

# Title 132P WAC

## COMMUNITY COLLEGES--YAKIMA VALLEY COLLEGE

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- 132P-04-001 Promulgation. [Promulgation, filed 9/20/67; Emergency, filed 8/3/67.] Repealed by Order 72-1, filed 12/7/72.
- 132P-04-010 Office. [Article I, filed 9/20/67; Emergency Article I, filed 8/3/67.] Repealed by Order 72-1, filed 12/7/72. Later promulgation, see WAC 132P-104-010.
- 132P-04-020 Meetings. [Article II, filed 9/20/67; Emergency Article II, filed 8/3/67.] Repealed by Order 72-1, filed 12/7/72. Later promulgation, see WAC 132P-104-011.
- 132P-04-030 Executive sessions. [Article III, filed 9/20/67; Emergency Article III, filed 8/3/67.] Repealed by Order 72-1, filed 12/7/72. Later promulgation, see WAC 132P-104-012.
- 132P-04-040 Order of agenda. [Article IV, filed 9/20/67; Emergency Article IV, filed 8/3/67.] Repealed by Order 72-1, filed 12/7/72. Later promulgation, see WAC 132P-104-020.
- 132P-04-050 Records of board action. [Article V, filed 9/20/67; Emergency Article V, filed 8/3/67.] Repealed by Order 72-1, filed 12/7/72. Later promulgation, see WAC 132P-104-030.
- 132P-04-060 Parliamentary procedure. [Article VI, filed 9/20/67; Emergency Article VI, filed 8/3/67.] Repealed by Order 72-1, filed 12/7/72. Later promulgation, see WAC 132P-104-031.
- 132P-04-070 Adoption or revision of policies. [Article VII, filed 9/20/67; Emergency Article VII, filed 8/3/67.]

- 132P-04-080 Repealed by Order 72-1, filed 12/7/72. Later promulgation, see WAC 132P-104-032. Officers of the board. [Article VIII, filed 9/20/67; Emergency Article VIII, filed 8/3/67.] Repealed by Order 72-1, filed 12/7/72. Later promulgation, see WAC 132P-104-040.
- 132P-04-090 Committees. [Article IX, filed 9/20/67; Emergency Article IX, filed 8/3/67.] Repealed by Order 72-1, filed 12/7/72. Later promulgation, see WAC 132P-104-045.
- 132P-04-100 Fiscal year. [Article X, filed 9/20/67; Emergency Article X, filed 8/3/67.] Repealed by Order 72-1, filed 12/7/72. Later promulgation, see WAC 132P-104-050.
- 132P-04-110 Official seal. [Article XI, filed 9/20/67; Emergency Article XI, filed 8/3/67.] Repealed by Order 72-1, filed 12/7/72. Later promulgation, see WAC 132P-104-060.
- 132P-04-120 Changes to bylaws. [Article XII, filed 9/20/67; Emergency Article XII, filed 8/3/67.] Repealed by Order 72-1, filed 12/7/72. Later promulgation, see WAC 132P-104-070.

### Chapter 132P-08 WAC

### PRACTICE AND PROCEDURE

#### WAC

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**WAC 132P-08-001 Formal hearing policy.** In each instance that a formal hearing is required by institutional policy or chapter 28B.19 RCW, the provisions of WAC 132P-08-002 through WAC 132P-08-999 shall be applicable. [Order 76-2, § 132P-08-001, filed 12/6/76.]

**WAC 132P-08-005 Definitions.** As used herein, the term "agency" shall mean the Board of Trustees of Yakima Valley Community College or any duly appointed hearing officer or officers. [Order 76-2, § 132P-08-005, filed 12/6/76.]

**WAC 132P-08-010 Appearance and practice before agency.** No person may appear in a representative capacity before the agency other than the following:

(1) Attorneys at law duly qualified and entitled to practice before the supreme court of the state of Washington.

(2) Attorneys at law duly qualified and entitled to practice before the highest court of record of any other state, if the attorneys at law of the state of Washington are permitted to appear in a representative capacity before administrative agencies of such other state, and if not otherwise prohibited by our state law.

(3) Persons otherwise qualified as possessing the requisite skill to appear and expertly represent others who have applied to the agency and have been duly authorized by the agency to appear in a representative capacity before the agency.

(4) A bona fide officer, partner, or full time employee of an individual firm, association, partnership, or corporation who appears for such individual firm, association, partnership or corporation. [Order 76-2, § 132P-08-010, filed 12/6/76.]

**WAC 132P-08-080 Notice and opportunity for hearing in contested cases.** In any contested case, all parties shall be served with a notice at least ten days before the date set for the hearing. The notice shall be signed by the President of Yakima Valley Community College or his designee and shall state the time, place, and issues involved, as required by RCW 28B.19.120. [Order 76-2, § 132P-08-080, filed 12/6/76.]

**WAC 132P-08-090 Service of process—By whom served.** The agency shall cause to be served all orders, notices and other papers issued by it, together with any other papers which it is required by law to serve. Every other paper shall be served by the party filing it. [Order 76-2, § 132P-08-090, filed 12/6/76.]

**WAC 132P-08-100 Service of process—Upon whom served.** All papers served by either the agency or any party shall be served upon all counsel of record at the time of such filing and upon parties not represented by counsel or upon their agents designated by them or by law. Any counsel entering an appearance subsequent to the initiation of the proceeding shall notify all other counsel then of record and all parties not represented by counsel of such fact. [Order 76-2, § 132P-08-100, filed 12/6/76.]

**WAC 132P-08-110 Service of process—Service upon parties.** The final order, and any other paper required to be served by the agency upon a party, shall be served upon such party or upon the agent designated by him or by law to receive service of such papers, and a copy shall be furnished to counsel of record. [Order 76-2, § 132P-08-110, filed 12/6/76.]

**WAC 132P-08-120 Service of process—Method of service.** Service of papers shall be made personally or, unless otherwise provided by law, by first-class, registered, or certified mail; or by telegraph. [Order 76-2, § 132P-08-120, filed 12/6/76.]

**WAC 132P-08-130 Service of process—When service complete.** Service upon parties shall be regarded as complete: By mail, upon deposit in the United States mail properly stamped and addressed; by telegraph, when deposited with a telegraph company properly addressed and with charges prepaid. [Order 76-2, § 132P-08-130, filed 12/6/76.]

**WAC 132P-08-140 Service of process—Filing with agency.** Papers required to be filed with the agency shall be deemed filed upon actual receipt by the secretary of the agency at Yakima, Washington, accompanied by proof of service upon parties required to be served. [Order 76-2, § 132P-08-140, filed 12/6/76.]

**WAC 132P-08-230 Depositions and interrogatories in contested cases—Right to take.** Except as may be otherwise provided, any party may take the testimony of any person, including a party, by deposition upon oral examination or written interrogatories for use as evidence in the proceeding, except that leave must be obtained if notice of the taking is served by a proponent within twenty days after the filing of a complaint, application or petition. Depositions shall be taken only in accordance with this rule. [Order 76-2, § 132P-08-230, filed 12/6/76.]

**WAC 132P-08-240 Depositions and interrogatories in contested cases—Scope.** Unless otherwise ordered, the deponent may be examined regarding any matter not privileged, which is relevant to the subject matter involved in the proceeding. [Order 76-2, § 132P-08-240, filed 12/6/76.]

**WAC 132P-08-250 Depositions and interrogatories in contested cases—Officer before whom taken.** Within the United States or within a territory or insular possession subject to the dominion of the United States

depositions shall be taken before an officer authorized to administer oaths by the laws of the state of Washington or of the place where the examination is held; within a foreign country, depositions shall be taken before a secretary of an embassy or legation, consul general, vice consul or consular agent of the United States, or a person designated by the agency or agreed upon by the parties by stipulation in writing filed with the agency. Except by stipulation, no deposition shall be taken before a person who is a party or the privy of a party, or a privy of any counsel of a party, or who is financially interested in the proceedings. [Order 76-2, § 132P-08-250, filed 12/6/76.]

**WAC 132P-08-260 Depositions and interrogatories in contested cases—Authorization.** A party desiring to take the deposition of any person upon oral examination shall give reasonable notice of not less than three days in writing to the agency and all parties. The notice shall state the time and place for taking the deposition, the name and address of each person to be examined, if known, and if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs. On motion of a party upon whom the notice is served, the agency may for cause shown, enlarge or shorten the time. If the parties so stipulate in writing, depositions may be taken before any person, at any time or place, upon any notice, and in any manner and when so taken may be used as other depositions. [Order 76-2, § 132P-08-260, filed 12/6/76.]

**WAC 132P-08-270 Depositions and interrogatories in contested cases—Protection of parties and deponents.** After notice is served for taking a deposition, upon its own motion or upon motion reasonably made by any party or by the person to be examined and upon notice and for good cause shown, the agency may make an order that the deposition shall not be taken, or that it may be taken only at some designated place other than that stated in the notice, or that it may be taken only on written interrogatories, or that certain matters shall not be inquired into, or that the scope of the examination shall be limited to certain matters, or that the examination shall be limited to certain matters, or that the examination shall be held with no one present except the parties to the action and their officers or counsel, or that after being sealed, the deposition shall be opened only by order of the agency, or that business secrets or secret processes, developments, or research need not be disclosed, or that the parties shall simultaneously file specified documents or information enclosed in sealed envelopes to be opened as directed by the agency; or the agency may make any other order which justice requires to protect the party or witness from annoyance, embarrassment, or oppression. At any time during the taking of the deposition, on motion of any party or of the deponent and upon a showing that the examination is being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress the deponent or party, the agency may order the officer conducting the examination to cease forthwith from taking the deposition, or may limit the scope and manner of the

taking of the deposition as above provided. If the order made terminates the examination, it shall be resumed thereafter only upon the order of the agency. Upon demand of the objecting party or deponent, the taking of the deposition shall be suspended for the time necessary to make a motion for an order. [Order 76-2, § 132P-08-270, filed 12/6/76.]

**WAC 132P-08-280 Depositions and interrogatories in contested cases—Oral examination and cross-examination.** Examination and cross-examination shall proceed as at an oral hearing. In lieu of participating in the oral examination, any party served with notice of taking a deposition may transmit written cross interrogatories to the officer who, without first disclosing them to any person, and after the direct testimony is complete, shall propound them seriatim to the deponent and record or cause the answers to be recorded verbatim. [Order 76-2, § 132P-08-280, filed 12/6/76.]

**WAC 132P-08-290 Depositions and interrogatories in contested cases—Recordation.** The officer before whom the deposition is to be taken shall put the witness on oath and shall personally or by someone acting under his direction and in his presence, record the testimony by typewriter directly or by transcription from stenographic notes, wire or record recorders, which record shall separately and consecutively number each interrogatory. Objections to the notice, qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented or to the conduct of the officer, or of any party, shall be noted by the officer upon the deposition. All objections by any party not so made are waived. [Order 76-2, § 132P-08-290, filed 12/6/76.]

**WAC 132P-08-300 Depositions and interrogatories in contested cases—Signing attestation and return.** (1) When the testimony is fully transcribed the deposition shall be submitted to the witness for examination and shall be read to or by him, unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition may then be used as fully as though signed, unless on a motion to suppress the agency holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

(2) The officer shall certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness. He shall then securely seal the deposition in an envelope endorsed with the title of proceeding and marked "Deposition of (here insert name of witness)" and shall promptly

send it by registered or certified mail to the agency for filing. The party taking the deposition shall give prompt notice of its filing to all other parties. Upon payment of reasonable charges therefor, the officer shall furnish a copy of the deposition to any party or to the deponent. [Order 76-2, § 132P-08-300, filed 12/6/76.]

**WAC 132P-08-310 Depositions and interrogatories in contested cases—Use and effect.** Subject to rulings by the agency upon objections a deposition taken and filed as provided in this rule will not become a part of the record in the proceeding until received in evidence by the agency upon its own motion or the motion of any party. Except by agreement of the parties or ruling of the agency, a deposition will be received only in its entirety. A party does not make a party, or the privy of a party, or any hostile witness his witness by taking his deposition. Any party may rebut any relevant evidence contained in a deposition whether introduced by him or any other party. [Order 76-2, § 132P-08-310, filed 12/6/76.]

**WAC 132P-08-320 Depositions and interrogatories in contested cases—Fees of officers and deponents.** Deponents whose depositions are taken and the officers taking the same shall be entitled to the same fees as are paid for like services in the superior courts of the state of Washington, which fees shall be paid by the party at whose instance the depositions are taken. [Order 76-2, § 132P-08-320, filed 12/6/76.]

**WAC 132P-08-330 Depositions upon interrogatories—Submission of interrogatories.** Where the deposition is taken upon written interrogatories, the party offering the testimony shall separately and consecutively number each interrogatory and file and serve them with a notice stating the name and address of the person who is to answer them and the name or descriptive title and address of the officer before whom they are to be taken. Within ten days thereafter a party so served may serve cross-interrogatories upon the party proposing to take the deposition. Within five days thereafter, the latter may serve redirect interrogatories upon the party who served cross-interrogatories. [Order 76-2, § 132P-08-330, filed 12/6/76.]

**WAC 132P-08-340 Depositions upon interrogatories—Interrogation.** Where the interrogatories are forwarded to an officer authorized to administer oaths as provided in WAC 132P-08-250 the officer taking the same after duly swearing the deponent, shall read to him seriatim, one interrogatory at a time and cause the same and the answer thereto to be recorded before the succeeding interrogatory is asked. No one except the deponent, the officer and the court reporter or stenographer recording and transcribing it shall be present during the interrogation. [Order 76-2, § 132P-08-340, filed 12/6/76.]

**WAC 132P-08-350 Depositions upon interrogatories—Attestation and return.** The officer before whom interrogatories are verified or answered shall:

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

(2) promptly send by registered or certified mail the original copy of the deposition and exhibits with his attestation to the agency, one copy to the counsel who submitted the interrogatories and another copy to the deponent. [Order 76-2, § 132P-08-350, filed 12/6/76.]

**WAC 132P-08-360 Depositions upon interrogatories—Provisions of deposition rule.** In all other respects, depositions upon interrogatories shall be governed by the previous deposition rule. [Order 76-2, § 132P-08-360, filed 12/6/76.]

**WAC 132P-08-400 Hearing officers.** In each instance that a formal hearing is required by institutional policy or chapter 28B.19 RCW, and upon receipt of a request for a formal hearing filed in accordance with chapter 28B.19 RCW, the Chairman, Vice Chairman, or another member of the Board of Trustees, on the basis of longevity and in the preceding order, may appoint one or more hearing officers, not to exceed three for any one hearing, to preside over, conduct and make proposals for decisions, including findings of fact and conclusions of law, in each instance, and shall afford an opportunity for a formal hearing after not less than ten days notice and provide such individual requesting formal hearing with notice of the hearing in accordance with the provisions of chapter 28B.19 RCW. [Order 76-2, § 132P-08-400, filed 12/6/76.]

**WAC 132P-08-410 Hearing procedures.** Each hearing shall be conducted in the manner provided for in these rules and in chapter 28B.19 RCW. [Order 76-2, § 132P-08-410, filed 12/6/76.]

**WAC 132P-08-420 Duties of hearing officers.** (1) All hearing officers appointed in accordance with WAC 132P-08-400 shall conduct hearings in the same manner and shall have the same authority as provided in hearings by the Board of Trustees as set forth in these rules and in chapter 28B.19 RCW: *Provided*, that hearing officers shall only make proposals for decisions.

(2) The proposals for decisions and findings of fact and conclusions of law shall be forthwith served upon the parties and transmitted to the Board of Trustees, together with a record of the proceeding. Within ten days of service of such proposal for decision, any party adversely affected may file exceptions, and thereafter all parties may present written argument to the Board of Trustees, which shall consider the whole record or such portions as may be cited by the parties. The Board of Trustees in its discretion may allow oral argument before taking final action on the matter after it has received the proposal for decision from the hearing officer.

The Board may limit the length of oral or written argument and impose reasonable limitations regarding the time and place for the presentation of the written or oral argument. After a review of the matter, and giving reasonable consideration to the proposal for decision by the hearing officer or officers, the Board of Trustees shall announce its decision and the final action to be taken. [Order 76-2, § 132P-08-420, filed 12/6/76.]

**WAC 132P-08-430 Stipulations and admissions of record.** The existence or nonexistence of a material fact, as made or agreed in a stipulation or in an admission of record, will be conclusively presumed against any party bound thereby, and no other evidence with respect thereto will be received upon behalf of such party, provided:

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

(2) Withdrawal. Any party bound by a stipulation or admission of record at any time prior to final decision may be permitted to withdraw the same in whole or in part by showing to the satisfaction of the agency that such stipulation or admission was made inadvertently or under a bona fide mistake of fact contrary to the true fact and that its withdrawal at the time proposed will not unjustly prejudice the rights of other parties to the proceeding. [Order 76-2, § 132P-08-430, filed 12/6/76.]

**WAC 132P-08-440 Definition of issues before hearing.** In all proceedings the issues to be adjudicated shall be made initially as precise as possible, in order that the agency may proceed promptly to conduct the hearings on relevant and material matter only. [Order 76-2, § 132P-08-440, filed 12/6/76.]

**WAC 132P-08-450 Continuances.** Any party who desires a continuance shall, immediately upon receipt of notice of a hearing, or as soon thereafter as facts requiring such continuance come to his knowledge, notify the agency of said desire, stating in detail the reasons why such continuance is necessary. The agency, in passing upon a request for continuance, shall consider whether such request was promptly and timely made. For good cause shown, the agency may grant such a continuance and may at any time order a continuance upon its motion. During a hearing, if it appears in the public interest or in the interest of justice that further testimony or argument should be received, the agency may in its discretion continue the hearing and fix the date for introduction of additional evidence or presentation of argument. Such oral notice shall constitute final notice of such continued hearing. [Order 76-2, § 132P-08-450, filed 12/6/76.]

**WAC 132P-08-460 Rules of evidence—Admissibility criteria.** Subject to the other provisions of these rules, all relevant evidence is admissible which, in the opinion of the agency is the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness. In passing upon the admissibility of evidence, the agency shall give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings, in matters not involving trial by jury, in the superior court of the state of Washington. [Order 76-2, § 132P-08-460, filed 12/6/76.]

**WAC 132P-08-470 Tentative admission—Exclusion—Discontinuance—Objections.** When objection is made to the admissibility of evidence, such evidence may be received subject to a later ruling. The agency may, in its discretion, either with or without objection, exclude inadmissible evidence or order cumulative evidence discontinued. Parties objecting to the introduction of evidence shall state the precise grounds of such objection at the time such evidence is offered. [Order 76-2, § 132P-08-470, filed 12/6/76.]

**WAC 132P-08-480 Form and content of decisions in contested cases.** Every decision and order, whether proposed, initial, or final, shall:

(1) Be correctly captioned as to name of agency and name of proceeding;

(2) Designate all parties and counsel to the proceeding;

(3) Include a concise statement of the nature and background of the proceeding;

(4) Be accompanied by appropriate numbered findings of fact and conclusions of law;

(5) Whenever practical, the conclusions of law shall include the reason or reasons for the particular order or remedy afforded;

(6) Wherever practical, the conclusions and/or order shall be referenced to specific provisions of the law and/or regulations appropriate thereto, together with reasons and precedents relied upon to support the same. [Order 76-2, § 132P-08-480, filed 12/6/76.]

## Chapter 132P-12 WAC CLASSIFIED PERSONNEL

### WAC

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## PURPOSE, ADOPTION, AND AMENDMENT OF RULES

**WAC 132P-12-003 Purpose.** It is the purpose of these Rules to give effect to the State Civil Service Law. 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 3-68, § 132P-12-003, filed 5/15/68.]

**WAC 132P-12-006 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 3-68, § 132P-12-006, filed 5/15/68.]

**WAC 132P-12-009 Adoption of rules.** Upon adoption by the Personnel Committee of the Board of Trustees of Community College District #16, these Rules shall be in full force and effect. [Order 3-68, § 132P-12-009, filed 5/15/68.]

**WAC 132P-12-012 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 Committees of 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 3-68, § 132P-12-012, filed 5/15/68.]

**WAC 132P-12-015 Definition of terms.** The following terms wherever used in these Rules shall have the meaning indicated below except where the context clearly indicates otherwise:

(1) "ACT." The State Civil Service Law, chapter 41.06 RCW and amendments thereto.

(2) "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.

(3) "APPOINTING AUTHORITY" - Community College District #16 Board of Trustees.

(3a) "EMPLOYING OFFICIALS" - Community College District #16 Permanent Personnel Committee.

(4) "BOARD." The Board of Trustees of Community College District No. 16.

(5) "PERSONNEL BOARD." The State Personnel Board established under the provisions of RCW 41.06.110.

(6) "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.

(7) "CLASSIFIED SERVICE." All positions in the institution of higher learning subject to the provisions of the Civil Service Law and such temporary employees included.

(8) "COMMITTEE." The Personnel Committee of the Board of Trustees of Community College District No. 16.

(9) "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.

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

(11) "DIRECTOR." The Director of Classified Staff Personnel.

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

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

(14) "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.

(15) "EXEMPT POSITION." A position excluded from coverage by the provisions of the *Act*.

(16) "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.

(17) "NONCOMPETITIVE SERVICE." Those positions within the classified service for which recruitment results in less than two more applicants than there are vacancies to be filled.

(18) "ORGANIZATIONAL UNIT." An Administrative division of the institution established for the purpose of personnel administration as defined.

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

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

(21) "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.

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

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

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

(25) "STUDENT EMPLOYEE." An employee who is enrolled for more credit hours of academic work than that permitted in staff employment as provided.

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

(27) "TRANSFER." The change of an employee from one position to another position in the same class with essentially the same maximum salary.

(28) "INSTITUTIONS OF HIGHER LEARNING." University of Washington; Washington State University; Central Washington State College; Eastern Washington State College; Western Washington State College; new, four-year State Colleges subsequently authorized, and the State Community Colleges.

(29) "IMMEDIATE FAMILY." Defined as the mother, mother-in-law, father, father-in-law, spouse, son, daughter, brother or sister of the employee or spouse, or any relative living in the immediate household of the employee. [Order 3-68, § 132P-12-015, filed 5/15/68.]

#### ORGANIZATION FOR PERSONNEL MANAGEMENT

##### The personnel committee

**WAC 132P-12-018 Organization.** The Board shall designate three of its members as a permanent Personnel Committee. Their term of service shall continue through the member's term of service as Trustee. [Order 3-68, § 132P-12-018, filed 5/15/68.]

**WAC 132P-12-021 Compensation.** Each member of the Committee shall be compensated for his services and necessary expenses in accordance with the *Act*. [Order 3-68, § 132P-12-021, filed 5/15/68.]

**WAC 132P-12-024 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 (2) 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 3-68, § 132P-12-024, filed 5/15/68.]

**WAC 132P-12-027 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 3-68, § 132P-12-027, filed 5/15/68.]

**WAC 132P-12-030 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 3-68, § 132P-12-030, filed 5/15/68.]

##### The personnel director

**WAC 132P-12-036 Powers and duties.** 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 3-68, § 132P-12-036, filed 5/15/68.]

**WAC 132P-12-039 Content.** The 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 qualifications required and/or desired of an incumbent. [Order 3-68, § 132P-12-039, filed 5/15/68.]

**WAC 132P-12-042 Amendment.** The *Classification Plan* may be amended by action of the Committee as provided in the *Act*. [Order 3-68, § 132P-12-042, filed 5/15/68.]

**WAC 132P-12-045 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 the 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 the 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 the appointing authority or an employee or the 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 otherwise 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 the appointing authority believes the position to be improperly allocated, then an appeal may be made regarding 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 Committee whose decision shall be final. [Order 3-68, § 132P-12-045, filed 5/15/68.]

### Class specifications

**WAC 132P-12-048 Interpretation of 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 the Employing Officials 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 a factor is not included. [Order 3-68, § 132P-12-048, filed 5/15/68.]

**WAC 132P-12-051 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 3-68, § 132P-12-051, filed 5/15/68.]

**WAC 132P-12-054 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 of qualifying tests and examinations. [Order 3-68, § 132P-12-054, filed 5/15/68.]

**WAC 132P-12-057 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 which would interfere with the proper performance of the duties required of the employee, 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. [Order 3-68, § 132P-12-057, filed 5/15/68.]

**WAC 132P-12-060 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 3-68, § 132P-12-060, filed 5/15/68.]

**WAC 132P-12-063 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 contracts with the public or students. [Order 3-68, § 132P-12-063, filed 5/15/68.]

### COMPENSATION PLAN

**WAC 132P-12-066 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 3-68, § 132P-12-066, filed 5/15/68.]

**WAC 132P-12-069 Content.** The *Compensation Plan* for the classified staff service shall consist of schedules of rates or ranges in monthly amounts showing the assignments 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 3-68, § 132P-12-069, filed 5/15/68.]

**WAC 132P-12-072 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 the year prior to the convening of each regular session of the State Legislature. [Order 3-68, § 132P-12-072, filed 5/15/68.]

**WAC 132P-12-075 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 3-68, § 132P-12-075, filed 5/15/68.]

### HOURS OF WORK AND LEAVES OF ABSENCE

**WAC 132P-12-078 Hours of work.** 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 Employing Officials 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 of 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 3-68, § 132P-12-078, filed 5/15/68.]

**WAC 132P-12-084 Rest periods.** Each employee shall be entitled to not less than a ten (10) 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 3-68, § 132P-12-084, filed 5/15/68.]

**WAC 132P-12-087 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        | Labor Day        |
| Washington's Birthday | Veterans Day     |
| Memorial Day          | Thanksgiving Day |
| Independence Day      | Christmas Day    |
| Lincoln's Birthday    | Columbus Day     |

Any day on which a general election is held throughout the State. Any day designated by the Governor as a legal holiday or as a day of Thanksgiving.

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 3-68, § 132P-12-087, filed 5/15/68.]

**WAC 132P-12-096 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 and B of these Rules at the rate of one (1) working day for each month of continuous service if their employment is continuous for six months or longer.

(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 (22) 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 (22) working days.

(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 Employing Officials. As far as possible, leave will be scheduled in accordance with the wishes of the employees 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 (30) working days, except that if an employee's request for leave is deferred by the Employing Officials 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 after six months of continuous employment, annual leave pay may be allowed to the extent of the employee's accrued and unused annual leave credits as shown by the records of the Director. [Order 3-68, § 132P-12-096, filed 5/15/68.]

**WAC 132P-12-120 Sick leave.** Sick leave with full pay shall accrue to classified employees at the rate of one (1) 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 a 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 Employing Officials.

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

(2) Sick leave payments to employees suffering illness or injury compensable under industrial insurance provisions shall be 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.

(3) Sick leave shall accumulate to a maximum of one hundred eighty (180) working days of unused leave.

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

(5) A physician's certificate of illness or injury satisfactory to the Employing Officials may be required for approval of sick leave.

(6) 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. [Order 3-68, § 132P-12-120, filed 5/15/68.]

#### **Military leave of absence**

**WAC 132P-12-144 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 (15) calendar days in any one year as provided by statute. [Order 3-68, § 132P-12-144, filed 5/15/68.]

**WAC 132P-12-147 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 (90) 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 3-68, § 132P-12-147, filed 5/15/68.]

**WAC 132P-12-150 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 3-68, § 132P-12-150, filed 5/15/68.]

**WAC 132P-12-153 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 (12) 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 (10) working days in any calendar month.

(4) Maternity leave may be authorized for periods 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."

[Order 3-68, § 132P-12-153, filed 5/15/68.]

**WAC 132P-12-165 Absence without authorized leave.** Leave of absence whether with or without pay, must be authorized in writing by the Appointing Authority. Absence other than on duly authorized leave, shall be treated as leave without pay, and, in addition, may be grounds for disciplinary action. [Order 3-68, § 132P-12-165, filed 5/15/68.]

#### **RECRUITMENT AND EXAMINATION**

**WAC 132P-12-168 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 3-68, § 132P-12-168, filed 5/15/68.]

#### **Announcement of examinations**

**WAC 132P-12-171 Content of announcements.** 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, and 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 3-68, § 132P-12-171, filed 5/15/68.]

**WAC 132P-12-175 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 3-68, § 132P-12-175, filed 5/15/68.]

#### Eligibility to compete in examinations

**WAC 132P-12-177 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 3-68, § 132P-12-177, filed 5/15/68.]

**WAC 132P-12-180 Promotional examinations.** Promotional examinations shall be open to any permanent employee in the classified staff service who meets the necessary qualifications. [Order 3-68, § 132P-12-180, filed 5/15/68.]

#### Applications

**WAC 132P-12-183 Forms of application.** 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, experience, veteran's preference and other claims as he deems appropriate. [Order 3-68, § 132P-12-183, filed 5/15/68.]

**WAC 132P-12-186 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 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 or resistance by force to our form of government, where the conditions of the employment in question would not require such inquiry. [Order 3-68, § 132P-12-186, filed 5/15/68.]

**WAC 132P-12-189 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 reasons of 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 3-68, § 132P-12-189, filed 5/15/68.]

**WAC 132P-12-192 Disqualification of applicants.** The Director may reject the application of any person for admission to an examination, or decline the applicant who: (a) is found to lack the qualifications prescribed for admission to the examination; (b) is physically unfit to perform effectively the duties of the class; (c) is addicted to the habitual use of alcoholic beverages and to excess or to the use of narcotics; (d) has been adjudged guilty of a crime involving moral turpitude, or infamous or disgraceful conduct, or who has been dismissed from a position for delinquency or misconduct; (e) has used or attempted to use influence or bribery to secure an advantage in an examination or appointment; (f) 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 (g) 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 3-68, § 132P-12-192, filed 5/15/68.]

#### Character of examinations

**WAC 132P-12-195 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 3-68, § 132P-12-195, filed 5/15/68.]

**WAC 132P-12-198 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 the length of service. [Order 3-68, § 132P-12-198, filed 5/15/68.]

**WAC 132P-12-201 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 3-68, § 132P-12-201, filed 5/15/68.]

**WAC 132P-12-204 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 (1) week prior to the effective date of closing. [Order 3-68, § 132P-12-204, filed 5/15/68.]

#### EXAMINATION ADMINISTRATION

**WAC 132P-12-207 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 3-68, § 132P-12-207, filed 5/15/68.]

**WAC 132P-12-210 Anonymity of applicants.** All reasonable precautions shall be taken to preserve the anonymity of applicants in the conduct and scoring of examinations. [Order 3-68, § 132P-12-210, filed 5/15/68.]

**WAC 132P-12-213 Rating of examinations.** In all examinations the minimum ratings by which eligibility may be achieved shall be set by the Director. The final examination grade shall be based on all factors of the examination and shall be determined by the ratings on each part of the examination in accordance with the weights established for each part by the Director prior to the date of the examination. All competitors may be required to obtain a minimum rating in each part of the examination in order to achieve a final passing grade or to be rated on the remaining parts of the examination. [Order 3-68, § 132P-12-213, filed 5/15/68.]

**WAC 132P-12-216 Veteran's preference.** A veteran shall be entitled to have up to ten (10) per cent added to his final rating in any open competitive examination; provided that his rating before such an addition was at least equal to the minimum passing score.

In unranked eligible lists derived from noncompetitive examinations veterans will be identified to the Appointing Authority.

(1) **Definition.** The term "veteran" as used in this rule shall include any person who has served in any branch of

the Armed Forces of the United States during any war including any military campaign for which a campaign ribbon shall have been awarded; provided that such person has received an honorable discharge, a physical discharge under honorable conditions or was relieved of active duty under honorable circumstances.

(2) **Limitations on preference.** The provisions of this section shall not apply to promotional examinations except that when a veteran was employed in the classified staff service at the time of his entry into military service and returned to that same employment, he shall be entitled to the preference provided above on his first promotional examination; provided further that a person who receives veteran's preference in an entrance examination may not receive preference in a promotional examination.

(3) **Proof of Eligibility.** Proof of eligibility for preference shall be provided by a veteran in the form of his discharge certificate, certified or photostatic copy thereof, or other satisfactory evidence of service and conditions of discharge. [Order 3-68, § 132P-12-216, filed 5/15/68.]

**WAC 132P-12-219 Notification of examination results.** Each person competing in examination shall be given at his request notice of his rating and his relative standing on the eligible list or of his failure to obtain a place on the list. Within thirty (30) days after his final rating, any competitor may have his examination and rating reviewed by the Director. If an error has been made, it will be corrected and an eligible's name will be placed at the appropriate place on the list. A correction so made shall not invalidate any employment previously made from the list. Requests for review of an applicant's examination shall be limited to the applicant, his authorized representative, and an interested Appointing Authority. [Order 3-68, § 132P-12-219, filed 5/15/68.]

**WAC 132P-12-221 Medical examination.** Candidates for employment or promotion shall take a medical examination if prescribed for the position to which appointment is sought. All candidates must conform with medical regulations for State employment established by the Washington State Board of Health. A medical examination may also be required where a question arises concerning the fitness of the incumbent of a position in the classified service for the performance of his duties. [Order 3-68, § 132P-12-221, filed 5/15/68.]

**WAC 132P-12-224 Establishment and maintenance.** The Director shall establish and maintain eligible lists necessary to carry out the purpose of the Act and these Rules. [Order 3-68, § 132P-12-224, filed 5/15/68.]

**WAC 132P-12-227 Organizational units.** The Committee shall establish organizational units for purposes of employment or layoff. Layoffs can only be based upon seniority. The Director shall notify appointing authorities of the establishment of organizational units, who in turn will notify affected employees of such units. The Committee may modify or cancel established

organizational units upon notice to the Director concerned at any time when such action is in the best interest of the classified service. [Order 3-68, § 132P-12-227, filed 5/15/68.]

**WAC 132P-12-230 Merits 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 rating, 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 3-68, § 132P-12-230, filed 5/15/68.]

**WAC 132P-12-233 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 3-68, § 132P-12-233, filed 5/15/68.]

**WAC 132P-12-236 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 3-68, § 132P-12-236, filed 5/15/68.]

**WAC 132P-12-239 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. If the Committee finds it necessary to cancel a promotional list, notice will be given to the eligibles on the list canceled. At his discretion, the Director may combine a new list with an existing one by placing the names of eligibles in order of rank as provided in this rule.

Layoff and reemployment lists shall be deemed to be in continuous existence. The eligibility of individual names placed on such a list shall expire one year after placement on the list, but the Director, at his discretion, may extend such eligibility for an additional period or periods, provided that no such extension shall continue the name of any individual on such list to a date beyond three (3) years after placement on the list. [Order 3-68, § 132P-12-239, filed 5/15/68.]

**WAC 132P-12-242 Registers—Generally.** The establishment, maintenance, and adequacy of all ranked and unranked registers shall be the responsibility of the Director. The life of a register shall be measured for each individual person and from the date that person's name is placed on the register. [Order 3-68, § 132P-12-242, filed 5/15/68.]

**WAC 132P-12-245 Registers—Departmental Reduction-in-force—Duration.** The Departmental Reduction-in-force Register will be established by appropriate classes and will contain the names of all past employees who had gained permanent status prior to a separation due to a reduction in force; and the names of those who were in a trial service period with another department and separated due to reduction in force. This register will be ranked according to the total service in that department as measured from the first appointment to that department. The employee's name shall appear for all classes he has previously held for more than six months in the classified service, as determined by the Director.

The life of this register shall normally be no less than five years so long as one name appears on the register and the class exists. However, the Director may reduce, extend, or reestablish this register as long as it does not jeopardize the reemployment of an employee separated by reduction-in-force. [Order 3-68, § 132P-12-245, filed 5/15/68.]

**WAC 132P-12-248 Registers—Classified service-wide reduction-in-force—Duration.** This register will consist of the same names as the Department Reduction-in-Force ranked according to total State service measured from the original appointment. Persons on this register will indicate the geographical areas in which they are available.

The life of this register shall normally be two years so long as one name appears on the register and the class exists. However, the Director may reduce, extend, or re-establish this register as long as it does not jeopardize the reemployment of an employee separated by reduction-in-force. [Order 3-68, § 132P-12-248, filed 5/15/68.]

**WAC 132P-12-251 Registers—Intra-departmental promotion—Duration.** This register will be established by appropriate classes and shall include the names of those permanent employees of the same department who have received a passing final grade in the total promotional examination and are eligible to be certified, and will be ranked according to their final grade. Persons on this register will indicate the geographic area in which they are available.

The life of this register shall normally be for one year unless replaced by a register established by the use of a substantially new examination. [Order 3-68, § 132P-12-251, filed 5/15/68.]

**WAC 132P-12-254 Registers—Inter-departmental promotion—Duration.** This register will be established by appropriate classes and include all the names of those permanent employees who have obtained a passing final grade in the total promotional examination and are eligible to be certified, and will be ranked according to their final grade. Persons on this register will indicate the geographic areas in which they are available.

The life of this register shall be for one year unless replaced by a register established by the use of a substantially new examination. [Order 3-68, § 132P-12-254, filed 5/15/68.]

**WAC 132P-12-257 Registers—Departmental unranked reinstatement—Duration.** This register will be established by the appropriate classes and will include the names of all past permanent employees of a department who resigned while performing similar duties to the satisfaction of the appointing authorities as indicated in a final supervisor's evaluation and who have submitted a written request to be reinstated within two years from the date of resignation. If the Director has determined a critical need for eligibles exists in a certain class, and geographic area, he may extend the time during which an employee may apply for reinstatement. Persons on this register will indicate the geographic areas in which they are available.

The life of this register shall be two years unless extended by the Director. [Order 3-68, § 132P-12-257, filed 5/15/68.]

**WAC 132P-12-260 Registers—Classified service-wide unranked reinstatement—Duration.** This register will be established by appropriate classes and will include the names of all past permanent employees of the classified service who resigned and have submitted a written request to be reinstated within one year of resignation and have passed the qualifying examinations that may be required by the Director. If the Director has determined a critical need for eligibles exists in a certain class and geographic area, he may extend the time during which an employee may apply for reinstatement. Persons on this register will indicate the geographic areas in which they are available.

The life of this register shall be for one year unless extended by the Director. [Order 3-68, § 132P-12-260, filed 5/15/68.]

**WAC 132P-12-263 Registers—Unranked transfer—Duration.** This register will be established by the appropriate classes and will include the names of all permanent employees who are employed and have submitted a written request to be considered for transfer. Persons on this register will indicate the geographic areas in which they are available.

The life of this register shall be one year. [Order 3-68, § 132P-12-263, filed 5/15/68.]

**WAC 132P-12-266 Registers—Open-competitive—Duration.** This register will be established by appropriate classes and shall include the names of all persons who have passed the entrance examinations; and shall be ranked by the final grades. Persons on this register will indicate the geographic areas in which they are available.

The life of this register shall normally be for one year unless extended by the Director. [Order 3-68, § 132P-12-266, filed 5/15/68.]

**WAC 132P-12-269 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 132P-12-350 and 132P-12-353.

(1) Appointment through certification of such lists to fill a permanent position or appointment to fill a permanent position through certification from another list for the same or higher salary. A person whose name is so removed may have his name restored for the duration of such list other than the one from which appointments were made by making written application for such action to the Director.

(2) Failure to respond within ten (10) days to a written inquiry or within three (3) 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) Expiration of the term of eligibility on the eligible lists.

(6) 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.

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

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

(9) In the case of institution-wide promotional lists and transfer lists, upon separation from the classified service. [Order 3-68, § 132P-12-269, filed 5/15/68.]

**WAC 132P-12-272 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 3-68, § 132P-12-272, filed 5/15/68.]

**WAC 132P-12-275 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 3-68, § 132P-12-275, filed 5/15/68.]

**WAC 132P-12-278 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 3-68, § 132P-12-278, filed 5/15/68.]

**WAC 132P-12-281 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 or 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 3-68, § 132P-12-281, filed 5/15/68.]

**WAC 132P-12-284 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 are 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 3-68, § 132P-12-284, filed 5/15/68.]

**WAC 132P-12-287 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 3-68, § 132P-12-287, filed 5/15/68.]

**WAC 132P-12-290 Urgency certification.** If a transfer, or demotion, is applied for by a classified employee for compelling reasons, such as a handicapping injury that no longer permits him to work in his present job or for similar circumstances that, in the judgment of the Director, justify a priority certification, the Director may certify such employee in preference over eligibles on any list or lists described above. An employee so certified must meet the minimum qualifications for the classification for which he is certified. [Order 3-68, § 132P-12-290, filed 5/15/68.]

**WAC 132P-12-293 Selection.** The Employing Officials 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.

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

When an eligible declines an offer of appointment, an additional name may be requested for consideration.

When an eligible is considered not satisfactory because of valid and pertinent reasons directly connected with the position as determined by the Director from a written report by the Employing Officials an additional name may be requested for consideration. [Order 3-68, § 132P-12-293, filed 5/15/68.]

## APPOINTMENTS

**WAC 132P-12-296 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 132P-12-293. [Order 3-68, § 132P-12-296, filed 5/15/68.]

**WAC 132P-12-299 Provisional appointments.**

When an Employing Official 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 comes 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 three persons do not apply 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 (30) 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 3-68, § 132P-12-299, filed 5/15/68.]

**WAC 132P-12-302 In-training appointments.** In the event that it is impossible to establish an eligible list for a class, the Director may approve the "in-training appointment" of an applicant who does not fully qualify and meet the minimum requirements of training and experience, provided that the organizational unit establishes and carries on a program of in-service training which will satisfy the deficiency in training and experience within one year. Applicants shall be certified for such appointments from an eligible list established specifically for in-training purposes. The employee shall be compensated at a lower grade than that of the class for which training is being given. At the end of the training period, the employee shall be placed on a probationary period status in the position for which he is being trained upon certification of the appropriate appointing authorities as to his competence, but the Director may require a qualifying examination. [Order 3-68, § 132P-12-302, filed 5/15/68.]

**WAC 132P-12-305 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 Employing Officials accepting the transfer, and the Director. [Order 3-68, § 132P-12-305, filed 5/15/68.]

**WAC 132P-12-308 Demotion.** A position may be filled by the demotion of an employee in accordance with the procedures as set forth in these Rules. [Order 3-68, § 132P-12-308, filed 5/15/68.]

**WAC 132P-12-311 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 3-68, § 132P-12-311, filed 5/15/68.]

**WAC 132P-12-314 Duration.** All original and all promotional appointments shall be tentative and subject to a probationary period of six (6) months of actual service which starts upon the effective date of an appointment. [Order 3-68, § 132P-12-314, filed 5/15/68.]

**WAC 132P-12-317 Removal during probationary period.** At any time during the trial period the Employing Officials 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 investigation together with his conclusions to the Committee. If the employees were removed for reasons other than that their performance did not meet the required standards, the Board shall order their reinstatement. Removal during the probationary period is not, however, appealable by the employee. [Order 3-68, § 132P-12-317, filed 5/15/68.]

**WAC 132P-12-320 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 Employing Officials, 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 3-68, § 132P-12-320, filed 5/15/68.]

**WAC 132P-12-323 Separation.** Resignation, retirement, layoff, dismissal, or abandonment of the position shall constitute separation from service. [Order 3-68, § 132P-12-323, filed 5/15/68.]

**WAC 132P-12-326 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 in writing. Such resignation shall be promptly forwarded to the Director by the Appointing Authority. [Order 3-68, § 132P-12-326, filed 5/15/68.]

**WAC 132P-12-329 Reduction in force—Layoff.** An 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 is continued in a position of the same class. An 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 Register.** 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 3-68, § 132P-12-329, filed 5/15/68.]

**WAC 132P-12-332 Dismissal.** An Employing Official may dismiss for cause any permanent employee under his jurisdiction by delivering at least fifteen (15) calendar days before the effective date thereof a written statement containing specified charges by certified mail to the employee's last known address or personal delivery with a copy to the Director. If the Employing Official, 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. Such action, however, may be taken only when the Employing Official determines that it is to the best interest

of the service because of the circumstances and legal cause stated for the 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 WAC 132P-12-323—132P-12-347. The Employing Officials may withdraw or modify a dismissal within fifteen (15) 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 (30) calendar days after the effective date of such action and shall be granted a hearing as provided in WAC 132P-12-350 and 132P-12-353. [Order 3-68, § 132P-12-332, filed 5/15/68.]

**WAC 132P-12-335 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 3-68, § 132P-12-335, filed 5/15/68.]

**WAC 132P-12-338 Disciplinary action.** Employing Officials may demote, suspend or dismiss an employee under their jurisdiction for any of the following causes: neglect of duty, inefficiency, incompetence, insubordination, indolence, conviction of a crime involving moral turpitude, malfeasance, gross misconduct, or willful violation of the published Personnel Rules or Regulations. [Order 3-68, § 132P-12-338, filed 5/15/68.]

**WAC 132P-12-341 Suspension.** An Employing Official may suspend an employee without pay for cause for a period or periods not exceeding thirty (30) calendar days in any calendar year and not exceeding fifteen (15) calendar days for any single offense. The Employing Official shall notify the employee concerned in writing by certified mail to the employee's last known address or by personal delivery with a copy to the Director, not later than one (1) 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 (30) calendar days after the effective date of such action. [Order 3-68, § 132P-12-341, filed 5/15/68.]

**WAC 132P-12-344 Demotion.** An Employing Official 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 to the employee's last known address or by personal delivery and a copy filed with the Director at least fifteen (15) calendar days prior to the effective date of this 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 (30) calendar days after the effective date of such action. [Order 3-68, § 132P-12-344, filed 5/15/68.]

**WAC 132P-12-347 Reprimand.** A Supervisor 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 (5) calendar days of receipt of the reprimand. [Order 3-68, § 132P-12-347, filed 5/15/68.]

**WAC 132P-12-350 Who may appeal.** Any permanent employee who is suspended, demoted, reduced, or dismissed shall have the right to appeal to the Committee not later than thirty (30) calendar 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 will hear such appeals within thirty (30) calendar days of the receipt of such request. [Order 3-68, § 132P-12-350, filed 5/15/68.]

**WAC 132P-12-353 Procedures for hearing appeals.** The following provisions of Sections 18, 19, 20, and 21 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 supporting 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. The Committee shall prepare an official record 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 therefor. Payment of the cost of a copy of the 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 (30) 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 (30) days after the recording of the Order and mailing thereof, the employee may appeal 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 (30) 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 stipulations 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 costs 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 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 reemployment list and the Committee shall grant this request where the circumstances are found to warrant reemployment.

(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 OASDI credits. [Order 3-68, § 132P-12-353, filed 5/15/68.]

## REPRESENTATION AND GRIEVANCES

**WAC 132P-12-356 Employee representation.** Classified employees may organize, be represented, and collectively negotiate with respect to grievances, wages, hours, and other conditions of employment within the scope permitted by these Rules and the law. [Order 3-68, § 132P-12-356, filed 5/15/68.]

**WAC 132P-12-359 Grievances.** Classified employees may seek settlement, if practical during working hours, of any grievance arising over differences involving working conditions or application, by employing officials, of the rules set forth herein. The aggrieved employee himself shall first attempt to settle a difference with his immediate supervisor. If unsuccessful, he shall observe the following procedure in presenting his grievance and may be represented or accompanied by another person.

Unless a department head or other principal mentioned in the subsequent steps of the grievance procedure is the immediate supervisor, he may not consider an employee's complaint or grievance until the requirements of the earlier steps of the grievance procedure have been observed.

(1) A complaint shall first be taken up by the aggrieved employee with his immediate supervisor. The supervisor shall make his decision within five (5) working days.

(2) If these parties fail to reach a mutually satisfactory solution of the problem, the employee may next present his case to the appropriate department head who shall make his decision on the matter within five (5) working days.

(3) If, at the conclusion of the second step, a satisfactory settlement has not been reached between the employee and his employing officials, the grievance shall be reduced to writing on forms approved by the Director and submitted to him within fifteen (15) working days.

(4) The Director shall, within fifteen (15) working days arrange to meet with the aggrieved employee and/or his representative and with the department head in an effort to reach a satisfactory settlement of the grievance. A written record of such settlement shall be distributed to all interested parties.

(5) If the employee is not satisfied with the decision of the Director, he may, within fifteen (15) working days make a formal written request to the Committee asking for a review of his grievance before such hearing officer or officers as the Committee shall designate. [Order 3-68, § 132P-12-359, filed 5/15/68.]

**WAC 132P-12-425 Questions and inquiries.** Classified employees may consult with the office of the Director concerning matters of classification, compensation, conditions of employment, interpretation of these Rules,

or concerning other personnel matters and problems. Such questions and inquiries are not to be construed as grievances and may be made without reference to the grievance procedure described above. [Order 3-68, § 132P-12-425, filed 5/15/68.]

## SERVICE RATINGS AND TRAINING

**WAC 132P-12-428 Service ratings.** The Director may in cooperation with the Employing Officials, 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 3-68, § 132P-12-428, filed 5/15/68.]

**WAC 132P-12-431 Education and training.** An employee may enroll in course work with the approval of his Appointing Authority provided that the number of credit hours taken may be limited if such study interferes with the effectiveness of the employee's work in the discretion of the Director. [Order 3-68, § 132P-12-431, filed 5/15/68.]

**WAC 132P-12-434 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 3-68, § 132P-12-434, filed 5/15/68.]

**WAC 132P-12-437 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 of, or at the request of, his Employing Official. 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, compensating 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 3-68, § 132P-12-437, filed 5/15/68.]

**WAC 132P-12-440 Special training programs.** Special training programs may be made available to all qualified employees on an equal basis 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. [Order 3-68, § 132P-12-440, filed 5/15/68.]

## PROHIBITIONS AND PENALTIES

**WAC 132P-12-444 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 to 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.

For persons employed in State agencies the operation of which is financed in total or in part by federal grant-in-aid funds political activity will be regulated by the rules and regulations of the United States Civil Service Commission. (Ref. Act, chapter 41.06 RCW) [Order 3-68, § 132P-12-444, filed 5/15/68.]

**WAC 132P-12-447 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 3-68, § 132P-12-447, filed 5/15/68.]

**WAC 132P-12-450 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 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 3-68, § 132P-12-450, filed 5/15/68.]

**WAC 132P-12-453 False statements—Fraud.** No persons shall make any false statement, certificate, mark, rating or report with regard to any text, 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 3-68, § 132P-12-453, filed 5/15/68.]

**WAC 132P-12-456 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 3-68, § 132P-12-456, filed 5/15/68.]

**WAC 132P-12-459 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 privileged information for the purpose of affecting the rights or prospects of any person with respect to employment in the classified service. [Order 3-68, § 132P-12-459, filed 5/15/68.]

**WAC 132P-12-462 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 3-68, § 132P-12-462, filed 5/15/68.]

**WAC 132P-12-465 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, not shall any inquiry be made concerning such opinions of 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 3-68, § 132P-12-465, filed 5/15/68.]

## RECORDS AND REPORTS

**WAC 132P-12-468 Personnel records.** The Office of the Director shall be the central repository of all such personnel files and records as the Director deems necessary and as are required by the Act and these Rules. [Order 3-68, § 132P-12-468, filed 5/15/68.]

**WAC 132P-12-471 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 rate, date of employment, employment history, and such other employment data as he deems pertinent. [Order 3-68, § 132P-12-471, filed 5/15/68.]

**WAC 132P-12-474 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 3-68, § 132P-12-474, filed 5/15/68.]

**WAC 132P-12-477 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 such procedures as the Director may provide. [Order 3-68, § 132P-12-477, filed 5/15/68.]

#### SEVERABILITY AND SAVINGS CLAUSES

**WAC 132P-12-480 Conflict with federal requirements.** If any part of these Rules shall be found to be in conflict with the Federal requirements which are a condition precedent to the allocation of Federal funds to the district, such conflicting part of these Rules is hereby declared to be inoperative solely to the extent of such conflict and with respect to the employees directly affected, and such findings or determination shall not affect the operation of the remainder of these Rules in its application to the employees concerned. The Board shall make such rules and regulations as may be necessary to meet Federal requirements which are a condition precedent to the receipt of Federal funds by the district. (Ref. Act, chapter 41.06 RCW) [Order 3-68, § 132P-12-480, filed 5/15/68.]

**WAC 132P-12-483 Severability clause.** If any provision of these Rules or the application thereof is held invalid, such invalidity shall not affect other provisions or applications of these Rules which can be given effect without the invalid provision or application, and to this end any section, sentence or work is declared to be severable. (Ref. Act, chapter 41.06 RCW) [Order 3-68, § 132P-12-483, filed 5/15/68.]

### Chapter 132P-16 WAC

#### NEGOTIATIONS BY CERTIFIED PERSONNEL

##### WAC

##### ELECTIONS

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#### ELECTIONS

**WAC 132P-16-003 Purpose.** Pursuant to chapter 143, Laws of Washington, 1965, the Board of Trustees of Community College District No. 16 establishes the following rules to strengthen methods of administering employer-employee relations through the establishment of orderly methods of communication between certificated employees of Community College District No. 16 and the Board of Trustees of Community College District No. 16. [Order 1-68, § 132P-16-003, filed 4/1/68.]

**WAC 132P-16-006 Request for election—Canvass of certificated employees by independent and neutral person or association.** Any organization of certificated employees of Community College District No. 16 desiring to be recognized as the majority organization representing such employees pursuant to chapter 143, Laws of 1965, RCW 28.72.010-28.72.090, shall request in writing of the Board of Trustees of Community College District No. 16 that an election be held to determine whether a majority of such employees desire to designate it as their representative for the purposes of the Act. Upon the receipt of such a request the Board of Trustees of Community College District No. 16 will request some independent and neutral person or association to determine whether thirty per cent or more of the certificated employees of Community College District No. 16 have indicated that they desire to be represented by that organization for such purposes. The independent and neutral person or association shall make such determination upon the basis of records of dues, paying memberships, signed authorizations to represent, or other reliable and probative evidence. [Order 1-68, § 132P-16-006, filed 4/1/68.]

**WAC 132P-16-009 Notice of election—Organizations to be included on ballot—Time for filing.** If the independent and neutral person or association determines that thirty per cent or more of the certificated employees of Community College District No. 16 have indicated that they desire to be represented by that organization for such purposes, the Board of Trustees of Community College District 16 will publish a notice that it will hold an election as soon as practical to determine whether the certificated employees of Community College District No. 16 desire the requesting organization or any other organization to represent them for the purposes of chapter 143, Laws of 1965, RCW 28.72.010-28.72.090. Any other organization of certificated employees desiring to be designated as the majority organization representing such employees shall, within seven days after publication of such notice by the Board of Trustees of Community College District No. 16, file

with the Board of Trustees a request in writing that its name be included on the ballot in the election to be held. No organization shall be permitted to have its name placed on the ballot used in the election unless such a request has been received within seven days after the publication of the notice that an election will be held. [Order 1-68, § 132P-16-009, filed 4/1/68.]

**WAC 132P-16-012 Contents of notice of election—Designation of chief election officer—Duties.** The Notice published by the Board of Trustees of Community College District No. 16, pursuant to WAC 132P-16-009, shall state the date, hours, and polling places for the election. The notice shall also designate a chief election officer of the election and charge him with the duty of preparing the ballots and promulgating instructions concerning the details of the election to be conducted pursuant to these rules. [Order 1-68, § 132P-16-012, filed 4/1/68.]

**WAC 132P-16-015 List of certificated employees—Posting of list.** In any election conducted pursuant to these rules, lists of certificated employees eligible to vote shall be prepared by the Board of Trustees listing certificated employees by voting places. Such lists shall be posted at least 24 hours before the election. Such lists shall be for informational purposes and shall not be conclusive as to the right of a certificated employee to vote in the election. [Order 1-68, § 132P-16-015, filed 4/1/68.]

**WAC 132P-16-016 Election inspectors—Duties—Right to challenge voter—Improper conduct.** The election officer shall designate at least one inspector for each polling place to observe the conduct of the election. Any organization whose name shall appear on the ballot in the election shall also be entitled to have one inspector present at each polling place to observe the conduct of the election. Each organization shall also be entitled to have an inspector present at the College District Office for the counting of the ballots cast. Such inspectors must refrain from electioneering during the election. They may challenge the eligibility of any person to vote in the election, and, upon such challenge, the ballot of that person shall be treated as provided in these rules. Inspectors shall also report in writing to the chief election officer any conduct which they observe in the course of balloting which they believe may have improperly affected the result of the voting at the polling place at which they serve as observers. [Order 1-68, § 132P-16-016, filed 4/1/68.]

**WAC 132P-16-018 Ballots.** The ballots used in any election held pursuant to this part shall be in the following form:

To select for Representation Purposes Pursuant to chapter 143, Laws of Washington, 1965, a Majority Organization to Represent Certificated Employees of Community College District No. 16.

ORGANIZATION X  Vote for one

ORGANIZATION Y   
NO ORGANIZATION

Do not sign your name or put other identifying marks on this ballot.

[Order 1-68, § 132P-16-018, filed 4/1/68.]

**WAC 132P-16-021 Record of vote—Signature—Challenge.** At the time of the election the name of each employee voting shall be recorded by his signature written beside his name on the voting list for the polling place at which he votes. Each certificated employee may cast only one ballot in any election held pursuant to these rules, and the presence of a signature beside the name of an employee desiring to vote shall automatically constitute grounds for challenge to his right to cast a ballot in an election. [Order 1-68, § 132P-16-021, filed 4/1/68.]

**WAC 132P-16-024 Incorrectly marked ballot.** Any voter who incorrectly marks his ballot may obtain a new ballot by returning the incorrectly marked ballot to the chief election officer's inspector. Such incorrectly marked ballot shall be marked void in the presence of the inspectors of organizations participating in the election before the new ballot is delivered to the voter. [Order 1-68, § 132P-16-024, filed 4/1/68.]

**WAC 132P-16-027 Privacy for voter—Equipment.** Voters shall be provided with tables or desks so arranged that a voter may mark his ballot without making it possible for other persons to observe the manner in which he has marked it. [Order 1-68, § 132P-16-027, filed 4/1/68.]

**WAC 132P-16-030 Folding ballot—Ballot box.** Each voter shall fold his ballot so that the manner in which he has marked it cannot be observed and shall then place it in the locked ballot box provided at the designated voting place. [Order 1-68, § 132P-16-030, filed 4/1/68.]

**WAC 132P-16-033 Challenged ballot—Procedure.** 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, by whom it was challenged, and the polling place at which it was challenged, and the envelope shall be sealed and initialed by the election inspectors. [Order 1-68, § 132P-16-033, filed 4/1/68.]

**WAC 132P-16-036 Employees present entitled to vote—Sealing ballot box—Unused ballots.** At the time for closing the polls, all employees present and waiting at the polling place shall be entitled to vote. The ballot box shall then be sealed. All unused ballots shall then be counted in the presence of election inspectors. [Order 1-68, § 132P-16-036, filed 4/1/68.]

**WAC 132P-16-039 Election inspectors duties after voting has terminated.** When all voting has terminated at a polling place, the election inspectors will bring to the chief election officer at the Community College District Office the following: 1) signed voting list of eligible certificated employees, 2) all unused ballots, 3) all challenged ballots, and 4) the sealed ballot box containing all ballots cast. [Order 1-68, § 132P-16-039, filed 4/1/68.]

**WAC 132P-16-042 Disposition of challenged ballots—Tally sheets—Investigation by chief election officer.** The challenged ballots previously placed in separate envelopes shall be placed in a sealed envelope marked "challenged ballots" and sent along with the tally sheet to the chief election officer. The 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 chief election officer shall conduct an investigation into, or if necessary a formal hearing on, the validity of the challenges made. If he concludes that the challenge was properly made, that ballot shall be excluded from the count. Otherwise, such ballot shall be counted as cast. [Order 1-68, § 132P-16-042, filed 4/1/68.]

**WAC 132P-16-045 Counting of ballots—Procedure—Certification of results of election—Retention of ballots—Signed voting lists.** When ballot boxes from all voting places have been received by the chief election officer's inspector, he shall open them and thoroughly mix all ballots cast so that it is impossible to identify the polling place from which any particular ballot came. The ballots cast shall be separated into the categories as they have been cast for organizations participating in the election, for no organization, and void ballots which are unintelligible or for an organization not participating in the election. The ballots in these categories shall be counted by the chief election officer with the assistance of such of his election inspectors as shall be necessary in the presence of the inspectors for the organizations participating in the election. After the ballots have been so counted the inspector designated by the organizations to serve at the Community College District Office shall indicate by his signature upon the tally sheet that he agrees with the count made, or in case of disagreement, he shall write a short statement of his grounds for disagreement with the count. The chief election officer shall certify to the Board of Trustees the results of the election within forty-eight hours after the polls have been closed. The used ballots, the unused ballots, the challenged ballots, and the signed voting lists of eligible certificated employees shall be kept by the chief election officer or some person designated by him for one year after the election. [Order 1-68, § 132P-16-045, filed 4/1/68.]

**WAC 132P-16-046 Electioneering within the polls forbidden.** No election signs, banners, or buttons shall be permitted in the room in which the balloting takes place, nor shall any person in that room discuss the advantages

or disadvantages of representation by an organization whether on the ballot or otherwise, nor shall any person in that room engage in any other form of electioneering. [Order 1-68, § 132P-16-046, filed 4/1/68.]

**WAC 132P-16-048 Contest of election—Time for filing objections—Investigation of objections.** Any organization, the name of which appears on the ballot, or any certificated employee may within five days after the certification of the results of an election under the provisions of this Part, file objections to the conduct of the election with the chief election officer designated by the Board of Trustees pursuant to WAC 132P-16-012 of this Part. The election officer shall investigate such objections and, if necessary, hold formal hearings thereon. He shall report thereon to the Board of Trustees. If the Board of Trustees shall conclude that the conduct objected to may have improperly affected the results of the election, it shall order a new election. Otherwise, it shall overrule the objections and the results of the election shall be considered final. Objections to the conduct of the election which are not filed in accordance with the provisions of this section shall be waived and of no effect. [Order 1-68, § 132P-16-048, filed 4/1/68.]

**WAC 132P-16-051 Persons eligible to vote—Definition "certificated employee."** An employee of Community College District No. 16 will be determined eligible to vote in the election as designated in chapter 143, section 2, Laws of 1965 (RCW 28.72.020). For the purposes of this Part, the term "certificated employee" means any person currently employed by Community College District No. 16 and holding a valid Washington State teaching license or certificate regularly issued by the State Office of Public Instruction or State Community College Board. [Order 1-68, § 132P-16-051, filed 4/1/68.]

**WAC 132P-16-054 Election determined by majority of valid votes cast—Run-off election.** An organization of certificated employees which receives a majority of the valid votes cast in an election held in accordance with the rules of this Part shall be recognized as representing the certificated employees of Community College District No. 16 pursuant RCW 28.72.010-28.72.090. If more than one organization of certificated employees has participated in an election and a majority of the valid votes cast has not been either for representation by one of the organizations or for no representation, a run-off election shall be held. In such a run-off, only those two choices receiving the highest number of valid votes cast in the initial election shall appear on the ballot. [Order 1-68, § 132P-16-054, filed 4/1/68.]

**WAC 132P-16-055 Time lapse for new election.** If no organization of certificated employees is selected as representative in an election held pursuant to these rules, another election shall not be held until the lapse of one year from the date of the certification of the results of the earlier election. If an organization of certificated employees is selected as bargaining representative in an election held pursuant to these rules, another election

shall not be held until the lapse of one year from the date of the certification of the results of the earlier election. [Order 1-68, § 132P-16-055, filed 4/1/68.]

### Chapter 132P-20 WAC DRUG POLICY

#### WAC

|             |   |
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| 132P-20-010 | Introduction—Responsibility of college.                       |
| 132P-20-020 | Educational responsibility regarding drugs.                   |
| 132P-20-030 | Programs regarding drugs.                                     |
| 132P-20-040 | Drug policy—Requested procedure.                              |
| 132P-20-050 | Drug policy—Violation—Disciplinary action.                    |
| 132P-20-060 | Violation of drug laws—College involvement—Hearing committee. |
| 132P-20-070 | Violation of drug laws—Action by college.                     |
| 132P-20-080 | Violation of drug laws—Suspension of student.                 |
| 132P-20-090 | Hearing committee—Members—Appeal.                             |
| 132P-20-100 | Violation of drug laws—Nonstudent.                            |
| 132P-20-110 | Constitutional rights of individuals.                         |

**WAC 132P-20-010 Introduction—Responsibility of college.** The Board of Trustees, students, faculty, and administration of Community College No. 16 believe the primary responsibility of a college to be the creation of a scholarly environment in which the interchange between students, faculty, and administrators will produce the fullest opportunities for the maturation of every individual involved. [Order 2-68, § 132P-20-010, filed 4/10/68.]

**WAC 132P-20-020 Educational responsibility regarding drugs.** Believing that no areas of search into human values and problems are to be restricted, the college recognizes as part of its educational responsibility the necessity of providing for frank, honest, and thorough discussions of the role of drugs in modern society. [Order 2-68, § 132P-20-020, filed 4/10/68.]

**WAC 132P-20-030 Programs regarding drugs.** It shall be the responsibility of the students, faculty, and administration of Yakima Valley College to provide programs consistent with a thorough and honest discussion of the issue. [Order 2-68, § 132P-20-030, filed 4/10/68.]

**WAC 132P-20-040 Drug policy—Requested procedure.** In order to implement the above policy, the following techniques are requested procedures in which this may be accomplished:

(1) Conduct a voluntary workshop for faculty and student leaders. This would be a background for future meetings and classroom discussions.

(2) Provide in the library materials in sufficient quantities on the subject of drugs and drug abuses. These materials should be current and readily available. Prepare a complete bibliography on the subjects.

(3) Provide necessary background and materials for discussion of drugs and drug abuse in all psychology and health education sections. At least one class period each quarter should be reserved for this subject.

(4) Conduct at least one program each quarter on drugs and drug abuses; which shall be held in the college auditorium. This would be held during the noon hour.

(5) Conduct an evening session on drugs and drug abuses; which shall be held in the college auditorium for interested students and members of the community.

(6) Present a new student orientation program on drugs and drug abuse each quarter. The program will be directed toward college rules and regulations and federal and state laws on the subject. The program is to be given by the President. [Order 2-68, § 132P-20-040, filed 4/10/68.]

**WAC 132P-20-050 Drug policy—Violation—Disciplinary action.** The college does not in any way condone the medically uncontrolled use of hallucinogens and other drugs by students. In view of existing legal restrictions and scientific evidence concerning the effects of these drugs; if a student possesses, manufactures, sells, uses, or causes someone else to use these drugs on college property, property of the Yakima Valley Corporate Board, or property under the supervision and control of the college, he becomes subject to the immediate disciplinary action by the college. [Order 2-68, § 132P-20-050, filed 4/10/68.]

**WAC 132P-20-060 Violation of drug laws—College involvement—Hearing committee.** Where college regulations do not apply, and when a student is charged with violation of public or criminal law regarding drugs, the college may become involved only at the student's request. In no case should college involvement include acceptance of disciplinary responsibility in lieu of criminal action. The Hearing Committee may reexamine students convicted by civil authority where the welfare of other students might be jeopardized. Only the Hearing Committee has the authority to call for such reexamination. [Order 2-68, § 132P-20-060, filed 4/10/68.]

**WAC 132P-20-070 Violation of drug laws—Action by college.** In the event that a student is charged by legal authorities in connection with alleged violation of statutory provisions regarding drug abuse, the college will not initiate any specific action against this student until after a plea of guilty or a conviction is secured in a court and the student is sentenced. [Order 2-68, § 132P-20-070, filed 4/10/68.]

**WAC 132P-20-080 Violation of drug laws—Suspension of student.** Any student of Yakima Valley College, convicted or who has entered a plea of guilty to a gross misdemeanor or felony resulting from a violation of drug or narcotic laws while in attendance, shall be automatically suspended. This action may be appealed to the Hearing Committee, but only at the initiative of the suspended individual. [Order 2-68, § 132P-20-080, filed 4/10/68.]

**WAC 132P-20-090 Hearing committee—Members—Appeal.** The procedure for dealing with an individual case shall be as follows: the student will appear before the Hearing Committee consisting of four elected or appointed students, three faculty members, and the Director of Student Personnel. The latter will serve as

chairman of this group. The method of appointing or electing students shall be determined by the Student Executive Council; the faculty members shall be selected by the Faculty Senate. Throughout the hearing the convicted student will be granted due process and right of appeal to the college President, to the Board of Trustees of College District No. 16, and finally to the State Board of Community College Education. [Order 2-68, § 132P-20-090, filed 4/10/68.]

**WAC 132P-20-100 Violation of drug laws—Nonstudent.** Any nonstudent associated with Yakima Valley College violating WAC 132P-20-080 shall not be subject to the application of the Hearing Committee Procedure because of his nonstudent classification; however, if found guilty of a violation set forth in WAC 132P-20-080, shall be subject to a like procedure before the proper college authorities and shall be subject to the degree equal, but not restricted to, that treatment prescribed for any student or students found to be in violation of this Policy. [Order 2-68, § 132P-20-100, filed 4/10/68.]

**WAC 132P-20-110 Constitutional rights of individuals.** Underlying all of these procedures will be the college recognition of a concern for the constitutional rights of all individuals. [Order 2-68, § 132P-20-110, filed 4/10/68.]

### Chapter 132P-24 WAC CRIMINAL TRESPASS

#### WAC

|             |   |
|-------------|---|
| 132P-24-010 | Purpose.                                |
| 132P-24-020 | Definition.                             |
| 132P-24-030 | Hours.                                  |
| 132P-24-040 | Roof tops.                              |
| 132P-24-050 | Obstructions of entrances or hall ways. |
| 132P-24-060 | Hall ways.                              |
| 132P-24-070 | Offices.                                |
| 132P-24-080 | Penalty.                                |
| 132P-24-090 | Notice.                                 |
| 132P-24-100 | Emergency.                              |

**WAC 132P-24-010 Purpose.** The Board of Trustees of Community College District No. 16 adopt the following rules to implement the Criminal Trespass law of the state of Washington. [Order 4-69, § 132P-24-010, filed 9/4/69; Emergency Order 3-69, § 132P-24-010, filed 8/1/69; Emergency Order 1-69, § 132P-24-010, filed 5/2/69.]

**WAC 132P-24-020 Definition.** The term "building" as used in these rules shall mean any building or structure situated on the campus of Yakima Valley College or used by and which is under the control and supervision of Yakima Valley College District No. 16. [Order 4-69, § 132P-24-020, filed 9/4/69; Emergency Order 3-69, § 132P-24-020, filed 8/1/69; Emergency Order 1-69, § 132P-24-020, filed 5/2/69.]

**WAC 132P-24-030 Hours.** All buildings shall be closed to students and the public before and after regular school hours, which shall be determined by the president, except for those times and for those purposes approved by the president, or in his absence, his designee. [Order 4-69, § 132P-24-030, filed 9/4/69; Emergency Order 3-69, § 132P-24-030, filed 8/1/69; Emergency Order 1-69, § 132P-24-030, filed 5/2/69.]

**WAC 132P-24-040 Roof tops.** No person or persons shall at any time go on the roof of any building without the express consent of the president, or in his absence, his designee. [Order 4-69, § 132P-24-040, filed 9/4/69; Emergency Order 3-69, § 132P-24-040, filed 8/1/69; Emergency Order 1-69, § 132P-24-040, filed 5/2/69.]

**WAC 132P-24-050 Obstructions of entrances or hall ways.** No person or persons shall obstruct the entrances or exits of any of the campus parking lots, or any building, or erect any barrier which would prevent the free ingress and free egress of people to and from the parking lots, buildings, or rooms situated within any building. [Order 4-69, § 132P-24-050, filed 9/4/69; Emergency Order 3-69, § 132P-24-050, filed 8/1/69; Emergency Order 1-69, § 132P-24-050, filed 5/2/69.]

**WAC 132P-24-060 Hall ways.** No person or persons shall in any way obstruct a corridor or hall way of any building in any manner which would in any way prevent the free movement of persons through any corridor or hall way. [Order 4-69, § 132P-24-060, filed 9/4/69; Emergency Order 3-69, § 132P-24-060, filed 8/1/69; Emergency Order 1-69, § 132P-24-060, filed 5/2/69.]

**WAC 132P-24-070 Offices.** No person or persons shall be permitted inside the work counters or railings or barriers separating the administrative offices or work areas from the public and students without the express consent of the president or administrative officer in charge of said offices. [Order 4-69, § 132P-24-070, filed 9/4/69; Emergency Order 3-69, § 132P-24-070, filed 8/1/69; Emergency Order 1-69, § 132P-24-070, filed 5/2/69.]

**WAC 132P-24-080 Penalty.** Any student or faculty member violating these rules may be subject to prosecution for criminal trespass and/or disciplinary proceedings as provided in the rules adopted by the Board of Trustees. Any person violating these rules may be subject to prosecution for criminal trespass. [Order 4-69, § 132P-24-080, filed 9/4/69; Emergency Order 3-69, § 132P-24-080, filed 8/1/69; Emergency Order 1-69, § 132P-24-080, filed 5/2/69.]

**WAC 132P-24-090 Notice.** Any person or persons violating these rules shall be notified by the president or his duly authorized agent of the violation, and they shall be given a period of thirty minutes to comply with these rules, or be subject to these penalties provided in the preceding paragraph. [Order 4-69, § 132P-24-090, filed 9/4/69.]

9/4/69; Emergency Order 3-69, § 132P-24-090, filed 8/1/69; Emergency Order 1-69, § 132P-24-090, filed 5/2/69.]

**WAC 132P-24-100 Emergency.** The Board of Trustees of Community College District No. 16 find the immediate adoption of the foregoing rules is necessary for the preservation of the public health, safety, and general welfare of the students and public, and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest. [Order 4-69, § 132P-24-100, filed 9/4/69; Emergency Order 3-69, § 132P-24-100, filed 8/1/69; Emergency Order 1-69, § 132P-24-100, filed 5/2/69.]

### Chapter 132P-28 WAC TENURE POLICY

#### WAC

|             |                                   |
|-------------|-----------------------------------|
| 132P-28-010 | Purpose.                          |
| 132P-28-020 | Definitions.                      |
| 132P-28-030 | Composition of review committee.  |
| 132P-28-040 | Review committee action.          |
| 132P-28-050 | Dismissal for sufficient cause.   |
| 132P-28-055 | Dismissal for cause.              |
| 132P-28-070 | Review committee recommendations. |
| 132P-28-080 | Tenure considerations.            |

#### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

|             |  |
|-------------|--|
| 132P-28-060 | Nonrenewal of tenured faculty contracts. [Order 71-1, § 132P-28-060, filed 2/1/71.] Repealed by Order 72-3, filed 5/14/73. |
|-------------|--|

**WAC 132P-28-010 Purpose.** The board of trustees of Community College District No. 16, pursuant to the mandate, of RCW 28B.50.852, adopts the following negotiated rules and policy governing faculty tenure and faculty re-employment rights at Yakima Valley College and subsequent community colleges hereafter established within Community College District No. 16. [Order 72-3, § 132P-28-010, filed 5/14/73; Order 71-1, § 132P-28-010, filed 2/1/71.]

**WAC 132P-28-020 Definitions.** As used in chapter 132P-28 WAC, the following terms and definitions shall mean:

(1) "Appointing authority" shall mean the board of trustees of Community College District No. 16.

(2) "Review committee" shall mean a committee of faculty peers and administrative staff appointed pursuant to WAC 132P-28-020.

(3) "Evaluation subcommittee" shall mean a subcommittee of each academic or technical division at Yakima Valley College to be chosen in accordance with procedures established by each such division which shall assist the college review committee in performing its statutory duties.

(4) "Regular college year" shall mean a faculty appointment inclusive of consecutive fall, winter, and spring quarters.

(5) "President" shall mean the president of Yakima Valley College or in such president's absence, the acting president.

(6) "Full time employment" shall mean employment of an individual which individual meets the base requirements for initial placement at full salary on the salary schedule for any regular college year.

(7) "College" shall mean Yakima Valley College and any subsequent community college hereafter established within Community College District No. 16.

(8) The definitions of "tenure", "faculty appointment," "probationary," and "administrative appointment" shall be the same as are contained in section 33, chapter 283, Laws of 1969 ex. sess., and RCW 28B.50.851, as now law or hereafter amended.

(9) The professional rights and responsibilities committee of the representative faculty group is that committee as described in the constitution of the representatives of the faculty. [Order 72-3, § 132P-28-020, filed 5/14/73; Order 71-1, § 132P-28-020, filed 2/1/71.]

**WAC 132P-28-030 Composition of review committee.** (1) One college review committee shall be established, which shall include three administrative appointees appointed by the president and one tenured faculty electee from each instructional division of the college, with all other certified personnel considered to be one division. Each college division shall submit two or more nominees to serve on the college review committee, which nominees shall be elected to the review committee during the month of September of each academic year by the majority, who vote, of teaching faculty and the division chairmen acting as a body. No member of the review committee may be a member of the professional rights and responsibilities committee of the representative faculty group.

(2) Election to the review committee shall be for a term of two academic years; provided, that the initial electees to the college review committee representing the divisions of agriculture, business administration, biological science, creative arts, and health services, shall be elected to serve for a term of one year.

(3) If a vacancy exists upon the review committee prior to the expiration of a member's elected term, an administrative or faculty member from the same division as the retiring member as appropriate, shall be chosen pursuant to paragraph (2) of this rule to fill the unexpired term of the absent member of the college review committee.

(4) The review committee shall choose its own chairman and shall meet at the call of the chairman when a need for such meeting arises. The chairman shall be a voting member of the review committee and may cast a ballot on any issue before the committee. All decisions of the review committee shall be by majority vote; provided, that seven members in attendance in any review committee meeting shall constitute a quorum for the transaction of any business.

(5) The committee shall be supplied with information relative to the qualifications of each probationary appointee by each separate division's evaluation subcommittee, which subcommittee shall supply to the college review committee, by January tenth of each regular college year, all necessary information for the review committee's proper determination of any matter. The subcommittees shall be composed of tenured faculty members and shall be chosen by procedures established within each college division in conjunction with the vice president-instruction.

(6) The college review committee shall establish its method of evaluating performance of each full time probationary faculty appointee. The evaluation process shall place primary importance upon the probationer's effectiveness in his appointment.

(7) In all transactions, the college review committee shall use the Administrative Procedure Act as an operational guideline. [Order 72-3, § 132P-28-030, filed 5/14/73; Order 71-1, § 132P-28-030, filed 2/1/71.]

**WAC 132P-28-040 Review committee action.** (1) The review committee shall be required to conduct an evaluation of each full time probationary faculty appointee and render the following reports to the probationary faculty appointee and through the president to the appointing authority at the following times during the regular college year:

(a) A written evaluation of each full time probationary faculty appointee's performance and the subsequent submission of such written evaluation of performance directed to said probationer and to the appointing authority on February first of each regular college year that said probationer is not a tenured faculty appointee. When the review committee renders such a report, the review committee shall serve a copy of such report upon the appointee evaluated and obtain such appointee's written acknowledgment of receipt of the written performance evaluation each time the same is rendered.

(b) A written recommendation concerning the employment or nonemployment of each full time probationary faculty appointee for the ensuing regular college year directed to the appointing authority through the president prior to February 15th of every college year; provided, that the appointing authority, after giving reasonable consideration to the recommendations of the review committee, shall either extend the probationary appointee's contract for an ensuing regular college year or terminate such appointee by written notice prior to the last day of winter quarter of any college year; provided further, that the failure of the review committee to make a timely report for re-employment of any probationary faculty appointee at the time required as specified by this paragraph shall be deemed a recommendation that re-employment of such an appointee for an ensuing regular college year is recommended.

(c) A written recommendation directed through the president to the appointing authority recommending that the appointing authority award tenure, such written recommendations to be submitted at times deemed appropriate by the review committee; provided, that during such full time probationary faculty appointee's third

regular college year of consecutive appointment, the review committee shall, prior to March first of such third regular college year, make a recommendation as to the award or nonaward of tenure.

(2) In the event an evaluation subcommittee or the review committee recommends that tenure not be awarded to a probationer or that a probationer's contract not be renewed for an ensuing college year, that notice of such recommendation shall be given to the probationer, who shall be entitled to make a presentation before the review committee, call any witnesses which he may desire appear, and to cross examine any witnesses that appear against him in such a proceeding.

(3) The probationary faculty appointee shall have the right to submit to the appointing authority through the president an answer to an adverse report and/or recommendation.

(4) The appointing authority shall strive to advise the probationary faculty appointee by January 1 of any regular college year of award or nonaward of tenure, but shall in any case so advise the appointee no later than the last day of the winter quarter of any regular calendar year. [Order 72-3, § 132P-28-040, filed 5/14/73; Order 71-1, § 132P-28-040, filed 2/1/71.]

**WAC 132P-28-050 Dismissal for sufficient cause.** In all instances which involve dismissal for sufficient cause as defined in WAC 132P-28-055, of either a probationary faculty appointee or a tenured faculty appointee during any contract period as distinguished from the nonrenewal for sufficient cause as defined in WAC 132P-29-060 [WAC 132P-28-060]:

(1) The vice president-instruction shall investigate all matters regarding dismissal for cause of a tenured faculty appointee or a probationary faculty appointee prior to the expiration of such probationary faculty's employment term. If the vice president-instruction has cause to believe that a faculty member should be dismissed for cause, he shall so advise the president; if the president deems sufficient cause exists, he shall discuss the matter with the individual faculty member involved. If the matter is not resolved to the mutual satisfaction of both parties, and if the president deems the circumstances and facts warrant dismissal he shall discuss the problem with the professional rights and responsibilities committee of the representative faculty group and obtain a recommendation from them as to further action. If, after the recommendation, the president deems the circumstances and facts warrant dismissal, the president may begin dismissal proceedings. The president shall begin dismissal proceedings by specifying the conduct which may constitute dismissal for sufficient cause and refer the charge in writing to the concerned faculty member and to the college review committee.

(2) The college review committee shall, after receiving the written charge from the president, establish a date for a review committee hearing giving the faculty member so charged ten (10) days notice of such hearing and inform in writing the faculty member so charged of the time, date and place of such hearing.

(3) The review committee hearing shall:

(a) Include testimony from all interested parties, including but not limited to other faculty members and students; and

(b) The faculty member whose case is being reviewed shall be afforded the right of cross examination and the opportunity to present evidence in his behalf; the proceedings before the review committee shall be inquisitory in nature and the review committee shall be authorized to examine all evidence relating to alleged misconduct of the faculty member so charged.

(c) The review committee may consider any type of evidence which reasonable men give probative value to in the conduct of their affairs and shall exclude only incompetent, irrelevant, and unduly repetitious evidence.

(4) The review committee following the expiration of such dismissal proceedings shall prepare a written report of findings of fact and recommendation of appropriate actions to be taken by the appointing authority and serve same upon the concerned faculty member and the appointing authority. [Order 72-3, § 132P-28-050, filed 5/14/73; Order 71-1, § 132P-28-050, filed 2/1/71.]

**WAC 132P-28-055 Dismissal for cause.** Dismissal for sufficient cause shall include:

(1) Aiding and abetting or participating in any unlawful act of violence.

(2) Aiding and abetting or participating in any unlawful act resulting in destruction of community college property.

(3) Aiding and abetting or participating in any unlawful interference with the orderly conduct of the educational process.

(4) Severe performance deficiencies, if it is judged to be in the interest of the college district to recommend the termination of the individual's contract.

(5) Unprofessional conduct, if it is judged to be in the interest of the college district to recommend the termination of the individual's contract.

(6) Immoral acts, if it is judged to be in the interest of the college district to recommend the termination of the individual's contract. [Order 72-3, § 132P-28-055, filed 5/14/73; Order 71-1, § 132P-28-055, filed 2/1/71.]

**WAC 132P-28-070 Review committee recommendations.** (1) A tenured or probationary faculty appointee who is dismissed for sufficient cause during the regular college year after a proceeding before the review committee shall be entitled to receive a formal Administrative Procedure Act hearing, after a request for such hearing is directed by the faculty appointee involved to the appointing authority within ten (10) days following receipt of the notice of dismissal pursuant to RCW 28B.50.864.

(2) A timely filing of a request for a hearing pursuant to subparagraphs (1) and (2) of this rule is deemed jurisdictional.

(3) The appointing authority shall give reasonable consideration to any review committee recommendation formulated pursuant to the provisions of chapter 132P-28 WAC. [Order 72-3, § 132P-28-070, filed 5/14/73; Order 71-1, § 132P-28-070, filed 2/1/71.]

**WAC 132P-28-080 Tenure considerations.** (1) A probationary faculty appointee shall acquire tenure by operation of law if such appointee's service with the college exceeds three consecutive regular college years of full time academic employment.

(2) The following positions are deemed by the appointing authority to constitute administrative appointments for which there shall be no right to acquire tenure:

- (a) President
- (b) Vice President - Instruction
- (c) Business Manager
- (d) Dean/Student Affairs
- (e) Associate Dean/Occupational Education
- (f) Associate Dean/Continuing Education
- (g) Administrative Assistant
- (h) Director/Institutional Research
- (i) Evening Vocational Coordinator
- (j) Manpower Coordinator
- (k) Division Chairmen
- (l) Director/Admissions and Records
- (m) Director/Advising
- (n) Director/Financial Aids and Placement
- (o) Director/Counseling Services
- (p) Director/Athletics
- (q) Director/Activities and Housing
- (r) Housing Director/Manager
- (s) Coordinator, Student-Community Programs
- (t) Coordinator, Career Planning and Placement
- (u) Coordinator, Intramural Athletics
- (v) Coordinator, Student Activities
- (w) Athletic Coaches
- (x) Director/Learning Resources Center
- (y) All other positions which have administrative responsibilities similar to the above.

(3) An individual, except the president, who shall serve in any position enumerated in subparagraph (2) of this rule and who shall additionally serve as a teacher, counselor, librarian, or comparable position, shall be eligible for an award of tenure as teacher, counselor, or librarian insofar as such person has had after July 1, 1967 or presently does have status as a teacher, counselor, or librarian. A person serving in a position classified as an administrative or coaching position shall not be awarded tenure in such an administrative or coaching position.

(4) Tenure may be awarded to an individual probationary faculty appointee at any time by the appointing authority after giving reasonable consideration to a specific recommendation from the review committee; provided, that the appointing authority shall not consider any recommendation for an award of tenure until the probationary faculty appointee has completed a minimum of one regular college year of full-time academic employment.

(5) The positions of division chairmen shall not be tenured notwithstanding that tenured faculty appointees serve in such positions. Tenured faculty members who shall serve as division chairmen shall have a legal right to serve as teachers, counselors or librarians. [Order 72-3, § 132P-28-080, filed 5/14/73; Order 71-1, § 132P-28-080, filed 2/1/71.]

## Chapter 132P-32 WAC

## RULES OF CONDUCT AND PROCEDURES OF ENFORCEMENT

## WAC

|             |  |
|-------------|--|
| 132P-32-010 | Purpose.                                       |
| 132P-32-020 | Definitions.                                   |
| 132P-32-030 | Jurisdiction.                                  |
| 132P-32-040 | Prohibited conduct.                            |
| 132P-32-045 | Outside speakers.                              |
| 132P-32-050 | Distribution of materials.                     |
| 132P-32-055 | Identification.                                |
| 132P-32-060 | Initiation of disciplinary action.             |
| 132P-32-070 | Proceedings before the disciplinary committee. |
| 132P-32-080 | Composition of disciplinary committee.         |
| 132P-32-090 | Conviction of a crime.                         |
| 132P-32-100 | Imposition of discipline.                      |
| 132P-32-110 | Appeal.  |
| 132P-32-120 | Record of disciplinary action.                 |
| 132P-32-130 | General.                                       |

**WAC 132P-32-010 Purpose.** It is the purpose of this regulation to establish the conduct of students attending any community college within community college district no. 16, state of Washington, which conduct shall be subject to disciplinary action and to adopt procedures consistent with the requirements of due process applicable to such proceedings by Amendment 14 to the United States Constitution. [Order 70-4, § 132P-32-010, filed 8/28/70.]

**WAC 132P-32-020 Definitions.** As used in chapter 132P-32 WAC, the following words and phrases shall mean:

(1) "Assembly" 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.

(2) "Board" shall mean the board of trustees of community college district no. 16, state of Washington.

(3) "College" shall mean Yakima Valley College and any other community college which may hereafter be created within community college district no. 16, state of Washington.

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

(5) "College employees" shall mean any person employed on a full or part time basis to include administrative personnel, except for those persons who are faculty members as defined in section 8 hereof by any community college within community college district no. 16 in the state of Washington.

(6) "Disciplinary action" shall mean and include the expulsion, suspension, delayed suspension, or probative suspension or admonition of any student by the college president for the violation of any designated rule of conduct of students where the violation of such rule is subject to disciplinary action.

(7) "District" shall mean community college district no. 16, state of Washington.

(8) "Faculty member" shall mean any employee of any college within the district which employee is employed to teach, or counsel, or participate as a librarian in any college within the district.

(9) "President" shall mean the duly appointed president of any college within community college district no. 16 or in such president's absence, the acting president.

(10) "Student" shall mean and include any person who is enrolled in any course or class at the college or any person who has completed one academic quarter and is otherwise eligible for future enrollment.

(11) "Organization" shall mean a number of students who have complied with the college requirements for recognition.

(12) "Group" shall mean a number of students who have not yet complied with the formal college requirements to become an organization. [Order 70-4, § 132P-32-020, filed 8/28/70.]

**WAC 132P-32-030 Jurisdiction.** The rules contained within chapter 132P-32 WAC which are subject to disciplinary action shall apply to each student attending the college whenever such student or students are present upon college facilities or in the instance where a violation of rules contained within this chapter away from college facilities constitutes a felony or gross misdemeanor which adversely affects the student's suitability as a member of the college community. [Order 70-4, § 132P-32-030, filed 8/28/70.]

**WAC 132P-32-040 Prohibited conduct.** (1) Any student who performs any conduct which constitutes a violation of the criminal statutes of the state of Washington upon college facilities; specifically, any provision of Title 9 of the Revised Code of Washington as now exists or is hereafter amended, shall be subject to disciplinary action.

(2) Any student who shall willfully attempt to damage or destroy, or who in fact does willfully damage or destroy, any college facility, shall be subject to disciplinary action.

(3) Any student who shall direct any language to a faculty member or any college employee, which language tends to demean the person to whom such language is directed, shall on the complaint of such person be subject to disciplinary action.

(4) Any student who singly or in concert with others conducts or participates in any assembly heretofore defined on college facilities which:

(a) Is conducted in a disorderly manner; or

(b) Unreasonably interferes with vehicular or pedestrian traffic; or

(c) Unreasonably interferes with classes, scheduled meetings or ceremonies of the college; or

(d) Unreasonably interferes with any regular activity of another student or students or any faculty member or any college employee shall be subject to disciplinary action.

(5) Any student who violates any provision of chapter 132P-24 WAC relating to criminal trespass upon college facilities shall be subject to disciplinary action.

(6) Any student who shall singly or in concert with others interfere by force or violence or intimidate by threat of force or violence, any student, faculty member, or any college employee, which persons are engaged in orderly pursuits or duties on college facilities, shall be subject to disciplinary action.

(7) Any student singly or in concert with others who shall disrupt or attempt to disrupt the orderly educational processes of the college, to include classroom or laboratory instruction, meetings and ceremonies, shall be subject to disciplinary action.

(8) Any student who shall perform any act of dishonesty including cheating, plagiarism, or the knowingly furnishing of false information to the college, or forgery, or alteration or use of college records or documents, shall be subject to disciplinary action.

(9) Any student who shall violate any published rules governing the residence halls operated by the college may, in addition to being expelled from such residence hall, be subject to disciplinary action.

(10) Any student who shall fail to comply with the lawful orders or directives of any faculty member or other college employee, shall be subject to disciplinary action. [Order 70-4, § 132P-32-040, filed 8/28/70.]

**WAC 132P-32-045 Outside speakers.** Any recognized college student organization with the written certification of its advisor may invite speakers to the college subject to the legal restraints imposed by the laws of the United States and the state of Washington.

(1) No invitation by a college organization inviting an outside speaker to the college shall be honored unless the written certification from the faculty advisor to the college organization is received by the president at least five calendar days prior to the date of the proposed speaking engagement. The president shall be authorized to waive such notice requirement.

(2) All requests from college organizations, if timely, shall be granted, provided such requests to invite an outside speaker to the college may be denied if the college president determines after inquiry that the proposed speech or the proposed speaker will constitute a clear and present danger to the college's orderly operation by the outside speaker's advocacy of any of the following actions:

(a) The violent overthrow of the government of the United States, the state of Washington, or any political subdivision thereof; or

(b) The willful damage or destruction or seizure and subversion of the college's facilities or other property; or

(c) The forceable disruption or impairment of, or interference with, the college's regularly scheduled classes or other educational functions; or

(d) The physical harm, coercion, intimidation, or other invasion of the lawful rights of the college's faculty members, students, or other college employees; or

(e) Other campus disorder of a violent nature.

(3) In determining the presence of a clear and present danger to the college as previously recited in paragraph 2 of this regulation, the college president may consider all relevant factors including whether such speaker has, within the past 5 years, incited violence resulting in the

destruction of the property at any other institution of higher learning or has wilfully caused the forceable disruption of the regularly scheduled classes or other educational functions at any other institution of higher education. [Order 70-4, § 132P-32-045, filed 8/28/70.]

**WAC 132P-32-050 Distribution of materials.** (1) Handbills, leaflets, newspapers and similarly related published matter may be distributed free of charge upon college facilities designated by the dean of student personnel services by any student or students or members of any recognized student organizations; provided that such distribution does not interfere with the ingress and egress of persons or interfere with the free flow of regular pedestrian traffic; provided further that such handbills, leaflets, newspapers and similarly related published matter will bear identification as to the publishing agency and distributing organization or individual.

(2) Newspapers, leaflets, handbills and other similarly related published material may be offered for sale by any student or student organization through the college bookstore or such other places deemed permissible by the student executive council; provided, that such newspapers, leaflets and handbills which are sold must bear identification as to the publishing agency and distributing individual or organization.

(3) All nonstudents shall be required to register with a coordinator of student activities prior to the distribution of any handbill, leaflet, newspaper or related published matter; provided that such registration shall not be applied as a prior restraint by the coordinator of student activities in denying to any nonstudent the opportunity to distribute any handbill, leaflet, newspaper or similar published matter; provided further that such nonstudents shall be only entitled to distribute handbills, leaflets, newspapers or similar published matter in an area designated by the dean of student personnel services which is available to students for the distribution of similar matters.

(4) Any student who shall distribute or offer for sale any handbill, leaflet, newspaper or similar published matter which is obscene or which actively espouses the violent overthrow of the government of the United States or the state of Washington or which advocates the destruction of college property or other unlawful violent acts shall be subject to disciplinary action.

(5) Any student who violates any provision of this rule relating to the distribution and sale of handbills, leaflets, newspapers and similar published materials shall be subject to disciplinary action. [Order 70-4, § 132P-32-050, filed 8/28/70.]

**WAC 132P-32-055 Identification.** For the purpose of determining whether probable cause exists for the application of any section of the code of student conduct by any person on college facilities, any faculty member or other college employee, expressly authorized by the president, may demand that any person on college facilities produce evidence of student enrollment at the college by tender of said person's student identification card to the faculty member or authorized college employee. The refusal by a student to produce a student

identification card or to take the steps necessary to establish his status as a student upon proper request shall be cause for disciplinary action. [Order 70-4, § 132P-32-055, filed 8/28/70.]

**WAC 132P-32-060 Initiation of disciplinary action.**

(1) The complaints of any aggrieved student, faculty member or employee for violation of any rule or regulation by a student occurring on college facilities shall be registered by the person aggrieved with the dean of student personnel services; provided that the dean of student personnel services may initiate disciplinary action without the basis of a formal complaining witness.

(2) Any student accused of violating any provision of the rules and regulations set forth in WAC 132P-32-030 [WAC 132P-32-040] will be called for an initial conference with the dean of student personnel services or his designated representative, and will be informed of what provision or provisions of such rules the student is charged with violating. Additionally, the said dean of student personnel services shall advise each student what appears to be the maximum penalty which might result from initiation of disciplinary proceedings hereafter specified.

(3) After considering the evidence against the student so charged regarding the complaint initiated by an aggrieved party or initiated by the said dean on his own volition, the dean or his designated representative may take any of the following actions:

(a) Terminate the complaint exonerating the student or students so charged; or

(b) Dismiss the charge after whatever counseling and advice is deemed appropriate; or

(c) Impose minor sanctions directly such as a warning, reprimand or fine not to exceed \$50.00; or

(d) Impose major disciplinary action as hereafter defined after the student waives his right to a hearing and after the president approves such action.

(e) In the instance where the dean of student personnel services imposes disciplinary action after a hearing waiver, the student may appeal only the disciplinary action involved and not the facts giving rise to the disciplinary action to the college disciplinary committee. [Order 70-4, § 132P-32-060, filed 8/28/70.]

**WAC 132P-32-070 Proceedings before the disciplinary committee.** (1) If disciplinary action is initiated by the dean of student personnel services and the student does not waive his right to such hearing, the said dean shall refer the matter to the college disciplinary committee established pursuant to the provisions of WAC 132P-32-080.

(2) The college disciplinary committee shall hear, de novo, and make the necessary findings of fact and make the necessary recommendations to the dean of student personnel services on all disciplinary cases referred to such committee.

(a) The student has a right to a fair and impartial hearing before the disciplinary committee which shall be conducted in accordance with provisions of this rule on any charge or charges violating the rules of student conduct. The student's failure to cooperate with the hearing

committee procedure as hereinafter outlined shall not preclude the disciplinary committee from making appropriate findings of fact and recommendations to the dean of student personnel services in the instance that major disciplinary action is recommended for imposition.

(b) The student so charged will be given a written notice of the time and place of the hearing by personal service or registered mail at least five days prior to the hearing. The student shall be entitled to request in writing an additional hearing date if the date established by the student disciplinary committee is burdensome or inconvenient. Notice of such hearing shall contain a statement of the time and place and a statement of the charge or charges against the student.

(c) The student charged shall upon request made with the dean of student personnel services be entitled to receive the list of persons who will testify against such student accompanied by an oral summary of expected testimony.

(d) At the disciplinary committee hearing, the student shall be entitled to examine all written evidence against him and be informed of the identity of its source. The disciplinary committee shall allow the accused student the opportunity to present written or oral evidence to include a reasonable number of character witnesses and any matter in extenuation or mitigation of the offense charged. The proceedings before the disciplinary committee shall be recorded or summarized in a manner deemed appropriate by the dean of student personnel services.

(3) In any disciplinary proceedings conducted pursuant to this section, the student shall be entitled to choose a duly licensed attorney admitted to the practice of law in any state or federal court as counsel. In such event, the student must render three days' notice to the disciplinary committee prior to the hearing of the prospective representation by counsel. In the event the student chooses a duly licensed attorney to represent him in the proceedings before the disciplinary committee, the dean of student personnel services shall be entitled to request an assistant attorney general for the state of Washington to represent the college in such a proceeding.

(a) In those instances in which both sides are represented by a duly licensed attorney, the assistant attorney general of the state of Washington representing the college shall present the case against the student to the disciplinary committee for the committee's appropriate findings and recommendations.

(b) In the instance where duly licensed attorneys are not represented in the disciplinary proceedings, all appropriate evidence including the evidence of any unsworn documents and the calling of witnesses shall be done by the disciplinary committee. In such an event, the disciplinary committee shall examine all written evidence and examine all the witnesses appearing for or against the student or students charged.

(c) In the event that one or more students are charged with the same misconduct arising from the same occurrence, the dean of student personnel services shall be authorized to consolidate the hearings as practical.

(d) The disciplinary committee at its discretion may authorize a closed or open hearing. In the event a student or students charged with misconduct request a closed hearing, such hearing shall be closed.

(e) The disciplinary committee shall not be authorized to consider a challenge to the constitutionality or the legality of any regulations contained within WAC 132P-32-030 [WAC 132P-32-040].

(4) Upon the conclusion of the disciplinary proceeding as specified in this rule, the disciplinary committee shall consider only evidence admitted at the hearing and enter appropriate findings of fact as to whether the student charged with misconduct in fact performed such misconduct. After the disciplinary committee has determined if the student in fact has performed the misconduct charged in the notice of the hearing, the disciplinary committee shall then decide by majority vote whether to recommend to the dean of student personnel services the following actions:

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

(b) The dean of student personnel services impose any disciplinary action authorized him in WAC 132P-32-100.

(c) The disciplinary committee's decision which is required by this paragraph shall be rendered within five days after the proceedings have been terminated with a copy served or mailed by registered mail to the accused student or students.

(5) In determining whether the student has in fact violated any provision of the rules and regulations denominated in WAC 132P-32-030 [WAC 132P-32-040], the disciplinary committee shall be allowed to give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent men in the conduct of their affairs to include all evidence which shall be classified under appropriate judicial rules as hearsay evidence. The chairman of the disciplinary committee shall in the course of presiding at the disciplinary proceeding make decisions on the admissibility of evidence and give effect to the rules of privilege recognized by law and exclude only incompetent, irrelevant, immaterial or unduly repetitious evidence.

Any evidence of a student or students' past misconduct in the accused student's academic record are deemed relevant and may be considered by the disciplinary committee in formulating disciplinary recommendation required pursuant to this rule. [Order 70-4, § 132P-32-070, filed 8/28/70.]

**WAC 132P-32-080 Composition of disciplinary committee.** Each college within the district shall have a college disciplinary committee composed of six members which shall be chosen no later than October 15 of any academic year. The membership for such committee shall be selected as follows:

(1) Yakima Valley College Association shall submit a list of five nominees to the president, of which two shall be chosen by the president to sit in on the disciplinary committee. Such faculty member shall be chosen for a two year term.

(2) The president shall appoint one member from the college administrative staff to serve upon the college disciplinary committee, which member shall serve for a two year term.

(3) Three student members from each college shall be designated by the president of the associated students of each college to serve for a one year term.

(4) The chairman of the college disciplinary committee shall be chosen by the president of the college no later than October 15 of any academic year. Such chairman shall preside and rule at all meetings and hearings. A quorum of three members of the disciplinary committee shall be necessary to hear any case referred to it by the dean of student personnel services. The chairman shall only vote in the instance of a tie vote.

(5) In the instance where any member of the disciplinary committee has prior knowledge of a particular case referred to the committee for appropriate findings and recommendations, such member shall not serve on the committee. In the event that three qualified persons of the disciplinary committee are not able to hear a particular matter referred to the disciplinary committee because of prior prejudicial knowledge of the matter, the president shall appoint as many temporary members to the disciplinary committee as are necessary to reach a quorum of three of such committee; provided that in making such temporary appointments the president shall be required to insure adequate student-faculty-administrative representation of such appointees. [Order 70-4, § 132P-32-080, filed 8/28/70.]

**WAC 132P-32-090 Conviction of a crime.** (1) In the event a student is convicted of a crime away from college facilities which constitutes a gross misdemeanor or felony and the dean of student personnel services deems that such conviction affects the student's suitability as a member of the college community, the said dean shall be authorized to impose disciplinary action pursuant to WAC 132P-32-100 if the student waives a hearing.

(2) In the event such student does not waive a hearing, the college disciplinary committee shall only determine whether such conviction affects the student's suitability as a member of the college community and shall not consider any facts which gave rise to such conviction. If the college disciplinary committee determines that such conviction affects the student's suitability as a member of the college community, the committee shall formulate a disciplinary recommendation pursuant to WAC 132P-32-070(4). [Order 70-4, § 132P-32-090, filed 8/28/70.]

**WAC 132P-32-100 Imposition of discipline.** (1) In the event the dean of student personnel services imposes disciplinary action against a student after findings of the disciplinary committee that in fact the student has performed an act of misconduct or in the event a student waives his right to a hearing before the disciplinary committee, said dean of students shall be authorized to impose the following sanctions after approval of the college president:

(a) Suspension of such student from the college for a time deemed reasonable by the dean of student personnel services; or

(b) The suspension of such student with probation, which probation shall not exceed 90 consecutive days; or

(c) Permanent expulsion of such student from the college; or

(d) Deferred suspension to allow the student to continue his or her study.

The disciplinary committee's recommendations for disciplinary action to be imposed by the dean of student personnel services after approval of the president shall be deemed advisory only. [Order 70-4, § 132P-32-100, filed 8/28/70.]

**WAC 132P-32-110 Appeal.** (1) Any student feeling aggrieved by the action of the dean of student personnel services imposing disciplinary action which matter has not been heard by the disciplinary committee for its appropriate recommendations can appeal the disciplinary action imposed only to this disciplinary committee, which committee shall make a recommendation back to the said dean of student personnel services as to what they consider is appropriate disciplinary action; provided, that such appeal from the action of the said dean in which disciplinary action of any form is imposed without a hearing must be received by the disciplinary committee within five days after the disciplinary action is imposed by the dean of student personnel services.

(2) Any student feeling aggrieved by action of the dean of student personnel services imposing disciplinary action after a hearing and recommendations before the disciplinary committee shall have a right to appeal to the president provided such appeal is received by the president within five days after disciplinary action is imposed by the dean of student personnel services after a hearing before the disciplinary committee. The president shall not consider any evidence introduced at the hearing and shall only determine whether disciplinary action imposed is reasonable and whether there were major procedural deficiencies within the disciplinary committee proceedings. The president at his discretion shall be authorized to suspend any disciplinary action pending determination of the merits of the appeal. Following determination by the president of his decision relating to such an appeal, college deliberations on the matter shall be considered terminated. [Order 70-4, § 132P-32-110, filed 8/28/70.]

**WAC 132P-32-120 Record of disciplinary action.** Disciplinary records are not part of the official college record and are not public records. Such records are for internal use only and are available for use of the college discipline committee and the dean of student personnel services. These records will be destroyed when the student terminates his enrollment with the college. [Order 70-4, § 132P-32-120, filed 8/28/70.]

**WAC 132P-32-130 General.** (1) The regulations contained within chapter 132P-32 WAC are subject to review on a yearly basis and such changes may be recommended to the college policy committee provided such

committee has a balanced representation of college students, faculty and administrative staff members, and that such committee actions represent the considered judgment of associated students.

(2) The rules contained within WAC 132P-32-030 [WAC 132P-32-040] are deemed co-extensive with other college and student rules. But the rules of said section 132P-32-030 [WAC 132P-32-040] are deemed to supercede any other college and student rules to the extent of any conflict.

(3) Pursuant to RCW 28B.50.140, the president by written order of the board is delegated authority to approve and thereby impose disciplinary action pursuant to chapter 132P-32 WAC.

(4) If any provision, section or paragraph of chapter 132P-32 WAC is declared unconstitutional, such declaration shall not affect the remainder of said chapter. [Order 70-4, § 132P-32-130, filed 8/28/70.]

### Chapter 132P-84 WAC REDUCTION IN FORCE OF CLASSIFIED PERSONNEL

#### WAC

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|-------------|--|
| 132P-84-010 | Purpose of the rules.  |
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| 132P-84-070 | Distribution of layoff notice.                                       |
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**WAC 132P-84-010 Purpose of the rules.** Pursuant to direction of the Higher Education Personnel Board of the state of Washington the board of trustees for Washington State Community College District No. 16 hereby establishes the procedures for reduction in force and layoff of classified employees when such reductions or layoffs are required by lack of funds or curtailment of programs. [Order 71-9, § 132P-84-010, filed 10/15/71.]

**WAC 132P-84-020 Definitions.** As used in this chapter, 132P-84 WAC, the following words and phrases shall mean:

(1) "Appointing Authority" shall mean the president of Washington State Community College District No. 16.

(2) All other terms and phrases which describe any legal status a classified employee may have under the layoff procedures herein adopted shall have the meaning defined in WAC 251-04-020 and chapter 251-10 WAC as promulgated by the Washington State Higher Education Personnel Board. [Order 71-9, § 132P-84-020, filed 10/15/71.]

**WAC 132P-84-030 Initial procedures for reduction in force.** (1) When a reduction in force is required due to lack of funds or curtailment of programs, the appointing authority shall determine the number of positions, by classification, which shall be abolished.

(2) The order of layoff and optional retention rights of classified employees shall be determined on a district-wide basis. [Order 71-9, § 132P-84-030, filed 10/15/71.]

**WAC 132P-84-040 Initial order of layoff.** The initial order of layoff shall be according to the appointment status of employees in the classifications of positions to be eliminated.

(1) Probationary, temporary and hourly employees shall be laid off before permanent status employees in the same classification.

(2) Emergency, temporary or intermittent employees shall be laid off before probationary and provisional status employees in the same classification. The order of layoff for probationary or provisional employees shall be inverse to their length of service. The employee having the least amount of such service shall be separated first and the employee having the greatest amount of service shall be separated last.

(3) Permanent status employees shall be laid off in inverse order of the period of service. The employee having the least amount of such service shall be separated first and the employee having the greatest amount of service shall be separated last. Length of service shall include all periods of probationary, trial service and permanent status employment in the classification and other classifications except as broken by termination of employment.

(4) Service shall not be considered broken during military or approved leaves of absence. The retention rights of veterans shall be determined in accordance with WAC 251-04-020(33) and 251-10-050. [Order 71-9, § 132P-84-040, filed 10/15/71.]

**WAC 132P-84-050 Options in lieu of layoff.** (1) Options shall be offered in lieu of layoff to employees in accordance with the provisions of WAC 251-10-030.

(2) No permanent status employee shall be separated through layoff without being offered those positions in classes for which he meets the minimum requirements and passes the qualifying examination currently being held by temporary provisional or probationary employees provided that all layoff option rights have been exhausted as provided in WAC 251-10-030(4).

(3) Eligible veterans and their unmarried widows as defined in WAC 251-10-050 shall be provided veterans' preference. [Order 71-9, § 132P-84-050, filed 10/15/71.]

**WAC 132P-84-060 Procedures for establishing order of layoff and notice requirements.** (1) The appointing authority shall inform the personnel officer of the number of positions to be abolished, in writing.

(2) The personnel officer shall:

(a) Determine the employees to be laid off, determine their option rights, and notify the appointing authority in writing;

(b) Promptly discuss options with the employees concerned, who in turn, shall inform him in writing as quickly as possible but within five working days, whether they wish to exercise their option rights;

(c) Promptly notify the appointing authority as to whether or not the employees have elected to use their option rights, and shall send a written notice of the reduction in force action to each employee to be laid off. This written notice shall be served on the person who is to be laid off at least fifteen calendar days prior to the effective date of the layoff.

(d) Advise each employee of his right to appeal his layoff as provided for in WAC 251-12-080. [Order 71-9, § 132P-84-060, filed 10/15/71.]

**WAC 132P-84-070 Distribution of layoff notice.** Copies of all layoff notices shall be distributed as follows:

- The original to the employee;
  - One copy to the supervisor's department files;
  - One copy to the Personnel office;
  - One copy to the employee's bargaining agent.
- [Order 71-9, § 132P-84-070, filed 10/15/71.]

**WAC 132P-84-080 Reemployment rights of laid off employees.** (1) Reduction in force lists are established by classification and maintained by the personnel officer. The name of an employee who has been laid off will appear on those employment lists for all classes in which he has held permanent status or in which he has held a probationary appointment or a trial service appointment; his name will also appear on those lists for all lower classifications in the same class series for which he is qualified.

(2) The personnel officer may extend or reestablish employment lists as long as these actions do not jeopardize the reemployment of any employee separated by a reduction in force. Employees separated by reason of reduction in force shall have their names maintained on applicable eligible list for a period of not less than two years from the date of their termination. Prior to the expiration date of the eligible, he shall be notified of the expiration date and given the opportunity to extend his eligibility for one additional year by written request to the personnel officer. [Order 71-9, § 132P-84-080, filed 10/15/71.]

## Chapter 132P-104 WAC BOARD OF TRUSTEES—BYLAWS

### WAC

- 132P-104-010 Offices.
- 132P-104-011 Meetings.
- 132P-104-012 Executive sessions.
- 132P-104-020 Order of agenda.
- 132P-104-030 Records of board action.
- 132P-104-031 Parliamentary procedure.
- 132P-104-032 Adoption or revision of policies.
- 132P-104-040 Officers of the board.
- 132P-104-045 Committees.
- 132P-104-050 Fiscal year.
- 132P-104-060 Official seal.
- 132P-104-070 Changes to bylaws.

**WAC 132P-104-010 Offices.** (1) The Board of Trustees shall maintain an office at 16th and West Nob Hill Boulevard, Yakima, Washington, where all regular meetings shall be held, unless otherwise announced, and

all records, minutes, and the official college seal shall be kept. This office shall be open during all normal business hours to any resident taxpayer of the state of Washington.

(2) Correspondence or other business for the board shall be sent to the Secretary of the Board, who is located in this office. [Order 74-1, § 132P-104-010, filed 6/7/74; Order 72-1, § 132P-104-010, filed 12/7/72. Formerly WAC 132P-04-010.]

**WAC 132P-104-011 Meetings.** (1) The Board of Trustees shall hold regular monthly meetings, unless dispensed with by the Board of Trustees, and such other regular or special meetings as may be requested by the Chairman of the Board or by a majority of the members of the board.

(2) All regular meetings of the Board of Trustees shall be on the first Wednesday of each month. Notice of such regular meetings and their proposed agendas shall be publicly announced at least four days prior to the meeting. All regular meetings shall be open to the public, except as provided for in RCW 42.30.110 regarding executive sessions.

(3) Special meetings shall be publicly announced at least twenty-four hours prior to the meeting time in accordance with RCW 42.30.080 and shall be open to the public.

(4) Study sessions may be held prior to the regular or special meetings of the Board of Trustees and shall constitute special meetings of the Board of Trustees and shall be announced in accordance with RCW 42.30.080 and shall be open to the public.

(5) No official business shall be acted upon by the Board of Trustees except during a regular or special meeting held at a preannounced time and place.

(6) Information and materials pertinent to the agenda of all regular meetings of the board shall be sent to trustees prior to each meeting. Any matter of business or correspondence must be received by the Secretary of the Board by 12:00 noon four days before the meeting in order to be included on the agenda. The chairman and secretary may, however, present a matter of urgent business received too late for inclusion on the agenda if in their judgment the matter is of an emergency nature.

(7) All materials to be considered by the board must be submitted in sufficient quantities to provide each member of the board and the secretary with appropriate copies.

(8) The agenda of a special meeting will be determined at the time of the official call of such meeting. No other business shall be transacted or official action taken other than the purpose or purposes for which the special meeting was called. [Order 77-2, § 132P-104-011, filed 11/1/77; Order 74-1, § 132P-104-011, filed 6/7/74; Order 72-1, § 132P-104-011, filed 12/7/72. Formerly WAC 132P-04-020.]

**WAC 132P-104-012 Executive sessions.** (1) The Board of Trustees may convene in Executive Session during a regular or special meeting in order to do the following:

(a) To confer with the board's attorney regarding sensitive areas of legal advice;

(b) To consider matters affecting national security;

(c) The selection of a site or the purchase of real estate, when publicity regarding such consideration would cause a likelihood of increased price;

(d) The appointment, employment or dismissal of a public officer or employee;

(e) Or to hear complaints or charges brought against such officer or employee by another officer, person or employee, unless such officer or person requests a public hearing;

(f) The governing body also may exclude from any such public meeting or executive session during the examination of a witness or any such matter any or all other witnesses in the matter being investigated by the governing body.

(2) No official business of the Board of Trustees shall be acted upon in Executive Session. [Order 72-1, § 132P-104-012, filed 12/7/72. Formerly WAC 132P-04-030.]

**WAC 132P-104-020 Order of agenda.** (1) The order of the agenda governing all regular meetings of the Board of Trustees shall be as follows:

(a) Roll Call

(b) Approval of Previous Minutes

(c) Correspondence

(d) Reports to the Board

(e) Recommendation for Action of the Board

(f) New Business

(g) Unscheduled Business

(h) Adjournment

(2) The order of the agenda may be changed by the chairman with the consent of the board members present.

(3) The chairman shall announce at the beginning of each meeting that members of the audience may speak to any item on the agenda at the time of its presentation to the board. He shall also announce that persons wishing to address the board on subjects not included on the agenda may do so under Item "g." The chairman shall have the right to limit the length of time used by a speaker for the discussion of a subject. [Order 72-1, § 132P-104-020, filed 12/7/72. Formerly WAC 132P-04-040.]

**WAC 132P-104-030 Records of board action.** All business transacted in official board meetings shall be recorded in minutes and filed for reference, and said minutes shall be signed by the Chairman and Secretary of the Board following approval. [Order 72-1, § 132P-104-030, filed 12/7/72. Formerly WAC 132P-04-050.]

**WAC 132P-104-031 Parliamentary procedure.** (1) Three members of the Board of Trustees shall constitute a quorum, and no action shall be taken by less than a majority of the board members.

(2) Procedural motions may be viva voce. A roll call vote will be taken at the time of adoption of substantive motions, such as major resolutions and major motions,

or when requested by any member of the board for purposes of the record.

(3) In question of parliamentary procedure, the actions of the board shall be conducted according to Robert's Rules of Order Revised, unless specified otherwise by state law or regulation of the state board or bylaws of the Board of Trustees. [Order 72-1, § 132P-104-031, filed 12/7/72. Formerly WAC 132P-04-060.]

**WAC 132P-104-032 Adoption or revision of policies.** (1) Policies of the board are established for the management and operation of the college district. In order to achieve a consistent pattern of administration such policies should be reflected in continuous decision making.

(2) Proposed written policies, or revision of existing written policies, shall be presented to the board to provide ample time for consideration and possible revision prior to final adoption. [Order 72-1, § 132P-104-032, filed 12/7/72. Formerly WAC 132P-04-070.]

**WAC 132P-104-040 Officers of the board.** (1) At the June board meeting each year, the board shall elect from its membership a chairman and vice chairman to serve for the ensuing year, beginning in July. In addition, the President of Yakima Valley College shall serve as Secretary to the Board of Trustees as specified by state law. The secretary may, at his discretion, appoint his administrative assistant or other appropriate college staff member to act as recording secretary for all regular and special meetings of the board.

(2) The chairman in addition to any duties imposed by rules and regulations of the state board, shall preside at each regular or special meeting of the board, and review the agenda prepared for each meeting of the board. The chairman, shall while presiding at official meetings, have full right of discussion and vote.

(3) The vice chairman, in addition to any duties imposed by rules and regulations of the state board shall act as Chairman of the Board in the absence of the chairman.

(4) In case of the absence of the chairman and vice chairman from any meeting of the Board of Trustees or in case of the inability of both of the two to act, the Board of Trustees shall elect for the meeting a Chairman Pro Tempore, and may authorize such Chairman Pro Tempore to perform the duties and acts authorized or required by said chairman or vice chairman to be performed, as long as the inability of these said officers to act may continue.

(5) The Secretary of the Board shall in addition to any duties imposed by rules and regulations of the state board, keep the official seal of the board, maintain all records of meetings and other official action of the board.

(6) The secretary shall also be responsible for board correspondence, compiling the agenda of meetings, and distributing the minutes of the meetings and related reports.

(7) The secretary, or his designate, must attend all regular and special meetings of the board, and official

minutes must be kept of all such meetings. [Order 72-1, § 132P-104-040, filed 12/7/72. Formerly WAC 132P-04-080.]

**WAC 132P-104-045 Committees.** (1) The Board of Trustees shall act as a committee of the whole for the conduct of its business.

(2) Special committees may be appointed by the Chairman of the Board upon authority of the board with such powers and duties and for such terms as the board may determine.

(3) Minutes of the proceedings of each committee shall be kept and as soon as practical after a meeting, a copy of said minutes shall be mailed or delivered to each member of said committee and remaining members of the Board of Trustees and the President of the College. [Order 72-1, § 132P-104-045, filed 12/7/72. Formerly WAC 132P-04-090.]

**WAC 132P-104-050 Fiscal year.** The fiscal year of the board shall conform to the fiscal year of the state of Washington and shall be from July 1 to June 30 inclusive. [Order 72-1, § 132P-104-050, filed 12/7/72. Formerly WAC 132P-04-100.]

**WAC 132P-104-060 Official seal.** The Board of Trustees shall maintain an official seal for use upon any or all official documents of the board. The seal shall have inscribed upon it the name of the college which shall be

#### COMMUNITY COLLEGE

District 16  
State of Washington  
1967

[Order 72-1, § 132P-104-060, filed 12/7/72. Formerly WAC 132P-04-110.]

**WAC 132P-104-070 Changes to bylaws.** Bylaws of the board may be revised by majority vote of the board provided such changes are proposed at least thirty days prior to the meeting at which the vote is taken. [Order 72-1, § 132P-104-070, filed 12/7/72. Formerly WAC 132P-04-120.]

### Chapter 132P-120 WAC

#### STUDENTS RIGHTS AND RESPONSIBILITIES

##### WAC

##### EMPLOYMENT AND SCHOLARSHIPS

132P-120-710 Employment opportunities.  
132P-120-720 On-campus employment.  
132P-120-730 Scholarships.

##### ASSOCIATED STUDENT BODY CARDS

132P-120-810 Purpose.  
132P-120-815 Issuance.  
132P-120-816 Cost of cards.  
132P-120-820 Admission to events.  
132P-120-825 Special events.  
132P-120-830 Identification.

## ATHLETIC ELIGIBILITY

132P-120-910 Athletic eligibility.

## EMPLOYMENT AND SCHOLARSHIPS

**WAC 132P-120-710 Employment opportunities.** (1) Off-Campus Employment.

(a) Information

(i) All employment opportunities for students off the campus (part-time, summer, full-time) are taken care of by the Placement Office.

(2) On-Campus Employment

(a) Information

(i) The college has a limited number of part-time campus employment opportunities for students. Typical opportunities are laboratory assistants, readers, clerks, guards, and waiters. Several areas of the college provide opportunities for student employment. Pay rates vary according to the service rendered and hours worked.

(b) Procedure

(i) All student applications for campus employment, other than Federal Work-Study, should be made with the Placement Office. The Coordinator of Career Planning and Placement will coordinate with college officials the assignment of student employees. All Faculty requests for student assistance should be routed through the Division Chairman to the Placement Office. The Director of Financial Aids will assist the Coordinator of Career Planning and Placement by notifying him of cases of special student need and aiding in locating student employees when necessary. All faculty referrals of special student need should be routed to the Director of Financial Aids.

(3) Student Activity Leadership Grants (Administered by the Director of Financial Aids and Placement).

(4) Federal Work-Study Program

(a) Information

(i) Qualified students may apply for this program through the Office of Director of Financial Aids. A special program of Work-Study is also available for Technical-Vocational students only. Students interested should contact the Associate Dean of Occupational Education. [Order 72-2, § 132P-120-710, filed 12/4/72.]

**WAC 132P-120-720 On-campus employment.** (Placement Officer in Counseling Center.) One office and one officer should be in charge of students wanting work. Funds should be under Financial Aids Office. [Order 72-2, § 132P-120-720, filed 12/4/72.]

**WAC 132P-120-730 Scholarships.** (1) Information

(a) All scholarships for new, continuing and transferring Yakima Valley College students come from funds of private groups or individuals.

(b) Neither legal statutes nor college regulations exist whereby college funds may be used by the college for scholarships or fee remission.

(c) The Financial Aids Director, as a student personnel administrator, has charge of the scholarship program at the college.

(2) Procedure

(a) The Financial Aids Director handles all contacts and relations having to do with donors and recipients of scholarships. The Financial Aids Director informs and works with the college President on scholarship matters, utilizes scholarship committee to help him in selection of recipients as necessary, and cooperates with the Business Manager on the financial records of the scholarship program.

(b) The Business Manager processes all scholarship requests from the Financial Aids Director. He keeps scholarship financial records and makes all billings and advises the Financial Aids Director on the status of Scholarship Accounts. [Order 72-2, § 132P-120-730, filed 12/4/72.]

## ASSOCIATED STUDENT BODY CARDS

**WAC 132P-120-810 Purpose.** The purpose of this regulation is to establish procedures for the issuance of Associated Student Body Cards and enumerate the general uses of this card. [Order 72-2, § 132P-120-810, filed 12/4/72.]

**WAC 132P-120-815 Issuance.** At registration, each student upon showing his validated payment receipt, may receive an ASB card. If circumstances do not permit the student to receive it at this time, the Director of Student Programs will designate a make-up period for issuing new or renewal cards. [Order 72-2, § 132P-120-815, filed 12/4/72.]

**WAC 132P-120-816 Cost of cards.** The first ASB card issued to any student will be at no cost. Renewals of this card are also free. A \$1.00 replacement fee will be charged for replacements of the original card. [Order 72-2, § 132P-120-816, filed 12/4/72.]

**WAC 132P-120-820 Admission to events.** Associated Student cards entitle the purchaser to free admission to most events and contests sponsored by the Associated Students. The cards are not transferable. Students who loan cards to others who are not qualified will lose their card. Cards are only valid for one quarter. [Order 72-2, § 132P-120-820, filed 12/4/72.]

**WAC 132P-120-825 Special events.** The Associated Students reserve the right to sponsor and so designate SPECIAL EVENTS at which ASB cards are not honored for free admission. [Order 72-2, § 132P-120-825, filed 12/4/72.]

**WAC 132P-120-830 Identification.** Agencies of the college, such as the Media Center or Learning Resource Center, may utilize the ASB card for identification. In addition, the Student Conduct Code, (WAC 132P-32-055, Identification) specifies that the ASB card is valid identification for the purposes of that document. [Order 72-2, § 132P-120-830, filed 12/4/72.]

## ATHLETIC ELIGIBILITY

**WAC 132P-120-910 Athletic eligibility.** (1) A student may represent this institution in any athletic contest provided:

(a) He is continually registered in a minimum of ten (10) credit hours of work in regular courses as defined in the curriculum of the institution he represents during any sport season.

(b) He shall have passed a minimum of 10 credit hours during the last previous quarter or semester of attendance in any collegiate institution.

(c) He has regained his eligibility by complying with (a) and (b) above.

(d) He has not participated in any one sport for more than two seasons.

(e) He shall be enrolled in a member institution within twenty (20) calendar days from the beginning of the quarter to be eligible to participate in any athletic competition during that quarter.

(f) He is a high school graduate or the class of which he was a member has graduated.

(g) By attendance at summer school, a student-athlete can regain his eligibility as provided by the Athletic Code but he cannot lose eligibility. [Order 72-2, § 132P-120-910, filed 12/4/72.]

**Chapter 132P-132 WAC  
COLLEGE CALENDAR**

**WAC**  
132P-132-010 College year.

**WAC 132P-132-010 College year.** The college year is divided into four quarters - fall, winter and spring, of approximately twelve (12) weeks each, and a summer quarter of ten (10) weeks. Students may enter at the beginning of any quarter. [Order 72-2, § 132P-132-010, filed 12/4/72.]

**Chapter 132P-136 WAC  
USE OF COLLEGE FACILITIES**

**WAC**  
132P-136-010 General.  
132P-136-020 Applications—Permits.  
132P-136-030 Rental fees.  
132P-136-040 Regulations.  
132P-136-050 Restrictions—Exceptions.  
132P-136-060 Use of equipment.

**WAC 132P-136-010 General.** (1) Community groups shall be permitted and encouraged to use college facilities for worthwhile purposes as determined by the college when such uses will not interfere with the college program or be detrimental to college properties. All arrangements shall be subject to the provisions which follow. The term "Community Groups" is interpreted to mean nonprofit, civic, religious, fraternal, or other public-interest activity.

(2) The name of the college shall not be associated with any program or activity for which college facilities are used without specific approval from the President.

(3) The college does not wish to compete with privately owned facilities in any manner.

(4) These rentals carry no right of advertising on college premises other than the right to post a sign for the purpose of directing people to the place of assembly.

(5) Scheduling of conferences, seminars, etc., in which there is a need for more than two rooms or other facilities, may not be scheduled on week days unless sponsored by the college. Request for scheduling will not be allowed more than two months in advance or beyond the end of the quarter in which a request is made.

(6) Room use for college or ASB recognized groups will be calendared by the Activities Office as directed by the Business Manager. [Order 72-2, § 132P-136-010, filed 12/4/72.]

**WAC 132P-136-020 Applications—Permits.** (1) No permit will be granted for the use of buildings or grounds except upon written application which shall be made to the Business Office. All applications shall be presented in time to allow consideration by the College Board if necessary. Not less than two weeks shall be the minimum.

(2) Upon approval of an application, a permit will be issued by the Business Office, which shall be presented by the Business Office to the person in charge of the college calendar.

(3) The College Board reserves the right to revoke any permit and refund any rental.

(4) Request for Sunday, vacation, or holiday use of facilities creates additional costs that must be borne by renter. [Order 72-2, § 132P-136-020, filed 12/4/72.]

**WAC 132P-136-030 Rental fees.** (1) Rental fees may be requested to be paid in advance to the Business Office at the time of application.

(2) No requests for reduction in rental rates will be considered. There is enough variety in the size of college facilities and subsequent rental rates to provide for small groups.

(3) Where a collection or charge of admission fee is made, charges will be made as listed.

(4) Schedules of rates and charges for use of facilities are available from the Business Office.

(5) Rates and charges are established by the College Board of Trustees. [Order 72-2, § 132P-136-030, filed 12/4/72.]

**WAC 132P-136-040 Regulations.** (1) Custodians shall be present at all times when college facilities are used unless special arrangements have been made. The custodian's duties normally include the operation of lights, heat, ventilation, and such duties incidental to maintaining order the preventing persons from entering unauthorized parts of the building. When necessary in the larger buildings, a fireman shall be on duty. Other custodians in the building with regularly assigned cleaning areas are not to be considered as available for these duties.

(2) Elaborate decorations or adjustments in space should not be expected or planned by groups using buildings or grounds.

(3) The college does not have pianos located where they are readily available. Renting groups should not expect the college to move these pianos without charges for tuning and cost if damaged in moving. (A charge of \$25 will be made if a piano is moved.)

(4) Disorderly conduct or the use of intoxicants shall be prohibited within the college. Applicants must assume responsibility for compliance with these rules and for any damage which may be done to the property.

(5) Where partisan political meetings are requested, or discussions of initiatives, referendums, or other pending legislation, it is expected that such requests will be made by the county central committee of the party or by nonpartisan candidates. Such requests should come only during periods of political action of general interest to the public in Yakima.

(6) Improvement organizations, community clubs, service organizations and other such organizations shall meet all of the requirements and costs as stated.

(7) The Advisor of any Yakima Valley College group of students may request the use of buildings or equipment to be placed under his charge for any student group functions or entertainment. Such events will be free of rental. [Order 72-2, § 132P-136-040, filed 12/4/72.]

#### **WAC 132P-136-050 Restrictions—Exceptions.**

(1) Religious youth groups may be allowed space for meetings, on a rental basis, provided the meetings are held on school days but not during school hours.

(2) Such meetings shall end not less than 15 minutes prior to starting of school and begin not less than 15 minutes after school closes.

(3) The youth activity must be fully supervised by the sponsoring organization and be responsible to the Business Manager.

(4) Ordinarily, the gymnasium is not available for use by outside organizations. No attempt should be made to try to schedule a series of practices or games. Only incidental use can be provided.

(5) The gymnasium should only be scheduled for night and weekend use. Student activities of any type may override the use by outside organizations. Use by off-campus groups may only be scheduled on a one time basis.

(6) Arrangements for dinners or snacks served by the snack bar, except for purposes sponsored by the school, must be cleared with the Business Office and Snack Bar Manager. "Noon" dinners or lunches are not available to off campus groups.

(7) Groups must pay the established meal rate, or in case of a potluck, should pay for the employment of the required number of snack bar workers at the prevailing rate.

(8) Entry to the snack bar shall not be granted for the use of any campus or off-campus group.

(9) Any organization which serves food or drink on campus must secure it through the SnackBar Manager. Food or beverages may not be brought to the campus for

serving unless arranged for through the SnackBar Manager.

(10) Requests which require a commitment from the college district to provide facilities for a schedule or series of meetings will not be approved. Exceptions may be made when an activity serves an educational purpose of interest to the community, such determination to be made exclusively by the college.

(11) Use of college facilities for public dances is prohibited. This would include either adult or youth groups. [Order 72-2, § 132P-136-050, filed 12/4/72.]

**WAC 132P-136-060 Use of equipment.** Library and audio-visual equipment and materials are primarily intended to support and supplement the curriculum. Equipment shall not be loaned for any purpose off campus. Equipment may be used on campus by any group using college facilities when arranged in advance of activity. [Order 72-2, § 132P-136-060, filed 12/4/72.]

### **Chapter 132P-144 WAC SPECIAL CHARGES**

#### **WAC**

#### **ADMISSION TICKETS TO ATHLETIC CONTESTS**

132P-144-010 Purpose.

132P-144-020 Responsibility.

#### **ADMISSION TICKETS TO ATHLETIC CONTESTS**

**WAC 132P-144-010 Purpose.** The purpose of this regulation shall be to establish the responsibility for the issuance and accountability of admission tickets to athletic contests sponsored by Yakima Valley College. [Order 72-2, § 132P-144-010, filed 12/4/72.]

**WAC 132P-144-020 Responsibility.** The sale of season tickets and single admission tickets shall be the responsibility of the college Athletic Director. Accounting for the sale of these tickets shall be made by the Athletic Director and all receipts are documented according to current applicable fiscal policies and the current ASB Financial Code. [Order 72-2, § 132P-144-020, filed 12/4/72.]

### **Chapter 132P-156 WAC COLLEGE HOUSING**

#### **WAC**

#### **STUDENT RESIDENCE CENTER POLICY**

132P-156-010 Purpose.

132P-156-020 Application.

132P-156-030 Fees.

132P-156-040 Discipline.

#### **STUDENT RESIDENCE CENTER POLICY**

**WAC 132P-156-010 Purpose.** It is the purpose of this regulation to establish policies and procedures for

application, fees, and discipline within the Student Residence Center. [Order 72-2, § 132P-156-010, filed 12/4/72.]

**WAC 132P-156-020 Application.** (1) Application to the Student Residence Center shall be by application Form #9810.2 - which can be obtained from the manager by phone call (CH 8-2369) or by mail (Student Residence Center, 1113 South 14th Avenue, Yakima, Washington 98902) or in person at the Student Residence Center.

(2) Application shall be completed and signed by the student with parents' signature if the student is a minor.

(3) Application shall be sent to the Student Residence Center with the indicated deposit.

(4) All terms and conditions of Residency are mailed to applicant with date of occupancy on Form #9810.3.

(5) Agreement with these terms of residency is indicated by signature of the student, and if a minor, by his parents.

(6) Signed agreement as to terms must be returned to the Student Residence Center Manager prior to occupancy. [Order 72-2, § 132P-156-020, filed 12/4/72.]

**WAC 132P-156-030 Fees.** (1) Fees are set before June 1st of each year by the Student Residence Center Manager and approved by the Board of Trustees.

(2) Fees must be paid or arranged for on or before the first day of occupancy.

(3) Current Fee Schedules are to be found in the Student Residence Center Office. [Order 72-2, § 132P-156-030, filed 12/4/72.]

**WAC 132P-156-040 Discipline.** (1) Guides for Conduct are found in Form #9810.4, a Disciplinary Guide listing infractions of Conduct, which is given to the student on occupancy.

(2) All violations of this guide are referred to the Student Residence Center Manager.

(3) The Student Residence Center Manager may counsel with the student as to proper conduct and/or refer the breach of conduct to the Dormitory Judicial Council.

(4) The Dormitory Judicial Council, operating under the current regulations of that council, will determine appropriate actions.

(5) Students receiving discipline by this group have all rights of appeal through the Dean of Student Affairs to the President of the College. [Order 72-2, § 132P-156-040, filed 12/4/72.]

## Chapter 132P-160 WAC

### ADMISSION AND REGISTRATION PROCEDURES

#### WAC

|              |                                     |
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| 132P-160-020 | Admission.                          |
| 132P-160-021 | Admission for regular registration. |
| 132P-160-022 | Admission for late registration.    |
| 132P-160-023 | Application procedures.             |
| 132P-160-024 | Prior to registration.              |
| 132P-160-025 | Medical questionnaire.              |
| 132P-160-026 | Registration.                       |
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|              |                      |
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| 132P-160-028 | Refund schedule.     |
| 132P-160-029 | Resident status.     |
| 132P-160-030 | Honorable dismissal. |

**WAC 132P-160-020 Admission.** Any applicant for admission to Yakima Valley College shall be admitted when, as determined by the chief administrative officer of the district or his authorized representative, such applicant:

(1) Is competent to profit from the curricular offerings of the college; and

(2) Would not, by his presence or conduct, create a disruptive atmosphere within the college inconsistent with the purposes of the institution; and

(3) Is eighteen years of age or older or who is a graduate of a high school or whose application, if under eighteen years of age and not a graduate of a high school, has been approved, insofar as acquisition of approval is feasible, by the principal of the high school he is attending or which he last attended: *Provided*, That an applicant transferring from another institution of higher education who meets the above criteria, but who is not in good standing at the time of his transfer may be conditionally admitted to the college on a probationary status as determined by the chief administrative officer of the college or his authorized representative.

Admission to specialized curricula is listed with the curricula and these requirements must be met before admission to such specialized curricula will be permitted. [Order 72-2, § 132P-160-020, filed 12/4/72.]

**WAC 132P-160-021 Admission for regular registration.** All students applying for admission to Yakima Valley College for the first time *must* submit completed applications for admission before the date specified in the college academic calendar. Qualified applicants will be granted appointments to complete their registration during the regular registration dates as specified.

All students previously enrolled and/or presently enrolled at Yakima Valley College *must* submit completed "preregistration" intent before the date specified. Qualified "preregistrants" will be granted appointments to complete their registration during the regular registration dates as specified. [Order 72-2, § 132P-160-021, filed 12/4/72.]

**WAC 132P-160-022 Admission for late registration.** Qualified applicants who submit completed applications or preregistration intent *after* or *during* the specified dates for regular registration will be granted permission to complete their registration during late registration by special permission only.

*Under no conditions* shall students be granted permission to register if completed applications were not submitted previous to the late registration dates specified in the college academic calendar. [Order 72-2, § 132P-160-022, filed 12/4/72.]

**WAC 132P-160-023 Application procedures.** Students must complete the following before admission will be granted:

(1) Complete the uniform application form.

(2) Request high school attended to send complete transcript indicating date of graduation to office of admission.

(3) Request any colleges attended to send official transcripts to the office of admission.

(4) Send a copy of results of the Washington Precollege Test to the office of admission. [Order 72-2, § 132P-160-023, filed 12/4/72.]

**WAC 132P-160-024 Prior to registration.** The Washington Precollege Test is suggested for all students entering Yakima Valley College for the first time. These tests may be taken during the senior year of high school.

Students who have taken third-semester algebra in high school and who plan to take college algebra must achieve a score of 53 on the intermediate mathematics section of the precollege test or obtain the approval of the chairman of the division of physical sciences. Otherwise they must take intermediate algebra (Math. 101).

Students who have had mathematical analysis in high school and who achieve a sufficiently high level on the mathematics placement section of the grade prediction test and who have the approval of the chairman of the division of physical sciences may go directly into Math. 124 (analytical geometry and calculus) without taking college algebra. [Order 72-2, § 132P-160-024, filed 12/4/72.]

**WAC 132P-160-025 Medical questionnaire.** All matriculating students, entering Yakima Valley College for the first time, are required to present a completed physical questionnaire on a form supplied by the school after admission has been granted. [Order 72-2, § 132P-160-025, filed 12/4/72.]

**WAC 132P-160-026 Registration.** Students are expected to apply for a registration appointment before the dates specified in the college calendar. The college will then notify the student of his appointment date. Students whose registration, including payment of all required fees, is not completed during the days specified as registration days will be charged a late registration fee. Registration is completed when all fees have been paid and when approval has been obtained of permanent registration form. [Order 72-2, § 132P-160-026, filed 12/4/72.]

**WAC 132P-160-027 Fees.** All regular and special fees, including late registration fees, are established by the Board of Trustees. Fees are charged by Yakima Valley College on a quarterly basis for matriculation, tuition, for state resident students, nonresident students and audit students.

Special fees are charged for employment-related classes and specialized noncredit classes and fees are charged for certain laboratories. For those wishing to receive a diploma a graduation fee is charged. All fees are payable at the time of registration. No student is enrolled in classes until these fees have been paid. The college reserves the right to change any and all fees without notice if circumstances make it necessary to do

so. The fee schedule may be found in the college catalog. [Order 72-2, § 132P-160-027, filed 12/4/72.]

**WAC 132P-160-028 Refund schedule.** The refund schedule is established by the board of trustees. Refunds will be made as described in the college catalog. [Order 72-2, § 132P-160-028, filed 12/4/72.]

**WAC 132P-160-029 Resident status.** Students whose domicile has been in the state of Washington for one full year prior to registration may be classified as residents. Burden of proof of domicile rests with the student. Students who are not residents of the state of Washington must pay the nonresident rate of fees. [Order 72-2, § 132P-160-029, filed 12/4/72.]

**WAC 132P-160-030 Honorable dismissal.** No student will receive an honorable dismissal, or be entitled to a transfer of credits earned, who has not satisfactorily accounted for all college property issued to him and settled all outstanding financial obligations. A student who fails to obtain an honorable dismissal will not be recommended to another institution. [Order 72-2, § 132P-160-030, filed 12/4/72.]

## Chapter 132P-168 WAC THE LIBRARY

**WAC**  
132P-168-010 The library.

**WAC 132P-168-010 The library.** The library will be open during the day from 7:30 a.m. to 5:00 p.m., and from 7:00 p.m. to 10:00 p.m. each weekday evening except Friday. It is open from 1:00 p.m. to 5:00 p.m. on Sundays. Faculty members are invited to use the facilities of the library at every opportunity and to recommend additions to their division heads or directly to the head librarian. [Order 72-2, § 132P-168-010, filed 12/4/72.]

## Chapter 132P-172 WAC STUDENT RECORDS

**WAC**  
132P-172-010 Student records.  
132P-172-020 Procedure.

**WAC 132P-172-010 Student records.** The Board of Trustees of District No. 16 recognizes the transcript of record and the application form as being the official college record. [Order 72-2, § 132P-172-010, filed 12/4/72.]

**WAC 132P-172-020 Procedure.** (1) Information in the official college record may be disclosed at student's request to properly identified agents of prospective employers or of publicly supported organizations, if such disclosure is in the best interests of the student. No disclosure will be made to aforementioned agents if the

student requests that no information be given to prospective employers or publicly supported organizations without the expressed permission of the student.

(2) Transcripts of records other than those designated as the official college record are not part of the official college and disclosure is not permitted without the written permission of the student. (Example - High school records are available through the high school and are thus not disclosable unless the student wants it to be seen.)

(3) Counseling records are not to be maintained by the college. Counselors may keep notes on conferences but such notes are recognized as being for personal use only.

(4) Disciplinary records are not part of the official college record. Such records are for internal use only and are available to the college discipline committee and the Dean of Student Affairs. These records will be destroyed when the student terminates his relationship with the college. [Order 72-2, § 132P-172-020, filed 12/4/72.]

#### Chapter 132P-180 WAC

#### COSTS AND SPECIAL FEES FOR CONTRACTED EDUCATIONAL SERVICES

##### WAC

132P-180-010 Costs and special fees for contracted educational services.

**WAC 132P-180-010 Costs and special fees for contracted educational services.** (1) Yakima Valley Community College District 16, hereafter referred to as the district, shall offer contractual educational courses or services, as authorized by RCW 28B.50.140(16), to private or governmental entities and their members, employees or agents and shall establish a special fee to be paid by either each student enrolled or a total fee for the service or course to be paid by the entity involved. Such special fee shall be set forth in the contractual agreement establishing such courses or services.

(2) Contractual educational courses or services may be offered when the district makes a determination that it is not reasonably feasible to offer such courses or services as a part of the regular curriculum and upon making such determination the district may offer such courses or services and limit participation therein to employees, agents, or members of the particular entity.

(3) Contractual educational courses or services are those instructional courses which may be provided to meet special instructional needs of military, corporate, or other governmental or private entities where enrollments will be limited to the membership of the entity and includes administrative, organizational, research, public service or program development services of the district.

(4) Any enrollments generated through contracts for educational courses or services developed pursuant to this regulation shall be appropriately designated so that they shall not be counted toward the official enrollment

level of the district so that there will not be any state funding for such courses or services.

(5) The special fee charged for any such contractual educational course or service shall be retained by the district to defray the cost of such course or service and may be used for the general operations and maintenance of the college district.

(6) The special fees charged pursuant to this regulation shall be sufficient to offset the full instructional costs of offering the course or service. Calculation of the full instructional cost level shall include all direct and indirect costs such as those for salaries and related benefits; supplies, public information; business services for budgeting, auditing, financial reporting, purchasing, payroll, and cashing; mail service; postage; telephone; admissions; registration; data processing; and maintenance of any public facilities used. [Order 77-3, § 132P-180-010, filed 12/30/77.]

#### Chapter 132P-276 WAC PUBLIC RECORDS

##### WAC

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**WAC 132P-276-010 Purpose.** The purpose of this chapter shall be to ensure compliance by Community College District No. 16 with the provisions of chapter 1, Laws of 1973 (Initiative 276), Disclosure-Campaign-Finances-Lobbying-Records; and in particular with sections 25-32 of that act, dealing with public records. [Order 74-3, § 132P-276-010, filed 12/6/74.]

**WAC 132P-276-020 Definitions.** (1) Public Records. "Public record" indicates any writing containing information relating to the conduct of governmental 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.

(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. 16. Community College District No. 16 and Yakima Valley College were established pursuant to the Community College Act of 1967. Community College District No. 16 and

Yakima Valley College shall hereinafter be referred to as the "college". [Order 74-3, § 132P-276-020, filed 12/6/74.]

**WAC 132P-276-030 Public records available.** All public records of the college, as defined in WAC 132P-276-020, 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 chapter 132P-276 WAC. [Order 74-3, § 132P-276-030, filed 12/6/74.]

**WAC 132P-276-040 Public records officer.** The college's public records shall be in the charge of the Public Records Officer designated by the college. The person so designated shall be located in the Administrative Office of the college. The Public Records Officer shall be responsible for the following: The implementation of the college rules and regulations regarding release of public records, coordinating the staff of the college in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 1, Laws of 1973. [Order 74-3, § 132P-276-040, filed 12/6/74.]

**WAC 132P-276-050 Office hours.** Public records shall be available for inspection and copying during the customary office hours of the college. For the 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. [Order 74-3, § 132P-276-050, filed 12/6/74.]

**WAC 132P-276-060 Requests for public records.** In accordance with requirements 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 may be inspected or copied or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the college which shall be available at its administrative office. The form shall be presented to the public records officer; or to any member of the college's staff, if the public records officer is not available, at the administrative office of the college 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 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 college's 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 staff member to whom the request is made, to assist the member of the public in appropriately identifying the public record requested. [Order 74-3, § 132P-276-060, filed 12/6/74.]

**WAC 132P-276-070 Copying.** No fee shall be charged for the inspection of public records. The college shall charge a fee of five cents per page of copy for providing copies of public records and for use of the college copy equipment. This charge is the amount necessary to reimburse the college for its actual costs incident to such copying. [Order 74-3, § 132P-276-070, filed 12/6/74.]

**WAC 132P-276-080 Exemptions.** (1) The college reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 132P-276-060 is exempt under the provisions of section 31, chapter 1, Laws of 1973.

(2) In addition, pursuant to section 26, chapter 1, Laws of 1973, the college reserves the right to delete identifying details when it makes available or publishes any public record, in any cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 1, Laws of 1973. The public records officer will fully justify such deletion in writing.

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld. [Order 74-3, § 132P-276-080, filed 12/6/74.]

**WAC 132P-276-090 Review of denials of public records 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 review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the president of the college. The president shall immediately consider the matter and either affirm or reverse such denial or call a special meeting of the Board of Trustees of Community College District No. 16 as soon as legally possible to review the denial. In any case, the request shall be returned with a final decision, within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the college has returned the petition with a decision or until the close of the second business day following denial or inspection, whichever occurs first. [Order 74-3, § 132P-276-090, filed 12/6/74.]

**WAC 132P-276-100 Protection of public records.** The location of the public records officer appointed pursuant to WAC 132P-276-040 shall be in the college offices. The public records officer shall establish a central college index which shall be the college's master index to be coordinated with subsidiary indexes established in each major administrative area of the college. Upon receiving requests for public records in the manner prescribed in WAC 132P-276-060, it shall be the duty of the public records officer to immediately act upon the request. If it is determined the item requested is a public record as defined in WAC 132P-276-020, it shall be the duty of the public records officer to locate the public record in the office in which it is filed and make it available for inspection. Should, in the judgment of the public records officer, there be a possibility of the destruction of the public record, then the public records officer shall make available a copy of the record at no cost.

Upon request, the public records officer shall make available copies of public records in accordance with WAC 132P-276-070. [Order 74-3, § 132P-276-100, filed 12/6/74.]

**WAC 132P-276-110 Records index.** (1) Index. The college shall make available to all persons a current index which provides identifying information as to the following records issued, adopted or promulgated since its inception:

(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 decision;

(e) Factual staff reports and studies, factual consultants' 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) Availability. The current index promulgated by the college 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 74-3, § 132P-276-110, filed 12/6/74.]

**WAC 132P-276-120 Adoption of form.** The college hereby adopts for use by all persons requesting inspection and/or copying or copies of its records, the form attached hereto as Appendix A, entitled "Request for

Public Record." [Order 74-3, § 132P-276-120, filed 12/6/74.]

**WAC 132P-276-990 Appendix A—Request for public records.**

COMMUNITY COLLEGE DISTRICT 16  
OFFICE OF THE PRESIDENT  
REQUEST FOR PUBLIC RECORDS

Date ----- Time -----

Name -----

Address -----

Description of Records (see index):  
-----  
-----  
-----

I certify that the information obtained through this request for public records will not be used for commercial purposes.

Number of copies -----

Number of pages -----

-----  
Signature

For Official Use Only

Per page charge \$ -----

Total charge \$ -----

[Order 74-3, Appendix A (codified as WAC 132P-276-990), filed 12/6/74.]

**Chapter 132P-325 WAC  
REGULATION ON STATE ENVIRONMENTAL  
POLICY ACT**

**WAC**  
132P-325-010 Policy.

**WAC 132P-325-010 Policy.** (1) It shall be the policy of Community College District 16 that capital projects proposed and developed by the district shall comply with the provisions of chapter 43.21C RCW, the State Environmental Policy Act (SEPA); chapter 197-10 WAC, guidelines for SEPA implementation; and WAC 131-24-030, SEPA implementation rules of the State Board for Community College Education.

(2) In compliance with WAC 197-10-820, the district president, or an administrative officer designated by the district president, shall be the "responsible official" for carrying out this policy. [Order 77-1, § 132P-325-010, filed 10/20/77.]