

**Title 132Y WAC**  
**COMMUNITY COLLEGES--EDMONDS**  
**COMMUNITY COLLEGE**

**Chapters**

- 132Y-20 Tuition and fees.**  
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**Chapter 132Y-20 WAC**  
**TUITION AND FEES**

**WAC**

132Y-20-010 Tuition and fees refund rule.

**WAC 132Y-20-010 Tuition and fees refund rule.** A refund of tuition and fees is made only when a student officially withdraws from a class. Date of receipt of the withdrawal form in the registration office establishes the rate at which refunds will be made. The tuition and fees (full general fees, operating fees, and service and activities fees) will be refunded on a 100 percent, 50 percent, or no-refund level, according to the schedule set forth below:

- (1) 100% refund of all tuition and fees for withdrawal during the first five instructional days of the quarter.
- (2) 50% refund of all tuition and fees for withdrawal during the first thirty calendar days of the quarter.
- (3) No refund of tuition and fees after the first thirty calendar days of the quarter.
- (4) Tuition and fee refunds on classes which begin at any time other than the first week of the quarter will be made:
  - (a) 100% before the class begins.
  - (b) 50% during the first 30% of the class meeting time providing this time does not exceed thirty calendar days.
- (5) Fees charged for community service, seminars, or other self-supporting courses will be refunded only if withdrawal occurs before the beginning of the class.
- (6) No refund of tuition and fees may be made for any purpose beyond the current quarter.

Refund forms and withdrawal forms may be obtained in the admissions and registration office. A refund on a cancelled class is not automatic. The same refund procedure must be followed. Refunds for cancelled classes will be at 100 percent. [Statutory Authority: RCW 28B.15-.600. 81-17-041 (Resolution 81-8-2), § 132Y-20-010, filed 8/14/81.]

**Chapter 132Y-100 WAC**  
**TRAFFIC RULES**

**WAC**

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**WAC 132Y-100-001 Purpose for adopting rules.**

Pursuant to the authority granted by RCW 28B.50.140(10), the board of trustees of Community College District 23 is granted authority to make rules and regulations for pedestrian and vehicular traffic on property owned, operated or maintained by the college district. The rules contained in this chapter are established for the following purposes:

- (1) To protect and control pedestrian and vehicular traffic; and
- (2) To assure access at all times for emergency traffic; and
- (3) To minimize traffic disturbances during class hours; and
- (4) To facilitate the work of the college by assuring access for its vehicles; and
- (5) To assign the limited parking space for the most efficient use. [Statutory Authority: RCW 28B.50.140(10). 81-17-042 (Resolution 81-8-1), § 132Y-100-001, filed 8/14/81.]

**WAC 132Y-100-004 Applicable traffic rules.** The traffic rules which are applicable upon state lands devoted mainly to the educational activities of Edmonds Community College are as follows:

- (1) The motor vehicle and other traffic laws of the State of Washington; and
- (2) The traffic code of Lynnwood, Washington, and Snohomish County; and
- (3) Rules set forth in chapter 132Y-100 WAC. [Statutory Authority: RCW 28B.50.140(10). 81-17-042 (Resolution 81-8-1), § 132Y-100-004, filed 8/14/81.]

**WAC 132Y-100-008 Permits required for vehicles on campus.** Except as provided in WAC 132Y-100-052 and 132Y-100-092 of these rules, no person shall leave any vehicle unattended, upon the campus of the college

without a permit issued by the security office of the college, unless such person is in the process of loading, unloading, or is a registered guest with the department they are visiting. [Statutory Authority: RCW 28B.50.140(10). 81-17-042 (Resolution 81-8-1), § 132Y-100-008, filed 8/14/81.]

**WAC 132Y-100-012 Valid permit.** A valid permit is: (1) A temporary permit authorized by the security office of Edmonds Community College and displayed in accordance with instructions; or

(2) An unexpired parking permit issued by the security office of the college, which permit must be displayed on the vehicle in accordance with instructions. [Statutory Authority: RCW 28B.50.140(10). 81-17-042 (Resolution 81-8-1), § 132Y-100-012, filed 8/14/81.]

**WAC 132Y-100-016 Transfer of permits.** Parking permits are not transferable. If a vehicle is sold or traded, a new permit will be issued to the permit holder at no additional cost if the permit holder does the following:

- (1) Records invalid permit number;
- (2) Removes invalid permit;
- (3) Brings invalid permit or remnant thereof and permit number to the security office. The security office shall then issue the permit holder a new parking permit upon the presentation of proper vehicle registration. [Statutory Authority: RCW 28B.50.140(10). 81-17-042 (Resolution 81-8-1), § 132Y-100-016, filed 8/14/81.]

**WAC 132Y-100-020 Permit revocation.** Parking permits are the property of Edmonds Community College and may be recalled by the director of facilities or by the security office for any of the following reasons:

- (1) When the purpose of which the permit was issued changes or no longer exists;
- (2) When a permit is used by an unregistered vehicle or by an unauthorized individual;
- (3) Falsification on a parking permit application;
- (4) Continued violations of parking rules;
- (5) An accumulation of unpaid parking citations;
- (6) Counterfeiting or altering a parking permit;
- (7) When it is in the best interest of the college. [Statutory Authority: RCW 28B.50.140(10). 81-17-042 (Resolution 81-8-1), § 132Y-100-020, filed 8/14/81.]

**WAC 132Y-100-024 Right to refuse permit.** The college reserves the right to refuse the issuance of a parking permit. [Statutory Authority: RCW 28B.50.140(10). 81-17-042 (Resolution 81-8-1), § 132Y-100-024, filed 8/14/81.]

**WAC 132Y-100-028 Issuance of permits.** (1) Students, faculty, and staff, may be issued a parking permit by the security office, upon registration of his/her vehicle with the campus security office at the beginning of each academic quarter by presenting vehicle make, model, color, year, license number, and payment.

(2) Campus information may issue visitor parking permits when such permits are necessary.

(3) Temporary and special parking permits may be issued when such permits are necessary to enhance the business of operation of the college.

(4) Two permits may be issued to one individual without second payment, provided the applicant presents either title or registration indicating ownership of both vehicles. [Statutory Authority: RCW 28B.50.140(10). 81-17-042 (Resolution 81-8-1), § 132Y-100-028, filed 8/14/81.]

**WAC 132Y-100-032 Display of permits.** All permanent parking permits shall be permanently affixed to the rear window on the lower left corner unless other arrangements are made with the security officer. Motorcycle permits shall be affixed to the rear bumper. Special and temporary parking permits shall be placed within the vehicle where it can be plainly observed. Permits not displayed in accordance with the provisions of this section shall not be valid. [Statutory Authority: RCW 28B.50.140(10). 81-17-042 (Resolution 81-8-1), § 132Y-100-032, filed 8/14/81.]

**WAC 132Y-100-036 Parking permit fees.** Parking fees will be determined by the college, and published during the registration period each quarter. [Statutory Authority: RCW 28B.50.140(10). 81-17-042 (Resolution 81-8-1), § 132Y-100-036, filed 8/14/81.]

**WAC 132Y-100-040 Refund of fees.** Refund of the parking permit fee shall be permitted upon request, based on the percentage due the student at the time of withdrawal from courses.

Refund will be based on total amount paid for parking; quarterly or yearly. [Statutory Authority: RCW 28B.50.140(10). 81-17-042 (Resolution 81-8-1), § 132Y-100-040, filed 8/14/81.]

**WAC 132Y-100-044 Additional vehicles.** When a new or different motor vehicle is acquired, it shall be necessary to register that vehicle with Edmonds Community College and a permit issued if the vehicle is to be used on campus. No additional fee for parking will be required when new or different vehicle is acquired. [Statutory Authority: RCW 28B.50.140(10). 81-17-042 (Resolution 81-8-1), § 132Y-100-044, filed 8/14/81.]

**WAC 132Y-100-048 Failure to register.** Any person who uses the campus on a frequent basis and fails to register the vehicle shall be subject to a fine to be determined by the college. [Statutory Authority: RCW 28B.50.140(10). 81-17-042 (Resolution 81-8-1), § 132Y-100-048, filed 8/14/81.]

**WAC 132Y-100-052 Parking permit exceptions.** Parking permit rules shall not apply to city, county, state, or federally owned vehicles. [Statutory Authority: RCW 28B.50.140(10). 81-17-042 (Resolution 81-8-1), § 132Y-100-052, filed 8/14/81.]

**WAC 132Y-100-056 Parking within designated spaces.** (1) Any person parking a vehicle on Edmonds

Community College property shall park his/her vehicle in parking areas only.

(2) No vehicle other than those needed for maintenance and landscaping may be parked on any area which has been landscaped or designed for landscaping, and developed college property; and/or cement or asphalt walkway or unpaved pathway intended for pedestrian use.

(3) No vehicle shall be parked so as to occupy any portion of more than one parking area. The fact that other vehicles may have been so parked as to require the vehicle parked to occupy more than one space shall not constitute an excuse for violation of this section.

(4) No vehicle may be parked on any area set aside as yellow curb zones, driveways, pedestrian walkways, or loading and service areas. [Statutory Authority: RCW 28B.50.140(10). 81-17-042 (Resolution 81-8-1), § 132Y-100-056, filed 8/14/81.]

**WAC 132Y-100-060 Locating legal parking space.**

(1) The responsibility for locating legal parking space rests with the operator of the motor vehicle. Lack of space will not be considered a valid excuse for violating any parking rule.

(2) The fact that a person may park or observe others parked in violation of rules without receiving a citation does not mean that the rule is no longer in effect. [Statutory Authority: RCW 28B.50.140(10). 81-17-042 (Resolution 81-8-1), § 132Y-100-060, filed 8/14/81.]

**WAC 132Y-100-064 Motorcycle parking.**

Motorcycles shall only be parked in spaces reserved for motorcycles and are not allowed to park in four-wheeled vehicle spaces, on grassed area, sidewalks, or immediately adjacent to or within buildings. [Statutory Authority: RCW 28B.50.140(10). 81-17-042 (Resolution 81-8-1), § 132Y-100-064, filed 8/14/81.]

**WAC 132Y-100-068 Bicycle parking.**

No bicycle shall be parked inside a building, near a building exit, or on a path or sidewalk. Bicycles must be secured to racks as provided and shall be regulated under the traffic rules of the Edmonds Community College. No parking permit is required. [Statutory Authority: RCW 28B.50.140(10). 81-17-042 (Resolution 81-8-1), § 132Y-100-068, filed 8/14/81.]

**WAC 132Y-100-072 Handicapped parking.**

No vehicle shall park in a handicapped zone without a handicapped permit. To apply for handicapped person's parking permit the disabled individual must contact the Edmonds College counseling center. Handicapped parking permits must be renewed quarterly. [Statutory Authority: RCW 28B.50.140(10). 81-17-042 (Resolution 81-8-1), § 132Y-100-072, filed 8/14/81.]

**WAC 132Y-100-076 Disabled or inoperative vehicles.**

No disabled or inoperative vehicle shall be parked on the campus without permission from the security office. Vehicles which have been parked in excess of 48 hours and which appear to be inoperative or abandoned

may be impounded and stored at the expense of either or both owner and operator thereof. [Statutory Authority: RCW 28B.50.140(10). 81-17-042 (Resolution 81-8-1), § 132Y-100-076, filed 8/14/81.]

**WAC 132Y-100-080 Regulatory signs and directions.**

Edmonds Community College will erect signs, barricades, and other structures and paint marks and other directions upon the streets and roadways for the regulation of traffic and parking upon state lands devoted mainly to the educational or research activities of Edmonds Community College. Such signs, barricades, structures, markings, and directions shall be so made and placed as to be legible and in the opinion of the Director of Facilities will best effectuate the objectives stated in section 001 of these rules. [Statutory Authority: RCW 28B.50.140(10). 81-17-042 (Resolution 81-8-1), § 132Y-100-080, filed 8/14/81.]

**WAC 132Y-100-084 Speed.**

No vehicle shall be operated on the campus at a speed in excess of ten miles per hour or such lower speed as is posted. No vehicle of any type shall at any time use the campus and/or lands devoted to educational, research, recreational, or parking for Edmonds Community College for testing, racing, or other unlawful activities. [Statutory Authority: RCW 28B.50.140(10). 81-17-042 (Resolution 81-8-1), § 132Y-100-084, filed 8/14/81.]

**WAC 132Y-100-088 Pedestrian's right of way.**

(1) The operator of a vehicle shall yield to any pedestrian, but no pedestrians shall leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible or unsafe for the driver to yield.

(2) Whenever any vehicle slows or stops so as to yield to pedestrian traffic, the operator of any other vehicle approaching from the rear shall not overtake and pass such a vehicle which has slowed or stopped to yield to pedestrian traffic.

(3) Where a sidewalk is provided, pedestrians shall proceed upon such sidewalk. [Statutory Authority: RCW 28B.50.140(10). 81-17-042 (Resolution 81-8-1), § 132Y-100-088, filed 8/14/81.]

**WAC 132Y-100-092 Report of accident.**

The operator of any vehicle involved in an accident on campus shall within 24 hours report such accident to the campus security office. This does not relieve any person so involved in an accident from his responsibility to file a state of Washington motor vehicle accident report within 24 hours after such accident. [Statutory Authority: RCW 28B.50.140(10). 81-17-042 (Resolution 81-8-1), § 132Y-100-092, filed 8/14/81.]

**WAC 132Y-100-096 Special traffic/parking rules.**

Upon special occasions and during emergencies, the college is authorized to impose additional traffic and parking rules for the achievement of objectives in WAC 132-100-004 of these rules. [Statutory Authority: RCW

28B.50.140(10). 81-17-042 (Resolution 81-8-1), § 132Y-100-096, filed 8/14/81.]

**WAC 132Y-100-100 Issuance of traffic citations.** Upon the violations of any of the rules contained in this document Campus security officers are authorized to issue traffic citations, setting forth the date, the approximate time of violations, permit number, license number, infraction and name of officer. Such traffic citations may be served by attaching or affixing a copy thereof in some prominent place outside such vehicle or by personally serving the operator. [Statutory Authority: RCW 28B.50.140(10). 81-17-042 (Resolution 81-8-1), § 132Y-100-100, filed 8/14/81.]

**WAC 132Y-100-104 Fines and penalties.** Campus security officers are authorized to impose the following fines and penalties:

(1) Except as provided under subsection 2, fines will be imposed starting the first week of each quarter. The amount of all fines will be determined by the college.

(2) Vehicles parked in a manner to obstruct fire lanes, access to and from parking spaces, handicapped parking or causing a disruption in college activities may be impounded and taken to such place for storage as the college selects. The expenses of such impoundings and storage shall be charged to the owner or operator of the vehicle. The college and its employees shall not be liable for loss or damage of any kind resulting from impounding and storage.

(3) Vehicles involved in more than two violations of these rules within any one quarter may be impounded as provided for in subsection 2 herein.

(4) Fines are to be paid at the college's cashier's desk. [Statutory Authority: RCW 28B.50.140(10). 81-17-042 (Resolution 81-8-1), § 132Y-100-104, filed 8/14/81.]

**WAC 132Y-100-108 Appeal of fines and penalties.** Appeal of fines and penalties levied against a student violator of these rules, must be submitted in writing, within five working days from the date of the citation, to the director of facilities or his representative, who will cause a review to be made of the appeal to determine whether a satisfactory solution to both parties, can be reached without further administrative action. An appeal made by a member of the faculty or staff may be made to a person appointed specifically for this purpose by the president of the college. [Statutory Authority: RCW 28B.50.140(10). 81-17-042 (Resolution 81-8-1), § 132Y-100-108, filed 8/14/81.]

**WAC 132Y-100-112 Enforcement.** In the event a student fails to comply with a determination by the director of facilities, such student may be declared ineligible to register for additional courses, to obtain a transcript of his/her grades or credits, until he/she has otherwise complied with the determination. [Statutory Authority: RCW 28B.50.140(10). 81-17-042 (Resolution 81-8-1), § 132Y-100-112, filed 8/14/81.]

**WAC 132Y-100-116 Liability of college.** The college assumes no liability under any circumstances for vehicles parked on campus. [Statutory Authority: RCW 28B.50.140(10). 81-17-042 (Resolution 81-8-1), § 132Y-100-116, filed 8/14/81.]

**WAC 132Y-100-120 Severability.** If any provision of chapter 132Y-100 WAC is adjudged by a court to be unconstitutional, the remaining provisions of chapter 132Y-100 WAC shall continue in effect. [Statutory Authority: RCW 28B.50.140(10). 81-17-042 (Resolution 81-8-1), § 132Y-100-120, filed 8/14/81.]

## Chapter 132Y-125 WAC STUDENT DISCIPLINE

### WAC

132Y-125-004 Disciplinary procedures.

**WAC 132Y-125-004 Disciplinary procedures.** Enrollment in Edmonds Community College carries with it the obligation that the student will be a responsible citizen of the college. At the same time the college has the responsibility of informing students of their rights and responsibilities, defining reasonable standards of behavior, and assuring substantive and procedural due process.

The following section establishes a procedure for administration of disciplinary action.

Most disciplinary proceedings will be conducted informally between the student and the dean for student services or the dean's designee. In some cases, at the discretion of the dean or the student, formal procedures may be invoked.

(1) **Responsibility.** The dean for student services is the executive officer of the college with regard to student affairs, including discipline and shall initiate all disciplinary procedures. The dean is responsible for assembling facts on cases referred to her/his office, making provisions for suitable hearings, convening the college discipline committee when it is requested, notifying students and others concerned, keeping confidential files and reports on cases, following up each discipline case until it is closed, and destroying out-of-date files on discipline cases.

(2) **Guidelines for student conduct.** The following are guidelines for acceptable student conduct. A student enrolling in the college assumes a responsibility for conduct compatible with the college's function as an educational institution. Although Edmonds Community College is dedicated to an open, free society, there are some actions incompatible with an institution of higher education.

Grounds for disciplinary action shall include, but not be limited to, the following:

(a) Dishonesty, including, but not limited to, cheating, plagiarism, or knowingly furnishing false information to the college.

(b) Forgery, alteration, or misuse of college documents, records, or identification.

(c) Obstruction or disruption of teaching, institutional or instructional research, administration of the college, disciplinary procedures, or other college activities, including but not limited to, meetings of the board of trustees, community service functions, or other authorized activities on college premises.

(d) Physical abuse of any person on college-owned or controlled property or at college-sponsored or supervised functions or conduct which threatens or endangers the health or safety of any such person.

(e) Theft of or damage to property of the college or of a member of the college community or of a visitor to the campus.

(f) Unauthorized entry or occupancy of college facilities or blocking access to or egress from such areas.

(g) Unauthorized use of college supplies or equipment.

(h) Violation of college policies or of campus regulations, including, but not limited to, campus regulations concerning student organizations, the use of college facilities, or the time, place and manner of public expression.

(i) Illegal use, possession, or distribution of drugs on campus or at any college-sponsored event, or appearance on campus or at any college-sponsored event while under the influence of illegally used drugs.

(j) Use, possession or distribution of alcoholic beverages on college property or appearance on campus or any college-sponsored event while under the influence of alcohol. Use or possession of alcoholic beverages at any college event shall be by approved permit and restricted to persons of legal age.

(k) Disorderly conduct; lewd, indecent, or obscene conduct or expression; breach of the peace; or aiding, abetting, or procuring another to breach the peace on college-owned or controlled property or at college-sponsored or supervised functions.

(l) Failure to comply with directions of college officials acting in the performance of their duties.

(m) Possession or use of firearms, explosives, dangerous chemicals, substances or instruments or other weapons which can be used to inflict bodily harm on any individual or damage upon a building or grounds of the college or college-owned or controlled property or at college-sponsored or supervised functions without written authorization.

(o) Hazing, whether it is physical or verbal, which interferes with the personal liberty of a fellow student, faculty member, or employee of the college.

**(3) Disciplinary measures available to enforce standards of student conduct.**

(a) **Reprimand.** A reprimand serves to place on record that a student's conduct in a specific instance does not meet the standards expected at the college. A person receiving a reprimand is notified in writing by the dean for student services that this serves as a warning that continued conduct of the type described in the reprimand may result in formal action against the student. S/he is further informed that records of reprimands are confidential property of Edmonds Community College and are destroyed two years after the last entry has been

made concerning any disciplinary action against an individual student, and that such records are not considered part of a student's permanent records at the college.

(b) **Summary suspension.** (i) The dean for student services or designee may summarily suspend any student from the college for not more than ten academic calendar days pending investigation, action or prosecution of charges of an alleged violation or violations of the guidelines for student conduct, if the dean for student services has reason to believe that the student's physical or emotional safety and well-being, or the safety and well-being of other college community members, or the protection of college property requires such suspension.

(ii) During the period of summary suspension, suspended students shall not enter the campus of the college other than to meet with the dean for student services or to attend the disciplinary hearing. However, the dean may grant the student special permission to enter for the express purpose of meeting with faculty, staff, or students in preparation for the hearing.

(iii) If the dean for student services or designee finds it necessary to exercise the authority to summarily suspend a student s/he shall:

(A) Give an oral or written notice of the alleged misconduct and violation(s) of any provision of the guideline for student conduct;

(B) Give an oral or written explanation of the evidence in support of the charge(s) to the student;

(C) Give an oral or written explanation of the corrective action or punishment (up to a maximum of ten academic calendar days suspension) which may be imposed to the student;

(D) Notify the student that s/he may either accept the disciplinary action or, within forty-eight hours or two work days following receipt of this notification, file at the office of the dean for student services, a written request for a hearing by the committee on student conduct. If the request is not filed within the prescribed time, it will be deemed as waived.

(E) Notify the student that should the student request a hearing, s/he may bring an advocate to speak in his or her behalf.

(iv) If oral notice is given, it shall be followed by written notice within forty-eight hours.

(v) The processing of hearing actions shall be accomplished according to the provisions set forth in this code, Article F, *Disciplinary and hearing procedures*, beginning with Section 5.

(c) **Disciplinary probation.** The dean for student services, after close evaluation of the individual case, may restrict the college-related activities of students or groups of students as s/he deems necessary and feasible by placing them on disciplinary probation. Disciplinary probation may be imposed for a period of not to exceed one year. Repetition during the probationary period of conduct resulting in disciplinary probation may be cause for suspension or other disciplinary action.

(d) **Disciplinary suspension.** Disciplinary suspension serves as a penalty against the student as a result of his conduct which fails to meet standards expected at the

college. A suspended student is not to occupy any portion of the campus for a period to be specified in writing and is denied all college privileges including class attendance. Disciplinary suspension requires the approval of the president.

(e) **Expulsion.** An expelled student is denied all further college privileges. Students may be expelled only with the approval of the president.

(4) **Emergency procedure.** Nothing herein shall prevent faculty members or administrators from taking reasonable summary action as may be necessary to maintain order when they have reason to believe that such action is necessary for the physical safety and well-being of the student or the safety and protection of other students or of college property or where the student's conduct materially and substantially disrupts the educational process. The faculty member or administrator should immediately bring the matter to the attention of the dean for student services for appropriate disciplinary action.

(5) **The committee on student conduct.** (a) A standing committee shall be established annually by the dean for student services to conduct hearings when requested by a student regarding disciplinary actions.

(b) The chairperson shall be elected by the committee.

(c) The committee shall include:

(i) Two students designated by the president of the associated students.

(ii) One administrator of the college designated by the college president, not to be the dean for student services.

(iii) Two persons representing the faculty, designated by the faculty association president.

(d) A quorum shall consist of four members.

(e) All committee members shall have voting rights with simple majority rule.

(6) **Disciplinary and hearing procedures.** (a) Allegations of misconduct shall be filed in the dean for student services' office in writing. Upon investigation, the dean for student services shall initiate appropriate action.

(b) Students alleged to have conducted themselves inappropriately shall be provided with written notice to meet with the dean for student services or designee for a preliminary conference regarding the basis for possible disciplinary action. The notice must be given at least twenty-four hours or one work day prior to the scheduled appointment, and shall contain a statement of the allegations.

(c) If after the preliminary conference and investigation, the dean for student services determines that the student's conduct has not been in violation of college standards, the dean will dismiss proceedings and exonerate the student.

(d) If after the student's preliminary conference, the recommendation of the dean for student services is for disciplinary action, the student shall receive the following in writing:

(i) Notification of the findings and conclusions of the investigation by the dean for student services.

(ii) Notification of the disciplinary action which is to be recommended.

(iii) Notification that the student may either accept the disciplinary action or, within forty-eight hours or two work days following receipt of this notification, file at the office of the dean for student services, a written request for a hearing by the committee on student conduct. If the request is not filed within the prescribed time, it will be deemed as waived.

(iv) Notification that should a student request a hearing s/he may bring an advocate to speak on his or her behalf.

(e) If the student does not request a hearing, the the dean for student services shall carry out the disciplinary action.

(f) If the student decides to request a hearing, s/he shall file at the office of the dean for student services a written notice of this intent as specified above. Within forty-eight hours or two work days of requesting the hearing the student shall file at the office of the dean a specific written response to each of the charges.

(g) A meeting of the committee on student conduct shall be convened not earlier than twenty-four hours or one work day nor later than forty-eight hours or two work days after submission of the student's response to the charges for formal hearing and to make a recommendation in the case to the president.

(i) **Hearing procedure.** (A) The chairperson shall select a person to keep a record of the proceedings.

(B) The chairperson shall designate a person to collect and preserve all exhibits in evidence.

(C) The committee on student conduct shall present a recommendation after the conclusion of the hearing.

(D) The dean for student services or designee shall make the first presentation. In the event witnesses are called, they may be questioned by the student or student's representative and the committee.

(E) Upon completion of the presentation by the dean for student services, the student may make his/her presentation and may present any witness desired. Again, the committee or the dean may question any witness.

(F) After the completion of the presentation by the student, both sides shall then be permitted to make any closing arguments after which the committee may ask any questions.

(G) The hearing will then be closed and the committee will retire to executive session for deliberation.

(H) When a recommendation has been reached, the committee will reconvene and announce its recommendation. The meeting will then be adjourned.

(ii) **Evidence.** (A) The committee may, upon agreement by both parties, receive sworn written statements in lieu of sworn oral testimony at the hearing.

(B) The committee has the right to control:

(B.1) Relevance

(B.2) Materiality

(B.3) Competency

(B.4) Number and conduct of witnesses

(iii) **Recommendations of the committee.** (A) In making a recommendation, the committee shall consider the following issues:

(A.1) Does the alleged act constitute a violation of acceptable standards of student conduct?

(A.2) Did the student involved commit the acts with which s/he was charged?

(A.3) Were there any mitigating circumstances?

(A.4) What sanctions have been imposed in previous cases of a similar nature?

(B) Recommendations shall include:

(B.1) Findings of fact

(B.2) Conclusions

(B.3) A recommendation on whether to uphold the decision and recommended action of the dean for student services or to institute other disciplinary action or to exonerate the student of charges.

(C) The record of the hearing, the findings, and the recommendations of the committee on student conduct shall be reviewed by the president.

(D) The president shall announce the decision within forty-eight hours or two work days after receipt of said record, findings and recommendations.

(E) The president's decision shall be final. [Statutory Authority: RCW 28B.19.020. 82-10-013 (Resolution No. 82-4-1), § 132Y-125-004, filed 4/28/82.]

### Chapter 132Y-136 WAC

#### FACILITIES SCHEDULING AND USE RULE

##### WAC

132Y-136-001	Definitions.
132Y-136-101	Scheduling office--Duties of the scheduling coordinator.
132Y-136-201	Available space.
132Y-136-204	Available space--Listing of space or premises available for leasing or renting.
132Y-136-208	Available space--Priority for use.
132Y-136-212	Available space--Classrooms.
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132Y-136-228	Available space--Prohibition.
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132Y-136-304	Use of facilities for campaign purposes--Prohibited.
132Y-136-401	Business sales.
132Y-136-404	Business sales--Restrictions.
132Y-136-501	Library materials and audiovisual equipment--Loans.
132Y-136-540	Library materials and audiovisual equipment--Fines.

**WAC 132Y-136-001 Definitions.** (1) "Academic facilities" shall mean all college owned and/or operated facilities and realty located within the main campus area which are primarily used for classwork and classroom instruction, including all athletic and intramural facilities.

(2) "Accredited classes" shall mean those classes offered for credit by Edmonds Community College. They include but are not limited to:

(a) Course offerings which appear in current class schedule booklets, or

(b) Workshops, or

(c) Credit and noncredit courses offered through the division of continuing education.

(3) "College organizations" shall mean and include those committees or entities established under college policies, the academic units of the college, the associated

students of Edmonds Community College and the student organizations recognized by the associated students of Edmonds Community College.

(4) "Laboratories" are rooms with special purpose equipment for student participation, experimentation, observation, or practice in a field of study. Such rooms include class laboratories, special class laboratories, individual study laboratories, and nonclass laboratories as defined in the Higher Education Facilities Inventory and Classification Manual.

(5) "Noncollege organizations" shall mean and include private entities and other individuals, associations and corporations not directly associated with Edmonds Community College.

(6) "Scheduling coordinator" shall mean the individual responsible for implementing this facilities scheduling and use rule. [Statutory Authority: RCW 28B.50.140(7). 82-04-018 (Resolution No. 82-1-4), § 132Y-136-001, filed 1/26/82.]

**WAC 132Y-136-101 Scheduling office--Duties of the scheduling coordinator.** (1) The scheduling office is responsible for coordinating all arrangements relative to meetings, conferences, workshops, social functions and other events involving the use of campus facilities. Advance scheduling as far ahead as a full year is strongly recommended.

(2) Any organization, club or individual with an outstanding balance due the college will not be allowed to schedule until all bills are paid.

(3) In planning various group functions, requests for the following items should be directed to the scheduling office.

(a) Campus maps.

(b) Special arrangement of furniture, podiums, and other equipment, construction of special platforms.

(c) Audio-visual equipment such as movie projectors, tape recorders, public address systems, etc.

(d) Parking permits.

(4) Any division or college organization may obtain use of college facilities by filing with the scheduling office a request for the use of college facilities at least seven days before the event; provided, however, the time requirement shall be waived whenever reasonable cause is shown.

(5) Scheduling requests shall include the following information:

(a) The name of the organization or organizations sponsoring the program.

(b) The name of the speaker and the general topic of address and/or program.

(c) The number of persons expected to attend.

(d) Any special facilities or equipment required for the presentation of the program.

(e) The organization's preferences, if any, for specific facilities.

(6) Upon receiving such information the scheduling office shall within 48 hours assign in writing an appropriate room or space, if available, for the meeting and shall assist the sponsoring organization or organizations

in arranging for the special equipment that may be required. In assigning space the scheduling office shall consider the size of the facility required, other events scheduled by prior request, and the preferences of the requesting organization, unless the scheduling office deems the requested facilities to be inappropriate for the proposed use, otherwise unavailable. The scheduling office shall consider all facilities, and after consultation with the office authorized to schedule space in the particular facility, may assign any appropriate facility in the college for speakers or programs.

(7) Individual students, faculty members, and staff may form ad hoc organizations for the express purpose of inviting a particular speaker or program to address them and others on a specific occasion by filing with the scheduling office a statement of intention and sponsorship. The statement of intention and sponsorship shall be signed by at least three students, faculty members, or staff members and shall state the name of the speaker, the subject of his talk, and the purpose of the sponsors in inviting him. The statement shall also contain a certificate signed by the three sponsors stating that they are acting as individuals and not on behalf of any division or organization. The statement of intention and sponsorship shall be accompanied, when required, by payment in advance of the fee for use of the facility. Each signator is individually liable for any damages, costs, or charges incurred as a result of the scheduled event. [Statutory Authority: RCW 28B.50.140(7). 82-04-018 (Resolution No. 82-1-4), § 132Y-136-101, filed 1/26/82.]

**WAC 132Y-136-201 Available space.** The college property available for scheduling and use in accordance with the provisions of this policy shall be limited to:

1. Classrooms
2. Laboratories
3. Conference rooms
4. Gymnasium
5. Dining hall
6. Student lounge
7. Library
8. Playing field
9. Unassigned office space [Statutory Authority: RCW 28B.50.140(7). 82-04-018 (Resolution No. 82-1-4), § 132Y-136-201, filed 1/26/82.]

**WAC 132Y-136-204 Available space--Listing of space or premises available for leasing or renting.** All college space or premises available for leasing or renting under these rules shall be listed in the scheduling coordinator's office, together with the corresponding lease fee or rental rate. [Statutory Authority: RCW 28B.50.140(7). 82-04-018 (Resolution No. 82-1-4), § 132Y-136-204, filed 1/26/82.]

**WAC 132Y-136-208 Available space--Priority for use.** Scheduling of academic facilities space shall be on a first in time of application basis: *Provided*, That where a lease has not been executed, college organizations shall have priority over noncollege organizations: *And provided further*, That the academic needs of the institution

shall have first priority where a lease has not been executed. [Statutory Authority: RCW 28B.50.140(7). 82-04-018 (Resolution No. 82-1-4), § 132Y-136-208, filed 1/26/82.]

**WAC 132Y-136-212 Available space--Classrooms.** Classrooms may be made available for scheduling and use weekdays between the hours of 7:00 a.m. and 10:00 p.m. Monday through Thursday and 7:00 a.m. and 5:00 p.m. on Friday when not in use by accredited classes and weekends between the hours of 8:15 a.m. and 5:00 p.m.: *Provided*, The college has sufficient personnel available to open and close the facilities. [Statutory Authority: RCW 28B.50.140(7). 82-04-018 (Resolution No. 82-1-4), § 132Y-136-212, filed 1/26/82.]

**WAC 132Y-136-216 Available space--Lease requirement.** All noncollege persons and organizations desiring to use space in accordance with these rules shall execute a lease with the scheduling coordinator for temporary or short-term use of college space. The lease may include a description of the premises or space leased, the rental rate, the names of the individuals responsible for the debts of the lessee, the nature and purpose of the intended use, time of use, number of people expected, price of admission, if any, amount of deposit, if any, food service charges, special use or set up charges, statement of responsibility for damages, verification of insurance coverage and other pertinent information, including but not limited to, a statement that the lessee agrees to adhere to and abide by all rules and regulations of Edmonds Community College. [Statutory Authority: RCW 28B.50.140(7). 82-04-018 (Resolution No. 82-1-4), § 132Y-136-216, filed 1/26/82.]

**WAC 132Y-136-220 Available space--Leasing fee or rental rate.** The leasing fee or rental rate for use of college space available in accordance with these rules shall be available in the office of the college scheduling coordinator. Lease fees or rental rates may be different for college organizations than for noncollege organizations. The lease fee or rental rate shall be established by the president. The college reserves the right to change the rates without notice. [Statutory Authority: RCW 28B.50.140(7). 82-04-018 (Resolution No. 82-1-4), § 132Y-136-220, filed 1/26/82.]

**WAC 132Y-136-224 Available space--Scheduling deadlines.** All applications for the leasing or rental of space shall be submitted in writing, together with a written food service guarantee, if any, not less than ten calendar days in advance of the date requested and a lease or rental agreement shall be executed not less than ten calendar days prior to the date requested. [Statutory Authority: RCW 28B.50.140(7). 82-04-018 (Resolution No. 82-1-4), § 132Y-136-224, filed 1/26/82.]

**WAC 132Y-136-228 Available space--Prohibition.** College organizations or members of the staff, faculty, students or administration of Edmonds Community College shall not be permitted to assume co-sponsorship for



another group or individual in order to affect favorable scheduling priority or to reduce the costs otherwise chargeable to such other group or individual. [Statutory Authority: RCW 28B.50.140(7). 82-04-018 (Resolution No. 82-1-4), § 132Y-136-228, filed 1/26/82.]

**WAC 132Y-136-236 Available space--Authority of scheduling coordinator.** The scheduling coordinator of Edmonds Community College may impose special conditions or additional requirements where necessary to meet proper health or safety standards, or to assure compliance with college rules, upon any organization as a condition precedent to the scheduling, leasing or renting of college facilities. [Statutory Authority: RCW 28B.50.140(7). 82-04-018 (Resolution No. 82-1-4), § 132-136-236 (codified as WAC 132Y-136-236), filed 1/26/82.]

**WAC 132Y-136-304 Use of facilities for campaign purposes--Prohibited.** College facilities or services may not be used to establish or maintain an office or headquarters for a political candidate or partisan political cause. Rules, regulations, policies, procedures and practices regarding the use of college facilities shall not discriminate or promote discrimination among political parties or groups solely on the basis of their particular political viewpoint. [Statutory Authority: RCW 28B.50.140(7). 82-04-018 (Resolution No. 82-1-4), § 132Y-136-304, filed 1/26/82.]

**WAC 132Y-136-401 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 Edmonds Community College property is prohibited except by written permission of the president unless between individuals where no general or public solicitation, exposure for sale or offer to sell is involved. [Statutory Authority: RCW 28B.50.140(7). 82-04-018 (Resolution No. 82-1-4), § 132Y-136-401, filed 1/26/82.]

**WAC 132Y-136-404 Business sales--Restrictions.** Edmonds Community College property and facilities may not be used for the activities set forth in WAC 132Y-136-401 unless such activities serve the purposes and needs of the college and are sponsored by a college department, agency, or recognized organization. Such activities should only be permitted where they complement the services provided by local businesses. [Statutory Authority: RCW 28B.50.140(7). 82-04-018 (Resolution No. 82-1-4), § 132Y-136-404, filed 1/26/82.]

**WAC 132Y-136-501 Library materials and audiovisual equipment--Loans.** (1) The Edmonds Community College Library-Media Center (LMC) loans library materials and audiovisual equipment to various users. It does not rent or lease audiovisual equipment to organizations and individuals except as part of a facility rental agreement. The users include and are limited to:

(a) Currently registered students of Edmonds Community College. For audiovisual equipment loans students need an instructor's authorization.

(b) Current academic staff, classified staff, administrative staff, and members of the board of trustees.

(c) Students and staff from institutions that contract with Edmonds Community College for services and facilities. Students from these institutions must have an instructor's authorization before checking out equipment.

(d) Holders of currently valid community courtesy cards. This group includes community residents of District XXIII as well as other individuals who show a particular need for specialized items in the LMC collections which are unavailable elsewhere. Holders of community courtesy cards may not check out equipment, and must be a least sophomores in high school. There is no charge for courtesy cards.

(e) Students from other institutions with which the Edmonds Community College LMC has a reciprocal lending agreement. This group may not borrow equipment.

(f) Other libraries and organizations through the interlibrary loan process. Equipment is not loaned to other libraries or organizations unless the LMC has a reciprocal lending agreement.

(2) All borrowers are subject to certain loan periods, and to such restrictions as apply to reference books, reserve materials, and audiovisual items and equipment. Each borrower must present proper identification before checking out LMC resources. [Statutory Authority: RCW 28B.50.140(7). 82-04-018 (Resolution No. 82-1-4), § 132Y-136-501, filed 1/26/82.]

**WAC 132Y-136-540 Library materials and audiovisual equipment--Fines.** (1) No fines are levied for material returned after the designated due date, except for reserved items. When materials are not returned, or fines not paid, holds are placed on the transcript records and registration for classes and further borrowing is not permitted for those involved until such deficiencies are cleared through the LMC.

(2) When damage or loss of materials and equipment occurs, the borrower is assessed the replacement cost, plus a processing fee. [Statutory Authority: RCW 28B.50.140(7). 82-04-018 (Resolution No. 82-1-4), § 132Y-136-540, filed 1/26/82.]

## Chapter 132Y-140 WAC

### POLICY FOR DISMISSAL OF TENURED AND PROBATIONARY FACULTY MEMBERS

#### WAC

- 132Y-140-001 Purpose.
- 132Y-140-101 Dismissal for cause.
- 132Y-140-102 Reduction in force.
- 132Y-140-104 Reduction in force units and procedure for assignment.
- 132Y-140-108 Order of reduction.
- 132Y-140-112 Procedures relating to the dismissal of a tenured or probationary faculty member.
- 132Y-140-116 Recall rights of academic employees.

**WAC 132Y-140-001 Purpose.** These rules shall govern the dismissal of tenured faculty members and faculty members who hold a probationary appointment prior to the written term of their individual appointment. [Statutory Authority: RCW 28B.50.140, 28B.50.850, etc. 82-22-064 (Resolution No. 82-10-1), § 132Y-140-001, filed 11/2/82.]

**WAC 132Y-140-101 Dismissal for cause.** (1) Sufficient cause. A tenured faculty member shall not be dismissed from his or her appointment except for sufficient cause, nor shall a faculty member who holds a probationary appointment be dismissed prior to the written terms of the appointment except for sufficient cause. (2) Initial procedures. The district president shall discuss the reasons to consider the dismissal for cause of a faculty member with him or her in a personal conference. The matter may be settled by mutual consent at this point. (3) If the district president determines that dismissal proceedings should be initiated, he or she shall proceed according to the rules contained in WAC 132Y-140-112 starting with paragraph 2, Formal notice. [Statutory Authority: RCW 28B.50.140, 28B.50.850, etc. 82-22-064 (Resolution No. 82-10-1), § 132Y-140-101, filed 11/2/82.]

**WAC 132Y-140-102 Reduction in force.** (1) Reduction in force. Reduction in force is deemed to constitute sufficient or adequate cause for dismissal/termination of tenured faculty members or probationary faculty employees prior to the written term of their individual appointment. Reduction in force shall include, but not be limited to, any of the following grounds:

- (a) Lack of funds
- (b) Elimination and/or reduction of programs, courses or services
- (c) Decreased enrollment
- (d) Overstaffing
- (e) Reduction of allotments pursuant to chapter 43.88 RCW, as now or hereafter amended
- (f) Changes in educational policy and/or goals
- (g) State board for community college education declaration of financial emergency pursuant to section 1, chapter 13, Laws of 1981 under the following conditions:
  - (i) Reduction of allotments by the governor pursuant to RCW 43.88.110(2), or
  - (ii) Reduction by the legislature from one biennium to the next or within a biennium of appropriated funds based on constant dollars using the implicit price deflator

(2) Tenure refusal excluded. Nothing in this dismissal policy shall be construed to affect the decision and right of the board of trustees not to renew a probationary academic employee appointment without cause pursuant to RCW 28B.50.857. [Statutory Authority: RCW 28B.50.140, 28B.50.850, etc. 82-22-064 (Resolution No. 82-10-1), § 132Y-140-102, filed 11/2/82.]

**WAC 132Y-140-104 Reduction in force units and procedure for assignment.** (1) Definition of units. Reduction in force units shall be established as follows and each tenured employee and each employee holding a probationary faculty appointment shall be assigned by the district president to only one of these units. The district president may establish additional reduction in force units to include new programs.

- Art – Photography
- Music
- English – Humanities Courses
- Foreign Language
- Speech
- Anthropology – Philosophy
- History – Political Science – Geography
- Psychology
- Sociology
- Biology
- Chemistry
- Mathematics
- Physics
- Health – Physical Education
- Accounting – Business Courses
- Data Processing – Computer Science
- Economics
- Management
- Office Administration – Court Reporting
- Travel
- Electronics
- Forest Harvesting
- Horticulture
- Clothing and Textiles
- Energy Management
- Earth and Rock Drilling
- Dental Assisting
- Medical Assisting
- Early Childhood Education – Social and Human Services
- Legal Assisting
- Family Life Education
- Developmental Education
- Counseling
- Library
- Media Center
- International Student Services
- Building Services Technology

(2) Reduction in force Lists. A reduction in force list will be developed annually by the district president. Assignment will be based upon both seniority and the employee's major duties and the relationship of the duties to the appropriate program or departments. This list will be published on or about November 1 of each year. An employee having an objection to his or her placement on the list must notify the district president in writing within 15 days of the date of publication. The district president will consider the objection and respond within a reasonable period of time. The district president's decision on reduction in force list assignments shall be final. [Statutory Authority: RCW 28B.50.140,

28B.50.850, etc. 82-22-064 (Resolution No. 82-10-1), § 132Y-140-104, filed 11/2/82.]

**WAC 132Y-140-108 Order of reduction.** (1) Courses, programs and services.

(a) If the number of full time contracted employees subject to this policy is to be reduced, the district president with such advice as he or she deems necessary, shall determine in the case of each affected division, department, or program what courses, programs and services are most necessary to maintain quality education and services.

(b) Decision factors. In making decisions on reductions, the president may consider factors including but not limited to:

(i) Budget limitations, lack of funds, change in instructional or service programs or courses, or lack of students participating in particular programs, courses, or services

(ii) The enrollment, the trends in enrollment, and their effect upon the department or program

(iii) The present and anticipated service needs of the college and its students and prospective students, including staffing needs

(iv) Information concerning faculty and administrative vacancies occurring through retirement, resignation, and professional and other leave

(v) Changes in educational policies and goals

(vi) Other similar relevant considerations

(2) Individuals

(a) If a reduction is determined to be necessary, within a reduction in force unit, the order of reduction will be based on seniority provided that there are qualified academic employees to replace and perform all the employment needs of the affected department or program. The president, with advice from the appropriate dean and appropriate division director, shall determine which affected employees are qualified to replace and perform the employment needs of the department or program. The above order and/or application of seniority may be interrupted in the event that strict adherence to it would cause a regression in the progress of the district toward its affirmative action goals.

(3) Seniority

(a) Seniority shall be based on the number of years of employment beginning with the date of the signing of the first full-time faculty contract for continuous full-time service for Community College Districts 5 and/or 23. Continuous service shall include leaves of absence, professional leaves, and periods of lay-offs. The longest term of employment as thus established shall be considered the highest level of seniority. In instances where faculty members have the same beginning date of full-time professional service, seniority shall be determined in the following order:

(i) First date of signature of an employment contract

(ii) First date of signature of letter of intent

(iii) First date of application for employment

(b) When an employee leaves a faculty position to permanently accept an exempt position with the district,

seniority shall continue to accrue for a maximum of three years. [Statutory Authority: RCW 28B.50.140, 28B.50.850, etc. 82-22-064 (Resolution No. 82-10-1), § 132Y-140-108, filed 11/2/82.]

**WAC 132Y-140-112 Procedures relating to the dismissal of a tenured or probationary faculty member.** (1) Initial procedures.

(a) When the president determines that a reduction in force is necessary for the reasons in section 102(1)(a)-(f) above and has selected the affected employees to be reduced, the initial step shall be for the president to meet with each employee and discuss the proposed termination/dismissal with the individual employee in personal conference which shall be an informal proceeding. The matter may be resolved at this step by the use of alternatives such as reassignment, leave of absence, retirement, resignation, etc.

(b) When the board of trustees determines that a reduction in force is necessary for the reasons set forth in section 102(1)(g) above, the president shall select the affected employees to be reduced and meet with the employee in personal conference, which is an informal proceeding, to discuss the proposed termination dismissal. The matter may at such time be resolved by the use of alternatives, such as reassignment, leave of absence, retirement, resignation, etc.

(2) Formal notice.

(a) After determining that dismissal proceedings should be initiated, the district president shall specify the grounds constituting sufficient cause for dismissal, serve written notice of the cause(s) to the affected employee and provide copies to the dismissal review committee. The notice shall include:

(i) A statement of the time, place and nature of the hearing (the hearing must be held on not less than 10 days written notice);

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

(iii) A reference to the particular rules of the college that are involved;

(iv) A short and plain statement of the matters asserted. In the case of a reduction in force for the reasons set forth in section 102(1)(a)-(f) above, this shall include a statement of (a) the grounds for reduction in force as delineated in section 102(1)(a)-(f), this shall clearly indicate the separation is not due to job performance of the employee and hence is without prejudice to such employee, and (b) the basis for selection of the affected employee. In the case of a reduction in force for reasons set forth in section 102(1)(g) above, this shall clearly indicate the separation is not due to job performance of the employee and hence is without prejudice to such employee and, in addition, shall indicate the basis for reduction in force as one or both of the reasons set forth in in section 102(1)(g) above. The notice must also indicate the effective date of separation from service.

(b) The affected employee(s) shall have ten days from the date of service of the notice of dismissal to make a written request to the district president for a hearing. If

the employee fails to respond within the ten days provided herein, such failure to request a hearing shall constitute acceptance of dismissal and waiver of any right to a hearing. The decision of an employee not to request a hearing shall be communicated to the dismissal review committee and board of trustees. Furthermore, a written request for a hearing within the above ten-day period is deemed jurisdictional.

(3) Composition of dismissal review committee.

(a) A five member dismissal review committee created for the express purpose of hearing dismissal cases shall be established no later than October 15 of any academic year. The members shall include one administrator chosen by the president, one full-time student chosen by the student association in such manner as the members thereof shall determine, and three faculty members representing the faculty who shall be selected by a majority of the faculty and faculty department heads acting in a body. The faculty members on the initial dismissal review committee shall serve a one-year, two-year and three-year term respectively. Subsequent elections will be for three-year terms so that the committee members shall have staggered terms.

(b) In no case shall a member of the committee sit in judgement of her or his own case, or the case of her or his spouse.

(c) In the event there is a vacancy on the committee, a replacement shall be selected within 15 days of the vacancy in the manner outlined above.

(4) Responsibilities of dismissal review committee. The responsibilities of the committee shall be:

(a) To review the case of the proposed dismissal.

(b) To attend the hearing and, at the discretion of the hearing officer, to call and/or examine any witness.

(c) To hear testimony from all interested parties, including but not limited to other faculty members and students, and review any evidence offered by same;

(d) To arrive at its recommendations in conference on the basis of the hearing. As soon as reasonably practicable, but in no event longer than 30 days after the conclusion of the formal hearing and within seven days in the case of a reduction in force for reasons set forth in section 102(1)(g) above, the written recommendations of the committee will be presented to the board of trustees, with copies to the president, the affected academic employee, and the hearing officer.

(5) Hearing officer.

(a) Appointment

(i) Upon receipt of a request for a hearing from an affected employee, the district president shall notify the board of trustees and request that the board of trustees appoint an impartial hearing officer.

(ii) In the case of a reduction in force for reasons set forth in section 102(1)(g) above, at the time of a faculty member's or members' request for a formal hearing said faculty member's or members' may ask for participation in the choosing of the hearing officer in the manner provided in RCW 28A.58.455(4), said employee therein being a faculty member for the purposes hereof, and said board of directors therein being the board of trustees for purposes hereof: *Provided*, That where there is more

than one faculty member affected by the board of trustees' reduction in force such faculty members requesting hearing must act collectively in making such request: *Provided further*, That costs incurred for the services and expenses of such hearing officer shall be shared equally by the community college and the faculty member or faculty members requesting hearing.

(b) Duties. It shall be the role of the impartial hearing officer to conduct the hearing in accordance with RCW 28B.19 and WAC 132Y-140. The duties of the hearing officer include:

(i) Administering oaths and affirmations, examining witnesses, and receiving evidence. No person shall be compelled to divulge information which he or she could not be compelled to divulge in a court of law;

(ii) Issuing subpoenas;

(iii) Taking or causing depositions to be taken pursuant to rules promulgated by the district;

(iv) Regulating the course of the hearing;

(v) Holding conferences for the settlement or simplification of the issues by consent of the parties;

(vi) Disposing of procedural requests or similar matters;

(vii) Making all rulings regarding the evidentiary issues presented during the course of the dismissal review committee hearings;

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

(ix) Allowing the dismissal review committee to hear testimony and any oral argument from all interested parties, including but not limited to faculty members and students, and review any evidence offered by same.

(x) Preparing findings of fact and conclusions of law and a recommended decision. As soon as reasonably practicable, but in no event longer than 30 days after the hearing, or within ten days in the case of a reduction in force for reasons set forth in section 102(1)(g) above, the written recommendation of the hearing officer will be presented to the board of trustees with copies to the president, committee, and affected employee.

(xi) Preparing and assembling a record for review by the board of trustees which shall include:

(A) All pleadings, motions and rulings;

(B) All evidence received or considered;

(C) A statement of any matters officially noticed;

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

(E) The proposed findings, conclusions and recommended decision;

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

(xii) Deciding, with advice from the dismissal review committee, whether the hearing shall be open to the educational community, or whether particular persons should be permitted or excluded from attendance.

(xiii) Assuring that a transcript of the hearing is made, if necessary, and that a copy of the record or any

part thereof is transcribed and furnished to any party to the hearing upon request and payment of costs.

(xiv) Consolidating individual reduction in force hearings into a single hearing. In the case of reduction in force for reasons set forth in section 102(1)(g) above, the hearing shall be consolidated; only one such hearing for the affected faculty members shall be held and such consolidated hearing shall be concluded within the time frame set forth herein.

(xv) Taking any other action authorized by rule or regulation of the district.

(xvi) In the case of a reduction in force for reasons set forth in section 102(1)(g) above, the formal hearing (pursuant to RCW 28B.19.120 and conducted by the hearing officer appointed by the board of trustees): (a) shall be concluded by the hearing officer within sixty days after written notice of the reduction in force has been issued; (b) the only issue to be determined shall be whether under the applicable policies, rules or bargaining agreement, the particular faculty member or members advised of severance are the proper ones to be terminated; (c) any findings, conclusions of law and recommended decision shall not be subject to further tenure review committee action.

(6) Procedural rights of affected employees. An affected employee who has requested a hearing shall be entitled to one formal, contested case hearing pursuant to the Higher Education Administration Procedure Act, chapter 28B.19 RCW, and shall have the following procedural rights:

(a) The right to confront and cross examine adverse witnesses, provided that, when a witness cannot appear and compelling reasons therefore exist, the identity of the witness and a copy of the statement of the witness reduced to writing shall be disclosed to the faculty member at least ten days prior to the hearing on the matter towards which the testimony of the witness is considered material.

(b) The right to be free from compulsion to divulge information which he or she could not be compelled to divulge in a court of law.

(c) The right to be heard in his or her own defense and to present witnesses, testimony, and evidence on all issues involved.

(d) The right to the assistance of the hearing officer in securing the witnesses and evidence pursuant to chapter 28B.19 RCW.

(e) The right to counsel of her or his choosing who may appear and act on her or his behalf at the hearings.

(f) The right to have witnesses sworn and testify under oath.

(7) Final decision by the board of trustees. The case shall be reviewed by the board of trustees as follows:

(a) Board review shall be based on the record of the hearing and on any record made before the board of trustees.

(b) The board may permit an opportunity for oral or written argument or both by the parties or their representatives and may hold such other proceedings as it deems advisable provided that such proceedings are held

according to applicable laws and provisions of the Washington Administrative Code.

(c) The final 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 recommendations of the dismissal review committee and the hearing officer. The dismissal review committee's recommendations and the findings, conclusions and recommended decision of the hearing officer shall be advisory only and in no respect binding in fact or law upon the decision maker, the board of trustees. The board of trustees shall within a reasonable time following the conclusion of its review, notify the affected faculty member in writing of its final decision, and the effective date of dismissal.

(8) Effective date of dismissals. The effective date of a dismissal for sufficient or adequate cause shall be such date subsequent to notification of the board's final written decision as determined in the discretion of the board of trustees (e.g. immediately, end of any academic quarter, expiration of the individual employment contract, etc.) In the case of a reduction in force for reasons set forth in section 102(1)(g) above, failure to request a hearing shall cause separation from service on the effective date stated in the notice, regardless of the duration of any individual employment contract. In the case of a reduction in force for reasons set forth in section 102(1)(g) above, separation from service after formal hearing shall become effective upon final action by the board of trustees.

(9) Suspension. Suspension by the district president during the administrative proceedings (prior to the final decision of the board of trustees) is justified if immediate harm to the affected employee or others is threatened by his or her continuance. Any such suspension shall be with pay.

(10) Appeal from board of trustees decisions. Pursuant to RCW 28B.19.150 as now existing or hereafter amended, any party shall have the right to appeal the final decision of the board of trustees within 30 days after service of the final decision. The filing of appeal shall not stay enforcement of the decision of the board. [Statutory Authority: RCW 28B.50.140, 28B.50.850, etc. 82-22-064 (Resolution No. 82-10-1), § 132Y-140-112, filed 11/2/82.]

**WAC 132Y-140-116 Recall rights of academic employees.** Recall rights of academic employees are delineated in the current negotiated agreement. [Statutory Authority: RCW 28B.50.140, 28B.50.850, etc. 82-22-064 (Resolution No. 82-10-1), § 132Y-140-116, filed 11/2/82.]

## Title 137 WAC

### DEPARTMENT OF CORRECTIONS

#### Chapters

137-04      **Introductory.**  
137-08      **Public records--Disclosure.**