

**WAC 132J-116-220 Fines and penalties.** The dean of students, or his designee, is authorized to impose the following fines and penalties for the violation of the rules and regulations contained in this chapter:

(1) Except as provided under subsection (2), fines will be levied for all violations of the regulations contained in this chapter.

(2) Vehicles parked in violation of current traffic and parking regulations will be subject to a fine and may be impounded and taken to such place for storage as the dean of students, or his designee, selects. The expenses of such impoundings and storage shall be the responsibility of the registered owner or driver of the vehicle. The college shall not be liable for loss or damage of any kind resulting from such impounding and storage.

(3) At the discretion of the dean of students, an accumulation of traffic violations by a student, staff, administrator or faculty member will be cause for disciplinary action, and the dean of students shall initiate disciplinary proceedings against such a violator.

(4) At the discretion of the dean of students, an accumulation of traffic citations by a student, staff, administrator or faculty member may be turned over to a private collection agency for the collection of fines not previously received by the dean of students, or his designee. Other appropriate collection procedures may be initiated as deemed necessary.

(5) Vehicles involved in violations of these regulations may be impounded as provided for in subsection (2) herein. [Statutory Authority: Chapters 28B.10 and 28B.50 RCW. 81-14-011 (Order 81-1, Resolution 80-81/4), § 132J-116-220, filed 6/24/81; Order 73-4, § 132J-116-220, filed 6/6/73.]

## Title 132K WAC

### COMMUNITY COLLEGES--FORT STEILACOOM COMMUNITY COLLEGE

#### Chapters

132K-20	Tenure policy.
132K-28	Policy on equal opportunity and affirmative action program.
132K-112	Qualifications and personnel selection policy--Election rules.

#### Chapter 132K-20 WAC TENURE POLICY

#### WAC

132K-20-070 Procedure relating to the dismissal of a tenured or probationary faculty member for cause.

**WAC 132K-20-070 Procedure relating to the dismissal of a tenured or probationary faculty member for cause.** (1) A dismissal review committee created for the express purpose of hearing dismissal cases shall be established no later than October 15 of each academic year (except if this provision is passed after October 15

of any academic year, the dismissal review committee will be chosen within thirty days after passage of this provision), and shall be comprised of the following members:

(a) One member chosen by the college president

(b) Two faculty members and two alternates shall be chosen by the faculty acting in a body. (The review committees required by RCW 28B.50.850 through 28B.50.869 shall be composed of members of the administrative staff and the teaching faculty. The representatives of the teaching faculty shall represent a majority of the members on each review committee. The members representing the teaching faculty on each review committee shall be selected by a majority of the teaching faculty and faculty department heads acting as a body.)

(c) The college president shall choose one alternate member to serve on the dismissal review committee should the regularly appointed member be unable to serve on the committee.

(d) The alternate shall be called upon if the first appointee is the subject of review.

(e) The dismissal review committee will select one of its members to serve as chairman.

(2) When the president receives or initiates a formal written recommendation about a faculty member which may warrant dismissal, he shall inform that faculty member. Within ten days after having been so informed, the faculty member will be afforded an opportunity to meet with the president or his designee and the chairman of the division. At this preliminary meeting, which in dismissal cases shall be an information-gathering session, an adjustment may be mutually agreed upon. If the matter is not settled or adjusted to the satisfaction of the college president, he shall recommend that the faculty member be dismissed.

(3) If the president recommends that the faculty member be dismissed, he shall:

(a) Deliver a short and plain statement to the faculty member which shall contain

(i) The grounds for dismissal in reasonable particularity;

(ii) A statement of the legal authority and jurisdiction under which the hearing is to be held;

(iii) Reference to any particular statutes or rules involved.

(b) Call into action the dismissal review committee [and deliver the above statement to the members of the dismissal review committee], if the academic employee requests a hearing.

(4) After receiving the president's recommendation for dismissal, the affected academic employee may request a hearing within the following five days. If the president does not receive this request within five days, the academic employee's right to a hearing will be deemed waived.

(5) If the president receives a request for a hearing, the dismissal review committee shall, after receiving the written recommendation from the college president, establish a date for a committee hearing giving the faculty member so charged twenty days notice of such hearing,

and inform in writing the faculty member so charged of the time, date and place of such hearing.

(6) The dismissal review committee shall:

(a) Hear testimony from all interested parties, including but not limited to other faculty members and students and receive any evidence offered by same;

(b) Afford the faculty member whose case is being heard the right of cross-examination and the opportunity to defend himself and be accompanied by legal counsel;

(c) Allow the college administration to be represented by an assistant attorney general.

(7) The dismissal review committee shall appoint a presiding or hearing officer. Such presiding or hearing officer shall not be a voting member of the committee; it shall be his responsibility to:

(a) Make all rulings regarding the evidentiary and procedural issues presented during the course of the dismissal review committee hearings;

(b) Meet and confer with the members of the dismissal review committee and advise them in regard to procedural and evidentiary issues considered during the course of the committee's deliberations;

(c) Appoint a court reporter, who shall operate at the direction of the presiding officer and shall record all testimony, receive all documents and other evidence introduced during the course of hearing, and record any other matters related to the hearing as directed by the presiding officer;

(d) The hearing officer shall prepare proposed findings of fact and a record for review by the appointing authority which shall include:

(i) All pleadings, motions and rulings;

(ii) All evidence received or considered;

(iii) A statement of any matters officially noticed;

(iv) All questions and offers of proof, objections and rulings thereon;

(v) Proposed findings and exceptions;

(vi) A copy of the recommendations of the dismissal review committee.

(8) A copy of the above shall be transcribed and furnished to the faculty member whose case is being heard.

(9) The hearing shall be closed. However, interested parties, including but not limited to faculty members and students, will be given an opportunity to present evidence.

(10) Within ten business days of the conclusion of the hearing, the dismissal review committee will arrive at its recommendations in conference on the basis of the hearing. Before doing so, it should give the faculty member or his counsel(s) and the representative designated by the president of the college the opportunity to argue orally before it. If written briefs would be helpful, the dismissal review committee may request them. The dismissal review committee may proceed to a recommendation promptly or await the availability of a transcript if making a fair recommendation would be aided thereby. Within ten business days of the conclusion of the hearing the president of the college, the faculty member and

the board of trustees will be presented with recommendations in writing and given a copy of the record of the hearing.

(11) The board of trustees shall meet within thirty days subsequent to its receipt of the dismissal review committee recommendations to consider those recommendations. The board of trustees shall afford the parties the right to oral and written argument with respect to whether they will dismiss the faculty member involved. The board of trustees may hold such other proceedings as they deem advisable before reaching their decision. A record of the proceedings at the board level shall be made and the final decision shall be based only upon the record made before the board and the dismissal review committee, including the briefs and oral arguments. The decision to dismiss or not to dismiss shall rest, with respect to both the facts and the decision, with the board of trustees after giving reasonable consideration to the recommendation of the dismissal review committee. The dismissal review committee's recommendations shall be advisory only and in no respect binding in fact or law upon the decision made[r], the board of trustees. The board of trustees shall within ten days following the conclusion of their review, notify the charged faculty member in writing of its final decision.

(12) Suspension of the faculty member by the president during the administrative proceedings involving him (prior to the final decision of the board of trustees) is justified if immediate harm to himself or others is threatened by his continuance. Any such suspension shall be with pay.

(13) Except for such simple announcements as may be required covering the time of the hearing and similar matters, no public statements about the case shall be made by the faculty member, the dismissal review committee or administrative officers of the board of trustees until all administrative proceedings and appeals have been completed.

(14) Any dismissed faculty member shall have the right to appeal the final decision of the board of trustees within ten days of the receipt of the notice of dismissal. The filing of an appeal shall not stay enforcement of the decision of the board of trustees.

(15) If the president of the Community College District No. 11 initiates a formal written recommendation that a faculty member be dismissed and the board of trustees decides to retain the faculty member, or if the trustees' decision to dismiss a faculty member is reversed by a court, all evidence concerning the dismissal will be removed from the faculty member's permanent personnel file if the reason for the denial of the recommendation was the president's failure to establish the facts which were the basis for the dismissal recommendation.

[If the facts which were the basis for the dismissal recommendation were shown to the satisfaction of the trustees and the courts, but the dismissal recommendation was not followed because the trustees or the courts decided that the facts were not sufficient to warrant dismissal, the facts which were shown would be retained in the faculty member's permanent personnel file along

with a record of the outcome of the dismissal proceeding.

If the facts are to be retained in the faculty member's permanent personnel file, the faculty member will be given an opportunity to review the facts and to write an explanation which will be retained along with the findings of fact. [Statutory Authority: RCW 28B.50.140, 81-07-025 (Order 43), § 132K-20-070, filed 3/12/81; Order 20, § 132K-20-070, filed 12/14/73; Order 5, § 132K-20-070, filed 2/11/71.]

**Reviser's note:** RCW 28B.19.077 requires the use of underlining and deletion marks to indicate amendments to existing rules. The bracketed material in the above section does not appear to conform to this rule.

### Chapter 132K-28 WAC POLICY ON EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION PROGRAM

WAC

132K-28-010 Repealed.

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

132K-28-010 Policy. [Order 25, § 132K-28-010, filed 1/13/75; Order 7, § 132K-28-010, filed 2/18/72.] Repealed by 81-09-028 (Order 44), filed 4/13/81. Statutory Authority: RCW 28B.50.140.

**WAC 132K-28-010 Repealed.** See Disposition Table at beginning of this chapter.

### Chapter 132K-112 WAC QUALIFICATIONS AND PERSONNEL SELECTION POLICY—ELECTION RULES

WAC

132K-112-200 Repealed.

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

132K-112-200 Reduction in force. [Order 35, § 132K-112-200, filed 12/23/76; Order 21, § 132K-112-200, filed 12/14/73.] Repealed by 81-10-022 (Order 42), filed 4/28/81. Statutory Authority: RCW 28B.50.140.

**WAC 132K-112-200 Repealed.** See Disposition Table at beginning of this chapter.

## Title 132L WAC COMMUNITY COLLEGES—CENTRALIA COLLEGE—OLYMPIA TECHNICAL COMMUNITY COLLEGE (Formerly: Olympia Vocational Technical Institute)

### Chapters

132L-26 Emergency procedures.  
132L-112 Personnel rules.

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## 132L-128 Faculty tenure and probationary employment in Community College District No. 12.

### Chapter 132L-26 WAC EMERGENCY PROCEDURES

WAC

132L-26-010 Authority to suspend operations.  
132L-26-030 Employee notification—Time.  
132L-26-040 Voluntary staffing.  
132L-26-060 Suspended operation procedures after fifteen days.  
132L-26-075 Option to recover time loss.

**WAC 132L-26-010 Authority to suspend operations.** The president of District 12 is authorized to suspend the operation of any or all campuses in the district if, in his opinion, an emergency condition beyond his control makes this closure advisable, and the public health, or property, or safety is jeopardized.

In accordance with WAC 251-22-240, as amended by the higher education personnel board, April 6, 1981, Community College District 12 adopts the following suspended operation rules. [Statutory Authority: Chapters 28B.10 and 28B.50 RCW. 81-13-021 (Resolution 81-9), § 132L-26-010, filed 6/12/81; Order 77-30, § 132L-26-010, filed 9/1/77.]

**WAC 132L-26-030 Employee notification—Time.** If the president declares a condition of suspended operations and provides notification of this closure to employees via local radio station transmission at least one hour prior to the employees' reporting time, or by telephone or personal contact prior to the time the individual employee would depart home for work, the provisions of WAC 251-22-240 would not apply. Employees not notified prior to their usual departure time from home would be covered by the provision of WAC 251-22-240. [Statutory Authority: Chapters 28B.10 and 28B.50 RCW. 81-03-036 (Resolution 81-2), § 132L-26-030, filed 1/14/81; Order 77-30, § 132L-26-030, filed 9/1/77.]

**WAC 132L-26-040 Voluntary staffing.** When the period of suspended operation is expected to exceed five working days, staffing shall be on a volunteer basis. Employees qualified to perform the task with the most layoff seniority shall be given the first option to work. [Statutory Authority: Chapters 28B.10 and 28B.50 RCW. 81-13-021 (Resolution 81-9), § 132L-26-040, filed 6/12/81; Order 77-30, § 132L-26-040, filed 9/1/77.]

**WAC 132L-26-060 Suspended operation procedures after fifteen days.** If the period of suspended operation is expected to exceed fifteen days, the personnel director shall request an extension from the director of the higher education personnel board subject to confirmation by the board. If the period of suspended operation exceeds fifteen days and no extension is granted, the full classified personnel layoff provisions apply.