

Title 132D WAC

COMMUNITY COLLEGES—SKAGIT VALLEY COMMUNITY COLLEGE

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Chapter 132D-08 WAC THE BOARD OF TRUSTEES

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WAC 132D-08-010 The Board of Trustees. By chapter 8, Laws of 1967 ex. sess., the government of Community College District No. 4 (Skagit Valley College) is vested in a five-man Board of Trustees. The trustees are appointed by the governor, and serve for terms of five years and/or until their successors are appointed. Annually at its June meeting, the board elects a chairman and vice-chairman who serve for a term of one year and until their successors are elected from the membership of the board. [Order 1, § 132D-08-010, filed 5/16/68.]

WAC 132D-08-015 Meetings of the Board of Trustees. The board customarily holds monthly meetings on the second Tuesday of each month at such place as it may designate. Notices of the time and place of all regular and special meetings are given through radio and newspaper media, as required by RCW 42.32.010. [Order 1, § 132D-08-015, filed 5/16/68.]

WAC 132D-08-020 Communications to the Board of Trustees. Persons who wish to bring a matter to the attention of the Board of Trustees may do so by submitting written communications to the Executive Secretary of the Board of Trustees, President's Office, Skagit Valley College, 2405 College Way, Mount Vernon, Washington, 98273. [Order 1, § 132D-08-020, filed 5/16/68.]

WAC 132D-08-025 General information. Information concerning admissions to the college may be obtained from the Dean of Students' Office, Skagit Valley College, 2405 College Way, Mount Vernon, Washington, 98273.

Additional and detailed information concerning the various programs of the college may be obtained from the catalog, copies of which are available upon writing the Dean of Students. [Order 1, § 132D-08-025, filed 5/16/68.]

Chapter 132D-10 WAC UNIFORM PERSONNEL RULES FOR THE CLASSIFIED STAFF SERVICE OF SKAGIT VALLEY COLLEGE

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WAC 132D-10-003 Purpose. It is the purpose of these rules to give effect to the State Civil Service Law, chapter 41.06 RCW, of the state of Washington. It is the further purpose of these rules to provide basic statements of personnel policy and procedures which shall be applied equitably to all employees in the classified staff service. They are intended to provide a modern workable system of personnel administration based on merit principles. They are published to inform employees, supervisors and administrators of their rights and responsibilities under these rules, and to define the basis on which the office of the director shall conduct a comprehensive system of personnel management. [Order 3, § 132D-10-003, filed 10/10/68.]

WAC 132D-10-006 Positions covered by the rules. The rules shall apply to all positions in the classified staff service as defined in the act and such temporary employees included by the Personnel Committee. [Order 3, § 132D-10-006, filed 10/10/68.]

WAC 132D-10-009 Adoption of rules. Upon adoption by the Personnel Committee of the Board of Trustees of Skagit Valley College these rules shall be in full force and effect. [Order 3, § 132D-10-009, filed 10/10/68.]

WAC 132D-10-012 Amendment of rules. These rules may be amended by action of the Personnel Committee as provided in the act. It is recognized that the background and experience of each of the state Institutions of Higher Learning in the administration of the act will be of valuable assistance to the Personnel Committee of other such institutions. The desirability of uniformity in the rules of the Personnel Committees of the several Institutions of Higher Learning, where practicable, is likewise recognized.

It shall be the duty of the Director of Personnel to review with the other Institutions of Higher Learning any proposed modifications of these rules, and to thereafter submit recommendations to the committee for amendments to these rules. [Order 3, § 132D-10-012, filed 10/10/68.]

WAC 132D-10-015 Definition of terms. The following terms wherever used in these rules shall have the meaning indicated below except where the context clearly indicates otherwise:

"ACT." The State Civil Service Law, chapter 1, Laws of 1961 (chapter 41.06 RCW) of the state of Washington and amendments thereto.

"ALLOCATION." The assignment of an individual position to an appropriate class on the basis of the kind, difficulty, and responsibility of the work of the position.

"APPOINTING AUTHORITY." The governing body of the institution of higher learning.

"BOARD." The Board of Trustees of Skagit Valley College.

"CLASS." One or more positions sufficiently similar with respect to duties and responsibilities that the same descriptive title may be used with propriety to designate

each position allocated to the class; that the same general qualification requirements are needed for performance of the duties of the class; that the same tests of fitness may be used to select employees; and that the same schedule of pay can be applied with equity to all positions in the class under the same or substantially the same employment conditions.

"CLASSIFIED SERVICE." All positions in the Institution of Higher Learning subject to the provisions of the Civil Service Law (Ref. Sec. 2.4, 7).

"COMMITTEE." The Personnel Committee of the Board of Trustees of Skagit Valley College.

"COMPETITIVE SERVICE." Those classes of positions for which a competitive examination shall be given for the determination of the rank order of merit of the competing candidates.

"DEMOTION." The change of an employee from a position in one class to a position in another class which has a lower maximum salary.

"DIRECTOR." The Director of Classified Staff Personnel (Ref. Act, Sec. 5).

"DISMISSAL." The separation from employment for cause reflecting discredit upon the employee.

"ELIGIBLE." Any person whose name is on an eligible list.

"ELIGIBLE LIST." A list of persons who have successfully passed a noncompetitive, open competitive, or promotional examination or who are on an appropriate reemployment list by reason of layoff, request for transfer, or reclassification of their positions.

"EMPLOYING OFFICIAL." An administrative or supervisory employee, academic or nonacademic, classified or exempt, who exercises responsibility for the employment, discipline or termination of employees.

"EXEMPT POSITION." A position excluded from coverage by the provisions of the act (Ref. Sec. 7).

"LAYOFF." The removal of an employee from his position because of lack of work, lack of funds, or work reorganization and which reflects no discredit upon the employee.

"NONCOMPETITIVE SERVICE." Noncompetitive service means all positions in the classified service for which competitive examination is not required.

"ORGANIZATIONAL UNIT." An administrative division of the institution established for the purposes of personnel administration as defined in WAC 132D-10-350.

"PERMANENT EMPLOYEE." An employee appointed to a classified position continuing for more than six months and who has successfully completed his probationary period.

"POSITION." A group of current duties and responsibilities requiring the full or part-time employment of one person.

"PROBATIONARY PERIOD." A six months' working test period, to be considered an integral part of the examination process during which a new appointee is required to demonstrate his suitability for the position by actual performance of its duties.

"PROMOTION." The change of an employee from a position in one class to a position in another class having a higher maximum salary.

"PROVISIONAL APPOINTMENT." An appointment for not more than six months to fill a vacancy, pending the establishment of an eligible list for the position.

"RESIGNATION." The separation from employment by an employee made at his own request.

"STUDENT EMPLOYEE." An employee who is enrolled for more credit hours of academic work than that permitted in staff employment as provided in WAC 132D-10-392.

"SUSPENSION." The temporary and involuntary separation of an employee from the institution's service for disciplinary reasons.

"TRANSFER." The change of an employee from one position to another position in the same class or in another class with essentially the same maximum salary. [Order 3, § 132D-10-015, filed 10/10/68.]

WAC 132D-10-018 Organization. The board shall designate three of its members as a permanent personnel committee. The term of service shall continue through the member's term of service as regent/trustee. [Order 3, § 132D-10-018, filed 10/10/68.]

WAC 132D-10-021 Compensation. Each member of the committee shall be compensated for his services and necessary expenses in accordance with the act. [Order 3, § 132D-10-021, filed 10/10/68.]

WAC 132D-10-024 Election of officers. The committee shall elect a chairman and vice-chairman, from among its members, to serve one year. The presence of at least two members of the committee shall constitute a quorum to transact business. A written public record shall be kept by the committee of all its actions. The director shall serve as secretary. [Order 3, § 132D-10-024, filed 10/10/68.]

WAC 132D-10-027 Meetings. Meetings, including hearings, shall be held at the call of the chairman, or any two members. All members shall be provided reasonable advance notice of the time and place of the meetings. Statements of findings and release of material shall be made only with the approval of a majority of the committee. A member of the committee or the secretary may administer oaths. [Order 3, § 132D-10-027, filed 10/10/68.]

WAC 132D-10-030 Powers and duties. The committee shall have such powers, duties, and responsibilities as are required by the act, requested by the board, or otherwise required. [Order 3, § 132D-10-030, filed 10/10/68.]

WAC 132D-10-033 Appointment of personnel director. Upon the recommendation of the president, the board shall designate a qualified full-time, nonacademic employee who shall act as Director of Personnel for the classified staff service. (Ref. Act, Sec. 5) [Order 3, § 132D-10-033, filed 10/10/68.]

WAC 132D-10-036 Powers and duties of personnel director. The director shall direct and supervise all of the

administrative and technical personnel activities for the classified staff service in accordance with the act and rules and regulations approved and promulgated thereunder. [Order 3, § 132D-10-136, filed 10/10/68.]

WAC 132D-10-037 The appointing authority. The appointing authority may delegate to Employing Officials the authority to initiate personnel actions including appointment, discipline, and termination of employees within the scope of these rules. [Order 3, § 132D-10-037, filed 10/10/68.]

WAC 132D-10-039 Classification plan—Content. The Personnel Committee shall maintain a classification plan for all positions in the classified service. The plan shall consist of specifications for each class, including a title, description of the duties and responsibilities, and the qualification required and/or desired of an incumbent. [Order 3, § 132D-10-039, filed 10/10/68.]

WAC 132D-10-042 Amendment. The classification plan may be amended by action of the committee as provided in the act. [Order 3, § 132D-10-042, filed 10/10/68.]

WAC 132D-10-045 Allocation. Each position in the classified service shall be allocated to an established class in the classification plan. An appointment may be made only to a position that has been classified.

(1) New allocation. Whenever an appointing authority desires to fill a new position, a notice of such proposed action together with a description of the duties of the position shall be submitted to the director. The director shall allocate such position and notify the appointing authority of the allocation.

(2) Reallocation. Whenever an appointing authority makes a permanent and substantial change in the duties or responsibilities of a position, written notice of the changes shall be submitted to the director for determination of the proper allocation of the position. The director shall notify the appointing authority of such allocation. The director upon his own initiative or at the request of an appointing authority or an employee or an employee's representative, may study the duties of any position to determine if its allocation is proper. Following such studies, the director may reallocate the position to the appropriate class.

(3) Effect of reallocation. An employee occupying a position which has been reallocated shall continue in the position only if he possesses the minimum qualifications or training and experience established for such position as measured by a qualifying examination. A reallocated position shall be considered the same as a vacant position and shall be filled in accordance with the provisions governing appointment, promotion, demotion, or transfer of employees. When an incumbent is ineligible to continue in the position and is not transferred, promoted, or demoted, the layoff provisions of these rules shall apply.

(4) Appeal of allocation. If an employee believes his position to be improperly allocated, or if an appointing authority believes a position under his supervision to be improperly allocated, he may appeal the allocation.

(a) A written appeal shall be prepared, stating the reasons for such appeal and arguments in support of it.

(b) The appeal shall be sent to the director whose decision shall be final. [Order 3, § 132D-10-045, filed 10/10/68.]

WAC 132D-10-048 Interpretation of class specifications. The definitions in class specifications are descriptive and not restrictive. They are intended to indicate the kinds of positions that are allocated to the several classes as determined by their duties and responsibilities, and are not to be construed as declaring what the duties or responsibilities of any position may be or as limiting or modifying the power of any appointing authority to assign, direct, and control the work of the employees under his supervision. The use of a particular expression or illustration as to duties shall not be held to exclude others not mentioned but which are of similar kind or quality, nor shall any specific omission necessarily mean that such factor is not included. [Order 3, § 132D-10-048, filed 10/10/68.]

WAC 132D-10-051 Use in allocation. In determining the class to which any position should be allocated, the specifications describing each class shall be considered as a whole. Consideration shall be given to the general duties, specific tasks, responsibilities, education and experience requirements, and relationships to other classes, as a composite description of the kind of employment that the class is intended to embrace. [Order 3, § 132D-10-051, filed 10/10/68.]

WAC 132D-10-054 Use in examination. The class specifications shall be used as a basis for determining the suitability of candidates for employment by supplying data basic to the preparation for qualifying tests and examination. [Order 3, § 132D-10-054, filed 10/10/68.]

WAC 132D-10-057 Statements of general qualifications. Qualifications commonly required of all incumbents of positions of different classes, such as acceptable physical condition and freedom from disabling defects, honesty, sobriety and industry, shall be deemed to be implied as entrance requirements to each class, and need not be specifically mentioned in the specifications. However, nothing in these rules shall be deemed to prohibit the handicapped who are otherwise qualified. [Order 3, § 132D-10-057, filed 10/10/68.]

WAC 132D-10-060 Authority. The specifications for any class as interpreted herein shall constitute the basis and source of authority for the tests to be included in an examination for the class and for the evaluation of the qualifications of applicants. [Order 3, § 132D-10-060, filed 10/10/68.]

WAC 132D-10-063 Use of class titles. The class title shall be the official title of every position allocated to the class for the purpose of personnel actions and shall be used on all payroll, budget, and other official records and reports relating to the position. Any abbreviation or

code symbols approved by the director may be used in lieu of the class title to designate the class of a position for official records. Other working titles may be authorized by the appointing authority to be used as a designation of a position for purposes of internal administration or in oral or written contacts with the public or students. [Order 3, 132D-10-063, filed 10/10/68.]

WAC 132D-10-066 Compensation plan—General policies. A compensation plan for classified positions shall be maintained to provide for equitable pay for classified employees. Pay rates shall be linked directly to the classification plan and shall reflect not less than prevailing rates in Washington state private industries and other governmental units for positions of a similar nature. [Order 3, § 132D-10-066, filed 10/10/68.]

WAC 132D-10-069 Content. A compensation plan for the classified staff service shall consist of schedules of rates or ranges with regular increment increase in monthly amounts showing the assignment of such pay rates to the classes of positions. It shall also consist of such paragraphs as are necessary to describe basic compensation policies. [Order 3, § 132D-10-069, filed 10/10/68.]

WAC 132D-10-072 Amendment. The compensation plan may be amended by action of the committee as provided in the act. It is the responsibility of the director to maintain a continuing review of the adequacy and equity of the compensation plan, and he shall propose amendments that are required to adjust it. He shall periodically secure comparative wage information with one such inquiry to be conducted a year prior to the convening of each regular session of the state Legislature. [Order 3, § 132D-10-072, filed 10/10/68.]

WAC 132D-10-075 Payroll certification. Salary payment to classified employees may not be approved until the director has certified that their appointment has been made in accordance with the act. [Order 3, § 132D-10-075, filed 10/10/68.]

WAC 132D-10-078 Hours of work and leaves of absence. Hours of work shall be specified by job class. They may vary for different classes but shall be uniform for all employees in the same class.

(1) Two general work schedules are recognized. The assignment of an employee to a particular schedule will be stated in the class specifications as described in the classification plan. The employee shall be notified of such assignment in the terms of his appointment.

(a) **Plan A.** Forty hours per week shall constitute full-time employment. The normal work week is considered to be eight hours for five consecutive days, from 8:00 a.m. to 5:00 p.m., with one hour for lunch. The appointing authority may adjust the schedule of an individual employee or group of employees under his supervision to provide different schedules of daily hours of working days, or to provide for extra services outside of normal

work hours, provided that such adjustment shall not result in requiring an average work week or either less or more than forty hours per week for full-time employment. Reasonable notice will be given the employee whose schedule of hours must be changed.

(b) **Plan B.** Employees whose duties are primarily professional or supervisory, or who are assigned the responsible charge of a work program that cannot be restricted to a specific schedule of hours, shall work during such periods as their duties require. [Order 3, § 132D-10-078, filed 10/10/68.]

WAC 132D-10-084 Rest periods. Each employee shall be entitled to not less than a ten minute rest period for each four hours of work. Each eight-hour shift shall include two rest periods, even though the shift is unequally divided. [Order 3, § 132D-10-084, filed 10/10/68.]

WAC 132D-10-087 Holidays. The following holidays with pay, in addition to other days designated under the authority of the board, shall be allowed employees working on a continuous basis or on leave with pay on the last working day preceding the holiday:

New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Veteran's Day, Thanksgiving Day, Christmas Day.

In substitution for Lincoln's Birthday, Columbus Day, and General Election Day which are legal holidays for state employees established by RCW 1.16.050, the following days will be granted:

The Friday following Thanksgiving, the last working day before Christmas, and the last working day before New Year's Day.

The employee must have been on the payroll for at least ten days prior to the holiday to receive compensation for the holiday.

Whenever any legal holiday, other than Sunday, falls upon a Sunday, the following Monday shall be a legal holiday. Whenever an employee is required to work any of the legal holidays, he shall be given a compensatory day off with pay.

(1) Holiday time worked shall be treated as overtime work as defined in the compensation plan.

(2) When a holiday falls on an employee's scheduled day off, he shall be given a day of compensatory time off. [Order 3, § 132D-10-087, filed 10/10/68.]

WAC 132D-10-096 Annual leave. Classified employees shall earn annual leave at rates based on the schedule of their duties.

(1) Annual leave with pay shall accrue to employees whose work is scheduled under PLAN A of these rules at the rate of one working day for each month of continuous service if their employment is continuous for six months or longer. A maximum of twelve days may accrue annually.

(a) One additional day of annual leave shall be allowed each year for satisfactorily completing the first two, three and five continuous years of employment respectively.

(b) Beginning with the tenth year of continuous employment, in recognition of continuity of service, one additional working day of annual leave shall be allowed for each additional year of continuous service thereafter until a maximum of twenty-two working days of annual leave is allowed.

(2) Annual leave with pay shall accrue to employees whose work is scheduled under PLAN B of these rules at the rate of twenty-two working days per year.

(3) Where less than full-time service is required, annual leave shall accrue at the appropriate fraction of the rates set forth under these rules, after completing not less than one year in such service.

(4) New employees may not take annual leave until they have completed their probationary period of six months' service.

(5) Annual leave shall be scheduled by the employing department at a time most convenient to the work of the department, the determination of which shall rest with the appointing authority. As far as possible, leave will be scheduled in accordance with the wishes of the employee in any amount up to the total of his earned leave credits.

(6) Unused annual leave credits may be accumulated to a maximum of thirty working days, except that if an employee's request for leave is deferred by the appointing authority and a statement of the necessity is filed with the director, then the maximum of thirty days' accrual shall be extended for each month that the leave is deferred. Annual leave earned by the employee must be allowed him during the period it is available to him. No extra compensation in lieu of annual leave shall be paid the employee.

(7) Upon separation from the classified service in good standing after six months of continuous employment, annual leave pay shall be allowed to the extent of the employee's accrued and unused annual leave credits as shown by the records of the director. [Order 3, § 132D-10-096, filed 10/10/68.]

WAC 132D-10-120 Sick leave. Sick leave with full pay shall accrue to classified employees at the rate of one working day per month of completed service.

(1) Sick leave shall be allowed an employee up to the amount of his earned credits under the following conditions:

(a) Because of and during illness or injury which has incapacitated the employee from performing his duties.

(b) By reason of exposure of the employee to contagious disease during such period as his attendance on duty would jeopardize the health of fellow employees or the public.

(c) Because of emergencies caused by serious illness or death in the immediate family of the employee that require the assistance of the employee in circumstances arising from the care of the patient or arrangements for the deceased. Leave for the purpose of condolence or bereavement may be granted only with the approval of the appointing authority. Leave for such reasons shall be limited to three days in any one instance, unless it can be demonstrated to the appointing authority that additional time is necessary by reason of travel distance; in such cases up to five days may be authorized.

(d) For the purpose of medical, dental or optical appointments, if arranged in advance with the appointing authority.

(2) Maternity leave may be authorized for period of nonwork in accordance with Industrial Welfare Order No. 2-62 (10), effective 3-21-62 published by the Department of Labor and Industries of the state of Washington, which reads as follows:

"(10) Maternity. No female employee shall be knowingly employed for a period of four months before confinement for childbirth, or six weeks thereafter, except that upon presentation of a letter of request from the employer together with a doctor's certificate, stating her health will not be impaired by such employment to a specified time, a special permit may be granted for continued employment by the Supervisor of Women and Minors."

(3) Sick leave payments to employees suffering illness or injury compensable under industrial insurance provisions shall be entitled to pay to which they would be entitled if on duty minus any industrial insurance payments received by the employee in compensation for the time loss resulting from such illness or injury, for the period of such leave.

(4) Sick leave shall accumulate to a maximum of one hundred thirty-two working days of unused leave.

(5) Illness or disability shall be reported at the beginning of any period of sick leave to the immediate supervisor by the employee or the person to act for him. Upon his return to work, the employee may be required by the appointing authority to submit a written statement explaining the nature of the disability.

(6) A physician's certificate of illness or injury satisfactory to the appointing authority may be required for approval of sick leave.

(7) Upon separation of the employee from the classified service for any cause, compensation shall not be paid for accrued sick leave credits. Employees who have been laid off will have previous sick leave credits reinstated upon their return to active service.

(8) Use of sick leave shall be based in proportion to the amount of his salary which is contributed by the college during said use. [Order 3, § 132D-10-120, filed 10/10/68.]

WAC 132D-10-144 Military training leave with pay. An employee in the classified staff service shall be entitled to military leave of absence without loss of pay for active duty in the Washington National Guard, or in the Army, Air, Marine, or Naval Reserve Forces of the United States for purposes of attending annual field training exercises or otherwise discharging reserve obligations. Military training leave shall not exceed fifteen calendar days in any one year as provided by statute. [Order 3, § 132D-10-144, filed 10/10/68.]

WAC 132D-10-147 Military leave without pay. A classified employee shall be entitled to military leave of absence without pay for service in the armed forces of the United States or the state, and to reinstatement upon application to the director within ninety days after the expiration of such period of military service, to his

former position or to one of like class in accordance with state law governing this matter. [Order 3, § 132D-10-147, filed 10/10/68.]

WAC 132D-10-150 Leave for civil duty. Leave of absence for jury duty, to serve as a witness at trials, or to exercise other civil duties may be granted an employee. In such cases a salary adjustment shall be made to deduct any amount received for such civil duty, less expenses, from the employee's monthly salary warrant, so that there is neither a financial gain nor loss to the employee. [Order 3, § 132D-10-150, filed 10/10/68.]

WAC 132D-10-153 Leave of absence without pay. Leave of absence without pay may be allowed for a classified employee for specific periods for any of the reasons applicable for leave with pay and for maternity leave.

(1) Leave of absence without pay may be allowed, upon the approval of the appointing authority and the director, in an amount not to exceed twelve months.

(2) Leave of absence without pay extends from the time an employee's name is removed from the payroll until he returns to continuous service.

(3) Annual leave or sick leave credits will not accrue during a leave of absence without pay which exceeds ten working days in any calendar month. [Order 3, § 132D-10-153, filed 10/10/68.]

WAC 132D-10-165 Absence without authorized leave. Leave of absence whether with or without pay, must be authorized in writing by the appointing authority and the director. Absence other than on duly authorized leave shall be treated as leave without pay, and, in addition, may be grounds for disciplinary action. [Order 3, § 132D-10-165, filed 10/10/68.]

WAC 132D-10-168 Selection by examination. Appointments to positions in the classified staff service shall be made according to merit and suitability. Merit and suitability in the competitive service shall be ascertained by examination which shall be selected or specified by the director, and shall relate to those matters which will test fairly the capacity and fitness of the candidates to discharge efficiently the duties of the position. [Order 3, § 132D-10-168, filed 10/10/68.]

WAC 132D-10-171 Content of announcements of examinations. Announcements shall specify the title and salary range of the class for which the examination is announced; the nature of the work to be performed; the experience and training required; the time, place, the manner of making application; the necessary qualifications established for admission to the examination; and other pertinent information consistent with the act and these rules. [Order 3, § 132D-10-171, filed 10/10/68.]

WAC 132D-10-175 Distribution of announcements. Public notice of examinations shall be given at least one calendar week in advance of the last date for filing of applications by means of announcements posted on bulletin boards. Announcements of examinations shall be

given such other publicity as the director deems warranted in the interest of attracting adequate numbers of qualified applicants. [Order 3, § 132D-10-175, filed 10/10/68.]

WAC 132D-10-177 Open competitive examinations. Examinations designed to establish employment lists shall be open to all who appear to meet the qualifications and other requirements for the class as set forth in the examination announcement. Probationary employees may be admitted to open competitive examinations. [Order 3, § 132D-10-177, filed 10/10/68.]

WAC 132D-10-180 Promotional examinations. Promotional examinations shall be open to any permanent employee in the classified staff service who meets the necessary qualifications. [Order 3, § 132D-10-180, filed 10/10/68.]

WAC 132D-10-183 Forms of applications. Applications for an examination shall be filed on such application forms as may be prescribed by the director. To be accepted for review, applications must be delivered to the office of the director prior to the closing date specified in the announcement or postmarked before midnight of that date. Applications shall include a statement from the applicant with all pertinent information regarding his education, experience, and other personal data which the director deems necessary. Applications must be signed by the applicants, and the truth of all statements contained therein certified by such signature. The director may require such proof of age, residence, education, veteran's preference and other claims as he deems appropriate. [Order 3, § 132D-10-183, filed 10/10/68.]

WAC 132D-10-186 Freedom from bias. No question in any application form or any examination shall be so framed as to elicit any information concerning political or religious opinions or affiliations or the race of any applicant nor shall any inquiry be made concerning such opinions or affiliations. The foregoing shall not prevent any inquiry as to whether the applicant, employee, or eligible, advocates or is a member of any organization which advocates the overthrow of or resistance by force to our form of government where the conditions of the employment in question require such inquiry. [Order 3, § 132D-10-186, filed 10/10/68.]

WAC 132D-10-189 Admission to examination. Persons who submit applications on or before the last date of filing and whose applications clearly show that they meet the requirements for admission to the examination shall be admitted to compete in the examination for which they are applying. No person shall be permitted to take an examination without an authorization or other satisfactory evidence of acceptance or conditional acceptance of his application. Any applicant who, for illness or other good cause, is unable to appear as notified may be given the examination at a later date, but only if the candidate advised the director of his inability prior to the time he was originally scheduled to appear. [Order 3, § 132D-10-189, filed 10/10/68.]

WAC 132D-10-192 Disqualification of applicants. The director may reject the application of any person for admission to an examination, or decline the applicant who:

- (1) Is found to lack the qualifications prescribed for admission to the examinations;
- (2) Is physically unfit to perform effectively the duties of the class;
- (3) The use of drugs, alcohol or medication which impairs the employee's ability to perform the described duties, or make him a hazard to others, or is illegal according to state, local, or federal laws;
- (4) Has used or attempted to use influence or bribery to secure an advantage in an examination or appointment;
- (5) Has been adjudged guilty of a crime involving moral turpitude, or infamous or disgraceful conduct;
- (6) Has made a false statement of any material fact or has practiced or attempted to practice deception or fraud in his application or examination; or
- (7) Has otherwise violated provisions of the law or these rules. Whenever the director refuses an applicant under the provisions of these rules, he shall furnish him a statement of the reasons therefor. [Order 3, § 132D-10-192, filed 10/10/68.]

WAC 132D-10-195 Original examinations. Examinations for original appointment to the classified service shall relate to those matters which fairly test the capacity and suitability of the persons examined to discharge duties of positions sought. Examinations may be assembled or unassembled and may include written, oral, physical, or performance tests, evaluations of training and experience, or any combination of these. They may take into consideration such factors as education, experience, aptitude, knowledge, skills, abilities, character, physical fitness, or any other qualifications or attributes which in the judgment of the director shall enter into the determination of the relative fitness of applicants. [Order 3, § 132D-10-195, filed 10/10/68.]

WAC 132D-10-198 Promotional examinations. Promotional examinations shall be of like kind and character to those for original appointment to the service. In addition to other factors, promotional examinations shall take into consideration quality and nature of experience as well as length of service. [Order 3, § 132D-10-198, filed 10/10/68.]

WAC 132D-10-201 Noncompetitive examinations. The director may conduct for the noncompetitive service an examination which consists only of the determination of whether or not the applicant meets the minimum qualifications for the position for use in positions declared to be in the noncompetitive service. An unranked eligible list will be established from such examinations. [Order 3, § 132D-10-201, filed 10/10/68.]

WAC 132D-10-204 Open-continuous examinations. When it is necessary to meet continued requirements for filling positions and there is not available a sufficient number of qualified applicants for a class, the closing

date for an examination may be indefinite and applicants may be tested continuously as they appear in such manner and at such times and places as the director may provide. The closing date for any open-continuous examination may be set at any time by the director but notice of this action shall be posted in a public place at least one week prior to the effective date of closing. [Order 3, § 132D-10-204, filed 10/10/68.]

WAC 132D-10-207 Conduct of examinations. Examinations shall be held at such times and places as, in the judgment of the director, most nearly meet the convenience of applicants, practicability of administration, and needs of the service. The examination shall be conducted either by the director or by persons designated by him. [Order 3, § 132D-10-207, filed 10/10/68.]

WAC 132D-10-210 Anonymity of applicants. All reasonable precautions shall be taken to preserve the anonymity of applicants in the conduct and scoring of examinations. [Order 3, § 132D-10-210, filed 10/10/68.]

WAC 132D-10-212 Merit lists. On the following lists the names of eligibles for positions in the competitive service shall be placed in order of their final earned rating on examinations plus any preference credits. In case of a tie between a veteran and a nonveteran, the name of the veteran shall be placed ahead of that of the nonveteran. In the case of other ties in final ratings, names shall be placed on the list in the order of rating earned in the part of the examination given the greatest weight. Any remaining ties shall be broken by casting lots.

(1) Open competitive list. Each open competitive list shall be established by class of employment and shall consist of a list of names of all persons who have passed examination for the class for which the open competitive list is established.

(2) Institution-wide promotional lists. Institution-wide promotional lists shall be established by class of employment and shall consist of the names of permanent employees who have passed a promotional examination for the class for which the list is established.

(3) Organizational unit promotional lists. Organizational unit promotional lists shall consist of names of all permanent employees in an organizational unit who have passed the promotional examination for the class for which the list is established. Promotional lists shall be established for an organizational unit only after such subdivision has been approved by the director prior to the date of the examination. [Order 3, § 132D-10-212, filed 10/10/68.]

WAC 132D-10-215 Layoff lists. Names shall be placed on the following lists in order of the length of the employees' previous service in the class for which the list is established.

(1) Organizational unit layoff list. An organizational unit layoff list shall contain the names of all permanent and probationary employees laid off from the class of employment in the approved organizational unit for which the list is established.

(2) Institution-wide layoff list. An institution-wide layoff list shall contain the names of all permanent and probationary employees in the class of employment for which the list is established. [Order 3, § 132D-10-215, filed 10/10/68.]

WAC 132D-10-228 Unranked lists. Names shall be placed unranked on the following lists:

(1) Transfer lists. A transfer list shall contain the names of all permanent employees who are currently employed and have submitted a written request to be considered for transfer to another position.

(2) Reemployment list. A reemployment list shall contain the names of all permanent employees who have resigned from the class of employment in good standing, and who have requested reemployment in the class, provided that they meet the minimum requirements for the class at the time of their application.

(3) Noncompetitive service lists. A noncompetitive list shall include the names of applicants who successfully meet the minimum requirements for the class of employment for which the list is established, where the class has been previously declared by the director to be a part of the noncompetitive service. [Order 3, § 132D-10-228, filed 10/10/68.]

WAC 132D-10-231 Duration of eligible lists. The committee shall determine the period during which promotional or open-competitive lists shall remain in effect. When an eligible list exists for any class, and the committee deems it necessary to establish another such list for the same class, the existing list ordinarily shall be canceled. [Order 3, § 132D-10-231, filed 10/10/68.]

WAC 132D-10-261 Removal of names from eligible lists. The director may remove names from eligible lists permanently or temporarily for any of the following reasons subject to appeal rights as provided in WAC 132D-10-332 and 132D-10-335:

(1) A person who is appointed to a permanent position through certification or appointed to trial service or a probationary position shall have his name removed from the list. All other names would remain on the list.

(2) Failure to respond within ten days to a written inquiry or within three days to a telegraphed inquiry from the director or appointing authority relative to availability for appointment.

(3) Declination of appointment under such conditions as the eligible previously indicated he would accept.

(4) Failure to report for duty within the time prescribed by the appointing authority.

(5) Failure to maintain a record of his current address at the office of the director. For this purpose the return of a letter by the postal authorities, if properly addressed to the last address on record, shall be deemed sufficient grounds for such removal of the name from the eligible list.

(6) Upon certification three times to the same or different employing official, if not appointed. When so removed the applicant will be informed in writing.

(7) In the case of organizational unit promotional lists, or transfer lists, appointment or transfer of the employee to a position in another organizational unit.

(8) In the case of institution-wide promotional lists and transfer lists, upon separation from the classified service. [Order 3, § 132D-10-261, filed 10/10/68.]

WAC 132D-10-264 Comparable lists. If a vacancy exists in a class for which there is no existing list, the director may prepare an appropriate list for the class from one or more existing related lists. For this purpose the director shall select lists from classes for which the examination and qualifications are similar to those required for the class in which the vacancy exists. [Order 3, § 132D-10-264, filed 10/10/68.]

WAC 132D-10-267 Availability of eligibles. It shall be the responsibility of eligibles to notify the office of the director in writing of any change affecting availability for employment. However, the director may circularize lists or use other methods to determine at any time the availability of eligibles.

Whenever an eligible submits a written statement restricting the conditions under which he will be available for employment, his name shall be withheld from all certifications which do not meet the conditions he has specified. An eligible may file a new written statement at any time within the duration of an employment list modifying any prior statement as to conditions under which he will be available for employment. [Order 3, § 132D-10-267, filed 10/10/68.]

WAC 132D-10-270 Request for employees. When a vacancy in the classified staff service is to be filled, the appointing authority shall submit a requisition to the director on such form and in such manner as the director may prescribe. This requisition shall state the class title, the number of positions to be filled, and other appropriate information. In addition, desirable or necessary special or outstanding qualifications for the position under consideration may be indicated and the reasons therefor. Eligibles shall be certified in strict order of standing on the appropriate list except in the cases where the director has determined that he should certify eligibles with special qualifications. In the latter case, eligibles meeting the special qualifications shall be certified in the order of their standing on the list. Any permanent employee who is adversely affected by such certification may appeal the action to the committee. [Order 3, § 132D-10-270, filed 10/10/68.]

WAC 132D-10-273 Method of certification. Upon receipt of a personnel requisition, the director shall certify in writing two more names than there are vacancies to be filled. The following eligible lists shall be used by the director in the order of priority indicated below:

- Organizational Unit Layoff Lists
- Institution-wide Layoff Lists
- Organizational Unit Promotional Lists
- Transfer Lists
- Institution-wide Promotional Lists
- Reemployment Lists

Open Competitive and Noncompetitive Lists

[Order 3, § 132D-10-273, filed 10/10/68.]

WAC 132D-10-276 Ranked lists. Where ranked lists are used, the director shall certify in writing the three names highest on the appropriate list. If more than one vacancy in the same class is to be filled by an organizational unit, he shall submit two more names of eligibles than there are vacancies.

If there is not sufficient names on any single list to provide the proper number for certification, additional names may be certified from the list of next lower priority. [Order 3, § 132D-10-276, filed 10/10/68.]

WAC 132D-10-279 Related lists. The director may at his discretion certify from eligible lists for higher classes to vacancies occurring in lower classes or from eligible lists for one class to vacancies in another class when no appropriate list exists where he determines the examination reasonably measures the ability of the eligible to perform the duties in the class to which certification is made. [Order 3, § 132D-10-279, filed 10/10/68.]

WAC 132D-10-281 Selection. The appointing authority shall return the list of names certified indicating his action on the certification, within a time limit set by the director from the date of certification.

(1) When a choice is made for appointment, the name of the eligible selected should be so indicated.

(2) When an eligible declines the appointment, he should be required to submit a request in writing to remain on the eligible list. [Order 3, § 132D-10-281, filed 10/10/68.]

WAC 132D-10-284 Probationary appointments. Probationary appointments shall be made only after certification from eligible lists. The director shall be notified of the selection made as provided in WAC 132D-10-281. [Order 3, § 132D-10-284, filed 10/10/68.]

WAC 132D-10-287 Provisional appointments. When the appointing authority certifies to the director that there is urgent need to fill a position and no qualified eligibles exist, the director may authorize him to fill the position by provisionally appointing any person who meets the minimum requirements for the class of work. Such an appointment shall be terminated within six months or upon certification and appointment from an eligible list, whichever occurs first. No person shall receive more than one provisional appointment. No seniority shall be gained as the result of a provisional appointment except for continuance of seniority in a lower class upon provisional promotion to a higher class. During the time a position is filled by a provisional appointment, the director shall conduct a wide and continuous search for applicants for the position and conduct examinations for the same. If no other person applies within six months, the provisional appointee may be examined and appointed.

In situations wherein qualified eligibles are available but less than three required for certification, a provisional appointment of an eligible may be made. If the director is unable within thirty days of the effective date of the provisional appointment to attract the number of candidates necessary for full certification, the person holding the provisional appointment may be given a probationary appointment providing he passed the examination for the class. [Order 3, § 132D-10-287, filed 10/10/68.]

WAC 132D-10-290 Transfer. A position may be filled by transferring an employee from another position of the same class or similar class with essentially the same maximum salary. Interdepartmental transfers must be approved by the appointing authority accepting the transfer and the director. [Order 3, § 132D-10-290, filed 10/10/68.]

WAC 132D-10-293 Demotion. A position may be filled by the demotion of an employee in accordance with the procedures as set forth in WAC 132D-10-305 and 132D-10-329. [Order 3, § 132D-10-293, filed 10/10/68.]

WAC 132D-10-296 Probationary period—Purpose. A probationary or working test period shall be an integral part of the examination process and shall be utilized as an opportunity to observe an employee's work, to train and aid the employee in adjustment to his position, and to reject any employee whose work performance fails to meet required work standards. [Order 3, § 132D-10-296, filed 10/10/68.]

WAC 132D-10-299 Duration. All original and all promotional appointments shall be tentative and subject to a probationary period of six months of actual service which starts upon the effective date of an appointment. [Order 3, § 132D-10-299, filed 10/10/68.]

WAC 132D-10-302 Removal during probational period. At any time during the trial period the appointing authority may remove an employee whose performance does not meet the required standards, provided that he shall report the removal and the reasons therefor in writing before the effective date of separation to the director and to the employee concerned. Notice of two weeks will normally be given an employee who is removed. If more than three employees are removed successively from the same position during their trial service period, the director shall immediately investigate and determine whether the removals were because the employees did not meet the required standards and submit a report of his investigations together with his conclusions to the committee. If the employees were removed for reasons other than their performance did not meet the required standards, the board shall order their reinstatement. Dismissal during the probationary period is not, however, appealable by the employee. [Order 3, § 132D-10-302, filed 10/10/68.]

WAC 132D-10-305 Demotion during probationary period. At any time during the probationary period when an employee is about to be laid off because of reduction in force, the appointing authority, with the consent of the employee, may demote such employee in lieu of layoff if he is otherwise eligible and work is available in a lower class. The name of such an employee shall be restored to the lists from which it was removed at the time of appointment. The probationary period of an employee demoted in lieu of layoff during that period shall include the period of probation in the higher class. No demotion of this kind shall be made if it will result in the separation of any other employee with greater length of service.

An employee serving as a result of appointment from a promotional list, who is removed from the new position for reasons other than misconduct or delinquency and who was a permanent employee in another position in the classified staff service immediately prior to his promotional appointment, shall be reinstated in his former position or in one of like status and pay. [Order 3, § 132D-10-305, filed 10/10/68.]

WAC 132D-10-308 Separation. Resignation, retirement, layoff, dismissal, or abandonment of the position shall constitute separation from service. [Order 3, § 132D-10-308, filed 10/10/68.]

WAC 132D-10-311 Resignation. Any employee may resign from service and should present his resignation in writing to the appointing authority. To resign in good standing an employee must give at least two calendar weeks' notice, unless the director waives the notice requirement. Such resignation shall be promptly forwarded to the director by the appointing authority. [Order 3, § 132D-10-311, filed 10/10/68.]

WAC 132D-10-314 Reduction in force—Layoff. The appointing authority may separate an employee without prejudice because of lack of funds, reorganization or curtailment of work. Notice of at least two calendar weeks must be given to such employee.

(1) Order of Layoff. Layoff of permanent employees will be made in inverse order of seniority in the class of work and the organizational unit involved. Seniority shall be measured by the period of unbroken service in the class and organizational unit, including authorized leaves of absence. Where two or more employees in the same class have equal seniority, layoff will be in alphabetic order of the last names of the employees affected.

(2) Transfer or Voluntary Demotion. In the event of a reduction in force, a permanent employee shall not be laid off while any probationary, provisional, or temporary employee in a higher class of a series of related classes with greater seniority shall be offered voluntary demotion to a lower class, provided he qualifies for the class and has greater seniority than the occupant of the position in the lower class.

(3) Laid Off Employees on Layoff Registers. The names of permanent and probationary employees who have been laid off shall be placed on the appropriate

layoff list in accordance with these rules. [Order 3, § 132D-10-314, filed 10/10/68.]

WAC 132D-10-317 Dismissal. The appointing authority may dismiss for cause any permanent employee under his jurisdiction by delivering at least fifteen calendar days before the effective date thereof a written statement of the specific charges by personal delivery or by certified mail to the employees' last known address, with a copy to the director. If the appointing authority, because of the circumstance and legal cause as set forth in the written statement for the dismissal, desires to make an immediate separation from the service, he may effect a suspension without pay pending dismissal. By so notifying the director in writing, such action shall automatically result in permanent separation at the end of the period of suspension. Suspensions pending dismissal shall be subject to limitations provided in sections -078 and -165 [WAC 132D-10-078 and 132D-10-165]. The appointing authority may withdraw or modify a dismissal within fifteen calendar days after the original written notice is filed. A permanent employee so dismissed shall have the right to appeal in writing not later than thirty calendar days after the effective date of the dismissal to the committee and shall be granted a hearing as provided in sections -168 and -213 [WAC 132D-10-168 and 132D-10-213] of these rules. [Order 3, § 132D-10-317, filed 10/10/68.]

WAC 132D-10-320 Abandonment of position. An employee who is absent from his position for three consecutive days without notice to the appointing authority may be considered to have abandoned his position. A notice of dismissal shall be sent by certified mail to the last known address of the employee forthwith. [Order 3, § 132D-10-320, filed 10/10/68.]

WAC 132D-10-323 Disciplinary action. Any action which reflects discredit upon the employer or is a direct hindrance to the effective performance of institutional functions shall be considered sufficient cause for disciplinary action. Sufficient cause shall include but not be limited to: Neglect of duty, inefficiency, incompetence, insubordination, indolence, conviction of a crime involving moral turpitude, malfeasance, or gross misconduct.

(1) Reprimand. The appointing authority may reprimand an employee for cause. If such reprimand is to be put in writing, it shall be addressed to the employee and a signed copy shall be sent to the director for inclusion in the employee's personnel file. A permanent employee who is reprimanded in this manner may appeal for a hearing in writing to the director within five calendar days of receipt of the reprimand. (Ref. Act., Sec. 17) [Order 3, § 132D-10-323, filed 10/10/68.]

WAC 132D-10-326 Suspension. The appointing authority may suspend an employee without pay for cause for a period or periods not exceeding thirty calendar days in any one calendar year and not exceeding fifteen calendar days for any single offense. The appointing authority shall notify the employee concerned in writing by certified mail, with a copy to the director, not later than

one day after the suspension is made effective. Such notice shall include the specified charges for and the duration of the suspension. Any permanent employee who is suspended shall have the right to appeal to the committee not later than thirty calendar days after the effective date of such action. [Order 3, § 132D-10-326, filed 10/10/68.]

WAC 132D-10-329 Demotion. The appointing authority may demote an employee for cause. A written statement of the specified charges for any such action shall be furnished to the employee by certified mail and a copy filed with the director at least fifteen calendar days prior to the effective date of the action. No demotion shall be made as a disciplinary action unless the employee to be demoted is eligible for employment in the lower class, and shall not be made if any permanent employee in the lower class will be laid off by reason of the action. A permanent employee who is demoted shall have the right to appeal to the committee not later than thirty calendar days after the effective date of dismissal. [Order 3, § 132D-10-329, filed 10/10/68.]

WAC 132D-10-332 Who may appeal from disciplinary action. Any permanent employee who is suspended, demoted, reduced, or dismissed shall have the right to appeal to the committee not later than thirty days after the effective date of such action. The request for an appeal must be in writing, and must be filed through the director. The committee shall hear such appeals within thirty calendar days of the receipt of such request. [Order 3, § 132D-10-332, filed 10/10/68.]

WAC 132D-10-335 Procedures for hearing appeals. The following provisions of sections 18, 19, 20, 21 and 22 of the act govern the conduct of appeal hearings by the committee as well as appellate hearings by civil courts:

Section 18. Hearings on such appeals shall be open to the public, except for cases in which the (committee) determines there is substantial reason for not having an open hearing, or in cases where the employee so requests, and shall be informal with technical rules of evidence not applying to the proceedings except the rules of privilege recognized by law. Both the employee and his appointing agency shall be notified reasonably in advance of the hearing and may select representatives of their choosing, present and cross-examine witnesses and give evidence before the (committee). Members of the (committee) may, and shall at the request of either party, issue subpoenas and subpoenas duces tecum. All testimony shall be on oath administered by a member of the (committee). The board shall certify to the Superior Court the facts of any refusal to obey a subpoena, take the oath, or testify. The court shall summarily hear the evidence on such refusal and if the evidence warrants punish such refusal in the same manner and to the same extent as for contempt committed before, or in connection with the proceedings of, the hearing, including all testimony, recorded manually or by mechanical device, and exhibits; but it shall not be required to transcribe such record unless requested by the employee who shall

be furnished with a complete transcript upon payment of a reasonable charge. Payment of the cost of a transcript used on appeal shall await determination of the appeal and shall be made by the employing agency if the employee prevails.

Section 19. Within thirty days after the conclusion of the hearing the (committee) shall make and fully record in its permanent records findings of facts, conclusions of law when the construction of a rule, regulation or statute is in question, reasons for the action taken and its order based thereon, which shall be final subject to action by the court on appeal as hereinafter provided at the same time sending a copy of the findings, conclusions and order by registered mail to the employing agency and to the employee at his address as given at the hearing or to a representative designated by him to receive the same.

Section 20.

(1) Within thirty days after the recording of the order and mailing thereof, the employee may appeal to the Superior Court of Skagit County, or, in the case of an employee of an institution of higher learning, to the Superior Court of the county in which such institution is located, on one or more of the grounds that the order was:

(a) Founded on or contained error of law, which shall specifically include error in construction or application of any pertinent rules or regulations;

(b) Contrary to a preponderance of the evidence as disclosed by the entire record with respect to any specified finding or findings of facts;

(c) Materially affected by unlawful procedures;

(d) Based on violation of any constitutional provision, or

(e) Arbitrary or capricious.

(2) Such grounds shall be stated in a written notice of appeal filed with the court, with copies thereof served on the Director of Personnel or a member of his staff or a member of the (committee) and on the employing agency, all within the time stated.

(3) Within thirty days after service of such notice or within such further time as the court may allow, the (committee) shall transmit to the court a certified transcript, with exhibits, of the hearing; but by stipulation between the employing agency and the employee the transcript may be shortened, and either party unreasonably refusing to stipulate to such limitation may be ordered by the court to pay the additional cost involved. The court may require or permit subsequent corrections or additions to the transcript.

Section 21.

(1) The court shall review the hearing without a jury on the basis of the transcript and exhibits, except that in the case of alleged irregularities in procedure before the (committee) not shown by the transcript the court may order testimony to be given thereon. The court shall upon request by either party hear oral argument and receive written briefs.

(2) The court may affirm the order of the (committee), remand the matter for further proceedings before the (committee), or reverse or modify the order if it finds that the employee's objection thereto is well taken on any of the grounds stated. Appeal shall be available

to the employee to the Supreme Court from the order of the Superior Court as in other civil cases.

Section 22.

(1) An employee who is terminated from state service may request the (committee) to place his name on an appropriate re-employment list, and the (committee) shall grant this request where the circumstances are found to warrant re-employment.

(2) Any employee, when fully reinstated after appeal, shall be guaranteed all employee rights and benefits, including back pay, sick leave, vacation accrual, retirement and OASI credits. [Order 3, § 132D-10-335, filed 10/10/68.]

Reviser's note: Sections 20 and 21, chapter 1, Laws of 1961 (codified as RCW 41.06.200 and 41.06.210) set forth above do not reflect their amendment by section 25, chapter 36, Laws of 1969 ex. sess. and section 101, chapter 81, Laws of 1971, respectively.

WAC 132D-10-338 Agreements between agencies and employee organizations. State employees shall have the right to affiliate with and participate in the management of employee organizations and to be represented by such organizations in negotiations with appointing authorities. The rights described herein shall not, however, extend to employees where such affiliation, participation, or representation would result in a conflict of interest or otherwise be incompatible with law or with the official duties of an employee. [Order 3, § 132D-10-338, filed 10/10/68.]

WAC 132D-10-341 Notice of intent by bargaining unit. Any labor organization desiring to represent employees must first file with the Director of Personnel a notice of intent to represent. The notice shall state the organization's name and office address. The organization shall also provide the Director of Personnel with a copy of its Constitution and ByLaws. [Order 3, § 132D-10-341, filed 10/10/68.]

WAC 132D-10-344 Determination of bargaining unit. Determination, alteration, modification or combination of an appropriate bargaining unit shall be made by the Personnel Committee upon request from the appointing authority, an employee organization, or upon the committee's own motion, after twenty days' notice has been given to the appointing authority and to affected employees and their representatives. [Order 3, § 132D-10-344, filed 10/10/68.]

WAC 132D-10-347 Bargaining factors. In determining a bargaining unit, the committee shall consider the following factors:

- (1) Duties, skills and working conditions of the employees;
- (2) History of collective bargaining by the employees and their representatives;
- (3) Extent of organization among the employees;
- (4) Desire of the employees.

[Order 3, § 132D-10-347, filed 10/10/68.]

WAC 132D-10-350 Certification by director—Notice of petition. The director shall certify an employee organization as exclusive representative of the employees

of a bargaining unit when such organization shows proof that it represents a majority of such employees and such proof is not contested by the appointing authority, the director, or any other interested party. Prior to certification, the director shall give ten days' notice that an employee representative has petitioned to be named the exclusive representative of a bargaining unit. Such notice shall inform all other interested parties that an election may be requested in accordance with sections -350 and -386 [WAC 132D-10-350 and 132D-10-386] and that the petition may be contested. In the event that proof is not satisfactory to the director, he may require an election to be held. [Order 3, § 132D-10-350, filed 10/10/68.]

WAC 132D-10-353 Election of representative organization—Notice. The director shall conduct a secret vote for selection of an exclusive representative of the employees of a bargaining unit upon request from an employee organization showing satisfactory proof of at least thirty percent representation within the unit. Upon granting a request for an election, the director shall give notice thereof and allow ten days for other employee organizations desiring their names placed on the ballot, to show satisfactory proof of at least ten percent representation within the unit. [Order 3, § 132D-10-353, filed 10/10/68.]

WAC 132D-10-356 Election rules—Ballots. The director, after consultation with interested employee organizations and the appointing authority, shall promulgate rules for the conduct of the election and shall distribute sample ballots. The ballot shall contain the name of the requesting employee organization and the name of any other employee organization showing satisfactory proof of at least ten percent representation within the unit. The election shall not be held for at least thirty days. [Order 3, § 132D-10-356, filed 10/10/68.]

WAC 132D-10-359 Majority of votes required. An employee organization receiving a majority of all votes cast in such an election shall be certified by the director as the exclusive representative of the employees of the bargaining unit. [Order 3, § 132D-10-359, filed 10/10/68.]

WAC 132D-10-362 Representation upon certification. When an employee organization has been certified as the exclusive representative of the employees of a bargaining unit, it shall be entitled to act for and to negotiate agreements covering all employees in the unit and shall be responsible for representing the interests of all such employees. Individual grievances or minority group grievances of employees may, however, be presented to the appointing authority and may be adjusted by the appointing authority so long as the adjustment is not inconsistent with the collective agreement and the exclusive representative has had an opportunity to review such adjustments. Minority employee organizations may also present their view to the appointing authority. [Order 3, § 132D-10-362, filed 10/10/68.]

WAC 132D-10-365 Decertification. Upon petition to the director by not less than thirty percent of the employees of a bargaining unit, decertification or a new certification shall be determined by a majority of the votes cast in a secret vote of the employees of the bargaining unit, provided twelve months have elapsed since the last certification. The election shall be conducted in accordance with sections -350 and -386 [WAC 132D-10-350 and 132D-10-386]. No question concerning representation may be raised within six months of an election in a bargaining unit. [Order 3, § 132D-10-365, filed 10/10/68.]

WAC 132D-10-368 Personnel matters. Written agreements may contain provisions covering all personnel matters over which the appointing authority of the appropriate bargaining unit of such agency may lawfully exercise discretion. [Order 3, § 132D-10-368, filed 10/10/68.]

WAC 132D-10-371 Grievance procedure. Written agreements shall include a grievance procedure for processing individual and group grievances within the bargaining unit and may provide for binding arbitration by the committee. [Order 3, § 132D-10-371, filed 10/10/68.]

WAC 132D-10-374 Payroll deduction. Written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member. An employee may cancel his payroll deduction of employee organization dues by filing a written notice with the appointing authority and the employee organization thirty days prior to the effective date of such cancellation. [Order 3, § 132D-10-374, filed 10/10/68.]

WAC 132D-10-377 One year duration. Written agreements shall be for no more than one year in duration. Automatic renewal or extension provisions shall not be valid. [Order 3, § 132D-10-377, filed 10/10/68.]

WAC 132D-10-380 Filing—Conflict with civil service act. Written agreements shall be filed with the director. Provisions of such agreements shall not prevail if in conflict with the Civil Service Rules or the state Civil Service Law. [Order 3, § 132D-10-380, filed 10/10/68.]

WAC 132D-10-383 Conferences on disputes. If agreement cannot be reached within a reasonable time in negotiations between the appointing authority and the certified exclusive representative of the employees in the bargaining unit, either party may submit the issues in dispute to the director, who shall confer with both parties in an effort to resolve such dispute. [Order 3, § 132D-10-383, filed 10/10/68.]

WAC 132D-10-386 Hearing on disputes. If the director is unable to resolve the dispute, the appointing authority or the certified exclusive representative may submit such dispute to the committee. The committee shall hold a hearing in the same manner as provided for

appeals from demotions, suspensions and dismissals, and the decision of the committee shall be final and binding. [Order 3, § 132D-10-386, filed 10/10/68.]

WAC 132D-10-389 Service ratings. The director may in cooperation with the appointing authority, provide for the rating of the service performance of employees in the classified staff service. Such service ratings shall be made in such manner and upon such forms as the director may prescribe and may be used as a means of evaluating the employee's performance. [Order 3, § 132D-10-389, filed 10/10/68.]

WAC 132D-10-392 Education and training. An employee may enroll in course work not to exceed six credit hours during any one quarter, with the approval of his appointing authority and the director. Participating employees must meet regular academic and admissions regulations and are subject to fee schedules established by the board. [Order 3, § 132D-10-392, filed 10/10/68.]

WAC 132D-10-395 Outside course work. An employee who has completed his probationary period may enroll in course work of his choice, to be taken outside of working hours or with an adjusted schedule of working hours and compensation. [Order 3, § 132D-10-395, filed 10/10/68.]

WAC 132D-10-398 Classes during working hours—Compensation—Authorization. An employee may enroll in course work judged to be directly related to improvement of the effectiveness of the employee's work with the approval or at the request of his appointing authority and the director. Classes for such work may be attended during normal working hours without adjustment of compensation, but if such classes do not occur during normal working hours, compensation time off duty will not be allowed for class hours attended. Such course work must be taken for credit and a satisfactory grade point average maintained. [Order 3, § 132D-10-398, filed 10/10/68.]

WAC 132D-10-401 Special training programs. Special training programs may be conducted to improve employees' service and to assist employees to enhance their opportunities for promotion. Such programs may be offered during the normal working hours and the participating employee may attend the sessions without adjustment of compensation. This program shall be available to all classified employees on an equal basis. [Order 3, § 132D-10-401, filed 10/10/68.]

WAC 132D-10-404 Political activity. Solicitation for or payment to any partisan, political organization, or for any partisan, political purpose of any compulsory assessment or involuntary contribution is prohibited. No person shall solicit on state property any contribution to be used for partisan, political purposes.

Employees shall have the right to vote and express their opinions on all political subjects and candidates, but shall not hold any political party office or participate

in the management of a partisan, political campaign. Nothing in this section shall prohibit a classified employee from participating fully in campaigns relating to constitutional amendments, referendums, initiatives, and issues of a similar character, and for nonpartisan offices.

Nothing in this section shall prohibit appointment, nomination or election to part-time public office in a political subdivision of the state when the holding of such office is not incompatible with, nor substantially interferes with, the discharge of official duties in state employment. [Order 3, § 132D-10-404, filed 10/10/68.]

WAC 132D-10-407 Outside employment. No employee in the classified staff service shall undertake employment other than his position in the classified staff service if such employment brings discredit to the institution or has an adverse effect upon the employee's performance of his duty. [Order 3, § 132D-10-407, filed 10/10/68.]

WAC 132D-10-408 Employment of more than one member of a family. The appointment of more than one member of a family as a permanent employee in the classified staff service requires special justification in terms of personnel requirements and the unusual qualifications of the individual. Such appointment must have the prior approval of the director and is subject to periodic review. Two persons who are related by [by] blood ties or by marriage may not be appointed to positions where one might exert any influence or produce any consequence upon the employment of the other. In general, people who are so related may not be employed in the same organizational unit. [Order 3, § 132D-10-408, filed 10/10/68.]

WAC 132D-10-410 False statements—Fraud. No person shall make any false statement, certificate, mark, rating or report with regard to any test, certification, or appointment made under any provision of the act or these rules, or in any manner commit any fraud preventing the impartial execution of the act and these rules. [Order 3, § 132D-10-410, filed 10/10/68.]

WAC 132D-10-413 Bribery. No person seeking appointment to or promotion in the classified staff service shall give, render or pay any money, service or any other valuable thing to any person in connection with his test appointment or promotion. [Order 3, § 132D-10-413, filed 10/10/68.]

WAC 132D-10-416 Interference by officials. No employee of the office of the director, examiner, or other person shall defeat, deceive, or obstruct any person in his right to his examination, eligibility, certification or appointment under the act and these rules or furnish to any person any special or privileges [privileged] information for the purpose of affecting the rights or prospects of any person with respect to employment in the classified service. [Order 3, § 132D-10-416, filed 10/10/68.]

WAC 132D-10-419 Penalties. Any person who willfully violates any of the provisions of the act or these rules shall be subject to dismissal and such other punishment as may be provided by law. [Order 3, § 132D-10-419, filed 10/10/68.]

WAC 132D-10-422 Discrimination. No question in any examination shall be so framed as to elicit information concerning the political or religious opinions or affiliations of any applicant, nor shall any inquiry be made concerning such opinions or affiliations of any applicant, nor shall any inquiry be made concerning such opinions or affiliations, and all disclosures thereof shall be discountenanced. No discrimination shall be exercised, threatened or promised by any employee or Appointing Authority against or in favor of any applicant, eligible, or employee because of his political or religious opinions or affiliations or of his race. No discrimination shall be exercised because of the age or sex of any applicant, eligible or employee. [Order 3, § 132D-10-422, filed 10/10/68.]

WAC 132D-10-425 Personnel records. The Office of the Director shall be the central depository of all such personnel files and records as the director deems necessary and as are required by the act and these rules. [Order 3, § 132D-10-425, filed 10/10/68.]

WAC 132D-10-428 Roster. The director shall establish and maintain a roster of all employees in the classified staff service showing for each employee the class title, the organizational unit assignment, salary employment data as he deems pertinent. [Order 3, § 132D-10-428, filed 10/10/68.]

WAC 132D-10-431 Reports to the personnel director. Every appointment, transfer, termination, promotion, demotion, dismissal, leave of absence, change of salary rate, and other temporary or permanent change in the status of employees in the classified staff service, shall be reported to the office of the director in writing. The director is authorized to prescribe the time, manner, form and method of making any written report that may be stipulated in any of these Rules. [Order 3, § 132D-10-431, filed 10/10/68.]

WAC 132D-10-434 Public records. Records of the office of the director, such as examination, personal history and other papers, disclosure of which could render harm to the employee without serving a necessary and useful purpose, shall be considered confidential. The use of such documents will be specified by the director. Such records of the office as may be defined by law as public records shall be open to inspection by legitimately interested parties only during regular office hours for reasonable periods of time and in accordance with which procedures as the director may provide. [Order 3, § 132D-10-434, filed 10/10/68.]

Chapter 132D-12 WAC**PETITION FOR PROMULGATION, AMENDMENT OR REPEAL OF RULE****WAC**

- 132D-12-010 Interested persons may petition the board for promulgation, amendment or repeal of rule.
 132D-12-015 Contents of petition.
 132D-12-020 Consideration of petition.

WAC 132D-12-010 Interested persons may petition the board for promulgation, amendment or repeal of rule. Persons having an interest in the promulgation, amendment or repeal of a "rule" as defined in RCW 34.04.020, may submit a written petition therefor to the Executive Secretary of the Board of Trustees. [Order 2, § 132D-12-010, filed 5/16/68.]

WAC 132D-12-015 Contents of petition. Any petition submitted to the board for the purposes set forth in WAC 132D-12-010 hereof shall contain:

- (1) The name and address of petitioner or petitioners.
- (2) If presented in a representative capacity, a description of the persons on whose behalf it is presented.
- (3) A statement of interest of the petitioner and/or of the persons on whose behalf it is presented.
- (4) A statement of reasons supporting the proposal.
- (5) If the petition is for (a) promulgation of a rule, the proposed rule; (b) an amendment of an existing rule, the rule with the proposed deletions lined out, and proposed additions underlined or italicized; and (c) if for repeal of a rule, a copy of the rule proposed to be repealed. [Order 2, § 132D-12-015, filed 5/16/68.]

WAC 132D-12-020 Consideration of petition. A petition received at least thirty days prior to the next meeting of the board shall be considered at the next meeting of the board. Petitions received within thirty days of the next meeting of the board shall be considered at the next following meeting of the board.

If the board finds that the petitioner has an appropriate interest, and the proposal is for the promulgation, amendment or repeal of a "rule" as defined in RCW 34.04.020, it shall, within thirty days after the meeting at which said petition is considered, either deny the petition in writing or initiate rule-making procedures in accordance with RCW 34.04.030 (section 3, chapter 237, Laws of 1967 [RCW 34.04.025]). [Order 2, § 132D-12-020, filed 5/16/68.]

Chapter 132D-14 WAC**RULES OF CONDUCT AND ENFORCEMENT PROCEDURES****WAC**

- 132D-14-010 Purpose for adopting rules.
 132D-14-020 Definitions.
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 132D-14-040 Academic dishonesty.
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 132D-14-280 Final decision regarding disciplinary action.
 132D-14-290 Disciplinary action.
 132D-14-300 Appeal of disciplinary action to the all-college judiciary committee.
 132D-14-310 Final appeal.
 132D-14-320 Civilian prosecution.
 132D-14-330 Effective date of the rules of conduct.
 132D-14-340 Prior rules.
 132D-14-350 Severability.

WAC 132D-14-010 Purpose for adopting rules. The rules of conduct and procedures of enforcement contained in chapter 132D-14 WAC are promulgated and adopted by the Board of Trustees for the following purposes:

(1) In so far as available resources permit, Community College District No. 4 provides comprehensive educational experiences and training designed to meet the needs of all potential students residing in the said district. The college is dedicated not only to the pursuit of learning and acquisition of skills and knowledge but also to the development of ethically sensitive and responsive persons. The college seeks to achieve these goals through the development and preservation of an academic community based upon sound educational and activity programs, policies and procedures which are conducive to freedom of inquiry and expression in the maximum degree compatible with the achievement of these goals. For these purposes the college is governed and rules, regulations and procedures designed to safeguard its functions and protect the rights and freedom of all members of the academic community.

(2) Admission to and enrollment in courses and programs offered by the college carries with it the obligation that students will be responsible citizens of the academic community. This includes the expectation that students will obey the law, comply with rules and regulations of the college and its divisions, will maintain a high standard of integrity and honesty and will respect the rights, privileges and property of other members of the academic community.

(3) In order to inform students of their rights and responsibilities, and to inform other interested parties, to define reasonable standards of conduct and to assure students of substantive and procedural due process of law, the rules of conduct contained in chapter 132D-14 WAC are hereby adopted. Sanctions for violations of the

rules herein adopted will be administered by the college in the manner provided by said rules. When violations of laws of the state of Washington and/or the United States are involved also, the college may refer such matters to proper civil authorities. In case of minors, the matter may be referred to parents or legal guardians.

(4) The rules adopted by chapter 132D-14 WAC are in accordance with State Board for Community College Education Policy 330.01 and under authority granted by RCW 28B.50.140(13). [Order 1-70, § 132D-14-010, filed 6/29/70.]

WAC 132D-14-020 Definitions. As used in this chapter 132D-14 WAC, the following words and phrases shall mean:

(1) "Academic dishonesty" shall mean plagiarism, cheating on examinations, fraudulent representation of student work product or other similar acts of academic dishonesty.

(2) "Alcoholic beverages" shall mean the definition of liquor as contained within RCW 66.04.010(16) as now law or hereafter amended.

(3) "Assembly" shall mean any overt activity engaged in by two or more persons, the object of which is to gain publicity, advocate a view, petition for a cause or disseminate information to any person, persons or group of persons.

(4) "ASSVC" shall mean the Associated Students of Skagit Valley College as defined in the constitution of that body.

(5) "Board" shall mean the Board of Trustees of Community College District No. 4, state of Washington.

(6) "BOC" shall mean the Board of Control as defined in the constitution of the ASSVC.

(7) "Chief administrative officer" shall mean the President of Skagit Valley College and President of Community College District No. 4.

(8) "College" shall mean Skagit Valley College and any other community college centers or facilities established within Community College District No. 4.

(9) "College facilities" shall mean and include any or all real property controlled or operated by the college and shall include all buildings and appurtenances affixed thereon or attached thereto.

(10) "Demonstrations" shall mean any overt activity engaged in by one or more persons, the object of which is to gain publicity, advocate a view, petition for a cause or disseminate information to any person, persons or group of persons.

(11) "Disciplinary action" shall mean and include the expulsion, suspension or reprimand of any student by the chief administrative officer pursuant to WAC 132D-14-290 for the violation of any designated rule or regulation of the rules of conduct for which a student is subject to disciplinary action.

(12) "Drugs and Narcotics" shall mean and include any narcotic as defined in RCW 69.33.220(14) as now law or hereafter amended and shall include any dangerous drug as defined in RCW 69.40.060 as now law or hereafter amended.

(13) "Faculty members" shall mean any employee of Community College District No. 4 who received a probationary faculty appointment or faculty appointment under the terms of community college tenure law, section 33, chapter 283, Laws of 1969 ex. sess., as now law or hereafter amended.

(14) "Judiciary Committee" shall mean the committee of that name which is part of the All-College Committee structure at Skagit Valley College.

(15) "Rules of Conduct" shall mean those rules contained within chapter 132D-14 WAC as now exist or which may be hereafter amended, the violation of which subject a student to disciplinary action.

(16) "Student" shall mean and include any person who is regularly enrolled at the college.

(17) "College Disciplinary Court" shall mean the judicial body provided in WAC 132D-14-230.

(18) "Trespass" shall mean the definition of trespass as contained within chapter 7, Laws of 1969 as now law or hereafter amended. [Order 1-70, § 132D-14-020, filed 6/29/70.]

WAC 132D-14-030 Jurisdiction. All rules herein adopted concerning student conduct and discipline shall apply to every student enrolled at the college whenever said student is engaged in or present at any college related activity whether occurring on or off college facilities. [Order 1-70, § 132D-14-030, filed 6/29/70.]

WAC 132D-14-040 Academic dishonesty. Honest assessment of student performance is of crucial importance to all members of the academic community. Acts of academic dishonesty are serious breaches of honor and shall be dealt with in the following manner:

(1) It is the responsibility of the college administration and teaching faculty to provide reasonable and prudent security measures designed to minimize opportunities for acts of academic dishonesty to occur at the college.

(2) Any student who, for the purpose of fulfilling any assignment or task required by a faculty member as part of the student's program of instruction, shall knowingly tender any work product that the student fraudulently represents to the faculty member as the student's work product, shall be deemed to have committed an act of academic dishonesty. Acts of academic dishonesty shall be cause for disciplinary action.

(3) Any student who aids or abets the accomplishment of an act of academic dishonesty, as described in subparagraph 2 above, shall be subject also to disciplinary action. [Order 1-70, § 132D-14-040, filed 6/29/70.]

WAC 132D-14-050 Alcoholic beverages. The possession, consumption or being demonstrably under the influence of any form of alcoholic beverage by any student on college facilities or at college related activities shall be cause for disciplinary action. [Order 1-70, § 132D-14-050, filed 6/29/70.]

WAC 132D-14-060 Campus traffic regulations. In accordance with the authority granted by RCW

28B.50.140(10), the chief administrative officer of Skagit Valley College shall establish and publish reasonable rules for regulation of pedestrian and vehicular traffic on property owned, operated or maintained by the college. Violation of said rules shall be cause for disciplinary action. [Order 1-70, § 132D-14-060, filed 6/29/70.]

WAC 132D-14-070 Civil disturbances. In accordance with the provisions of chapter 98, Laws of 1970:

(1) It shall be unlawful for any person, singly or in concert with others, to interfere by force or violence with any administrator, faculty member or student of the college who is in the peaceful discharge or conduct of his duties or studies.

(2) It shall be unlawful for any person, singly or in concert with others, to intimidate by threat of force or violence any administrator, faculty member or student of the college who is in the peaceful discharge or conduct of his duties or studies.

(3) The crimes defined in chapter 98, Laws of 1970, shall not apply to administrators or faculty members who are engaged in the reasonable exercise of their disciplinary authority.

(4) Any person or persons who violate the provisions of subparagraphs 1 and 2 above will be subject to disciplinary action and referred to the civil authorities for prosecution. [Order 1-70, § 132D-14-070, filed 6/29/70.]

WAC 132D-14-080 Classroom conduct. (1) Any student who, by any act of misconduct, substantially disrupts any college class by engaging in conduct that renders it difficult or impossible to maintain the decorum of the faculty member's class shall be subject to disciplinary action.

(2) The instructor of each course offered by the college shall be authorized to take such summary steps as may be necessary to preserve order and to maintain the effective cooperation of the class in fulfilling the objectives of the course; provided, a student shall have the right to appeal such summary disciplinary action to the dean of students. The dean of students shall administer such appeals in accordance with the provisions in WAC 132D-14-210. [Order 1-70, § 132D-14-080, filed 6/29/70.]

WAC 132D-14-090 Commercial activities. (1) College facilities will not be used for a commercial solicitation, advertising or promotional activities except when such activities clearly serve educational objectives, including but not limited to display of books of interest to the academic community or the display or demonstration of technical or research equipment, and when such commercial activities relate to educational objectives and are conducted under the sponsorship or at the request of a college division or office of the ASSVC; provided that such solicitation does not interfere with or operate to the detriment of the conduct of college affairs or the free flow of pedestrian or vehicular traffic.

(2) For the purpose of this regulation, the term "commercial activities" does not include handbills, leaflets, newspapers and similarly related materials as regulated in WAC 132D-14-110.

(3) Any student who violates provisions of this rule shall be subject to disciplinary action. [Order 1-70, § 132D-14-090, filed 6/29/70.]

WAC 132D-14-100 Criminal violations. (1) Any student engaged in college related activities who shall commit larceny of the property of another, as defined in RCW 9.54.010, shall be subject to disciplinary action.

(2) Any student who shall assault another in the manner prohibited by RCW 9.11.010, 9.11.020 or 9.11.030, shall be subject to disciplinary action.

(3) Any student engaged in college related activities who engages in acts of forgery as defined in RCW 9.44.010, shall be subject to disciplinary action. [Order 1-70, § 132D-14-100, filed 6/29/70.]

WAC 132D-14-110 Distribution of printed and other materials. (1) Handbills, leaflets, newspapers and similar related matter may be sold or distributed free of charge by any student or students or by members of recognized student organizations or by college employees on or in college facilities at locations specifically designated by the director of student activities; provided such distribution or sale does not interfere with the ingress and egress of persons, or interfere with the free flow of vehicular or pedestrian traffic.

(2) Such handbills, leaflets, newspapers and related matter must bear identification as to the publishing agency and distributing organization or individual.

(3) All nonstudents shall register with the director of student activities prior to the distribution of any handbill, leaflet, newspaper or related matter. Nonstudents shall not sell handbills, leaflets, newspapers or related matter on or in the college facilities.

(4) Any person or persons who violate provisions of subparagraphs 1 and 2 above will be subject to disciplinary action. [Order 1-70, § 132D-14-110, filed 6/29/70.]

WAC 132D-14-120 Drugs and narcotics. Any student who shall use, possess or sell any drug or narcotic as defined in WAC 132D-14-020(12) on college facilities or at college related activities shall be subject to disciplinary action except when the use or possession of such a drug or narcotic is specifically prescribed as medication by an authorized medical doctor or dentist. For purposes of this regulation, "sell" shall include the statutory meaning defined in RCW 69.04.005. [Order 1-70, § 132D-14-120, filed 6/29/70.]

WAC 132D-14-130 Property damage. Any person or persons who shall willfully attempt to damage or destroy, or who in fact does willfully damage or destroy, any property owned, controlled, or operated by the college or owned, controlled, or operated by another person while said property is located on college facilities shall be subject to disciplinary action. [Order 1-70, § 132D-14-130, filed 6/29/70.]

WAC 132D-14-140 Right of assembly or demonstration. (1) Students and nonstudents shall have the right of assembly or demonstration as defined in WAC 132D-14-020(3), (10) on college facilities which are generally available to the public; provided, such assemblies or demonstrations:

- (a) Are conducted in an orderly manner; and
- (b) Do not unreasonably interfere with classes, scheduled meetings or ceremonies, or with the general educational processes of the college; or
- (c) Do not unreasonably interfere with vehicular or pedestrian traffic; or
- (d) Do not unreasonably interfere with regular college functions.

(2) A student who knowingly conducts or participates in an assembly or demonstration which violates any provisions of this rule shall be subject to disciplinary action.

(3) Nonstudents who knowingly participate in or aid or abet any assembly or demonstration in violation of this section shall be subject to prosecution under the state criminal trespass law and/or any other civil or criminal remedies available to the college.

(4) Faculty members and other college personnel who knowingly participate in or aid or abet any assembly or demonstration violative of this section shall be subject to appropriate discipline. [Order 1-70, § 132D-14-140, filed 6/29/70.]

WAC 132D-14-150 Speakers on campus. (1) A speaker or performer may appear on campus on the basis of an approved invitation extended by a duly recognized student, student-faculty or faculty organization subject to the legal restraints imposed by the laws of the United States and the state of Washington.

(2) The appearance of an invited speaker on the campus does not represent an endorsement, either implicit or explicit, of his views by the college, its students, its faculty, its administration or its board.

(3) In addition to the college scheduling regulations that govern all events at the college, individuals or organizations desiring to present noncollege speakers must obtain scheduling approval before an invitation is extended.

(4) The scheduling of facilities for hearing invited speakers shall be made through the office of the Dean of Students (Associate Dean of Continuing Education for events held in the evening) by the recognized inviting campus individual or organization.

(5) The appearance of a speaker or performer on campus shall be scheduled in accordance with college scheduling regulations.

(6) Violation of this section shall be cause for disciplinary action. [Order 1-70, § 132D-14-150, filed 6/29/70.]

WAC 132D-14-160 Trespass. (1) The chief administrative officer, or his designee, in the instance of any event which he deems to be unreasonably disruptive of order or which he deems impedes the movement of persons or vehicles or which he deems to disrupt or threatens to disrupt the ingress and/or egress of persons from facilities owned and/or operated by the college, shall

have the power and authority subject to the students' right of assembly as guaranteed pursuant to WAC 132D-14-140 to:

(a) Prohibit the entry of, or withdraw the license or privilege of any person or persons or any group of persons to enter onto or remain upon all or any portion of a college facility which is owned and/or operated by the college; or

(b) To give notice against trespass by any manner specified in section 1(2), chapter 7, Laws of 1969 state of Washington to any person, persons or group of persons against whom the license or privilege has been withdrawn or who have been prohibited from, entering onto or remaining upon all or any portion of a college facility, which college facility is owned and/or operated by the college; or

(c) To order any person, persons or group of persons to leave or vacate all or any portion of a college facility which is owned and/or operated by the college.

(2) Any student who shall disobey a lawful order given by the chief administrative officer or his designee pursuant to the requirements of section 1 of this rule shall be subject to disciplinary action. Such a student may be subject also to the criminal trespass provisions of chapter 7, Laws of 1969, state of Washington. [Order 1-70, § 132D-14-160, filed 6/29/70.]

Reviser's note: Section, 1, chapter 7, Laws of 1969 (codified as RCW 9.83.080) was repealed by section 9A.92.010, chapter 260, Laws of 1975 1st ex. sess. For later enactment see chapter 9A.52 RCW.

WAC 132D-14-170 Delegation of disciplinary authority. The board, acting pursuant to RCW 28B.50.140(14), do by written order delegate to the chief administrative officer authority to administer the disciplinary action prescribed in WAC 132D-14-290. All disciplinary actions in which there is a recommendation that a student be suspended or expelled shall be acted upon by the chief administrative officer. The chief administrative officer shall have no authority to delegate this decision. [Order 1-70, § 132D-14-170, filed 6/29/70.]

WAC 132D-14-180 Right to demand identification. (1) For the purpose of determining whether probable cause exists for application of any section of the code of conduct to any conduct by any person on a college facility, any faculty member, or other college personnel is expressly authorized by the chief administrative officer, to demand that any person on college facilities produce evidence of student enrollment at the college. Evidence of student enrollment may be documented by the tender of the student's ASSVC card or other evidence of student enrollment.

(2) Refusal by a student to produce evidence of student enrollment at the college shall be cause for disciplinary action. [Order 1-70, § 132D-14-180, filed 6/29/70.]

WAC 132D-14-190 Purpose of disciplinary action. Disciplinary action, up to and including dismissal from the college, may be imposed upon a student for failure to abide by the rules of conduct herein adopted. The form

of disciplinary action imposed upon the nonabiding student will determine whether and under what conditions the violator may continue as a student at the college. [Order 1-70, § 132D-14-190, filed 6/29/70.]

WAC 132D-14-200 Summary suspension. (1) If the chief administrative officer, or in his absence his designee, has cause to believe that any student has violated any law of the state of Washington or the United States, or any of the rules of conduct contained in chapter 132D-14 WAC, and the chief administrative officer or his designee also has further cause to believe that the student's violation involves:

(a) Participation in mass protest or demonstration violative of WAC 132D-14-070 or 132D-14-140, and that immediate disciplinary action is necessary to restore order on the campus owned and/or operated by the college; or

(b) Violation of any other rule of conduct and there appears also to be a significant probability that said violation or violations will continue to the great injury of the college, so as to render the disciplinary proceeding process contained in chapter 132D-14 WAC ineffectual:

Then the chief administrative officer or his designee shall, pursuant to the following rules, have authority to suspend said student for the maximum of ten days prior to any subsequent disciplinary proceedings initiated according to WAC 132D-14-210.

(2) If the chief administrative officer or his designee exercises the authority conferred by subparagraph 1 above against any student, he shall:

(a) Direct the dean of students to cause notice hereof to be served upon said student by registered or certified mail at the student's last known address, or by causing personal service of such notice upon said student; and

(b) The notice shall be entitled "Notice of Summary Suspension Proceeding" and shall state:

(i) The charges against the student, including reference to the law and/or rules of conduct involved; and

(ii) That the student charged must appear before the dean of students or the dean's designee at a time to be set by the dean, but not later than twenty-four hours from the date and time of receipt of the "Notice of Summary Suspension Proceeding."

(3) At the summary suspension hearing:

(a) The college, through the office of the dean of students, or the dean's designee, shall make a determination as to whether there is probable cause to believe that the violation stated in the notice of summary suspension proceedings to the student did occur, and whether there is cause to believe that immediate suspension is necessary; and

(b) The student may offer oral testimony of himself or of any person, submit any statement or affidavit on his own behalf, examine any affidavit, cross-examine any witness who may appear against him and submit any matter in extenuation or mitigation of the offense or offenses charged; and

(c) The dean of students shall at the time of the summary suspension proceeding determine whether there is probable cause to believe that a violation of law or of the rules of conduct has occurred, and whether there is

cause to believe that immediate suspension is necessary; and

(d) In the course of making such a decision, the dean of students may only consider the sworn affidavit or oral testimony of persons who have alleged that the student charged has committed a violation of law or of the rules of conduct and the oral testimony and affidavits submitted by the student charged.

(4) If the dean of students, following the conclusion of the summary suspension proceeding, finds that there is probable cause to believe that:

(a) The student, against whom specific violations of law or of rules of conduct are alleged, has committed one or more such violations upon any college facility; and

(b) That summary suspension of said student is necessary to attain peace and order on the campus; and

(c) Such violation or violations of the law or of the rules of conduct constitute grounds for disciplinary probation or dismissal pursuant to WAC 132D-14-290; or

(d) If the student to whom the "Notice of Summary Suspension Proceeding" has been served pursuant to subparagraph 2 above and said student fails to appear at the time and place designated for the summary suspension hearing,

Then the dean of students may, with the written approval of the chief administrative officer, suspend such student from the college for a maximum of ten days.

(5) If a student is suspended for ten days pursuant to the above rules:

(a) The student will be provided with a written copy of the dean of student's findings of fact and conclusions, as expressly concurred in by the chief administrative officer; and

(b) The student shall be served a copy of the notice of suspension by personal service or by registered mail, notice by mail to be sent to the student's last known address; and

(c) The suspension shall be effective for a ten day period dating from the day the notice of suspension is mailed or personal service accomplished.

(6) Any student aggrieved by an order issued at the summary suspension proceeding may appeal the same pursuant to the appeal procedure contained in WAC 132D-14-220. [Order 1-70, § 132D-14-200, filed 6/29/70.]

WAC 132D-14-210 Initial disciplinary proceedings.

(1) All disciplinary proceedings will be initiated by the dean of students or his designated representative.

(2) Any student accused of violating any provision of the rules of conduct, except the special provisions set forth in WAC 132D-14-080(3), will be called for an initial conference with the dean of students or his designated representative, and will be informed of what provision or provisions of the rules of conduct he is charged with violating, and what appears to be the maximum penalties, if any, which might result from initiation of a disciplinary proceeding.

(3) After considering the evidence in the case and interviewing the student or students accused of violating

the rules of conduct, the dean of students, or his designated representative, may take any of the following actions:

- (a) Terminate the proceeding, exonerating the student or students;
- (b) Dismiss the case after whatever counseling and advice may be appropriate;
- (c) Impose minor sanctions directly (warning, reprimand) subject to the student's right of appeal as provided in WAC 132D-14-220.
- (d) If major sanctions are deemed necessary, the dean of students may recommend that the chief administrative officer impose disciplinary action pursuant to WAC 132D-14-240. [Order 1-70, § 132D-14-210, filed 6/29/70.]

WAC 132D-14-220 Appeal of disciplinary action taken by the dean of students. Any disciplinary action taken by the dean of students or his designated representative in accordance with WAC 132D-14-210(c) may be appealed to the student court. All appeals by a student must be made in writing to the college disciplinary court and presented to the chief justice of the college disciplinary court within seven days after the student has been notified of the action taken by the dean of students or his designated representative. [Order 1-70, § 132D-14-220, filed 6/29/70.]

WAC 132D-14-230 Composition and structure of the college disciplinary court. (1) The college disciplinary court shall be composed of a chief justice, associate chief justice and seven associate justices selected as follows:

- (a) The chief justice shall be a student in good academic standing at the college, and he shall be appointed by the ASSVC president with the advice and consent of the BOC for a one year term; and
- (b) The associate chief justice shall be a faculty member or administrator appointed by the chief administrative officer of the college for a three year term; and
- (c) The associate justices shall be selected as follows:
 - (i) Four associate justices shall be students in good academic standing appointed by the ASSVC president with the advice and consent of the BOC for one year terms; and
 - (ii) Two associate justices shall be faculty members elected by the faculty senate for two year terms; and
 - (iii) One associate justice shall be an administrator appointed by the chief administrative officer of the college for a two year term; and
 - (iv) Members of the college disciplinary court shall be chosen by no later than October 15 of each academic year.
- (d) A chief justice, associate chief justice, and associate justices shall serve during their term of office as set forth above and until their successors are appointed or elected.

(2) If any member of the college disciplinary court is unable to consider a particular disciplinary proceeding for any reason, including but not limited to conflict of interest, matters of conscience or related reasons, such members shall abstain from considering the issues. If the

chief justice and associate chief justice abstain pursuant to the above procedure, the members of the college disciplinary court shall elect a temporary chief justice who will preside over the court.

(3) The chief justice, or in his absence the associate chief justice except under circumstances described in subparagraph 2 above, shall preside over all court proceedings in cases relating to student violation of the rules of conduct established by chapter 132D-14 WAC. The presiding officer of the college disciplinary court shall exercise the powers and duties usually granted to the presiding officer of a judicial body including but not limited to the power to make rulings on all evidentiary procedural matters heard in the course of the disciplinary hearing.

(4) A quorum for all proceedings of the college disciplinary court shall consist of the chief justice, or in his absence the associate chief justice, and at least four associate justices; provided, in the event that the chief justice and associate chief justice have been replaced in accordance with subparagraph 2 above, the college disciplinary court shall meet to elect a temporary chief justice.

(5) A recorder shall be appointed by the chief administrative officer to be present at all proceedings of the college disciplinary court involving hearings relating to violations of the rules of conduct, and the recorder shall record, transcribe and maintain reasonable written records of all such proceedings. [Order 1-70, § 132D-14-230, filed 6/29/70.]

WAC 132D-14-240 Procedures for hearing before the college disciplinary court. (1) The college disciplinary court shall conduct a hearing within ten days after disciplinary action has been referred to the court and shall give the student charged with a violation of the rules of conduct a minimum of seven days notice as specified in subparagraph 3 below.

(2) The college disciplinary court will hear, de novo, and make recommendations to the chief administrative officer of the college on all disciplinary cases referred to it by the dean of students or by appeal as specified in WAC 132D-14-220.

(3) The student has a right to a fair and impartial hearing before the college disciplinary court on any charge of violating the rules of conduct. The student's failure to cooperate with the hearing procedures hereinafter outlined, however, shall not preclude the college disciplinary court from making its findings of fact, conclusions and recommendations as provided herein.

(4) The student shall be given written notice of the time and place of the hearing before the college disciplinary court by personal service or registered mail and be afforded not less than seven days notice thereof. Said notice shall contain:

- (a) A statement of time, place and nature of the disciplinary proceeding; and
- (b) A statement of the charges against him including reference to the particular sections of the rules of conduct involved.

(5) The student shall be entitled to hear and examine the evidence against him and be informed of the identity

of its source. He shall be entitled to present evidence in his own behalf and cross examine witnesses testifying against him as to factual matters.

(6) If the student elects to choose a duly licensed attorney admitted to practice in any state of the United States as his counsel, he must tender three days notice thereof to the dean of students.

(7) In all disciplinary proceedings, the college may be represented by a designee appointed by the dean of students; said designee may then present the college's case against the student accused of violating the rules of conduct; provided, that in those cases in which the student elects to be represented by a licensed attorney, the dean of students may elect to have the college represented by an assistant attorney general.

(8) A reasonable written record of all the evidence and facts presented to the college disciplinary court during the course of the proceedings will be taken. A copy thereof shall be available at the office of the dean of students.

(9) Proceedings of the college disciplinary court shall be presided over by a presiding officer as provided in WAC 132D-14-230. [Order 1-70, § 132D-14-240, filed 6/29/70.]

WAC 132D-14-250 Conduct of disciplinary hearings. (1) Hearings conducted by the college disciplinary court generally will be held in open session; provided, the accused student may request the hearing to be held in closed session.

(2) If at any time during the conduct of a hearing visitors are disruptive of the proceedings, the presiding officer of the college disciplinary court may exclude such persons from the hearing room.

(3) Any student, nonstudent or other visitors attending the college disciplinary court hearing, who continues to disrupt the proceedings after the presiding officer has asked them to cease and desist thereof, shall be subject to disciplinary action. [Order 1-70, § 132D-14-250, filed 6/29/70.]

WAC 132D-14-260 Evidence admissible in hearings. (1) Only those matters presented at the hearing, in the presence of the accused student, except where the student fails to attend after receipt of proper notice, will be considered in determining whether the college disciplinary court has sufficient cause to believe that the accused student is guilty of violating the rules he is charged with having violated.

(2) In determining whether sufficient cause, as stated in subparagraph 1 above, does exist, members of the college disciplinary court shall give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent men in the conduct of their affairs.

(3) The presiding officer of the college disciplinary court shall, in the course of presiding at the disciplinary hearing, give effect to the rules of privilege recognized by law and exclude incompetent, irrelevant, immaterial and unduly repetitious evidence. [Order 1-70, § 132D-14-260, filed 6/29/70.]

WAC 132D-14-270 Decision by the college disciplinary court. (1) Upon conclusion of the disciplinary hearing, the college disciplinary court shall consider all the evidence therein presented and decide by majority vote whether to recommend to the chief administrative officer any of the following actions:

(a) That the college terminate the proceedings and exonerate the student or students; or

(b) That the college impose minor sanctions directly, such as warnings or reprimands, subject to the student's right of appeal as hereinafter described; or

(c) That the college impose any of the disciplinary actions as provided in WAC 132D-14-290; or

(d) Recommend that the student be dismissed from the college.

(2) The student will be provided with a copy of the court's findings of fact and conclusions regarding whether the student did violate any rule or rules of the code of conduct. The court shall advise the student also of his rights to present, within seven calendar days, a written statement to the chief administrative officer of the college appealing the recommendation of the college disciplinary court. [Order 1-70, § 132D-14-270, filed 6/29/70.]

WAC 132D-14-280 Final decision regarding disciplinary action. (1) The chief administrative officer of the college or any representative he may designate except the dean of students shall, after reviewing the record of the case, include in the report of the college disciplinary court any statement filed by the student, either his indicated approval of the recommendations of the college disciplinary court or give directions as to what lesser disciplinary action shall be taken.

(2) If the chief administrative officer decides that discipline is to be imposed after the review provided by the above section, the chief administrative officer or his designee shall notify the student in writing of the discipline imposed. In case of an unmarried minor student, written notice of any action involving dismissal or disciplinary action shall be sent also to parent or guardian of the student. [Order 1-70, § 132D-14-280, filed 6/29/70.]

WAC 132D-14-290 Disciplinary action. The following disciplinary actions are hereby established and shall be the sanctions imposed upon violators of the rules of conduct:

(1) **Disciplinary Warning:** Notice to a student, either verbally or in writing, that he has been in violation of the rules of conduct or has otherwise failed to satisfy the college's expectations regarding conduct. Such warnings imply that continuation or repetition of the specific conduct involved or other misconduct will result in one of the more serious disciplinary actions described in subparagraphs 3 or 4 below.

(2) **Reprimand:** Formal action censuring a student for violation of the rules of conduct. Reprimands are always made in writing to the student by the officer or agency taking the action, with copies to the office of the dean of students. A reprimand indicates to the student that continuation or repetition of the specific conduct involved or other misconduct will result in one of the more serious

disciplinary actions described in subparagraphs 3 or 4 below.

(3) **Disciplinary Probation:** Formal action placing conditions upon the student's continued attendance for violation of the rules of conduct. The office placing the student on disciplinary probation will specify, in writing, the period of probation and the conditions, such as limiting the student's participation in extracurricular activities. Disciplinary probation may be for a specified term or for an indefinite period which may extend to graduation or other termination of the student's enrollment in the college. Violation of disciplinary probation shall be cause for disciplinary action.

(4) **Summary Suspension:** Formal action suspending a student for violation of the rules of conduct. Summary suspension of a student shall be made only by the chief administrative officer of the college or his designee, pursuant to the rules provided in WAC 132D-14-200, for a maximum of ten academic calendar days prior to any subsequent disciplinary proceeding initiated under the rules of conduct contained in chapter 132D-14 WAC.

(5) **Dismissal:** Termination of a student status for violation of the rules of conduct. A student may be dismissed only with the approval of the chief administrative officer of the college. Dismissal may be for a stated or for an indefinite period. The notification dismissing a student will indicate, in writing, the term of the dismissal and any special conditions which must be met before readmission. There is no refund of fees for the quarter in which the action is taken, but fees paid in advance for a subsequent quarter are to be refunded. [Order 1-70, § 132D-14-290, filed 6/29/70.]

WAC 132D-14-300 Appeal of disciplinary action to the all-college judiciary committee. (1) Any student feeling aggrieved by the imposition of disciplinary action pursuant to WAC 132D-14-280 may appeal the same in writing by directing an appeal to the chairman of the all-college judiciary committee within seven days following receipt of the order of the chief administrative officer imposing disciplinary action.

(2) The all-college judiciary committee, hearing an appeal pursuant to subparagraph 1 above, shall be governed by the operational procedures used in the usual conduct of its business.

(3) In the consideration of such an appeal, the all-college judiciary committee shall base its findings and recommendations only on the basis of the official written record of the case; provided, that the committee may request written briefs prepared by the chief administrative officer or his representative and the student or his representative.

(4) After considering and reviewing the written records of the case and the prepared briefs, the all-college judiciary committee may take any of the following actions:

(a) Uphold the disciplinary action imposed by the chief administrative officer; or

(b) Find the evidence of fact does not warrant the severity of the disciplinary action imposed and recommend that the chief administrative officer impose lesser disciplinary action; or

(c) Find the evidence of fact does not warrant the disciplinary action taken and order a new hearing before the college disciplinary court; or

(d) Find the evidence of fact does not warrant disciplinary action to be imposed and recommend that the board set aside such disciplinary action and exonerate the student or students involved in the case. [Order 1-70, § 132D-14-300, filed 6/29/70.]

WAC 132D-14-310 Final appeal. Any student feeling aggrieved by the findings or conclusions of an appeal pursuant to WAC 132D-14-300 may appeal the same in writing by directing an appeal to the chairman of the board within seven days following notification of the student of the action taken by the all-college judiciary committee. The board may, at their discretion, suspend any disciplinary action pending determination of the merits of the findings, conclusions and disciplinary action imposed. In the consideration of such an appeal, the board of trustees shall base its findings and decision only on the basis of the official written record of the case; provided, that the board may request written briefs prepared by the chief administrative officer or his representative and the student or his representative. [Order 1-70, § 132D-14-310, filed 6/29/70.]

WAC 132D-14-320 Civilian prosecution. The board acting through the chief administrative officer of the college may refer any violations of the rules of conduct which involve violations of federal or state law to civilian authorities for disposition. [Order 1-70, § 132D-14-320, filed 6/29/70.]

WAC 132D-14-330 Effective date of the rules of conduct. The rules contained within chapter 132D-14 WAC shall become effective upon the first day of July, 1970, and after the same has been filed with the code reviser. [Order 1-70, § 132D-14-330, filed 6/29/70.]

WAC 132D-14-340 Prior rules. The rules contained within chapter 132D-14 WAC supercede all former rules for which a student was subject to disciplinary action as defined by WAC 132D-14-020. [Order 1-70, § 132D-14-340, filed 6/29/70.]

WAC 132D-14-350 Severability. If any provision of chapter 132D-14 WAC is adjudged by a court to be unconstitutional, the remaining provisions of chapter 132D-14 WAC shall continue in effect. [Order 1-70, § 132D-14-350, filed 6/29/70.]

Chapter 132D-16 WAC

PARKING AND TRAFFIC REGULATIONS

WAC

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WAC 132D-16-010 Purpose for adopting rules.

Pursuant to the authority granted by RCW 28B.50.140(10), the Board of Trustees of Community College District No. 4 is granted authority to make rules and regulations for pedestrian and vehicular traffic on property owned, operated or maintained by the college district. The rules and regulations contained in this chapter are established for the following purposes:

- (1) To protect and control pedestrian and vehicular traffic; and
- (2) To assure access at all times for emergency traffic; and
- (3) To minimize traffic disturbance during class hours; and
- (4) To facilitate the work of the college by assuring access to its vehicles and to assign the limited parking space for the most efficient use. [Order 2-70, § 132D-16-010, filed 6/29/70.]

WAC 132D-16-020 Definitions. As used in this chapter, the following words and phrases shall mean:

- (1) "Board" shall mean the Board of Trustees of Community College District No. 4, state of Washington.
- (2) "Campus" shall mean any or all real property owned, operated or maintained by Community College District No. 4, state of Washington.
- (3) "Dean of students" shall mean the dean of students of Skagit Valley College.
- (4) "College" shall mean Skagit Valley College and any other community college centers or facilities established within Community College District No. 4.
- (5) "Faculty members" shall mean any employee of Community College District No. 4 who is certified to teach in a community college in the state of Washington.
- (6) "College disciplinary court" shall mean the court system established by WAC 132D-14-230.
- (7) "Security officer" shall mean an employee of the college, legally deputized by the Mount Vernon Police Department, who is responsible to the dean of students for campus security.

(8) "Staff" shall mean the classified members employed by the college.

(9) "Student" shall mean any person who is enrolled in the college as a student.

(10) "Vehicle" shall mean an automobile, truck or other such vehicle and two-wheeled vehicles empowered by a motor.

(11) "Visitors" shall mean any person or persons who come upon the campus as guests and any person or persons who lawfully visit the campus for purposes which are in keeping with the college's role as an institution of higher learning in the state of Washington. [Order 2-70, § 132D-16-020, filed 6/29/70.]

WAC 132D-16-030 Applicable traffic rules and regulations. The traffic rules and regulations which are applicable upon the campus are as follows:

(1) The motor vehicle and other traffic laws of the state of Washington; and

(2) The traffic code of Mount Vernon, Washington, and the counties within Community College District No. 4; and

(3) The traffic rules and regulations of federal, state or local agencies who rent, lease or otherwise provide facilities for the use of the college; and

(4) Special regulations set forth in chapter 132D-16 WAC. [Order 2-70, § 132D-16-030, filed 6/29/70.]

WAC 132D-16-040 Permits required for vehicles on campus. Students, faculty members, staff members, guests and visitors shall not stop, park or leave a vehicle whether attended or unattended upon the campus without a parking permit issued pursuant to WAC 132D-16-050; provided, the said permit shall not be required of visitors who park in specifically marked visitor areas and the exemptions from traffic and parking restrictions set forth in WAC 132D-16-200 and 132D-16-230. [Order 2-70, § 132D-16-040, filed 6/29/70.]

WAC 132D-16-050 Authorization for issuance of permits. The dean of students or his designate, is authorized to issue parking permits to students, faculty members, staff members, guests and visitors of the college pursuant to the following regulations:

(1) Students may be issued a parking permit upon the registration of his vehicle with the college at the beginning of each academic period; provided, said academic period shall not include summer school.

(2) Faculty and staff members may be issued a parking permit upon the registration of their vehicles at the beginning of fall quarter: *Provided*, That new faculty and staff members employed during the regular academic year may be issued a parking permit upon the registration of their vehicles at the time they begin their employment at the college.

(3) The dean of students, or his designate, may issue temporary and special parking permits when such permits are necessary to enhance the business or operation of the college. [Order 2-70, § 132D-16-050, filed 6/29/70.]

WAC 132D-16-060 Valid permit. A valid parking permit is:

(1) An unexpired parking permit registered and properly displayed; or

(2) A temporary parking permit authorized by the dean of students, or his designate, and properly displayed; or

(3) A special parking permit authorized by the dean of students, or his designate, and properly displayed. [Order 2-70, § 132D-16-060, filed 6/29/70.]

WAC 132D-16-070 Display of permit. All parking permits, except special and temporary permits, shall be displayed affixed to the inside of the rear window on the lower left corner directly behind the driver. If the vehicle is a convertible or has no rear window, the permit shall be affixed to the top center of the windshield. Special and temporary parking permits shall be placed within the vehicle where it can be plainly observed.

Expired permits shall be removed before the new permits are attached.

Permits not displayed pursuant to the provisions of this section shall not be valid. [Order 2-70, § 132D-16-070, filed 6/29/70.]

WAC 132D-16-080 Transfer of permits. Parking permits are not transferable. [Order 2-70, § 132D-16-080, filed 6/29/70.]

WAC 132D-16-090 Permit revocation. Parking permits are the property of the college and may be recalled by the dean of students for any of the following reasons:

(1) When the purpose for which the permit was issued changes or no longer exists; or

(2) When a permit is used by an unregistered vehicle or by an unauthorized individual; or

(3) Falsification on a parking permit application; or

(4) Continued violations of parking regulations; or

(5) Counterfeiting or altering a parking permit. [Order 2-70, § 132D-16-090, filed 6/29/70.]

WAC 132D-16-100 Right to refuse permit. The college reserves the right to refuse the issuance of a parking permit to anyone who has had a previous parking permit revoked. [Order 2-70, § 132D-16-100, filed 6/29/70.]

WAC 132D-16-110 Right to appeal permit revocation or refusal to grant permit. When a parking permit has been recalled pursuant to WAC 132D-16-090 or has been refused in accordance with WAC 132D-16-100, such action by the dean of students, or his designate, may be appealed pursuant to WAC 132D-14-220. [Order 2-70, § 132D-16-110, filed 6/29/70.]

WAC 132D-16-120 Responsibility of person to whom permit issued. The person to whom a parking permit is issued pursuant to the rules and regulations set forth in this chapter shall be responsible for all violations of said rules and regulations involving the vehicle for which the permit was issued and to which it was affixed:

Provided, however, That such responsibility shall not relieve other persons who violate the rules and regulations established by this chapter. [Order 2-70, § 132D-16-120, filed 6/29/70.]

WAC 132D-16-130 Designation of parking space. The parking space available on campus shall be designated and allocated by the dean of students, or his designate, in such a manner as will best effectuate the objectives of the rules and regulations in this chapter.

(1) Faculty and staff spaces will be so designated for their use; and

(2) Student spaces will be so designated for their use; provided, physically handicapped students may be granted special permits to park in close proximity to the classrooms used by such students; and

(3) Parking spaces will be designated for use of visitors on campus. [Order 2-70, § 132D-16-130, filed 6/29/70.]

WAC 132D-16-140 Parking within designated spaces. (1) All vehicles shall follow traffic arrows and other markings established for the purpose of directing traffic on campus.

(2) In areas marked for diagonal parking, vehicles shall be parked at a forty-five degree angle, facing in, with no part of the vehicle extending more than two feet beyond the yellow line or barrier.

(3) In areas marked for parallel or right-angle parking, space or stall markings will be observed.

(4) No vehicle shall be parked so as to occupy any portion of more than one parking space or stall as designated within the parking area. The fact that other vehicles may have been so parked as to require the vehicle parked to occupy a portion of more than one space or stall shall not constitute an excuse for a violation of this section.

(5) No vehicle shall be parked on the campus except in those areas set aside and designated pursuant to WAC 132D-16-130. [Order 2-70, § 132D-16-140, filed 6/29/70.]

WAC 132D-16-150 Day parking. The rules and regulations pertaining to the use of certain parking permits in specified areas as contained in WAC 132D-16-130 shall be in force during the hours from 7:00 a.m. to 6:00 p.m. [Order 2-70, § 132D-16-150, filed 6/29/70.]

WAC 132D-16-160 Night parking. Night students, faculty members, visitors and guests may park in any of the spaces or stall designated in WAC 132D-16-130 on a first come, first served basis between the hours of 6:00 p.m. and 2:00 a.m. [Order 2-70, § 132D-16-160, filed 6/29/70.]

WAC 132D-16-170 Regulatory signs and directions. The dean of students, or his designate, is authorized to erect signs, barricades and other structures and to paint marks or other directions upon the entry ways and streets on campus and upon the various parking lots owned or operated by the college. Such signs, barricades, structures, markings and directions shall be so made and

placed as in the opinion of the dean of students, or his designate, will best effectuate the objectives stated in WAC 132D-16-010 and will best effectuate the rules and regulations contained in this chapter.

Drivers of vehicles shall observe and obey the signs, barricades, structures, markings and directions erected pursuant to this section. Drivers shall also comply with the directions given them by the campus security officer in the control and regulations of traffic. [Order 2-70, § 132D-16-170, filed 6/29/70.]

WAC 132D-16-180 Speed. No vehicle shall be operated on the campus at a speed in excess of fifteen miles per hour or such lower speed as is reasonable and prudent in the circumstances. No vehicle of any type shall at any time use the campus parking lots for testing, racing or other unauthorized activities. [Order 2-70, § 132D-16-180, filed 6/29/70.]

WAC 132D-16-190 Pedestrian's right of way. (1) The operator of a vehicle shall yield the right of way, slowing down or stopping, if need be, to so yield to any pedestrian, but no pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

(2) Whenever any vehicle slows or stops so as to yield to pedestrian traffic, the operator of any other vehicle approaching from the rear shall not overtake and pass such a vehicle which has slowed or stopped to yield to pedestrian traffic.

(3) Every pedestrian crossing at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all vehicles.

(4) Where a sidewalk is provided, pedestrians shall proceed upon such a sidewalk. Pedestrians upon a street or roadway where no sidewalk is provided shall proceed on the extreme left-hand side of the roadway, facing oncoming traffic, and upon meeting an oncoming vehicle shall step to their left and clear the street or roadway. [Order 2-70, § 132D-16-190, filed 6/29/70.]

WAC 132D-16-200 Special traffic and parking regulations and restrictions authorized. Upon special occasions causing additional and/or heavy traffic and during emergencies the dean of students, or his designate, is authorized to impose additional traffic and parking regulations and restrictions for the achievement of the objectives specified in WAC 132D-16-010. [Order 2-70, § 132D-16-200, filed 6/29/70.]

WAC 132D-16-210 Two wheeled motor bikes or bicycles. (1) All two-wheeled vehicles empowered by a motor or foot shall park in a space designated by the security officer.

(2) No vehicle shall be ridden on the sidewalks on campus at any time unless authorized by the dean of students or his designate. [Order 2-70, § 132D-16-210, filed 6/29/70.]

WAC 132D-16-220 Report of accidents. The operator of any vehicle involved in an accident on campus resulting in the injury to or death of any person or total or claimed damage to either or both vehicles of any amount, shall within twenty-four hours after such accident make a written report thereof to the dean of students on forms to be furnished by said dean of students. This does not relieve any person so involved in an accident from his responsibility to file a state of Washington Motor Vehicle Accident Report. [Order 2-70, § 132D-16-220, filed 6/29/70.]

WAC 132D-16-230 Exceptions from traffic and parking restrictions. WAC 132D-16-130 of these rules and regulations shall not apply to city, county or state-owned vehicles. [Order 2-70, § 132D-16-230, filed 6/29/70.]

WAC 132D-16-240 Enforcement. (1) Enforcement of the parking rules and regulations will begin the first week of full classes of the fall quarter and will continue until the end of spring quarter. These rules and regulations will not be enforced during summer quarter, Saturdays, Sundays and official college holidays.

(2) The dean of students, or his designate, shall be responsible for the enforcement of the rules and regulations contained in this chapter. Pursuant to the provisions of WAC 132D-16-290, the dean of students is authorized to delegate this responsibility to the campus security officer or other subordinates. [Order 2-70, § 132D-16-240, filed 6/29/70.]

WAC 132D-16-250 Issuance of traffic tickets. Upon the violations of any of the rules and regulations contained in this chapter the dean of students, his designate or subordinates may issue a summons or traffic ticket setting forth the date, the approximate time, permit number, license number, name of permit holder, infraction, officer and schedule of fines. Such summons or traffic tickets may be served by attaching or affixing a copy thereof to the vehicle allegedly involved in such violation, or by placing a copy thereof in some prominent place outside such vehicle or by personally serving the operator. [Order 2-70, § 132D-16-250, filed 6/29/70.]

WAC 132D-16-260 Fines and penalties. The dean of students, or his designate, is authorized to impose the following fines and penalties for the violation of the rules and regulations contained in this chapter:

(1) Except as provided under subsection (2) fines will be imposed as follows: A fine of \$1.00 will be levied for all violations of the regulations contained in this chapter: *Provided*, That if the fine is paid within twenty-four hours of the issuance of the ticket, the fine will be reduced to .25 cents; provided further, fines not paid during the first week after the violation shall be payable as follows:

(a) Fines paid one but not more than two weeks after the issuance of the ticket will be levied at \$2.00.

(b) Fines paid more than two weeks after the issuance of the ticket will be levied at \$4.00.

(2) Vehicles parked in a manner to obstruct traffic including access to and from parking spaces and areas will be subject to a fine of \$1.00 and may be impounded and taken to such place for storage as the dean of students, or his designate, selects. The expenses of such impoundings and storage shall be charged to the owner or operator of the vehicle and paid by him prior to its release. The college and its employees shall not be liable for loss or damage of any kind resulting from such impounding and storage.

(3) An accumulation of traffic violations by a student will be cause for disciplinary action, and the dean of students shall initiate disciplinary proceedings against such student pursuant to WAC 132D-14-210.

(4) Vehicles involved in more than two violations of these regulations within a twelve month period may be impounded as provided for in subsection (2) herein. [Order 2-70, § 132D-16-260, filed 6/29/70.]

WAC 132D-16-270 Appeal of fines and penalties. Any fines and penalties levied against a violator of the rules and regulations set forth in this chapter may be appealed pursuant to the provision contained in WAC 132D-14-220, 132D-14-300 and 132D-14-310. [Order 2-70, § 132D-16-270, filed 6/29/70.]

WAC 132D-16-280 Liability of college. The college assumes no liability under any circumstances for vehicles parked on campus. [Order 2-70, § 132D-16-280, filed 6/29/70.]

WAC 132D-16-290 Delegation of authority. The authority and powers conferred upon the dean of students by these regulations shall be subject to delegation by him to his subordinates. [Order 2-70, § 132D-16-290, filed 6/29/70.]

WAC 132D-16-300 Effective date. These regulations shall be effective on the date of filing with the code reviser. [Order 2-70, § 132D-16-300, filed 6/29/70.]

WAC 132D-16-310 Severability. If any provision of chapter 132D-16 WAC is adjudged by a court to be unconstitutional, the remaining provisions of chapter 132D-16 WAC shall continue in effect. [Order 2-70, § 132D-16-310, filed 6/29/70.]

Chapter 132D-18 WAC PUBLIC RECORDS

WAC

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132D-18-020	Definitions.
132D-18-030	Description of organization.
132D-18-040	Operations and procedures.
132D-18-050	Substantive rules and policies of general applicability.
132D-18-060	Public records available.
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132D-18-080	Office hours.
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132D-18-100	Copying.
132D-18-110	Determination regarding exempt records.
132D-18-120	Review of denials of public record requests.
132D-18-130	Protection of public records.

132D-18-140 Records index.
132D-18-150 Adoption of form.

WAC 132D-18-010 Purpose. The purpose of this chapter shall be to ensure compliance by Community College District No. 4 with the provisions of chapter 1, Laws of 1973 (Initiative 276), Disclosure-Campaign-Finances-Lobbying-Records; and in particular sections 25-32 of that act, dealing with public records. [Order, § 132D-18-010, filed 9/25/73.]

WAC 132D-18-020 Definitions. (1) **Public Records.** "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics: *Provided, however,* That the personal and other records cited in section 31, chapter 1, Laws of 1973, are exempt from the definition of public record.

(2) **Writing.** "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

(3) **Community College District No. 4.** Community College District No. 4 (Skagit Valley College) is an agency organized by statute pursuant to RCW 28B.50-.040. Community College District No. 4 shall hereafter be referred to as the "district." Where appropriate, the term district also refers to the staff and employees of the district. [Order, § 132D-18-020, filed 9/25/73.]

WAC 132D-18-030 Description of organization. (1) Community College District No. 4 is a state agency established and organized under the authority of chapter 28B.50 RCW for the purpose of implementing the educational goals established by the legislature in RCW 28B.50.020. The administrative office of the district is located on the Skagit Valley College campus within the city of Mount Vernon, Washington. The Mount Vernon campus likewise comprises the central headquarters for all operations of the district. Field activities for the Whidbey Branch of the district are administered by personnel located at the Seaplane Base in Oak Harbor, Washington; all other field activities of the district are directed and administered by personnel located on the campus at Mount Vernon.

(2) The district is operated under the supervision and control of a board of trustees. The board of trustees consists of five members appointed by the governor. The board of trustees normally meets at least once each month, as provided in WAC 132D-08-015. The board of trustees employs a president, an administrative staff, members of the faculty and other employees. The board of trustees takes such actions and promulgates such rules, regulations, and policies in harmony with the rules and regulations established by the State Board for Community College Education, as are necessary to the administration and operation of the district.

(3) The president of the district is responsible to the board of trustees for the operation and administration of the district. A detailed description of the administrative organization of the district is contained within the Policies and Procedures Manual for Community College District No. 4, a current copy of which is available for inspection at the administrative office of the district. [Order, § 132D-18-030, filed 9/25/73.]

WAC 132D-18-040 Operations and procedures. (1) Formal decision-making procedures are established by the board of trustees through rules promulgated in accordance with the requirements of chapter 28B.19 RCW, the Higher Education Administrative Procedure Act (HEAPA).

(2) Informal decision-making procedures at the college, as established by the board of trustees, are set forth in the Policies and Procedures Manual of Community College District No. 4, a current copy of which is available for inspection at the administrative office of the district. [Order, § 132D-18-040, filed 9/25/73.]

WAC 132D-18-050 Substantive rules and policies of general applicability. (1) Except as provided in subsection (2) of this section, all of the district's substantive rules and policies of general applicability,

(a) the violation of which subject an individual to a penalty or administrative sanction, or

(b) which establish, alter, or revoke any procedures, practice, or requirement relating to institutional hearings, or

(c) which establish, alter, or revoke any qualification or requirement relating to the enjoyment of benefits or privileges conferred by law, are promulgated by the board of trustees in accordance with the requirements of chapter 28B.19 RCW, and are contained within Title 132D of the Washington Administrative Code.

(2) Those of the district's substantive rules and policies of general applicability which relate primarily to the following subjects are not promulgated by the board of trustees in accordance with the requirements of chapter 28B.19 RCW and are not contained within Title 132D of the Washington Administrative Code, but rather are adopted by resolution of the board of trustees and are contained within the Policies and Procedures Manual of Community College District No. 4, a current copy of which is available for inspection at the administrative office of the district: Standards for admission; academic advancement, academic credits, graduation and the granting of degrees; tuition and fees, scholarships, financial aid, and similar academic matters; employment relationships; fiscal processes; and matters concerning only the internal management of the district and not affecting private rights or procedures available to the general public. [Order, § 132D-18-050, filed 9/25/73.]

WAC 132D-18-060 Public records available. All public records of the district, as defined in WAC 132D-18-020, are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by section 31, chapter 1, Laws of 1973 and

WAC 132D-18-100. [Order, § 132D-18-060, filed 9/25/73.]

WAC 132D-18-070 Public records officer. The district's public records shall be in the charge of the Public Records Officer designated by the chief administrative officer of the district. The person so designated shall be located in the district administrative office as set forth in WAC 132D-18-030. The Public Records Officer shall be responsible for the following: Implementation of the district's rules and regulations regarding release of public records, coordinating the district employees in this regard, and generally insuring compliance by district employees with the public records disclosure requirements of chapter 1, Laws of 1973. [Order, § 132D-18-070, filed 9/25/73.]

WAC 132D-18-080 Office hours. Public records shall be available for inspection and copying during the customary office hours of the district. For purposes of this chapter, the customary office hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays and holidays established by the college calendar. [Order, § 132D-18-080, filed 9/25/73.]

WAC 132D-18-090 Requests for public records. In accordance with the requirement of chapter 1, Laws of 1973 that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records are only obtainable by members of the public when those members of the public comply with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the district which shall be available at the district administrative office. The form shall be presented to the Public Records Officer or, if the Public Records Officer is not available, to any member of the district's staff at the district administrative office during customary office hours. The request shall include the following information:

(a) The name of the person requesting the record;

(b) The time of day and calendar date on which the request was made;

(c) The nature of the request;

(d) If the matter requested is referenced within the current index maintained by the Public Records Officer, a reference to the requested record as it is described in such current index;

(e) If the requested matter is not identifiable by reference to the current index, an appropriate description of the record requested.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the Public Records Officer, or person to whom the request is made, to assist the member of the public in succinctly identifying the public record requested. [Order, § 132D-18-090, filed 9/25/73.]

WAC 132D-18-100 Copying. No fee shall be charged for the inspection of public records. The district

may impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy public records; such charges shall not exceed the amount necessary to reimburse the district for its actual costs incident to such copying. No person shall be released a record so copied until and unless the person requesting the copied public record has tendered payment for such copying to the appropriate district official. All charges must be paid by money order, cashier's check, or cash in advance. [Order, § 132D-18-100, filed 9/25/73.]

WAC 132D-18-110 Determination regarding exempt records. (1) The district reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 132D-18-090 is exempt pursuant to the provisions set forth in section 31, chapter 1, Laws of 1973. Such determination may be made in consultation with the Public Records Officer, president of the college district, or an assistant attorney general assigned to the district.

(2) Pursuant to section 26, chapter 1, Laws of 1973, the district reserves the right to delete identifying details when it makes available or publishes any public record when there is reason to believe that disclosure of such details would be an unreasonable invasion of personal privacy; provided, however, in each case, the justification for the deletion shall be explained fully in writing.

(3) Response to requests for a public record must be made promptly. For the purposes of this section, a prompt response occurs if the person requesting the public record is notified within two business days as to whether his request for a public record will be honored.

(4) All denials of request for public records must be accompanied by a written statement, signed by the Public Records Officer or his designee, specifying the reason for the denial, a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the public record withheld. [Order, § 132D-18-110, filed 9/25/73.]

WAC 132D-18-120 Review of denials of public record requests. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for a review of such denial. The written request shall specifically refer to the written statement which constituted or accompanied the denial.

(2) The written request by a person demanding prompt review of a decision denying a public record shall be submitted to the president of the district, or his designee.

(3) Within two business days after receiving the written request by a person petitioning for prompt review of a decision denying a public record, the president of the district, or his designee, shall consider such petition.

(4) During the course of the two business days in which the president or his designee reviews the decision denying the request for a public record, the president or his designee may conduct an informal hearing. During the course of such informal hearing, the president or his

designee may require that the person requesting the public record appear in person at a reasonable time and place located on the campus and further explain and identify the exact nature of the public record he is seeking. Failure by the person requesting the review hearing to appear at such informal hearing shall be deemed a waiver of that person's right to insist upon completion of the review of his request within two business days. If the petitioner requesting review does appear at such informal hearing, then the period for review by the district shall be extended to a period not exceeding twenty-four hours after such person requesting review has appeared before the president or his designee.

(5) During the course of the informal hearing conducted by the president or his designee under this section, he shall consider the obligations of the district fully to comply with the intent of chapter 1, Laws of 1973, insofar as it requires providing full public access to official records, but shall also consider both the exemptions provided in section 31, chapter 1, Laws of 1973, and the provisions of the statute which require the district to protect public records from damage or disorganization, prevent excessive interference with essential functions of the agency, and prevent any unreasonable invasion of personal privacy by deleting identifying details. [Order, § 132D-18-120, filed 9/25/73.]

WAC 132D-18-130 Protection of public records. Requests for public records shall be made at the administrative office of the district in Mount Vernon, Washington. Public records and a facility for their inspection will be provided by the Public Records Officer. Such records shall not be removed from the place designated for their inspection. Copies of such records may be arranged according to the provisions of WAC 132D-18-100. [Order, § 132D-18-130, filed 9/25/73.]

WAC 132D-18-140 Records index. (1) The district has available for the use of all persons a current index which provides identifying information as to the following records issued, adopted, or promulgated by the district after June 30, 1972:

(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(b) Those statements of policy and interpretations of policy, statute and the Constitution which have been adopted by the agency;

(c) Administrative staff manuals and instructions to staff that affect a member of the public;

(d) Planning policies and goals, and interim and final planning decisions;

(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others; and

(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state,

the public, a subdivision of state government, or of any private party.

(2) The current index maintained by the district shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection. [Order, § 132D-18-140, filed 9/25/73.]

WAC 132D-18-150 Adoption of form. The district hereby adopts for use by all persons requesting inspection and/or copying or copies of its records the following form:

REQUEST FOR PUBLIC RECORD TO COMMUNITY COLLEGE DISTRICT NO. 4

(a) Name (please print) Signature
Name of Organization, if Applicable
Mailing Address of Applicant Phone Number
(b) Date Request Made Time of Day Request Made
(c) Nature of Request
(d) Identification Reference on Current Index (Please describe)
(e) Description of Record, or Matter, Requested if not Identifiable by Reference to the Community College District No. 4

Request: Approved ___ Denied ___ Date _____

By _____
Name Title

Reasons for Denial: _____

Referred to _____ Date _____

By _____
Name Title

[Order, § 132D-18-150, filed 9/25/73.]

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Chapter 132D-20 WAC

NEGOTIATIONS BY ACADEMIC PERSONNEL

WAC

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132D-20-270 Certification election—Certification of representative employee organization.
132D-20-280 Election to determine scope of bargaining unit—Certification of scope of bargaining unit.
132D-20-290 Time lapse for new election.

WAC 132D-20-010 Purpose. The purpose of this chapter is to strengthen methods of administering employer-employee relations through the establishment of orderly methods of communication between Community College District No. 4 and the academic employees of the district. [Order, § 132D-20-010, filed 10/17/74.]

WAC 132D-20-020 Definitions. For purposes of this chapter:

(1) The term "employee organization" shall mean any organization which includes as members the academic employees of Community College District No. 4 and which has as one of its purposes the representation of those employees in their employment relations with the district.

(2) The term "academic employee" shall mean any teacher, counselor, librarian, or department head who is employed by Community College District No. 4, with the exception of the chief administrative officer of, and any other administrator in, Community College District No. 4.

(3) The term "administrator" shall mean any person employed either full or part time by Community College District No. 4 who performs administrative functions as at least fifty percent or more of his assignments, and has responsibilities to hire, dismiss, or discipline other employees. Administrators shall not be included as members of the bargaining unit unless a majority of the

administrators of the district and a majority of the academic employees of the district elect by secret ballot for such inclusion pursuant to the procedures set forth in this chapter.

(4) The term "bargaining unit" shall mean a unit consisting of all academic employees of Community College District No. 4. The term "bargaining unit" shall also include administrators who are employees of the district if the majority of such administrators and a majority of the academic employees of the district elect by secret ballot for such inclusion pursuant to the procedures set forth in this chapter.

(5) The term "district" shall mean Community College District No. 4. [Order, § 132D-20-020, filed 10/17/74.]

WAC 132D-20-030 Certification election—Request. (1) Any academic employee or group of employees may submit a request in writing to the Board of Trustees that an election be held to determine and certify the representative of the bargaining unit for purposes of chapter 28B.52 RCW. Upon the receipt of such a request, the Board of Trustees may appoint a neutral party to determine whether thirty percent of the total employees in the bargaining unit support the election request.

(2) The neutral party shall determine whether thirty percent or more of the employees in the bargaining unit support the election request upon the basis of bargaining authorization cards which have been individually signed and dated no earlier than thirty days prior to their submission to the neutral party designated by the board. [Order, § 132D-20-030, filed 10/17/74.]

WAC 132D-20-040 Election to determine scope of bargaining unit—Request. (1) Any employee or group of employees may submit a written request to the Board of Trustees that an election be held to determine whether administrators should be included within the bargaining unit. Upon receipt of such a request, the Board of Trustees may appoint a neutral party to determine whether thirty percent of the total number of academic employees and thirty percent of the total number of administrators support the election request.

(2) The neutral party shall determine whether thirty percent of the academic employees and thirty percent of the total number of administrators support the election request upon the basis of bargaining authorization cards which have been individually signed and dated no earlier than thirty days prior to their submission to the neutral party designated by the board. [Order, § 132D-20-040, filed 10/17/74.]

WAC 132D-20-050 Designation of election officer. Whenever it is determined by the Board of Trustees or by a neutral party appointed by the board that thirty percent or more of the employees of the bargaining unit desire a certification election, or that thirty percent or more of the academic employees and administrators of the district desire an election to determine the scope of the bargaining unit, the board will order that such an election be held and will designate a neutral party, hereinafter referred to as the "Election Officer", to direct

and supervise the election process. [Order, § 132D-20-050, filed 10/17/74.]

WAC 132D-20-060 Certification election—Notice of election. The Election Officer shall issue a Notice of Election to all employees of the bargaining unit, indicating that an election will be held as soon as practical to determine whether the employees desire any organization to represent them for purposes of chapter 28B.52 RCW. The notice shall establish a deadline for filing requests to appear on the election ballot and shall indicate the date and hours on which the election shall be held and the method or methods of voting. The deadline for filing to appear on the election ballot shall in no case be less than ten days after issuance of the Notice of Election. [Order, § 132D-20-060, filed 10/17/74.]

WAC 132D-20-070 Election to determine scope of bargaining unit—Notice of election. The Election Officer shall issue a Notice of Election to all administrators and academic employees of the district, indicating that an election will be held as soon as practical to determine whether administrators should be included within the bargaining unit for the district and further indicating the date and hours on which the election shall be held and the method or methods of voting. [Order, § 132D-20-070, filed 10/17/74.]

WAC 132D-20-080 Certification election—Organizations to appear on ballot. The Election Officer shall list on the ballot any employee organization which submits to the Election Officer a petition to appear on the ballot which contains the signatures of not less than ten percent of the total number of employees in the bargaining unit during the quarter in which the petition is presented. [Order, § 132D-20-080, filed 10/17/74.]

WAC 132D-20-090 List of eligible voters. (1) All employees who are members of the bargaining unit during the quarter in which an election is held shall be eligible to vote in the election.

(2) A list of those employees of the district who are eligible to vote in the election shall be posted on the official bulletin boards located on the Mount Vernon and Whidbey Branch campuses by the Election Officer not later than ten days prior to the date on which the election will be held. The list shall be mailed to those employees whose total duties are performed in facilities other than the Mount Vernon and Whidbey Branch teaching facilities. Any interested party wishing to challenge the eligibility list shall be required to notify the Election Officer in writing of the reasons for such challenge within five days after the posting of the eligibility list. [Order, § 132D-20-090, filed 10/17/74.]

WAC 132D-20-100 Certification election—Preparation of ballot. The Election Officer shall prepare ballots on which are indicated the purpose of the election, an alphabetical listing of employee organizations which have fulfilled the requirement for placement on

the ballot, a place for the voter to choose "no organization", and directions to the voter concerning the handling of spoiled or incorrectly marked ballots. [Order, § 132D-20-100, filed 10/17/74.]

WAC 132D-20-110 Election to determine scope of bargaining unit—Preparation of ballot. The Election Officer shall prepare ballots on which are indicated the purpose of the election, a place for the voter to indicate whether administrators should or should not be included within the bargaining unit, and directions to the voter concerning the handling of spoiled or incorrectly marked ballots. [Order, § 132D-20-110, filed 10/17/74.]

WAC 132D-20-120 Voter registration. The Election Officer shall establish a system of voter registration and ballot validation which will ensure that only qualified voters participate in the election and that no employee casts more than one ballot in any election. [Order, § 132D-20-120, filed 10/17/74.]

WAC 132D-20-130 Voting in person or by absentee ballot. Employees shall be allowed to cast their ballots either in person or by absentee ballot, and the Election Officer shall establish a system of voting which facilitates both forms of balloting. [Order, § 132D-20-130, filed 10/17/74.]

WAC 132D-20-140 Protection of voter privacy. The Election Officer shall utilize only such procedures, equipment and facilities for voting and ballot handling and counting as will fully protect the privacy of the voters. [Order, § 132D-20-140, filed 10/17/74.]

WAC 132D-20-150 Election inspectors and observers. (1) The Election Officer shall designate at least one election inspector for each polling place to observe the conduct of the election.

(2) Any organization which appears on the ballot in a certification election shall be entitled to have one observer present at each polling place to observe the conduct of the election.

(3) Election inspectors and observers may challenge the eligibility of any person to vote in the election. Whenever such a challenge is made, the person shall be entitled to cast his ballot and the ballot shall then be treated as provided in these rules.

(4) Election inspectors or observers shall report in writing to the Election Officer any conduct which they observe during the course of balloting which they believe may have improperly influenced the voting process or improperly affected the result of the election. [Order, § 132D-20-150, filed 10/17/74.]

WAC 132D-20-160 Electioneering prohibited at polls. No election signs, banners, or buttons shall be permitted in the vicinity of the polling place, and no person in the vicinity of the polling place shall engage in any form of electioneering. [Order, § 132D-20-160, filed 10/17/74.]

WAC 132D-20-170 Incorrectly marked ballots. Any voter who spoils or incorrectly marks his ballot

while voting shall be entitled to obtain a new ballot by returning the spoiled or incorrectly marked ballot to the Election Officer or election inspector. Such spoiled or incorrectly marked ballots shall be marked "void" by the Election Officer or election inspector in the presence of the election observers (if any) before a new ballot is delivered to the voter. [Order, § 132D-20-170, filed 10/17/74.]

WAC 132D-20-180 Challenged ballots. A challenged ballot shall be placed in an envelope bearing no identifying marks. It shall then be placed in another envelope upon which shall be written the name of the employee desiring to cast the ballot, the reasons for which the ballot was challenged, the identity of the person challenging the ballot, and the polling place at which the ballot was cast. The envelope shall then be sealed and initialed by the Election Officer or election inspector. [Order, § 132D-20-180, filed 10/17/74.]

WAC 132D-20-190 Absentee ballots. (1) All absentee ballots which are submitted by mail must be received at the district office no later than the day of the election.

(2) All absentee ballots which are submitted by mail shall be deposited in the ballot box at the district office. [Order, § 132D-20-190, filed 10/17/74.]

WAC 132D-20-200 Employees present at polls entitled to vote—Ballot boxes sealed—Unused ballots. (1) At the time for closing the polls, all employees present and waiting at a polling place shall be entitled to vote.

(2) Immediately after the last employee has cast his vote, the ballot boxes shall be sealed by the Election Officer or election inspector.

(3) All unused ballots shall then be counted by the Election Officer or election inspector. [Order, § 132D-20-200, filed 10/17/74.]

WAC 132D-20-210 Duties of election inspectors. Each election inspector shall deliver to the Election Officer the sealed ballot box(es) containing all ballots cast at the inspector's polling place, all unused ballots, all challenged ballots, and a written record of transmittal. [Order, § 132D-20-210, filed 10/17/74.]

WAC 132D-20-220 Counting of ballots. (1) As soon as the ballot boxes from all polling places have been received at the district office, the Election Officer shall open the ballot boxes, thoroughly mix all ballots cast so that the ballots are not identifiable by polling place, and, with the assistance of the election inspectors, count the ballots. Each organization appearing on the ballot in a certification election shall be entitled to have an observer present at the district office at the time the ballots are counted.

(2) When the ballots have been counted the Election Officer shall certify in writing the results of the ballot count. Each election inspector and election observer shall then indicate in writing whether he agrees or disagrees

with the count made by the Election Officer. If an election inspector or observer disagrees with the count of the Election Officer, he shall indicate the reasons for disagreement.

(3) No absentee ballots which are submitted by mail shall be counted in the results of the election if received by the Election Officer after the ballot box for absentee ballots has been opened. [Order, § 132D-20-220, filed 10/17/74.]

WAC 132D-20-230 Challenged ballots—When counted. Challenged ballots shall not be opened or counted unless the counting of such ballots might affect the results of the election. If the challenged ballots might affect the results of the election, the Election Officer shall conduct an investigation into the validity of the challenge to each ballot. If the Election Officer concludes that a ballot was properly challenged, that ballot shall be excluded from the ballot count. If the Election Officer concludes that a challenge to a ballot was improper, that ballot shall be counted. [Order, § 132D-20-230, filed 10/17/74.]

WAC 132D-20-240 Certification election—Lack of majority vote. If the results of an election are such that no choice on the ballot (including "no organization") receives a majority of the votes cast in an election, then a run-off election between the two choices receiving the greatest number of votes will be conducted by the Election Officer as soon as practical. [Order, § 132D-20-240, filed 10/17/74.]

WAC 132D-20-250 Certification of election results. The Election Officer shall certify the results of an election in writing to the Board of Trustees as soon as possible after the conclusion of the election. [Order, § 132D-20-250, filed 10/17/74.]

WAC 132D-20-260 Contest of election. Any interested party may, within five days after certification to the board of the results of an election, file objections to any aspect of the election with the Election Officer. The Election Officer shall immediately investigate such objections and forward the objections and his findings thereon to the Board of Trustees. The board shall determine whether the objections should be overruled and the results of the election certified as final or whether a new election should be held. [Order, § 132D-20-260, filed 10/17/74.]

WAC 132D-20-270 Certification election—Certification of representative employee organization. An employee organization which receives a majority of the valid votes cast in a valid certification election held pursuant to this chapter shall be certified by the Board of Trustees as representing the employees of the bargaining unit for purposes of chapter 28B.52 RCW. [Order, § 132D-20-270, filed 10/17/74.]

WAC 132D-20-280 Election to determine scope of bargaining unit—Certification of scope of bargaining

unit. Whenever a majority of the valid votes cast by academic employees and by administrators in a valid election held to determine the scope of the bargaining unit are in favor of inclusion of administrators in the bargaining unit, then the Board of Trustees shall order that administrators be included within the bargaining unit for purposes of chapter 28B.52 RCW. [Order, § 132D-20-280, filed 10/17/74.]

WAC 132D-20-290 Time lapse for new election. (1) Whenever a valid certification election is held another election for that purpose will not be held until at least one year after the certification date of the prior election.

(2) Whenever a valid election is held to determine the scope of the bargaining unit and the results of that election are certified as final by the board, another election for that purpose will not be held until at least one year after the certification date of the prior election. [Order, § 132D-20-290, filed 10/17/74.]

Chapter 132D-36 WAC

STATE ENVIRONMENTAL POLICY ACT RULES

WAC

132D-36-010 Implementation of State Environmental Policy Act.

WAC 132D-36-010 Implementation of State Environmental Policy Act. (1) It shall be the policy of Community College District No. 4 that all actions taken by the District shall comply with the provisions of chapter 43.21C RCW (the State Environmental Policy Act), chapter 197-10 WAC, and chapter 131-24 WAC, as presently enacted or hereafter amended.

(2) The President of Community College District No. 4 or his designee shall be responsible for administering and implementing this policy. [Order 76-3, § 132D-36-010, filed 12/22/76.]