



# RULE-MAKING ORDER (RCW 34.05.360)

**CR-103** (10/1/89)

Agency: Central Washington University CWU A0 76

- Permanent Rule
- Emergency Rule

(1) Date of adoption: September 27, 1994

(2) Purpose:  
see attached

(3) Citation of existing rules affected by this order:  
Repealed:  
Amended: WAC 106-140, 276 - see attached  
Suspended:

(4) Authority for adoption:  
Statute: RCW 28B.10.528, 28B.35.120(12)  
Other Authority:

**(5.1) PERMANENT RULE ONLY**

Pursuant to notice filed as WSR 94-17-076 on August 15, 1994 (date).

Describe any changes other than editing from proposed to adopted version:

**(5.2) EMERGENCY RULE ONLY**

Pursuant to 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) \_\_\_\_\_ \*

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

**Emergency Rules**

- Immediately
- Later (specify) \_\_\_\_\_

**CODE REVISER USE ONLY**

CODE REVISER USE ONLY  
STATE OF WASHINGTON

2.32  
14.20.075

NAME (TYPE OR PRINT)  
Ivory V. Nelson

SIGNATURE  
*Ivory V. Nelson*

TITLE  
President

DATE  
9-29-94

## **RULE-MAKING ORDER CR-103**

### *Attachments*

#### ***(2) Purpose:***

- |                 |                                                                                                                                                            |
|-----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| WAC 106-140-010 | To amend punctuation and clarify terminology                                                                                                               |
| WAC 106-140-011 | To correct grammar and specify that business sales must comply with commercial activity policies of the university                                         |
| WAC 106-140-020 | To correct punctuation                                                                                                                                     |
| WAC 106-140-021 | To revise punctuation, position title, and sexist language                                                                                                 |
| WAC 106-140-023 | To correct punctuation                                                                                                                                     |
| WAC 106-140-031 | To modify punctuation                                                                                                                                      |
| WAC 106-140-032 | To correct numerical references                                                                                                                            |
| WAC 106-140-035 | To revise punctuation                                                                                                                                      |
| WAC 106-140-040 | To modify grammar, punctuation, and titles; eliminate sexist language; clarify control of vending machines; and define where violations should be reported |
| WAC 106-140-050 | To correct grammar and punctuation                                                                                                                         |
| WAC 106-140-051 | To clarify terminology and adjust punctuation                                                                                                              |
| WAC 106-140-052 | To amend punctuation                                                                                                                                       |
| WAC 106-140-110 | To change title and clarify violation details                                                                                                              |
| WAC 106-140-111 | To modify grammar and department title                                                                                                                     |
| WAC 106-140-112 | To clarify approval procedure for installation of telephones                                                                                               |
| WAC 106-140-113 | To modify department title                                                                                                                                 |
| WAC 106-140-130 | To correct agency designation                                                                                                                              |
| WAC 106-140-131 | To adjust punctuation                                                                                                                                      |

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- WAC 106-140-133 To change position title
- WAC 106-140-160 To adjust punctuation
- WAC 106-140-401 To modify sexist language and delete outdated procedural reference
- WAC 106-140-600 To specify departments maintaining entertainment policies
- WAC 106-140-605 To change position title and correct sexist language
- WAC 106-140-632 To correct punctuation
- WAC 106-140-660 To adjust punctuation
- WAC 106-140-670 To change position title, correct sexist language, and adjust punctuation
- WAC 106-276-005 To amend punctuation
- WAC 106-276-010 To modify punctuation and make APA-mandated wording changes
- WAC 106-276-030 To correct grammar, sexist language, punctuation, and position titles and clarify division reporting structure
- WAC 106-276-040 To modify reference to Administrative Procedure Act, change non-APA wording, adjust grammar, and title designation
- WAC 106-276-060 To clarify responsibility for and access to public records and grammatical changes
- WAC 106-276-070 To correct punctuation and clarify procedure for inspection and copying of public records
- WAC 106-276-080 To modify procedure for request of public records
- WAC 106-276-090 To correct grammar and punctuation and clarify policy governing charges for copying or reproduction of public records
- WAC 106-276-100 To correct sexist language and spelling
- WAC 106-276-110 To clarify process concerning review of public records request denial, correct grammar, and modify sexist and non-APA language

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

- WAC 106-140-010 Business sales.
- WAC 106-140-011 Business sales--Restrictions.
- WAC 106-140-020 Advertising--Advertising in recognized student and faculty publications.
- WAC 106-140-021 Advertising--Advertising on bulletin boards.
- WAC 106-140-023 Advertising rates--Student publications.
- WAC 106-140-031 Publicity and literature--Outdoor signs.
- WAC 106-140-032 Publicity and literature--Bulletin boards.
- WAC 106-140-035 Publicity and literature--Use of tables.
- WAC 106-140-040 Selling on campus.
- WAC 106-140-050 Soliciting and selling of published materials.
- WAC 106-140-051 Soliciting and selling of published materials--Exceptions.
- WAC 106-140-052 Soliciting and selling of published materials--Prohibitions.
- WAC 106-140-110 Telephone services--Long distance calls.
- WAC 106-140-111 Telephone services--Requests for repairs.
- WAC 106-140-112 Telephone services--Approval of installations.
- WAC 106-140-113 Telephone services--Right to restrict or modify services.
- WAC 106-140-130 Prohibition of smoking.
- WAC 106-140-131 Building key--Authority to issue.
- WAC 106-140-133 Responsibility for expenses resulting from failure to return keys.

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- WAC 106-140-160 Use of university mailing and stationery services.
- WAC 106-140-401 Facilities scheduling and use.
- WAC 106-140-600 Entertainment policy.
- WAC 106-140-605 Entertainment--Approval required.
- WAC 106-140-632 Entertainment--Damages bond--Responsibilities of sponsor.
- WAC 106-140-660 Authority of athletic director to administer athletic events.
- WAC 106-140-670 Authority of ~~((dean of students))~~ vice-president for student affairs to administer recreation program.
- WAC 106-276-005 Definitions.
- WAC 106-276-010 Definition of public record.
- WAC 106-276-030 Description of central and field organization at Central Washington University.
- WAC 106-276-040 General course and method of decision-making.
- WAC 106-276-060 Designation of public records officers.
- WAC 106-276-070 Availability for public inspection and copying or reproduction of public records.
- WAC 106-276-080 Requests for public records.
- WAC 106-276-090 Charges for copying or reproduction.
- WAC 106-276-100 Determination regarding exempt records.
- WAC 106-276-110 Review of denials of public records requests.

AMENDATORY SECTION (Amending Order 39, filed 7/11/78)

**WAC 106-140-010 Business sales.** The soliciting, selling, exposing for sale, or offering to sell of any goods, services, articles, wares or merchandise of any nature whatsoever, within the boundaries of Central Washington University property is prohibited except by written permission of the board of trustees, president, or his designee: *Provided*, That this section shall not apply to any otherwise legal private, personal, noncommercial sales between individuals where no general or public solicitation, exposure for sale or offer to sell is involved, or to the soliciting, selling, exposing for sale, or offering to sell of individual books, newspapers, magazines, pamphlets, and similar published materials.

AMENDATORY SECTION (Amending Order 39, filed 7/11/78)

**WAC 106-140-011 Business sales--Restrictions.** Central Washington University property and facilities may not be used for the activities set forth in WAC 106-140-010 unless such activities serve the purposes and needs of the university and are sponsored by a university department, agency, or recognized organization(~~s~~). Such activities (~~should only be permitted where they complement the services provided by local businesses~~) must be in compliance with the commercial activity policies of the university.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

**WAC 106-140-020 Advertising--Advertising in recognized student and faculty publications.** Advertising in publications of the university and its recognized student or faculty organizations or on university-operated radio or television broadcasts is permitted within the requirements of journalistic policies, prices, rules, and regulations established by each program.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

**WAC 106-140-021 Advertising--Advertising on bulletin boards.** Advertising in order of priority, by students, university employees, and recognized organizations thereof on bulletin boards is approved but shall be subject to regulation by the (~~dean of~~



students)) vice president for student affairs or his or her designated representative with respect to priority when there is a lack of space, and to the size and duration of the posting. This section applies to bulletin boards located at the following places:

Location	Users
(1) Samuelson Union Building Nature of advertisements: Activities of the sponsoring organization(s) only.	Student government activities Campus-sponsored groups Campus-sponsored events
(2) Mitchell Hall Nature of advertisements: Activities of the sponsoring organization only.	Student government activities Campus-sponsored groups Campus-sponsored events
(3) Bookstore Nature of advertisements: Activities of the sponsoring organization only.	All recognized campus organizations and students.
(4) Any additional ASC bulletin board space which may be provided by the university or by a recognized organization.  Nature of advertisements: Activities of the sponsoring organization only.	All recognized campus organizations.
(5) Residence halls Nature of advertisements: Activities of the sponsoring organization only.	All recognized campus organizations.

Advertising by other than Central Washington University affiliated or recognized groups is not permitted at any time on university property and will be removed upon discovery.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

**WAC 106-140-023 Advertising rates--Student publications.** The following rules shall be followed regarding advertising rates in student publications:

(1) Display advertising rates shall be appropriately and publicly announced prior to each year's publication period.

(2) Rates shall bear reasonable relationship to prevailing commercial standards and shall be based upon current economic conditions, publication financial requirements, and competitive situations.

(3) Differentials in display advertising rates shall be permitted based upon frequency and amount of advertising by advertisers and upon classification of advertisements, such as "local" or "national."

(4) Classified advertising rates, appropriately set and properly announced, shall be on the basis of cost per line.

(5) Closing dates for receipt of advertising material shall be set according to current mechanical publication requirements.

(6) Acceptability of advertisements shall be determined prior to each year's publication period and based upon current state law, other university rules and regulations, and commonly accepted practices and mores.

AMENDATORY SECTION (Amending Order 39, filed 7/11/78)

**WAC 106-140-031 Publicity and literature--Outdoor signs.**

These signs may include banners, posters, stick signs, sandwich boards, or other types of signs. Any sign causing destruction of property will be removed upon discovery.

(1) Student activity signs approved by the scheduling center may be placed anywhere on the major walkways or malls immediately adjacent to the Samuelson Union Building.

(2) Stick signs and banners or posters may be posted in the immediate area of Commons and Holmes dining hall entrances. Signs in these areas will be limited to two feet by three feet in size. Pep banners or any other large signs to be posted in the immediate area of Commons or Holmes dining hall entrances must receive specific approval of the scheduling center and the director of food services.

(3) For Central Washington University student election campaigns, other areas such as the west end of Black Hall or the east end of Hertz Hall may be designated by the election committee subject to the approval of the university official responsible for that area.

(4) All signs, banners, and posters on the physical property immediately surrounding dormitories must be approved by the scheduling center and housing manager.

(5) Signs shall not be posted on trees or doors anywhere on campus; any so placed may be removed and destroyed by Central Washington University and Central Washington University may charge the group or individual responsible for such sign placement for the labor required to restore the premises.

(6) Outdoor signs shall be removed within thirty-six hours after an event.

(7) If signs and debris are not removed by the individuals or groups responsible for their erection within thirty-six hours after an event, after warning the individual or group, the university may take steps to remove the debris, litter, or material and charge the group or individual responsible for such erection, installation, or placement, for the labor required to restore the premises to the original condition.



AMENDATORY SECTION (Amending Order 2, filed 1/13/72)

**WAC 106-140-032 Publicity and literature--Bulletin boards.** Posting on bulletin boards for regularly scheduled meetings shall not be earlier than three days before an event; posters for major activities such as speakers and dances shall not be placed on bulletin boards until ((7)) seven days before the event. All posters shall be removed within ((36)) thirty-six hours after the event. Maximum allowable size of any sign is 12 x 18 inches; any sign in excess of the stated size may be removed at any time.

AMENDATORY SECTION (Amending Order 2, filed 1/13/72)

**WAC 106-140-035 Publicity and literature--Use of tables.** Representatives of organizations recognized by the associated students of Central may arrange for use of literature tables through the scheduling office. Such tables shall be used only for literature from students, faculty, or departments.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

**WAC 106-140-040 Selling on campus.** Selling within the boundaries of Central Washington University property may be permitted in the manner and at the locations as set forth below:

(1) University housing:

(a) The selling of ((food)) items in vending machines is controlled by and administered through the office of the director of auxiliary services, excepting those in the student union building, which are under the control of the student union building administration.

(b) Residents in university housing are allowed to sell or to offer services on commission with a special permit from the director of auxiliary services or ((his)) designee. Students may request such a permit only for their assigned room or housing unit ((only since)) because door-to-door selling is not allowed on campus.

(2) Other campus areas, as follows:

(a) Selling by individual students or by recognized organizations in classroom buildings, administrative buildings, or service buildings is not allowed without special permission that must be obtained from the vice-president for business and financial affairs or ((his)) designee not less than five business days prior to the date the requested activity is to take place.

(b) The university athletic committee regulates the selling policy at university athletic events. Applications for permission to sell at such events shall be made to the university athletic director or ((his)) designee.

(c) The ((SUB facilities council)) Samuelson Union board regulates selling by individuals and groups in the Samuelson Union

Building. Applications for permission to sell in the Samuelson Union Building shall be made to the (~~dean of students~~) vice-president for student affairs or (~~his~~) designee through the scheduling center. Off-campus vendors may rent table space in the union building for a maximum of two days (five if ware fairs are included) per academic quarter. Requests for exceptions to this regulation will be made to the (~~dean of students~~) vice-president for student affairs or (~~his~~) designee.

(3) Violations of the foregoing on any university property should be reported promptly to the (~~dean of students~~) vice-president for business and financial affairs except for Samuelson Union Building which should be reported to the vice-president for student affairs.

AMENDATORY SECTION (Amending Order 39, filed 7/11/78)

**WAC 106-140-050 Soliciting and selling of published materials.** The personal, noncommercial soliciting, selling, exposing for sale, or offering to sell by (~~an~~) a person or persons, of any books, newspapers, magazines, pamphlets, and similar published materials shall be permitted within the boundaries of Central Washington University property, provided that such published materials are not already available for sale at the university, and shall be subject to regulation by the university president or his designee as to the time, place, and manner thereof. Applications for permission to solicit or sell under this policy shall be submitted to the president or his designee twenty-four hours prior to the time such use of the university facilities is desired. The president or his designee shall establish the time, place, and manner that such soliciting and selling shall occur within the boundaries of university property. All rules and regulations, orders or directives adopted by the president or his designee pursuant to this section shall be promulgated.

AMENDATORY SECTION (Amending Order 2, filed 1/13/72)

**WAC 106-140-051 Soliciting and selling of published materials--Exceptions.** WAC 106-140-050 shall not apply to otherwise legal private sales between individuals where no general or public solicitation, exposure for sale, or offer to sell is involved.

AMENDATORY SECTION (Amending Order 2, filed 1/13/72)

**WAC 106-140-052 Soliciting and selling of published materials--Prohibitions.** The soliciting, selling, exposing for sale, or offering to sell of any material in violation of Washington state law is prohibited.

AMENDATORY SECTION (Amending Order 39, filed 7/11/78)

**WAC 106-140-110 Telephone services--Long distance calls.** Personal long distance calls may not be charged to any university telephone number; any individual doing so shall pay for the cost of the toll charge, plus an additional penalty charge established by the university. Long distance telephone calls may be placed from ~~((college))~~ university telephones by charging the call to a nonuniversity telephone number or to a credit card.

~~((Repeated))~~ Violation(s) of this section may result in disciplinary action.

AMENDATORY SECTION (Amending Order 39, filed 7/11/78)

**WAC 106-140-111 Telephone services--Requests for repairs.** All requests for repair of university telephones are to be made with ~~((the))~~ university ~~((telephone office))~~ telecommunication services.

AMENDATORY SECTION (Amending Order 39, filed 7/11/78)

**WAC 106-140-112 Telephone services--Approval of installations.** ~~Telephones ((may be installed on the Central Washington University campus only with the approval of the director of auxiliary services or his designee))~~ in all administrative and academic buildings of the university may only be installed with the approval of the manager of telecommunication services.

AMENDATORY SECTION (Amending Order 39, filed 7/11/78)

**WAC 106-140-113 Telephone services--Right to restrict or modify services.** The university reserves the right at any time it deems necessary to restrict or change:

- (1) The telephone services,

(2) Access to controlled long distance networks,  
(3) The hours of having operators on duty,  
(4) The amounts and types of information it will make available to the public through ~~((the telephone office))~~ telecommunication services.

AMENDATORY SECTION (Amending Order 4, filed 6/16/72, effective 7/20/72)

**WAC 106-140-130 Prohibition of smoking.** Smoking is prohibited in ~~((college))~~ university buildings except campus living facilities and designated areas.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

**WAC 106-140-131 Building key--Authority to issue.** (1) Only department chairs and administrative heads may authorize issuance of submaster, building entrance, or individual room keys for their departments to faculty, staff, administrators, students, contractors, vendors, or service agents.

(2) Only deans, vice-presidents, the director of auxiliary services, and the director of physical plant are authorized to issue building masters for their respective operational areas.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

**WAC 106-140-133 Responsibility for expenses resulting from failure to return keys.** (1) The administrative head authorizing issuance of keys to contractors, vendors, or service agents will be responsible for the return of the keys to the lock shop as scheduled, and if the keys are not returned as scheduled, will be required to pay the cost of recombining work necessary to retain building security and function as determined by the director of ~~((physical plant))~~ facilities management.

(2) The department responsible for the issuance of keys may be billed the cost of recombining work necessary to restore security when faculty, staff, administrators, or students fail to return keys to the key shop. The work required to restore security will be determined by the director of ~~((physical plant))~~ facilities management for state-funded facilities and by the director of auxiliary services for auxiliary service facilities. The responsible department chair or administrative head will be informed of the cost estimate prior to the rekeying process.



AMENDATORY SECTION (Amending Order 39, filed 1/11/78)

**WAC 106-140-160 Use of university mailing and stationery services.** No one may employ university stationery, services (mail, duplicating, equipment, etc.), and supplies for personal use or for organizations not sponsored solely by the university.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

**WAC 106-140-401 Facilities scheduling and use.** The coordinator of the university scheduling center shall have authority for approving and scheduling the use of the following facilities:

(1) Classrooms (lecture and seminar) and certain specified conference rooms within academic facilities: *Provided*, That scheduling of these facilities by academic departments for academic purposes shall have priority over other uses;

(2) Samuelson Union Building facilities;

(3) Limited housing and dining hall facilities, except that such facilities are made available only through the director of auxiliary services or ((his)) the director's designee. ~~((Policies and procedures which individuals and organizations must follow in scheduling the use of facilities are provided in the Central Washington University Facilities Use Policy which is maintained in the scheduling center in the Samuelson Union Building. In addition, use of university facilities must comply with the provisions of WAC 106-140-410 through 106-140-528.))~~

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

**WAC 106-140-600 Entertainment policy.** The entertainment policy for Central Washington University shall be maintained by the director of student activities, except for those for university housing which shall be maintained by the director of housing services and the director of residence living. All entertainment as defined in WAC 106-140-601 shall be presented in accordance with this policy and in accordance with the provisions of WAC 106-140-602 through 106-140-632.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

**WAC 106-140-605 Entertainment--Approval required.** All entertainment, except athletic events administered by academic departments and events sponsored through the university office of recreation and intramurals must have the signed approval of the



~~((dean of students))~~ vice-president for student affairs or ~~((his))~~ designee.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

**WAC 106-140-632 Entertainment--Damages bond--Responsibilities of sponsor.** Officially recognized organizations and private entities may be required to furnish Central Washington University with a certificate of insurance or other satisfactory proof that such organization or private entity has purchased reasonable broad form insurance coverage (e.g., \$1,000,000 liability coverage and \$250,000 property damage coverage for use of Nicholson Pavilion) for the entertainment event presented by such organization or private entity, of which Central Washington University is the sole beneficiary. The following shall be required of all officially recognized organizations and private entities presenting entertainment:

(1) Each organization or private entity shall provide the scheduling office with a complete list of all the officers, agents, and representatives of the organization, including full names, local addresses, and permanent addresses of each.

(2) Each organization or private entity shall be responsible for the admissions, attendance, and crowd control in the university facilities during the time reserved for their organization.

(3) Each organization or private entity assumes responsibility for all violations of campus regulations and policies, state law, and federal law which occur in connection with the use of the facilities and shall hold the university harmless from any claims or liability for any act or failure to act on the part of the organization.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

**WAC 106-140-660 Authority of athletic director to administer athletic events.** The athletic director of Central Washington University shall establish reasonable admission fees, rules, and regulations regarding attendance and crowd control at athletic events at Central Washington University. Advance notice of such admissions fees, rules, and regulations regarding attendance and crowd control at athletic events at Central Washington University will be provided to interested parties, whenever possible, by the athletic director.

WAC 106-140-670 Authority of ~~((dean of students))~~ vice-president for student affairs to administer recreation program. The ~~((dean of students))~~ vice-president for student affairs or ~~((his))~~ designee may establish reasonable admission charges, schedules, rules, and regulations regarding uses, attendance, and crowd control at Nicholson Pavilion and Pool, and admission charges will be assessed for university employees and their immediate families during such periods. Advance notice of such charges, schedules, rules, and regulations shall be provided to interested parties, whenever possible, by the ~~((dean of students))~~ vice-president or ~~((his))~~ designee.

AMENDATORY SECTION (Amending Order 39, filed 7/11/78)

**WAC 106-276-005 Definitions.** As used in the provisions of this chapter, the following definitions shall apply wherever the following words are used:

(1) "Request for a public record" means a written request submitted on a proper CWU public records request form for a public record, a review of public records, or a copy or reproduction of a public record.

(2) "Students in public schools" means all past, present, and future students enrolled at Central Washington University.

(3) "Vital governmental interest" includes, but is not limited to, matters affecting national security; the selection of a site or the purchase of real estate when publicity regarding such consideration would cause a likelihood of increased price.

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

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

**WAC 106-276-010 Definition of public record.** (1) A public record includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by Central Washington University, regardless of the physical form or characteristics: *Provided, however,* That in accordance with RCW 42.17.310, the following personal and other records are exempt from the definition of public record:

(a) Personal information in any files maintained for students in public schools and the information, data, and records subject to the student records policy, WAC 106-172-700 through 106-172-799.

(b) Personal information in any files maintained for patients or clients of public institutions or public health agencies, welfare recipients, prisoners, probationers, or parolees.

(c) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(d) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would violate the taxpayer's right to privacy or would result in unfair competitive disadvantage to such taxpayer.

(e) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(f) Information revealing the identity of persons who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property: *Provided*, That if at the time the complaint is filed the complainant indicates a desire for disclosure or nondisclosure, such desire shall govern: *Provided further*, That all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(g) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(h) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(i) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(j) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(k) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(l) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(m) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(2) The exemptions of this section shall be inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interest, can be deleted from the specific records sought. No exemption shall be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a ((hearing)) proceeding with notice thereof to every person in interest and the agency, that the exemption of such records is



clearly unnecessarily to protect any individual's right of privacy or any vital governmental function.

(4) Any response refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

**WAC 106-276-030 Description of central and field organization at Central Washington University.** (1) Central Washington University is located on a campus in ~~((and near))~~ the city of Ellensburg, Washington. This campus comprises the central headquarters for all operations of the university; any "field" activities of the university are administered by personnel located on the campus at Ellensburg. The university is governed by a board of trustees appointed by the governor; such board meets at regular intervals, as provided in WAC 106-08-001. The board employs a president, ~~((his))~~ the president's assistants, members of the faculty and other employees. It establishes such organizational units as are necessary to carry out the purposes of the university, provides the necessary property, facilities, and equipment and promulgates such rules, regulations, and policies as are necessary to the administration of the university.

(2) The board of trustees, either directly or by delegation, has caused to be created various administrative, academic, and support divisions to enable the university to discharge its obligations. Academic matters ~~((and student affairs))~~ are the concern of the provost and vice-president for academic affairs; business and physical planning functions are the concern of the vice-president for business and financial affairs; ~~((university services are the concern of the executive assistant to the president))~~ matters related to student services are the concern of the vice-president for student affairs; the vice-president for university advancement oversees matters related to the internal and external affairs of the university and fund raising from private sources. These offices report to the president of the university.

AMENDATORY SECTION (Amending Order 39, filed 7/11/78)

**WAC 106-276-040 General course and method of decision-making.** (1) The formal procedures for decision-making at the university are governed by the board of trustees through rules promulgated by it in accordance with the requirements of chapter ~~((28B-19))~~ 34.05 RCW, the ~~((Higher Education))~~ Administrative Procedure Act ~~((HEAPA))~~ (APA). Accordingly, all rules, orders or directives, or regulations of the university which affect the relationship of the general public with the institution, or the relationship of



particular segments of the university, such as students, faculty, or other employees, with the university or with each other,

(a) The violation of which subjects the person to a penalty or administrative sanction; or

(b) Which establishes, alters, or revokes any procedures, practice, or requirement relating to institutional ((hearings)) proceedings; or

(c) Which establishes, alters, or revokes any qualification or requirement relating to the enjoyment of benefits or privileges conferred by law; are implemented through the procedures of the ((HEAPA)) APA and appear in Title 106 WAC, provided, however, that in accordance with RCW ((28B.19.020(2))) 34.05.220, the university reserves the right to promulgate as internal rules not created or implemented in accordance with the ((HEAPA)) APA, the following: Rules, regulations, orders, statements, or policies relating primarily to the following: Standards for ((admissions)) admission; academic advancement, academic credits, graduation, and the granting of degrees; tuition and fees, scholarships, financial ((aids)) aid, and similar academic matters; employment relationships; fiscal processes; or matters concerning only the internal management of an institution and not affecting private rights or procedures available to the general public; and such matters need not be established by rule adopted under ((HEAPA)) APA unless otherwise required by law. Internal rules and regulations to the extent not already set forth in the university's published catalogs and handbooks shall be collected in a general university ((handbook)) policies manual, a copy of which shall be maintained on file in the university library and be available to the public.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

**WAC 106-276-060 Designation of public records officers.** (1)

In accordance with the requirements of chapter 42.17 RCW, insofar as such initiative requires state agencies to adopt and enforce reasonable rules and regulations to provide full public access to official divisions while yet protecting the same from damage and to prevent excessive interference with essentials of the agency, all public records at the university shall be in the charge of persons holding positions as records officers.

(2) Overall responsibility for coordinating responses to requests for examination of public records shall be the responsibility of the person known as the "public records officer." The person holding such position will be headquartered in Mitchell Hall at the university. The exact location and name of the public records officer may be determined by inquiry at the office of the president of the university. The public records officer shall also be responsible for compiling and maintaining the index required by chapter 42.17 RCW.

(3) ~~((For purposes of this chapter, the custody of the university's records shall be deemed divided into the following divisions:~~

~~(a) Office of the president;~~

~~(b) Office of the vice president for academic affairs;~~

~~(c) Office of the vice president for business and financial affairs;~~

~~(d) Office of the dean of students. The above designated division head shall be deemed custodian of the records in the possession or control of agencies, departments, officers and employees of his division and responsible for the care and custody of records within his division even though such person is not in actual possession or control of such records. Such division heads shall be known as the university "records custodians."~~

~~(4)) In ((any)) cases where a question arises as to whether a given public record is ((a)) the responsibility of one records custodian or another, the determination of such ministerial responsibility shall for the purposes of this chapter be made by the public records officer, or the president of the university.~~

AMENDATORY SECTION (Amending Order 39, filed 7/11/78)

**WAC 106-276-070 Availability for public inspection and copying or reproduction of public records.** (1) Public records shall be available for inspection, copying, and reproduction during the customary office hours of the university. For the purposes of this chapter, the customary office hours shall be from 9 a.m. to noon and from 1 p.m. to 4 p.m., Monday through Friday, excluding legal holidays, unless the person making the request and the university, acting through the public records officer (~~or a records custodian~~), agree on a different time.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

**WAC 106-276-080 Requests for public records.** In accordance with chapter 42.17 RCW the requirements 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 are only obtainable by members of the public when those members of the public comply with the following procedures:

(1) A request shall be made in writing upon a form which shall be available at the office of the public records officer and shall be presented to the public records officer (~~or any other of the persons designated by this chapter as a custodian of certain university records~~), per WAC 106-276-060. Such request shall include the following:

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

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

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

(d) If the requested matter is not identifiable by reference to the university records current index, a statement that succinctly describes the record requested;

(e) A verification that the records requested shall not be used to compile a commercial sales list.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the university "public records officer" (~~or records custodian,~~) or that individual's designee, to assist the member of the public in succinctly identifying the public record requested.

AMENDATORY SECTION (Amending Order 39, filed 7/11/78)

**WAC 106-276-090 Charges for copying or reproduction.** (1) No fee shall be charged for inspection of public records. The university may impose a reasonable charge for providing copies or reproductions of public records (~~and~~) for (~~the~~) use by any person of agency equipment to copy or reproduce public records (~~+~~) and for any excessive time expended by a state employee in researching the requested records, as determined by the public records officer. Such charges shall not exceed the amount necessary to reimburse the university for its actual costs incident to such copying or reproduction.

(2) No record shall be copied by photostatic process or otherwise reproduced until and unless the person requesting the copying or reproduction of the public record has tendered payment for such copying or reproduction to the records official from whom the public record was obtained, or to any person designated by such records official.

AMENDATORY SECTION (Amending Order 39, filed 7/11/78)

**WAC 106-276-100 Determination regarding exempt records.** (1) The university reserves the right to determine that a public record requested in accordance with the procedures of this chapter is exempt under the provisions of RCW 42.17.310. Such determination may be made in consultation with any of the records officers of the university, president of the university, or an assistant attorney general assigned to the university.

(2) Responses to requests for records must be made promptly. For the purpose of these rules, a prompt response occurs if the person requesting the public record is notified within one business day as to whether or not (~~his~~) the request for a public record will be granted or denied.

(3) No denial of a request for public records shall be valid unless accompanied by a written statement, signed by the public records officer or (~~his~~) designee, specifying the specific reasons (~~therefor~~) therefore.



**WAC 106-276-110 Review of denials of public records requests.**

(1) Any person who objects to the denial of a request for a public record (~~((or his duly authorized representative))~~) shall petition for prompt review of such decision by tendering to the president's office a written request for a review of such denial. Such written request by a person (~~((or his duly authorized representative))~~) demanding prompt review shall specifically reference the written statement by the university denying that person's request for a public record.

(2) Within two business days after receiving the written request by a person (~~((or his duly authorized representative))~~) petitioning for prompt review of a decision denying a public record, the president of the university or any (~~((of his designees))~~) designee, which for the purposes of this section may include the public records officer (~~((or the records custodians))~~), shall consider such petition.

(3) During the course of the two business days in which the president or (~~((his))~~) designee reviews the decision of the public records officer denying the request for a public record, the president or (~~((his))~~) designee may conduct (~~((an informal hearing))~~) a brief adjudicative proceeding. During the course of such (~~((informal hearing))~~) brief adjudicative proceeding, the president or (~~((his))~~) designee may require that the person requesting the public record (~~((or his duly authorized representative))~~) appear at a reasonable time and place located on the campus and further explain and identify the exact nature of the public record (~~((he))~~) the person is seeking. Failure by the person requesting the review (~~((hearing or his duly authorized representative))~~) proceeding to appear at such (~~((informal hearing))~~) brief adjudicative proceeding shall be deemed a waiver of that person's right to insist upon completion of the review of (~~((his))~~) the request within two business days. If the petitioner requesting review (~~((or his duly authorized representative))~~) does appear at such (~~((informal hearing))~~) brief adjudicative proceeding, then the period for review by the university shall be extended to a period not exceeding twenty-four hours after such person requesting review (~~((or his duly authorized representative))~~) has appeared before the president or (~~((his))~~) designee.

(4) During the course of the (~~((informal hearing))~~) brief adjudicative proceeding conducted by the president or (~~((his))~~) designee under this section, the (~~((hearing))~~) presiding officer shall consider the obligations of the university (~~((fully))~~) to comply fully with the intent of chapter 42.17 RCW insofar as it requires providing public access to official records, but shall also consider the exemptions provided in RCW 42.17.310 and the requirement of RCW 42.17.290 insofar as it requires the university to protect public records from damage or disorganization, prevent excessive interference with essential functions of the agency, and to prevent any unreasonable invasion of personal privacy by deleting identifying details.