she is entitled to access particular documents under this chapter, the student rights and responsibilities committee shall have authority to order that the student be permitted access to the records.

(6) The decision of the student rights and responsibilities committee shall be rendered in writing within a reasonable period of time after the conclusion of the hearing.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-280-050, filed 7/20/99, effective 8/20/99.]

**WAC 132A-280-055 Release of personally identifiable information or education records.** The college shall not permit access to or release of a student's education records or personally identifiable information contained therein to any person without the written consent of the student, except as provided in WAC 132A-280-065, 132A-280-070, or 132A-280-075.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-280-055, filed 7/20/99, effective 8/20/99.]

**WAC 132A-280-060 Release of personally identifiable information or education records—Nature of consent required.** Where the consent of a student is required under WAC 132A-280-055 for the release of education records or personally identifiable materials contained therein, the student's consent shall be in writing, shall be signed and dated by the student, and shall include a specification of the records to be released, the reasons for such release, and the names of the parties to whom the records may be released.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-280-060, filed 7/20/99, effective 8/20/99.]

**WAC 132A-280-065 Release of personally identifiable information or education records—Exceptions to consent requirement.** (1) The college may permit access to or release of a student's education records or personally identifiable information contained therein to the following parties without the written consent of the student:

(a) College officials, including faculty members, when the information is required for a legitimate educational purpose within the scope of the recipient's official responsibilities with the college and will be used only in connection with the performance of those responsibilities;

(b) Federal or state officials requiring access to education records in connection with the audit or evaluation of federally or state-supported educational programs or in connection with the enforcement of federal or state legal requirements relating to such programs. In such cases, the information required shall be protected by the federal or state officials in a manner which shall not permit the personal identification of students or their parents to other than those officials. Such personally identifiable data shall be destroyed when no longer needed for the purposes for which it was provided;

(c) Agencies or organizations requesting information in connection with a student's application for, or receipt of, financial aid;

(d) Organizations conducting studies for or on behalf of the college for purposes of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction, if such studies are conducted in a manner which will not permit the personal identification of students by persons other than representatives of such organizations. The information shall be destroyed when no longer needed for the purposes for which it was provided;

(e) Accrediting organizations in order to carry out their accrediting functions;

(f) Any person or entity authorized by judicial order or lawfully issued subpoena to receive such records or information, upon condition that the student is notified of all such orders or subpoenas in advance of compliance therewith by the college. Any college employee or official receiving a subpoena or judicial order for education records or personally identifiable information contained therein shall immediately notify the assistant attorney general representing the college;

(g) An alleged victim of any crime of violence (as defined in 18 U.S.C. § 16), so long as the information disclosed is the result of a disciplinary proceeding for the crime conducted by the college against the alleged perpetrator.

(2) Release to third parties, with or without the student's consent, of education records of a student, or personally identifiable information contained therein, shall be conditioned upon a written agreement indicating that the information cannot subsequently be released in a personally identifiable form to any other party without the written consent of the student involved.

(3) The college shall maintain a record, kept with the education records of each student, indicating all parties, other than those parties specified in subsection (1)(a) of this section, who have requested or obtained access to the student's education records, and indicating the legitimate interest that each such party has in obtaining the records or information contained therein. This record of access shall be available

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only to the student, to the employees of the college responsible for maintaining the records, and to the parties identified under subsection (1)(a) and (c) of this section.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-280-065, filed 7/20/99, effective 8/20/99.]

**WAC 132A-280-070 Release of information in emergencies.** (1) The director of registration or that person's designee may, without the consent of a student, release the student's education records or personally identifiable information contained therein to appropriate parties in connection with an emergency if the knowledge of such information is necessary to protect the health or safety of the student or other persons.

(2) The following factors should be taken into consideration in determining whether records may be released under this section:

(a) The seriousness of the threat to the health or safety of the student or other persons;

(b) The need for personally identifiable information concerning the student to meet the emergency;

(c) Whether the parties to whom the records or information are released are in a position to deal with the emergency; and

(d) The extent to which time is of the essence in dealing with the emergency.

(3) If the college, pursuant to subsection (1) of this section, releases personally identifiable information concerning a student without the student's consent, the college shall notify the student as soon as possible of the identity of the parties to whom the records or information have been released and of the reasons for the release.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-280-070, filed 7/20/99, effective 8/20/99.]

**WAC 132A-280-075 Directory information.** (1) The college may release "directory information" concerning a student to the public unless the student requests in writing of the director of registration that the student's directory information not be released except as provided in WAC 132A-280-055, 132A-280-065, or 132A-280-070.

(2) Peninsula College has designated the following items as directory information: Student name, address, telephone number, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, most recent previous school attended, and photograph.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-280-075, filed 7/20/99, effective 8/20/99.]

**WAC 132A-280-080 Destruction of student records.** Except as otherwise provided by law, the college shall not be prevented under this chapter from destroying all or any portion of a student's education records in accordance with established records retention schedules, provided that no education record to which a student has requested access shall be removed or destroyed by the college prior to providing the student with the requested access.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-280-080, filed 7/20/99, effective 8/20/99.]

**WAC 132A-280-085 Notification of rights under this chapter.** The college shall annually notify students currently in attendance of their rights under this chapter and the Family Educational Rights and Privacy Act.

The notice shall include a statement of the following student rights:

- (1) To inspect and review his or her education records;
- (2) To request an amendment of the education records to ensure that they are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights;
- (3) To allow or deny disclosures of personally identifiable information contained in the student's education records, except to the extent that these regulations and the regulations promulgated pursuant to the Family Educational Rights and Privacy Act allow;
- (4) To file a complaint with the United States Department of Education under 34 C.F.R. 99.64 concerning alleged failures by the college to comply with the requirements of the act;
- (5) To access information concerning the cost to be charged for reproducing copies of students' records; and
- (6) To access a copy of the regulations in this chapter.

The notice shall indicate the places where copies of these regulations are located.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-280-085, filed 7/20/99, effective 8/20/99.]

### Chapter 132A-320 WAC

#### LOSS OF ELIGIBILITY—STUDENT ATHLETIC PARTICIPATION

##### WAC

132A-320-010	Grounds for ineligibility.
132A-320-020	Suspension procedure—Right to information hearing.
132A-320-030	Decision.

**WAC 132A-320-010 Grounds for ineligibility.** Any student found to have violated chapter 69.41 or 69.50 RCW or provisions of WAC 132A-120-011 (1) through (3) or by virtue of a criminal conviction or otherwise, insofar as it prohibits the possession, use or sale, or furnishing of legend drugs, including anabolic steroids, will be disqualified from participation in any school-sponsored athletic event or activity.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 03-13-133, § 132A-320-010, filed 6/18/03, effective 7/19/03; 99-15-072, § 132A-320-010, filed 7/20/99, effective 8/20/99.]

**WAC 132A-320-020 Suspension procedure—Right to information hearing.** Any student notified of a violation of the above shall have the right to a brief adjudicative hearing if a written request for such a hearing is received by the president or his or her designee within three days of receipt of a declaration of further athletic ineligibility. If timely written request is made, the president or his or her designee shall designate a hearing officer, who shall be a college officer not involved with the athletic program, to conduct the brief adjudicative hearing. The hearing officer shall promptly conduct the hearing and permit affected parties to explain both the college's view of the matter and the student's view of the matter. If no written request is received within three days after receipt of the declaration of athletic ineligibility, the student

shall be deemed to have waived any right to a brief adjudicative hearing and will be declared ineligible for further participation in school-sponsored athletic events for the remainder of the school year.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-320-020, filed 7/20/99, effective 8/20/99.]

**WAC 132A-320-030 Decision.** The college official who acts as a hearing officer shall issue a written decision which shall include a brief statement of the reasons for the decision and a notice that judicial review may be available. All documents presented, considered or prepared by the hearing officer shall be maintained as the official record of the hearing. A decision must be promptly rendered after the conclusion of the hearing and in no event later than twenty days after the request for hearing is received by the president or his or her designee.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-320-030, filed 7/20/99, effective 8/20/99.]

### Chapter 132A-350 WAC GRIEVANCES—DISCRIMINATION

##### WAC

132A-350-015	Peninsula College antidiscrimination policy.
132A-350-020	Grievance procedure—Sexual harassment, sex discrimination.
132A-350-030	Disciplinary action.
132A-350-040	Reasonable accommodations/academic adjustment for persons with disabilities.
132A-350-045	Definitions.
132A-350-050	Reasonable accommodations/academic adjustment disputes.

**WAC 132A-350-015 Peninsula College antidiscrimination policy.** (1) **Preamble.** Peninsula College is committed to protecting the rights and dignity of each individual in the campus community and will not tolerate any form of discrimination. All Peninsula College employees and students may report alleged discriminatory behavior without fear of restraint, reprisal, interference, or coercion. No employee's or student's status with the college shall be adversely affected in any way because he or she utilizes the following procedures. Peninsula College's informal and formal grievance procedures are designed to ensure fairness and consistency in the college's relations with its employees and students. Nothing in these procedures shall be construed as abridging the right of an employee or student to allege discrimination in exercising constitutional or statutory rights which may be available.

(2) **Informal review procedures.** Any employee or student is urged to communicate his or her discrimination grievance to the appropriate supervisor. Every effort should be made to resolve the grievance informally within the department. However, should an employee or student feel that he or she is unable to discuss the grievance with the appropriate supervisor, then that employee or student should go to the major administrator for that unit, department, or division to discuss the problem. The employee or student may also wish to exercise his or her rights to pursue an informal resolution, which may include mediation with the assistance of the affirmative action officer.

(3) **Formal review procedures.** The following formal review procedures have been established for those kinds of

discrimination problems which remain unsolved after informal review has occurred and when the informal procedure has failed to resolve the conflict to the satisfaction of the parties.

(a) Any employee or student who believes he or she has been discriminated against in connection with a violation of the college's affirmative action policy may, after the informal procedures have failed, file a formal complaint in writing with the college's affirmative action officer, stating the grievance and requesting a remedy. Within five working days of the filing, the affirmative action officer shall serve a copy of the complaint to the respondent and notify the respondent's major administrator. The respondent has five working days in which to respond to the allegations in the complaint in writing and submit the reply to the affirmative action officer. Within five working days of the receipt of the reply, the affirmative action officer shall show the reply to the complainant, and ask both the complainant and respondent if they will mediate the complaint. If so, the affirmative action officer will initiate the mediation within ten working days of receiving the reply, unless availability of the parties involved necessitates an extension.

(b) If the complaint is unresolved after mediation, or if either party refuses to mediate, the affirmative action officer, or a qualified designee shall then investigate the complaint. Depending upon the circumstances, this investigation may include meetings with the employee, the immediate supervisor, the major administrator, and any other person who may be involved. A finding of probable cause or no probable cause shall be given to the employee or student by the affirmative action officer within sixty working days of the filing of the complaint. This time may be extended by mutual agreement between the complainant and the respondent.

(c) If the complainant or respondent is not satisfied with the results of the review as indicated above, that person may appeal to the college president. All information regarding the complaint shall be forwarded to the president by the affirmative action officer, and the complainant or respondent may submit any further information desired. The president shall, within ten working days, communicate in writing to the complainant or respondent a decision, with a copy to the affirmative action officer. Again, the time may be extended by mutual agreement. The decision of the president shall be the college's final decision.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 05-14-142, § 132A-350-015, filed 7/5/05, effective 8/5/05; 99-15-072, § 132A-350-015, filed 7/20/99, effective 8/20/99.]

**WAC 132A-350-020 Grievance procedure—Sexual harassment, sex discrimination.** (1) **Preamble.** It is the policy of Peninsula College to provide an environment in which employees can work free from sexual harassment and sexual intimidation. Sexual harassment is a form of sex discrimination. As such it is a violation of Title VII of the 1964 Civil Rights Act and Title IX of the 1972 Education Amendments.

(2) **Definitions.** Sexual harassment of an employee is defined as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct when:

(a) Submission to the conduct is either explicitly or implicitly a term or condition of an individual's education, employment or career advancement; and/or

(b) Submission to or rejection of such conduct by an individual is used as the basis for education or employment decisions or any other decisions affecting that individual; and/or

(c) Such conduct has the purpose or effect of unreasonably interfering with an individual's education or work or has the effect of creating an intimidating, hostile, or offensive environment.

(3) **Procedure.** A person who believes he or she has experienced gender discrimination or sexual harassment in the college environment may discuss the issue with a gender equity advisor who will help the claimant determine whether to proceed with mediation, formal hearing, or appeal. The advising process shall be designed to promote free discussion between the claimant and the advisor. Every attempt shall be made to protect the privacy of the individuals during the advising process.

(a) **Mediation.** After the advising process the claimant may request mediation among parties involved in his or her grievance. Both parties have the option to bring a support person to the mediation. A mutually agreed upon mediator will be selected from a list of mediators appointed by the president.

(b) **Formal hearing.** Any party may request a formal hearing by submitting a claim on Peninsula College's Complaint/Grievance Form to the affirmative action officer, who shall forward the claim to the sexual harassment investigative team appointed by the president and composed of classified student, faculty, and administrative representatives. At the conclusion of the investigation, the investigative team shall issue a written report which will include recommendations to the claimant, the respondent, and the college president. All parties are entitled to legal representation.

(c) **Appeal.** The claimant and respondent are entitled to file an appeal in writing to the college president within ten working days following receipt of the formal hearing report. Within ten working days after receipt of the written appeal, the college president shall conduct an appeal hearing and report the findings in writing to both the claimant and respondent. The decision of the college president shall be the college's final decision.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-350-020, filed 7/20/99, effective 8/20/99.]

**WAC 132A-350-030 Disciplinary action.** The president may take disciplinary action should the investigative team find discrimination in the form of gender inequity or sexual harassment. Disciplinary action may include, but is not limited to, findings placed in a personnel or student file, suspension, or dismissal.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-350-030, filed 7/20/99, effective 8/20/99.]

**WAC 132A-350-040 Reasonable accommodations/academic adjustment for persons with disabilities.** Persons with disabilities have the right to request reasonable accommodations/academic adjustments that:

(1) Are necessary to ensure that employment/academic requirements do not discriminate based on disability or have the effect of discriminating based on disability against a qualified individual; and

(2) Do not impose an undue hardship on the college or require alteration of essential program requirements.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-350-040, filed 7/20/99, effective 8/20/99.]

**WAC 132A-350-045 Definitions.** (1) Academic adjustment means modifications to academic requirements as necessary to ensure that such requirements do not discriminate against students with disabilities or have the effect of excluding a student solely on the basis of a disability.

(2) Individual with a disability is a student, employee, applicant, or visitor who has a physical, mental or sensory impairment that substantially limits one or more major life activities, has a record of such an impairment, is perceived to have such an impairment, or has an abnormal condition that is capable of being medically diagnosed.

(3) Reasonable accommodations means modifications or adjustments to academic procedures and job or work environment, policies, or practices that enable qualified individuals with disabilities to enjoy equal opportunities.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-350-045, filed 7/20/99, effective 8/20/99.]

**WAC 132A-350-050 Reasonable accommodations/academic adjustment disputes.** The college shall not be mandated to furnish the requested accommodation, but will confer with the requester in an effort to achieve reasonable appropriate accommodations. If an individual believes the special needs coordinator or the counselor for students with disabilities has not identified or provided reasonable accommodations/academic adjustment or auxiliary aids, the individual may seek review of the action by contacting the vice president of educational services for academic adjustments or the vice president of administrative services for reasonable accommodations. The individual shall submit the appeal in writing to the appropriate vice-president. The vice-president shall review the individual's position and respond within five working days. If resolution is not reached, the vice-president will refer the appeal to the college president. The president shall review the dispute and make recommendations in writing for appropriate resolution. The decision of the president shall be the final decision.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.50 RCW. 99-15-072, § 132A-350-050, filed 7/20/99, effective 8/20/99.]