

(a) Admission decisions are appealed at the first level to the college admissions officer and at the second level to the vice-president of student services or, in the case of applicants under the age of sixteen, to the vice-president of instruction.

(b) Registration, waivers, and tuition and fee decisions are appealed at the first level to the registrar and at the second level to the vice-president of student services.

(c) Decisions regarding issuing of degrees, certificates, or diplomas are appealed at the first level to the academic standards committee and at the second level to the vice-president of student services.

(2) The student must initiate an appeal at the first level. If the student is not satisfied with the appeal at the first level, he/she may submit an appeal at the second level.

(3) Appeals to admissions, registration, waiver, tuition and fee determinations will be reviewed by the vice-president of student services, in a brief adjudicative proceeding under RCW 34.05.482 through 34.05.494. The results of a second level appeal are final.

(4) Students may expect a written response to an appeal within ten working days.

[Statutory Authority: RCW 28B.50.140, 99-15-017, § 132N-160-090, filed 7/12/99, effective 8/12/99.]

## Title 132P WAC

# COMMUNITY COLLEGES— YAKIMA VALLEY COMMUNITY COLLEGE

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### Chapter 132P-33 WAC

#### STUDENT RIGHTS AND RESPONSIBILITIES

#### WAC

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**WAC 132P-33-010 Preamble.** Yakima Valley Community College is dedicated not only to learning and the advancement of knowledge but also to the development of ethically sensitive and responsible persons. It seeks to achieve these goals through a sound educational program and

policies concerning conduct that encourage independence and maturity while strengthening the spirit of mutual cooperation and responsibility shared by all members of the college community. Sharing goals held in common, the students, faculty, and staff of Yakima Valley Community College are joined in voluntary association in an educational community.

The student is, first of all, a member of the community at large, and as such, is entitled to the rights and responsibilities of any citizen of comparable age and maturity. In addition, students, as members of the college are in the unique position of being citizens of two communities, subject to the regulations imposed by both and accountable to both.

Yakima Valley Community College expects that students will respect the laws of the greater society. As an agency of the state of Washington, the college must respect and adhere to the regulations established by local, state, and federal authorities. As an educational institution, it has the added responsibility for assisting students in gaining an understanding of the law and its function, and the responsibilities imposed upon each individual in a democratic society to respect and support the legal structure which protects the individual and the society. As a functioning organization, the college also has the responsibility to develop a set of regulations to assure the orderly conduct of the affairs of the college.

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

An atmosphere of learning and self-development is created by appropriate conditions in the college community. The rights and responsibilities in this document are critical ingredients in the free, creative, and spirited educational environment to which the students, faculty and staff on Yakima Valley Community College are committed.

[Statutory Authority: RCW 28B.50.140, 99-13-140, § 132P-33-010, filed 6/18/99, effective 7/19/99; 82-01-079 (Resolution No. 81-4), § 132P-33-010, filed 12/21/81.]

**WAC 132P-33-020 Definitions.** As used in this code of student rights and responsibilities the following words and phrases shall mean:

(1) "YVCC senate" means the representative governing body for students at Yakima Valley Community College recognized by the board of trustees.

(2) "Assembly" means any overt activity engaged in by two or more persons, the object of which is to gain publicity, advocate a view, petition for a cause or disseminate information to any person, persons or group of persons.

(3) "Board" means the board of trustees of Community College District 16, state of Washington.

(4) "College" means Yakima Valley Community College located within Community College District 16, state of Washington.

(5) "College facilities" means and includes any or all real and personal property owned or operated by the college and

shall include all buildings and appurtenances affixed thereon or attached thereto.

(6) "College personnel" refers to any person employed by Community College District 16 on a full-time or part-time basis, except those who are faculty members.

(7) "Disciplinary action" means and includes suspension or any lesser sanction of any student by the dean of students, the student hearing committee, college president, or the board of trustees for the violation of any of the provisions of the code of student rights and responsibilities for which such sanctions may be imposed.

The college president or designee shall have the authority to take any disciplinary action including the authority to suspend any student of the college.

(8) "District" means Community College District 16, state of Washington.

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

(10) "President" means the duly appointed chief executive officer of Yakima Valley Community College, District 16, state of Washington, or in his/her absence, the acting chief executive officer.

(11) "Recognized student organization" means and includes any group or organization composed of students which is recognized formally by the student government of the college.

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

(13) "Student," unless otherwise qualified, means and includes any person who is enrolled for classes or formally in the process of applying for admission to the college.

[Statutory Authority: RCW 28B.50.140. 99-13-140, § 132P-33-020, filed 6/18/99, effective 7/19/99; 82-01-079 (Resolution No. 81-4), § 132P-33-020, filed 12/21/81.]

**WAC 132P-33-080 Freedom of association and organization.** Students bring to the campus a variety of interests previously acquired and develop many new interests as members of the college community. They are free to organize and join associations to promote any legal purpose, whether it be religious, political, educational, recreational, or social.

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

or procedures, and the name of a college employee who has agreed to serve as advisor. All student organizations must also submit to the student government a list of officers and keep that list updated when changes occur. In order to qualify for issuance of a charter, a student organization must be open to all students without respect to race, sex, creed, or national origin, except for religious qualifications which may be required by organizations whose aims are primarily sectarian, or for other reasonable justifications which are directly related to the purposes of the organization. Affiliation with a noncampus organization shall not be grounds for denial of a charter provided that other conditions for the charter issuance have been met.

[Statutory Authority: RCW 28B.50.140. 99-13-140, § 132P-33-080, filed 6/18/99, effective 7/19/99; 82-01-079 (Resolution No. 81-4), § 132P-33-080, filed 12/21/81.]

**WAC 132P-33-100 Student records.** In compliance with the Family Educational Rights and Privacy Act, this policy has been created to insure continued confidentiality of student records at the college and govern the release of personally identifiable information contained within.

(1) **Education record.** Education records are defined as those records, files, and documents containing information directly pertaining to a student. At Yakima Valley Community College these are:

(a) Records pertaining to admission, advisement, registration, grading and progress toward a degree that are maintained by the registrar.

(b) Testing information used for advisement and counseling purposes by the counseling center.

(c) Information concerning payment of fees as maintained by the business office.

(d) Financial aid information as collected by the financial aid office.

(e) Information regarding students participating in student government or athletics that is maintained by the student programs office.

(2) **Access to education records.** Students who are or have attended the college have the right to examine or review their personal records, as defined above, by submitting to the registrar a written request indicating education records to which access is desired.

Note: Charges may be assessed for reproduced copies of education records.

(3) **Directory information.** The following information is considered "directory information" and thus may be disclosed without consent of the student, unless otherwise directed by the student, at any time, to the registrar in writing: The student's name, address, telephone number, date and place of birth, major field of study, eligibility for and participation in officially recognized activities, organizations, and sports, weight and height of members of athletic teams, dates of attendance, honor roll, degrees and awards received, and the most recent previous educational agency or institution attended by the student.

(4) **Disclosure from education records.** In addition to directory information the college will, at its discretion, make disclosures from education records of students with the student's prior written consent or to the following listed parties:

(a) College officials including college administrative and clerical staff, faculty, and students where officially elected or appointed to the ASYVCC senate or employed by the college. Access or release of records to the above is permissible only when the information is required for advisement, counseling, record keeping, reporting, or other legitimate educational interest consonant with their specific duties and responsibilities.

(b) To officials of another school in which the student seeks or intends to enroll.

(c) To authorized federal, state, or local officials as required by law.

(d) In connection with financial aid for which the student has applied or received.

(e) To accrediting organization, or organizations conducting studies for or on behalf of the institution.

(f) To appropriate parties in a health or safety emergency.

(g) To parents of a dependent student, as defined in section 152 of the Internal Revenue Code of 1954, upon receipt of a written affidavit stating that the student is a dependent for income tax purposes. This, however, will not affect the other rights of the student.

In cases where consent of the student is required for release of education records, the student shall in writing, signed and dated by the student, specify: The records to be disclosed, the purpose or purposes of the disclosure, and the name of the party or parties to whom the disclosure can be made.

When personally identifiable information is released without prior consent of the student, other than directory information and information released to college officials or the student, the college official in charge of these records will record the names of the parties who have requested information from education records and the nature of the interest in that information.

Educational records released to third parties shall be accompanied by a statement indicating that the information cannot be subsequently released in a personally identifiable form to other parties without obtaining the consent of the student. The college is not precluded from permitting their party disclosures to other parties listed in subsection (4)(a) through (g) of this section.

(5) **Challenge of education records.** Students who believe that information contained in their education records is inaccurate, misleading or violates the privacy of other rights of the student may request in writing to the appropriate college official that the college amend their record(s). The college official(s) will make every effort to settle disputes through informal meetings and discussion with the student.

In instances where disputes regarding contents of education records cannot be resolved by the parties concerned, the college official involved shall advise the student of the right to a hearing through a written request to the registrar or dean of students. Should the registrar or dean of students deem that the education records in question are inaccurate or misleading, he or she can ask that the records be amended by the appropriate college official. If the education records are held to be accurate, the student shall be granted the opportunity to

place within those records a personal statement commenting upon the information contained within.

Each eligible student is afforded the right to file a complaint concerning alleged failures by the college to comply with the requirements of the act. The address of the office designated to investigate, process, and review violations and complaints which are filed is:

The Family Educational Rights and  
Privacy Act Office (FERPA)  
Department of Health, Education, and Welfare  
330 Independence Avenue, SW  
Washington, DC 20201

Copies of the Federal Register pertaining to the Family Education Rights and Privacy Act may be obtained from:

Superintendent of Documents  
US Government Printing Office  
Washington, DC 20402

[Statutory Authority: RCW 28B.50.140, 99-13-140, § 132P-33-100, filed 6/18/99, effective 7/19/99; 82-01-079 (Resolution No. 81-4), § 132P-33-100, filed 12/21/81.]

**WAC 132P-33-120 Student complaints.** Student complaints regarding academic employees (faculty) are governed by the negotiated policy agreement between the faculty and college board of trustees.

Complaints regarding the staff and administrators shall be brought to the attention of the appropriate dean or the college president.

Any enrolled student who has a complaint concerning an alleged violation of his or her rights as a student of Yakima Valley Community College, has the opportunity to seek resolution of such complaint. A complaint under this section is defined as a violation of a legal right or a discriminatory act made against a student based upon his or her gender, color, race, national origin, age, religion, disability, or veteran status.

Any student who wishes to file a formal complaint against the president of the college shall submit his or her complaint directly to the board of trustees of Community College District 16.

A student who wishes to file a formal complaint against an administrator (other than the college president), or staff member must address the complaint to the dean of students within ten working days of the alleged act or acts. All complaints must be submitted in writing as detailed by the Yakima Valley Community College formal complaint form. A complaint made by a recognized student group must also include the written minutes from the meeting in which the student group voted to file a formal complaint and the complaint must be signed by the president of the student group. Any administrator or staff member who has a formal complaint filed against him or her has the right to be informed of the complaint and the allegations within two working days of its filing. An impartial investigation will take place in order to obtain the necessary facts. Any person contacted through this investigation process shall treat any information, including, but not limited to, the questions being asked, the names of the complainant and/or the administrator or staff person

and the allegations themselves as confidential and shall not publicly discuss any information as stated above nor the allegations until such time as a hearing has been held or other resolution to this complaint has been made.

At any time during this process, the administrator or staff person involved shall retain his/her due process rights with regard to disciplinary action, including, but not limited to, the right to have a representative of his/her own choosing present at any or all meetings involving the alleged complaint.

The investigation shall provide facts involving the alleged allegation(s) and at a minimum include a taped interview of the complainant, the individual alleged to have committed a violation of rights or an act of discrimination, and any witnesses to the alleged conduct. Students may request a representative from the associated student body of Yakima Valley Community College to attend any meeting required during the investigative process. At no time shall any representative interfere with the investigation. The investigation shall commence within two weeks of receipt of the formal complaint and the independent investigator shall make a non-binding recommendation to the dean of students stating that the complaint is unfounded or that the complaint has merit. The student life coordinator shall file a written report with the dean of students who shall notify and submit documentation to the dean, vice-president, or college president, as appropriate, within thirty days of receipt of the investigation report recommending one of the following three outcomes:

- (1) The complaint is without merit and no further action is warranted;
- (2) There is an agreed upon negotiated settlement of the matter; or
- (3) The complaint has merit and further action should be taken.

Should disciplinary action be recommended, all steps as outlined in the negotiated agreements between the board of trustees of Yakima Valley Community College and the staff, and all applicable laws, shall be followed. Should disciplinary action be recommended with regard to an administrator, the determination shall be made by the immediate supervisor and/or the college president, as deemed appropriate.

Complaints that do not deal with gender, color, race, national origin, age, religion, disability, or veteran status, will first follow an informal process in which the dean of the department in which the complaint has originated, or the supervisor of the person of which the complaint is directed, will be notified and steps will be taken to informally resolve the complaints. If the complaint cannot be resolved informally, the above procedures will be implemented. Formal complaint forms can be obtained from the student life coordinator and the dean of students.

[Statutory Authority: RCW 28B.50.140. 99-13-140, § 132P-33-120, filed 6/18/99, effective 7/19/99; 82-01-079 (Resolution No. 81-4), § 132P-33-120, filed 12/21/81.]

**WAC 132P-33-123 Sexual harassment policy.** The college is committed to eliminating sexual harassment and providing an environment respecting the dignity of employees and students. Sexual harassment demonstrates a lack of decency, integrity, and professionalism. It debases the workplace and classroom environment.

(1) **Definition.** Sexual harassment is a form of sex discrimination. It occurs in a variety of situations which share a common element: The inappropriate introduction of sexual activities or comments into the work or learning situation. Often, sexual harassment involves relationships of unequal power and contains elements of coercion, as when compliance with requests for sexual favors becomes a criterion for granting work, study, or grading benefits. However, sexual harassment may also involve relationships among equals, as when repeated sexual advances or demeaning verbal behavior have a harmful effect on a person's ability to study or work in the academic setting.

(2) **General.** For general policy purposes, the term sexual harassment may include, without limitation, such behavior as unwelcome sexual advances, requests for sexual favors and other physical or verbal conduct and expressive behavior of a sexual nature where:

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education.

(b) Submission to, or rejection of, such conduct by an individual is used as the basis for academic or employment decisions affecting that individual.

(c) Such conduct has the purpose or effect of interfering with an individual's academic or professional performance or creating an intimidating, hostile, demeaning employment or educational environment.

(3) **Grievance procedures.**

(a) A student who feels he/she has been subjected to harassment should report the incident(s) to the "college representative." Students who are contacted by another student or college employee regarding a sexual harassment grievance should direct those grieving to the college representative.

(b) The student life coordinator for students. The college representative shall be the ombudsman between the person allegedly subjected to harassment and the grievance process and procedure. The college representative may, in any appropriate case and with the written authorization of the president, designate another employee of the college to act as the college representative. Any person so designated shall in all ways act with the authority of the college representative.

(c) The college representative will provide a supportive, receptive, and confidential environment while listening to the grievant's concern.

(d) The college representative will delineate and discuss with the student, available options in handling and coping with their situation.

(e) The college representative shall provide guidance and referral to available support services, assistance in weighing the options, and potential dangers.

(f) The student who files a grievance complaining of sexual harassment (the grievant) may be accompanied by a friend or advisor when reporting the incident to the college representative.

(g) The grievant may also submit a brief written statement including the date, place, time, status of the accused, and a description of the circumstances and events that occurred.

(h) After the college representative has heard the grievant's complaint and has suggested any available support ser-

vices, the college representative shall investigate the complaint. An investigation shall be conducted in all cases unless the grievant, after meeting with the college representative, decides to withdraw the grievance.

(i) The college representative's investigation shall be based upon specific information. Charges may be submitted in writing by the grievant or prepared by the college representative and approved by the grievant.

(j) Investigation of complaints shall be kept in confidence and designed to protect the rights of both the grievant and the party accused (respondent).

(k) The college representative shall provide the respondent with a copy of the written charges. The respondent must reply in writing within five calendar days of receipt of the charges.

(l) The college representative will conduct a thorough investigation including, but not limited to, providing both the grievant and respondent the opportunity to state their positions and interview witnesses. The investigation shall be concluded within ninety days of receipt of written complaint. During the course of the investigation the grievant and respondent shall be included in the process and have access to the relevant documentation.

(m) Records will be kept during the investigation and shall be kept in a confidential manner by the college representative.

(n) Retaliation against the grievant during or after the grievance process is expressly forbidden and constitutes grounds for a separate grievance or other institutional action.

(o) At the close of the investigation, the college representative shall reduce his/her findings and recommendations to writing and shall present those findings and recommendations to the "appointing authority" where the respondent is a college employee, or the "disciplinary authority" where the respondent is a college student.

(p) The appointing authority/disciplinary authority shall consider the findings and recommendations of the college representative. Following consideration, the appointing authority/disciplinary authority shall determine whether or not disciplinary/corrective action is warranted. The grievant shall be advised of college action on her/his grievance at that time.

(q) Should the appointing authority determine that disciplinary/corrective action should be considered, applicable provisions of employee rights and responsibilities shall be utilized. These include, but are not limited to, state and federal constitutional and statutory provisions, rules of the state personnel resources board, collective bargaining agreements and college policies.

[Statutory Authority: RCW 28B.50.140. 99-13-140, § 132P-33-123, filed 6/18/99, effective 7/19/99.]

**WAC 132P-33-125 Complaints against academic employees in accordance with the negotiated agreement.** In any instance where an administrator of the district receives a substantive complaint about the performance of an academic employee from students or the public or from personnel in the district, the administrator shall so notify the employee's supervising administrator and shall refer the complaint to that administrator. The academic employee shall be

notified of the complaint by the supervising administrator within thirty days of the administration's first cognizance of the complaint.

The supervising administrator and the academic employee shall then meet in a timely manner to discuss the complaint informally and, if possible, to resolve it. Such meeting shall normally take place during the academic employee's assignment period and shall ordinarily (except under extraordinary or emergency circumstances) be held prior to any other investigation of the complaint. If disciplinary action is deemed appropriate by the supervising administrator following such meeting(s), he or she shall proceed in accordance with Section 15.4 regarding progressive discipline.

No disciplinary action shall result from a complaint unless the complaint has been reduced to writing, dated, and signed by the complainant and presented to the affected employee by the supervising administrator prior to any such disciplinary action.

Nothing in this section shall be construed as taking the place of normal evaluation procedures as required elsewhere in this agreement, nor as taking the place of dismissal procedures as set forth in Article XI of this agreement. The employee shall have the right to YVCFT representation in implementation of this section.

[Statutory Authority: RCW 28B.50.140. 99-13-140, § 132P-33-125, filed 6/18/99, effective 7/19/99.]

**WAC 132P-33-130 Distribution and posting of materials.** The college encourages free expression. Use of college facilities as provided herein, however, does not accord users immunity from legal action.

Permission for posting of literature in the various restricted areas provided therefore, shall be obtained from the following college officials:

(1) The student life coordinator for posting on the restricted posting areas of the HUB and those areas located on the campus outside of college buildings.

(2) Deans and directors for posting on the restricted posting areas provided in the appropriate college facility.

ASYVCC campaign rules govern special poster and sign locations for elections. Information on these special policies and regulations is available in the ASYVCC office.

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

The dissemination or distribution of materials by persons on the public streets, walks and ways of the campus or off-campus college facility, shall be subject to the laws of the particular city, state of Washington, and the United States.

Permission for the dissemination or distribution of materials in other areas of the college campus, buildings and facilities shall be obtained from the student life coordinator. Persons distributing materials without permission shall be subject to the provisions of the *Code of student rights and responsibilities*.

[Statutory Authority: RCW 28B.50.140. 99-13-140, § 132P-33-130, filed 6/18/99, effective 7/19/99; 82-01-079 (Resolution No. 81-4), § 132P-33-130, filed 12/21/81.]

**WAC 132P-33-150 Use of college facilities.** Any recognized ASYVCC organization may request approval from the student life coordinator to utilize available college facilities for authorized activities as provided for in official ASYVCC documents. Facilities will be provided free of charge to the organization except when such use necessitates staffing and services beyond regular college requirements. Standard college fees will be charged in these cases.

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

Student organizations should schedule facility use requests with the director of student programs as far in advance as possible.

[Statutory Authority: RCW 28B.50.140. 99-13-140, § 132P-33-150, filed 6/18/99, effective 7/19/99; 82-01-079 (Resolution No. 81-4), § 132P-33-150, filed 12/21/81.]

**WAC 132P-33-155 Electronic communication policy.** The following is a general policy:

(1) Computer and network use at Yakima Valley Community College must be consistent with the mission, policies, and procedures of the college and applicable federal, state, and local laws and regulations. Yakima Valley Community College computers and networking facilities are primarily designated for educational and research purposes.

(2) Users must respect the rights and property of others. Users must not improperly access, misuse, send, or misappropriate information or files. Unauthorized access to systems, software, or data is prohibited.

(3) Yakima Valley Community College computers and network facilities must not be used for commercial purposes or private gain.

(4) Yakima Valley Community College computers and network facilities must not be used to transmit or solicit the transmission of any communication in any form where the content and/or meaning of the message transmitted or distributed would violate any applicable law or regulation.

(5) Users of Yakima Valley Community College computers and network facilities must promote efficient use of the networks. Users must minimize and avoid unnecessary network traffic which might interfere or negatively impact the work of other users of the YVCC network or connected networks. Uses that significantly interfere with the ability of others to make effective use of the network or which disrupt the YVCC network or any connected networks, systems, services, or equipment are prohibited.

(6) Interpretation, application, and modification of this policy will be at the sole discretion of Yakima Valley Community College. Violations may result in loss of computer and network privileges and other penalties as applicable under YVCC policies and federal, state, and local laws and regulations.

(7) Yakima Valley Community College makes no warranty of any kind, expressed or implied, regarding computer resources or services, or the contents of resources or elec-

tronic messages over the YVCC campus network or connected networks. Yakima Valley Community College will not be liable in any event for incidental or consequential damages, direct or indirect, resulting from the use of the YVCC campus network or network services.

[Statutory Authority: RCW 28B.50.140. 99-13-140, § 132P-33-155, filed 6/18/99, effective 7/19/99.]

**WAC 132P-33-160 Noncollege speaker policy.** The trustees, the administration, and the faculty of the college subscribe to the proposition that an important aspect of the education of college students is the opportunity to listen to speakers representing a wide variety of opinions and beliefs on important public issues. In conformity with the American tradition of free speech and free inquiry, the following policies are established governing the appearance on campus of speakers not themselves members of the college community:

(1) Any recognized ASYVCC student organization with the written sanction of its advisor, may ask individuals to speak on the campus subject to normal restraints imposed by considerations of common decency and the state law.

(2) The appearance of a speaker on the campus does not involve an endorsement, either implicit or explicit, of the speaker's views by the college, its students, its faculty, its administration, or its board of trustees.

(3) The scheduling of facilities for hearing invited speakers shall be made through the office of the student life coordinator.

(4) The student life coordinator or designee will be notified at least three academic calendar days prior to the appearance of an invited speaker, at which time a form (available in the student programs office) must be completed with such particulars as name of speaker, speech or discussion topic, time of appearance(s) and sponsoring organization. The form must bear the signature of the sponsoring organization's advisor. Exceptions to the three day ruling may be made by the student life coordinator with the approval of the dean of students.

(5) The dean of students may require views other than those of the invited speaker to be presented at the meeting, or at a subsequent meeting. The campus president may assign a faculty member to preside over any meeting where a speaker has been invited.

[Statutory Authority: RCW 28B.50.140. 99-13-140, § 132P-33-160, filed 6/18/99, effective 7/19/99; 82-01-079 (Resolution No. 81-4), § 132P-33-160, filed 12/21/81.]

**WAC 132P-33-170 Violations.** Any student shall be subject to immediate disciplinary action provided for in code procedures and summary suspension rules who, either as a principal actor or aider or abettor:

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

(2) Violates any provision of the *Code of student rights and responsibilities*;

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

(a) All forms of dishonesty including cheating, plagiarism, knowingly furnishing false information to the college,

and forgery, alteration or use of college documents or instruments of identification with intent to defraud.

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

(c) Conduct which intentionally and substantially obstructs or disrupts freedom of movement, teaching, research administration, disciplinary proceedings or other lawful activities on the college campus.

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

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

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

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

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

(i) Possessing, consuming or furnishing of alcoholic beverages on college-owned or controlled property or at college-sponsored or supervised functions where prohibited by law.

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

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

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

(m) Falsely setting off or otherwise tampering with any emergency safety equipment, alarm, or other device established for the safety of individuals and/or college facilities.

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

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

(p) Buying, copying, borrowing, or otherwise plagiarizing another's images, ideas, evidence, examples, opinions, or other original products or documents from published, unpublished, or electronic sources for the purpose of deceiving an instructor as to the product's origination.

(q) Plagiarism is "the wrongful act of taking the product of another person's mind and presenting it as one's own" (qtd. In *MLA Handbook for Writers of Research Papers*, 4th Edi-

tion, 26). Plagiarism occurs when an author fails to give credit for:

- Someone else's words;
- Someone else's examples;
- Someone else's ideas or opinions;
- Statistics or other facts compiled by someone else;
- Evidence or testimony taken from someone else's argument;
- An image from another artist.

(i) YVCC recognizes two types of plagiarism: Intentional and unintentional. Intentional plagiarism is the dishonest act of appropriating another's ideas, words, facts, opinions, or images with the intent to deceive others about the document's origin. Any student found to have committed intentional plagiarism shall be subject to disciplinary actions provided for in the *Code Procedures and Summary Suspension Rules*.

(ii) Students may also commit plagiarism without intent to deceive. A student's intent to deceive shall be taken into account when instructors evaluate an act of plagiarism. All forms of plagiarism which an instructor determines to be unintentional should be treated as instructional problems to be handled within the student/instructor relationship with the instructor following, but not limited by, the penalty guideline below:

(A) Student must resubmit the assignment after instruction but before an agreed upon due date.

(B) Student can receive a lowered grade on the assignment, including "F."

(C) Student can be advised to seek aid from the writing center or tutoring center as a condition before receiving a grade or resubmitting an assignment.

The instructor need not take formal disciplinary action for unintentional plagiarism.

[Statutory Authority: RCW 28B.50.140, 99-13-140, § 132P-33-170, filed 6/18/99, effective 7/19/99; 82-01-079 (Resolution No. 81-4), § 132P-33-170, filed 12/21/81.]

**WAC 132P-33-210 Appeals.** (1) Appeals contesting recommendations of disciplinary action(s) shall be taken in the following order:

(a) Disciplinary action taken by or at the recommendation of the dean of students or designated representative may be appealed to the student hearing committee;

(b) Disciplinary recommendations made by the student hearing committee may be appealed by the student to the college president; in the case of a recommendation for suspension it may also be appealed to the college president; all decisions by the president or designee are final.

(2) All appeals by a student must be made in writing to the committee, college president or designee or board of trustees within ten calendar days after the student has been notified of the action from which he/she has a right of appeal.

[Statutory Authority: RCW 28B.50.140, 99-13-140, § 132P-33-210, filed 6/18/99, effective 7/19/99; 82-01-079 (Resolution No. 81-4), § 132P-33-210, filed 12/21/81.]

**WAC 132P-33-220 Student hearing committee.** (1) **Composition.** The college shall have a standing committee composed of nine members, who shall be chosen and

appointed no later than October 15 of each year to serve as a standing committee until their successors are appointed. The membership of the standing committee shall consist of three members of the administration, excepting the dean of students, chosen by the college president; three faculty members chosen by the faculty organization; and three students chosen by the ASYVCC senate. Any student entitled to a hearing before a student hearing committee shall choose, in writing, five members of the standing committee to hear and decide the appeal, provided, the student must choose at least one student, one faculty member and one member of the administration from the nine member standing committee. The balance of the student hearing committee, two members, may be chosen from the remainder of the standing committee, provided that both shall not be from the same classification. If a hearing is to be conducted for a student from a specialized program (i.e., allied health, vocational-technical), an additional member will be appointed to the hearing committee by the division involved. In the event that unforeseen circumstances prevent a previously selected committee member from attending the hearing, the student must choose a replacement from among the balance of the standing committee.

**(2) Procedures for hearing.**

(a) Five members of the student hearing committee will hear, de novo, and make recommendations to the college president or designee on all disciplinary cases appealed to the committee by the student or referred to it by the dean of students or designated representative. Recommendations involving suspension will be referred to the college president or designee.

(b) The student hearing committee shall elect from among its five members a chair for the purpose of presiding at the disciplinary hearing.

(c) Hearings generally will be held in closed session, except when a student requests that persons other than those directly involved be invited to attend. If at any time during the conduct of a hearing any person is disruptive of the proceedings, the chair of the student hearing committee may exclude such person from the hearing room.

(d) The student has a right to a fair and impartial hearing before the committee on any charge of violating a provision or provisions of the *Code of student rights and responsibilities*. The student's failure to cooperate with the hearing procedures hereinafter outlined, however, shall not preclude the committee from making its findings of fact, conclusions and recommendations as provided below. Failure by the student to cooperate may be taken into consideration by the committee in recommending to the college president or designee the appropriate disciplinary action.

(e) The student shall be given written notice of the time and place of the hearing before the committee. Said notice shall contain:

(i) A statement of the date, time, place and nature of the disciplinary proceedings;

(ii) A statement of the specific charges against the student including references to the particular sections of the *Code of student rights and responsibilities* involved;

(iii) To the extent known, a list of witnesses who will appear and a summary description of any documentary or

other physical evidence that will be presented by the college at the hearing.

(f) The student shall be entitled to hear and examine the evidence against him/her and be informed of the identity of its source; the student shall be entitled to present evidence in his/her own behalf and cross-examine witnesses testifying against him/her as to factual matters. The student shall have all authority possessed by the college to obtain information that the student specifically describes, in writing, and tenders to the dean of students no later than three days prior to the hearings or to request the presence of witnesses or the production of other evidence relevant to the hearings.

(g) The student may be represented by counsel of his/her choice at the disciplinary hearings. If the student elects to choose a duly licensed attorney admitted to practice in any state in the United States as counsel, the student must tender three days notice thereof to the dean of students.

(h) In all disciplinary proceedings the college may be represented by the dean of students or designee; the dean of students may then present the college's case against the student accused of violating the *Code of student rights and responsibilities*, provided, that in those cases in which the student elects to be represented by a licensed attorney, the dean of students may elect to have the college represented by an assistant attorney general.

(i) The proceedings of the hearing shall be recorded. A copy thereof shall be on file at the office of the dean of students.

(j) The time of the hearing may be advanced by the committee at the request of the student or continued for good cause.

**(3) Admissible evidence.**

(a) Only those matters presented at the hearing in the presence of the accused student will be considered in determining whether the student hearing committee has sufficient cause to believe that the accused student is guilty of violating the rules that the student is charged with having violated.

(b) In determining whether sufficient cause, as stated in the preceding paragraph (a) of this subsection, does exist, members of the student hearing committee shall give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent persons in the conduct of their affairs.

(c) The chair of the student hearing committee shall, in the course of presiding at the disciplinary hearing, give effect to the rules of privilege recognized by law and exclude incompetent, irrelevant, immaterial and unduly repetitious evidence.

(4) **Interference with proceedings.** Any student interfering with the proceedings of the meeting with the dean of students or the formal hearing or any subsequent hearing shall be in contempt of the proceedings and may be summarily suspended from the college by the dean of students or the student hearing committee or the college president or designee, within fifteen academic calendar days thereafter.

**(5) Decision by the committee.**

(a) Upon conclusion of the disciplinary hearing, the student hearing committee shall consider all the evidence therein presented and decide by majority vote whether to rec-



ommend to the college president or designee the following actions:

(i) That the college terminate the proceedings and exonerate the student or students;

(ii) That the college impose minor sanctions directly, such as, but not limited to, a warning, reprimand, fine, restitution, or disciplinary probation;

(iii) That the student be suspended from college including a recommendation of the duration of suspension.

(b) The student shall be provided with a copy of the committee's findings of fact and conclusions regarding whether the student did violate any rule or rules of the *Code of student rights and responsibilities* and the committee's recommendation to the college president or designee. The committee shall also advise the student in writing of the right to present within ten calendar days, a written statement to the college president or designee appealing the recommendation of the committee.

[Statutory Authority: RCW 28B.50.140. 99-13-140, § 132P-33-220, filed 6/18/99, effective 7/19/99; 82-01-079 (Resolution No. 81-4), § 132P-33-220, filed 12/21/81.]

**WAC 132P-33-230 Final decision regarding disciplinary sanction.** (1) The college president or designee (except the dean of students) shall, after reviewing the record of the case prepared by the student hearing committee together with any statement filed by the student, include therein a written acceptance of the recommendations of the committee, or written directions as to what sanction shall be taken.

(2) If the college president or designee decides that discipline is to be imposed after the review provided by subsection (1) of this section, the college president or designee shall notify the student in writing of the discipline imposed.

(3) In all cases of disciplinary action, the decision of the college president or designee shall be final.

[Statutory Authority: RCW 28B.50.140. 99-13-140, § 132P-33-230, filed 6/18/99, effective 7/19/99; 82-01-079 (Resolution No. 81-4), § 132P-33-230, filed 12/21/81.]

**WAC 132P-33-260 Reestablishment of academic standings.** Students who have been suspended pursuant to disciplinary procedures set forth in code procedures of summary suspension rules, and whose suspension upon appeal is found to have been unwarranted shall be provided the opportunity to reestablish their academic and student standing pursuant to college policy, including an opportunity to retake examinations or otherwise complete course offerings missed by reason of such action.

[Statutory Authority: RCW 28B.50.140. 99-13-140, § 132P-33-260, filed 6/18/99, effective 7/19/99; 82-01-079 (Resolution No. 81-4), § 132P-33-260, filed 12/21/81.]

**WAC 132P-33-270 Initiation of summary suspension proceedings.** The college president or designee may suspend any student of the college pending investigation, action or prosecution on charges of an alleged *Code of student rights and responsibilities* violation or violations, and if the college president or designee has reason to believe the student's physical or emotional safety and well-being, or the safety and well-being of the other college community members, or the

safety and well-being of the college property command such suspension.

[Statutory Authority: RCW 28B.50.140. 99-13-140, § 132P-33-270, filed 6/18/99, effective 7/19/99; 82-01-079 (Resolution No. 81-4), § 132P-33-270, filed 12/21/81.]

## Chapter 132P-276 WAC PUBLIC RECORDS

### WAC

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132P-276-990	Repealed.

### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

132P-276-990	Appendix A—Request for public records. [Order 74-3, Appendix A (codified as WAC 132P-276-990), filed 12/6/74.] Repealed by 00-01-076, filed 12/13/99, effective 1/13/00. Statutory Authority: RCW 28B.50.140.
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**WAC 132P-276-010 Purpose.** The purpose of this chapter shall be to ensure compliance by the college with the provisions of the state law dealing with public records, chapter 42.17 RCW.

[Statutory Authority: RCW 28B.50.140. 00-01-076, § 132P-276-010, filed 12/13/99, effective 1/13/00; Order 74-3, § 132P-276-010, filed 12/6/74.]

**WAC 132P-276-020 Definitions.** (1) Public records. "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

(2) Writing. "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion pictures, film and video recordings, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated, magnetic or punched cards, drums, and other documents.

(3) Community College District 16. Community College District 16 and Yakima Valley Community College were established pursuant to the Community College Act of 1967. Community College District 16 and Yakima Valley Community College shall hereinafter be referred to as the "college."

[Statutory Authority: RCW 28B.50.140. 00-01-076, § 132P-276-020, filed 12/13/99, effective 1/13/00; Order 74-3, § 132P-276-020, filed 12/6/74.]

**WAC 132P-276-021 Description of organization of the college.** The college is a community college district organized under RCW 28B.50.040. The administrative offices of the college and its staff are located at Yakima Valley Community College, Nob Hill and South 16th Avenue, P.O. Box 22520, Yakima, WA 98907-2520.

(1) In addition to the Yakima Campus, the college offers educational programs throughout its district including a campus in Grandview and educational centers in Ellensburg, Topenish, and Sunnyside.

(2) The college is organized into the following principal parts: President's office, administrative services division, and instruction and student services division.

[Statutory Authority: RCW 28B.50.140. 00-01-076, § 132P-276-021, filed 12/13/99, effective 1/13/00.]

**WAC 132P-276-022 Operations and procedures.** The college is established under chapter 28B.50 RCW to implement the educational purposes established by chapter 28B.50 RCW. The college is operated under the supervision and control of a five-member board of trustees appointed by the governor. The board usually meets once a month in regular session on a date and time and place specified by public notice and at such special meetings as are announced by public notice. On occasion, the board may not meet at all in a particular month.

[Statutory Authority: RCW 28B.50.140. 00-01-076, § 132P-276-022, filed 12/13/99, effective 1/13/00.]

**WAC 132P-276-030 Public records available.** All public records of the college, as defined in WAC 132P-276-020, are available for public inspection and copying pursuant to these rules, except as otherwise provided by chapter 42.17 RCW and chapter 132P-276 WAC or other applicable law.

[Statutory Authority: RCW 28B.50.140. 00-01-076, § 132P-276-030, filed 12/13/99, effective 1/13/00; Order 74-3, § 132P-276-030, filed 12/6/74.]

**WAC 132P-276-040 Public records officer.** Access to the college's public records shall be through the public records officer designated by the college. The person so designated shall be located in the administrative office of the college. The public records officer shall be responsible for implementing the college rules and regulations regarding release of public records, coordinating the staff of the college in this regard, and generally ensuring compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW.

[Statutory Authority: RCW 28B.50.140. 00-01-076, § 132P-276-040, filed 12/13/99, effective 1/13/00; Order 74-3, § 132P-276-040, filed 12/6/74.]

**WAC 132P-276-050 Office hours.** Public records shall be available for inspection and copying during the customary office hours of the college. For the purposes of this section, the customary office hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding college holidays.

[Statutory Authority: RCW 28B.50.140. 00-01-076, § 132P-276-050, filed 12/13/99, effective 1/13/00; Order 74-3, § 132P-276-050, filed 12/6/74.]

**WAC 132P-276-060 Requests for public records.** In accordance with requirements of chapter 42.17 RCW that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the college which shall be available at its administrative office. The form shall be presented to the public records officer; or to any member of the college's staff, if the public records officer is not available, at the administrative office of the college during customary office hours. The request shall include the following information:

- (a) The name of the person requesting the record;
- (b) The time of day and calendar date of the request;
- (c) The nature of the request;

(d) If the matter requested is referenced within an index maintained by the college, a reference to the requested record as described in such index;

(e) If the requested matter is not identifiable by reference to an index, an appropriate description of the record requested.

(2) The public records officer shall reply to written requests within five business days of receipt of the request by:

- (a) Providing copies of the requested records;
- (b) Acknowledging receipt of the request and providing a reasonable estimate of the time the college will require to respond; or

(c) Denying the public records request. Denials of requests for public records will be accompanied by a written statement specifying the reason for denial.

(3) Additional time to respond to a request may be based on the public records officer's need to ask that the requestor clarify the intent of the request, to locate and assemble the information, to notify third persons or agencies who are the subject of or affected by the request, or to determine whether any of the information requested is exempt. If the requestor fails to clarify the request, the college need not respond to it.

(4) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or staff member to whom the request is made, to assist the member of the public in appropriately identifying the public record requested.

[Statutory Authority: RCW 28B.50.140. 00-01-076, § 132P-276-060, filed 12/13/99, effective 1/13/00; Order 74-3, § 132P-276-060, filed 12/6/74.]

**WAC 132P-276-070 Charge for public records.** No fee shall be charged for the inspection of public records.

(1) The college shall charge a fee of fifteen cents per page of copy for providing copies of written public records and for use of the college copy equipment. The college may charge the actual cost for providing copies of public records, including mailing costs and costs for duplicating audio tapes, video tapes, and other media. These charges are the amounts necessary to reimburse the college for its actual costs incident to such copying and mailing. All fees must be paid by money order, cashier's check, or cash in advance.

(2) The public records officer is authorized to waive the foregoing costs. Factors considered in deciding whether to waive costs include, but are not limited to: Providing the copy will facilitate administering the program and/or the expense of processing the payment exceeds the copying and postage cost.

[Statutory Authority: RCW 28B.50.140. 00-01-076, § 132P-276-070, filed 12/13/99, effective 1/13/00; Order 74-3, § 132P-276-070, filed 12/6/74.]

**WAC 132P-276-080 Exemptions.** (1) The college reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 132P-276-060 is exempt under the provisions of chapter 42.17 RCW or other applicable law.

(2) In addition, pursuant to RCW 42.17.260, the college reserves the right to delete identifying details when it makes available or publishes any public record in any cases when there is reason to believe that disclosure of such details would be an unreasonable invasion of personal privacy protected by state law or would impair a vital governmental interest. The public records officer will state the reason for such deletion in writing.

(3) The release or disclosure of student educational records is governed by the Federal Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g.

[Statutory Authority: RCW 28B.50.140. 00-01-076, § 132P-276-080, filed 12/13/99, effective 1/13/00; Order 74-3, § 132P-276-080, filed 12/6/74.]

**WAC 132P-276-090 Review of denials of public records requests.** (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the president of the college. The president or designee shall consider the college's obligation to comply with the intent of chapter 42.17 RCW, the exemptions provided in RCW 42.17.310 or other pertinent statutes, and the statutory provisions which require the college to protect public records from damage or disorganization, prevent excessive interference with essential college functions, and prevent any unreasonable invasion of personal privacy by deleting identifying details. The president or designee shall complete the review within two business days after receiving the written request for review of the decision denying a public record.

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

(4) Whenever the college concludes that a public record is exempt from disclosure and denies inspection and copying, the requestor may request a review of the matter by the office

of the attorney general or may file a lawsuit in superior court in the county where the agency record is maintained. A written request for review by the attorney general's office, along with a copy of the request and the college's written denial, should be sent to:

Office of the Attorney General

Public Records Review

P.O. Box 40100

Olympia, WA 98504-0100

The office of the attorney general will conduct a prompt and independent review of the request and the college's denial and provide a written opinion as to whether the record requested is exempt from disclosure. This review is not binding upon the college or the requestor.

[Statutory Authority: RCW 28B.50.140. 00-01-076, § 132P-276-090, filed 12/13/99, effective 1/13/00; Order 74-3, § 132P-276-090, filed 12/6/74.]

**WAC 132P-276-100 Protection of public records.**

Access to public records shall be restricted to the viewing area designated by the public records officer. No record shall be physically removed from the viewing area for any reason. Nor shall any member of the public who is viewing documents disassemble, deface, or cause the disorganization of documents for any reason whatsoever. Copies shall be made at the college. If copying facilities are not available at the college, the college will arrange to have copies made commercially.

[Statutory Authority: RCW 28B.50.140. 00-01-076, § 132P-276-100, filed 12/13/99, effective 1/13/00; Order 74-3, § 132P-276-100, filed 12/6/74.]

**WAC 132P-276-110 Records index.** An index of all documents required to be indexed by RCW 42.17.260 shall be maintained at the president's office. The index shall be accessible to the public by request to the public records officer at the above office during customary working hours.

[Statutory Authority: RCW 28B.50.140. 00-01-076, § 132P-276-110, filed 12/13/99, effective 1/13/00; Order 74-3, § 132P-276-110, filed 12/6/74.]

**WAC 132P-276-120 Adoption of form.** The college shall adopt a form for use by all persons requesting inspection and/or copies of its public records.

[Statutory Authority: RCW 28B.50.140. 00-01-076, § 132P-276-120, filed 12/13/99, effective 1/13/00; Order 74-3, § 132P-276-120, filed 12/6/74.]

**WAC 132P-276-990 Repealed.** See Disposition Table at beginning of this chapter.