

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132K-28-010 Repealed.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 Repealed by 81-09-028 (Order 44), filed 4/13/81.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WAC 132K-28-010 Repealed.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132K-112-200 Repealed.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 Repealed by 81-10-022 (Order 42), filed 4/28/81.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WAC 132K-112-200 Repealed.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.

If the suspended operation exceeds the period for which an extension was granted, the full classified personnel layoff provisions shall apply. [Statutory Authority: Chapters 28B.10 and 28B.50 RCW. 81-13-021 (Resolution 81-9), § 132L-26-060, filed 6/12/81; Order 77-30, § 132L-26-060, filed 9/1/77.]

WAC 132L-26-075 Option to recover time loss. The district shall have the option to make up lost time due to suspended operations by extending the calendar. Classified and administrative employees who lose regular work time as a result of suspended operation may request to work additional hours in accordance with WAC 251-22-240. The district president shall have the option to approve or deny such requests. This response must be made within fifteen days after receipt of the request. Compensation for additional work hours shall be granted on a compensatory time basis at straight time. [Statutory Authority: Chapters 28B.10 and 28B.50 RCW. 81-13-021 (Resolution 81-9), § 132L-26-075, filed 6/12/81; Order 77-30, § 132L-26-075, filed 9/1/77.]

Chapter 132L-112 WAC PERSONNEL RULES

WAC

132L-112-200 Leave with pay.
132L-112-210 Illness, injury, bereavement and emergency.
132L-112-280 Compensation for sick leave.

WAC 132L-112-200 Leave with pay. Full-time faculty and administrative employees shall be granted fifteen days upon the first day on which their initial assignment begins. After three quarters of employment, full-time employees shall accumulate such leave at a rate of five days per quarter for each quarter of full-time employment up to a maximum of one hundred eighty days. Such leave may be taken at any time subject to the following conditions and in compliance with the approval procedures set forth.

Effective July 1, 1981, full-time faculty and administrative employees shall be granted ten days upon the first day on which their initial assignment begins. After three quarters of employment, full-time faculty and administrative employees shall accumulate such leave at the rate of one day for each calendar month during which a contractual day is worked. [Statutory Authority: Chapters 28B.10 and 28B.50 RCW, and RCW 41.48.140. 81-03-037 (Resolution 81-1), § 132L-112-200, filed 1/14/81. Statutory Authority: Chapters 28B.10 and 28B.50 RCW. 80-04-060 (Order 80-21, Resolution 80-21), § 132L-112-200, filed 3/24/80; Order 76-66, § 132L-112-200, filed 3/22/77. Formerly WAC 132L-112-100.]

WAC 132L-112-210 Illness, injury, bereavement and emergency. (1) The employer reserves the right to request reasonable proof in the event of leaves for illness or injury.

(2) Bereavement leave, up to a maximum of five days per bereavement, shall be granted in the event of a death

in the faculty member's immediate family. Leave time to pay last respects to very close deceased friends may be granted for a partial day without loss of pay.

(3) Emergency leave, not to exceed two days per year, shall be granted in the event a faculty member must meet legal, personal or business obligations which unexpectedly arise and cannot be fulfilled outside of the normally posted schedule. Such leave shall exclude attendance at state legislative meetings; lobbying, association or union activities or business, fund raising, or other activities of a political nature; leaves for the purpose of seeking prospective employment with another employer; and leaves for recreational purposes.

(4) In the event the spouse, child or immediate family of a full-time faculty member is seriously ill or injured and the presence of the employee is required at the place of emergency as a direct result, the faculty member may be granted leave with full pay for not more than three days per contract year.

(5) Leaves for emergencies not covered by (3) and (4) above or exceeding the limits established in (2), (3), and (4) above may be granted upon recommendation by the appropriate dean[/] and approval by the district president.

(6) The employee will be required to provide a medical certificate verifying illness or injury when personal sick leave exceeds ten continuous working days. The medical certificate shall be forwarded to the personnel director within two working days upon returning to work. [Statutory Authority: Chapters 28B.10 and 28B.50 RCW, and RCW 41.48.140. 81-03-037 (Resolution 81-1), § 132L-112-210, filed 1/14/81; Order 76-66, § 132L-112-210, filed 3/22/77. Formerly WAC 132L-112-110.]

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.

WAC 132L-112-280 Compensation for sick leave. An attendance incentive program is hereby established for all eligible employees.

(1) Eligible employees - Eligible employees shall include those full-time faculty and administrative employees in District 12 who are entitled to accumulate leave.

Pursuant to applicable statute, each full-time faculty or administrative employee's portion of sick leave allowance shall accumulate from year to year without limit.

(2) Two accounts - Such leave entitlement shall be accrued by full-time employees in two separate categories, the first identified as a "compensation account" and the second as an "auxiliary account."

(3) Current leave accumulation - One day of entitlement earned during each month of employment shall be credited to the compensation account, and all days earned in excess of one day for each month of employment during a calendar year shall be credited to the auxiliary account.

(4) Previously accrued leave - Employees with accrued leave under previous leave policies shall have such accruals divided between the two accounts so that not more than one day per month of full-time employment

shall be credited to the compensation account. [Any days accrued in excess of one per month shall be credited to the auxiliary account.]

(5) Annual compensation for unused sick leave – Eligible employees shall receive monetary compensation for accrued sick leave as follows:

(a) In January of each year, and at no other time, an employee whose year-end sick leave balance exceeds sixty days may choose to convert sick leave days accrued in the previous calendar year to monetary compensation.

(b) Monetary compensation for converted compensable days shall be paid at the rate of twenty-five percent (at the rate of one day's pay for each four days accumulated in the compensation account) and shall be based upon the employee's current salary.

(c) All converted compensable days will be deducted from the employee's compensation account balance.

(d) Days of sick leave used during the previous year shall be drawn from the days accumulated in the compensation account during that same year and days in excess of the annual accumulation shall be taken from the auxiliary account, until depleted, following which further absence shall be taken from the compensation account.

(e) No sick leave days may be converted which would reduce the calendar year-end balance below sixty days.

(f) Converted compensable days shall not exceed one day per month or the one hundred eighty-day maximum.

(g) Days cashed in during January of each year shall be limited to any compensable days earned the previous calendar year less sick leave days actually utilized during such period.

(h) No combination of circumstances shall result in more than one (1) compensable day being earned per month, or the 180 maximum in effect through spring quarter, 1980, being invalidated.

(6) Compensation for unused sick leave at retirement or death – Employees who separate from the district on or after September 1, 1979 (for faculty on or after June 12, 1980), due to retirement or death shall be compensated for their unused compensable sick leave accumulation at the rate of twenty-five percent. Compensation shall be based upon the employee's salary at the time of separation.

Days cashed in upon death or retirement shall include all compensable days as herein defined which have not previously been cashed in. Retirement shall mean eligibility to participate in the applicable retirement program upon termination of employment.

(7) Exclusions – Compensation for unused sick leave shall not be used in computing the retirement allowance; therefore no contributions are to be made to the retirement system for such payments, nor shall such payments be reported as compensation.

An employee who separates from the district for any reason other than retirement or death shall not be paid for accrued sick leave. [Statutory Authority: Chapters 28B.10 and 28B.50 RCW, and RCW 41.48.140. 81-03-037 (Resolution 81-1), § 132L-112-280, filed 1/14/81. Statutory Authority: Chapters 28B.10 and 28B.50

RCW. 80-04-060 (Order 80-21, Resolution 80-21), § 132L-112-280, filed 3/24/80.]

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 132L-128 WAC

FACULTY TENURE AND PROBATIONARY EMPLOYMENT IN COMMUNITY COLLEGE DISTRICT NO. 12

WAC

132L-128-030 Duties and responsibilities of probationary review committees.

132L-128-060 Procedure relating to the dismissal of a tenured or probationary faculty member.

132L-128-070 Designation of administrative appointments.

WAC 132L-128-030 Duties and responsibilities of probationary review committees. (1) The general duty and responsibility of the probationary review committee shall be to assess and advise the probationer of his professional strengths and weaknesses and to make reasonable efforts to encourage and aid him to overcome his deficiencies.

(2) The probationary review committee shall meet at the call of the chairman, when in his discretion the need for such a meeting arises: *Provided*, That the committee shall meet with the probationer at least twice during each of the first two quarters of employment and once during all other quarters and, additionally within 10 days of the receipt of a written request setting forth good cause to meet as directed to the chairman by the probationer.

(3) The first order of business for each probationary review committee shall be to establish the procedure it will follow in evaluating the performance and professional competence of the full-time probationer assigned thereto. The committee's evaluation of the probationer shall be directed toward and result in the determination of whether or not the probationer possesses the necessary personal characteristics and professional competence to perform effectively in his appointment. A probationary review committee's evaluation procedures should include the following:

(a) Classroom observations by members of the probationary review committee;

(b) Student evaluation administered by the director of counseling;

(c) Assessment of the probationer's participation in professional activities both on and off campus;

(d) Self-evaluation; and

(e) The probationer shall have the right to determine one of the above or an additional method or procedure of evaluation.

(4) Each probationary review committee shall be required to conduct an on-going evaluation of the full-time probationer assigned thereto and render the following written reports to the probationer, the president, and the appointing authority on or before the designated times during each regular college year such appointee is

on probationary status; or, as is also required, within fifteen days of the president's written request therefore:

(a) A written progress report after fall quarter outlining the probationer's strengths and weaknesses. This report should also include a list of steps that can be taken by the probationer to improve his deficiencies.

(b) A written evaluation of each full-time probationer's performance including the degree to which the probationer has overcome stated deficiencies on or before February 15. The review committee shall obtain the probationer's written acknowledgement of receipt of the written evaluation. The probationer shall have the right to answer the evaluation report in writing and attach his answer to the report.

(c) A written recommendation that the appointing authority award or not award tenure, such written recommendations to be submitted at times during the regular college year deemed appropriate by each probationary review committee: *Provided*, That during such probationer's third regular college year of appointment, the probationary review committee shall, prior to February 15 of such regular college year, make a written recommendation as to the award or nonaward of tenure.

Failure of any review committee to make such written recommendation by February 15 of a probationer's third consecutive regular college year shall be deemed a recommendation neither for nor against the awarding of tenure and the appointing authority may award or deny tenure based upon this type of recommendation by the committee.

(5) The final decision to award or withhold tenure shall rest with the appointing authority after it has given reasonable consideration to the recommendations of the probationary review committee.

(6) All written evaluations and recommendations prepared and submitted by a probationary review committee pursuant to these rules shall include the committee's findings and supportive data and analysis.

(7) On or before the last day of the winter quarter of a probationer's third consecutive regular college year of appointment, the appointing authority shall notify him of the decision to either grant him tenure or not renew his appointment for the ensuing year.

(8) This appointment to tenure is effective until the faculty member is either dismissed for "sufficient cause," (as defined in WAC 132L-128-040), or until the age of 70 years whereupon contract renewal is at the annual option of the appointing authority. [Statutory Authority: Chapters 28B.10 and 28B.50 RCW. 81-13-019 (Resolution 81-8), § 132L-128-030, filed 6/12/81; Order 76-65, § 132L-128-030, filed 3/30/77; Order 74-47, § 132L-128-030, filed 8/9/74 and 10/3/74.]

WAC 132L-128-060 Procedure relating to the dismissal of a tenured or probationary faculty member. When reason arises to question the fitness of a tenured faculty member or of a probationary faculty member whose appointment may be terminated prior to the terms of the written contract, then the appropriate administrative officer shall discuss the matter with him in personal conference. The matter may be terminated by mutual

consent at this point, but if an adjustment does not result, the case shall be referred to the president. If the president deems that the case warrants dismissal, the dismissal process shall be governed by the following procedure:

(1) It shall be the responsibility of the president, or his designee, to formulate a statement with reasonable particularity of the grounds proposed for the dismissal.

(2) Formal proceedings shall commence by a letter addressed to the faculty member from the president. The letter shall include (a) a copy of the statement of particulars proposed for dismissal, and (b) the fact that the case will be referred to the review committee as required by law.

(3) The president shall refer the case to the dismissal review committee, in writing, with a request that the committee review the matter and make recommendations to the board of trustees as required by law. A copy of this communication, with any accompanying documents, shall be sent to the members of the board of trustees and to the faculty member under review for their information.

(4) Except under emergency conditions, as determined by the president, the dismissal proceedings described above shall be instituted prior to February 15.

(5) Within five calendar days after the establishment of the dismissal review committee, the committee shall set a date for a review hearing, and inform in writing, the faculty member under review and the president of the date, time and place of the hearing.

(6) The date set for the dismissal review committee hearing shall provide sufficient time, but not to exceed twenty calendar days, for the faculty member whose case is being reviewed to prepare his defense against the charges filed against him.

(7) The dismissal review committee hearing shall:

(a) Include testimony from all interested parties including, but not limited to, other faculty members and students.

(b) The faculty member whose case is being reviewed shall be afforded the right of cross-examination and the opportunity to defend himself.

(8) The review committee shall complete the hearing and prepare recommendations within ten calendar days on the action they propose be taken and submit such recommendations to the appointing authority: Except, the appointing authority may grant an extension of time should evidence be presented to it from which the board of trustees determines that an extension of time is justified. These recommendations, in writing, shall be accompanied by a copy of the written record of proceedings described above.

(9) The appointing authority shall be the final authority in cases of faculty dismissal. Before taking final action, the appointing authority shall give reasonable consideration to the recommendations of the review committee. In addition, the board of trustees may give consideration to other evidence and recommendations which they deem appropriate or necessary.

(10) As soon as possible thereafter, the appointing authority shall inform the faculty member by letter of

their decision regarding the case. In the letter the appointing authority shall state the basis for their decision.

(11) A dismissed tenured faculty member or a probationary faculty member whose appointment is terminated prior to the terms of the written contract shall have a right to appeal the final decision of the appointing authority in accordance with RCW 28B.19.150 as now or hereafter amended.

(12) Suspension of the faculty member whose case is being reviewed during proceedings involving him may be imposed by the president if immediate harm to the faculty member or to others is threatened by his continuance. Salary payments during the period of suspension may be withheld. If the appointing authority retains the faculty member in his previous employment status, any withheld salary payments shall be paid to the faculty member. [Statutory Authority: Chapters 28B.10 and 28B.50 RCW. 81-13-019 (Resolution 81-8), § 132L-128-060, filed 6/12/81; Order 76-65, § 132L-128-060, filed 3/30/77; Order 74-47, § 132L-128-060, filed 8/9/74 and 10/3/74.]

WAC 132L-128-070 Designation of administrative appointments. A tenured faculty member, upon appointment to an administrative appointment, except that of president, shall be allowed to retain his tenure as a faculty member. However, persons assigned administrative responsibility and authority will occupy positions for which the privileges of tenure cannot be extended. The recognized administrative positions which are specifically exempt from provisions of tenure as described herein include the following full-time and part-time positions: The president, assistant to the president, dean of instruction, dean of students, dean of administration, director of continuing and occupational education, head librarian, director of student activities, director of financial aids, division chairmen, registrar, and other directors, coaches, or supervisors for which extra pay and/or released time is given for activities other than the regular duties for which the employee's certification and basic contract indicate, and other administrators specified in Board Resolution No. 76-62 dated December 9, 1976 and Board Resolution No. 80-12A dated March 13, 1980. [Statutory Authority: Chapters 28B.10 and 28B.50 RCW. 81-13-019 (Resolution 81-8), § 132L-128-070, filed 6/12/81; Order 76-65, § 132L-128-070, filed 3/30/77; Order 74-47, § 132L-128-070, filed 8/9/74 and 10/3/74.]

Title 132M WAC COMMUNITY COLLEGES--LOWER COLUMBIA COLLEGE

Chapters

- 132M-104 Rule on regular meeting date for board of trustees.**
- 132M-112 Affirmative action program.**
- 132M-113 Access to student records.**
- 132M-115 Tenure.**

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- 132M-116 Parking regulations.**
- 132M-120 Student conduct code.**
- 132M-136 Use of college facilities--Academic.**
- 132M-140 Use of college facilities--Business.**
- 132M-150 Establishment of representative organization for academic employees.**
- 132M-160 Admission, registration, graduation.**
- 132M 168 Library.**

Chapter 132M-104 WAC

RULE ON REGULAR MEETING DATE FOR BOARD OF TRUSTEES

WAC

132M-104-010 Regular meetings.

WAC 132M-104-010 Regular meetings. On or before January of each year the board of trustees shall publish in the Washington State Register a regular meeting date for that year. [Statutory Authority: RCW 28B.50.140(113) [28B.50.140]. 81-22-076 (Order 81-1, Resolution No. 81-1), § 132M-104-010, filed 11/4/81; Order 15, § 132M-104-010, filed 12/20/72.]

Chapter 132M-112 WAC

AFFIRMATIVE ACTION PROGRAM

WAC

132M-112-010 Affirmative action program.

132M-112-011 Affirmative action program—Grievance procedure.

WAC 132M-112-010 Affirmative action program. The policy of Lower Columbia College is to provide equal opportunity to all facets of hiring and continued employment regardless of sex, race, marital status, creed, color, age, national origin, handicapped status, Viet Nam era or disabled veteran status, or religious preference. [Statutory Authority: RCW 28B.50.140(113) [28B.50.140]. 81-22-076 (Order 81-1, Resolution No. 81-1), § 132M-112-010, filed 11/4/81.]

WAC 132M-112-011 Affirmative action program—Grievance procedure. A grievance procedure has been formulated to give any person or persons who have reason to believe they have been discriminated against on the basis of race, sex, age, religion, national origin, marital status, physical disability, mental, sensory or physical handicap, or veteran status a right to obtain an impartial, objective review of the complaint by persons detached from the events or circumstances which resulted in the alleged discrimination, but who are knowledgeable about equal opportunity principles.

Any person, persons, or organizations in the college community acting in their own behalf or on behalf of any aggrieved individual, with the consent of that individual, may bring a complaint.

No person shall be subjected to discharge, suspension, discipline, harassment, or any form of discrimination for