



RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (10/1/89)

Agency: Central Washington University

- Permanent Rule
 Emergency Rule

(1) Date of adoption: August 11, 1994

(2) Purpose:
WAC 106-08, 20, 50, 72 - see attached

(3) Citation of existing rules affected by this order:
Repealed:
Amended: see attached
Suspended:

(4) Authority for adoption:
Statute: RCW 28B.10.528, 28B.35.120(12)
Other Authority:

(5.1) PERMANENT RULE ONLY

Pursuant to notice filed as WSR _____ on _____ (date).
Describe any changes other than editing from proposed to adopted version:

(5.2) EMERGENCY RULE ONLY

Pursuant to 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:

Immediate adoption of proposed changes is necessary to allow the public access to current, updated regulations prior to the beginning of fall quarter.

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

(6) Effective date of rule:

- | | |
|--|---|
| Permanent Rules | Emergency Rules |
| <input type="checkbox"/> 31 days after filing | <input checked="" type="checkbox"/> Immediately |
| <input type="checkbox"/> Other (specify) _____ * | <input type="checkbox"/> Later (specify) _____ |
- * (If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

AUG 15 1994

TIME 4:48
WSR 14-17-075

NAME (TYPE OR PRINT)

Ivory V. Nelson

SIGNATURE

Ivory V. Nelson

TITLE

President

DATE

8-11-94

RULE-MAKING ORDER CR-103

ATTACHMENTS

(2) PURPOSE:

- WAC 106-08-001 To change meeting location for board of trustees
- WAC 106-08-002 To change reference to statute regulating formal hearings
- WAC 106-08-040 To add identifying information to the list of exemptions to open adjudicative proceedings
- WAC 106-08-110 To remove sexist language from guidelines for service of process
- WAC 106-08-230 To remove duplicate word from procedure for depositions and interrogatories
- WAC 106-08-260 To remove sexist language from instruction defining authorization for contested depositions and interrogatories
- WAC 106-08-290 To remove sexist language from guidelines governing recording depositions and interrogatories
- WAC 106-08-300 To correct spelling and remove sexist language from procedure for signing and returning depositions and interrogatories
- WAC 106-08-310 To remove sexist language from guidelines for use of depositions and interrogatories
- WAC 106-08-340 To correct punctuation and remove sexist language from interrogation procedures for depositions
- WAC 106-08-350 To remove sexist language from procedure for attestation and return of depositions
- WAC 106-08-400 To change statutory reference and remove sexist language from guidelines for appointment of hearing officers
- WAC 106-08-410 To change statutory reference for location of rules governing hearing procedures
- WAC 106-08-420 To modify statutory reference for duties of hearing officers

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- WAC 106-08-430 To correct punctuation used in stipulations and admissions of record
- WAC 106-08-450 To remove sexist language from procedure for request of continuance
- WAC 106-08-460 To correct punctuation used in admissibility of evidence criteria
- WAC 106-20-100 To correct addresses used to access operations and information
- WAC 106-50-100 To modify address for rules coordinator
- WAC 106-72-005 To redefine policy statement and clarify protected groups
- WAC 106-72-015 To correct punctuation used to define protected workforce groups which will be analyzed annually
- WAC 106-72-025 To clarify protected groups to be provided equal access to university sponsored programs and activities
- WAC 106-72-200 To clarify protected groups of the student population to be provided equal access to student services
- WAC 106-72-400 To redefine protected groups who will not be penalized or retaliated against for participation in complaint procedure
- WAC 106-72-410 To adjust punctuation used within description of informal grievance procedure
- WAC 106-72-440 To modify punctuation used within guidelines for formal grievance committee
- WAC 106-72-510 To correct punctuation used within proceeding notice guidelines for formal grievance procedure
- WAC 106-72-540 To make grammatical change within availability of necessary parties for an adjudicative proceeding
- WAC 106-72-580 To correct punctuation used within description of rights of parties in an adjudicative proceeding
- WAC 106-72-600 To correct punctuation used within directions for filing findings of grievance committee

WAC 106-72-610 To correct punctuation used within outline of appeal procedure

(3) Citation of existing rules affected by this order:

WAC 106-08-001 Regular meetings.

WAC 106-08-002 Formal hearing policy.

WAC 106-08-040 Adjudicative proceedings open.

WAC 106-08-110 Service of process--Service upon parties.

WAC 106-08-230 Depositions and interrogatories in contested cases--Right to take.

WAC 106-08-260 Depositions and interrogatories in contested cases--Authorization.

WAC 106-08-290 Depositions and interrogatories in contested cases--Recordation.

WAC 106-08-300 Depositions and interrogatories in contested cases--Signing attestation and return.

WAC 106-08-310 Depositions and interrogatories in contested cases--Use and effect.

WAC 106-08-340 Depositions upon interrogatories--Interrogation.

WAC 106-08-350 Depositions upon interrogatories--Attestation and return.

WAC 106-08-400 Hearing officers.

WAC 106-08-410 Hearing procedures.

WAC 106-08-420 Duties of hearing officers.

WAC 106-08-430 Stipulations and admissions of record.

WAC 106-08-450 Continuances.

WAC 106-08-460 Rules of evidence--Admissibility criteria.

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- WAC 106-20-100 Organization--Operation--Information.
- WAC 106-50-100 Address of rules coordinator.
- WAC 106-72-005 Affirmative action policy statement.
- WAC 106-72-015 Annual workforce analysis.
- WAC 106-72-025 Nondiscrimination in delivery of services.
- WAC 106-72-200 Procedures, rules, and regulations--Student services.
- WAC 106-72-400 Affirmative action grievance procedure.
- WAC 106-72-410 Informal grievance procedure.
- WAC 106-72-440 Formal grievance procedure--Grievance committee.
- WAC 106-72-510 Formal grievance procedure--Proceeding notice.
- WAC 106-72-540 Adjudicative proceeding--Availability of necessary parties.
- WAC 106-72-580 Adjudicative proceeding--Rights of parties.
- WAC 106-72-600 Findings of grievance committee.
- WAC 106-72-610 Appeal procedure.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

WAC 106-08-001 Regular meetings. The regular meetings of the board of trustees of Central Washington University shall be held (~~(quarterly)~~) in Room (~~(143)~~) 412 in (~~(Bouillon)~~) Barge Hall on the Central Washington University campus in Ellensburg, Washington.

AMENDATORY SECTION (Amending Order 3244, filed 12/8/71)

WAC 106-08-002 Formal hearing policy. In each instance that a formal hearing is required by institutional policy or chapter (~~(28B-19)~~) 34.05 RCW, the provisions of WAC 106-08-002 through 106-08-999 shall be applicable.

AMENDATORY SECTION (Amending Order CWU AO 68, filed 10/31/91, effective 12/1/91)

WAC 106-08-040 Adjudicative proceedings open. All adjudicative proceedings shall be open to the public, with the exception of student, faculty, and administrative, civil service-exempt disciplinary proceedings unless the subject of the proceedings chooses an open proceeding.

AMENDATORY SECTION (Amending Order 3244, filed 12/8/71)

WAC 106-08-110 Service of process--Service upon parties. The final order, and any other paper required to be served by the agency upon a party, shall be served upon such party or upon the agent designated by him or her or by law to receive service of such papers, and a copy shall be furnished to counsel of record.

AMENDATORY SECTION (Amending Order 3244, filed 12/8/71)

WAC 106-08-230 Depositions and interrogatories in contested cases--Right to take. Except as may be otherwise provided, any party may take the testimony of any person, including a party, by

deposition upon oral examination or written interrogatories for use as evidence in the proceeding, except that leave must be obtained if notice of the taking is served by a proponent within twenty days after the filing of ((of)) a complaint, application or petition. Depositions shall be taken only in accordance with this rule.

AMENDATORY SECTION (Amending Order 3244, filed 12/8/71)

WAC 106-08-260 Depositions and interrogatories in contested cases--Authorization. A party desiring to take the deposition of any person upon oral examination shall give reasonable notice of not less than three days in writing to the agency and all parties. The notice shall state the time and place for taking the deposition, the name and address of each person to be examined, if known, and if the name is not known, a general description sufficient to identify ((him)) the person or the particular class or group to which ((he)) the person belongs. On motion of a party upon whom the notice is served, the agency may for cause shown, enlarge or shorten the time. If the parties so stipulate in writing, depositions may be taken before any person, at any time or place, upon any notice and in any manner and when so taken may be used as other depositions.

AMENDATORY SECTION (Amending Order 3244, filed 12/8/71)

WAC 106-08-290 Depositions and interrogatories in contested cases--Recordation. The officer before whom the deposition is to be taken shall put the witness on oath and shall personally or by someone acting under ((his)) the officer's direction and in ((his)) the officer's presence, record the testimony by typewriter directly or by transcription from stenographic notes, wire or record recorders, which record shall separately and consecutively number each interrogatory. Objections to the notice, qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented or to the conduct of the officer, or of any party, shall be noted by the officer upon the deposition. All objections by any party not so made are waived.

AMENDATORY SECTION (Amending Order 3244, filed 12/8/71)

WAC 106-08-300 Depositions and interrogatories in contested cases--Signing attestation and return. (1) When the testimony is fully transcribed the deposition shall be submitted to the witness for examination and shall be read to or by ((him)) the witness, unless such examination and reading are waived by the witness and

by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given (~~therefor~~) therefore; and the deposition may then be used as fully as though signed, unless on a motion to suppress the agency holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

(2) The officer shall certify on the deposition that the witness was duly sworn by him or her and that the deposition is a true record of the testimony given by the witness. (~~He~~) The officer shall then securely seal the deposition in an envelope endorsed with the title of proceeding and marked "Deposition of (here insert name of witness)" and shall promptly send it by registered or certified mail to the agency for filing. The party taking the deposition shall give prompt notice of its filing to all other parties. Upon payment of reasonable charges (~~therefor~~) therefore, the officer shall furnish a copy of the deposition to any party or to the deponent.

AMENDATORY SECTION (Amending Order 3244, filed 12/8/71)

WAC 106-08-310 Depositions and interrogatories in contested cases--Use and effect. Subject to rulings by the agency upon objections a deposition taken and filed as provided in this rule will not become a part of the record in the proceeding until received in evidence by the agency upon its own motion or the motion of any party. Except by agreement of the parties or ruling of the agency, a deposition will be received only in its entirety. A party does not make a party, or the privy of a party, or any hostile witness his or her witness by taking (~~his~~) a deposition. Any party may rebut any relevant evidence contained in a deposition whether introduced by him or her or any other party.

AMENDATORY SECTION (Amending Order 3244, filed 12/8/71)

WAC 106-08-340 Depositions upon interrogatories--Interrogation. Where the interrogatories are forwarded to an officer authorized to administer oaths as provided in WAC 106-08-250 the officer taking the same after duly swearing the deponent, shall read to (~~him~~) the deponent seriatim, one interrogatory at a time and cause the same and the answer thereto to be recorded before the succeeding interrogatory is asked. No one except the deponent, the officer, and the court reporter or stenographer

recording and transcribing it shall be present during the interrogation.

AMENDATORY SECTION (Amending Order 3244, filed 12/8/71)

WAC 106-08-350 Depositions upon interrogatories--Attestation and return. The officer before whom interrogatories are verified or answered shall:

(1) Certify under ~~((his))~~ the officer's official signature and seal that the deponent was duly sworn by him or her, that the interrogatories and answers are a true record of the deponent's testimony, that no one except deponent, the officer and the stenographer were present during the taking, and that neither ~~((he))~~ the officer nor the stenographer ~~((, to his knowledge,))~~ is a party, privy to a party, or interested in the event of the proceedings, and

(2) Promptly send by registered or certified mail the original copy of the deposition and exhibits with ~~((his))~~ the officer's attestation to the agency, one copy to the counsel who submitted the interrogatories and another copy to the deponent.

AMENDATORY SECTION (Amending Order 3244, filed 12/8/71)

WAC 106-08-400 Hearing officers. In each instance that a formal hearing is required by institutional policy or chapter ~~((28B.19))~~ 34.05 RCW, and upon receipt of a request for a formal hearing filed in accordance with chapter ~~((28B.19))~~ 34.05 RCW, the ~~((chairman, vice chairman))~~ chair, vice-chair, or another member of the board of trustees, on the basis of longevity and in the preceding order, may appoint one or more hearing officers, not to exceed three for any one hearing, to preside over, conduct and make proposals for decisions, including findings of fact and conclusions of law, in each instance, and shall afford an opportunity for a formal hearing after not less than ten days notice and provide such individual requesting formal hearing with notice of the hearing in accordance with the provisions of chapter ~~((28B.19))~~ 34.05 RCW.

AMENDATORY SECTION (Amending Order 3244, filed 12/8/71)

WAC 106-08-410 Hearing procedures. Each hearing shall be conducted in the manner provided for in these rules and in chapter ~~((28B.19))~~ 34.05 RCW.

AMENDATORY SECTION (Amending Order 3244, filed 12/8/71)

WAC 106-08-420 Duties of hearing officers. (1) All hearing officers appointed in accordance with WAC 106-08-400 shall conduct hearings in the same manner and shall have the same authority as provided in hearings by the board of trustees as set forth in these rules and in chapter ((28B.19)) 34.05 RCW: Provided, That hearing officers shall only make proposals for decisions.

(2) The proposals for decisions and findings of fact and conclusions of law shall be forthwith served upon the parties and transmitted to the board of trustees, together with a record of the proceeding. Within thirty days of service of such proposal for decisions, any party adversely affected may file exceptions, and thereafter all parties may present written argument to the board of trustees, which shall consider the whole record or such portions as may be cited by the parties, and after such review the board shall announce its decision and final action to be taken.

AMENDATORY SECTION (Amending Order 3244, filed 12/8/71)

WAC 106-08-430 Stipulations and admissions of record. The existence or nonexistence of a material fact, as made or agreed in a stipulation or in an admission of record, will be conclusively presumed against any party bound thereby, and no other evidence with respect thereto will be received upon behalf of such party, provided:

(1) Upon whom binding. Such a stipulation or admission is binding upon the parties by whom it is made, their privies and upon all other parties to the proceeding who do not expressly and unequivocally deny the existence or nonexistence of the material fact so admitted or stipulated, upon the making thereof, if made on the record at a prehearing conference, oral hearing, oral argument, or by a writing filed and served upon all parties within five days after a copy of such stipulation or admission has been served upon them;

(2) Withdrawal. Any party bound by a stipulation or admission of record at any time prior to final decision may be permitted to withdraw the same in whole or in part by showing to the satisfaction of the agency that such stipulation or admission was made inadvertently or under a bona fide mistake of fact contrary to the true fact and that its withdrawal at the time proposed will not unjustly prejudice the rights of other parties to the proceeding.

AMENDATORY SECTION (Amending Order 3244, filed 12/8/71)

WAC 106-08-450 Continuances. Any party who desires a continuance shall, immediately upon receipt of notice of a hearing, or as soon thereafter as facts requiring such continuance come to his or her knowledge, notify the agency of said desire, stating in

detail the reasons why such continuance is necessary. The agency, in passing upon a request for continuance, shall consider whether such request was promptly and timely made. For good cause shown, the agency may grant such a continuance and may at any time order a continuance upon its motion. During a hearing, if it appears in the public interest or in the interest of justice that further testimony or argument should be received, the agency may in its discretion continue the hearing and fix the date for introduction of additional evidence or presentation of argument. Such oral notice shall constitute final notice of such continued hearing.

AMENDATORY SECTION (Amending Order 3244, filed 12/8/71)

WAC 106-08-460 Rules of evidence--Admissibility criteria.

Subject to the other provisions of these rules, all relevant evidence is admissible which, in the opinion of the agency is the best evidence reasonably obtainable, having due regard for its necessity, availability, and trustworthiness. In passing upon the admissibility of evidence, the agency shall give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings, in matters not involving trial by jury, in the superior court of the state of Washington.

AMENDATORY SECTION (Amending Order CWU AO 69, filed 11/12/91, effective 12/13/91)

WAC 106-20-100 Organization--Operation--Information. (1)

Organization. Central Washington University is established in Title 28B RCW as a public institution of higher education. The institution is governed by a seven-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 administration office is located at the following address:

Business Office
Central Washington University
400 East 8th Avenue
Ellensburg, WA 98926-7481

The office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays. Educational operations are also located at the following addresses:

CWU Lynnwood ((CWU)) Center
20000 68th Avenue West SKB
Lynnwood, WA 98036

~~((South Seattle CWU Center
6000 16th Avenue SW
Seattle, WA 98106))~~

CWU SeaTac Center
2450 South 142nd St
SeaTac, WA 98188

CWU Steilacoom ((CWU)) Center
9401 Farwest Drive SW
Tacoma, WA 98498

CWU Yakima ((CWU)) Center
P.O. Box 1647
16th Avenue and Nob Hill Blvd
Yakima, WA 98907

(3) Information. Additional and detailed information concerning ~~((the))~~ educational offerings may be obtained from the catalog, copies of which are available at the following address:

~~((Admissions Office))~~ Academic Services
Central Washington University
400 East 8th Avenue
Ellensburg, WA 98926-7463

AMENDATORY SECTION (Amending Order CWU AO 69, filed 11/12/91,
effective 12/13/91)

WAC 106-50-100 Address of rules coordinator. The rules coordinator for this institution shall have an office in the following location:

President's Office
Central Washington University
400 East 8th Avenue
Ellensburg, WA 98926-7501

The office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays.

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

WAC 106-72-005 Affirmative action policy statement. 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, ~~((and))~~ 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.

Furthermore, as an equal opportunity employer Central Washington University will:

(1) Recruit, hire, train, and promote persons in all job titles, without regard to race, color, ~~((religion, creed, age, national origin, disabled or Vietnam era veteran status, the presence of any physical, mental, or sensory handicap, marital status, sexual orientation, or sex except where a bona fide occupational qualification exists))~~ creed, religion, national origin, age, sex, sexual orientation, marital status, disability, or status as a disabled veteran or Vietnam-era veteran.

(2) ~~((insure))~~ 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, ~~((religion, sex, age, national origin, creed, marital status, or the presence of any physical, mental or sensory handicap))~~ creed, religion, national origin, age, sex, sexual orientation, marital status, disability, or status as a disabled veteran or Vietnam-era veteran.

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

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 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 or the personnel services office must certify that the appropriate recruitment and hiring procedures have been followed.

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

WAC 106-72-025 Nondiscrimination in delivery of services.

Central Washington University will provide equal access to all programs for all students on the basis of merit without regard to race, color, (~~religion, sex, age, national origin, or the presence of any sensory, physical, or mental handicap~~) creed, religion, national origin, age, sex, sexual orientation, 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.

AMENDATORY SECTION (Amending Order 39, filed 7/11/78)

WAC 106-72-200 Procedures, rules, and regulations--Student services. It is the goal of this university to create and maintain all student services which are responsible to the needs and desires of all students and which reflect a policy of nondiscrimination. In all areas of student services, students are to be treated as individuals without regard for race, (~~religion, color, national origin, sex, age, or physical disability~~) color, creed, religion, national origin, age, sex, sexual orientation, marital status, disability, or status as a disabled veteran or Vietnam-era veteran.

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

WAC 106-72-400 Affirmative action grievance procedure. (1)
A person who believes he or she has been discriminated against by

Central Washington University because of race, color, (~~ethnic background, sexual orientation, religion, national origin, sex, physical or mental handicap, or Vietnam era or disabled veteran~~) creed, religion, national origin, age, sex, sexual orientation, 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. These 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 complaint procedure.

(2) All persons who seek the advice and assistance of the affirmative action 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 grievance procedure.

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

WAC 106-72-410 Informal grievance procedure. Informal review and consultative processes are highly desirable means of resolving problems. Use of those methods by individuals (e.g., students, employees, applicants) at the lowest possible level within the university is strongly encouraged.

(1) Individuals who believe that they have been the target of discrimination by Central Washington University are encouraged to discuss the matter initially with their department chair, dean, administrative supervisor, or department head. Students are encouraged to discuss the matter with the appropriate department chair, dean, or the vice-president for student affairs. The matter may be concluded by mutual consent at this point. However, complainants should feel free to bring the alleged act of discrimination to the attention of the director of affirmative action at any time.

(2) Any person may contact the affirmative action office for informal discussion, advice, and assistance. The affirmative action director or a designee will assist the complainant(s) in determining whether there exists any relationship of the complaint to civil rights legislation and the university's affirmative action program.

(3) With the consent of the complainant, there may be facilitation or informal intervention by the affirmative action director or a designee. Discussion of the grievance by the affirmative action director or a designee with the immediate supervisor of the respondent may follow the visit to the affirmative action office by the complainant. The discussion between the director of affirmative action and the immediate supervisor shall be confidential. The complainant may choose to

participate in this discussion at his/her option. At this time it shall be the option of the director of affirmative action to notify the respondent's next higher supervisory authority of the complaint.

(4) All discussions held under this informal procedure shall have the goal of resolving the matter without the necessity of entering into a formal complaint procedure.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

WAC 106-72-440 Formal grievance procedure--Grievance committee. An affirmative action grievance committee shall be appointed annually by the president and shall consist of five individuals representing the various university constituencies, including minority group members and both men and women. The committee shall be made up of one administrator, two faculty members, and two civil service employees and shall select its own chair. If a complainant is a student and so requests, two students may be substituted by the president for a like number of existing members of the committee. Members of the affirmative action grievance committee shall remove themselves from the case if they deem themselves biased or personally interested in its outcome.

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

WAC 106-72-510 Formal grievance procedure--Proceeding notice. If probable cause is found, a proceeding will be held.

(1) The chair of the committee shall establish a date for the proceeding. A notice establishing the date, time, and place of the proceeding shall be provided the parties not more than ten working days from the issuance of the probable cause or no cause decision. The composition of the proceeding committee shall be provided also.

(2) The proceeding shall be held not less than fifteen working days from the mailing of the notice of proceeding unless all of the parties, with the consent of the chair, agree to shorten the time to less than fifteen days.

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

WAC 106-72-540 Adjudicative proceeding--Availability of necessary parties. The parties and any others the affirmative action grievance committee (~~deems~~) deem necessary to the proceedings shall make themselves available to appear at the

proceeding unless they can verify to the committee that their absence is unavoidable.

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

WAC 106-72-580 Adjudicative proceeding--Rights of parties.

(1) Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved and to examine and cross-examine witnesses.

(2) No individual shall be compelled to divulge information in any form which she/he could not be compelled to divulge in, or in connection with, superior court proceedings.

(3) Any legal opinion or interpretation given to the grievance committee by the parties may be shared with all parties to the case.

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

WAC 106-72-600 Findings of grievance committee.

The affirmative action grievance committee shall file its findings and recommendations with the president, the affirmative action director, the complainant, and the respondent within fifteen working days after the conclusion of the proceeding. If the findings and recommendations of the affirmative action grievance committee are acceptable to the complainant and the respondent, the president may direct implementation of the recommendations.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

WAC 106-72-610 Appeal procedure.

(1) If the complainant or respondent objects to the findings and recommendations and wishes to appeal, a written appeal may be submitted to the president within ten working days from the date the report is delivered to the complainant and the respondent. The appeal must specify in detail the findings, recommendations, or other aspects of the report or decision to which exception is taken, as well as the reasons for the exceptions and the desired corrective action after consideration of the appeal by the president.

(2) After considering an appeal, the president shall issue a written decision to the parties involved within ten working days of receipt of the appeal. The decision of the president will not be further appealable within the university.