

WSR 13-09-011

EXPEDITED RULES

UNIVERSITY OF WASHINGTON

[Filed April 8, 2013, 9:09 a.m.]

Title of Rule and Other Identifying Information: WAC 478-120-020 and 478-120-140 from chapter 478-120 WAC, Student conduct code for the University of Washington, and WAC 478-124-020 from chapter 478-124 WAC, General conduct code for the University of Washington.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Rebecca Goodwin Dearthoff, Director of Rules Coordination, University of Washington, Rules Coordination Office, Box 351210, Seattle, WA 98195-1210, AND RECEIVED BY June 18, 2013.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: In both WAC 478-120-020 and 478-124-020 one subsection is edited to include a federal statute citation in order to clarify the continuing illegality of nonlicensed alcohol or controlled substances on the UW premises.

WAC 478-120-140 is edited to clarify that the vice-president and vice-provost for student life has been and continues to be the university president's designee regarding emergency suspension of students at the UW Seattle campus.

Reasons Supporting Proposal: The University of Washington considers these amendments to be housekeeping edits that clarify the language of a rule without changing its effect, per RCW 34.05.353 (1)(c).

Statutory Authority for Adoption: RCW 28B.20.130.

Statute Being Implemented: RCW 28B.20.130.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: University of Washington, governmental.

Name of Agency Personnel Responsible for Drafting: Eric Godfrey, Vice-President and Vice-Provost for Student Life, 101 Gerberding Hall, UW Seattle Campus, (206) 543-0128; Implementation: Ellen Taylor, Assistant Vice-President for Student Life, 401 Schmitz Hall, UW Seattle Campus, (206) 543-1240; and Enforcement: Elizabeth Higgins, Director, Community Standards and Student Conduct, 230 Condon Hall, UW Seattle Campus, (206) 685-6194.

April 8, 2013

Rebecca Goodwin Dearthoff
Director of Rules Coordination

AMENDATORY SECTION (Amending WSR 10-23-039, filed 11/10/10, effective 12/11/10)

WAC 478-120-020 Standards of conduct. (1) The university is a public institution having special responsibility for providing instruction in higher education, for advancing knowledge through scholarship and research, and for providing related services to the community. As a center of learning, the university also has the obligation to maintain conditions conducive to freedom of inquiry and expression to the maximum degree compatible with the orderly conduct of its functions. For these purposes, the university is governed by the rules, regulations, procedures, policies, and standards of conduct that safeguard its functions and protect the rights and freedoms of all members of the academic community.

(2) Admission to the university carries with it the presumption that students will conduct themselves as responsible members of the academic community. As a condition of enrollment, all students assume responsibility to observe standards of conduct that will contribute to the pursuit of academic goals and to the welfare of the academic community. That responsibility includes, but is not limited to:

(a) Practicing high standards of academic and professional honesty and integrity;

(b) Respecting the rights, privileges, and property of other members of the academic community and visitors to the campus, and refraining from any conduct that would interfere with university functions or endanger the health, welfare, or safety of other persons;

(c) Complying with the rules, regulations, procedures, policies, standards of conduct, and orders of the university and its schools, colleges, and departments.

(3) Specific instances of misconduct include, but are not limited to:

(a) Conduct that intentionally and substantially obstructs or disrupts teaching or freedom of movement or other lawful activities on university premises or in connection with any university-sponsored event or activity and is not constitutionally and/or legally protected;

(b) Physical abuse of any person, or conduct intended to threaten imminent bodily harm or to endanger the health or safety of any person on university premises;

(c) Conduct on university premises constituting a sexual offense, whether forcible or nonforcible, such as rape, sexual assault, or sexual harassment;

(d) Malicious damage to or malicious misuse of university property, or the property of any person where such property is located on university premises;

(e) Refusal to comply with any lawful order to leave university premises or any portion thereof;

(f) Possession or use of firearms, explosives, dangerous chemicals or other dangerous weapons or instrumentalities on university premises, except for authorized university purposes, unless prior written approval has been obtained from the university chief of police, or any other person designated by the president of the university (see WAC 478-124-020 (2)(e)) (legal defense sprays are not covered by this section);

(g) ~~((Unlawful))~~ The possession, use, distribution, or ~~((manufacturer))~~ manufacture of ~~((alcohol or))~~ controlled substances (as defined in chapter 69.50 RCW or Title 21 U.S.C. Sec. 802), or of alcohol, on university premises or

during university-sponsored activities, where such possession, use, distribution, or manufacture is illegal under federal, state, or local law;

(h) Intentionally inciting others to engage immediately in any unlawful activity, which incitement leads directly to such conduct on university premises;

(i) Hazing, or conspiracy to engage in hazing, which includes:

(i) Any method of initiation into a student organization or living group, or any pastime or amusement engaged in with respect to such an organization or living group, that causes, or is likely to cause, bodily danger or physical harm, or serious mental or emotional harm, to any student or other person attending the university; and

(ii) Conduct associated with initiation into a student organization or living group, or any pastime or amusement engaged in with respect to an organization or living group not amounting to a violation of (i)(i) of this subsection, but including such conduct as humiliation by ritual act and sleep deprivation. Consent is no defense to hazing. Hazing does not include customary athletic events or other similar contests or competitions;

(j) Falsely reporting a violation of the student conduct code.

(4) Disciplinary action may be taken in accord with this chapter regardless of whether that conduct also involves an alleged or proven violation of law.

(5) An instructor has the authority to exclude a student from any class session in which the student is disorderly or disruptive. If the student persists in the disorderly or disruptive conduct, the instructor should report the matter to the dean of the school or college, or, at the University of Washington Bothell and Tacoma campuses, to the dean or director of the program in which the student is enrolled. (See WAC 478-120-030(3).)

(6) Nothing herein shall be construed to deny students their legally and/or constitutionally protected rights.

AMENDATORY SECTION (Amending WSR 10-23-039, filed 11/10/10, effective 12/11/10)

WAC 478-120-140 Emergency authority of the president and chancellors of the university. If a student's conduct represents a threat to the health, safety, or welfare of the university or any member of the university community, the president ~~((or))~~, the president's delegate, ~~((or))~~ the vice-president and vice-provost for student life, the chancellors of the University of Washington Bothell and Tacoma campuses, or ~~((their))~~ the chancellors' delegates, may suspend that student from participation in any or all university functions or privileges.

(1) In such an emergency situation, the president ~~((or))~~, the president's delegate, the vice-president and vice-provost for student life, the chancellors, or ((their)) the chancellors' delegates, shall issue a written order to be served upon the student describing the terms of the emergency suspension and the reasons for imposing the suspension. The order shall be effective immediately.

(2) The ~~((president or delegate, or chancellors or their delegates, shall then refer the))~~ matter shall then be referred

to ~~((the vice-president and vice-provost for student life at the University of Washington Seattle campus or))~~ the appropriate disciplinary campus official ~~((at the University of Washington Bothell or Tacoma campuses, whichever is appropriate,))~~ who shall proceed as quickly as feasible to complete any proceedings that would be required if the matter did not involve an immediate danger.

AMENDATORY SECTION (Amending WSR 07-03-069, filed 1/17/07, effective 2/17/07)

WAC 478-124-020 Conduct on campus code—Prohibited conduct. (1) In order to safeguard the right of every citizen to criticize and to seek meaningful change, each individual has an obligation to respect the rights of all members of the university community.

(2) In order to assure those rights to all members of the university community and to maintain a peaceful atmosphere in which the university may continue to make its special contribution to society, the following types of conduct are hereby prohibited on or in property either owned, controlled or operated by the university which is used or set aside for university purposes, hereinafter referred to as the university campus:

(a) Conduct which intentionally and substantially obstructs or disrupts teaching or freedom of movement or other lawful activities on the university campus;

(b) 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 the university campus;

(c) Malicious damage to or malicious misuse of university property, or the property of any person where such property is located on the university campus;

(d) Refusal to comply with any lawful order to leave the university campus or any portion thereof;

(e) Possession or use of firearms, explosives, dangerous chemicals or other dangerous weapons or instrumentalities on the university campus, except for authorized university purposes, unless prior written approval has been obtained from the university chief of police, or any other person designated by the president of the university;

(f) ~~((Unlawful))~~ The possession, use, distribution, or manufacture of ~~((alcohol or))~~ controlled substances (as defined in chapter 69.50 RCW~~((+))~~) or Title 21 U.S.C. Sec. 802, or of alcohol, on the university campus or during university-sponsored activities, where such possession, use, distribution, or manufacture is illegal under federal, state, or local law;

(g) 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 steels it to the conduct prohibited herein.)

WSR 13-09-024
EXPEDITED RULES
PROFESSIONAL EDUCATOR
STANDARDS BOARD

[Filed April 9, 2013, 10:40 a.m.]

Title of Rule and Other Identifying Information: Amends WAC 181-78A-500 and 181-78A-540, corrects language to reflect prior rule changes that deregulated school social worker preparation.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO David Brenna, Professional Educator Standards Board, 600 Washington Street South, Room 400, Olympia, WA 98504, AND RECEIVED BY June 18, 2013.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Language referring to school social worker preparation programs is omitted.

Reasons Supporting Proposal: Technical clarification.

Statutory Authority for Adoption: RCW 28A.410.210.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Professional educator standards board, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: David Brenna, 600 Washington Street South, Olympia, WA 98504, (360) 725-6238.

April 9, 2013

David Brenna

Senior Policy Analyst

AMENDATORY SECTION (Amending WSR 09-22-023, filed 10/26/09, effective 12/1/11)

WAC 181-78A-500 Professional certificate program approval. All professional certificate programs for principals/program administrators, and school counselors, and school psychologists, (~~and school social workers~~) shall be approved pursuant to the requirements in WAC 181-78A-520 through 181-78A-540. Only colleges/universities with professional educator standards board-approved residency certificate principals/program administrator, and school counselor, and school psychologist(~~school social worker~~) preparation programs, and educational service districts are eligible to apply for approval to offer professional certificate programs. Educational service districts may partner with institutions of higher education, local school districts, or consortia of school districts to provide professional certificate programs.

AMENDATORY SECTION (Amending WSR 09-22-023, filed 10/26/09, effective 12/1/11)

WAC 181-78A-540 Approval standard—Knowledge and skills. (1) **Principal/program administrator.** A successful candidate for the principal/program administrator professional certificate shall demonstrate the knowledge and skills at the professional certificate benchmark levels for the six standards pursuant to WAC 181-78A-270 (2)(b).

(2) **Educational staff associate - ~~School counselor~~(s) or school psychologist(~~or school social worker~~).** A successful candidate for the ESA professional certificate shall demonstrate the knowledge and skills at the professional certificate benchmark levels for the standards in the specific ESA role pursuant to WAC 181-78A-270 (5), (7), or (9).

WSR 13-09-068
EXPEDITED RULES
GAMBLING COMMISSION

[Filed April 17, 2013, 9:51 a.m.]

Title of Rule and Other Identifying Information: Card games, WAC 230-15-685 Restrictions on progressive jackpots.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Susan Newer, Rules Coordinator, Washington State Gambling Commission, P.O. Box 42400, Olympia, WA 98504, AND RECEIVED BY June 17, 2013.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Clarifies that licensees may connect progressive jackpots offered on the same card game, on multiple tables, within the same licensed card room.

Reasons Supporting Proposal: Currently, licensees are allowed to connect progressive jackpots offered on the same card game, on multiple tables, within the same licensed card room. This amendment merely clarifies such in WAC.

The proposed amendment has been the subject of the agency's rule-making process for more than a year, involving substantial participation by interested parties. The amendment has been part of discussions surrounding a petition for rule change submitted by Galaxy Gaming, a licensed manufacturer, and Rockland Ridge Corporation, a licensed gambling service supplier; filed under WSR 12-05-065 (CR-101), WSR 12-09-045 (CR-102), and WSR 12-20-062 (CR-102 continuance).

At their April 12, 2013, public meeting, the commissioners voted unanimously (4:0) to adopt the proposed amend-

ments to WAC 230-15-685. Unfortunately, the CR-103 filing for this adopted rule change was not filed in a timely fashion and the April 15, 2013, cut off was inadvertently missed.

The intent of this filing is to codify amendment to WAC 230-15-685 that the commissioners unanimously voted to adopt at their April 12, 2013, public meeting, after more than a year of substantial participation by interested parties.

Statutory Authority for Adoption: RCW 9.46.070, 9.46.0282.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Washington state gambling commission, governmental.

Name of Agency Personnel Responsible for Drafting: Susan Newer, Lacey, (360) 486-3466; Implementation: Dave Trujillo, Interim Director, Lacey, (360) 486-3446; and Enforcement: Mark Harris, Assistant Director, Lacey, (360) 486-3579.

April 17, 2013
Susan Newer
Rules Coordinator

AMENDATORY SECTION (Amending Order 608, filed 4/10/07, effective 1/1/08)

WAC 230-15-685 Restrictions on progressive jackpots. House-banked card game licensees operating progressive jackpots must follow these restrictions and procedures:

(1) Progressive jackpot funds must accrue according to the rules of the game; and

(2) At each gambling table, licensees must prominently post the amount of the progressive jackpot that players can win; and

(3) Licensees must record the beginning amount of each progressive jackpot offered, including explanations for any increases or decreases in the prize amount offered. Licensees must keep this documentation with the progressive jackpot records; and

(4) Licensees may establish a maximum limit on a progressive jackpot prize. If licensees establish a limit, they must make the amount equal to, or greater than, the amount of the jackpot when they imposed the limit. They must prominently post a notice of the limit at or near the game; and

(5) Licensees may connect progressive jackpots offered on the same card game on multiple tables within the same licensed location.