

Chapter 132S-30 WAC

FACULTY AND STAFF

WAC

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132S-30-044	Faculty promotion—Selection process. [Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-30-044, filed 10/11/82. Formerly WAC 132S-180-020.] Repealed by WSR 86-16-010 (Order 86-1), filed 7/25/86. Statutory Authority: Chapters 28B.19B [28B.19] and 28B.50 RCW.
132S-30-046	Faculty promotion—Screening process. [Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-30-046, filed 10/11/82. Formerly WAC 132S-180-030.] Repealed by WSR 86-16-010 (Order 86-1), filed 7/25/86. Statutory Authority: Chapters 28B.19B [28B.19] and 28B.50 RCW.
132S-30-048	Faculty promotion—Final list of candidates. [Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-30-048, filed 10/11/82. Formerly WAC 132S-180-040.] Repealed by

WSR 86-16-010 (Order 86-1), filed 7/25/86. Statutory Authority: Chapters 28B.19B [28B.19] and 28B.50 RCW.

WAC 132S-30-010 Academic employee—Instructional responsibilities. The primary responsibility of the academic employee is to serve the student primarily through classroom faculty/student contact or by other assistance, i.e., conferencing, etc., as related to the learning process. These responsibility factors are established to ensure an appropriate balance of individual faculty assignments in the total institution.

(1) Guidelines to be used in developing an instructor's responsibility schedule within the work weeks of a quarter will be the responsibility of the division chairman and the academic employees of the division with final approval by the dean of instruction.

(2) Each individual academic employee shall work with his division chairman to develop a weekly responsibility schedule in conformance to the guidelines.

(3) This responsibility schedule shall be for a thirty-hour week, plus a designated lunch period.

(4) Approval of such a responsibility schedule shall be vested with the dean of instruction or his designee no later than the end of the first instructional week of each quarter during the regular academic year.

(5) Accountability to the posted responsibility schedule may be excepted on campus by notifying the appropriate division chairman. Exception to the responsibility schedule for off-campus reasons must be approved by the dean of instruction or his designee.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-30-010, filed 10/11/82. Formerly WAC 132S-190-010.]

WAC 132S-30-011 Academic employee—Annual workload standards. The annual workload standards for full-time contracted academic employees shall average thirty hours of campus responsibilities per week and shall include the following specific responsibilities:

(1) 15 minimum and 17 maximum classroom contact hours per week, per quarter, for straight lecture mode;

(2) 18 minimum and 22 maximum classroom contact hours per week, per quarter, for lecture/lab mode, e.g., science, art, music, physical education;

(3) 22 minimum and 27 maximum classroom contact hours per week, per quarter, for a predominantly lab mode, e.g., occupational programs, skills labs; and

(4) 30 classroom contact hours per week, per quarter, for classes coded 90 or below;

(5) 35 student contact hours per week, per quarter, for counselors and librarians.

[Hourly ranges are designed to reflect both existing programs and provide flexibility to meet future programs needs.

Academic employees who have met minimum hours per week per quarter will not be required to teach extended day classes except as provided in WAC 132S-30-014.]

[Statutory Authority: Chapters 28B.19 and 28B.50 RCW. WSR 86-21-030 (Order 86-2), § 132S-30-011, filed 10/9/86; WSR 86-16-010 (Order 86-1), § 132S-30-011, filed 7/25/86. Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-30-011, filed 10/11/82. Formerly WAC 132S-190-020.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 132S-30-012 Academic employee—Development of written syllabi. Each full-time academic employee shall develop written syllabi for each course taught, which shall be updated annually by the end of the second week of each fall quarter. Employees shall make provision for continuity of their instructional assignment, should an instructor be absent for any reason.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-30-012, filed 10/11/82. Formerly WAC 132S-190-030.]

WAC 132S-30-013 Academic employee—Verification of class roster. Upon receipt of the class roster printout, the academic employee shall verify the class roster with the registrar.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-30-013, filed 10/11/82. Formerly WAC 132S-190-040.]

WAC 132S-30-014 Academic employee—Extended day duty assignments. Academic employees may be assigned to instructional duties during extended day in order to conform to average quarterly minimum provisions of their responsibility as stated in WAC 132S-30-011. If such assignment exceeds one class per quarter, the assignment must be made only with the consent of the employee.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-30-014, filed 10/11/82. Formerly WAC 132S-190-050.]

WAC 132S-30-015 Split shift—Librarians and guidance counselors. Librarians and guidance counselors shall not be assigned a split shift without the consent of the academic employee.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-30-015, filed 10/11/82. Formerly WAC 132S-190-060.]

WAC 132S-30-016 Recruitment, screening and selection procedures. Certificated personnel: When vacancies occur within the certificated staff of the college, the following procedures are consistently applied. These procedures are a documented part of the hiring practices of the college and have been adopted by formal action of the board of trustees.

When vacancies occur, or when a new position is created, advertisement of the opening is sent to all agencies likely to have prospective candidates. The announcement contains a description of the competencies required, a description of the job to be performed, and information to aid

an applicant in applying. The salary range for the position is also included, along with the name and address of the party to be contacted.

All openings shall be advertised for a minimum of thirty days and no position shall close prior to the thirtieth day except when an emergency exists which requires the college to hire qualified individuals to insure the continuance of educational services.

Emergencies are defined as openings occurring during the ongoing academic year when such openings result from resignations, deaths, or other causes which create an immediate need for teaching continuity.

Applications are channeled to the involved division chairman and associate dean who prioritize the candidates on the basis of their credentials and past experience as these relate to the job description for criteria for selection.

At least three candidates are invited for personal interviews on the campus. Interviews are conducted by the immediate supervisor, as well as the appropriate dean. On the basis of the interview, credentials, and criteria, the immediate supervisor recommends the candidates in rank order of preference. The dean then recommends the candidate to the president of the college who presents the request to employ to the board of trustees, the college appointing authority.

Columbia Basin College does not discriminate on the basis of race, religion, sex or marital status, but selects solely on the basis of qualification to perform the stipulated task.

Classified personnel: The announcement to fill vacancies specifies as a minimum, the title and salary range of the class, the general responsibilities, qualifications, and the time, place, and manner of making application. To allow transfer or promotion of on-campus employees the announcement is posted on the campus bulletin boards for a minimum of seven calendar days. Recruitment to establish lists of employment eligibles from the public is done by public notice (if necessary) or any means necessary to attract an adequate number of qualified applicants. Persons who have applications on file are notified of the date, time and place of the examinations. After the personnel officer has established an eligible list the candidates for the position are interviewed by the position supervisor. The personnel officer then certifies in writing at least three names to the employing official. Following receipt of the list and the interviews resulting therefrom, the employing official returns the list of names certified indicating his action on the certification.

Examinations are developed by utilizing the class specification and a detailed job analysis, to the degree possible, and they may be assembled or unassembled and may include written, oral, physical or performance tests, evaluations of experience and training; or any combinations of these.

Qualifications for each class are listed on the class specifications as approved by the higher education personnel board and are on file in the personnel office.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-30-016, filed 10/11/82. Formerly WAC 132S-16-132.]

WAC 132S-30-020 Employer-employee relations—Definitions. (1) "Academic employee" means any teacher, counselor, librarian, or department head, who is employed by any community college district, with the exception of the

chief administrative officer of, and any administrator in, each community college district.

(2) "Administrator" means any person employed either full or part time by the community college district and performs administrative functions at least fifty percent or more of his assignments and has responsibilities to hire or dismiss or discipline other employees. Policies negotiated by the duly elected academic employees' representatives as provided for in RCW 28B.52.030 shall not apply to administrators.

(3) "Administrative channels" at Columbia Basin Community College shall be the following persons in the following order:

Step 1: Dean of instruction.

Step 2: College president.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-30-020, filed 10/11/82. Formerly WAC 132S-185-020.]

WAC 132S-30-022 Communications with employees' representatives. The board of trustees of Washington State Community College District No. 19 recognizes that it is necessary to communicate effectively with its academic employees in the course of exercising its authority, duties, and responsibilities imposed by law.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-30-022, filed 10/11/82. Formerly WAC 132S-185-030.]

WAC 132S-30-024 Employer-employee relations—Negotiations procedure. Prior to the final adoption by the board of trustees of Community College District No. 19 of proposed community college district policies which are required by law to be negotiated, representatives of the duly elected academic employee organization shall have the right, after using the established administrative channels, to meet, confer, and negotiate with the board of trustees or its delegated representative to communicate the considered professional judgment of the academic staff. Nothing in this chapter, however, shall prevent any academic employee from appearing on his own behalf on matters relating to his employment relations with the community college district.

When a policy which is required to be negotiated is proposed for adoption by the board of trustees of Community College District No. 19, the following procedural steps shall be utilized:

(1) The college president shall, no later than twenty calendar days prior to the proposed adoption date, notify in writing the authorized representative of the academic employee organization that such proposed policy is to be considered for adoption.

(2) Within four calendar days after such notification by the college president, the academic employees' representative shall contact the dean of instruction, in writing, of its intent to utilize administrative channels prior to the negotiation process. In the event the dean of instruction is not available, then the employees' representative may directly contact the college president during the same period of time.

(3) After meeting with either the dean of instruction or the college president, the authorized representative of the academic employee organization must request within three calendar days of such meeting that he desires negotiations on

the proposed policy. Such notification must be in writing and directed to the college president.

(4) Within one week after such request for negotiations is made, either the board of trustees or its delegated representative shall meet with the representative of the academic employee organization and commence negotiations. In the event the employee's representative refuses to meet with the board's negotiator with this period of time, then such refusal shall be construed as a waiver of any rights to negotiate which academic employees may have by virtue of chapter 28B.52 RCW.

(5) In the event there is no agreement as to the content of the proposed policy within twenty calendar days during negotiations, then either the academic employees' representative or the board of trustees' representative may, but are not required to, exercise any other remedies which may be available pursuant to chapter 28B.52 RCW.

Nothing in these rules and regulations, however, shall preclude the board of trustees of Washington State Community College District No. 19 from adopting in final or emergency form any policy which by law is required to be negotiated.

Failure by the representative of the academic employees organization to follow the procedural steps herein outlined shall be deemed a waiver of the employees' rights to negotiate under chapter 28B.52 RCW.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-30-024, filed 10/11/82. Formerly WAC 132S-185-040.]

WAC 132S-30-026 Employer-employee relations—Severability. If any part or provision of these rules or the application thereof is held invalid, such invalidity shall not affect other provisions or applications of these rules which can be given effect without the invalid provision or application, and to this end any section, sentence, or work is declared to be severable.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-30-026, filed 10/11/82. Formerly WAC 132S-185-050.]

WAC 132S-30-028 Nondiscrimination. It shall be the policy of Columbia Basin College that the administration of all matters concerning personnel shall be conducted without discrimination with regard to age (within existing policies of retirement), race, creed, color, national origin, or sex, when the individual shall have met all other criteria for employment or change of employment.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-30-028, filed 10/11/82. Formerly WAC 132S-16-130.]

WAC 132S-30-030 Equal opportunity policy. Columbia Basin College will direct its employment personnel practices in conformity with the requirements of the statutes of the state of Washington, chapters 49.60 and 41.06 RCW.

Accordingly the college will continue to ensure equal opportunity for all position applicants so that all matters relating to recruiting, hiring, training, promotion, benefits, compensation, and treatment on the job will be free from discriminating practices.

All faculty, civil service, and exempt personnel employment shall conform to the college policies contained in the faculty handbook and higher education personnel rules. It is the obligation of all members of the college community to assist in adhering to the intent of these policies.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-30-030, filed 10/11/82. Formerly WAC 132S-16-131.]

WAC 132S-30-032 Affirmative action responsibility—Appointing authority of the college. The appointing authority will enunciate and periodically reaffirm an explicit equal opportunity and equal employment policy in order to establish and maintain a climate of acceptance throughout the college. He will ensure that each dean, director, department chairman and supervisor having responsibility for hiring is fully cognizant of the president's support of the affirmative action program. The president will:

(1) Assign the responsibility for implementation of the affirmative action program to employing officials, deans, directors, or department chairmen who have the primary responsibility for employment decisions.

(2) Appoint a director for affirmative action for the college as required by WAC 172-148-030.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-30-032, filed 10/11/82. Formerly WAC 132S-16-135.]

WAC 132S-30-034 Grievance procedure. Any member of the classified staff, the faculty, or one holding an exempt position who feels that he or she has been discriminated against may file a written complaint containing the specified charges of discrimination with the appropriate affirmative action director (dual "directors"). It is especially urged, however, that all such complaints should be brought to the attention of the supervisor or other person charged with an act of discrimination within one month after such act or actions occurred. The complaint must be first reviewed with the complainant's immediate supervisor, department chairman, or next immediate administrative superior, if the person of such authority is the person against whom the complaint is filed. If the complaint filed with such person of higher authority is not resolved to the satisfaction of the complainant within ten business days after filing the complaint to the appropriate affirmative action director.

(1) Upon receipt of such complaint by the affirmative action director, the director will then conduct an informal hearing as that term is defined in the Higher Education Administrative Procedure Act of 1971 or tenure policy as detailed in the faculty handbook, and will make a determination as to whether he will submit a written recommendation of corrective action on behalf of the complainant to the appropriate employing official.

(2) If the director determines that corrective action has not been implemented by the appropriate employing official within ten days after transmitting his recommendation to the appropriate employing official, the director may transmit his recommendation to the appointing authority of the college.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-30-034, filed 10/11/82. Formerly WAC 132S-16-133.]

WAC 132S-30-036 Grievance procedures—Sex discrimination. Any applicant for admission, enrolled student, applicant for employment or employee of Columbia Basin College who believes he/she has been discriminated against on the basis of sex may lodge a formal institutional grievance by utilizing the following steps:

(1) **Step 1. Informal meeting.** Requesting an informal meeting with the individual believed to have committed the discriminatory act and attempt to informally resolve the concern. It shall be at the option of the complaining party to determine whether the Title IX officer will meet separately or in a single meeting with the complaining party and the party allegedly responsible for the discrimination.

The period of time for attempting to resolve the concern at the informal stage of the grievance will be limited to thirty days from the time the complaint is lodged.

(2) **Step 2. Title IX official hearing.** If not satisfied by the results of the informal meeting, the complainant may request in writing, stipulating the specific grievance(s), a meeting with the college Title IX officer. Within thirty days of receiving the written request, the Title IX officer will have arranged a meeting and reported the findings, in writing, to both the complainant and the person to whom the complaint is directed. It shall be at the discretion of the complainant to determine whether the Title IX officer will meet with each party separately or in a single meeting.

If the complainant requests a single meeting, that meeting shall be attended by the complainant, the person to whom the complaint is directed and the Title IX officer who will chair the meeting.

(3) **Step 3. Presidential appeal.** If the complaint is not resolved as a result of the hearing conducted by the Title IX officer, either the complainant or the person to whom the complaint is directed may request an appeal to the college president in writing within ten days after receiving the written results of Title IX official hearing. Within fifteen days after receiving the written request, the college president or the president's designee will conduct the presidential appeal hearing and report the findings in writing to both the complainant and the person to whom the complaint is directed.

(a) The college president or designee, the Title IX officer, the complainant and the person to whom the complaint is directed shall attend the presidential appeal hearing. The college president or presidential designee shall preside.

(b) Either the complainant or person to whom the complaint is directed may have witnesses present at the discretion of the person presiding.

(c) The written findings of the presidential appeal will be considered final. No further intra-institutional appeal exists.

If desired, inquiries or appeals beyond the institutional level may be directed to:

Regional Director
Office of Civil Rights, HEW
or
The Equal Opportunity Commission
or
Human Rights Commission

[Statutory Authority: RCW 28B.50.140. WSR 91-08-001, § 132S-30-036, filed 3/21/91, effective 4/21/91. Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-30-036, filed 10/11/82. Formerly WAC 132S-165-020.]

GRIEVANCE PROCEDURE—HANDICAPPED

WAC 132S-30-037 Grievance procedure—Handicapped. Any applicant for admission, enrolled student, applicant for employment or employee of Columbia Basin College who believes he/she has been discriminated against due to a handicap may lodge a formal institutional grievance by utilizing the steps listed in WAC 132S-30-036. The hearing officer will be the personnel director.

[Statutory Authority: RCW 28B.50.140. WSR 90-07-006, § 132S-30-037, filed 3/12/90, effective 4/12/90.]

WAC 132S-30-038 Referrals of complaints—Affirmative action. Discrimination complaints which cannot be resolved within the college may be submitted by the complaining party to an appropriate state or federal agency such as one of the following:

(1) State human rights commission. This agency investigates, hears, and acts upon individual employment complaints and other grievances as empowered by chapter 49.60 RCW, the state law against discrimination.

(2) Wage and hour division, department of labor. This office investigates complaints concerning equal pay for equal work and other grievances concerning work hours and compensation. The division is authorized to enforce the Fair Labor Standards Act.

(3) Contract compliance agencies (state and federal). Compliance officers having jurisdiction over state and federally funded projects also receive and act upon complaints of discrimination.

(4) Higher education personnel board. Employees of the classified staff may appeal regarding application of the higher education personnel law and rules, including complaints of discrimination.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-30-038, filed 10/11/82. Formerly WAC 132S-16-134.]

WAC 132S-30-040 Contract compliance review officials. The board of trustees shall be the contract compliance review board responsible for monitoring surveillance over and compliance with equal employment provisions of state and federal contracts affecting the college.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-30-040, filed 10/11/82. Formerly WAC 132S-16-136.]

WAC 132S-30-042 Faculty promotion—Generally. Academic employees at Columbia Basin College shall be provided the opportunity to be promoted from one salary range to a higher range. This opportunity is made available to those academic employees who have demonstrated a commitment to professional instruction beyond that which is expected for incremental salary schedule advancement.

The minimum requirements for each salary range shall be expressed in the annually adopted salary schedule. All academic employees who meet the minimum requirements are eligible for promotion and shall be considered for possible recommendation annually.

[Statutory Authority: Chapters 28B.19B [28B.19] and 28B.50 RCW. WSR 86-16-010 (Order 86-1), § 132S-30-042, filed 7/25/86. Statutory Authority:

(3/21/91)

RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-30-042, filed 10/11/82. Formerly WAC 132S-180-010.]

WAC 132S-30-050 Tenure regulations—Purpose. The board of trustees of Community College District No. 19 hereby establishes a rule on faculty tenure. The purpose of this tenure policy shall be to protect faculty employment rights and faculty involvement in the protection of those rights at Columbia Basin Community College and subsequent community colleges hereafter established within Community College District No. 19. In order to insure the professional objectives of a community college staff, the board hereby adopts the following procedures for administering faculty tenure.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-30-050, filed 10/11/82. Formerly WAC 132S-08-010.]

WAC 132S-30-052 Tenure regulations—Definitions. As used in this chapter 132S-30 WAC, the following terms and definitions shall mean:

(1) "Appointing authority" shall mean the board of trustees of Community College District No. 19.

(2) "Review committee" shall mean a committee of faculty peers and administrative staff.

(3) "Regular college year" shall mean a faculty appointment inclusive of consecutive fall, winter and spring quarters.

(4) "President" shall mean the president of Columbia Basin Community College, or in such president's absence, the acting president.

(5) "Part time" shall mean an appointment for which the appointee's presence at the college for the entire professional day during the entire regular college year is not required.

(6) "College" shall mean Columbia Basin Community College and any subsequent community college hereafter established within Community College District No. 19.

(7) "Full time" shall mean an appointment which requires the appointee's presence at the college for a professional day during the regular college year, as designated in the appointee's employment contract.

(8) The definition of "tenure," "faculty appointment," "probationary faculty appointment," "probationer," and "administrative appointment," shall be the same as are contained within RCW 28B.50.851 as now law or hereafter amended.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-30-052, filed 10/11/82. Formerly WAC 132S-08-020.]

WAC 132S-30-054 Tenure regulations—Composition of review committee. (1) A review committee shall be established, such a committee to include representation from the transfer division and the occupational division.

(2) The review committee shall be composed of five persons, three of whom shall consist of tenured or faculty probationary appointees representing both divisions chosen by the faculty and the faculty department heads acting in a body prior to October 15 of each regular college year. Additionally, the review committee shall consist of one administrative appointee chosen by the president prior to October 15 of each regular college year and a student representative who shall be

a full-time student, chosen by the student association of the college prior to October 15 of each regular college year. The review committee shall choose its own chairman and shall meet at the call of the chairman when the need for such meeting arises.

(3) The duration of each appointment to the review committee shall be for a period of two calendar years beginning on the 15th day of October of the year of appointment: Provided, That of the initial appointees to the review committee, one faculty appointee shall be chosen for a one year term.

If a vacancy exists upon the review committee prior to the expiration of any such appointment, an administrative or faculty member or student as appropriate, shall be chosen pursuant to subsection (2) of this section to fill the unexpired term of the absent member of such review committee.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-30-054, filed 10/11/82. Formerly WAC 132S-08-035.]

WAC 132S-30-056 Tenure regulations—Duties of review committees. (1) The president shall on October 15th of each regular college year assign each full-time probationary faculty appointee to the review committee for such committee's evaluation and required recommendations.

(2) The review committee shall establish its method of evaluating performance of each full-time probationary faculty appointee in considering whether the probationary appointee possesses personal characteristics and the necessary professional competence to be granted tenure, placing primary importance upon the probationers effectiveness in his appointment.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-30-056, filed 10/11/82. Formerly WAC 132S-08-040.]

WAC 132S-30-058 Tenure regulations—Required review committee action. (1) The review committee shall be required to conduct an evaluation of each full-time probationary faculty appointee assigned to the review committee by the president and render the following reports to the probationary faculty appointee and through the president to the appointing authority at the following times during the regular college year:

(a) A written evaluation of each full-time probationary faculty appointee's performance and the subsequent submission of such written evaluation of the performance directed to the said probationer and president on December 20th and March 15th of each regular college year that said probationer is not a tenured faculty appointee. The review committee which renders such written evaluation of the appointee's performance shall obtain such appointee's written acknowledgment of receipt of the written performance evaluation each time such evaluation is rendered.

(b) A written recommendation concerning the employment or nonemployment of each full-time probationary faculty appointee for the ensuing regular college year directed to the appointing authority through the president prior to February 15th of each regular college year.

(c) A written recommendation directed through the president, to the appointing authority recommending the approving authority award or not award tenure, such written recom-

mendations to be submitted at times deemed appropriate by the review committee: Provided, That during such full-time probationary faculty appointee's third regular college year of appointment, the review committee shall prior to March 15th of such regular college year make such a recommendation as to the award or nonaward of tenure. The failure of the review committee to make the written recommendation as to the award or nonaward of tenure by March 15th of the regular college year for each full time probationary faculty appointee who is then serving his third consecutive year of full time appointment shall be deemed a recommendation that tenure not be awarded to such appointee.

(2) The appointing authority shall only be required to give reasonable consideration to an award of tenure recommendation of the review committee but shall not be required to give any consideration to the review committee recommendation required by subsection (1)(b) of this section.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-30-058, filed 10/11/82. Formerly WAC 132S-08-050.]

WAC 132S-30-060 Tenure regulations—Dismissal for cause. Dismissal for sufficient cause during the regular college year shall, in addition to the enumerated ground contained in RCW 28B.50.862, include but not be limited to:

- (1) Any unlawful act of violence;
- (2) Any unlawful act resulting in destruction of community college property;
- (3) Interruption of the orderly conduct of the educational process;
- (4) Incompetency;
- (5) Failure to perform a professional assignment;
- (6) Any other act specified by the president which the review committee determines constitutes unprofessional conduct of a faculty member.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-30-060, filed 10/11/82. Formerly WAC 132S-08-060.]

WAC 132S-30-062 Tenure regulations—Dismissal for sufficient cause. In all instances which involve dismissal for sufficient cause as distinguished from nonrenewal for sufficient cause as specified in WAC 132S-30-064.

(1) The dean of instruction shall investigate all matters regarding dismissal for cause as enumerated in WAC 132S-30-060 of a tenured faculty member or probationary faculty member prior to the expiration of such probationary faculty appointee's employment term. If the dean of instruction has cause to believe that a faculty member should be dismissed for cause, he shall so advise the president and if the president deems a sufficient cause exists, shall discuss the matter with the individual faculty member involved. If a resignation is not forthcoming, and the president deems that circumstances and facts warrant dismissal, the president may begin dismissal proceedings.

(2) The president shall begin dismissal proceedings by specifying the conduct which constitutes dismissal for sufficient cause and refer the charge to the review committee.

(3) The review committee shall after receiving the written charge from the president establish a date for a review hearing committee giving the faculty member so charged rea-

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

(4) The review committee hearing shall:

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

(b) Afford the faculty member whose case is being reviewed the right of cross examination and the opportunity to present evidence on his behalf; and

(c) Include a record of all proceedings before such committee.

(5) The review committee following the expiration of such dismissal proceeding shall prepare recommendation as to the appropriate action to be taken by the appointing authority.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-30-062, filed 10/11/82. Formerly WAC 132S-08-070.]

WAC 132S-30-064 Tenure regulations—Nonrenewal of tenured faculty contracts. (1) The appointing authority shall be deemed to have authority not to renew the contract of any tenured faculty appointee for sufficient cause which for the purpose of this section shall include those grounds enumerated in WAC 132S-30-060 as well as budget reasons, change of instructional program, or lack of students participating in a particular instructional program, if:

(a) Notice of such nonrenewal is tendered to the individual faculty appointee prior to the last day of winter quarter of any regular college year. Three weeks prior to tendering such notice the president shall refer the matter of nonrenewal to the review committee with appropriate documentation specifying the grounds for the intended nonrenewal of a tenured faculty appointee's contract.

(b) The review committee to which the matter is referred shall then conduct proceedings pursuant to WAC 132S-30-062 (3) and (4) and at the conclusion of such proceedings make an appropriate recommendation to the appointing authority: Provided, If the review committee to which a proceeding is referred pursuant to this subsection fails to make a recommendation through the president to the appointing authority prior to the last day of winter quarter, such a failure shall be deemed a recommendation that sufficient cause as defined in subsection (1) of this section exists for the nonrenewal of the specific tenured faculty appointee's contract for the ensuing regular college year.

(2) After the college president has determined that the contract of a tenured faculty appointee shall not be renewed for the ensuing regular college year, but prior to referring the matter to the review committee for proceedings and the recommendations of such review committee, the college president shall:

(a) Determine whether fiscal problems can be eliminated by the nonrenewal of a probationary faculty appointee's contract for the ensuing regular college year, and if such procedure would not provide a feasible solution;

(b) Determine whether the individual tenured faculty appointee is qualified for another faculty position within Community College District 19; or

(c) If such tenured faculty member is not qualified for another position, the college president shall use his best

efforts in attempting to procure similar employment for such faculty member in another community college district within the state of Washington.

(3) If an individual tenured faculty appointee's contract is not renewed for the reasons previously stated in this rule, and a change of circumstances has caused the reestablishment of such former teaching position the president shall then offer such appointment to the tenured faculty member whose contract was not previously renewed.

[Statutory Authority: Chapters 28B.19B [28B.19] and 28B.50 RCW. WSR 86-16-010 (Order 86-1), § 132S-30-064, filed 7/25/86. Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-30-064, filed 10/11/82. Formerly WAC 132S-08-080.]

WAC 132S-30-066 Tenure regulations—Review committee recommendations. (1) A tenured or probationary faculty appointee who is dismissed for sufficient cause during the regular college year after a proceeding before the review committee shall be entitled to receive a hearing if a request for a hearing is directed by the faculty appointee to the appointing authority within ten days following the receipt of a notice of dismissal.

(2) A tenured faculty member whose contract is not renewed for the ensuing regular college year after a proceeding before the review committee shall be entitled to receive a hearing if a request for a hearing is directed to the appointing authority by the tenured faculty appointee within ten days following receipt of a notice of nonrenewal.

(3) The appointing authority shall give reasonable consideration to any review committee recommendations formulated pursuant to WAC 132S-30-062 and 132S-30-064 but such recommendations shall not be binding upon the appointing authority.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-30-066, filed 10/11/82. Formerly WAC 132S-08-090.]

WAC 132S-30-068 Tenure regulations—Tenure consideration. (1) A probationary faculty appointee shall acquire tenure by operation of law if service with the college exceeds three consecutive regular college years of full-time academic employment.

(2) The positions are deemed by the appointing authority to constitute administrative (exempt) appointments, which positions are deemed nontenable.

(3) An individual who shall serve as a teacher, counselor, librarian or other comparable position shall be eligible for an award of tenure to the extent such an individual has had or does have status as a teacher, counselor or librarian.

(4) Tenure may be awarded to an individual probationary faculty appointee at any time by the appointing authority after giving reasonable consideration to a specific recommendation from the review committee which recommendation can be made at any time during a probationary faculty appointee's service.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-30-068, filed 10/11/82. Formerly WAC 132S-08-100.]

WAC 132S-30-070 Grievance procedure—Generally. Columbia Basin College will operate under the following procedures involving a grievance by an individual staff member:

(1) Complaints or grievances by a faculty member shall be taken to his division chairman or supervisor.

(2) Inability to settle the difference with his immediate supervisor shall be cause for presenting it to the dean of instruction for further adjudication by the administration.

(3) Dissatisfaction at this point will permit the professional rights and responsibilities committee to become involved in the dispute. Further interaction of the grievance shall be handled through the professional rights and responsibilities committee acting on behalf of the board.

(4) Should an agreement not be reached between the professional rights and responsibilities committee and the college president, the items of disagreement shall be presented in written form as a part of the formal request to meet with the board of trustees within ten days of the date of the request, all as more specifically outlined in the negotiations agreement as provided in the statutes of the state of Washington.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-30-070, filed 10/11/82. Formerly WAC 132S-16-230.]

WAC 132S-30-072 Academic employee grievance—Policy. It is the policy of Columbia Basin College to provide an orderly process by/through which an individual employee, or group of employees, may seek a decision relative to a perceived condition which adversely affects his employment under any policy contained in the faculty handbook. Columbia Basin College operated under the following grievance procedure to ensure that all parties have an active voice in the academic affairs of the college. The central intent of this grievance procedure is to ensure that adequate lines of communication are followed through established administrative channels in order that grievances be adequately considered at all levels.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-30-072, filed 10/11/82. Formerly WAC 132S-175-010.]

WAC 132S-30-074 Academic employee grievance—Definitions. Grievant. An academic employee, or group of academic employees, holding a valid contract with Columbia Basin Community College District No. 19.

Grievance. A written statement setting forth, in specific terms, the nature of a disagreement arising out of an interpretation of written policies as applied by the employer.

Employer. The board of trustees of Columbia Basin Community College District No. 19, or its administration.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-30-074, filed 10/11/82. Formerly WAC 132S-175-020.]

WAC 132S-30-076 Academic employee grievance—Procedures. All grievances must be filed with the immediate supervisory position, and if the grievance is not resolved at this point, shall follow established administrative channels to the office of the president.

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(1) The aggrieved shall write the exact nature of the grievance listing times, dates and parties to the grievance where appropriate, the aggrieved shall further stipulate the course of action desired to rectify the grievance.

(2) The aggrieved party shall consult with his division chairman to determine if the situation in question can be alleviated at the divisional level. If it cannot or if differences of opinion occur, the division chairman shall forward the grievance, along with a written document detailing any action taken, to the dean of instruction, in the case of instructional personnel, or to the dean of students in the case of student service personnel. Such forwarding shall take place within five days of the filing of the grievance.

(3) The dean shall consult with the grievant and such other personnel as he shall deem necessary and shall prepare a written recommendation. A copy of the recommendation relative to the grievance shall be forwarded to the grievant, the division chairman, and the president of the college.

(4) If the grievant experiences dissatisfaction with the written recommendation of the dean, he shall notify the president of the college within ten days and request adjudication of the grievance. Such request for adjudication shall be accompanied by a reason or reasons for continued dissatisfaction.

(5) The president shall call any parties he deems necessary to aid him in adjudicating the grievance and shall render a decision within five days of notification of request for adjudication.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-30-076, filed 10/11/82. Formerly WAC 132S-175-030.]

WAC 132S-30-078 Academic employee grievance—Appeal. If the grievant is not satisfied with the decision rendered by any of the supervisory or administrative levels, he may appeal in writing to the board of trustees. Such an appeal will be placed on the agenda of the earliest possible regular board meeting scheduled subsequent to the decision of the president. The decision of the board shall be final and binding.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-30-078, filed 10/11/82. Formerly WAC 132S-175-040.]

WAC 132S-30-080 Leaves of absence—Introduction. It shall be the policy of Columbia Basin College to grant leaves of absence to full-time academic, administrative, and exempt employees of the college for specific reasons.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-30-080, filed 10/11/82. Formerly WAC 132S-170-010.]

WAC 132S-30-082 Applications and accounting for absences and benefits, obligations, and reimbursement. All applications and accounting for absences will be the mutual responsibility of the individual employee and the administration, the processing of which will follow administrative channels to ensure maximum accountability and accurate personal record keeping.

This general policy shall apply to all leaves of absence for periods of one day or more. In no instance shall a leave of

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absence be granted for a period in excess of one calendar year except for military service during a period of national emergency. Leave of absence for a period of less than one day shall be granted at the discretion of the chief administrative officer.

Application for leave of absence shall be made on an appropriate form provided by the college. Applications shall require approval one week in advance of the anticipated absence. Exceptions to this requirement shall be absences which are impossible to anticipate such as bereavement or personal illness or injury. In such cases, the employee shall notify the appropriate supervisor at least one hour prior to his or her first working assignment.

All employee benefits shall continue during the period of leave except as specifically restricted by regulations implementing this policy.

Employees on leave of absence may be required to meet certain obligations relating to their leave status as specifically provided by regulations implementing this policy.

Employees on leave for one quarter or more duration shall be required to notify the college at the earliest possible time of an intent to return to a full-time position. If the leave is for a year duration, such notification must be submitted to the office of academic personnel prior to the end of winter quarter during the year in which the leave is taken.

The college shall reimburse employees on leave of absence for all travel and related living expenses only when such travel and expenses are at the convenience of the college and approved by the chief administrative officer.

[Statutory Authority: Chapters 28B.19B [28B.19] and 28B.50 RCW. WSR 86-16-010 (Order 86-1), § 132S-30-082, filed 7/25/86. Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-30-082, filed 10/11/82. Formerly WAC 132S-170-020.]

WAC 132S-30-084 Types of leaves. (1) Bereavement leaves. A bereavement leave, not to exceed five days with pay, will be allowed all academic, administrative, and exempt employees for each death in the immediate family. "Immediate family" means the mother, mother substitute, mother-in-law, father, father substitute, father-in-law, son-in-law, daughter-in-law, grandchildren, spouse, son, daughter, brother or sister of the employee, or any relative living in the immediate household of the employee.

(2) Sabbatical leaves. The purpose of a sabbatical leave shall be to improve the professional skills of the faculty member through study, research, and creative work.

Application for sabbatical leave shall be submitted in writing to the office of the president of the college prior to the end of winter quarter in the year previous to the year in which the leave is desired.

Selection for sabbatical leave shall be based on the worthiness of the project or plan as submitted by the faculty member.

Projects or plans will be evaluated according to their value to the institution based on the following criteria:

- (a) Value of project or plan in relationship to teaching responsibilities;
- (b) Ability of applicant to achieve goals of project or plan as based on past experience and academic background;
- (c) Need for new or additional knowledge in subject field to be studied;

(d) Quality of replacement personnel designated to take the responsibility of the applicant;

(e) Evidence of support (in the form of recommendations and/or financial) from other institutions, foundations, or persons concerned with the proposed plan or project.

The aggregate cost of the leave, including cost of replacement personnel, shall not exceed one hundred fifty percent of the cost of the salary which would have otherwise been paid to the employee, as outlined in RCW 28B.10.650.

(3) Maternity leave. Maternity leave will be granted to a pregnant employee, married or unmarried, if the leave is requested in advance by the employee. The employee shall inform her immediate supervisor, in advance, and in writing, of her intention to take leave and the approximate time she expects to return to work. Within thirty calendar days after termination of her pregnancy, the employee shall inform her immediate supervisor of the specific date she expects to return to work. The leave shall begin no sooner than one hundred twenty calendar days before the expected date of delivery, and shall continue no later than sixty calendar days after the actual termination of the pregnancy. However, the one hundred twenty day pretermination period will be extended to a longer period if a physician's statement indicates a different period is necessary to protect the health of the employee or the unborn child. The post-termination period of sixty days may be extended for a period not to exceed the extent of the current contract year if a physician's statement indicates that complications resulting from the pregnancy or its termination necessitate a longer period of time in order to protect the health of the employee. In the event that the employee's supervisor or the community college administration in good faith questions the statement of the employee's physician, the employee may be required to obtain a statement of verification from a different physician. The verifying physician shall be selected by the community college administration and the costs for an examination and statement shall be paid for by the community college.

An employee who temporarily vacates a position due to pregnancy is on official leave status. The vacated position can be filled temporarily, but cannot be filled permanently.

(4) Military leaves. Pursuant to state statutes, an employee who leaves a position in the school system to serve in the armed forces upon being honorably released from active duty shall resume the contract status held prior to entering the military service, subject to passing a medical examination certifying that the individual is competent to perform the functions of said contract.

(5) Personal leaves. A personal leave is considered a leave of absence from duty by an employee of the college, for which written request has been made and formal approval granted by the president.

All personal leaves of absence are without pay with the exception of: (a) Personal catastrophe, and (b) personal business, both of which shall not exceed three days per year, non-accumulative.

Leave under (b) personal business, shall require approval in advance and shall be taken only on professional (nonteaching) days.

The exception to the above conditions would be when an employee is summoned to appear in court as a witness or a defendant when notified to attend a hearing. A faculty mem-

ber who is called for jury duty may do so without loss of pay. The college shall guarantee the salary difference between the juror's pay and that which would be received.

(6) Personal illness or injury leaves. This leave is to be considered in the form of an insurance which will protect the employee from loss of pay or employment status in the event of temporary illness or injury. The employee is responsible to provide, for recording purposes, a determination of the condition which caused the absence. A written excuse from a licensed physician may be required for verification of the absence.

Twelve days per calendar year, unlimited accumulation, for each full-time employee is allowed for absences due to personal illness or injury. No salary deduction shall be made for such absences taken within the number of total days accrued by the employee for such purposes.

All employee benefits shall continue during the period of leave except as specifically restricted by regulations implementing this policy. The institution shall not continue such entitlements, including salary, beyond the total number of days accrued for an employee's personal illness or injury.

(7) Professional leaves. Professional leaves of absence without deduction of pay and with reimbursement of certain expenses may be granted to attend professional meetings upon request to the president. When necessary, the college shall provide a substitute academic employee to perform the duties of the academic employee who has been granted leave to attend a professional meeting. When a substitute cannot be obtained or other activity arranged, the class may be canceled upon the approval of the division chairman.

(8) Other leaves. Any day on which a certificated employee, while absent, is engaged in an activity under the direction of the board of trustees shall not be regarded as an absence provided such business has been cleared through the president's office. For example:

- (a) Visitation to other schools;
- (b) Speaking engagements involving education;
- (c) Research or preparation involved in presenting professional projects;
- (d) Instructionally related field trips;
- (e) College related activity supervision.

[Statutory Authority: Chapters 28B.19B [28B.19] and 28B.50 RCW. WSR 86-16-010 (Order 86-1), § 132S-30-084, filed 7/25/86. Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-30-084, filed 10/11/82. Formerly WAC 132S-170-030.]

WAC 132S-30-086 Vacation leave—Administrative and exempt personnel. Annual vacation leave policies for administrative and exempt personnel are covered by state statute. Community colleges are authorized to prescribe such rules and regulations as they may deem necessary governing vacation leaves for administrative and exempt personnel.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-30-086, filed 10/11/82. Formerly WAC 132S-172-010.]

WAC 132S-30-088 Procedures. The basic procedures regarding annual vacation leave for administrative and exempt employees are:

(1) Each administrative and exempt employee of Columbia Basin College on a two hundred thirty day contract shall

be entitled, under the contract of employment to Columbia Basin College, to:

- (a) Designated state holidays; and
- (b) Not less than nineteen days of vacation leave at full pay.

(2) Each administrative and exempt employee of Columbia Basin College, contracted for a minimum of two hundred thirty days, shall be entitled, under his/her contract of employment with Columbia Basin College, to accrue unused vacation and holiday leave not to exceed thirty working days. All vacation leave shall be taken at the time convenient to the employing office, department, or institution. If such employee request for vacation leave is deferred for reason of the convenience of the employer and a statement of the necessity therefore is filed by such employer, then the afore-said maximum thirty working days of accrued, unused vacation leave shall be extended for each month said leave is so deferred.

(3) Administrative and exempt employees referred to in WAC 132S-30-086 whose employment is terminated by death, reduction in force, resignation, dismissal, or by retirement, and who have accrued vacation leave as specified in (2) above, shall be paid therefore under their contract of employment, or by their estate if they are deceased, or the employee, in case of voluntary resignation, has provided adequate notice of termination.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-30-088, filed 10/11/82. Formerly WAC 132S-172-020.]

WAC 132S-30-090 Summary suspension. The president, or in his absence, any officer of the college designated by the president for this purpose, may impose on any student, member of the faculty, or member of the administrative staff an interim suspension, whenever there is reasonable cause to believe that such person has committed and may reasonably be expected thereafter to continue to commit violent or disruptive acts which disrupt the orderly process of the college. The notice of such suspension shall state the nature, terms and conditions of such suspension and shall include such restrictions on use of campus facilities as the president or his designee deems in the best interest of the college.

Any person so placed on interim suspension shall be given prompt notice of charges and shall be given the opportunity to show cause at a preliminary hearing why such interim suspension should not continue until a formal hearing is held or for a period of not more than twenty calendar days, whichever first occurs. To obtain such preliminary hearing, the person shall submit a written request therefor within four calendar days from the date interim suspension was imposed. Such written request shall state the address to which the notice of hearing is to be sent.

(1) Students requesting a preliminary hearing shall appear before the hearing panel denominated in WAC 132S-40-060, adopted rule relating to campus conduct.

(2) Faculty members and administrative staff members requesting a preliminary hearing shall appear before the review committee denominated in chapter 132S-30 WAC, adopted rule relating to faculty tenure.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-30-090, filed 10/11/82. Formerly WAC 132S-14-010.]

WAC 132S-30-092 Hearing. (1) The appropriate body conducting the preliminary hearing shall grant such a preliminary hearing not later than four calendar days from the date of receipt of such request and shall immediately mail a written notice of the time, place, and date of such hearing of such person. A preliminary hearing shall consider only whether there is reasonable cause to believe that such person may reasonably be expected thereafter to commit violent or disruptive acts which disrupt the orderly process of the college.

(2) Interim suspension may be removed by the president, upon recommendation of the appropriate preliminary hearing body, whenever the president has reason to believe that the reasons for imposition of summary suspension no longer exist.

[Statutory Authority: RCW 28B.50.140 and chapter 28B.19 RCW. WSR 82-21-012 (Order 82-1), § 132S-30-092, filed 10/11/82. Formerly WAC 132S-14-020.]