



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/22/01)

Agency: Big Bend Community College

- Permanent Rule
- Emergency Rule
- Expedited Rule Making

(1) Date of adoption: 7/8/03

(2) Purpose: To update and revise existing code to reflect the current college policies and procedures concerning the organization, practice and procedure, student conduct code, student athletic participation, designation of authority, policies and procedures, general conduct code, traffic and parking regulations, use of college facilities, bookstore operating procedures, library policies, residence housing policies, public records, Family Educational Rights and Privacy Act of 1974, and Policy on personnel files.

(3) Citation of existing rules affected by this order:

- Repealed: 132R WAC Community Colleges – Big Bend Community College
- Amended: 132R WAC Community Colleges – Big Bend Community College
- Suspended: 132R WAC Community Colleges – Big Bend Community College

(4) Statutory authority for adoption: 28B.50.140 and 34.05

Other Authority:

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 03-11-006 on 5/9/03 (date).

Describe any changes other than editing from proposed to adopted version: None

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?:

- Yes
- No
- If Yes, explain:

(6) Effective date of rule:

Permanent Rules

- 31 days after filing
- Other (specify) _____*

Emergency Rules

- Immediately
- Later (specify) _____

*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

Name (Type or Print)

K.W. Turner

Signature

K.W. Turner

Title

VP Administrative Services

Date

7-10-03

CODE REVISER USE ONLY

CR-103-03
STATE OF WASHINGTON

JUL 14 2003

TIME 2:46 PM

WSR 03-15-06-3

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	<u>6</u>	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	<u>20</u>	Amended	<u>49</u>	Repealed	<u>23</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>20</u>	Amended	<u>49</u>	Repealed	<u>23</u>
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

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AMENDATORY SECTION (Amending WSR 90-02-016, filed 12/26/89, effective 1/26/90)

WAC 132R-01-010 Organization--Operation--Information. (1) Organization. Big Bend 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) Rules coordinator. The designated rules coordinator for Big Bend Community College is the vice-president, administrative services, located at the following address:

Vice-President, Administrative Services
Big Bend Community College
Building 1400
(~~28th &~~) 7662 Chanute Street
Moses Lake, WA 98837-3299

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

Big Bend Community College
Building 1400
(~~28th &~~) 7662 Chanute Street
Moses Lake, WA 98837-3299

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

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

Big Bend Community College - Admissions
Building 1400
(~~28th &~~) 7662 Chanute Street
Moses Lake, WA 98837-3299

AMENDATORY SECTION (Amending WSR 90-02-016, filed 12/26/89, effective 1/26/90)

WAC 132R-02-040 Application for adjudicative proceeding. An application for adjudicative proceeding shall be in writing. Application forms are available at the following address:

President's Office
Big Bend Community College
Building 1400
(~~28th &~~) 7662 Chanute Street
Moses Lake, WA 98837-3299

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

AMENDATORY SECTION (Amending WSR 90-02-016, filed 12/26/89, effective 1/26/90)

WAC 132R-02-080 Recording devices. No cameras or recording devices shall be allowed in those parts of proceedings which the presiding officer has determined shall be closed pursuant to WAC (~~132R-02-010~~) 132R-02-070, except for the method of official recording selected by the institution.

Chapter 132R-04 WAC

~~((RULES OF CONDUCT AND PROCEDURES OF ENFORCEMENT))~~ STUDENT
CONDUCT CODE

AMENDATORY SECTION (Amending WSR 90-02-019, filed 12/26/89, effective 1/26/90)

WAC 132R-04-010 Student rights and responsibilities.

Admission to the college carries with it the expectation that students will conduct themselves as responsible members of the college community, that they will comply with the rules and regulations of the college, maintain high standards of integrity and honesty, respect the rights, privileges, and property of other members of the college community, and will not interfere with legitimate college affairs.

The rights and responsibilities of students are further defined and listed in the "student rights and responsibilities" policy adopted by the board of trustees of Big Bend Community College. Policies and procedures are fully explained in the student handbook which is on file in the office of the ~~((dean,))~~ vice-president of student services.

NEW SECTION

WAC 132R-04-015 Definitions. (1) "ASB" means the representative governing body for students at Big Bend Community College recognized by the board of trustees.

(2) "Assembly" means 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.

(3) "Board" means the board of trustees of Community College District 18, state of Washington.

(4) "College president" or "president" means the duly appointed chief executive officer of Big Bend Community College, Community College District 18, state of Washington, or in his/her absence, the acting chief executive officer.

(5) "College" means Big Bend Community College located within

Community College District 18, state of Washington.

(6) "College facilities" means and includes any or all real and personal property owned or operated by the college and shall include all buildings and appurtenances affixed thereon or attached thereto.

(7) "College personnel" refers to any person employed by Community College District 18 on a full-time or part-time basis, except those who are faculty members.

(8) "Disciplinary action" means and includes suspension or any lesser sanction of any student by the vice-president of student services, student disciplinary council, college president, or the board of trustees for the violation of any of the provisions of the code of student conduct or any of the provisions of the code of student rights and responsibilities for which such sanctions may be imposed.

(9) "District" means Community College 18, state of Washington.

(10) "Faculty member(s)" means any employee of Big Bend Community College who is employed on a full-time or part-time basis as a teacher, counselor, librarian or other position for which the training, experience and responsibility are comparable as determined by the appointing authority, except administrative appointments.

(11) "Hazing" means any method of initiation into a student organization, association, or living group or any pastime or amusement engaged in with respect to such an organization that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm, to any student or other person attending any institution of higher education or post-secondary institution.

(12) "Recognized student organization" means and includes any group or organization composed of students, which is affirmed by the student government of the college.

(13) "A sponsored event or activity" means any activity that is scheduled by the college and is supervised and controlled by college faculty members or personnel. Such sponsorship shall continue only as long as the event is supervised and controlled by the college faculty member or personnel. When the sponsored event or activity is of a prolonged nature, and free time periods are permitted to the students participating in the event, any activity taking place during such a free time period outside of the supervision and control of the college faculty member(s) or personnel, shall be deemed to be a nonsponsored activity.

(14) "Student" means a person who is enrolled for courses at the college.

(15) "Working days" means Monday through Friday, excluding holidays.

NEW SECTION

WAC 132R-04-017 Jurisdiction. All rules herein adopted shall apply to every student whenever said student is present upon or in any college facility and whenever said student is present at or engaged in any college sponsored activity or function whether occurring on or off college facilities/premises.

NEW SECTION

WAC 132R-04-019 Right to demand identification. For the purpose of determining identity of a person as a student any faculty member or other college personnel authorized by the college president may demand that any person on college facilities produce evidence of student enrollment at the college. Tender of the student identification card will satisfy this requirement.

Refusal by a student to produce identification as required shall subject the student to disciplinary action.

AMENDATORY SECTION (Amending Order 69-4, filed 12/5/69)

WAC 132R-04-040 ((~~Demonstration rights~~)) Freedom of expression. (1) ((~~Students and nonstudents may conduct or may participate in any demonstration as defined in WAC 132R-04-010 on college facilities which are generally available to the public provided such demonstrations~~)) Fundamental to the democratic process are the rights of free speech and peaceful assembly. Students, other members of the college community, and nonstudents shall always be free to express their views or support causes by orderly means which do not disrupt the regular and essential operations of the college.

(2) Concomitantly, while supporting the rights of students and others, the college recognizes the responsibility to maintain an atmosphere conducive to a sound educational endeavor.

(3) To insure the reconciliation of such rights and responsibilities, while respecting the private rights of all individuals, campus demonstrations may be conducted only in areas which are generally available to the public provided such demonstrations:

- (a) Are conducted in an orderly manner; and
- (b) Do not unreasonably interfere with classes, scheduled meetings or ceremonies, or with the general educational processes of the college; or
- (c) Do not unreasonably interfere with vehicular or pedestrian

traffic; or

(d) Do not unreasonably interfere with regular college functions.

~~((2))~~ (4) A student who conducts or participates in a demonstration which violates any provision of this rule shall be subject to disciplinary action. A nonstudent who violates any provision of the rule will be referred to civilian authorities for criminal prosecution.

NEW SECTION

WAC 132R-04-042 Freedom of access to higher education. Each student is free to pursue his or her educational goals; and to that end, appropriate opportunities for learning in the classroom shall be provided by the district. The college shall maintain an open door policy, to the end that no student will be denied admission because of the location of the student's residence, or because of the student's educational background or ability; that, insofar as is practical in the judgment of the board, curriculum offerings shall be provided to meet the educational and training needs of the community generally and the students thereof; and that all students, regardless of their differing courses of study, will be considered, known and recognized equally as members of the student body; provided, that the administrative officers of the college may deny admission to a prospective student or attendance to an enrolled student if, in their judgment, the student would not be competent to profit from the curriculum offerings of the community college, or would, by the student's presence or conduct, create a disrupting atmosphere within the community college inconsistent with the purposes of the institution.

NEW SECTION

WAC 132R-04-047 Freedom of association and organization. Students bring to the campus a variety of previously acquired interests and develop many new interests as members of the college community. They are free to organize and join associations to promote any legal purpose, whether it be religious, political, educational, recreational or social.

Student organizations must be granted a charter by the college student government before they may be officially recognized. Prior to becoming chartered, a student organization must submit to the student government a statement of purpose, criteria for membership, a statement of operating rules or procedures, and the name of a

faculty member who has agreed to serve as an advisor. All student organizations must also submit to the student government a list of officers and keep that list updated when changes occur.

In order to qualify for issuance of a charter, a student organization must be open to all students without respect to race, sex, creed, national origin, or religion. Membership in all student organizations shall be open to any member of the college community who is willing to subscribe to the stated aims of the student organization. Affiliation with a noncampus organization shall not be grounds for denial of charter, provided that other conditions for charter issuance have been met.

NEW SECTION

WAC 132R-04-056 Standards. Attendance at Big Bend Community College presupposes that a student will observe the laws and deport themselves according to accepted standards of personal and group conduct. It further presupposes that each student will comply with the rules, regulations and procedures as are, or may be, established by Big Bend Community College. Failure to observe such laws, standards, rules, regulations and procedures shall render a student subject to penalties, which may include dismissal from the college.

The provisions of this section on student conduct and discipline do not apply to probation or suspension arising solely from low scholarship.

NEW SECTION

WAC 132R-04-057 Student code of conduct violations. Any student shall be subject to immediate disciplinary action provided for in code procedures and summary suspension rules who, either as a principal actor or aider or abettor:

(1) Materially and substantially interferes with the personal rights or privileges of others or the educational process of the college.

(2) Violates any provisions of the code of student rights and responsibilities.

(3) Commits any of the following acts which are hereby prohibited:

(a) All forms of academic misconduct and dishonesty including cheating, plagiarism, knowingly furnishing false information to the college, and forgery, alteration or use of college documents or instruments of identification with intent to defraud.

(b) Failure to comply with lawful directions of faculty, administrators and other regularly employed personnel acting in performance of their lawful duties.

(c) Conduct which intentionally and substantially obstructs or disrupts freedom of movement, teaching, disciplinary proceedings or other lawful activities on the college campus. Said conduct may be defined as:

(i) Behavior that involves an expressed or an implied threat to interfere with an individual's personal safety, academic efforts, employment, or participation in college activities and causes the person to have a reasonable apprehension that such interference is about to occur;

(ii) Threat to cause bodily harm at present or in the future to any person, or to cause physical damage to another's property, or to maliciously do any act which is intended to substantially harm another person's physical or mental health or safety;

(iii) Intentional and repeated following or contacting another person in a manner that intimidates, harasses or places another in fear for his or her personal safety or the safety of his or her property.

(d) Physical abuse of any person or conduct which is intended unlawfully to threaten imminent bodily harm or to endanger the physical or mental health and safety of any person on college-owned or controlled property or at college-sponsored or supervised functions.

(e) All forms of sexual misconduct which includes sexual harassment, sexual intimidation, sexual coercion, sexual assault, and rape.

(f) All forms of hazing which endangers, or is likely to endanger, the mental or physical health or safety of a student, or which destroys or removes public or private property, for the purpose of admission into, affiliation with, or as a condition for continued membership in a group or college organization.

(g) Malicious damage to or malicious misuse of college property, or the property of any person where such property is located on the college campus.

(h) Refusal to comply with any lawful order to leave the college campus or any portion thereof.

(i) Possession or use of firearms, explosives, dangerous chemicals or other dangerous weapons or instrumentalities on the college campus, except for authorized college purposes; unless prior written approval has been obtained from the vice-president of student services, or any other person designated by the college president.

(j) Intentionally inciting others to engage immediately in any of the conduct prohibited herein, which incitement leads directly to such conduct. (Inciting is that advocacy which prepares the group addressed for imminent action and steers it to the conduct prohibited herein.)

(k) Possessing, consuming, being demonstrably under the influence of, or furnishing any form of alcoholic beverages on college-owned or controlled property or at college-sponsored or supervised functions where prohibited by the college's current

alcohol policy.

(l) Disorderly conduct, including disorderly conduct resulting from drunkenness.

(m) Engaging in lewd, indecent or obscene behavior on college-owned or controlled property or at college-sponsored or supervised functions.

(n) Using, possessing, furnishing or selling any narcotic or dangerous drug as defined in Washington statutes, except when the use or possession of a drug is specifically prescribed as medication by an authorized medical doctor or dentist.

(o) 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.

(p) Theft or conversion of college property or private property.

(q) Entering any administrative office or any locked or otherwise closed college facility in any manner, at any time, without permission of the college employee or agent in charge thereof.

(r) Possession, making or causing to be made, any key to operate locks or locking mechanisms on campus without proper authorization or using or giving to another, a key for which there has been no proper authorization.

(s) Interfering with college computing or communication functions or with the work of another student, faculty member, or college official; gaining unauthorized access, altering data, misusing computing facilities to send harassing messages, or misuse of the campus network and/or computing facilities as defined by the current college technology use policy and procedures.

(t) Disruptive classroom conduct including abusive language toward a classroom instructor and/or student and other acts of misconduct.

(4) Single or repeated violation of the above code is relevant in determining an applicant's or a student's membership in the college.

NEW SECTION

WAC 132R-04-063 Disciplinary sanctions. If any student is found to have violated any of the offenses enumerated at WAC 132-04-057, one or more of the following sanctions may be imposed against the student or student organization. Failure to comply with any imposed sanctions may result in additional sanctions.

(1) Minor disciplinary sanction:

(a) "Disciplinary warning." Formal action censoring a student for unacceptable conduct or violation of college rules or regulations. The student is notified in writing of this action. Warnings imply that further unacceptable conduct or violation of

rules will result in one of the more serious actions described below.

(b) "Disciplinary probation." Formal action placing condition on the student's continued attendance for violation of specified regulations. The disciplinary probation shall specify, in writing, the period of probation and the conditions which may include conditions such as limiting the student's participation in college-related privileges or extra-curricular activities or enforcing a "no contact" order which would prohibit direct or indirect physical and/or verbal contact with specific individuals or groups. Disciplinary probation further shall give the student notice that any further misconduct will automatically raise the question of suspension from the college. Disciplinary probation shall be for a specified period of time.

(c) "Educational activities." Activities designed to foster student development may include, but are not limited to, community service, attendance at educational programs, or written assignments.

(d) "Restitution." Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.

(e) "Assessment." Referral for drugs/alcohol or psychological assessment may be required. Results of the assessment may lead to the determination that conditions of treatment and further assessment apply to either continued attendance or return after a period of suspension.

(2) Major disciplinary sanction:

(a) "Disciplinary suspension." Formal action taken by authorized personnel (the president or anyone authorized to act in the absence of the president) dismissing a student temporarily from the college for unacceptable conduct or violation of college rules or regulations. Suspension may be for a stated or for an indefinite period, but the implication of the action is that the student may eventually return if evidence or other assurance is presented that the unacceptable conduct will not be repeated. The notification suspending the student must state the conditions to be met and whether the action is to be noted permanently on the student's record. The student and vice-president of student services are notified in writing of the action taken, the terms of the suspension and any conditions involved, and the dean of enrollment services is requested to enter the action on the student's academic record. No fees will be refunded for the quarter in which the action is taken.

(b) "Disciplinary expulsion." Discretionary action by authorized personnel dismissing a student permanently for flagrantly unacceptable conduct or violation of college rules or regulations. Unlike suspension, no term is involved, the action always becomes effective on notice. Expulsion must have the prior approval of the president. The student is notified in writing of the action taken, and the dean of enrollment services is requested to enter the action permanently on the student's academic record.

(c) "Hold" (administrative). Attachment of a student's record to assure compliance with college rules, procedures, or

obligations. The "hold" may be placed on the student's record by the authorized college office responsible for enforcement of the rule, procedure, or obligation involved. The authorized office must request the dean of enrollment services in writing to place a "hold" on the student's record. The student will not be permitted to register for any subsequent quarter nor to obtain a transcript of his/her record except on the written release of the office which placed the "hold."

(d) "Registration canceled" (administrative). Privileges of attendance withdrawn, effective immediately on notice.

(i) By order of the business office for financial delinquencies. (Handled as a withdrawal for recording purposes.)

(ii) By order of the vice-president of student services for failure to comply with rules, regulations or instructions.

The order canceling a registration must be addressed to the student involved in writing. The registration office automatically will place a "hold" on the student's record to prevent registration for future quarters and the issuance of transcripts.

NEW SECTION

WAC 132R-04-064 Interim discipline. (1) Disciplinary actions of the college will be implemented by the president, except as such implementation may be delegated by the president or the board of trustees. Ordinarily, the disciplinary authority of the college will be invoked only after completion of the procedures established for the review of disciplinary cases and after the student, if he/she so wishes, has availed himself/herself of the appeal procedures. However, in situations where there is cause to believe that the student or the student organization poses an immediate threat to himself or herself, to others or to property, or is incapable of continuing as a student for medical or psychological reasons, or where it is believed that the student's continued attendance or presence may cause disorder or substantially interfere with or impede the lawful activities of others or imperil the physical or mental health and safety of members of the college community, interim actions may be taken immediately without prior notice or hearing. These actions, taken by the president or the president's designee, may include:

(a) Interim restrictions, including, but not limited to, assignment to alternate college housing or removal from college housing, limitation of access to college facilities, or restriction of communication with specific individuals or groups;

(b) Interim suspension, including temporary total removal from the college or restriction of access to campus;

(c) Mandatory medical/psychological assessment, including referral to outside, medical professionals and/or to the mental health advisory board for assessment of the student's capability to

remain in the college.

(2) Each instructor is authorized to implement interim suspension when necessary to preserve order and to maintain effective cooperation of the class in fulfilling the objective of the course. An instructor imposing an interim suspension shall report such action, in writing, to the division chair, vice-president of student services, and vice-president of instruction.

(3) In all cases of interim discipline, the student or student organization is entitled to personally appeal before the vice-president of student services or designee as soon as is reasonably possible. The student disciplinary review request must be submitted in writing no later than ten working days from the date of said disciplinary action.

(4) The vice-president of student services shall conduct a meeting with the student within five working days after receipt of the disciplinary review request. As a result of the meeting between the vice-president of student services and the student, the vice-president may recommend to the president or the president's designee either continuation or termination of the interim discipline and/or initiate disciplinary procedures in accordance with WAC 132R-04-112 through 132R-04-160.

NEW SECTION

WAC 132R-04-067 Readmission after major discipline. Any petition for readmission by a student suspended or expelled for disciplinary reasons other than poor scholarship must be addressed to the office of the vice-president of student services. Such a petition must be in writing and must state in detail the reasons why the penalty should be reconsidered. Since the president of the college or his/her designee participates in disciplinary decisions suspending/expelling students from the college, decisions on such petitions for readmission must be reviewed and approved by the president before being announced to the petitioner.

AMENDATORY SECTION (Amending Order 69-4, filed 12/5/69)

WAC 132R-04-100 Delegation of disciplinary authority. The board, acting pursuant to ((RCW—28.85.140(14)—{))RCW 28B.50.140(14)({}), do by written order delegate to the president of the college authority to administer the disciplinary action prescribed in WAC 132R-04-150. All disciplinary actions in which there is a recommendation that a student be suspended or expelled, shall be acted upon by the president((. The president shall have

~~no authority to delegate this decision)) or his/her designee as listed in the Big Bend Community College board of trustees policy book, section BP 1004.5.~~

NEW SECTION

WAC 132R-04-112 Discipline statement. (1) The vice-president of student services is the primary agent for the administration of discipline for unacceptable conduct or infraction of college rules except those which are the responsibility of divisions and instructors as hereafter described.

(a) The division chair and faculty of each division are responsible for the administration of discipline for infraction of rules and regulations of the college or for unacceptable conduct by students in matters relating to their academic progress.

(b) The instructor is responsible for the maintenance of order and proper conduct in the classroom. He/she is authorized to impose interim suspension as may be necessary to preserve order and to maintain the effective cooperation of the class in fulfilling the objectives of the course.

(2) The instructor of each course shall be responsible for the maintenance of order and proper student conduct in a classroom. Each instructor is authorized to impose interim suspension in order to preserve order and to maintain effective cooperation of the class in fulfilling the objective of the course. In the event of disruptive classroom conduct, academic misconduct, and/or dishonesty, the instructor may take any and all reasonable action against any student. A course of action might include, but not be limited to:

(a) Issuing a failing grade on a particular test, paper, assignment, or course.

(b) Dismissing the student(s) from class pending a hearing with the vice-president of student services.

(c) Dropping the student from the course.

(d) Referring the case to local authorities for civil action.

(3) An instructor taking action against any student for an act of disruptive classroom conduct, academic misconduct, and/or dishonesty, shall report such action in writing to the division chair, appropriate dean, vice-president of student services, and vice-president of instructional services as soon as possible. Any student subject to action of an instructor for a code of conduct violation may seek review of that action by the vice-president of student services. The student disciplinary review request must be submitted in writing to the vice-president of student services within ten working days from the date of said disciplinary action.

NEW SECTION

WAC 132R-04-115 Disciplinary action. (1) A student charged with unacceptable conduct is entitled to a fair hearing. The procedures set forth below shall be interpreted and administered in such a way as to accomplish this objective. Disciplinary proceedings are not to be construed as judicial trials; care will be taken to comply as fully as possible with the spirit and intent of procedural safeguards relative to the rights of the individual concerned.

(a) When disciplinary action is initiated by a faculty member for disruptive classroom conduct, academic misconduct, and/or dishonesty, a written report of the occurrence shall be filed with the division chair, appropriate dean, vice-president of student services, and vice-president of instruction.

(b) All other instances of misconduct shall be reported to the vice-president of student services.

(c) Any student accused of violating any provisions of the rules of student conduct **shall** be called for an initial conference with the vice-president of student services or his/her designated representative, and **shall** be informed of what provision of the rules of student conduct have been violated, and the maximum penalties, if any, which might result from initiation of a disciplinary proceeding.

(2) After considering the evidence in the case and interviewing the student or students accused of violating the rules of student conduct, the vice-president of student services or his/her designated representative may take any of the following actions:

(a) Terminate the proceedings, exonerating the student or students;

(b) Dismiss the case after whatever counseling and advice may be appropriate;

(c) Impose minor sanctions directly (warning or reprimand);

(d) Refer the case to the disciplinary committee.

(3) Should a disciplinary committee hearing be necessary, the student shall be notified **in writing** as to the date, time, place of the hearing, and charge(s), including reference to the particular sections of the rules of student conduct involved. He/she shall be permitted to examine the evidence against him/her and where pertinent shall be given the names of those who will be witnesses against him/her. In the hearing he/she may present evidence, testimonial or documentary, in his/her behalf.

(4) The president or vice-president of student services shall notify the student in writing of the final determination on any charge of unacceptable conduct. In the case of a student under eighteen years of age who is expelled, suspended or placed on disciplinary probation, the parents or guardian of the student shall also be notified in writing. (This does not apply to emancipated minors.)

NEW SECTION

WAC 132R-04-117 Disciplinary committee. (1) The committee shall be a standing committee composed of one administrator appointed by the president, two faculty members selected by the college faculty association and two students selected by the student government.

(2) If any member of the committee is unable to consider a particular disciplinary proceeding for any reason including a conflict of interest, such member shall be temporarily replaced by a student or faculty member as appropriate pursuant to the procedure established in this section.

(3) The disciplinary committee shall conduct such hearing within twenty working days after disciplinary action has been referred to such committee and shall give the student charged with violation of the rules of student conduct a minimum notice of five working days of said hearing as specified within the following section. With the mutual agreement of the parties, the hearing date may be continued beyond the twenty working day limit.

AMENDATORY SECTION (Amending Order 69-4, filed 12/5/69)

WAC 132R-04-130 Disciplinary committee procedures. (1) The hearing panel will hear, de novo, and make recommendations to the president of the college on all disciplinary cases referred to it by the ~~((dean))~~ vice-president of student ~~((personnel))~~ services.

(2) The student has a right to a fair and impartial hearing before the disciplinary committee on any charge of violating the rules of student conduct. The student's failure to cooperate with the hearing procedures hereinafter outlined, however, shall not preclude the disciplinary committee from making its findings of fact, conclusions and recommendations as provided herein.

(3) The student shall be given written notice of the time and place of the hearing before the disciplinary committee by personal service or registered mail and be afforded not less than ~~((20))~~ five working days notice thereof. Said notice shall contain:

(a) A statement of the time, place and nature of the disciplinary proceeding.

(b) A statement of the charges against him/her including reference to the particular sections of the rules of student conduct involved.

(4) The student shall be entitled to hear and examine the evidence against him/her and be informed of the identity of its source; he/she shall be entitled to present evidence in his/her own behalf and cross examine witnesses testifying against him as to factual matters.

~~(5) ((If the student elects to choose a duly licensed attorney admitted to practice in any state in the United States as his~~

counsel, he must tender three days notice thereof to the dean of student personnel services.)) The student has the right to be assisted by any (one) advisor he/she may choose, at his/her own expense. The advisor may be an attorney. The student is responsible for presenting his/her own case and, therefore, advisors are not permitted to speak or to participate directly in a hearing. The accused student can, however, speak with his/her advisor during the hearing. If the student utilizes an attorney as an advisor, the student shall give the vice-president of student services three days' notice of intent to do so.

(6) In all disciplinary proceedings, the college may be represented by a designee appointed by the ~~((dean))~~ vice-president of student ((personnel)) services; said designee may then present the college's case against the student accused of violating the rules of student conduct, provided that in those cases in which the student elects to ~~((be represented by))~~ have a licensed attorney act as his/her advisor, the ~~((dean))~~ vice-president of student ~~((personnel))~~ services may elect to have the college represented by an assistant attorney general.

(7) If, at the conclusion of the hearing, the committee finds that the student has committed one or more violations, and that such violations are in fact violations of a rule or rules of student conduct, the committee shall make such a finding and recommend such disciplinary action as they shall deem appropriate against the student. Prior acts of misconduct may be considered in making the recommendation for disciplinary action.

(8) ~~((An adequate summary of all the evidence and facts presented to the disciplinary committee during the course of the proceeding will be taken. A copy thereof shall be available at the office of the dean of student personnel services.))~~ During the course of the proceeding an adequate summary of all the evidence and facts will be taken. A copy shall be available at the office of the vice-president of student services.

AMENDATORY SECTION (Amending Order 69-4, filed 12/5/69)

WAC 132R-04-140 Disciplinary committee decision. ((+))

Upon conclusion of the disciplinary hearing, the disciplinary committee shall consider all the evidence therein presented and decide by majority vote as to the specific findings and conclusions required pursuant to WAC 132R-04-130, and whether to recommend to the president any of the following actions:

~~((a))~~ (1) That the college terminate the proceedings and exonerate the student or students;

~~((b))~~ (2) That the president or his/her designee impose any of the disciplinary action as provided in WAC 132R-04-150.

~~((2))~~ The student will be provided with a copy of the committee's findings of fact and conclusions regarding whether the

~~student did violate any rules of student conduct, and such student shall also be provided with a copy of the recommendations of disciplinary action.))~~

AMENDATORY SECTION (Amending Order 69-4, filed 12/5/69)

WAC 132R-04-150 Imposition of discipline. (1) The college president or his/her designee shall review all ~~((actions))~~ hearings for which the disciplinary committee has recommended disciplinary action and determine whether or not disciplinary action shall be imposed against the said student. With the exception of interim discipline as authorized by WAC 132R-04-064, the college president or his/her designee shall have no authority to impose any disciplinary action on a student unless disciplinary action has been recommended by the disciplinary committee against such student or unless such student has waived his/her right to a hearing before such disciplinary committee. ~~((The disciplinary action imposed by the president shall not be more severe than that recommended by the disciplinary committee.))~~

(2) In determining whether or not to impose disciplinary action against a student, the president shall review the summary of the evidence and facts presented to the disciplinary committee ~~((the findings and conclusions of the disciplinary committee,))~~ and the recommendation of the disciplinary committee ~~((and)),~~ the college president shall then determine whether or not to impose disciplinary action in any form. Prior acts of misconduct may be considered in making a decision.

(3) ~~((If the college president determines to impose disciplinary action for a violation of the rules of conduct for which disciplinary action has been recommended by the disciplinary committee unless the said student waives his right to such hearing, the college president shall have authority to:~~

~~(a) Expel such student permanently from the college, or~~

~~(b) Suspend the right of such student to attend the college for a maximum of three consecutive academic quarters, or~~

~~(c) Reprimand such student in writing and forward a copy of such reprimand to the guardian or parents of such student.))~~

Discipline may be imposed by the college president or his/her designee for violations of the rules of conduct, not only in those instances where the disciplinary committee has made recommendations after a hearing, but also in cases where the student has waived his/her right to such a hearing. Sanctions available to the president are described in WAC 132R-04-056 and 132R-04-063.

AMENDATORY SECTION (Amending Order 69-4, filed 12/5/69)

WAC 132R-04-160 Student appeal. Any student feeling aggrieved by the ((~~findings or conclusions~~)) recommendations of the disciplinary committee or the order of the college president or his/her designee imposing disciplinary action may appeal the same in writing by directing an appeal to the ((~~chairman of the board~~)) college president or his/her designee within ((~~15~~)) fifteen days following receipt of the order of the president or his/her designee imposing disciplinary action. The ((~~board~~)) college president or his/her designee may, at ((~~their~~)) his/her discretion, suspend any disciplinary action pending determination of the merits of the findings, conclusions and disciplinary action imposed.

NEW SECTION

WAC 132R-04-165 Maintenance of disciplinary records. (1) The vice-president of student services shall keep records of all disciplinary cases. The division chair shall report to the vice-president of student services and appropriate dean, in writing, all cases in which disciplinary action is taken.

(2) The vice-president of student services shall notify the chair and the dean of the division in which the student is enrolled and the dean of enrollment services of any disciplinary action taken, which is to be recorded on the student's official record, and shall keep accurate records of all disciplinary cases handled by, or reported to, his/her office.

(3) The vice-president of student services shall receive and maintain certain records of all disciplinary action taken by any college employee. These records should be consulted by disciplinary authorities for records of previous misconduct before taking disciplinary action in any case.

AMENDATORY SECTION (Amending Order 69-4, filed 12/5/69)

WAC 132R-04-170 ((~~Civilian~~)) Criminal prosecution. ((~~The board acting through the~~)) College ((~~president~~)) personnel or students may refer any ((~~violations of the rules of student conduct which involve violations of federal or state law to civilian~~)) student code of conduct violations which are also violations of federal or state law to the proper authorities for disposition.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 132R-04-020	Liquor.
WAC 132R-04-030	Drugs.
WAC 132R-04-035	Damaging property.
WAC 132R-04-050	Criminal violations.
WAC 132R-04-055	Classroom conduct.
WAC 132R-04-060	Commercial activities.
WAC 132R-04-070	Outside speakers.
WAC 132R-04-080	Trespass.
WAC 132R-04-090	Distribution of materials.
WAC 132R-04-110	Disciplinary action.
WAC 132R-04-120	Disciplinary committee.

AMENDATORY SECTION (Amending WSR 90-02-017, filed 12/26/89, effective 1/1/90)

WAC 132R-05-010 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 athletic director (~~(of athletics)~~). The period of loss of eligibility to participate will be determined by the athletic director (~~(of athletics)~~) at the conclusion of a brief adjudicative hearing(s) as detailed in the Big Bend Community College athletic handbook, to be commenced within twenty days of the suspension.

AMENDATORY SECTION (Amending WSR 90-02-019, filed 12/26/89, effective 1/26/90)

WAC 132R-12-010 Designation of appointing authority.

Pursuant to WAC 251-04-020(2), the position of "appointing authority" at Big Bend Community College is designated:

(1) The president or the person occupying the position of president at Big Bend Community College is designated as the "appointing authority" for purposes of RCW 28B.50.140(14).

(2) The president of Big Bend Community College is delegated authority by written order of the board of trustees. ~~((The power and duties vested in the board may be transferred in accordance with this chapter. Such delegated powers and duties may be exercised in the name of the district board.))~~

(3) Pursuant to RCW 28B.10.528, the board of trustees hereby delegates to the president executive responsibility of administering the policies adopted by the board of trustees and executing all decisions of the board of trustees requiring administrative action. Pursuant to RCW 28B.50.140(14), the board expressly delegates the appointing authority in matters concerning all Big Bend Community College District 18 personnel to the president. This delegation does not include a delegation of powers related to the position of president and also excludes a delegation of powers related to decisions regarding approval or denial of faculty tenure. This delegation includes a delegation of authority to hire, terminate, suspend, reassign, discipline, or demote personnel without prior approval of the board of trustees.

(4) The board delegates the appointing authority of the college to the persons occupying the following positions in the president's absence: Vice-president of instruction, vice-president for administrative services and vice-president of student services (hereinafter collectively referred to as "senior administrators"). The appointing authority delegated to the senior administrators shall only be exercised if the following criteria are met: The president must be absent. Absent means that the individual has taken formal medical, vacation or personal leave; is not available in person, by telephone, by pager or other reasonable means; and/or has left prior written notice indicating an "absent" status. No administrator shall exercise any authority unless all administrators preceding them on the senior administrators' order of positions list are also absent as previously defined.

(5) Senior administrators' order of positions list:

(a) Vice-president for administrative services;

(b) Vice-president of instruction;

(c) Vice-president of student services;

The senior administrators who are able to establish that the president and other administrators who precede them on the order of

positions list are absent shall have the authority to hire, terminate, suspend, reassign, discipline or demote any Big Bend Community College District 18 personnel (with the exception of the president or other senior administrators as defined herein) without prior approval of the board of trustees. This delegation of power does not include the ability to render decisions related to the granting or denial of tenure.

AMENDATORY SECTION (Amending Order 70-4, filed 3/5/70)

WAC 132R-12-020 Classified employee exemptions. Pursuant to RCW ((~~28.75.040~~ [~~28B.16.040~~])) 41.06.070, the following positions at Big Bend Community College and in Community College District No. 18, state of Washington, are deemed exempt from the provisions of chapter ((~~28.75~~ RCW [~~chapter 28B.16~~ RCW])) 41.06 RCW:

- (1) Members of the board of trustees.
- (2) President.
- (3) Major administrative officers:
 - (a) ((~~Dean~~)) Vice-president of instruction.
 - (b) ((~~Associate dean for occupational education.~~)) Vice-president for administrative services.
 - (c) ((~~Dean~~)) Vice-president of student ((~~personnel~~)) services.
 - ((~~(d) Administrative assistant for business or financial affairs.~~))

(4) All employees of Community College District No. 18 who are either probationary faculty appointees or tenured faculty appointees pursuant to RCW ((~~28.85.850 through 28.85.869~~ [~~RCW 28B.50.850 through 28B.50.869~~])) 28B.50.850 through 28B.50.869.

(5) All deans, directors, coordinators, and assistants to the president and major administrative officers analogous to vice-presidents ((~~-~~

- ~~(a) Director of community services.~~
- ~~(b) Director of the upward bound program.~~
- ~~(c) Director of student activities.~~
- ~~(d) Director of federal programs.~~
- ~~(e) Executive secretary to the president.~~
- ~~(f) All other heads of major administrative or academic divisions.~~

~~(6) Positions involved in research, counselling of students, and graphic arts and publications:~~

- ~~(a) Coordinator of financial aids and housing.~~
- ~~(b) Public information officer.~~
- ~~(7) Professional consultants under contract and all student employees)).~~

AMENDATORY SECTION (Amending WSR 90-02-019, filed 12/26/89, effective 1/26/90)

WAC 132R-116-070 Impounding of illegally parked vehicles.

The president or his/her designee(s) may order the impound and storage of any vehicle parked in areas where parking is not allowed, or parked in a space reserved for another vehicle, or illegally parked in a handicapped space. The impounding and storage shall be at the expense of either or both the owner and operator of the impounded vehicle. Neither the college nor its employees shall be liable for loss or damage of any kind resulting from such impounding and storage.

AMENDATORY SECTION (Amending WSR 90-02-019, filed 12/26/89, effective 1/26/90)

WAC 132R-116-090 Parking violations. Parking violations may occur and may result in the issuance of a parking violation citation, impound, or both.

(1) Vehicles parked in a space reserved for handicapped parking and not displaying a handicapped parking permit shall be subject to citation.

(2) Vehicles parked in such a manner as to occupy more than one space shall be subject to citation.

(3) Vehicles parked in an area not specifically posted for parking shall be subject to citation. Vehicles parked in service areas, driveways, loading zones, on lawns, or areas with yellow curb shall be subject to citation, impound, or both.

(4) Vehicles parked in a posted area specifically prohibiting parking shall be subject to citation, impound, or both.

Chapter 132R-117 WAC

~~((FIREARMS AND DANGEROUS WEAPONS))~~ GENERAL CONDUCT CODE

AMENDATORY SECTION (Amending WSR 92-20-077, filed 10/5/92, effective 11/5/92)

WAC 132R-117-010 Firearms and dangerous weapons. (1)

Possession, carrying or discharge of any explosive, firearm, or other weapon (including shot guns, pistols, air guns, pellet-guns, and paint-ball guns), whether loaded or unloaded, is prohibited on Big Bend Community College owned or controlled property.

(2) Only such persons who are authorized to carry firearms or other weapons as duly appointed and commissioned law enforcement officers in the state of Washington, and persons or entities authorized by contract to carry firearms in the course of their employment, shall possess firearms or other weapons issued for their possession by their respective law enforcement agencies while on campus or other college controlled property, including residence halls.

(3) Other than the persons referenced in subsection (2) of this section, members of the campus community and visitors who bring firearms or other weapons to campus must immediately place the firearms or weapons in the college-provided storage facility. The storage facility ~~((is controlled by the office of student life and is))~~ for students living at the residence halls is controlled by the residence halls coordinator. The storage facility for all other students is in the registration office and is controlled by the vice-president of student services. Both facilities are accessible during the hours of 8:00 a.m. through 4:30 p.m., Monday through Friday (excluding holidays).

(4) Anyone seeking to bring a firearm or other weapon onto campus for display or demonstration purposes directly related to a class or other educational activity must obtain prior written authorization from the vice-president of ~~((educational services))~~ instruction or any other person designated by the president of the college. The vice-president of ~~((educational services))~~ instruction or other designee shall review any such request and may establish conditions to the authorization.

(5) Firearms owned by the institution for use by special interest groups such as ASB gun clubs, ROTC, or intercollegiate shooting teams, must be stored in a location approved by the ~~((dean))~~ vice-president of student services or any other person

designated by the president of the college. Said firearms must be checked out by the club advisor or coach and are to be used by legitimate members of the club or teams in the normal course of the club or team's activity.

(6) Violators shall be subject to appropriate disciplinary or legal action.

NEW SECTION

WAC 132R-117-020 Trespass. (1) The president of the college or his/her designee is authorized in the instance of any event that is deemed to be unreasonably disruptive of order or which impedes the movement of persons or vehicles or which seems to disrupt the ingress and/or egress of persons from facilities owned and/or operated by the college, then the president or his/her designee shall have the power and authority subject to the students' right of demonstration as guaranteed pursuant to WAC 132R-04-040 to:

(a) Prohibit the entry of, or withdraw the license or privilege of any person or persons or any group of persons to enter onto or remain upon all or any portion of a college facility which is owned and/or operated by the college; or

(b) Give notice against trespass by any manner specified in chapter 9A.52 RCW to any person, persons, or group of persons against whom the license or privilege has been withdrawn or who have been prohibited from entering onto or remaining upon all or any portion of a college facility, which college facility is owned and/or operated by the college; or

(c) Order any person, persons or group of persons to leave or vacate all or any portion of a college facility which is owned and/or operated by the college.

(2) Any student who shall disobey a lawful order given by the president or his/her designee pursuant to the requirements of this rule, may be subject to criminal prosecution and may be subject to disciplinary action.

AMENDATORY SECTION (Amending WSR 90-02-019, filed 12/26/89, effective 1/26/90)

WAC 132R-118-010 Purpose. The primary objective of the rules and regulations set forth in this chapter is to provide safety, traffic, and parking controls for the use of bicycles, motorcycles, motorscooters, snowmobiles, skateboards, skates, in-line skates and all-terrain vehicles upon all state lands devoted to the educational, recreational, and living activities of Big Bend Community College.

AMENDATORY SECTION (Amending WSR 90-02-019, filed 12/26/89, effective 1/26/90)

WAC 132R-118-020 Bicycles, motorcycles, motorscooters, snowmobiles, skateboards, skates, in-line skates and all-terrain vehicles defined. A bicycle shall be, for the purposes of this section, any vehicle with three or less wheels and containing a saddle seat, and which is not motor driven. Any vehicle with three or less wheels and containing a saddle seat, and which is motor driven is considered a motorcycle or motorscooter for the purposes of this section. Any vehicle with ski(s) and a track-type drive designed for travel over snow is considered a snowmobile for the purposes of this section. Any unit consisting of a board with two or more wheels attached to the underside that is propelled by the use of a persons foot is considered a skateboard for this section. For the purposes of this section, any shoe-skate with four wheels is considered a skate, and any shoe-skate with three or more wheels attached in a straight line is considered an in-line skate. Any vehicle with three or four wheels and containing a saddle-type seat, which is motor driven is considered an all-terrain vehicle for the purpose of this section.

AMENDATORY SECTION (Amending WSR 90-02-019, filed 12/26/89, effective 1/26/90)

WAC 132R-118-030 Applicable rules and regulations. The safety, traffic, and parking regulations for bicycles, motorcycles, motorscooters, snowmobiles, skateboards, skates, in-line skates and

all-terrain vehicles which are applicable upon the campus of Big Bend Community College are as follows:

- (1) The motor vehicle and other traffic laws of the state of Washington;
- (2) Special regulations set forth in this chapter.

AMENDATORY SECTION (Amending WSR 90-02-019, filed 12/26/89, effective 1/26/90)

WAC 132R-118-040 Operation of bicycles, motorcycles, motorscooters, snowmobiles, skateboards, skates, in-line skates and all-terrain vehicles. (1) No bicycle, motorcycle, or motorscooter may be operated on sidewalks, walkways, lawns, or other property not set aside for such purposes on the Big Bend Community College campus.

(2) Bicycles, motorcycles, motorscooters, and all-terrain vehicles may be operated any place where automobiles or other motor vehicles are permitted.

(3) Snowmobiles (~~and~~), skateboards, skates and in-line skates are prohibited as a means of transportation or recreation on campus property.

Chapter 132R-136 WAC

USE OF COLLEGE FACILITIES (~~(, EQUIPMENT AND SUPPLIES)~~)

AMENDATORY SECTION (Amending WSR 90-02-019, filed 12/26/89, effective 1/26/90)

WAC 132R-136-010 Philosophy and purpose concerning the use of college facilities. The Big Bend Community College board of trustees has determined that college facilities shall be made available for community use. College facilities shall be used for those activities (~~(which)~~) that are related directly to its educational mission or are justifiable on the basis of their contributions to the cultural, social, or economic development of the community and state.

AMENDATORY SECTION (Amending WSR 90-02-019, filed 12/26/89, effective 1/26/90)

WAC 132R-136-030 Eligibility for use of college facilities. Application for use of college facilities can be made by contacting the college. Contracts for the use of college facilities shall be completed and returned by (~~(the group representative)~~) an agent of the organization prior to final approval. Information concerning facility rental regulations, procedures, fees, and liabilities may be found in the (~~(board policy)~~) Administrative Process Manual AP8051.

NEW SECTION

WAC 132R-136-035 Use of college facilities by ASB organizations. Any recognized ASB organization may request approval from the director of student programs to utilize available college facilities for authorized activities as provided for in official ASB documents. Facilities will be provided free of charge

to the organization except when such use necessitates staffing and services beyond regular college requirements. Standard college fees will be charged in these cases.

Use of facilities for purposes other than those approved or in an irresponsible manner may result in withdrawal of this privilege for an organization.

Student organizations should schedule facility use requests with the appropriate office at least two weeks in advance of an event whenever possible.

NEW SECTION

WAC 132R-136-055 Commercial activities. (1) College facilities shall not be used for commercial solicitation, advertising or promotional activities except when such activities clearly serve educational objectives, including, but not limited to, display of books of interest to the academic community or the display or demonstration of technical or research equipment, and when such commercial activities related to educational objectives and are conducted under the sponsorship or at the request of a college department or office of the associated student body, provided that such solicitation does not interfere with or operate to the detriment of the conduct of the college affairs or the free flow of pedestrian or vehicular traffic.

(2) For the purpose of this section, the term "commercial activities" does not include handbills, leaflets, newspapers and similarly related materials as regulated in WAC 132R-136-070.

NEW SECTION

WAC 132R-136-060 Outside speakers. The trustees, administration and the faculty of the college subscribe to the proposition that an important aspect of the education of college students is the opportunity to listen to speakers representing a wide variety of opinions and beliefs on important public issues. In conformity with the American tradition of free speech and free inquiry, the following policies are established governing the appearance on campus of speakers not themselves members of the college community.

(1) Any recognized ASB campus student organization may invite speakers on campus subject to the legal restraints imposed by the laws of the United States and the state of Washington.

(2) The appearance of an invited speaker on the campus does not represent an endorsement, either implicit or explicit, of

his/her views by the college, its students, its faculty, its administration or its board.

(3) The scheduling of facilities for guest lecturers or invited speakers shall be made through the office of the vice-president of instruction or the director of student programs, by the inviting instructor or campus student organization.

(4) The vice-president of instruction or the director of student programs will be notified at least three days prior to the appearance of an invited speaker, at which time a proper form (available in the office of the vice-president of instruction or director of student programs) must be completed with all particulars regarding speaker, time, place, etc., signed by the sponsoring instructor or organization advisor, and filed with the office of the vice-president of instruction or the director of student programs. Exceptions to the three-day ruling may be made by either of the identified administrators.

(5) The vice-president of instruction or the director of student programs may require a question period or arrange to have views other than those of the invited speakers represented at the meeting, or at a subsequent meeting. The president or his/her designee may assign faculty or staff to preside over any meeting where a speaker has been invited.

NEW SECTION

WAC 132R-136-070 Distribution of materials. (1) Handbills, leaflets, newspaper and similar related matter may be sold or distributed free of charge by any student or students or by members of recognized student organizations or by college employees on or in college facilities at locations specifically designated by the vice-president of student services or by his/her designee; provided such distribution or sale does not interfere with the ingress and egress of persons, or interfere with the free flow of vehicle or pedestrian traffic.

(2) Such handbills, leaflets, newspapers and related matter must bear identification as to the publishing agency and distributing organization or individual.

(3) All nonstudents shall be required to register with the vice-president of student services or with his/her designee prior to the distribution of any handbill, leaflet, newspaper or related matter. Nonstudents shall not be allowed to sell handbills, leaflets, newspapers or related matter on or in college facilities.

(4) The dissemination or distribution of materials by persons on public streets, walks and hallways of the campus shall be subject to the laws of the city of Moses Lake, Grant County, state of Washington and the United States of America.

NEW SECTION

WAC 132R-136-080 Posting of materials. The college encourages free expression. Use of college facilities as provided herein, however, does not accord users the opportunity to post commercial solicitations, advertising or promotional materials without permission.

Permission for posting literature in the various restricted areas provided, therefore, shall be obtained from the vice president of student services or his/her designee. Permission to post literature does not accord users immunity from legal action which may occur from posting said material.

ASB campaign rules govern special poster and sign locations for ASB elections. Information on these special policies, restricted areas and regulations is available in the office of student programs.

Posting of posters, signs and other publicity or promotional materials is permitted only in locations specified above. All materials sought to be posted in restricted posting areas must have the identity of its sponsorship appearing on its face.

AMENDATORY SECTION (Amending WSR 90-02-019, filed 12/26/89, effective 1/26/90)

WAC 132R-144-010 Big Bend Community College bookstore operating procedures. Big Bend Community College bookstore is operated for the support and use of students and staff of Big Bend Community College. Big Bend Community College bookstore may engage in the direct and on-line sale of goods and services to individuals, groups, or external agencies for fees only when those services or goods are directly and substantially related to the educational mission of the college as outlined in Big Bend Community College's business competition policy.

AMENDATORY SECTION (Amending Order 73-4, filed 3/23/73)

WAC 132R-144-020 Return and refund policy. (1) Defective merchandise may be returned within a reasonable time for replacement or refund at the discretion of the bookstore manager.

(2) (~~(New books)~~) Course materials may be returned for refund on specified dates as established and posted by the bookstore manager. The proper (~~("drop-card" and)~~) sales slip must be presented.

(3) Exceptions to the above are subject to the discretion of the bookstore manager.

AMENDATORY SECTION (Amending Order 73-4, filed 3/23/73)

WAC 132R-150-050 Smoking. Smoking is (~~restricted to areas so designated by the head librarian or his or her designee~~) prohibited in all college buildings.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 132R-150-030 Inspection.

AMENDATORY SECTION (Amending WSR 90-02-019, filed 12/26/89, effective 1/26/90)

WAC 132R-158-010 Resident housing policies. In addition to the rules, regulations, and responsibilities as defined in the "Student Rights and Responsibilities" handbook, residence hall students are also subject to the rules and regulations as printed in both the residence hall handbook and the residence hall contract. Copies are available from the (~~director of housing~~) residence hall coordinator at Big Bend Community College.

AMENDATORY SECTION (Amending Order 73-8, filed 5/4/73)

WAC 132R-175-010 Purpose. The purpose of this chapter shall be to ensure compliance by the Community College District No. 18 with the provisions of chapter ~~((1, Laws of 1973 (Initiative 276)))~~ 42.17 RCW, Disclosure--Campaign finances--Lobbying--Records; and in particular with ((sections 25-32 of that act, dealing)) RCW 42.17.250 through 42.17.348 that deal with public records.

AMENDATORY SECTION (Amending Order 73-8, filed 5/4/73)

WAC 132R-175-020 Definitions. (1) "Public record" indicates any writing containing information relating to the conduct of ~~((governmental))~~ 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.

(2) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including, but not limited to, letters, words, pictures, sounds; or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.

(3) "Community College District No. 18" was established pursuant to the Community College Act of 1967. Community College District No. 18 shall hereinafter be referred to as the "district." Where appropriate, the term Community College District No. 18 also refers to the staff and employees of the Community College District No. 18.

AMENDATORY SECTION (Amending Order 73-8, filed 5/4/73)

WAC 132R-175-030 Description of central and field organization of Community College District No. 18. ~~((+))~~ The Community College District No. 18 is an institution of higher education. The administrative office of the district and its staff

are located at Moses Lake, Washington.

AMENDATORY SECTION (Amending Order 73-8, filed 5/4/73)

WAC 132R-175-050 Public records available. All public records of the district, as defined in WAC 132R-175-020, are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by (~~section 31, chapter 1, Laws of 1973 and chapter 132R-175 WAC~~) RCW 42.17.310.

AMENDATORY SECTION (Amending Order 73-8, filed 5/4/73)

WAC 132R-175-060 Public records officer. The district's public records shall be (~~in charge of~~) managed by the public records officer as designated by the district. The person so designated shall be located in the business office of the district. The public records officer shall be responsible for the following: The implementation of the district's rules and regulations regarding release of public records, coordinating the staff of the district in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter (~~1, Laws of 1973~~) 42.17 RCW.

AMENDATORY SECTION (Amending Order 73-8, filed 5/4/73)

WAC 132R-175-080 Requests for public records. In accordance with requirements of chapter (~~1, Laws of 1973~~) 42.17 RCW that 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 may be inspected or copied or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the district which shall be available at its administrative office. The form shall be presented to the public records officer; or to any member of the district's staff, if the public records officer is not available, at the administrative office of the district 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 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 district's 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 staff member to whom the request is made, to assist the member of the public in appropriately identifying the public record requested.

AMENDATORY SECTION (Amending Order 3, filed 1/11/78)

WAC 132R-175-090 Copying. No fee shall be charged for the inspection of public records. The district shall charge a fee of twenty-five cents per page of copy for providing copies of public records and for use of the district copy equipment. This charge is the amount necessary to reimburse the district for its actual costs incident to such copying. At least five working days may be required to provide copies of public records.

AMENDATORY SECTION (Amending Order 73-8, filed 5/4/73)

WAC 132R-175-100 Exemptions. (1) The district reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 132R-175-080 is exempt under the provisions of (~~section 31, chapter 1, Laws of 1973~~) RCW 42.17.310. All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld.

(2) In addition, pursuant to (~~section 26,~~) chapter (~~1, Laws of 1973~~) 42.17 RCW, the district reserves the right to delete (~~identifying details when it makes available or publishes any public record, in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 1, Laws of 1973.~~ The public records officer will fully justify such deletion in writing.

~~(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld))~~ redact portions of documents. If deletions/redactions are made they will be accompanied by a written statement specifying the reason for the deletion/redaction, including a statement of the specific exemption authorizing the deletion/redaction and a brief explanation of how the exemption applies to the information which is deleted/redacted.

AMENDATORY SECTION (Amending Order 73-8, filed 5/4/73)

WAC 132R-175-110 Review of denials of public records 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 review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the president of the college. The president shall immediately consider the matter and either affirm or reverse such denial or call a special meeting of the ~~((district))~~ board of trustees as soon as legally possible to review the denial. In any case, the request shall be returned with a final decision, within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the district has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first.

AMENDATORY SECTION (Amending Order 73-8, filed 5/4/73)

WAC 132R-175-120 Protection of public records. ~~((That))~~ The location of the public records officer appointed pursuant to WAC 132R-175-060 shall be in the business office. ~~((That))~~ The public records officer shall establish a central district index which shall be the district's master index to be coordinated with subsidiary indexes established in each major administrative area of the college, specifically:

(1) The office of the secretary to the board of trustees of

the district (which is the office of the president of Big Bend Community College);

(2) The office of the president of Big Bend Community College;

(3) The office of the ~~((dean))~~ vice-president of instruction;

(4) The office of the ~~((dean))~~ vice-president of student

~~((personnel))~~ services;

(5) The ~~((business))~~ office of the vice-president for administrative services; and/or

(6) ~~((Any subdivision of each major administrative area mutually agreed upon by the administrator of the area involved and the public records officer.~~

~~That))~~ Upon receiving requests for public records in the manner prescribed in WAC 132R-175-080, it shall be the duty of the public records officer to immediately act upon the request. If it is determined the item requested is a public record as defined in WAC 132R-175-020 it shall be the duty of the public records officer to locate the public record in the office in which it is filed and make it available for inspection. ~~((That should))~~ If, in the judgment of the public records officer, there be a possibility of the destruction of the public record, then the public records officer shall make available a copy of the record. ~~((That))~~ Upon request the public records officer shall make available copies of public records in accordance with WAC 132R-175-090.

AMENDATORY SECTION (Amending Order 73-8, filed 5/4/73)

WAC 132R-175-130 Records index. (1) The district shall make available to all persons a current index which provides identifying information as to the following records issued, adopted or promulgated since its inception:

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

(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) (~~AVAILABILITY~~) The current index promulgated 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.

AMENDATORY SECTION (Amending Order 73-8, filed 5/4/73)

WAC 132R-175-140 District's address. All communications with the district including but not limited to the submission of materials pertaining to its operations and/or the administration or enforcement of chapter (~~(1, Laws of 1973)~~) 42.17 RCW and these rules; requests for copies of the district's decisions and other matters, shall be addressed as follows: Big Bend Community College, Community College District No. 18, c/o Public Records Officer, (~~Business Office, North Campus~~) 7662 Chanute Street, Moses Lake, Washington 98837-3299.

AMENDATORY SECTION (Amending WSR 94-07-019, filed 3/8/94, effective 4/8/94)

WAC 132R-190-010 Purpose. The purpose of this chapter is to implement 20 U.S.C. Sec. 1232g, the Family Educational Rights and Privacy Act of 1974 as amended, by establishing rules and procedures to ensure that information contained in student records is accurate and is handled in a responsible manner by the college and its employees. Further information on policies and procedures relative to student records is available in the student records section of the "*Student Handbook*."

AMENDATORY SECTION (Amending WSR 94-07-019, filed 3/8/94, effective 4/8/94)

WAC 132R-190-020 Definitions. The following definitions shall apply in interpreting these regulations:

(1) "Directory information" means information contained in a student's education record which is general in nature and does not constitute an invasion of privacy if disclosed. The college has designated directory information in WAC 132R-190-035.

(2) "Education records" means those records, files, documents and other materials which contain information directly related to a student and are maintained by the college (~~(, except:~~

~~(a) A personal record kept by educational, supervisor and administrative personnel which belongs solely to the maker of the records and which has never been disclosed or made available to any other person except the maker's temporary substitute.~~

~~(b) An employment record used only in relation to an individual's employment.~~

~~(c) Records made and maintained by a Big Bend Community College counselor acting in his or her professional capacity which are used only in connection with the treatment of the student are not available to anyone except that the records may be personally reviewed by a physician or other appropriate professional of the student's choice.~~

~~(d) Alumni records which contain information about a student after he or she is no longer in attendance at the college and which do not relate to the person as a student)) or a person acting for the college. The term does not include:~~

~~(a) Records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto which are in the sole possession of the maker thereof and which are not~~

accessible or revealed to any other person except a substitute.

(b) If the personnel of a law enforcement unit do not have access to education records under this section, the records and documents of such law enforcement unit which are kept separate, are maintained solely for law enforcement purposes, and are not made available to persons other than law enforcement officials of the same jurisdiction.

(c) In the case of persons who are employed by the college but who are not in attendance at the college, records made and maintained in the normal course of business which relate exclusively to such person in that person's capacity as an employee and are not available for use for any other purpose.

(d) Records on a student attending the college, which are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional or paraprofessional capacity, or assisting in that capacity, and which are made or maintained, or used in connection with the provision of treatment to the student, and are not available to anyone other than persons providing such treatment, except that such records can be personally reviewed by a physician or other appropriate professional of the student's choice.

(3) "Student" means any individual who is or has been in attendance at Big Bend Community College and on whom educational records are maintained.

AMENDATORY SECTION (Amending WSR 94-07-019, filed 3/8/94, effective 4/8/94)

WAC 132R-190-030 Right of inspection. Any student shall have a right, subject to the procedural requirements outlined in WAC 132R-190-070 through 132R-190-090 of these regulations, to inspect any and all education records directly related to him or her that is intended for school use or that is available for parties outside the school. Education records will be made available to the student within fifteen working days after receipt of the request to inspect the records. Copies may be requested and shall be provided at a fee not to exceed the actual cost to the college of providing the copies.

The college reserves the right to refuse to permit a student to inspect and review the following education records:

- (1) The financial statement of the student's parents.
- (2) ~~((Statements and))~~ Confidential letters and statements of recommendation ((prepared by college officials or submitted with the student's application for admission)) which were placed in the student's records before January 1, 1975, or for which the student has waived his or her right ~~((of access))~~ in writing to inspect and review and that are related to the student's admission, application for employment or job placement, or receipt of honors. Except that

if these statements and letters have been used for any purpose other than that for which they were originally prepared, the student may inspect and review them. When a record contains personally identifiable information about more than one student, a student may inspect only that information which relates to him or her.

(3) Records connected with ~~((an application to attend)) admission to the college ((if that application was denied))~~, application for employment, and receipt of an honor or honorary recognition.

(4) Those records which are excluded from the definition of "education records" in WAC 132R-190-020(2).

AMENDATORY SECTION (Amending WSR 94-07-019, filed 3/8/94, effective 4/8/94)

WAC 132R-190-035 Availability of directory information. The following personally identifiable information contained in a student's education record shall be deemed "directory information" and unless restricted by the student may be disclosed without a student's prior written consent: Student's name, address, electronic mail address, telephone listing, date of birth, enrollment status (full-time or part-time), participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, honor roll, degrees and awards received, and the most recent previous educational agency or institution attended by the student. The college will give public notice to students annually of the matters contained in the above-designated "directory information." Each student will have ten days from the day of registration to decide if he or she wishes to have directory information released without written consent.

AMENDATORY SECTION (Amending WSR 94-07-019, filed 3/8/94, effective 4/8/94)

WAC 132R-190-040 Access permitted to college and certain other officials without consent. (1) The following persons, individuals, agencies, or organizations shall be entitled to access to official education records of any student subject to the limitations outlined in subsection (2) of this section, without prior written consent of the student:

(a) College officials, including administrators, faculty, instructors and staff who have a legitimate educational interest

within the performance of their responsibilities to the college;

(b) Officials of other colleges, schools, or school systems, upon the condition that the student is notified of the transfer and receives a copy of the record if he or she desires it and has the opportunity to challenge the content of the record, per the procedures outlined in WAC 132R-190-100;

(c) Authorized representatives of the Comptroller General of the United States, the Secretary, an administrative head of an education agency, or state and local educational authorities. State and local officials, organizations conducting studies for educational agencies or institutions provided, that except when collection of personally identifiable data is specifically authorized by federal law, any data collected by these representatives with respect to individual students shall not include information which permit the personal identification of such students;

(d) Lending institutions receiving applications from students or granting to students financial aid, and individual organizations or institutions that provide scholarships to any applicant student when such organizations or individuals make requests for students' education records in connection with a student's application for, or receipt of, financial aid;

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

(f) Parents of a dependent student, as defined in section 152 of the Internal Revenue Code of 1954;

(g) ~~((Any person or entity authorized by judicial order or lawfully issued subpoena to receive such records or information, upon condition that the student is notified of all such orders or subpoenas in advance of compliance therewith by the college,~~

~~(h))~~) Appropriate parties in connection with an emergency if the knowledge of such information is necessary to protect the health or safety of the student or other persons.

(2) The college shall maintain a record, kept with the education records of each student, indicating all agencies or organizations which have requested or obtained access to the student's education records. The custodian of the records shall indicate specifically the legitimate interest each such agency or organization has in obtaining this information. The record may be reviewed by the student.

AMENDATORY SECTION (Amending WSR 94-07-019, filed 3/8/94, effective 4/8/94)

WAC 132R-190-050 Distribution of information to others. The college shall not furnish any personally identifiable information contained in education records directly related to a student to any person, agency, or organization other than those designated in WAC

132R-190-040, unless a written consent from the student is obtained. The college may furnish such information without the consent of the student if it is furnished in compliance with a judicial order, or pursuant to any lawfully issued subpoena, upon condition that the student is notified of all such orders or subpoenas in advance of the compliance therewith unless the court or other issuing agency orders the college not to notify the student before compliance with the subpoena. The written consent should specifically identify the records to be released, the reason for the release and to whom the records are to be released. The college president, the president's designee, or office(s) receiving a subpoena should immediately notify the attorney general.

AMENDATORY SECTION (Amending WSR 94-07-019, filed 3/8/94, effective 4/8/94)

WAC 132R-190-070 Requests for access to student records. Personally identifiable information regarding a student will only be furnished to persons making a written request and providing to the custodian of the records information sufficient to identify the requesting party as a person who has a right to access ((to)) such records.

AMENDATORY SECTION (Amending WSR 94-07-019, filed 3/8/94, effective 4/8/94)

WAC 132R-190-100 Procedure for challenges. (1) A student wishing to exercise the rights set forth in WAC 132R-190-090 shall first discuss with the ((~~director of admissions and registrar~~)) dean of enrollment services the nature of the corrective action sought by the student.

(2) If the informal proceedings required in subsection (1) of this section fail to resolve the student's challenge, the student may file with the public records officer provided for in chapter 132R-175 WAC a written request for a hearing (brief adjudicative proceeding pursuant to chapter 132R-02 WAC).

(3) Within a reasonable time after submission of a request for hearing, the president or his or her designee will appoint a hearing officer. The hearing officer may not have a direct interest in the outcome of the hearing.

(a) The hearing officer shall conduct a hearing concerning the student's request for corrective action within a reasonable time and shall reasonably in advance of the hearing notify the student of the date, time and place of the hearing.

(b) The student may, at his or her expense, be represented by one or more individuals of his or her choice at the hearing.

(c) The student and the college shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request for the hearing. A record shall be made of the hearing by means satisfactory to the college.

(d) Within ten days of the completion of the hearing, the hearing officer shall provide the parties with a written decision based solely on the evidence presented at the hearing. The decision will include a summary of the evidence presented and the reasons for the decision. The decision shall be binding upon the college and the student.

(4) If the education records are held to be accurate, or not misleading or in violation of the student's right of privacy, the college will notify the student of his or her right to place in the record a statement commenting on the challenged information and/or a statement setting forth the reasons for disagreeing with the decision. Such statement will be maintained as part of the student's education records as long as the contested portion is maintained and must be disclosed if the college discloses the contested portion of the record.

(5) If information in the education record is held to be inaccurate, misleading, or in violation of the student's right of privacy, the college will amend the record and so notify the student in writing.

AMENDATORY SECTION (Amending WSR 94-07-019, filed 3/8/94, effective 4/8/94)

WAC 132R-190-110 Disciplinary records. Disciplinary records shall be kept separate and apart from academic records, and transcripts of a student's academic record shall contain no notation of any disciplinary action. The vice-president of student services office shall keep records of all disciplinary cases, which shall be recorded on the official records of the students. Special precautions shall be exercised to ensure that information from disciplinary or counseling files is not revealed to unauthorized persons. Provisions shall be made for periodic review and routine destruction of inactive disciplinary records by offices maintaining such records. However, the results of any disciplinary proceeding, concerning a crime of violence as defined by 18 U.S.C. Sec. 16 may be released to an alleged victim of that crime.

AMENDATORY SECTION (Amending WSR 90-02-019, filed 12/26/89, effective 1/26/90)

WAC 132R-200-010 Policy on personnel files. Big Bend Community College shall maintain one personnel file for each employee. This file shall be in the college's (~~personnel~~) human resource office. No other personnel file shall be maintained by any other officer or administrator of the college. This shall not preclude the maintenance of all lawful payroll records by the (~~business~~) payroll office nor maintenance of other essential records by appropriate personnel for the operation of the institution.