



RULE-MAKING ORDER

R-103 (June 2004)
(Implements RCW 34.05.360)

Agency: Central Washington University

Permanent Rule
 Emergency Rule

Effective date of rule:

Permanent Rules

31 days after filing.
 Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Effective date of rule:

Emergency Rules

Immediately upon filing.
 Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes No If Yes, explain:

Purpose: modify nondiscrimination language and repeal redundant sections

Citation of existing rules affected by this order:

Repealed: WAC 106-72-150, 200, 220, 410, 420, 430, 440, 450, 460, 470, 480, 490, 500, 510, 520, 530, 540, 550, 560, 570, 580, 590, 600, and 610
Amended: WAC 106-72-005, 015, 025, 130, and 400

Statutory authority for adoption: RCW 28B.10.528 and 28B.35.120 (12)

Other authority :

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 05-01-155 on Jan 5, 2005 [12/20/04] (date).
Describe any changes other than editing from proposed to adopted version:

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: _____ phone () _____
Address: _____ fax () _____
e-mail _____

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- 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.
- 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:

Date adopted: February 8, 2005

NAME (TYPE OR PRINT)

Jerilyn S. McIntyre

SIGNATURE

Jerilyn S. McIntyre
TITLE
President

CODE REVISER USE ONLY

TIME 4:00
DATE 05-05-057

(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:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

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

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	_____	Amended	<u>5</u>	Repealed	<u>24</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

RECEIVED

FEB 02 2005

Office of the President

Chapter 106-72 WAC

EQUAL OPPORTUNITY/AFFIRMATIVE ACTION ((POLICY/GRIEVANCE
PROCEDURE))

AMENDATORY SECTION (Amending WSR 96-02-013, filed 12/21/95,
effective 1/21/96)

WAC 106-72-005 Equal opportunity/affirmative action in employment. Central Washington University is an equal opportunity employer. The university will:

(1) Recruit, hire, train, and promote persons in all job titles, without regard to race, color, creed, religion, national origin, ((age,)) sex, sexual orientation, gender identity and expression, age, marital status, disability, or status as a disabled ((veteran)) or Vietnam-era veteran.

(2) Ensure that all personnel actions such as compensation, benefits, transfers, terminations, layoffs, return from layoff, reductions in force (RIF), university-sponsored training, education, tuition assistance, and social and recreation programs, will be administered without regard to race, color, creed, religion, national origin, ((age,)) sex, sexual orientation, gender identity and expression, age, marital status, disability, or status as a disabled ((veteran)) or Vietnam-era veteran.

Central Washington University is committed to affirmative action for Asians, Blacks, Hispanics, Native Americans, women, persons forty years of age or older, persons of disability, disabled veterans and Vietnam-era veterans. This commitment is expressed through the university's efforts to eliminate barriers to equal employment opportunity and improve employment opportunities encountered by these protected groups.

AMENDATORY SECTION (Amending Order CWU AO 73, filed 9/30/94,
effective 10/31/94)

WAC 106-72-015 Annual workforce analysis. (1) The affirmative action office will conduct an annual workforce analysis for each academic department and a separate utilization analysis for protected group members (i.e., minorities, women, Vietnam-era

and disabled veterans, persons of disability, and persons (~~over the~~) age (~~of~~) forty and above in each major job group. The university will set forth specific goals and timetables where underutilization is identified. Underutilization is defined as having fewer protected group members in a particular job than would reasonably be expected by their availability. (Higher Education Guidelines, Executive Order 11246.)

(2) The university and each organizational unit will make every possible effort to recruit and employ qualified minorities and women to fill vacancies in order to achieve its goals, searching for personnel in areas and channels previously unexplored to the extent necessary to overcome underutilization. Before each vacancy can be officially filled, a designee of the (~~affirmative action~~) office for equal opportunity or (~~the personnel services office~~) human resources must certify that the appropriate recruitment and hiring procedures have been followed.

AMENDATORY SECTION (Amending WSR 96-02-013, filed 12/21/95, effective 1/21/96)

WAC 106-72-025 Equal opportunity for students. Central Washington University will provide students equal access to all programs and services on the basis of merit without regard to race, color, creed, religion, national origin, (~~age,~~) sex, sexual orientation, gender identity and expression, age, marital status, disability, or status as a disabled (~~veteran~~) or Vietnam-era veteran.

No person will be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity sponsored by the university including, but not limited to, admissions, academic programs, student employment, counseling and guidance services, financial aid, recreational activities, and intercollegiate athletics.

Programs may be developed by the university, however, for special student populations as affirmative action measures to overcome the effects of past discrimination.

No member of the university community shall treat students differently because of their race, color, creed, religion, national origin, (~~age,~~) sex, sexual orientation, gender identity and expression, age, marital status, disability (except to provide reasonable accommodation), or status as a disabled (~~veteran~~) or Vietnam-era veteran. The university has established mechanisms to address complaints to discriminatory treatment, including harassing behaviors (e.g., physical, verbal, graphic, or written) which might lead to the creation of a hostile environment.

AMENDATORY SECTION (Amending WSR 92-02-006, filed 12/20/91, effective 1/20/92)

WAC 106-72-130 Procedures, rules, and regulations--Contracts and contractors. The ~~((business manager))~~ associate vice-president for business and financial affairs, through the ~~((director of auxiliary services,))~~ director of facilities management ~~((,))~~ and the director of business services and contracts ~~((, and the director of facilities planning and construction))~~ shall comply with federal, state, and local nondiscrimination policies and procedures when soliciting bids on all contracts for construction, goods, and services. Bids will be solicited by women and minority group vendors and contractors. Agencies engaged in business with the university will be notified in writing of the university's affirmative action program and asked to provide a statement of nondiscrimination.

~~((In the case of federal contracts for research grants and awards, the office of graduate studies will be charged with development and inclusion in any contract a statement of nondiscrimination in the fulfillment of such contract.))~~

AMENDATORY SECTION (Amending Order CWU AO 73, filed 9/30/94, effective 10/31/94)

WAC 106-72-400 ~~((Affirmative action))~~ Equal opportunity grievance procedures. (1) A person who believes he or she has been discriminated against by Central Washington University because of race, color, creed, religion, national origin, ~~((age,))~~ sex, sexual orientation, gender identity and expression, age, marital status, disability, or status as a disabled ~~((veteran))~~ or Vietnam-era veteran ~~((status))~~ is encouraged to utilize the grievance procedures provided by Central Washington University. There are informal and formal means of addressing complaints through the ~~((affirmative action))~~ office for equal opportunity. Both informal and formal grievance procedures are available on-line at http://www.cwu.edu/~oeo/complaint_procedures.html. These procedures should be used as soon as possible after the alleged act of discrimination. No individual shall be penalized or retaliated against in any way by the university community for his or her participation in ~~((this))~~ these complaint procedures.

(2) All persons who seek the advice and assistance of the ~~((affirmative action))~~ equal opportunity office shall have explained to them the informal and the formal grievance procedures available to them through the university as well as the existence of external complaint procedures available through state and federal agencies. They shall also receive a copy of the ~~((affirmative action))~~ equal opportunity grievance procedure.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 106-72-150	Procedures, rules, and regulations--Student employment.
WAC 106-72-200	Procedures, rules, and regulations--Student services.
WAC 106-72-220	Procedures, rules, and regulations--Academic program.
WAC 106-72-410	Informal grievance procedure.
WAC 106-72-420	Formal grievance procedure.
WAC 106-72-430	Formal grievance procedure--Acknowledgement of written complaint.
WAC 106-72-440	Formal grievance procedure--Grievance committee.
WAC 106-72-450	Formal grievance procedure--Distribution of copies of complaint.
WAC 106-72-460	Formal grievance procedure--Appointment of investigating officer.
WAC 106-72-470	Formal grievance procedure--Responsibilities of investigating officer.
WAC 106-72-480	Formal grievance procedure--Separate meetings with complainant and respondent/filing investigative report.
WAC 106-72-490	Formal grievance procedure--Committee recommendation.
WAC 106-72-500	Formal grievance procedure--Written committee report.
WAC 106-72-510	Formal grievance procedure--Proceeding notice.
WAC 106-72-520	Adjudicative proceeding--Challenges.
WAC 106-72-530	Adjudicative proceeding--Expeditious conduct.
WAC 106-72-540	Adjudicative proceeding--Availability of necessary parties.
WAC 106-72-550	Adjudicative proceeding--Counsel.
WAC 106-72-560	Adjudicative proceeding--Confidentiality.
WAC 106-72-570	Adjudicative proceeding--Responsibilities of parties.
WAC 106-72-580	Adjudicative proceeding--Rights of parties.
WAC 106-72-590	Adjudicative proceeding--Powers of proceeding panel.
WAC 106-72-600	Findings of grievance committee.

