

Title 132U WAC

COMMUNITY COLLEGES—WHATCOM COMMUNITY COLLEGE

<p>Chapters</p> <p>132U-03 132U-52 132U-104 132U-108 132U-116 132U-120 132U-122</p> <p>132U-140 132U-276</p> <p>132U-280</p> <p>132U-300 132U-325 132U-400</p>	<p>Organization.</p> <p>Health and safety.</p> <p>Board of trustees—Bylaws—Meetings.</p> <p>Procedure.</p> <p>Parking and traffic regulations.</p> <p>Student rights and responsibilities.</p> <p>Withholding services for outstanding debts.</p> <p>Policy on the use of college facilities.</p> <p>Access to public records and documents at Whatcom Community College.</p> <p>Family Educational Rights and Privacy Act.</p> <p>Complaints—Discrimination.</p> <p>Environmental Policy Act rules.</p> <p>Loss of eligibility—Student athletic participation.</p>	<p>132U-10-070</p> <p>132U-10-100</p> <p>132U-10-110</p> <p>132U-10-120</p> <p>132U-10-130</p> <p>132U-10-140</p> <p>132U-10-150</p> <p>132U-10-160</p> <p>132U-10-170</p> <p>132U-10-180</p> <p>132U-10-190</p> <p>132U-10-200</p> <p>132U-10-210</p> <p>132U-10-220</p> <p>132U-10-230</p> <p>132U-10-240</p> <p>132U-12-010</p> <p>132U-12-020</p>	<p>Violations of limitations upon access to public records. [Order 72-1, § 132U-10-070, filed 11/29/72.] Repealed by Order 73-4, filed 11/16/73.</p> <p>Purpose. [Order 73-4, § 132U-10-100, filed 11/16/73.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50-140.</p> <p>Definitions. [Order 73-4, § 132U-10-110, filed 11/16/73.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.</p> <p>Description of organization. [Order 73-4, § 132U-10-120, filed 11/16/73.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50-130 and 28B.50.140.</p> <p>Operations and procedures. [Order 73-4, § 132U-10-130, filed 11/16/73.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50-130 and 28B.50.140.</p> <p>Substantive rules and policies of general applicability. [Order 73-4, § 132U-10-140, filed 11/16/73.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.</p> <p>Public records available. [Order 73-4, § 132U-10-150, filed 11/16/73.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.</p> <p>Public records officer. [Order 73-4, § 132U-10-160, filed 11/16/73.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.</p> <p>Office hours. [Order 73-4, § 132U-10-170, filed 11/16/73.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.</p> <p>Requests for public records. [Order 73-4, § 132U-10-180, filed 11/16/73.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50-130 and 28B.50.140.</p> <p>Copying. [Order 73-4, § 132U-10-190, filed 11/16/73.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50-140.</p> <p>Determination regarding exempt records. [Order 73-4, § 132U-10-200, filed 11/16/73.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.</p> <p>Review of denials of public record requests. [Order 73-4, § 132U-10-210, filed 11/16/73.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.</p> <p>Protection of public records. [Order 73-4, § 132U-10-220, filed 11/16/73.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50-130 and 28B.50.140.</p> <p>Records index. [Order 73-4, § 132U-10-230, filed 11/16/73.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.</p> <p>Adoption of form. [Order 73-4, § 132U-10-240, filed 11/16/73.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.</p> <p>Chapter 132U-12 BOARD OF TRUSTEES—BYLAWS</p> <p>Promulgation. [Order 70-1, § 132U-12-010, filed 2/24/70.] Repealed by Order 72-1, filed 11/29/72.</p> <p>The board of trustees. [Order 70-1, § 132U-12-020, filed 2/24/70.] Repealed by Order 72-1, filed 11/29/72.</p>	
<p>DISPOSITION OF CHAPTERS FORMERLY CODIFIED IN THIS TITLE</p> <p>Chapter 132U-04 BOARD OF TRUSTEES—BYLAWS</p>				
<p>132U-04-040</p> <p>132U-04-060</p> <p>132U-04-070</p> <p>132U-04-080</p> <p>132U-04-100</p> <p>132U-04-110</p>	<p>Meetings of the board of trustees. [Order 74-4, § 132U-04-040, filed 10/16/74; Order 72-1, § 132U-04-040, filed 11/29/72.] Repealed by Order 76-5, filed 10/19/76.</p> <p>Records of board action. [Order 74-4, § 132U-04-060, filed 10/16/74; Order 72-1, § 132U-04-060, filed 11/29/72.] Repealed by Order 76-5, filed 10/19/76.</p> <p>Officers of the board. [Order 74-4, § 132U-04-070, filed 10/16/74; Order 72-1, § 132U-04-070, filed 11/29/72.] Repealed by Order 76-5, filed 10/19/76.</p> <p>Official seal. [Order 74-4, § 132U-04-080, filed 10/16/74; Order 72-1, § 132U-04-080, filed 11/29/72.] Repealed by Order 76-5, filed 10/19/76.</p> <p>Bylaws. [Order 74-4, § 132U-04-100, filed 10/16/74; Order 72-1, § 132U-04-100, filed 11/29/72.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.</p> <p>Restrictions of individual authority. [Order 74-4, § 132U-04-110, filed 10/16/74; Order 72-1, § 132U-04-110, filed 11/29/72.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.</p>	<p>132U-10-010</p> <p>132U-10-020</p> <p>132U-10-030</p> <p>132U-10-040</p> <p>132U-10-050</p> <p>132U-10-060</p>	<p>Introduction. [Order 72-1, § 132U-10-010, filed 11/29/72.] Repealed by Order 73-4, filed 11/16/73.</p> <p>Jurisdiction. [Order 72-1, § 132U-10-020, filed 11/29/72.] Repealed by Order 73-4, filed 11/16/73.</p> <p>Designation of custodians of records. [Order 72-1, § 132U-10-030, filed 11/29/72.] Repealed by Order 73-4, filed 11/16/73.</p> <p>Declaration of what constitutes public records. [Order 72-1, § 132U-10-040, filed 11/29/72.] Repealed by Order 73-4, filed 11/16/73.</p> <p>Nonpublic records. [Order 72-1, § 132U-10-050, filed 11/29/72.] Repealed by Order 73-4, filed 11/16/73.</p> <p>Regulations regarding access to public records. [Order 72-1, § 132U-10-060, filed 11/29/72.] Repealed by Order 73-4, filed 11/16/73.</p>	
<p>Chapter 132U-10 ACCESS TO PUBLIC RECORDS AND DOCUMENTS AT WHATCOM COMMUNITY COLLEGE</p>				

Title 132U**Title 132U WAC: Whatcom Community College**

132U-12-030 Office of board. [Order 70-1, § 132U-12-030, filed 2/24/70.] Repealed by Order 72-1, filed 11/29/72.

132U-12-040 Meetings of the board of trustees. [Order 70-1, § 132U-12-040, filed 2/24/70.] Repealed by Order 72-1, filed 11/29/72.

132U-12-050 Order of agenda. [Order 70-1, § 132U-12-050, filed 2/24/70.] Repealed by Order 72-1, filed 11/29/72.

132U-12-060 Records of board action. [Order 70-1, § 132U-12-060, filed 2/24/70.] Repealed by Order 72-1, filed 11/29/72.

132U-12-070 Officers of the board. [Order 70-1, § 132U-12-070, filed 2/24/70.] Repealed by Order 72-1, filed 11/29/72.

132U-12-080 Official seal. [Order 70-1, § 132U-12-080, filed 2/24/70.] Repealed by Order 72-1, filed 11/29/72.

132U-12-090 Committees. [Order 70-1, § 132U-12-090, filed 2/24/70.] Repealed by Order 72-1, filed 11/29/72.

132U-12-100 Amendment of bylaws. [Order 70-1, § 132U-12-100, filed 2/24/70.] Repealed by Order 72-1, filed 11/29/72.

132U-12-110 Restrictions of individual authority. [Order 70-1, § 132U-12-110, filed 2/24/70.] Repealed by Order 72-1, filed 11/29/72.

132U-12-120 Effective date. [Order 70-1, § 132U-12-120, filed 2/24/70.] Repealed by Order 72-1, filed 11/29/72.

**Chapter 132U-36
ENVIRONMENTAL POLICY ACT RULES**

132U-36-010 Implementation of State Environmental Policy Act. [Order 76-5, § 132U-36-010, filed 10/19/76.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.

**Chapter 132U-40
GRIEVANCE RULES**

132U-40-010 Purpose. [Order 74-7, § 132U-40-010, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.

132U-40-020 Definitions. [Order 76-3, § 132U-40-020, filed 7/16/76; Order 74-7, § 132U-40-020, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.

132U-40-030 Time limitations. [Order 74-7, § 132U-40-030, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.

132U-40-040 Confidentiality. [Order 74-7, § 132U-40-040, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.

132U-40-050 Reprisal. [Order 74-7, § 132U-40-050, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.

132U-40-060 Procedures not to apply to certain types of grievances. [Order 76-3, § 132U-40-060, filed 7/16/76; Order 74-7, § 132U-40-060, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.

132U-40-070 Advocates. [Order 74-7, § 132U-40-070, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.

132U-40-080 Initiation of grievance. [Order 74-7, § 132U-40-080, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.

132U-40-090 Written statement of grievance to immediate supervisor. [Order 74-7, § 132U-40-090, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.

132U-40-100 Written statement of grievance to immediate supervisor's supervisor. [Order 74-7, § 132U-40-100, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.

132U-40-110 Written statement of grievance to president. [Order 74-7, § 132U-40-110, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.

132U-40-120 President as aggrieved party or causing party. [Order 74-7, § 132U-40-120, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.

132U-40-130 Grievance review committee. [Order 74-7, § 132U-40-130, filed 1/7/75.] Repealed by 88-15-005 (Order 88-

03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.

132U-40-140 Arbitration. [Order 74-7, § 132U-40-140, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.

**Chapter 132U-60
ADMISSIONS AND REGISTRATION**

132U-60-001 Catalog. [Order 72-1, § 132U-60-001, filed 11/29/72.] Repealed by 79-05-038 (Order 79-1, Resolution No. 79-1), filed 4/26/79. Statutory Authority: 28B.19.020.

132U-60-002 Changes in catalog. [Order 72-1, § 132U-60-002, filed 11/29/72.] Repealed by 79-05-038 (Order 79-1, Resolution No. 79-1), filed 4/26/79. Statutory Authority: 28B.19.020.

132U-60-003 Finances. [Order 72-1, § 132U-60-003, filed 11/29/72.] Repealed by 79-05-038 (Order 79-1, Resolution No. 79-1), filed 4/26/79. Statutory Authority: 28B.19.020.

132U-60-004 Refund of tuition and fees. [Order 72-1, § 132U-60-004, filed 11/29/72.] Repealed by 79-05-038 (Order 79-1, Resolution No. 79-1), filed 4/26/79. Statutory Authority: 28B.19.020.

132U-60-005 Residency classification. [Order 72-1, § 132U-60-005, filed 11/29/72.] Repealed by 79-05-038 (Order 79-1, Resolution No. 79-1), filed 4/26/79. Statutory Authority: 28B.19.020.

132U-60-006 Sanctions. [Order 72-1, § 132U-60-006, filed 11/29/72.] Repealed by 79-05-038 (Order 79-1, Resolution No. 79-1), filed 4/26/79. Statutory Authority: 28B.19.020.

132U-60-007 Admission. [Order 72-1, § 132U-60-007, filed 11/29/72.] Repealed by 79-05-038 (Order 79-1, Resolution No. 79-1), filed 4/26/79. Statutory Authority: 28B.19.020.

132U-60-008 Admission of special students. [Order 72-1, § 132U-60-008, filed 11/29/72.] Repealed by 79-05-038 (Order 79-1, Resolution No. 79-1), filed 4/26/79. Statutory Authority: 28B.19.020.

132U-60-009 Admission of high school students. [Order 72-1, § 132U-60-009, filed 11/29/72.] Repealed by 79-05-038 (Order 79-1, Resolution No. 79-1), filed 4/26/79. Statutory Authority: 28B.19.020.

132U-60-010 Registration. [Order 72-1, § 132U-60-010, filed 11/29/72.] Repealed by 79-05-038 (Order 79-1, Resolution No. 79-1), filed 4/26/79. Statutory Authority: 28B.19.020.

132U-60-011 Withdrawal. [Order 72-1, § 132U-60-011, filed 11/29/72.] Repealed by 79-05-038 (Order 79-1, Resolution No. 79-1), filed 4/26/79. Statutory Authority: 28B.19.020.

132U-60-012 Graduation. [Order 72-1, § 132U-60-012, filed 11/29/72.] Repealed by 79-05-038 (Order 79-1, Resolution No. 79-1), filed 4/26/79. Statutory Authority: 28B.19.020.

**Chapter 132U-80
FACULTY EMPLOYMENT**

132U-80-010 Purpose. [Order 74-8, § 132U-80-010, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.

132U-80-020 Definitions. [Order 76-5, § 132U-80-020, filed 10/19/76; Order 74-8, § 132U-80-020, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.

132U-80-030 Written agreement. [Order 74-8, § 132U-80-030, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.

132U-80-040 Salary and assignment points for probationary employees. [Order 74-8, § 132U-80-040, filed 1/7/75.] Repealed by Order 76-5, filed 10/19/76.

132U-80-050 Salary and assignment points for permanent faculty employees. [Order 74-8, § 132U-80-050, filed 1/7/75.] Repealed by Order 76-5, filed 10/19/76.

132U-80-060 Standing review committee. [Order 74-8, § 132U-80-060, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.

132U-80-065 Standing review committee—Purpose and responsibility. [Order 74-8, § 132U-80-065, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.

132U-80-070 Standing review committee—Procedures and criteria. [Order 74-8, § 132U-80-070, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.

132U-80-080 Standing review committee—Recommendation not to renew probationary appointment. [Order 74-8, § 132U-80-080, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.

132U-80-090 Nonrenewal of probationary appointment. [Order 74-8, § 132U-80-090, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.

132U-80-100 Individual review committee. [Order 74-8, § 132U-80-100, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.

132U-80-105 Individual review committee—Purpose. [Order 74-8, § 132U-80-105, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.

132U-80-110 Individual review committee—Procedures and criteria. [Order 74-8, § 132U-80-110, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.

132U-80-115 Individual review committee—Ongoing evaluation. [Order 74-8, § 132U-80-115, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.

132U-80-125 Decision to award or withhold permanent status. [Order 76-5, § 132U-80-125, filed 10/19/76; Order 74-8, § 132U-80-125, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.

132U-80-200 Dismissal of faculty. [Order 74-8, § 132U-80-200, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.

132U-80-205 Sufficient cause. [Order 74-8, § 132U-80-205, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.

132U-80-210 Dismissal review committee. [Order 74-8, § 132U-80-210, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.

132U-80-220 Initiation of dismissal proceedings. [Order 74-8, § 132U-80-220, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.

132U-80-230 Hearings. [Order 74-8, § 132U-80-230, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.

132U-80-235 Neutral hearing officer. [Order 74-8, § 132U-80-235, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.

132U-80-240 Written recommendation by review committee. [Order 74-8, § 132U-80-240, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.

132U-80-245 Decision by board of trustees. [Order 74-8, § 132U-80-245, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.

132U-80-250 Suspension. [Order 74-8, § 132U-80-250, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.

132U-80-255 Records. [Order 74-8, § 132U-80-255, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.

132U-80-265 Appeal. [Order 74-8, § 132U-80-265, filed 1/7/75.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.

132U-80-300 Reduction in force procedures. [Order 76-3, § 132U-80-300, filed 7/16/76; Order 74-5, § 132U-80-300, filed 11/19/74.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.

132U-80-310 Determination that reduction in force is necessary. [Order 76-3, § 132U-80-310, filed 7/16/76; Order 74-5, § 132U-80-310, filed 11/19/74.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.

132U-80-320 Reduction in academic employees. [Order 74-5, § 132U-80-320, filed 11/19/74.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.

132U-80-330 Selection of necessary course offerings and/or other services. [Order 74-5, § 132U-80-330, filed 11/19/74.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.

132U-80-340 Order of layoff. [Order 76-5, § 132U-80-340, filed 10/19/76; Order 74-5, § 132U-80-340, filed 11/19/74.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.

132U-80-350 Determination of employee capabilities or qualifications. [Order 74-5, § 132U-80-350, filed 11/19/74.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.

132U-80-360 Notice of layoff. [Order 74-5, § 132U-80-360, filed 11/19/74.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.

132U-80-370 Reemployment. [Order 74-5, § 132U-80-370, filed 11/19/74.] Repealed by 88-15-005 (Order 88-03), filed 7/8/88. Statutory Authority: RCW 28B.50.130 and 28B.50.140.

**Chapter 132U-03 WAC
ORGANIZATION**

WAC

132U-03-010 Purpose.
132U-03-020 Organization—Operation—Information.
132U-03-030 Rules coordinator.

WAC 132U-03-010 Purpose. The purpose of this chapter is to establish rules implementing RCW 34.05.220 (1)(b) and 42.17.250 (1)(a) and (b).

[Statutory Authority: RCW 28B.50.140, chapters 34.05 and 69.41 RCW. 90-05-043, § 132U-03-010, filed 2/15/90, effective 3/18/90.]

WAC 132U-03-020 Organization—Operation—Information. (1) Organization. Whatcom Community College 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 of Whatcom Community College is at the following address:

237 West Kellogg Road
Bellingham, Washington 98226

The office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays.[:]

(3) Information. Additional and detailed information concerning the educational offerings may be obtained from the college web site <http://www.whatcom.ctc.edu> or catalog, copies of which are available at the following address:

Entry and Advising Center
Whatcom Community College
237 West Kellogg Road
Bellingham, Washington 98226

[Statutory Authority: RCW 28B.50.130, 28B.50.140, 07-15-033, § 132U-03-020, filed 7/12/07, effective 8/12/07. Statutory Authority: RCW 28B.50.140, chapters 34.05 and 69.41 RCW, 90-05-043, § 132U-03-020, filed 2/15/90, effective 3/18/90.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 132U-03-030 Rules coordinator. The rules coordinator for this institution shall have an office located at the office of the vice-president for educational services, with the following mailing address:

Educational Services Office
Whatcom Community College
237 West Kellogg Road
Bellingham, WA 98226

[Statutory Authority: RCW 28B.50.130, 28B.50.140, 07-15-033, § 132U-03-030, filed 7/12/07, effective 8/12/07. Statutory Authority: RCW 28B.50.140, chapters 34.05 and 69.41 RCW, 90-05-043, § 132U-03-030, filed 2/15/90, effective 3/18/90.]

Chapter 132U-52 WAC HEALTH AND SAFETY

WAC

132U-52-010 Control of dogs.

WAC 132U-52-010 Control of dogs. Dogs are not permitted in Whatcom Community College buildings or on college property except for:

- (1) Service animals under immediate control of their owners that are trained for the purpose of assisting or accommodating a person's sensory, mental, or physical disability; or
- (2) Dogs authorized by the chief student affairs officer (or designee) for educational purposes.

(Statutory authority: RCW 28B.50.140(10))

[Statutory Authority: RCW 28B.50.130, 03-01-071, § 132U-52-010, filed 12/12/02, effective 1/12/03; 88-07-057 (Order 88-02), § 132U-52-010, filed 3/15/88.]

Chapter 132U-104 WAC

BOARD OF TRUSTEES—BYLAWS—MEETINGS

WAC

132U-104-010 Bylaws.
132U-104-020 Restrictions of individual authority—Quorum.
132U-104-030 Meetings of the board of trustees.

WAC 132U-104-010 Bylaws. The board of trustees may adopt bylaws to govern its operations. A record of these bylaws shall be maintained in the office of the president.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140, 88-15-005 (Order 88-03), § 132U-104-010, filed 7/8/88.]

WAC 132U-104-020 Restrictions of individual authority—Quorum. (1) Legal authority is vested in the board of trustees and may be exercised only by formal action of the board taken in a regular or special meeting. No individual member of the board may act on behalf of the board unless specifically instructed by action of the board.

[Title 132U WAC—p. 4]

(2) Three members shall constitute a quorum, and no action may be taken with less than a quorum present.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140, 88-15-005 (Order 88-03), § 132U-104-020, filed 7/8/88.]

WAC 132U-104-030 Meetings of the board of trustees. The board customarily holds monthly meetings on the second Wednesday of each month at such place as it may designate. Notices of the time and place of all regular and special meetings shall be governed by the requirements of chapter 42.30 RCW Open Public Meetings Act.

[Statutory Authority: RCW 28B.50.130, 28B.50.140, 07-15-033, § 132U-104-030, filed 7/12/07, effective 8/12/07; 88-15-005 (Order 88-03), § 132U-104-030, filed 7/8/88.]

Chapter 132U-108 WAC PROCEDURE

WAC

132U-108-010 Rules of procedure.
132U-108-020 Brief adjudicative procedure.
132U-108-021 Presiding officer.
132U-108-030 Adjudicative proceedings open.

WAC 132U-108-010 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.

[Statutory Authority: RCW 28B.50.140, chapters 34.05 and 69.41 RCW, 90-05-043, § 132U-108-010, filed 2/15/90, effective 3/18/90.]

WAC 132U-108-020 Brief adjudicative procedure. 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) Appeals from residency classifications made pursuant to RCW 28B.15.013;
- (2) Appeals from parking infractions;
- (3) Student conduct or disciplinary proceedings in which the proposed penalty is less than dismissal.

[Statutory Authority: RCW 28B.50.140, chapters 34.05 and 69.41 RCW, 90-05-043, § 132U-108-020, filed 2/15/90, effective 3/18/90.]

WAC 132U-108-021 Presiding officer. This rule is adopted in accordance with RCW 34.05.425. The presiding officer in an administrative hearing for this institution shall be an adjudicative law judge or an attorney in good standing with the Washington State Bar Association, and designated by the president.

[Statutory Authority: RCW 28B.50.140, chapters 34.05 and 69.41 RCW, 90-05-043, § 132U-108-021, filed 2/15/90, effective 3/18/90.]

WAC 132U-108-030 Adjudicative proceedings open. Adjudicative proceedings shall be open to the public, except for student disciplinary matters, in compliance with 20 U.S.C. Sec. 1232g, the Family Educational Rights and Privacy Act, unless the student chooses to have the hearing open to the public; and faculty and administrative exempt disci-

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plinary proceedings, unless the person subject of the proceedings chooses to have the hearing open to the public.

[Statutory Authority: RCW 28B.50.140, chapters 34.05 and 69.41 RCW. 90-05-043, § 132U-108-030, filed 2/15/90, effective 3/18/90.]

Chapter 132U-116 WAC

PARKING AND TRAFFIC REGULATIONS

WAC

132U-116-010 Authority.
132U-116-020 Purpose.
132U-116-030 Parking and traffic regulations.

WAC 132U-116-010 Authority. Pursuant to the authority granted by RCW 28B.50.140(10), the board of trustees of Whatcom Community College hereby establishes rules and regulations for vehicular parking on property owned, operated or maintained by the college district.

[Statutory Authority: RCW 28B.50.130. 88-07-057 (Order 88-02), § 132U-116-010, filed 3/15/88.]

WAC 132U-116-020 Purpose. The rules and regulations contained in this chapter are established for the following purposes:

- (1) To protect and control pedestrian and vehicular traffic on property owned, operated and maintained by the college district.
- (2) To assure access for emergency traffic.
- (3) To facilitate the operation of the college by assuring access for vehicles.
- (4) To regulate the use of parking spaces.
- (Statutory authority: RCW 28B.50.140(10))

[Statutory Authority: RCW 28B.50.130. 88-07-057 (Order 88-02), § 132U-116-020, filed 3/15/88.]

WAC 132U-116-030 Parking and traffic regulations.

(1) All students, faculty members and staff at Whatcom Community College may be issued parking permits upon registration or employment with the college may be required to display those permits on their vehicles in a prominent place.

(2) People who come upon the campus as guests, and people who lawfully visit the campus for purposes which are in keeping with the college's role as an institution of higher education may park in the campus visitor parking lot.

(3) Students, faculty, staff and visitors shall obey any signs or painted instructions regarding parking regulations on the campus.

(4) The college reserves the right to have towed from the college premises any abandoned vehicle, any vehicle blocking a fire lane, any vehicle parked in a handicapped parking space without the appropriate permit, or any vehicle parked outside of designated parking spaces, or otherwise in violation of college parking and traffic regulations.

(5) Cars left in excess of 48 hours will be considered abandoned and may be towed at the expense of the owner.

(6) A student's failure to abide by these regulations shall constitute a conduct violation, subjecting the student to fines as authorized by the board of trustees or to discipline under chapter 132U-120 WAC.

(7) Faculty, administration or staff members who fail to abide by these regulations shall be subject to discipline under

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the system appropriate to the employee's status and classification.

[Statutory Authority: RCW 28B.50.140, chapters 34.05 and 69.41 RCW. 90-05-043, § 132U-116-030, filed 2/15/90, effective 3/18/90. Statutory Authority: RCW 28B.50.130. 88-07-057 (Order 88-02), § 132U-116-030, filed 3/15/88.]

Chapter 132U-120 WAC

STUDENT RIGHTS AND RESPONSIBILITIES

WAC

132U-120-010 Title.
132U-120-015 Purpose.
132U-120-020 Definitions.
132U-120-030 Jurisdiction.
132U-120-040 Student rights.
132U-120-050 Student responsibilities.
132U-120-060 Trespass.
132U-120-065 Judicial authority.
132U-120-075 Conduct proceedings.
132U-120-080 Disciplinary sanctions.
132U-120-095 Summary suspension.
132U-120-100 Appeals—Overview.
132U-120-110 Structure of the student rights and responsibilities committee.
132U-120-120 Hearing procedures before the student rights and responsibilities committee.
132U-120-140 Decision by the student rights and responsibilities committee.
132U-120-150 Final appeal.
132U-120-160 Effective date of the rules of conduct.
132U-120-170 Prior rules.
132U-120-180 Severability.

STUDENT COMPLAINT PROCEDURE

132U-120-260 Purpose.
132U-120-270 Complaints excluded.
132U-120-285 Time limits.
132U-120-320 Withdrawal of complaint.
132U-120-330 Administrative, faculty and staff grievances.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

132U-120-070 Delegation of disciplinary authority. [Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-120-070, filed 7/8/88.] Repealed by 03-01-072, filed 12/12/02, effective 1/12/03. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
132U-120-090 Initial disciplinary proceedings. [Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-120-090, filed 7/8/88.] Repealed by 03-01-072, filed 12/12/02, effective 1/12/03. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
132U-120-130 Evidence admissible in hearings. [Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-120-130, filed 7/8/88.] Repealed by 03-01-072, filed 12/12/02, effective 1/12/03. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
132U-120-190 Summary suspension proceedings. [Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-120-190, filed 7/8/88.] Repealed by 03-01-072, filed 12/12/02, effective 1/12/03. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
132U-120-200 Procedures of summary suspension hearing. [Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-120-200, filed 7/8/88.] Repealed by 03-01-072, filed 12/12/02, effective 1/12/03. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
132U-120-210 Decision by the dean. [Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-120-210, filed 7/8/88.] Repealed by 03-01-072, filed 12/12/02, effective 1/12/03. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
132U-120-220 Notice of suspension. [Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-120-220, filed 7/8/88.] Repealed by 03-01-072,

- filed 12/12/02, effective 1/12/03. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
- 132U-120-230 Suspension for failure to appear. [Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-120-230, filed 7/8/88.] Repealed by 03-01-072, filed 12/12/02, effective 1/12/03. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
- 132U-120-240 Appeals from summary suspension hearing. [Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-120-240, filed 7/8/88.] Repealed by 03-01-072, filed 12/12/02, effective 1/12/03. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
- 132U-120-250 Final decision. [Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-120-250, filed 7/8/88.] Repealed by 03-01-072, filed 12/12/02, effective 1/12/03. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
- 132U-120-280 Grievance procedures. [Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-120-280, filed 7/8/88.] Repealed by 03-01-072, filed 12/12/02, effective 1/12/03. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
- 132U-120-290 Appeals. [Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-120-290, filed 7/8/88.] Repealed by 03-01-072, filed 12/12/02, effective 1/12/03. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
- 132U-120-300 Final decision regarding student grievances. [Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-120-300, filed 7/8/88.] Repealed by 03-01-072, filed 12/12/02, effective 1/12/03. Statutory Authority: RCW 28B.50.130 and 28B.50.140.
- 132U-120-310 Nature of grievance proceedings. [Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-120-310, filed 7/8/88.] Repealed by 03-01-072, filed 12/12/02, effective 1/12/03. Statutory Authority: RCW 28B.50.130 and 28B.50.140.

WAC 132U-120-010 Title. This chapter shall be known as the student rights and responsibilities code of Whatcom Community College.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 03-01-072, § 132U-120-010, filed 12/12/02, effective 1/12/03; 88-15-005 (Order 88-03), § 132U-120-010, filed 7/8/88.]

WAC 132U-120-015 Purpose. Whatcom Community College, as a state supported institution of higher education, has a primary mission to provide effective quality education designed to foster the development of students' knowledge, communication and critical thinking skills, personal integrity, global understanding, and appreciation of diversity. Students and college personnel share responsibility for this common mission by contributing to a learning environment that promotes academic honesty, social justice, understanding, civility, and nonviolence within a safe and supportive college community.

Enrollment in Whatcom Community College carries with it the obligation to be a responsible citizen of the college community and to treat others with respect and dignity. Students have obligations to fulfill both their particular roles within the academic community and those obligations as citizens of their larger community. Each student is expected to abide by college policies and regulations along with local, state, and federal laws. Any student charged with a violation of college policies or regulations is guaranteed fair judicial process and when found in violation, appropriate disciplinary action.

The student's rights and responsibilities code is implemented to support the aforementioned purpose to assist in the

protection of the rights and freedoms of all members of the college community.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 03-01-072, § 132U-120-015, filed 12/12/02, effective 1/12/03.]

WAC 132U-120-020 Definitions. As used in this chapter, the following words and phrases shall be defined as follows:

"Academic dishonesty" shall mean plagiarism, cheating on examinations, fraudulent representation of student work product or other similar acts of dishonesty.

"Alcoholic beverages" shall mean the definition of liquor as contained within RCW 66.04.010(15) as now law or hereafter amended.

"Assembly" shall mean any overt activity engaged in by two or more persons, the object of which is to gain publicity, advocate a view, petition for a cause, or disseminate information to any person, persons or group of persons.

"Associated students" shall mean the student body and such authorized groups organized under the provisions of the constitution and bylaws of the associated students of the college.

"ASWCC" shall mean the associated students of Whatcom Community College as defined in the constitution of that body.

"Board" shall mean the board of trustees of Community College District No. 21, state of Washington.

"Code of conduct" refers to the Whatcom Community College code of student rights and responsibilities.

"College" shall mean Whatcom Community College, and any other community college centers or facilities established within Community College District No. 21.

"College community" shall mean trustees, students, employees, and guests on college-owned or controlled facilities, including distance learning environments.

"College facilities" shall mean and include any and all personal property and real property that the college owns, uses, or controls including all buildings and appurtenances affixed thereon or attached thereto district-wide. College facilities extend to affiliated web sites, distance learning classroom environments, and agencies or institutions that have educational agreements with Whatcom Community College.

"College official" shall mean any person who is employed by the college or authorized to act as an agent of the college in performing assigned administrative or professional responsibilities.

"Controlled substance" shall mean and include any drug or substance as defined in chapter 69.50 RCW as now law or hereafter amended.

"Dean of students" shall mean the chief student affairs officer who is the administrator responsible for student services or designee.

"Dean of instruction" shall mean the chief officer who is the administrator responsible for instruction or designee.

"Demonstrations" shall mean any overt activity engaged in by one or more persons, the object of which is to gain publicity, advocate a view, petition for a cause or disseminate information to any person, persons, or group of persons.

"Director of student programs" shall mean the administrator responsible for student programs and activities or designee.

"Disciplinary sanctions" shall mean and include a warning, reprimand, probation, suspension, or dismissal of any student by a dean, or designee, or the president issued pursuant to this chapter where that student has violated any designated rule or regulation of the rules of conduct for which a student is subject to disciplinary action.

"Distance learning" shall mean various methods of instructional delivery that include, but are not limited to, online courses, telecourses, and interactive video courses.

"Faculty" or "instructor" shall mean any full-time or part-time academic employee of the college or an affiliated institution whose assignment is one of a combination of instruction, counseling or library services.

"Free speech area" shall be designated by the college president and can be reserved by student groups and organizations through the office of student programs and activities.

"Instructional day" shall mean any regularly scheduled day of instruction designated in the academic year calendar, including summer quarter, as a day when classes are held. Saturdays and Sundays are not regularly scheduled instructional days.

"President" shall mean the president of Whatcom Community College and president of Community College District No. 21, state of Washington.

"Rules of conduct" shall mean those rules contained within this chapter as now exist or which may be hereafter amended, the violation of which subjects a student to disciplinary action.

"Student," unless otherwise qualified, shall mean and include any person who is enrolled for classes at the college, including any person enrolled in distance learning courses.

"Student rights and responsibilities committee" shall mean the judicial body provided in this chapter.

"Trespass" shall mean the definition of trespass as contained within chapter 9A.52 RCW, as now law or hereafter amended.

[Statutory Authority: RCW 28B.50.130, [28B.50.]140, and chapter 49.60 RCW. 07-19-038, § 132U-120-020, filed 9/13/07, effective 10/14/07. Statutory Authority: RCW 28B.50.130 and 28B.50.140. 03-01-072, § 132U-120-020, filed 12/12/02, effective 1/12/03; 88-15-005 (Order 88-03), § 132U-120-020, filed 7/8/88.]

WAC 132U-120-030 Jurisdiction. The student rights and responsibilities code is a guideline for expected student behavior at the college. All rules and provisions in the code apply to every student on campus or in a college facility. Such rules and provisions also apply to students while they are present at or engaged in college-sponsored activities held in noncollege facilities. The college is not a policing agent for students when they are off campus but does reserve the right to take action if a student's behavior is determined to threaten the health, safety, and/or property of the college and its members.

Students, college employees, or members of the public who violate, or aid or abet another in violation of this chapter shall be subject to:

- (1) Criminal and civil prosecution;

- (2) Restriction from any college property or facilities, the violation of which could result in criminal trespass;

- (3) Any other civil or criminal remedies available to the public;

- (4) Appropriate disciplinary action pursuant to the state of Washington higher education personnel board rules or the district's policies and regulations.

The college may carry out disciplinary proceedings prior to, simultaneous, or following civil or criminal proceedings in the court.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 03-01-072, § 132U-120-030, filed 12/12/02, effective 1/12/03; 88-15-005 (Order 88-03), § 132U-120-030, filed 7/8/88.]

WAC 132U-120-040 Student rights. The following enumerated rights are guaranteed to each student within the limitations of statutory law and college policy which are 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 among the college's curricula, programs and services, subject to the limitations of RCW 28B.50.090 (3)(b).

- (c) Students shall be protected from academic evaluation which is arbitrary, prejudiced or capricious, but are responsible for meeting the standards of academic performance established by each of their instructors.

- (d) Students have the right to a learning environment which is free from unlawful discrimination, inappropriate and disrespectful conduct, and sexual harassment.

- (2) Due process.

- (a) The rights of students to be secure in their persons, quarters, papers and effects against unreasonable searches and seizures is guaranteed.

- (b) No disciplinary sanction may be imposed on any student without notice to the accused of the nature of the charges.

- (c) A student accused of violating this code of student rights and responsibilities is entitled, upon request, to procedural due process as set forth in this chapter.

- (3) Distribution and posting. Students may post or distribute printed or published material. Such distribution and posting is subject to college rules and procedures available in the student programs office.

- (4) Outside speakers. Recognized student organizations shall have the right to invite outside speakers to speak on campus subject to the availability of campus facilities, funding, and compliance with the college procedures available in the student programs office.

- (5) Commercial activities.

- (a) College facilities may not be used for commercial solicitation, advertising, or promotional activities unless the activities clearly serve educational objectives and fit within the mission of the college. The commercial activities may be conducted under the sponsorship or the request of a college department or official student organization.

(b) These sponsored commercial activities must be scheduled and approved by the director of student programs conducted in a manner not to interfere with or operate to the detriment of college functions or the free flow of pedestrian or vehicular traffic.

(6) Student participation in college governance.

(a) Whatcom Community College recognizes the special role that students have in the development and maintenance of student programs.

(b) The college provides opportunities for students to participate in college governance, including the formulation of college policies and procedures relevant to students, through representation by the Associated Students of Whatcom Community College (ASWCC).

(c) Students are also appointed, according to the ASWCC constitution and bylaws, to serve on a variety of college committees.

(7) Right of assembly.

(a) Fundamental to the democratic process are the rights of free speech and peaceful assembly. Students may conduct or may participate in any assembly on college facilities provided that such assemblies:

(i) Are conducted in an orderly manner;

(ii) Do not unreasonably interfere with classes, scheduled meetings or ceremonies, or regular functions of the college;

(iii) Do not unreasonably interfere with pedestrian or vehicular traffic; or

(iv) Do not cause destruction or damage to college property, including library materials, or private property on college facilities.

(b) Any student group or student organization that intends to conduct an assembly must reserve the college "free speech area" through the office of the director of student programs.

(c) Assemblies that violate these rules may be ordered to disperse by a college official. If the college "free speech area" is available, the college official may allow the activities to move to that area. If the assembly does not respond to the instructions within a reasonable time, the college official shall call the police to handle as a civil matter.

(d) A nonstudent who violates any provision of the rule will be referred to civilian authorities for criminal prosecution.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 03-01-072, § 132U-120-040, filed 12/12/02, effective 1/12/03; 88-15-005 (Order 88-03), § 132U-120-040, filed 7/8/88.]

WAC 132U-120-050 Student responsibilities. As members of the Whatcom Community College community, students have an obligation to demonstrate academic and personal honesty and integrity. Students are expected to respect individual rights, recognize their impact on others, and take responsibility for their actions.

Students shall be subject to disciplinary action for interfering with the personal rights or privileges of others or the educational process of the college. Students are prohibited from engaging in any unlawful conduct. Grounds for disciplinary action include, but are not limited to, the following:

(1) **Student misconduct.**

(a) Assault, reckless endangerment, intimidation or interference upon another person.

(b) Disorderly, abusive, or bothersome conduct. Disorderly or abusive behavior that interferes with the rights of others or obstructs or disrupts teaching, research, or administrative functions.

(c) Failure to follow instructions. Inattentiveness, inability, or failure of student to follow the instructions of a college official, thereby infringing upon the rights and privileges of others.

(d) Providing false information to the college, forgery, or alteration of records.

(e) Illegal assembly, disruption, obstruction or other act which materially and substantially interferes with vehicular or pedestrian traffic, classes, hearings, meetings, the educational and administrative functions of the college, or the private rights and privileges of others.

(f) Inciting others. Intentionally encouraging, preparing, or compelling others to engage in any prohibited conduct.

(g) Hazing. Hazing means any method of initiation into a student organization or any pastime or amusement engaged in with respect to such an organization that causes, or is likely to cause, bodily danger or physical, mental or emotional harm to any student or other person.

(h) False complaint. Filing a formal complaint falsely accusing another student or college employee with violating a provision of this chapter.

(i) False alarms. Falsely setting off or otherwise tampering with any emergency safety equipment, alarm, or other device established for the safety of individuals and/or college facilities.

(j) Sexual harassment. Engaging in unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where such behavior offends the recipient, causes discomfort or humiliation, or interferes with job or school performance.

(k) Malicious harassment. Malicious harassment involves intimidation or bothersome behavior directed toward another person because of, or related to, that person's race, color, religion, gender, sexual orientation, ancestry, national origin, or mental, physical, or sensory disability.

(l) Theft and robbery. Theft of the property of the district or of another as defined in RCW 9A.56.010—9A.56.050 and 9A.56.100 as now law or hereafter amended. Includes theft of the property of the district or of another; actual or attempted theft of property or services belonging to the college, any member of its community or any campus visitor; or knowingly possessing stolen property.

(m) Damage to any college facility or equipment. Intentional or negligent damage to or destruction of any college facility, equipment, or other public or private real or personal property.

(n) Unauthorized use of college or associated students' equipment and supplies. Converting of college equipment, supplies or computer systems for personal gain or use without proper authority.

(o) Forgery or alteration of records. Forging or tendering any forged records or instruments, as defined in RCW 9A.60.010—9A.60.020 as now law or hereafter amended, of

any district record or instrument to an employee or agent of the district acting in his official capacity as such.

(p) **Illegal entry.** Entering or remaining in any administrative office or otherwise closed college facility or entering after the closing time of college facilities without permission of an employee in charge.

(q) **Possession or use of firearms, explosives, dangerous chemicals, or other dangerous weapons, instruments, or substances that can be used to inflict bodily harm or to damage real or personal property, except for authorized college purposes or law enforcement officers.**

(r) **Refusal to provide identification (e.g., valid driver's license, student identification, passport, or state identification card) in appropriate circumstances to any college employee in the lawful discharge of said employee's duties.**

(s) **Smoking.** Smoking in any classroom or laboratory, the library, vehicle, or in any college facility or office posted "no smoking" or any other smoking not in compliance with chapter 70.160 RCW.

(t) **Controlled substances.** Using, possessing, being demonstrably under the influence of, or selling any narcotic or controlled substance as defined in chapter 69.50 RCW as now law or hereafter amended, except when the use or possession of a drug is specifically prescribed as medication by an authorized medical doctor or dentist. For the purpose of this regulation, "sale" shall include the statutory meaning defined in RCW 69.50.410 as now law or hereafter amended.

(u) **Alcoholic beverages.** Being demonstrably under the influence of any form of alcoholic beverage. Possessing or consuming any form of alcoholic beverage on college property, with the exception of sanctioned events, approved by the president or his or her designee and in compliance with state law.

(v) **Computer, telephone, or electronic technology violation.** Conduct that violates the college published acceptable use rules on computer, telephone, or electronic technology use, including electronic mail and the internet.

(w) **Computer trespass.** Gaining access, without authorization, to a computer system or network, or electronic data owned, used by, or affiliated with Whatcom Community College.

(x) **Ethics violation.** The breach of any generally recognized and published code of ethics or standards of professional practice that governs the conduct of a particular profession for which the student is taking courses or is pursuing as an educational goal or major. These ethics codes must be distributed to students as part of an educational program, course, or sequence of courses and the student must be informed that a violation of such ethics codes may subject the student to disciplinary action by the college.

(y) **Criminal law violation, illegal behavior, other violations.** Students may be accountable to the civil or criminal authorities and the college for acts which constitute violations of federal, state, or local law as well as college rules where the students' behavior is determined to threaten the health, safety, and/or property of the college and its members. The college may refer any such violations to civilian or criminal authorities for disposition.

(2) **Academic dishonesty.** Academic dishonesty includes cheating, plagiarism, fabrication, and facilitating academic dishonesty.

(a) **Cheating** is intentionally using or attempting to use unauthorized materials, information, or study aids in any academic activity.

(b) **Plagiarism** includes submitting to a faculty member any work product that the student fraudulently represents to the faculty member as the student's work product for the purpose of fulfilling or partially fulfilling any assignment or task required by the faculty member as part of the student's program of instruction.

(c) **Fabrication** is the intentional and unauthorized falsification or invention of any information or citation in an academic activity.

(d) **Facilitating academic dishonesty** is intentionally or knowingly helping or attempting to help another to violate a provision of this section of the disciplinary code.

Acts of dishonesty are serious breaches of honor and shall be dealt with in the following manner:

(i) Any student who commits or aids in the accomplishment of an act of academic dishonesty shall be subject to disciplinary action.

(ii) In cases of academic dishonesty, the instructor or dean of students may adjust the student's grade. The instructor may also refer the matter to the dean of students for disciplinary action.

(3) **Classroom conduct.** Faculty have the authority to take appropriate action to maintain order and proper conduct in the classroom and to maintain the effective cooperation of the class in fulfilling the objectives of the course.

An instructor has the authority to exclude a student from any single class session during which the student is disruptive to the learning environment. The instructor shall report any such exclusion from the class to the dean of students or designee who may summarily suspend the student or initiate conduct proceedings as provided in this procedure. The dean may impose a disciplinary probation that restricts the student from the classroom until the student has met with the dean and the student agrees to comply with the specific conditions outlined by the dean for conduct in the classroom. The student may appeal the disciplinary sanction according to the disciplinary appeal procedures.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 03-01-072, § 132U-120-050, filed 12/12/02, effective 1/12/03; 88-15-005 (Order 88-03), § 132U-120-050, filed 7/8/88.]

WAC 132U-120-060 Trespass. The president or designee(s) shall have the authority and power to prohibit the entry or withdraw the license or privilege of any person or group of persons to enter into or remain in any college property or facility. Such power and authority may be exercised to halt any event which is deemed to be unreasonably disruptive of order or impedes the movement of persons or vehicles or which disrupts or threatens to disrupt the movement of persons from facilities owned and/or operated by the college. Any person who disobeys a lawful order given by the president, or his or her designee(s), shall be subject to disciplinary action and/or charges of criminal trespass.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 03-01-072, § 132U-120-060, filed 12/12/02, effective 1/12/03; 88-15-005 (Order 88-03), § 132U-120-060, filed 7/8/88.]

WAC 132U-120-065 Judicial authority. The dean of students or designee is responsible for the administration of the student rights and responsibility code. The dean's responsibility includes the authority to adjudicate and administer sanctions for violations of the code pursuant to the conduct proceedings in WAC 132U-120-075.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 03-01-072, § 132U-120-065, filed 12/12/02, effective 1/12/03.]

WAC 132U-120-075 Conduct proceedings. Any member of the college community may report, orally or in writing, alleged violations to the dean of students. The dean of students or designee will then proceed to investigate the accuracy of the alleged violations. If the dean of students or designee finds that there is a sufficient basis to consider the allegations, the conduct hearing process will proceed as follows:

(1) Any student accused of violating any provision of the code of conduct shall be called for an initial meeting with the dean of students. The student shall be informed of which rules of conduct the student is charged with violating, and what appears to be the range of penalties, if any, that might result from the disciplinary proceedings.

(2) After considering the evidence in the case and interviewing the accused student, the dean may take any of the following actions:

(a) Terminate the proceeding, exonerating the student or students.

(b) Dismiss the case after whatever counseling and advice the dean deems appropriate.

(c) Impose verbal warning to the student directly, not subject to the student's right of appeal.

(d) Impose additional sanctions of reprimand, probation, limited dismissal, or expulsion, subject to the student's right of appeal. Following the hearing, the dean shall notify the student in writing within ten instructional days of the decision, the reasons for the decision, and information about the appeals process.

(3) If the student fails to appear at the scheduled meeting without prior notification or evidence of extenuating circumstances, the dean may impose any sanction authorized by this code in addition to placing a hold on the student records and restricting the student from further enrollment.

(4) The written decision of the dean shall become final unless appealed.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 03-01-072, § 132U-120-075, filed 12/12/02, effective 1/12/03.]

WAC 132U-120-080 Disciplinary sanctions. A primary objective of the disciplinary process is to promote the personal and social development of those students found responsible for misconduct. Charges are investigated and resolved in a forum of candor, civility, and fairness. In conjunction, students found to have committed a form of misconduct are subject to the following sanctions.

(1) Disciplinary warning. Verbal notice to a student by a dean or his or her designee(s) that she/he has violated the rules of conduct as outlined in this chapter or has otherwise failed to satisfy the college's expectations regarding conduct shall be considered a disciplinary warning. Such warnings imply that continuing or repeating the specific violation or

engaging in other misconduct will result in one of the more serious disciplinary actions described below. Formal files or records will not be kept on informal verbal warnings.

(2) Disciplinary reprimand. Formal action censuring a student for violating the rules of conduct as outlined in WAC 132U-120-050. Reprimands shall be made in writing to the student by the dean of students or designee(s), with copies placed on file in the administrative office. A reprimand shall indicate to the student that continuing or repeating the specific violation involved will result in one of the more serious disciplinary actions described below.

(3) Disciplinary probation. Formal action by the dean placing conditions upon the student's continued attendance. Notice shall be made in writing and shall specify the period of probation and the conditions, such as limiting the student's participation in activities, fines or restitution for damage, or other possible penalties. Disciplinary probation may be for a specific term or for an indefinite period which may extend to graduation or other termination of the student's enrollment in the college.

(4) Suspension. Temporary dismissal from the college and termination of the person's student status for violation of WAC 132U-120-050. Notice shall be made in writing and specify the duration of the dismissal and any special conditions which must be met before readmission.

(5) Expulsion. Permanent termination of a student's status for violation of WAC 132U-120-050. Notice must be given in writing. There shall be no refund of fees for the quarter in which the action is taken but fees paid in advance for a subsequent quarter will be refunded.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 03-01-072, § 132U-120-080, filed 12/12/02, effective 1/12/03; 88-15-005 (Order 88-03), § 132U-120-080, filed 7/8/88.]

WAC 132U-120-095 Summary suspension. The dean of students or designee may summarily suspend any student from the college if the dean has reason to believe that the student presents a danger either to self or others on the college campus, threatens campus safety, or severely disrupts the educational process. The summary suspension procedure provides an emergency method of suspension for purposes of investigation, reviewing the impact on the campus community due to a serious infraction of student behavior standards, or removing a threat to the safety and well-being of the college community.

(1) **Initial summary suspension proceedings.** If the dean of students believes it is necessary to exercise the authority to summarily suspend a student, the dean shall:

(a) Notify the student of the alleged misconduct and violation(s) of the code of student conduct. This notification may initially be given orally, but written notification shall be sent by certified and regular mail to the student's last known address, or shall be personally served.

(b) The notice shall be entitled, "notice of summary suspension proceedings" and shall state:

(i) The charges against the student including the reference to the law and/or code of conduct.

(ii) The specified date, time, and location that the student must appear before the dean for a hearing. The hearing shall be held as soon as practical after the summary suspension.

(iii) A warning that the student shall be considered trespassing and the police will be called if the student enters the college campus other than to meet with the dean of students or to attend the disciplinary hearing.

(2) **Emergency procedure.** The summary suspension procedure shall not prevent faculty members or college officials from taking reasonable summary action to maintain order if they have reason to believe that such action is necessary for the physical safety and well-being of the student or the safety and protection of other students or of college property or where the student's conduct seriously disrupts the educational process. The faculty member or college official should immediately bring the matter to the attention of the dean of students for appropriate disciplinary action.

(3) **Procedures of summary suspension hearing.**

(a) The summary suspension hearing shall be considered an informal hearing. The hearing must be conducted as soon as possible and the dean of students will preside over the meeting.

(b) The dean shall, at a summary suspension proceeding, determine whether there is probable cause to believe that continued suspension is necessary and/or whether some other disciplinary action is appropriate.

(4) **Decision by the dean.** The dean may continue to enforce the suspension of the student from college and may impose any other disciplinary action that is appropriate, if the dean finds probable cause to believe that:

(a) The student against whom specific violations are alleged has actually committed one or more such violations; and

(b) Summary suspension of the student is necessary for the safety of the student, other students or persons on college facilities, the educational process of the institution, or to restore order to the campus; and

(c) The violation or violations constitute grounds for disciplinary action.

The dean is authorized to enforce the suspension in the event the student has been served according to the notice requirement and fails to appear at the time designated for the summary suspension proceeding.

(5) **Notice of suspension.**

(a) If a student's summary suspension is upheld or if the student is otherwise disciplined, the student will be provided with a written notice including the dean's findings of fact and conclusions which lead the dean to believe that the summary suspension of the student should continue.

(b) The student suspended pursuant to the authority of this rule shall be served a copy of the notice of suspension by personal service or by certified and regular mail at the student's last known address within three instructional days following the conclusion of the hearing with the dean.

(c) The notice of suspension shall stipulate the duration of the suspension or nature of the disciplinary action and conditions under which the suspension may be terminated.

(d) If the student submits a written appeal of the disciplinary sanction to the student rights and responsibilities committee, the student may only enter the campus to attend the appeal hearing and the suspension shall otherwise remain in effect until the student is notified of the written decision of the committee. If the student rights and responsibilities committee upholds the suspension and the student submits a writ-

ten appeal to the college president, the suspension shall remain in effect until the student is notified of the final decision of the president.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 03-01-072, § 132U-120-095, filed 12/12/02, effective 1/12/03.]

WAC 132U-120-100 Appeals—Overview. (1) Student appeals contesting any disciplinary action or summary suspension shall be made in the following order:

(a) The student may appeal the disciplinary action or summary suspension imposed by the dean by submitting a written request for a hearing to the chairperson of the student rights and responsibilities committee within ten instructional days of the postmark of the written decision of the dean.

(b) The student may appeal disciplinary or summary suspension decisions of the student rights and responsibilities committee to the president of the college. The written appeal must be submitted within ten instructional days of the postmark of the written recommendation of the chairperson of the student rights and responsibilities committee.

(2) Any appeal by a student receiving a disciplinary sanction must meet the following conditions:

(a) The appeal must be in writing and must clearly state errors in fact or matters in extenuation or mitigation which justify the appeal; and

(b) The appeal must be filed within ten instructional days of the postmark of the written decision.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 03-01-072, § 132U-120-100, filed 12/12/02, effective 1/12/03; 88-15-005 (Order 88-03), § 132U-120-100, filed 7/8/88.]

WAC 132U-120-110 Structure of the student rights and responsibilities committee. (1) The student rights and responsibilities committee shall be composed of a chairperson and four members. For the appeal of disciplinary sanctions, the chairperson shall be the dean of instruction, or designee, and the members shall be chosen as follows:

(a) Two students in good academic standing appointed by the ASWCC president; and

(b) One faculty member appointed by the president of the college; and

(c) One administrator appointed by the president.

(d) Members of the student rights and responsibilities committee shall be selected as needed when a written appeal has met the required conditions.

(2) If any member of the student rights and responsibilities committee is unable to consider a particular disciplinary proceeding for any reason (including but not limited to conflict of interest, matters of conscience or related reasons), such members shall abstain from considering the issues. If the chairperson abstains for any of the above reasons, the president shall appoint a temporary chairperson who will preside over the committee.

(3) A quorum for all proceedings of the student rights and responsibilities committee shall consist of a chairperson and at least three members; provided, that one student, one faculty member and one administrator are present.

[Statutory Authority: RCW 28B.50.130, [28B.50.]140, and chapter 49.60 RCW. 07-19-038, § 132U-120-110, filed 9/13/07, effective 10/14/07. Statutory Authority: RCW 28B.50.130 and 28B.50.140. 03-01-072, § 132U-120-

110, filed 12/12/02, effective 1/12/03; 88-15-005 (Order 88-03), § 132U-120-110, filed 7/8/88.]

WAC 132U-120-120 Hearing procedures before the student rights and responsibilities committee. (1) The student rights and responsibilities committee shall conduct a hearing within twenty instructional days after the chairperson receives the student's written appeal of the disciplinary sanctions imposed by the dean.

(2) The chairperson shall give the student written notice of the time, date, and location of the hearing and the specific charges against the student. This notice shall be provided no less than seven instructional days prior to the hearing. Service will be regarded as complete upon deposit with the United States postal service.

(3) The student may be represented by counsel of the student's own choosing provided that the student pays the legal expenses and notifies the chairperson five instructional days prior to the hearing.

(4) The college may be represented by the dean of students, or designee, including an assistant attorney general.

(5) Hearings before the student rights and responsibilities committee shall be conducted in a manner that will bring about a prompt, fair resolution of the matter. The chairperson shall exercise control over the hearing to avoid needless consumption of time and to prevent the harassment or intimidation of witnesses.

(6) Hearings shall be closed to the public, except for immediate members of the student's family, witnesses, and the student's representative. An open hearing may be held, at the discretion of the chairperson, if requested by the student. The chairperson may choose whether or not to let witnesses remain for any part of the hearing that does not include their testimony. If at any time during the hearing a visitor disrupts the proceedings, the chairperson of the student rights and responsibilities committee may exclude that person from the hearing room.

(7) The student has a right to a fair and impartial hearing before the student rights and responsibilities committee on any charge of violating the rules of conduct. However, the student's failure to cooperate with the committee's hearing procedures shall not preclude the petition review committee from making its findings of fact, conclusions and recommendations.

(8) The dean of students, or designee, shall make the first presentation. Upon completion of the presentation by the dean of students, or designee, the student may make a presentation and may present any witnesses. Either side may offer a rebuttal.

(9) The chairperson may allow the committee members, dean of students, or designee, student or student's representative, to ask questions of any witness.

(10) The chairperson may receive sworn written statements in lieu of oral testimony at the hearing.

(11) Formal rules of evidence and procedures shall not be applicable to disciplinary proceedings. The chairperson shall admit all matters into evidence which reasonable persons would accept as having probative value in the conduct of their affairs. Unduly repetitive or irrelevant evidence may be excluded.

(12) The administrative assistant to the chairperson shall take notes during the hearing and prepare a written summary of all evidence, facts, and testimony presented to the student rights and responsibilities committee during the course of the hearing. The proceedings of the hearing shall also be electronically recorded.

(13) All records of disciplinary proceedings shall be maintained in the office of the chairperson and shall be available only during the course of the disciplinary proceedings to the student rights and responsibilities committee, the student and the student's attorney, and any other college official designated by the chairperson.

(14) Following the conclusion of the disciplinary proceeding, access to records of the case and the hearing files will be limited to those designated by the college president.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 03-01-072, § 132U-120-120, filed 12/12/02, effective 1/12/03; 88-15-005 (Order 88-03), § 132U-120-120, filed 7/8/88.]

WAC 132U-120-140 Decision by the student rights and responsibilities committee. (1) Upon conclusion of the disciplinary hearing, the student rights and responsibilities committee shall consider all the evidence therein presented and decide by majority vote whether to uphold the initial disciplinary action or to recommend institution of any of the following actions:

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

(b) That the college impose any of the disciplinary actions as provided in this chapter.

(2) Within seven instructional days of the conclusion of the hearing, the student will be mailed or otherwise served with a copy of the committee's findings of fact and conclusions regarding what occurred and whether the student did violate any rule or rules of the code of conduct. The copy shall be dated and contain a statement advising the student of the right, within ten instructional days of the postmark, to submit a written statement to the president of the college appealing the recommendation of the student rights and responsibilities committee.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 03-01-072, § 132U-120-140, filed 12/12/02, effective 1/12/03; 88-15-005 (Order 88-03), § 132U-120-140, filed 7/8/88.]

WAC 132U-120-150 Final appeal. The student may make a final appeal in writing to the president within ten instructional days following the postmark on the written notification of the action taken by the student rights and responsibilities committee. The president may suspend any disciplinary action pending determination of the merits of the findings, conclusions and disciplinary actions imposed. The president shall base the decision on the written appeal of the student, the official written record of the case and any reports or recommendations of the student rights and responsibilities committee, and/or of the dean who conducted the original hearing. The decision of the president is final.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 03-01-072, § 132U-120-150, filed 12/12/02, effective 1/12/03; 88-15-005 (Order 88-03), § 132U-120-150, filed 7/8/88.]

WAC 132U-120-160 Effective date of the rules of conduct. The rules contained within chapter 132U-120 WAC shall become effective thirty days after filing with the code reviser.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-120-160, filed 7/8/88.]

WAC 132U-120-170 Prior rules. The rules contained within chapter 132U-120 WAC supersedes all former rules for which a student was subject to disciplinary action as defined by WAC 132U-120-020.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-120-170, filed 7/8/88.]

WAC 132U-120-180 Severability. If any provisions of chapter 132U-120 WAC is adjudged by a court to be unconstitutional, the remaining provisions of chapter 132U-120 WAC shall continue in effect.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-120-180, filed 7/8/88.]

STUDENT COMPLAINT PROCEDURE

WAC 132U-120-260 Purpose. The purpose of this procedure is to:

- Protect each student's freedom of expression in the learning environment;
- Protect each student from improper, arbitrary or capricious academic evaluations (grades) or actions made by an instructor;
- Offer each student reasonable protection against arbitrary or capricious actions taken by college officials;
- Provide a mechanism for students to express concerns in an effort to improve the learning environment.

The emphasis of this procedure is on informal resolution of the complaint. Most differences are best resolved by direct, courteous, and respectful communication. Formal complaints, which involve hearings before the student rights and responsibilities committee, should be rare.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 03-01-072, § 132U-120-260, filed 12/12/02, effective 1/12/03; 88-15-005 (Order 88-03), § 132U-120-260, filed 7/8/88.]

WAC 132U-120-270 Complaints excluded. (1) Students may not use this procedure for filing a complaint based on the outcome of summary suspension or other disciplinary proceedings.

(2) Federal and state laws, rules, and regulations, in addition to policies, regulations and procedures adopted by the college or the board of trustees, and/or the state board for community and technical colleges are not grievable matters.

(3) Different procedures are required for complaints regarding sexual harassment or illegal discrimination. These procedures are available from the dean for educational services and the personnel director.

(4) Dismissal from a selective entry program as a result of academic evaluations. This entails an alternative procedure. This procedure is available from the office of instruction.

[Statutory Authority: RCW 28B.50.130, [28B.50.]140, and chapter 49.60 RCW. 07-19-038, § 132U-120-270, filed 9/13/07, effective 10/14/07. Statute (2009 Ed.)

tory Authority: RCW 28B.50.130 and 28B.50.140. 03-01-072, § 132U-120-270, filed 12/12/02, effective 1/12/03; 88-15-005 (Order 88-03), § 132U-120-270, filed 7/8/88.]

WAC 132U-120-285 Time limits. (1) The student must file a complaint within **one academic quarter** after the action that gives rise to the complaint. For this purpose, fall quarter is considered to be the academic quarter following both spring and summer quarters. The appropriate dean may modify the time limit due to exceptional circumstances such as extended illness.

(2) Every effort will be made by the appropriate dean to investigate and resolve the complaint as soon as possible. When the instructor or staff member concerned is unavailable during a quarter break, sabbatical leave, or other extenuating circumstances, the dean will outline for the student a timeline for the process.

(3) When the instructor or staff member concerned is no longer employed by the college and does not expect to return, the appropriate dean shall confer with appropriate parties and make a decision.

(a) Step 1 informal resolution.

(i) Students who believe a college faculty or staff member has unfairly treated them shall first discuss their concerns directly with that person. If the complaint involves a grade, the student should first discuss the grade, including the reason the student believes the grade has been awarded improperly or in an arbitrary or capricious manner, with the course instructor. The purpose of this discussion should be to clarify the perceived problem and request specific action. **Most misunderstandings related to grades can be resolved at this level.**

(ii) If the complaint is not resolved or if the student is apprehensive about talking directly with the staff or faculty member involved, the student may request an appointment with the department chair or appropriate associate dean/dean. The department chair, supervisor, or associate dean/dean may act as a mediator to resolve the complaint in a prompt and fair manner.

(b) Step 2 formal letter.

(i) In the unlikely event that an informal resolution is not achieved, the student may initiate a formal complaint by writing a **letter to the faculty or staff member and the appropriate dean** within one academic quarter after the incident that gave rise to the complaint. The formal complaint letter must include a:

[•][□] Description of the situation including dates and times;

[•][□] Summary of the actions taken by the student to resolve the complaint up to that point; and

[•][□] Proposed solution.

In a grade dispute, the student should submit specific information on performance scores, attendance, and any syllabus or written material on course grading criteria that the instructor provided to the student.

(ii) The dean shall attempt to resolve the problem by:

(A) Serving as an intermediary between the student and the faculty or staff member and bringing about a resolution that is satisfactory to all concerned; or

(B) Reviewing the facts of the situation and making a decision. The dean shall investigate the student's written

complaint. The investigation may include a written response from the instructor including the course syllabus, the grade reported for the student, the evaluation criteria for the course, and the performance scores and attendance data achieved by the student in that course.

(iii) The dean shall conclude this step with a written decision that is mailed to the student's last known address.

(c) **Step 3 appeal to the student rights and responsibilities committee.**

(i) If the complaint is not satisfactorily resolved in Step 2, the student may request a hearing to be conducted by the student rights and responsibilities committee by submitting a written request to the dean within ten instructional days of the postmark on the written decision of the dean. The written appeal by the student must clearly state errors in fact or matters in extenuation or mitigation that justify the appeal.

(ii) If the student asks a representative to assist during the hearing, the student shall submit in writing along with the hearing request, the name, address, and telephone number of the representative. The instructor or staff member may also have a representative assist during the hearing and must provide contact information to the chairperson.

(iii) All written documents concerning the complaint shall be forwarded to the chairperson of the student rights and responsibilities committee by the dean upon receiving the student's hearing request. Copies of these documents shall be made available to the committee members, the student, and the faculty or staff member to whom the complaint is directed three instructional days prior to the hearing.

(iv) The student rights and responsibilities committee shall be composed of a chairperson and four members. For a student complaint formal appeal, the chairperson shall be the dean who did not handle the initial formal complaint and the members shall be selected as follows:

(A) Two students in good academic standing appointed by the ASWCC president;

(B) One faculty member appointed by the president of the college;

(C) One administrator appointed by the president of the college;

(D) Members of the committee shall be selected as needed when a written appeal has met the required conditions.

(E) An appropriate substitute member shall be appointed if a member of the hearing committee is unable to consider the formal complaint for any reason (including, but not limited to, conflict of interest, matters of conscience, or related reasons);

(F) A quorum shall consist of a chairperson and at least three members; provided, that one student, one faculty member, and one administrator are present.

(v) The hearing before the committee shall be conducted within twenty instructional days of receiving the written appeal. Notice of the hearing date and time shall be given to all parties involved five instructional days prior to the hearing.

(vi) A student-initiated complaint hearing shall be an informal and closed hearing. The administrative assistant to the chairperson shall electronically record the hearing and take written notes.

(vii) Both the student and the instructor shall be invited to present oral arguments that shall be restricted to issues related to the complaint. Members of the committee may question both the student and instructor.

(viii) At the conclusion of the hearing, the committee shall deliberate and:

[•][] Request additional information to be considered at a future hearing;

[•][] Recommend that the dean's decision be upheld; or

[•][] Find that there are sufficient reasons to modify or overrule the dean's decision and recommend alternatives to the president.

(ix) Within five instructional days after concluding the hearing, the committee shall make a written recommendation to the president.

(x) The president, after reviewing the record of the case prepared by the chairperson of the student rights and responsibilities committee and any appeal statement filed by any party to the grievance, shall issue either a written acceptance of the recommendations of the committee or written directions regarding alternative courses of action. The written findings of the president are final.

(xi) All written statements and testimony considered during the complaint process and a copy of the final decision by the president shall be retained on file by the chairperson of the student rights and responsibilities committee for one year following the complaint.

[Statutory Authority: RCW 28B.50.130, [28B.50.]140, and chapter 49.60 RCW. 07-19-038, § 132U-120-285, filed 9/13/07, effective 10/14/07. Statutory Authority: RCW 28B.50.130 and 28B.50.140. 03-01-072, § 132U-120-285, filed 12/12/02, effective 1/12/03.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 132U-120-320 Withdrawal of complaint. At any time during the complaint procedure, the student may officially withdraw the complaint or appeal in writing.

In the event the student fails to appear for any scheduled hearing without prior notification or evidence of extenuating circumstances, this shall be considered a withdrawal of the complaint or appeal.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 03-01-072, § 132U-120-320, filed 12/12/02, effective 1/12/03; 88-15-005 (Order 88-03), § 132U-120-320, filed 7/8/88.]

WAC 132U-120-330 Administrative, faculty and staff grievances. Any administrator, faculty member or staff member who is the subject of a student's complaint and who is dissatisfied with the results of the student complaint proceedings shall file a grievance under the appropriate grievance procedure established by Whatcom Community College.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 03-01-072, § 132U-120-330, filed 12/12/02, effective 1/12/03; 88-15-005 (Order 88-03), § 132U-120-330, filed 7/8/88.]

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

132U-122-010	Statement of policy.
132U-122-020	Withholding services for outstanding debts.

WAC 132U-122-010 Statement of policy. The college expects that students who receive services for which a financial obligation is incurred will exercise responsibility in meeting these obligations. Appropriate college staff are empowered to act in accordance with regularly adopted procedures to carry out the intent of this policy, and if necessary to initiate legal action to insure that collection matters are brought to a timely and satisfactory conclusion.

Admission to or registration with the college, conferring of degrees and issuance of academic transcripts may be withheld for failure to meet financial obligations to the college.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-122-010, filed 7/8/88.]

WAC 132U-122-020 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, 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 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 ten days from the date of the notification.

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 an informal hearing concerning whether the individual owes or owed any outstanding debts to the institution. After the informal hearing, a decision shall be rendered by the president's designee indicating whether the institution is correct in withholding services and/or applying off set for the outstanding debt. If the outstanding debt is found to be owed by the individual involved, no further services shall be provided. Notification of this shall be sent to the individual within five days after the hearing.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-122-020, filed 7/8/88.]

Chapter 132U-140 WAC**POLICY ON THE USE OF COLLEGE FACILITIES****WAC**

132U-140-010	Use of college facilities.
132U-140-020	Limitation of use to school activities.
132U-140-030	Statement of intentions.
132U-140-040	General policies limiting use.
132U-140-050	Administrative control.
132U-140-060	Trespass.
132U-140-070	Prohibited conduct at college facilities.

(2009 Ed.)

WAC 132U-140-010 Use of college facilities. Community College District No. 21 serves Whatcom County by providing continued educational opportunity for its citizens. In keeping with this general purpose, the college believes that facilities should be available for a variety of uses which are of benefit to the general public, provided; that such general uses do not interfere with the educational mission of the college. However, a state agency is under no obligation to make its public facilities available to the community for private purposes.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-140-010, filed 7/8/88.]

WAC 132U-140-020 Limitation of use to school activities. When allocating use of college facilities, top priority shall always be given to activities specifically related to the college's mission. No arrangements shall be made that may interfere with or operate to the detriment of, the college's own teaching, research, or public service programs. In particular, the college buildings, properties, and facilities (including those assigned to student programs) shall be used primarily for:

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

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

(3) Short courses, conferences, seminars, or similar events, conducted either in the public service or for the advancement of specific departmental professional interests, when arranged under the sponsorship of the college or its departments.

(4) 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 sponsorship and active participation.

(5) 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.

(6) College facilities shall be assigned to student organizations for regular business meetings, social functions and for programs open to the public. Any recognized campus student organization may invite speakers from outside the college community. In conformance with state guidelines, the appearance of an invited speaker on campus does not represent an endorsement by the college, its students, faculty, administration, or the board of trustees, whether implicit or explicit, of the speaker's views.

(7) Reasonable conditions may be imposed to regulate the timeliness of requests, to determine the appropriateness of space assigned, time of use, and to insure the proper maintenance of the facilities. Subject to the same limitations, college facilities shall be made available for assignment to individuals or groups within the college community. Arrangements by both organizations and individuals must be made through the designated administrative officer. Allocation of space shall be made in accordance with college regulations and on the basis of time, space, priority of request and the demonstrated needs of the applicant.

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(8) The college may restrict an individual or group's use of college facilities if that person or group has, in the past, physically abused college facilities. Charges may be imposed for rental, damage, or for any other unusual costs for the use of facilities. The individual, group or organization requesting space will be required to state in advance the general purpose of any meeting. If any charge or collection of funds is contemplated, advance permission from the party giving authority for space allocations will be required.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-140-020, filed 7/8/88.]

WAC 132U-140-030 Statement of intentions. The college neither intends nor desires to compete with any local agency or private enterprise in making its facilities available to the community. Privately operated facilities exist which are well qualified to best meet many community needs. The college encourages the community to patronize local businesses or agencies. With this approach, the college hopes to work cooperatively with local private enterprise to the mutual benefit of all concerned.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-140-030, filed 7/8/88.]

WAC 132U-140-040 General policies limiting use. (1) College facilities may not be used for purposes of political campaigning by or for candidates who have filed for public office except for student-sponsored activities.

(2) Religious groups shall not, under any circumstances, use the college facilities as a permanent meeting place. Use shall be intermittent only.

(3) The college reserves the right to prohibit the use of college facilities by groups which restrict membership or participation in a manner inconsistent with the college's commitment to nondiscrimination as set forth in its written policies and commitments.

(4) The college may designate areas in its facilities and times for use by commercial entities on a space-available basis. The college may establish procedures for allocating such space and time to assure equal opportunity for access to different commercial enterprises. Such designation shall be made in keeping with other college policies.

(5) Activities of a political or commercial nature may be approved providing they do not involve the use of promotional signs or posters on building, trees, walls, or bulletin boards, or the distribution of samples outside the rooms or facilities to which access has been granted.

(6) These general policies shall apply to recognized student groups using college facilities.

(7) Handbills, leaflets, and similar materials except those which are commercial, obscene, or unlawful may be distributed only in designated areas on the campus where, and at times when, such distribution shall not interfere with the orderly administration of the college affairs or the free flow of traffic. Any distribution of materials as authorized by the designated administrative officer and regulated by established guidelines shall not be construed as support or approval of the content by the college community or the board of trustees.

(8) Use of audio amplifying equipment is permitted only in locations and at times that will not interfere with the nor-

mal conduct of college affairs as determined by the appropriate administrative officer.

(9) No person or group may use or enter onto college facilities having in their possession firearms, even if licensed to do so, except commissioned police officers as prescribed by law.

(10) The right of peaceful dissent within the college community shall be preserved. The college retains the right to insure the safety of individuals, the continuity of the educational process, and the protection of property. While peaceful dissent is acceptable, violence or disruptive behavior is an illegitimate means of dissent. Should any person, group or organization attempt to resolve differences by means of violence, the college and its officials need not negotiate while such methods are employed.

(11) Orderly picketing and other forms of peaceful dissent are protected activities on and about the college premises. However, interference with free passage through areas where members of the college community have a right to be, interference with ingress and egress to college facilities, interruption of classes, injury to persons, or damage to property exceeds permissible limits.

(12) Where college space is used for an authorized function (such as a class or a public or private meeting under approved sponsorship, administrative functions or service related activities) groups must obey or comply with directions of the designated administrative officer or individual in charge of the meeting.

(13) If a college facility abuts a public area or street, and if student activity, although on public property, unreasonably interferes with ingress and egress to college buildings, the college may choose to impose its own sanctions although remedies might be available through local law enforcement agencies.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-140-040, filed 7/8/88.]

WAC 132U-140-050 Administrative control. The board hereby delegates to the president or his or her designee(s), authority to set up administrative procedures for proper review of the use of college facilities; to establish, within the framework of these policies, regulations governing such use; and to establish rental schedules where appropriate.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-140-050, filed 7/8/88.]

WAC 132U-140-060 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 his or her 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 under the provisions of chapter 9A.52 RCW.

(2) Members of the college community (students, faculty, and staff) who do not comply with these 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. Remaining on or reentering district property after one's license or privilege to be on that property has been revoked shall constitute trespass and such individual shall be subject to arrest for criminal trespass.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-140-060, filed 7/8/88.]

WAC 132U-140-070 Prohibited conduct at college facilities. (1) State law relative to public institutions governs the use or possession of intoxicants on campus or at college functions. The use or possession of unlawful drugs or narcotics, not medically prescribed, on college property or at college functions, is prohibited. Students obviously under the influence of intoxicants, unlawful drugs or narcotics while in college facilities shall be subject to disciplinary action.

(2) The use of tobacco is restricted by law and by regulations of the fire marshal to designated smoking areas.

(3) Destruction of property is also prohibited by state law in reference to public institutions.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-140-070, filed 7/8/88.]

Chapter 132U-276 WAC

ACCESS TO PUBLIC RECORDS AND DOCUMENTS AT WHATCOM COMMUNITY COLLEGE

WAC

132U-276-100	Purpose.
132U-276-110	Definitions.
132U-276-120	Description of organization.
132U-276-130	Operations and procedures.
132U-276-140	Substantive rules and policies of general applicability.
132U-276-150	Public records available.
132U-276-160	Public records officer.
132U-276-170	Office hours.
132U-276-180	Requests for public records.
132U-276-190	Copying.
132U-276-200	Determination regarding exempt records.
132U-276-210	Review of denials of public record requests.
132U-276-220	Protection of public records.
132U-276-230	Records index.
132U-276-240	Adoption of form.

WAC 132U-276-100 Purpose. The purpose of this chapter shall be to ensure compliance by Community College District No. 21 with the provisions of chapter 42.17 RCW, Disclosure—Campaign finances—Lobbying—Records; and in particular sections 250-340 of that act, dealing with public records.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-276-100, filed 7/8/88.]

WAC 132U-276-110 Definitions. (1) **Public records.** "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics; provided, however, that the personal and other records cited in RCW 42.17.310 are exempt from the definition of public record.

(2009 Ed.)

(2) **Writing.** "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-276-110, filed 7/8/88.]

WAC 132U-276-120 Description of organization. (1) Community College District No. 21 is a state agency established and organized under the authority of chapter 28B.50 RCW for the purpose of implementing the educational goals established by the legislature in RCW 28B.50.020. The administrative office of the district is located at 237 - West Kellogg Rd., Whatcom County, Washington. The college service center comprises the central headquarters for all operations of the district.

(2) The district is operated under the supervision and control of a board of trustees. The board of trustees consists of five members appointed by the governor. The board of trustees normally meets twice each month, as provided in WAC 132U-104-030. The board of trustees employs a president, an administrative staff, members of the faculty and other employees. The board of trustees takes such actions and promulgates such rules, regulations, and policies in harmony with the rules and regulations established by the state board for community college education, as are necessary to the administration and operation of the district.

(3) The president of the district is responsible to the board of trustees for the operation and administration of the district. A detailed description of the administrative organization of the district is contained within the *Policies and Procedures Manual for Community College District No. 21*, a current copy of which is available for inspection at the administrative office of the district.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-276-120, filed 7/8/88.]

WAC 132U-276-130 Operations and procedures. (1) Formal decision-making procedures are established by the board of trustees through rules promulgated in accordance with the requirements of chapter 28B.19 RCW, the State Higher Education Administrative Procedure Act (HEAPA).

(2) Informal decision-making procedures at the college, as established by the board of trustees, are set forth in the *Policies and Procedures Manual of Community College District No. 21*, a current copy of which is available for inspection at the administrative office of the district.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-276-130, filed 7/8/88.]

WAC 132U-276-140 Substantive rules and policies of general applicability. (1) Except as provided in subsection (2) of this section, all of the district's substantive rules and policies of general applicability.

(a) The violation of which subject an individual to a penalty or administrative sanction; or

(b) Which establish, alter, or revoke any procedures, practice, or requirement relating to institutional hearings; or

(c) Which establish, alter, or revoke any qualification or requirement relating to the enjoyment of benefits or privileges conferred by law, are promulgated by the board of trustees in accordance with the requirements of chapter 28B.19 RCW, and are contained within Title 132U of the Washington Administrative Code.

(2) Those of the district's substantive rules and policies of general applicability which relate primarily to the following subjects are not promulgated by the board of trustees in accordance with the requirements of chapter 28B.19 RCW and are not contained within Title 132U WAC, but rather are adopted by resolution of the board of trustees or by action of the president and are contained within the *Policies and Procedures Manual of Community College District No. 21*, a current copy of which is available for inspection at the administrative office of the district: Standards for admission; academic advancement, academic credits, graduation and the granting of degrees; tuition and fees, scholarships, financial aid, and similar academic matters; employment relationships; fiscal processes; and matters concerning only the internal management of the district and not affecting private rights or procedures available to the general public.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-276-140, filed 7/8/88.]

WAC 132U-276-150 Public records available. All public records of the district, as defined in WAC 132U-276-110, are deemed to be available for public inspection and copying pursuant to this chapter, except as otherwise provided by RCW 42.17.310 and WAC 132U-276-190.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-276-150, filed 7/8/88.]

WAC 132U-276-160 Public records officer. The district's public records shall be in the charge of the public records officer designated by the chief administrative officer of the district. The person so designated shall be located in the district administrative office as set forth in WAC 132U-276-120. The public records officer shall be responsible for the following: Implementation of the district's rules and regulations regarding release of public records, coordinating the district employees in this regard, and generally insuring compliance by district employees with the public records disclosure requirements of chapter 42.17 RCW.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-276-160, filed 7/8/88.]

WAC 132U-276-170 Office hours. Public records shall be available for inspection and copying during the customary office hours of the district. For purposes of this chapter, the customary office hours shall be from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays and holidays established by the college calendar.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-276-170, filed 7/8/88.]

WAC 132U-276-180 Requests for public records. In accordance with the requirement of chapter 42.17 RCW that

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agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records are only obtainable by members of the public when those members of the public comply with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the district which shall be available at the district administrative office. The form shall be presented to the public records officer or, if the public records officer is not available, to any member of the district's staff at the district administrative office during customary office hours. The request shall include the following information:

(a) The name of the person requesting the record;

(b) The time of day and calendar date on which the request was made;

(c) The nature of the request;

(d) If the matter requested is referenced within the current index maintained by the public records officer, a reference to the requested record as it is described in such current index;

(e) If the requested matter is not identifiable by reference to the current index, an appropriate description of the record requested.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer, or person to whom the request is made, to assist the member of the public in succinctly identifying the public record requested.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-276-180, filed 7/8/88.]

WAC 132U-276-190 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. No person shall be released a record so copied until and unless the person requesting the copied public record has tendered payment for such copying to the appropriate district official. All charges must be paid by money order, cashier's check or cash in advance.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-276-190, filed 7/8/88.]

WAC 132U-276-200 Determination regarding exempt records. (1) The district reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 132U-276-180 is exempt pursuant to the provisions set forth in RCW 42.17.310. Such determination may be made in consultation with the public records officer, president of the college district, or an assistant attorney general assigned to the district.

(2) Pursuant to RCW 42.17.260, the district reserves the right to delete identifying details when it makes available or publishes any public record when there is reason to believe that disclosure of such details would be an unreasonable invasion of personal privacy; provided, however, in each case, the justification for the deletion shall be explained fully in writing.

(3) Response to requests for a public record must be made promptly. For the purposes of this section, a prompt response occurs if the person requesting the public record is notified within two business days as to whether his request for a public record will be honored.

(4) All denials of requests for public records must be accompanied by a written statement, signed by the public records officer or his designee, specifying the reason for the denial, a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the public record withheld.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-276-200, filed 7/8/88.]

WAC 132U-276-210 Review of denials of public record requests.

(1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for a review of such denial. The written request shall specifically refer to the written statement which constituted or accompanied the denial.

(2) The written request by a person demanding prompt review of a decision denying a public record shall be submitted to the president of the district, or his designee.

(3) Within two business days after receiving the written request by a person petitioning for prompt review of a decision denying a public record, the president of the district, or his or her designee, shall complete such review.

(4) During the course of the informal hearing the president or his or her designee shall consider the obligations of the district fully to comply with the intent of chapter 42.17 RCW insofar as it requires providing full public access to official records, but shall also consider both the exemptions provided in RCW 42.17.310 and the provisions of the statute which require the district to protect public records from damage or disorganization, prevent excessive interference with essential functions of the agency, and prevent any unreasonable invasion of personal privacy by deleting identifying details.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-276-210, filed 7/8/88.]

WAC 132U-276-220 Protection of public records.

Requests for public records shall be made at the administrative office of the district at Whatcom County, Washington. Public records and a facility for their inspection will be provided by the public records officer. Such records shall not be removed from the place designated for their inspection. Copies of such records may be arranged according to the provisions of WAC 132U-276-190.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-276-220, filed 7/8/88.]

WAC 132U-276-230 Records index.

(1) The district has available for the use of all persons a current index which provides identifying information as to the following records issued, adopted, or promulgated by the district after June 30, 1972:

(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

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(b) Those statements of policy and interpretations of policy, statute and the constitution which have been adopted by the agency;

(c) Administrative staff manuals and instructions to staff that affect a member of the public;

(d) Planning policies and goals, and interim and final planning decisions;

(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others; and

(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(2) The current index maintained by the district shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-276-230, filed 7/8/88.]

WAC 132U-276-240 Adoption of form. The district hereby adopts for use by all persons requesting inspection and/or copying or copies of its records the following form:

REQUEST FOR PUBLIC RECORD TO
COMMUNITY COLLEGE DISTRICT NO. 21

(a)
Name (please print) Signature
.....
Name of Organization, if applicable
.....
Mailing Address of applicant Phone
.....

(b)
Date Request made Time of Day
..... Request made

(c) Nature of Request

(d) Identification Reference on current index (please describe)
.....
.....

(e) Description of record, or matter, requested if not identifiable by reference to the Community College District 21
.....
.....

Request: Approved. Denied. Date

By
Name Title

Reasons for Denial:

.....

Referred to Date

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-276-240, filed 7/8/88.]

Chapter 132U-280 WAC

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

WAC

132U-280-010	Purpose.
132U-280-015	Definitions.
132U-280-020	Student's right to inspect and review records.
132U-280-025	Request to amend education records—Appeal procedure.
132U-280-030	Release of education records.
132U-280-035	College compliance.

WAC 132U-280-010 Purpose. The college continually receives requests from outside sources for information about students, both past and present. Under the authority of 20 U.S.C. 1232(g), the Family Educational Rights and Privacy Act (FERPA) of 1974, as amended, directs the college to adopt a policy on student education records to insure that information contained in such records is treated in a responsible manner with due regard to the personal nature of the information contained in those records. The college shall annually notify students currently in attendance of their rights under this act.

[Statutory Authority: RCW 28B.50.130, 28B.50.140, 07-15-033, § 132U-280-010, filed 7/12/07, effective 8/12/07; 88-15-005 (Order 88-03), § 132U-280-010, filed 7/8/88.]

WAC 132U-280-015 Definitions. (1)(a) The term "education records" shall mean those records that are directly related to a student and maintained by the college.

(b) The term "education records" does not mean:

(i) Records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record.

(ii) Records related to a person who is employed by the college, are made and maintained in the normal course of business, relate exclusively to such person in that person's capacity as an employee, and are not available for any other use.

(iii) Records on a student which are created or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in his or her professional capacity, or assisting in a paraprofessional capacity and which are created, maintained or used only in connection with the treatment of the student, and are not available to anyone other than persons providing such treatment; provided, however, that such records can be personally reviewed by a physician or other appropriate professional of the student's choice. For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are part of the program of instruction at the college.

(iv) Records that only contain information about an individual after he or she is no longer a student.

[(c)] "Student" is defined as any person who is or has been officially registered at Whatcom Community College for whom the college maintains education records or personally identifiable information.

[Statutory Authority: RCW 28B.50.130, 28B.50.140, 07-15-033, § 132U-280-015, filed 7/12/07, effective 8/12/07; 88-15-005 (Order 88-03), § 132U-280-015, filed 7/8/88.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 132U-280-020 Student's right to inspect and review records. (1) A student has the right to inspect and review his or her education records.

(2) If circumstances prevent the student from inspecting and reviewing his or her records, the college shall provide copies of the 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 boards of trustees' action for certain specified services; e.g. official transcripts).

(3) Limitations on right to inspect and review records.

(a) If the education records of a student contain information on more than one student, the student may inspect and review or be informed of only the specific information about that student.

(b) The college does not have to permit a student to inspect and review education records that are:

(i) Financial records, including any information those records contain about a student's parents.

(ii) Confidential letters and confidential statements of recommendation placed in the student's education records, if:

(1) The student has waived his or her right to inspect and review those letters and statements; and

(2) Those letters and statements are related to the student's admission to an education institution, application for employment, or receipt of an honor or honorary recognition.

(c) A waiver under paragraph (b)(ii) of this section is valid only if:

(i) The college does not require the waiver as a condition for admission to or receipt of a service or benefit from the agency or institution; and

(ii) The waiver is made in writing and signed by the student, regardless of age.

(d) If a student has waived his or her rights under paragraph (b)(ii)(2) of this section, the college shall:

(i) Give the student, on request, the names of the individuals who provided the letters and statements of recommendation; and

(ii) Use the letters and statements of recommendation only for the purpose for which they were intended.

(e) A waiver under paragraph (b)(ii)(2) of this section may be revoked, in writing, with respect to any actions occurring after the revocation.

(4) Student education records may be destroyed in accordance with the college's routine retention schedule. However, in no case will any record which exists at the time the request is [made] by a student for review in accordance with this section and WAC 132U-280-025 be removed or destroyed prior to providing the student access.

[Statutory Authority: RCW 28B.50.130, 28B.50.140, 07-15-033, § 132U-280-020, filed 7/12/07, effective 8/12/07; 88-15-005 (Order 88-03), § 132U-280-020, filed 7/8/88.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 132U-280-025 Request to amend education records—Appeal procedure. (1) A request by a student to amend an education record should be made in writing to the college individual who created the record or, if no longer employed by the college, the department having custody of the record.

(2) An individual or department must respond to a request to amend education records within a reasonable period of time, but in no case more than forty-five days after the request has been made. A college individual or department that denies a student's request or is unable to comply with the request within the above-state time period shall inform the student of that fact and the reasons in writing.

(3)(a) A student who feels that his or her request has not been properly answered by a particular individual or department or who feels that the information contained in those records is incorrect should contact the appropriate supervisor responsible for the individual or department for mediation.

(b) In cases where a student remains dissatisfied after consulting with the appropriate supervisor, the student may then request a hearing by the appropriate vice-president or his or her designee(s). If the vice-president is also the supervisor who handled the matter in (3)(a), it will be referred to another vice-president who does not have a direct interest in the outcome of the hearing. Following the hearing, the hearing officer shall render his or her decision, in writing, within a reasonable period of time. In all cases, the decision of the hearing officer shall be final.

(c) In no case shall any appeal by a student be considered by the college which has not been filed with that body in writing within ninety days from the date of the initial request to the custodian of the record.

(d) The college shall not review any matter regarding the appropriateness of official academic grades or disciplinary records beyond that provided for in WAC 132U-120-100, et seq.

[Statutory Authority: RCW 28B.50.130, 28B.50.140, 07-15-033, § 132U-280-025, filed 7/12/07, effective 8/12/07; 88-15-005 (Order 88-03), § 132U-280-025, filed 7/8/88.]

WAC 132U-280-030 Release of education records.

(1) The college shall not permit access to or release of education records or personally identifiable information contained therein, without the written consent of the student, to any party other than the student.

(2) The college may permit access or release of education records, without student consent, under the following conditions:

(a) College officials, when the information is required for a legitimate educational interest within the performance of their responsibilities to the college, with the understanding that its use will be strictly limited to the performance of those responsibilities. College officials will be defined by college policy and made public through the college's annual Notification of Student Rights under FERPA, which will be published in the college catalog and on the college's public web site.

(b) Federal and state officials requiring access to education records in connection with the audit and evaluation or a federally or state-supported education program or in connection with the enforcement of the federal or state legal requirements which relate to such programs. In such cases the infor-

mation required shall be protected by the federal or state official in a manner which will not permit the personal identification of students and their parents to other than those officials and such personally identifiable data shall be destroyed when no longer needed for such audit, evaluation or enforcement of legal requirements.

(c) Agency officials requesting information in connection with a student's application for, or receipt of financial aid, if the information is necessary to determine eligibility, amount or conditions of aid, or to enforce the terms and conditions of aid.

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

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

(f) Any person or entity designated by judicial order or lawfully issued subpoena or court order, upon condition that the student is notified of all such subpoenas or court orders in advance of the compliance therewith; except for subpoenas or court orders that specifically direct the college not to disclose the existence or contents of the subpoena or court order. Any college individual(s) or department(s) receiving a subpoena or court order for education records should immediately notify the college registrar who will contact the college's assigned attorney general for assistance.

(g) Certain items of personally identifiable information, commonly referred to as "directory" information, to parties who demonstrate a legitimate educational interest, as determined by the college. Directory information will be defined by college policy and made public through the college's annual Notification of Student Rights under FERPA, which will be published in the college catalog and on the college's public web site.

(h) Officials from the U.S. Department of Defense for the purpose of military recruiting, as authorized under 32 CFR Part 216 (Solomon Amendment), which requires the college to provide "student recruitment directory information" regarding students at least seventeen years of age who are registered for at least one credit. Students who have formally requested the college withhold "directory information" are excluded.

(i) Any other officials with legitimate educational interest as authorized under CFR 99.31 and identified via the annual Notification of Student Rights under FERPA, which is published in the college catalog and on the college public web site.

(3) In cases where records are made available without student release as permitted by subsection (2)(b), (c), (d), (e), (f), and (i) of this section, the college shall maintain a record kept with the education record released which will indicate the parties which have requested or obtained access to a student's records maintained by the college and which will indicate the legitimate interest of the investigating party. Releases in accordance with subsection (2)(a), (g), and (h) of this section need not be recorded.

(4) Where the consent of a student is obtained for the release of education records, it shall be in writing, signed and dated by the student giving such consent, and shall include:

- (a) A specification of the records to be released;
- (b) The reasons for such release; and
- (c) The names of the parties to whom such records will be released.

(5) Personally identifiable education records released to third parties, with or without student consent, shall be accompanied by a written statement indicating that the information cannot be subsequently released in a personally identifiable form to any other parties without obtaining consent of the student.

(6) Students may direct the college to withhold "directory" information, referred to in (2)(g) and (h), through written notification to the college registrar at any time throughout the student's enrollment at the college.

(7) Information from education records may be released by a college official to appropriate persons in connection with an emergency if the knowledge of such information is necessary to protect the health or safety of a student or other person(s).

(8) The college registrar is the official custodian of education records and is the only official who can issue an official transcript of the student's academic record.

[Statutory Authority: RCW 28B.50.130, 28B.50.140, 07-15-033, § 132U-280-030, filed 7/12/07, effective 8/12/07; 88-15-005 (Order 88-03), § 132U-280-030, filed 7/8/88.]

WAC 132U-280-035 College compliance. The college will develop policies and procedures to implement chapter 132U-280 WAC and all college individuals or offices having custody of education records will comply with those policies and procedures. The college will be responsible for periodic review of all [related] policies and procedures.

The college does not maintain confidential educational records regarding student political or ideological beliefs or associations.

[Statutory Authority: RCW 28B.50.130, 28B.50.140, 07-15-033, § 132U-280-035, filed 7/12/07, effective 8/12/07; 88-15-005 (Order 88-03), § 132U-280-035, filed 7/8/88.]

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Chapter 132U-300 WAC

COMPLAINTS—DISCRIMINATION

WAC

132U-300-010	Statement of policy: Complaints—Discrimination and/or harassment/intimidation.
132U-300-020	Complaint procedure—Discrimination and/or harassment/intimidation.

WAC 132U-300-010 Statement of policy: Complaints—Discrimination and/or harassment/intimidation.

(1) Whatcom Community College is covered by Title IX of the Education Amendments of 1972 prohibiting gender discrimination in education and Section 504 of the Rehabilitation Act of 1973 prohibiting discrimination on the basis of disability. It is the policy of Whatcom Community College to

ensure equal opportunity without regard to gender or disability status in all areas of admission, education, application for employment, and employment. Whatcom Community College's policy 4010, affirmative action/fair employment practices, expands the college's obligation to include no discrimination on the basis of race, color, national origin, gender, disability, sexual orientation, religion, age (except when gender or age is a bona fide occupational qualification) or veteran status which includes Vietnam era and/or disabled veterans in its programs, recruitments, hiring, training, retention, promotion and all other personnel actions of qualified persons. The Washington law against discrimination (WLAD) RCW 49.60; chapter 2.60.00 in the SBCTC's (state board for community and technical college) policy manual, ADA, Title VI and VII of the Civil Rights Act of 1964, ESHB 2661 and all law and regulations affecting state employees, shall apply to employees at Whatcom Community College.

(a) It is the policy of Whatcom Community College to provide an environment in which members of the college community can work or study free from harassment or intimidation. Harassment/intimidation is a form of discrimination. As such harassment/intimidation is a violation of the 1964 Civil Rights Act and Title IX of the 1972 Education Amendments.

(b) Discrimination and/or harassment/intimidation directed to any individual or group on the basis of race, color, gender, religion, creed, age, marital status, national origin, sexual orientation, disability and veteran status, or any behavior or action, either physical or verbal, which is sexual in nature and unwelcome, unwanted or uninvited, is a violation of the mission and purpose of Whatcom Community College as an institution of higher education and shall not be tolerated, and, pursuant to board policy and this procedure, shall be prohibited.

A complaint procedure is required by Title IX of the Education Amendments of 1972 and section 504 of the Rehabilitation Act of 1973.

(2) Definitions.

(a) Prohibited discrimination: Prohibited discrimination is an action taken on the basis of an individual's membership in, association with or presumption of membership or association with the following: Race, color, gender, religion, creed, age, marital status, national origin, sexual orientation, disability and veteran status, such action resulting in a tangible loss in any area of admission, education, programs, hiring, training, retention, promotion and all other personnel actions of qualified persons.

(b) Prohibited harassment and/or intimidation: Prohibited harassment and/or intimidation shall include, but will not be limited to verbal and written comments, slurs, jokes, innuendoes, cartoons, pranks and any and all other physical or nonphysical conduct or activity that can be construed as derogatory, intimidating, hostile or offensive and which is directed at the victim because of his/her membership in, association with or presumption of membership or association with the following: Race, color, gender, religion, creed, age, marital status, national origin, sexual orientation, disability, political affiliation and veteran status; or any behavior or action, either physical or verbal, which is sexual in nature and unwelcome, unwanted or uninvited. Discrimination and/or harassment/intimidation actions are herein defined as unwel-

come sexual advances, requests for sexual favors, or other related verbal or physical conduct when:

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

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

(iii) Such conduct has the effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive environment.]

(c) Board policy: Board policy is based on the principle that all forms of discrimination and/or harassment/intimidation are unacceptable and will be dealt with promptly and effectively. The purpose of the development of a procedure is to establish the methods by which Whatcom Community College will show reasonable care in the prevention of harassment and discrimination. This may include, but will not be limited to the following:

(i) Have in place an effective discrimination and harassment prevention procedure that supports board policy;

(ii) Offer and communicate existence of flexible, accessible, and nonintimidating complaint procedures;

(iii) Protect confidentiality to the extent possible under the law;

Develop an investigative protocol aimed at prompt fact gathering without bias or subjectivity;

(iv) Provide a disciplinary mechanism that is reasonably calculated to end harassing or discriminatory behavior and correct inappropriate behavior;

(v) Provide mandatory training programs on harassment for supervisors and separate training for nonsupervisory employees.

[Statutory Authority: RCW 28B.50.130, [28B.50.]140, and chapter 49.60 RCW. 07-19-038, § 132U-300-010, filed 9/13/07, effective 10/14/07. Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-300-010, filed 7/8/88.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 132U-300-020 Complaint procedure—[Discrimination and/or harassment/intimidation]. (1) Purpose

(a) Those employees of Whatcom Community College who believe that they have been harassed/intimidated and/or discriminated against in employment or the employment application process, or any applicants for admission or students/members of the public who believe that they have been harassed/intimidated by or discriminated against by an employee or a student of the Whatcom Community College, are encouraged to report that belief to Whatcom Community College under this procedure's complaint process which follows.

(2) Definitions.

(a) Designated officer. Designated officer means an individual who is primarily responsible for conducting an initial inquiry, determining whether to proceed with an investigation under this procedure, and investigating or coordinating

the investigation of reports and complaints of discrimination/harassment in accordance with this procedure.

(i) The human resources director is the designated officer for all issues except as follows: a) Student-to-student complaints, for which the vice-president for educational services is the designated officer; b) complaints against the human resources director for which the president is the designated officer.

(ii) A report/complaint against the president of the college shall be filed with the chair of the board of trustees. However, complaints against a president shall be processed by the college if the president's role in the alleged incident was limited to a decision on a recommendation made by another administrator, such as tenure, promotion or nonrenewal, and the president had no other substantial involvement in the matter.

(b) Decision maker. Decision maker means a high level administrator who reviews the investigative reports, to make findings whether board policy (132U-300-10.2.3. [WAC 132U-300-010]) has been violated based upon the investigation, and to determine the appropriate action for the institution to take based upon the findings.

(i) The appropriate vice-president with whom the complainant jurisdiction is the decision maker.

(ii) The president is the decision maker when the accused is an administrator.

(iii) The chair of board of trustees is the decision maker if the accused is the president.

(3) Complaint process.

(a) Incident notification form: Whatcom Community College has developed an *Incident Notification Form* on which any person may report complaints of discrimination and or harassment/intimidation, regardless of the complaint's basis. The form which includes directions on how to complete and route it properly is widely available and can be readily obtained from the human resources director. The form also identifies the limits of confidentiality and the Whatcom Community College's nonretaliation policy. Any supervisor or administrator is authorized to accept and forward the form, or it may be submitted directly to the human resources director for all issues except student-to-student complaints, which shall be forwarded to the vice-president for educational services.

(b) Filing a complaint/officers designated to receive complaints: Any employee/student or member of the public who believes he/she has been subject to harassment/intimidation and/or discrimination has the right to file a complaint. This complaint should be filed in a timely manner, but no later than one hundred eighty calendar days from the most recent incident of the alleged behavior or action. Any supervisor or administrator is authorized to accept or take a complaint. If the complainant does not feel comfortable with filing a written complaint, the complaint may be verbally made, and the supervisor/administrator the supervisor/administrator will then document the verbal complaint on the *Incident Notification Form* which the complainant shall sign. If the employee or student believes he/she is being harassed or discriminated against by a supervisor, administrator or employee, he/she should notify the human resources director directly. All complaints, regardless of the perceived merit or basis, are to be forwarded for review and processing, without

exception, directly to the human resources director for all issues except student-to-student complaints, which shall be forwarded to the vice-president for educational services. In the event that the human resources director's conduct is the subject of the complaint, the president or his/her designee shall be the designated officer to receive such complaint.

(c) Complaint consideration: Although isolated incidents of harassment/intimidation and/or discrimination may not violate federal or state law, such incidents may nevertheless create a knowing and willful course of conduct which seriously alarms, annoys, harasses or is detrimental to that person or the work environment, serves no legitimate or lawful purpose, or is in direct violation of board values or the college's *Affirmation of Inclusion* (WCC Policy 1023) regarding mutual respect. Such complaints will be taken seriously and considered under this procedure.

(d) Addressing complaints: The administration of the college has an affirmative duty to take timely and appropriate action to stop behavior, conduct investigations and take appropriate action to prevent recurring misconduct. The human resources director, as the designated officer, is authorized to consider complaints of harassment and discrimination and to assess and/or investigate them for all of Whatcom Community College, with the exception of student-to-student complaints, which are under the jurisdiction of the vice-president for educational services, or his/her designee. All complaints, regardless of the perceived merit or basis, are to be forwarded to the appropriate office for review and processing, without exception. The designated officer shall determine whether the report/complaint is one which should be mediated or processed through another designated officer; if appropriate, the designated officer shall direct the complainant to that area as soon as possible.

(e) Assessment: The designated officer will, within thirty working days of receipt of the *Incident Notification Form*, (a) assess the written complaint; (b) determine the appropriate process necessary to ensure all relevant evidence is obtained and all critical elements are addressed; and (c) notify the appropriate vice-president with whom the complainant jurisdiction resides when the accused is a faculty or classified staff; the president when the accused is an administrator; and the chair of board of trustees if the accused is the president.

(i) This normally begins with an initial interview with the complainant. The goal is to obtain sufficient information to determine the next steps, which may include, but is not limited to obtaining clarification, providing mediation and/or consultation services, making referrals for mediation and/or consultation services, and/or initiating a formal fact-finding investigation.

(ii) If a formal investigation is undertaken, the complainant and the accused will be alerted to the existence of a formal complaint and that an investigation of the complaint is underway.

(iii) This formal investigation may take up to sixty calendar days after the receipt of the *Incident Notification Form*, unless extended by mutual agreement in writing between the complainant and the designated officer.

(iv) Under appropriate circumstances, the administration may, in consultation with system legal counsel and labor relations committee, reassign or place an employee on adminis-

trative leave at any point in time during the report/complaint/investigation process. In determining whether to place an employee on administrative leave or reassignment, consideration shall be given to the nature of the alleged behavior, the relationships between the parties, the context in which the alleged incidents occurred and other relevant factors. Any action taken must be consistent with the applicable collective bargaining agreements.

(v) Employees, as a condition of employment, are required to be truthful and to fully cooperate in the investigation process.

(f) Other complaints: Conduct covered by this policy and procedure are those discriminatory and/or harassment/intimidation actions that occur as delineated in WAC 132U-300-010, 2.3 [WAC 132U-300-010]. Complaints alleging conduct not covered by this policy and procedure will be remanded to the appropriate vice-president/administrative officer for consideration and investigation as a performance-based issue.

(i) Harassment/intimidation and/or discrimination allegations based upon union activities are not included in this procedure, but covered by the various collective bargaining agreements between the board of trustees and its recognized faculty and employee representatives.

(g) Records: Copies of all complaints of harassment/intimidation and/or discrimination, and records related to a subsequent formal investigation conducted pursuant to that complaint, if any, shall be maintained confidentially to the extent allowed by law for an indeterminate period of time in the human resources office.

(h) Confidentiality and nonretaliation.

(i) Confidentiality: To the extent possible, proceedings will be conducted in a discreet and sensitive manner. Anonymity and complete confidentiality cannot be guaranteed once a complaint is made or unlawful behavior is alleged. Files pertaining to the complaints will be maintained in confidence to the fullest extent of the law. Whatcom Community College cannot guarantee complete confidentiality.

(ii) Nonretaliation: Retaliation by, for or against any participant (accused, accuser or witness) is expressly prohibited. Retaliatory action of any kind taken against individuals as a result of seeking redress under the applicable procedures or serving as a witness in a subsequent investigation dealing with harassment/intimidation and/or discrimination is prohibited. Any person who thinks he/she has been the victim of retaliation should contact the human resources director immediately.

(i) Rights of accused—Notice of complaint: If a formal investigation is undertaken, the accused will be alerted to the existence of a formal complaint and that an investigation of the complaint is underway. During the investigative process, the accused will be informed of his/her right to representation during any investigatory meeting.

(j) Findings report: Within sixty calendar days of the commencement of a formal investigation, to the extent appropriate, a findings report will be submitted to the appropriate vice-president with whom the complainant jurisdiction resides and the president. This findings report will include the complaint and a synopsis of the investigation. The reporter is not precluded from providing specific recommendations in the findings report as to disciplinary actions or other actions

to be done (i.e. training for everyone in a department where sexual jokes have gotten out of hand, etc.). The complainant and the accused will be informed of the results of the investigation in summary form.

(k) **Corrective action:** The decision maker (the appropriate vice-president with whom the complainant jurisdiction resides when the accused is a faculty or classified staff, the president when the accused is an administrator, or the chair of board of trustees if the accused is the president), will take appropriate corrective and/or disciplinary action in situations where it is proven or is reasonable to believe that harassment/intimidation and/or discrimination took place. Any action taken will follow the due process provisions of applicable contracts or state law and regulations and will be reasonably calculated to end harassing/intimidation and/or discriminatory behavior and correct inappropriate behavior.

(4) Appeal process.

(a) Any corrective and/or disciplinary action in situations where it is proven or is reasonable to believe that harassment/intimidation and/or discrimination took place on any level, except decisions by the board of trustees, may be appealed in writing to the president within fifteen working days of the corrective and/or disciplinary action by either the complainant or the accused. The appeal must state specific reasons why the complainant or accused believes the decision was improper. Within fifteen working days of the appeal, the president shall:

- (i) Take actions recommended by the decision maker (vice-president);
- (ii) Reject the recommendations;
- (iii) Modify the recommendations; or
- (iv) Remand the recommendations to the decision maker (vice-president) for further consideration; and
- (v) Report in writing to the complainant, accused and vice-president

(b) The decision of the chair of the board of trustees as to any complaint against the president may be reviewed by filing a complaint with the appropriate tribunal listed in section (5) noncollege options, provided all time periods applicable to the tribunal are met.

(c) The actions of the president or, if applicable, the chair of the board of trustees, shall constitute final Whatcom Community College disposition of the matter. Upon action of the president, the complainant and accused shall have exhausted their administrative remedies within the college.

(d) However, in the event disciplinary action is undertaken against faculty member, the appeal process will be conducted in accordance with the standing faculty negotiated agreement.

(5) Noncollege options.

(a) At any point during these proceedings, the complainant may choose to file with the Washington state human rights commission, the Equal Opportunity Commission, and/or the U.S. Department of Education, Title IX.

(i) For anyone (employees, students, public): The Washington State Human Rights Commission, 711 S. Capitol Way, Suite 402, P.O. Box 42490, Olympia, WA 98504-2409; (360) 753-6770 or 1-800-233-3247; TTY 1-800-300-7525; web site: www.hum.wa.gov

(ii) For employees: The United States Equal Opportunity Commission, Federal Office Building, 909 First Avenue, (2009 Ed.)

Suite 400, Seattle, WA 98104-1061; (206) 220-6883 or 1-800-669-4000; TTY 1-800-669-6820; web site: www.eeoc.gov/seattle

(iii) For students: Office for Civil Rights, U.S. Department of Education, 915 2nd Avenue, Room 3310, Seattle, Washington 98174-1000; (206) 220-7900; TTY (206) 220-7907; web site: www.ed.gov

[Statutory Authority: RCW 28B.50.130, [28B.50.]140, and chapter 49.60 RCW. 07-19-038, § 132U-300-020, filed 9/13/07, effective 10/14/07. Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-300-020, filed 7/8/88.]

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Chapter 132U-325 WAC

ENVIRONMENTAL POLICY ACT RULES

WAC

132U-325-010 Implementation of State Environmental Policy Act.

WAC 132U-325-010 Implementation of State Environmental Policy Act. (1) It shall be the policy of Community College District No. 21 that all actions taken by the district shall comply with the provisions of chapter 43.21C RCW (State Environmental Policy, chapters 197-10 and 131-24 WAC, as presently enacted or hereafter amended.

(2) The president of Community College District No. 21 shall be responsible for administering and implementing this policy.

[Statutory Authority: RCW 28B.50.130 and 28B.50.140. 88-15-005 (Order 88-03), § 132U-325-010, filed 7/8/88.]

Chapter 132U-400 WAC

LOSS OF ELIGIBILITY—STUDENT ATHLETIC PARTICIPATION

WAC

132U-400-010 Immediate suspension.

WAC 132U-400-010 Immediate suspension. Student athletes found to have violated chapter 69.41 RCW, Legend drugs—Prescription drugs, shall, upon conviction, be immediately suspended from participation in school-sponsored athletic events by the director of athletics. The period of loss of eligibility to participate will be determined by the director of athletics at the conclusion of a brief adjudicative hearing, to be commenced within twenty days of the suspension.

[Statutory Authority: RCW 28B.50.140, chapters 34.05 and 69.41 RCW. 90-05-043, § 132U-400-010, filed 2/15/90, effective 3/18/90.]