



# RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/22/01)

|   |   |
|---|---|
| Agency: Community College District VIII | <input type="checkbox"/> Permanent Rule<br><input type="checkbox"/> Emergency Rule<br><input checked="" type="checkbox"/> Expedited Rule Making |
| (1) Date of adoption: November 6, 2002  |   |

(2) Purpose: Chapter 132H-133 identifies the location and organization for Bellevue Community College and establishes policy for commercial activities held at the College in accordance with Chapter 28B.63 RCW. These amendments correct minor references to clarify the chapter and make it more readable.

(3) Citation of existing rules affected by this order:  
 Repealed:  
 Amended: WAC 132H-133-040 and WAC 132H-133-050  
 Suspended:

(4) Statutory authority for adoption: 28B.50.140 RCW  
 Other Authority:

**PERMANENT RULE ONLY (Including Expedited Rule Making)** [9/4/02]  
 Adopted under notice filed as WSR 02-18-112 on 9/3/02 (date).  
 Describe any changes other than editing from proposed to adopted version: none

**EMERGENCY RULE ONLY**  
 Under RCW 34.05.350 the agency for good cause finds:  
 (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.  
 (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.  
  
 Reasons for this finding:

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?:  
 Yes  No If Yes, explain:

|  |                 |  |  |
|--|-----------------|--|--|
| <b>(6) Effective date of rule:</b><br><b>Permanent Rules</b><br><input checked="" type="checkbox"/> 31 days after filing<br><input type="checkbox"/> Other (specify) _____*<br><small>*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)</small> |                 | <b>Emergency Rules</b><br><input type="checkbox"/> Immediately<br><input type="checkbox"/> Later (specify) _____ | <b>CODE REVISER USE ONLY</b><br><br><div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;">         COPY REVISIONS OFFICE<br/>         STATE OF WASHINGTON<br/>         FILED<br/><br/> <div style="border: 1px solid black; padding: 5px; width: 80px; margin: 0 auto;">           DEC 5 2002         </div> </div> TIME: 10:19<br>WSR: 03-08-009 PM |
| Name (Type or Print)<br>Elise J. Erickson  |                 |  |  |
| Signature<br><i>Elise J. Erickson</i>  |                 |  |  |
| Title<br>Rules Coordinator   | Date<br>12/4/02 |  |  |

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.

**The number of sections adopted in order to comply with:**

|   |     |          |         |          |          |          |
|---|-----|----------|---------|----------|----------|----------|
| <b>Federal statute:</b>                 | New | <u>0</u> | Amended | <u>0</u> | Repealed | <u>0</u> |
| <b>Federal rules or standards:</b>      | New | <u>0</u> | Amended | <u>0</u> | Repealed | <u>0</u> |
| <b>Recently enacted state statutes:</b> | New | <u>0</u> | Amended | <u>0</u> | Repealed | <u>0</u> |

**The number of sections adopted at the request of a nongovernmental entity:**

|     |          |         |          |          |          |
|-----|----------|---------|----------|----------|----------|
| New | <u>0</u> | Amended | <u>0</u> | Repealed | <u>0</u> |
|-----|----------|---------|----------|----------|----------|

**The number of sections adopted in the agency's own initiative:**

|     |          |         |          |          |          |
|-----|----------|---------|----------|----------|----------|
| New | <u>0</u> | Amended | <u>2</u> | Repealed | <u>0</u> |
|-----|----------|---------|----------|----------|----------|

**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

|     |          |         |          |          |          |
|-----|----------|---------|----------|----------|----------|
| New | <u>0</u> | Amended | <u>2</u> | Repealed | <u>0</u> |
|-----|----------|---------|----------|----------|----------|

**The number of sections adopted using:**

|                                       |     |          |         |          |          |          |
|---------------------------------------|-----|----------|---------|----------|----------|----------|
| <b>Negotiated rule making:</b>        | New | <u>0</u> | Amended | <u>0</u> | Repealed | <u>0</u> |
| <b>Pilot rule making:</b>             | New | <u>0</u> | Amended | <u>0</u> | Repealed | <u>0</u> |
| <b>Other alternative rule making:</b> | New | <u>0</u> | Amended | <u>2</u> | Repealed | <u>0</u> |

## AMENDATORY SECTION

**WAC 132H-133-040 Organization/operation information.** (1) Organization: Bellevue Community College, Community College District VIII, is established in Title 28B RCW as a public institution of higher education. The institution is governed by a five-member board of trustees, appointed by the governor. The board employs a president, who acts as the chief executive officer of the institution. The president establishes the structure of the administration.

(2) Operation: The administrative office is located at the following address: 3000 Landerholm Circle S.E., Bellevue, Washington, 98007-6484. Educational operations are also located at ~~((the following address: 14844 S.E. 22<sup>nd</sup> Street, Bellevue, Washington, 98007-6484))~~ other sites throughout the district. The office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays. During the summer months the college operates on an alternate schedule and throughout the year, some evening services are provided. Specific information is available through the college public information office and in the quarterly schedule.

(3) Additional and detailed information concerning the educational offerings may be obtained from the catalog, copies of which are available at the following address: Bookstore, 3000 Landerholm Circle, S.E., Bellevue, Washington 98007-6484.

## AMENDATORY SECTION

**WAC 132H-133-050 Commercial activity policy.** The mission of Community College District VIII, Bellevue Community College, is to provide comprehensive educational programs of the highest quality as provided for in the Community College Act of 1967. These programs will be responsive to the changing needs of the communities and the students served by our district and will be accessible to all those seeking to continue their education.

To promote the mission of Bellevue Community College it is often necessary to engage in commercial activities that provide goods and services that meet special needs of students, faculty, staff and members of the public participating in college activities and events.

~~((Chapter 97 of the Washington Laws of 1987))~~ Chapter 28B.63 RCW establishes standards for institutions of higher education to follow in conducting commercial activities. The purpose of these laws is to require institutions of higher education to define the legitimate purposes under which commercial activities may be approved by a college or university and to establish mechanisms for review of such activities. The purpose of the policy statement and standards that follow ~~((are))~~ is to assure that Bellevue Community College pursues commercial activities in compliance with chapter 28B.63 RCW ~~((97, Laws of 1987))~~ and that all commercial activities of the college serve the mission of the college.

(1) **Policy statement.** Bellevue Community College may engage in the providing of goods, services, or facilities for a fee only when such are directly and substantially related to the educational mission of the college. Fees charged for goods, services, and facilities shall reflect their full direct and indirect costs, including overhead. They shall also take into account the price of such items in the private marketplace.

(2) **Approval and review of commercial activities.** The ~~((dean))~~ vice president of administrative services shall be responsible for the approval of new commercial activities and the periodic review of existing ones. It shall be the responsibility of this officer to assure that each commercial activity meets the criteria established for commercial activities of the college. Proposals for new or altered services shall be approved by the ~~((dean))~~ vice president of administrative services prior to implementation.

(3) **Criteria for commercial activities serving members of the campus community.** Each of the following criteria shall be used in assessing the validity of providing goods or services to members of the campus community:

(a) The goods or services are substantially and directly related to the mission of the college.

(b) Provision of the goods, services or facilities on campus represents a special convenience to the campus community or facilitates extracurricular activities.

(c) Fees charged for the goods, services or facilities shall take into account the full direct and indirect costs, including overhead. They shall also reflect the costs of such items in the private marketplace.

(d) Procedures adequate to the circumstances shall be observed to ensure that the goods and services are provided only to persons who are students, faculty, staff, or invited guests.

**(4) Criteria for providing commercial activities to the external community.**

(a) The goods, ~~((or))~~ services or facilities provided relate substantially and directly to the mission of the college and are not commonly available or otherwise easily accessible in the private marketplace and ~~((for which there is a))~~ are in demand from the external community.

(b) Fees charged for the goods, services, or facilities shall take into account the full direct and indirect costs, including overhead. They shall also reflect the price of such items in the private marketplace.

**(5) Definitions and limitations.** "Commercial activity" means an activity which provides a product or service for a fee which could be obtained from a commercial source. This definition shall be used to determine which activities shall be governed by this policy, except that this policy shall not apply to:

(a) The initiation of or changes in academic or vocational programs of instruction in the college's regular, extension, evening or continuing education programs;

(b) Fees for services provided in the practicum aspects of instruction;

(c) Extracurricular programs, including food services, athletic and recreational programs, and performing arts programs.