

Title 132V WAC

COMMUNITY COLLEGES—TACOMA COMMUNITY COLLEGE

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- 132V-30-003 Suspension. [Order 1-1969, § 132V-30-003, filed 2/19/69.] Repealed by Order 4, filed 7/24/70.
- 132V-30-004 Expulsion. [Order 1-1969, § 132V-30-004, filed 2/19/69.] Repealed by Order 4, filed 7/24/70.

Chapter 132V-12 WAC PERSONNEL RULES FOR THE CLASSIFIED STAFF SERVICE OF TACOMA COMMUNITY COLLEGE

WAC

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PURPOSE, ADOPTION, AND AMENDMENT OF RULES

WAC 132V-12-003 Purpose. It is the purpose of these Rules to give effect to the State Civil Service Law, chapter 41.06 RCW, of the State of Washington. It is the further purpose of these Rules to provide basic statements of personnel policy and procedures which shall be applied equitably to all employees in the classified staff service. They are intended to provide a modern workable system of personnel administration based on merit principles. They are published to inform employees, supervisors and administrators of their rights and responsibilities under these Rules, and to define the basis on which the office of the Director shall conduct a comprehensive system of personnel management. [Order, § 132V-12-003, filed 10/28/68.]

WAC 132V-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, § 132V-12-006, filed 10/28/68.]

WAC 132V-12-009 Adoption of rules. Upon adoption by the Personnel Committee of the Board of Trustees of Tacoma Community College, these Rules shall be in full force and effect. [Order, § 132V-12-009, filed 10/28/68.]

WAC 132V-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 Committee of other such institutions. The desirability of uniformity in the rules of the Personnel Committees of the several institutions of higher learning, where practicable, is likewise recognized. [Order, § 132V-12-012, filed 10/28/68.]

DEFINITION OF TERMS

WAC 132V-12-015 Definitions. 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.

(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) "**BOARD**". The Board of Trustees of Tacoma Community College.

(4) "**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.

(5) "**CLASSIFIED SERVICE**". All positions in the Institution of Higher Learning subject to the provisions of the Civil Service Law and such temporary employees included by the Personnel Committee.

(6) "**COMMITTEE**". The Personnel Committee of the Board of Trustees of Tacoma Community College.

(7) "**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.

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

(9) "**DIRECTOR**". The Director of Classified Staff Personnel.

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

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

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

(13) "**APPOINTING AUTHORITY**". The President of the community college and Dean of Administrative Services shall act jointly or severally as the "appointing authority" for the purpose of these rules and the purposes of any related designation and/or delegation of authority hereafter adopted by the board which shall govern in the event of a conflict herewith.

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

(15) "**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.

(16) "**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.

(17) "**ORGANIZATIONAL UNIT**". An administrative division of the institution established for the purposes of personnel administration as defined in WAC 132V-12-216 - 132V-12-267.

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

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

(20) "**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.

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

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

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

(24) "**STUDENT EMPLOYEE**". An employee who is enrolled for more credit hours of academic work than that permitted in staff employment as provided in WAC 132V-12-389 - 132V-12-401.

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

(26) "**TRANSFER**". The change of an employee from one position to another position in the same class or in another class with essentially the same maximum salary. [Order 7, § 132V-12-015, filed 6/27/72; Order, § 132V-12-015, filed 10/28/68.]

ORGANIZATION FOR PERSONNEL MANAGEMENT

The personnel committee

WAC 132V-12-018 Organization. The Board shall designate three of its members as a permanent personnel committee. The term of service shall continue through the member's term of service as regent/trustee. [Order, § 132V-12-018, filed 10/28/68.]

WAC 132V-12-021 Compensation. Each member of the Committee shall be compensated for his services

and necessary expenses in accordance with the Act. [Order, § 132V-12-021, filed 10/28/68.]

WAC 132V-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, § 132V-12-024, filed 10/28/68.]

WAC 132V-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, § 132V-12-027, filed 10/28/68.]

WAC 132V-12-030 Powers and duties. The Committee shall have such powers, duties, and responsibilities as are required by the Act assigned by the Board or otherwise required. [Order, § 132V-12-030, filed 10/28/68.]

WAC 132V-12-033 Appointment. The Board shall designate a qualified, full-time, nonacademic employee who shall act as Director of Personnel for the classified staff service. [Order, § 132V-12-033, filed 10/28/68.]

The personnel director

WAC 132V-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, § 132V-12-036, filed 10/28/68.]

CLASSIFICATION PLAN

WAC 132V-12-039 Content. The Personnel Committee shall maintain a Classification Plan for all positions in the classified service. The plan shall consist of specifications for each class, including a title, description of the duties and responsibilities, and the qualifications required and/or desired of an incumbent. [Order, § 132V-12-039, filed 10/28/68.]

WAC 132V-12-042 Amendment. The Classification Plan may be amended by action of the Committee as provided in the Act. [Order, § 132V-12-042, filed 10/28/68.]

WAC 132V-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 an Appointing Authority or an employee or an employee's representative, may study the duties of any position to determine if its allocation is proper. Following such studies, the Director may reallocate the position to the appropriate class.

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

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

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

(b) The appeal shall be sent to the Committee whose decision shall be final. [Order, § 132V-12-045, filed 10/28/68.]

Class specifications

WAC 132V-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 Appointing Authority to assign, direct, and control the work of the employees under his supervision. The use of a particular expression or illustration as to duties shall not be held to exclude others not mentioned but which are of similar kind or quality, nor shall any specific omission necessarily mean that such factor is not included. [Order, § 132V-12-048, filed 10/28/68.]

WAC 132V-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, § 132V-12-051, filed 10/28/68.]

WAC 132V-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 examination. [Order, § 132V-12-054, filed 10/28/68.]

WAC 132V-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, honesty, sobriety and industry, shall be deemed to be implied as entrance requirements to each class, and need not be specifically mentioned in the specifications. However, nothing in these Rules shall be deemed to prohibit the handicapped who are otherwise qualified. [Order, § 132V-12-057, filed 10/28/68.]

WAC 132V-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, § 132V-12-060, filed 10/28/68.]

WAC 132V-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 contacts with the public or students. [Order, § 132V-12-063, filed 10/28/68.]

COMPENSATION PLAN

WAC 132V-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, § 132V-12-066, filed 10/28/68.]

WAC 132V-12-069 Content. A Compensation Plan for the classified staff service shall consist of schedules of rates or ranges in monthly amounts showing the assignment of such pay rates to the classes of positions. It shall also consist of such paragraphs as are necessary to describe basic compensation policies. [Order, § 132V-12-069, filed 10/28/68.]

WAC 132V-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 a year prior to the convening of each regular session of the State Legislature. [Order, § 132V-12-072, filed 10/28/68.]

WAC 132V-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, § 132V-12-075, filed 10/28/68.]

HOURS OF WORK AND LEAVES OF ABSENCE

WAC 132V-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. (Classification Plan, WAC 132V-12-039 - 132V-12-063)

(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 a.m. to 5 p.m., with one hour for lunch. The Appointing Authority may adjust the schedule of an individual employee or group of employees under his supervision to provide different schedules of daily hours of working days, or to provide for extra services outside of normal work hours, provided that such adjustment shall not result in requiring an average work week 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, § 132V-12-078, filed 10/28/68.]

WAC 132V-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, § 132V-12-084, filed 10/28/68.]

WAC 132V-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
Lincoln's Birthday	Columbus Day
Washington's Birthday	Veteran's Day
Memorial Day	Thanksgiving Day
Independence Day	Christmas 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, § 132V-12-087, filed 10/28/68.]

WAC 132V-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 of these Rules at the rate of one working day for each month of continuous service if their employment is continuous for six months or longer.

(a) 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 Appointing Authority. As far as possible, leave will be scheduled in accordance with the wishes of the employee in any amount up to the total of his earned leave credits.

(6) Unused annual leave credits may be accumulated to a maximum of thirty (30) working days, except that if an employee's request for leave is deferred by the Appointing Authority and a statement of the necessity is filed with the Director, then the maximum of thirty days' accrual shall be extended for each month that the leave is deferred. Annual leave earned by the employee

must be allowed him during the period it is available to him. No extra compensation in lieu of annual leave shall be paid the employee.

(7) Upon separation from the classified service 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, § 132V-12-096, filed 10/28/68.]

WAC 132V-12-120 Sick leave. Sick leave with full pay shall accrue to classified employees at the rate of one working day per month of completed service.

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

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

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

(c) Because of emergencies caused by serious illness or death in the immediate family of the employee that require the assistance of the employee in circumstances arising from the care of the patient or arrangements for the deceased. Leave for the purpose of condolence or bereavement may be granted only with the approval of the Appointing Authority.

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

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

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

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

(4) Sick leave shall accumulate at a rate of 12 days per year up to one hundred thirty-two (132) working days and shall accumulate at a rate of 10 days per year after 132 days to a maximum of one hundred eighty (180) working days of unused leave.

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

Appointing Authority to submit a written statement explaining the nature of the disability.

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

(7) Upon separation of the employee from the classified service for any cause, compensation shall not be paid for accrued sick leave credits. Employees who have been laid off will have previous sick leave credits reinstated upon their return to active service. [Order, § 132V-12-120, filed 10/28/68.]

Military leave of absence

WAC 132V-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, § 132V-12-144, filed 10/28/68.]

WAC 132V-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, § 132V-12-147, filed 10/28/68.]

WAC 132V-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, § 132V-12-150, filed 10/28/68.]

WAC 132V-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 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. [Order, § 132V-12-153, filed 10/28/68.]

WAC 132V-12-165 Absence without authorized leave. Leave of absence, whether with or without pay,

must be authorized in writing by the Appointing Authority and the Director. Absence other than on duly authorized leave shall be treated as leave without pay, and, in addition, may be grounds for disciplinary action. [Order, § 132V-12-165, filed 10/28/68.]

RECRUITMENT AND EXAMINATION

WAC 132V-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, § 132V-12-168, filed 10/28/68.]

Announcement of examinations

WAC 132V-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, § 132V-12-171, filed 10/28/68.]

WAC 132V-12-174 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, § 132V-12-174, filed 10/28/68.]

Eligibility to compete in examinations

WAC 132V-12-177 Open competitive examinations. Examinations designed to establish employment list 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, § 132V-12-177, filed 10/28/68.]

WAC 132V-12-180 Promotional examinations. Promotional examinations shall be open to any permanent employee in the classified staff service who meets the necessary qualifications. [Order, § 132V-12-180, filed 10/28/68.]

Applications

WAC 132V-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, veteran's preference and other claims as he deems appropriate. [Order, § 132V-12-183, filed 10/28/68.]

WAC 132V-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 the race of any applicant, nor shall any inquiry be made concerning such opinions or affiliations. The foregoing shall not prevent any inquiry as to whether the applicant, employee, or eligible, advocates or is a member of any organization which advocates the overthrow of or resistance by force to our form of government where the conditions of the employment in question require such inquiry. [Order, § 132V-12-186, filed 10/28/68.]

WAC 132V-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 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, § 132V-12-189, filed 10/28/68.]

WAC 132V-12-192 Disqualification of applicants. The Director may reject the application of any person for admission to an examination, or decline the applicant who: (1) is found to lack the qualifications prescribed for admission to the examination; (2) is physically unfit to perform effectively the duties of the class; (3) is addicted to the habitual use of alcoholic beverages, and to excess, or to the use of narcotics; (4) 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; (5) has used or attempted to use influence or bribery to secure an advantage in an examination or appointment; (6) has made a false statement of any material fact or has practiced or attempted to practice deception or fraud in his application or examination; or (7) has otherwise violated provisions of the law or these rules. Whenever the Director refuses an applicant under the provisions of these Rules, he shall furnish him a statement of the reasons thereof. [Order, § 132V-12-192, filed 10/28/68.]

Character of examinations

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WAC 132V-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, § 132V-12-195, filed 10/28/68.]

WAC 132V-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 length of service. [Order, § 132V-12-198, filed 10/28/68.]

WAC 132V-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, § 132V-12-201, filed 10/28/68.]

WAC 132V-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, § 132V-12-204, filed 10/28/68.]

Examination administration

WAC 132V-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, § 132V-12-207, filed 10/28/68.]

WAC 132V-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, § 132V-12-210, filed 10/28/68.]

WAC 132V-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 of the examination by the Director prior to the date of the examination. All competitors may be required to obtain a minimum rating in one or 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, § 132V-12-213, filed 10/28/68.]

ELIGIBLE LISTS

WAC 132V-12-216 Establishment and maintenance. The Director shall establish and maintain eligible lists necessary to carry out the purpose of the Act and these Rules. [Order, § 132V-12-216, filed 10/28/68.]

WAC 132V-12-219 Organizational units. The Committee shall establish organizational units for purposes of employment, or layoff, based upon seniority. The Director shall notify employing officials 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 employing officials concerned at any time when such action is in the best interest of the classified service. [Order, § 132V-12-219, filed 10/28/68.]

WAC 132V-12-222 Merit lists. On the following lists the names of eligibles for positions in the competitive service shall be placed in order of their final earned rating on examinations plus any preference credits. In case of a tie between a veteran and a nonveteran, the name of the veteran shall be placed ahead of that of the nonveteran. In the case of other ties in final ratings, names shall be placed on the list in the order of rating earned in the part of the examination given the greatest weight. Any remaining ties shall be broken by casting lots.

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

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

(3) **Organizational Unit Promotional Lists.** Organizational unit promotional lists shall consist of names of all permanent employees in an organizational unit who have passed the promotional examination for the class for which the list is established. Promotional lists shall be established for an organizational unit only after such subdivision has been approved by the Director prior to the date of the examination. [Order, § 132V-12-222, filed 10/28/68.]

WAC 132V-12-225 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, § 132V-12-225, filed 10/28/68.]

WAC 132V-12-228 Unranked Lists. Names shall be placed unranked on the following lists:

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

(2) **Re-employment List.** A re-employment list shall contain the names of all permanent employees who have resigned from the class of employment in good standing, and who have requested re-employment 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, § 132V-12-228, filed 10/28/68.]

WAC 132V-12-231 Duration of eligible lists. The Committee shall determine the period during which promotional or open-competitive lists shall remain in effect. When an eligible list exists for any class, and the Committee deems it necessary to establish another such list for the same class, the existing list ordinarily shall be cancelled. If the Committee finds it necessary to cancel a promotional list, notice will be given to the eligibles on the list cancelled. [Order, § 132V-12-231, filed 10/28/68.]

WAC 132V-12-234 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, § 132V-12-234, filed 10/28/68.]

WAC 132V-12-237 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 re-establish this register as long as it does not jeopardize the re-employment of an employee separated by reduction in force. [Order, § 132V-12-237, filed 10/28/68.]

WAC 132V-12-240 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 re-employment of an employee separated by reduction-in-force. [Order, § 132V-12-240, filed 10/28/68.]

WAC 132V-12-243 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 areas 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, § 132V-12-243, filed 10/28/68.]

WAC 132V-12-246 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, § 132V-12-246, filed 10/28/68.]

WAC 132V-12-249 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 a 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, § 132V-12-249, filed 10/28/68.]

WAC 132V-12-252 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, § 132V-12-252, filed 10/28/68.]

WAC 132V-12-255 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, § 132V-12-255, filed 10/28/68.]

WAC 132V-12-258 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, § 132V-12-258, filed 10/28/68.]

WAC 132V-12-261 Removal of names from eligible lists. The Director may remove names from eligible lists permanently or temporarily for any of the following reasons subject to appeal rights as provided in WAC 132V-12-168 - 132V-12-213

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

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

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

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

(8) In the case of institution-wide promotional lists and transfer lists, upon separation from the classified service. [Order, § 132V-12-261, filed 10/28/68.]

WAC 132V-12-264 Comparable lists. If a vacancy exists in a class for which there is no existing list, the Director may prepare an appropriate list for the class from one or more existing related lists. For this purpose the Director shall select lists from classes for which the examination and qualifications are similar to those required for the class in which the vacancy exists. [Order, § 132V-12-264, filed 10/28/68.]

WAC 132V-12-267 Availability of eligibles. It shall be the responsibility of eligibles to notify the office of the Director in writing of any change affecting availability for employment. However, the Directors 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, § 132V-12-267, filed 10/28/68.]

CERTIFICATION AND APPOINTMENT

WAC 132V-12-270 Request for employees. When a vacancy in the classified staff service is to be filled, the Appointing Authority shall submit a requisition to the Director on such form and in such manner as the Director may prescribe. This requisition shall state the class title, the number of positions to be filled, and other appropriate information. In addition, desirable or necessary special or outstanding qualifications for the position under consideration may be indicated and the reasons thereof. 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, § 132V-12-270, filed 10/28/68.]

WAC 132V-12-273 Method of certification. Upon receipt of a personnel requisition, the Director shall certify in writing two more names than there are vacancies to be filled. The following eligible lists shall be used by the Director in the order of priority indicated below:

Organizational Unit Layoff Lists

Institution-wide Layoff Lists

Organizational Unit Promotional Lists

Transfer Lists

Institution-wide Promotional Lists

Re-employment Lists

Open Competitive and Noncompetitive Lists [Order, § 132V-12-273, filed 10/28/68.]

WAC 132V-12-276 Ranked lists. Where ranked lists are used, the Director shall certify in writing the three names highest on the appropriate list. If more than one vacancy in the same class is to be filled by an organizational unit, he shall submit two more names of eligibles than there are vacancies. If there 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, § 132V-12-276, filed 10/28/68.]

WAC 132V-12-279 Related lists. The Director may at his discretion certify from eligible lists for higher classes to vacancies occurring in lower classes or from eligible lists for one class to vacancies in another class when no appropriate list exists where he determines the examination reasonably measures the ability of the eligible to perform the duties in the class to which certification is made. [Order, § 132V-12-279, filed 10/28/68.]

WAC 132V-12-281 Selection. The Appointing Authority shall return the list of names certified indicating his action on the certification, within a time limit set by the Director from the date of certification.

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

(2) When an eligible declines the appointment, he should be required to submit a request in writing to remain on the eligible list. [Order, § 132V-12-281, filed 10/28/68.]

Appointments

WAC 132V-12-284 Probationary appointments. Probationary appointments shall be made only after certification from eligible lists. The Director shall be notified of the selection made as provided in WAC 132V-12-281. [Order, § 132V-12-284, filed 10/28/68.]

WAC 132V-12-287 Provisional appointments. When an Appointing Authority certifies to the Director

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

In situations wherein qualified eligibles are available but less than three required for certification, a provisional appointment of an eligible may be made. If the Director is unable within thirty (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, § 132V-12-287, filed 10/28/68.]

WAC 132V-12-290 Transfer. A position may be filled by transferring an employee from another position of the same class of [or] similar class with essentially the same maximum salary. Interdepartmental transfers must be approved by the Appointing Authority accepting the transfer, and the Director. [Order, § 132V-12-290, filed 10/28/68.]

WAC 132V-12-293 Demotion. A position may be filled by the demotion of an employee in accordance with the procedures as set forth in these Rules. [Order, § 132V-12-293, filed 10/28/68.]

PROBATIONARY PERIOD

WAC 132V-12-296 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, § 132V-12-296, filed 10/28/68.]

WAC 132V-12-299 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, § 132V-12-299, filed 10/28/68.]

WAC 132V-12-302 Dismissal during probationary period. At any time during the trial period the Appointing Authority may remove an employee whose performance does not meet the required standards, provided

that he shall report the removal and the reasons thereof in writing before the effective date of separation to the Director and to the employee concerned. Notice of two weeks will normally be given an employee who is removed. If more than three employees are removed successively from the same position during their trial service period, the Director shall immediately investigate and determine whether the removals were because the employees did not meet the required standards and submit a report of his investigations together with his conclusions to the committee. If the employees were removed for reasons other than their performance did not meet the required standards, the board shall order their reinstatement. Dismissal during the probationary period is not, however, appealable by the employee. [Order, § 132V-12-302, filed 10/28/68.]

WAC 132V-12-305 Demotion during probationary period. At any time during the probationary period when an employee is about to be laid off because of reduction in force, the Appointing Authority, with the consent of the employee, may demote such employee in lieu of layoff if he is otherwise eligible and work is available in a lower class. The name of such an employee shall be restored to the lists from which it was removed at the time of appointment. The probationary period of an employee demoted in lieu of layoff during that period shall include the period of probation in the higher class. No demotion of this kind shall be made if it will result in the separation of any other employee with greater length of service.

An employee, serving as a result of appointment from a promotional list, who is removed from the new position for reasons other than misconduct or delinquency and who has [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, § 132V-12-305, filed 10/28/68.]

SEPARATION AND DISCIPLINARY ACTIONS

WAC 132V-12-308 Separation. Resignation, retirement, layoff, dismissal, or abandonment of the position shall constitute separation from service. [Order, § 132V-12-308, filed 10/28/68.]

WAC 132V-12-311 Resignation. An employee may resign from service and should present his resignation in writing to the Appointing Authority. To resign in good standing an employee must give at least two calendar weeks' notice, unless the Director waives the notice requirement. Such resignation shall be promptly forwarded to the Director by the Appointing Authority. [Order, § 132V-12-311, filed 10/28/68.]

WAC 132V-12-314 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 alphabetical 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 Registers.** The names of permanent and probationary employees who have been laid off shall be placed on the appropriate layoff list in accordance with these rules. [Order, § 132V-12-314, filed 10/28/68.]

WAC 132V-12-317 Dismissal. An Appointing Authority 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 of the specific charges by personal delivery or by certified mail to the employee's last known address, with a copy to the Director. If the Appointing Authority, because of the circumstance and legal cause as set forth in the written statement for the dismissal, desires to make an immediate separation from the service, he may effect a suspension without pay pending dismissal. By so notifying the Director in writing, such action shall automatically result in permanent separation at the end of the period of suspension. Suspensions pending dismissal shall be subject to limitations provided in WAC 132V-12-078 - 132V-12-165. The Appointing Authority 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 the dismissal to the Committee and shall be granted a hearing as provided in WAC 132V-12-168 - 132V-12-213. [Order, § 132V-12-317, filed 10/28/68.]

WAC 132V-12-320 Abandonment of position. An employee who is absent from his position for three consecutive days without notice to the Appointing Authority may be considered to have abandoned his position. A notice of dismissal shall be sent by certified mail to the last known address of the employee forthwith. [Order, § 132V-12-320, filed 10/28/68.]

WAC 132V-12-323 Disciplinary action. Any action which reflects discredit upon the employer or is a direct hindrance to the effective performance of institutional functions shall be considered sufficient cause for disciplinary action. Sufficient cause shall be: neglect of duty, inefficiency, incompetence, insubordination, indolence,

conviction of a crime involving moral turpitude, malfeasance, gross misconduct, or willful violation of the published employing agency or Department of Personnel rules or regulations. [Order, § 132V-12-323, filed 10/28/68.]

WAC 132V-12-326 Suspension. An Appointing Authority may suspend an employee without pay for cause for a period or periods not exceeding thirty (30) calendar days in any one calendar year and not exceeding fifteen (15) calendar days for any single offense. The Appointing Authority shall notify the employee concerned in writing by certified mail, with a copy to the Director, not later than one (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, § 132V-12-326, filed 10/28/68.]

WAC 132V-12-329 Demotion. An Appointing Authority may demote an employee for cause. A written statement of the specified charges for any such action shall be furnished to the employee by certified mail and a copy filed with the Director at least fifteen (15) calendar days prior to the effective date of the action. No demotion shall be made as a disciplinary action unless the employee to be demoted is eligible for employment in the lower class, and shall not be made if any permanent employee in the lower class will be laid off by reason of the action. A permanent employee who is demoted shall have the right to appeal to the Committee not later than thirty (30) calendar days after the effective date of dismissal. [Order, § 132V-12-329, filed 10/28/68.]

APPEALS FROM DISCIPLINARY ACTIONS

WAC 132V-12-332 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) 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, § 132V-12-332, filed 10/28/68.]

WAC 132V-12-335 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 appointing agency shall be notified reasonably in advance of the hearing and may select representatives of their choosing, present and cross-examine witnesses and

give evidence before the (Committee). Members of the (Committee) may, and shall at the request of either party, issue subpoenas and subpoenas duces tecum. All testimony shall be on oath administered by a member of the (Committee). The Board shall certify to the superior court the facts of any refusal to obey a subpoena, take the oath, or testify. The court shall summarily hear the evidence on such refusal and if the evidence warrants punish such refusal in the same manner and to the same extent as for contempt committed before, or in connection with the proceedings of, the hearing, including all testimony, recorded manually or by mechanical device, and exhibits; but it shall not be required to transcribe such record unless requested by the employee who shall be furnished thereof. Payment of the cost of a transcript used on appeal shall await determination of the appeal and shall be made by the employing agency if the employee prevails.

Section 19. Within thirty (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 Thurston County, or, in the case of an employee of an institution of higher learning, to the Superior Court of the county in which such institution is located, on one or more of the grounds that the order was:

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

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

(c) Materially affected by unlawful procedures;

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

(e) Arbitrary or capricious.

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

(3) Within thirty (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 stipulation between the employing agency and the employee the transcript may be shortened, and either party unreasonably refusing to stipulate to such limitation may be ordered by the court to pay the additional cost involved. The court may require or permit subsequent corrections or additions to the transcript.

Section 21. (1) The court shall review the hearing without a jury on the basis of the transcript and exhibits, except that in the case of alleged irregularities in procedure before the (Committee) not shown by the transcript the court may order testimony to be given thereon. The court shall upon request by either party hear oral argument and receive written briefs.

(2) The court may affirm the order of the (Committee), remand the matter for further proceedings before the (Committee), or reverse or modify the order if it finds that the employee's objection thereto is well taken on any of the grounds stated. Appeal shall be available to the employee to the supreme court from the order of the superior court as in other civil cases.

Section 22. (1) An employee who is terminated from state service may request the (Committee) to place his name on an appropriate re-employment list, and the (Committee) shall grant this request where the circumstances are found to warrant re-employment.

(2) Any employee, when fully reinstated after appeal, shall be guaranteed all employee rights and benefits, including back pay, sick leave, vacation accrual, retirement and OASDI credits. [Order, § 132V-12-335, filed 10/28/68.]

REPRESENTATION AND GRIEVANCES

WAC 132V-12-338 Agreements between agencies and employee organizations. State employees shall have the right to affiliate with and participate in the management of employee organizations and to be represented by such organizations in negotiations with appointing authorities. The rights described herein shall not, however, extend to employees where such affiliation, participation, or representation would result in a conflict of interest or otherwise be incompatible with law or with the official duties of an employee. [Order, § 132V-12-338, filed 10/28/68.]

WAC 132V-12-341 Notice of intent by bargaining unit. Any labor organization desiring to represent employees must first file with the director of personnel a notice of intent to represent. The notice shall state the organization's name and office address. The organization shall also provide the director of personnel with a copy of its constitution and bylaws. [Order, § 132V-12-341, filed 10/28/68.]

WAC 132V-12-344 Determination of bargaining unit. Determination, alteration, modification or combination of an appropriate bargaining unit shall be made by the Personnel Board upon request from the Appointing Authority, an employee organization, or upon the Board's own motion, after twenty (20) days' notice has been given to the Appointing Authority and to affected employees and their representatives. [Order, § 132V-12-344, filed 10/28/68.]

WAC 132V-12-347 Bargaining factors. In determining a bargaining unit, the Board shall consider the following factors:

- (1) Duties, skills and working conditions of the employees;
- (2) History of collective bargaining by the employees and their representatives;
- (3) Extent of organization among the employees;
- (4) Desire of the employees. [Order, § 132V-12-347, filed 10/28/68.]

ELECTION AND CERTIFICATION OF EXCLUSIVE REPRESENTATIVE

WAC 132V-12-350 Certification by director—
Notice of petition. The Director shall certify an employee organization as exclusive representative of the employees of a bargaining unit when such organization shows proof that it represents a majority of such employees and such proof is not contested by the Appointing Authority, the Director, or any other interested party. Prior to certification, the Director shall give ten (10) days' notice that an employee representative has petitioned to be named the exclusive representative of a bargaining unit. Such notice shall inform all other interested parties that an election may be requested in accordance with Section 350-386 and that the petition may be contested. In the event that proof is not satisfactory to the Director, he may require an election to be held. [Order, § 132V-12-350, filed 10/28/68.]

WAC 132V-12-353 Election of representative organization—
Notice. The Director shall conduct a secret vote for selection of an exclusive representative of the employees of a bargaining unit upon request from an employee organization showing satisfactory proof of at least thirty (30) per cent representation within the unit. Upon granting a request for an election, the Director shall give notice thereof and allow ten (10) days for other employee organizations desiring their names placed on the ballot, to show satisfactory proof of at least ten (10) per cent representation within the unit. [Order, § 132V-12-353, filed 10/28/68.]

WAC 132V-12-356 Election rules—
Ballots. The Director, after consultation with interested employee organizations and the Appointing Authority, shall promulgate rules for the conduct of the election and shall distribute sample ballots. The ballot shall contain the name of the requesting employee organization and the name of any other employee organization showing satisfactory proof of at least ten (10) per cent representation within the unit. The election shall not be held for at least thirty (30) days. [Order, § 132V-12-356, filed 10/28/68.]

WAC 132V-12-359 Majority of votes required. An employee organization receiving a majority of all votes cast in such an election shall be certified by the Director as the exclusive representative of the employees of the bargaining unit. [Order, § 132V-12-359, filed 10/28/68.]

WAC 132V-12-362 Representation upon certification. When an employee organization has been certified

as the exclusive representative of the employees of a bargaining unit, it shall be entitled to act for and to negotiate agreements covering all employees in the unit and shall be responsible for representing the interests of all such employees. Individual grievances or minority group grievances of employees may, however, be presented to the Appointing Authority and may be adjusted by the Appointing Authority so long as the adjustment is not inconsistent with the collective agreement and the exclusive representative has had an opportunity to review such adjustments. Minority employee organizations may also present their view to the Appointing Authority. [Order, § 132V-12-362, filed 10/28/68.]

WAC 132V-12-365 Decertification. Upon petition to the Director by not less than thirty (30) per cent of the employees of a bargaining unit, decertification or a new certification shall be determined by a majority of the votes cast in a secret vote of the employees of the bargaining unit, provided twelve (12) months have elapsed since the last certification. The election shall be conducted in accordance with Section 350-386. No question concerning representation may be raised within six (6) months of an election in a bargaining unit. [Order, § 132V-12-365, filed 10/28/68.]

Contents of written agreements

WAC 132V-12-368 Personnel matters. Written agreements may contain provisions covering all personnel matters over which Appointing Authority of the appropriate bargaining unit of such agency may lawfully exercise discretion. [Order, § 132V-12-368, filed 10/28/68.]

WAC 132V-12-371 Grievance procedure. Written agreements shall include a grievance procedure for processing individual and group grievances within the bargaining unit and may provide for binding arbitration by the Committee. [Order, § 132V-12-371, filed 10/28/68.]

WAC 132V-12-374 Payroll deduction. Written agreements may contain provisions for payroll deductions of employee organization dues upon authorization by the employee member. An employee may cancel his payroll deduction of employee organization dues by filing a written notice with the Appointing Authority and the employee organization thirty (30) days prior to the effective date of such cancellation. [Order, § 132V-12-374, filed 10/28/68.]

WAC 132V-12-377 One year duration. Written agreements shall be for no more than one year in duration. Automatic renewal or extension provisions shall not be valid. [Order, § 132V-12-377, filed 10/28/68.]

WAC 132V-12-380 Filing—
Conflict with civil service act. Written agreements shall be filed with the Director. Provisions of such agreements shall not prevail if in conflict with the Civil Service Rules or the state Civil Service Law. [Order, § 132V-12-380, filed 10/28/68.]

WAC 132V-12-383 Conferences on disputes. If agreement cannot be reached within a reasonable time in negotiations between the Appointing Authority and the certified exclusive representative of the employees in the bargaining unit, either party may submit the issues in dispute to the Director, who shall confer with both parties in an effort to resolve such dispute. [Order, § 132V-12-383, filed 10/28/68.]

WAC 132V-12-386 Hearing on disputes. If the Director is unable to resolve the dispute, the Appointing Authority or the certified exclusive representative may submit such dispute to the Committee. The Committee shall hold a hearing in the same manner as provided for appeals from demotions, suspensions and dismissals, and the decision of the Committee shall be final and binding. [Order, § 132V-12-386, filed 10/28/68.]

SERVICE RATINGS AND TRAINING

WAC 132V-12-389 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, § 132V-12-389, filed 10/28/68.]

WAC 132V-12-392 Education and training. An employee may enroll in course work. Participating employees must meet regular academic and admissions regulations and are subject to fee schedules established by the College. [Order, § 132V-12-392, filed 10/28/68.]

WAC 132V-12-398 Classes during working hours—Compensation—Authorization. An employee may enroll in course work judged to be directly related to improvement of the effectiveness of the employee's work with the approval or at the request of his Appointing Authority and the Director. Classes for such work may be attended during normal working hours without adjustment of compensation, but if such classes do not occur during normal working hours, 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, § 132V-12-398, filed 10/28/68.]

WAC 132V-12-401 Special training programs. Special training programs may be conducted to improve employees' service and to assist employees to enhance their opportunities for promotion. Such programs may be offered during the normal working hours and the participating employee may attend the sessions without adjustment of compensation. This program shall be available to all classified employees on an equal basis. [Order, § 132V-12-401, filed 10/28/68.]

PROHIBITIONS AND PENALTIES

WAC 132V-12-404 Political activity. Solicitation for or payment to any partisan political organization, or for any partisan political purpose of any compulsory assessment or involuntary contribution is prohibited. No person shall solicit on state property any contribution to be used for partisan political purposes.

Employees shall have the right to vote and express their opinions on all political subjects and candidates, but shall not hold any political party office or participate in the management of a partisan political campaign. Nothing in this section shall prohibit a classified employee from participating fully in campaigns relating to constitutional amendments, referendums, initiatives, and issues of a similar character, and for nonpartisan offices.

Nothing in this section shall prohibit appointment, nomination or election to part-time public office in a political subdivision of the state when the holding of such office is not incompatible with, nor substantially interferes with, the discharge of official duties in state employment. [Order, § 132V-12-404, filed 10/28/68.]

WAC 132V-12-407 Outside employment. No employee in the classified staff service shall undertake employment other than his position in the classified staff service if such employment brings discredit to the institution or has an adverse effect upon the employee's performance of his duty. [Order, § 132V-12-407, filed 10/28/68.]

General prohibition

WAC 132V-12-410 False statements—Fraud. No persons shall make any false statement, certificate, mark, rating or report with regard to any test, certification, or appointment made under any provision of the Act or these Rules, or in any manner commit any fraud preventing the impartial execution of the Act and these Rules. [Order, § 132V-12-410, filed 10/28/68.]

WAC 132V-12-413 Bribery. No person seeking appointment to or promotion in the classified staff service shall give, render or pay any money, service or any other valuable thing to any person in connection with his test, appointment or promotion. [Order, § 132V-12-413, filed 10/28/68.]

WAC 132V-12-416 Interference by officials. No employee of the office of the Director, examiner, or other person shall defeat, deceive, or obstruct any person in his right to his examination, eligibility, certification or appointment under the Act and these Rules or furnish to any person any special or privileged information for the purpose of affecting the rights or prospects of any person with respect to employment in the classified service. [Order, § 132V-12-416, filed 10/28/68.]

WAC 132V-12-419 Penalties. Any person who willfully violates any of the provisions of the Act or these Rules shall be subject to dismissal and such other punishment as may be provided by law. [Order, § 132V-12-419, filed 10/28/68.]

WAC 132V-12-422 Discrimination. No question in any examination shall be so framed as to elicit information concerning the political or religious opinions or affiliations of any applicant, nor shall any inquiry be made concerning such opinions or affiliations, 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, § 132V-12-422, filed 10/28/68.]

RECORDS AND REPORTS

WAC 132V-12-425 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 is required by the Act and these Rules. [Order, § 132V-12-425, filed 10/28/68.]

WAC 132V-12-428 Roster. The Director shall establish and maintain a roster of all employees in the classified staff service showing for each employee the class title, the organizational unit assignment, salary employment data as he deems pertinent. [Order, § 132V-12-428, filed 10/28/68.]

WAC 132V-12-431 Reports to the personnel director. Every appointment, transfer, termination, promotion, demotion, dismissal, leave of absence, change of salary rate, and other temporary or permanent change in the status of employees in the classified staff service, shall be reported to the office of the Director in writing. The Director is authorized to prescribe the time, manner, form and method of making any written report that may be stipulated in any of these Rules. [Order, § 132V-12-431, filed 10/28/68.]

WAC 132V-12-434 Public records. Records of the office of the Director, such as examination, personal history and other papers, disclosure of which could render harm to the employee without serving a necessary and useful purpose, shall be considered confidential. The use of such documents will be specified by the Director. Such records of the office, as may be defined by law as public records, shall be open to inspection by legitimately interested parties only during regular office hours for reasonable periods of time and in accordance with such procedures as the Director may provide. [Order, § 132V-12-434, filed 10/28/68.]

Chapter 132V-14 WAC

STUDENT RIGHTS AND RESPONSIBILITIES

WAC

- 132V-14-010 Title.
- 132V-14-020 Definitions.
- 132V-14-030 Jurisdiction.
- 132V-14-040 Student rights.
- 132V-14-050 Student responsibilities.

- 132V-14-060 Authority of the president to prohibit trespass.
- 132V-14-070 Offcampus speakers.
- 132V-14-080 Student records.
- 132V-14-090 Distribution and posting.

WAC 132V-14-010 Title. This chapter and chapters 132V-16 and 132V-18 WAC shall be known as the Tacoma Community College Code of Student Rights and Responsibilities. [Order 4, § 132V-14-010, filed 7/24/70.]

***Revisers note:** Chapter 132V-16 WAC is entitled "Disciplinary sanctions and procedures" and; chapter 132V-18 WAC is entitled "Summary suspension rules".

WAC 132V-14-020 Definitions. As used in this chapter and chapters 132V-16 and 132V-18 WAC the following words and phrases shall mean:

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

(2) "Board" shall mean the Board of Trustees of Community College District No. 22, State of Washington.

(3) "College facilities" shall mean and include any and all personal property and real property including all buildings and appurtenances affixed thereon or attached thereto which is owned or operated by the board, or otherwise under the possession and control of the board.

(4) "College" shall mean Tacoma Community College and any other community college campus or college facility which may be created by the board.

(5) "Faculty members" shall mean any employee of any college administered by the board who is employed by the board, either part time or full time, in an instructional capacity, or in the position of a counselor, librarian or a comparable instructional support capacity.

(6) "Disciplinary action" shall mean and include a written warning to, the suspension or expulsion of, or placement on probation of any student by the appropriate college official for the violation of any provision of this chapter and as further defined in WAC 132V-16-110.

(7) "District" shall mean Community College District No. 22, State of Washington.

(8) "President" shall mean the duly appointed chief executive officer of any campus of the district, or in his absence, the acting chief executive officer.

(9) "Student", unless otherwise qualified, shall mean and include any person who is registered for classes at any college administered by the district and other persons formally in the process of applying for admission to any such college.

(10) "Recognized student organization" shall mean and include any group or organization composed of students which is formally recognized by the student government of the college. [Order 4, § 132V-14-020, filed 7/24/70.]

WAC 132V-14-030 Jurisdiction. (1) All rules here-in adopted shall apply to every student whenever said student is present upon or in any college facility and

whenever said student is present at or engaged in any college sponsored activity or function which is held on or in noncollege facilities and is not open to attendance by the general public.

(2) Faculty members, other college employees, and members of the public who breach or aid or abet another in the breach of any provision of this chapter shall be subject to possible prosecution under the state criminal trespass law and/or any other possible civil or criminal remedies available to the public and/or appropriate disciplinary action pursuant to the state of Washington Higher Education Personnel Board rules or the district's tenure rules and regulations. [Order 4, § 132V-14-030, filed 7/24/70.]

WAC 132V-14-040 Student rights. The following enumerated rights are guaranteed to each student within the confines of the limitations set forth in this chapter which are deemed necessary to effect the educational objectives of the college:

(1) All students are guaranteed the rights of free inquiry, expression, and assembly upon and within college facilities that are generally open and available to the public.

(2) Students are free to pursue their educational goals; appropriate opportunities for learning in the classroom and on the campus shall be provided by the district.

(3) The rights of students to be secure in their persons, quarters, papers and effects against unreasonable searches and seizures is guaranteed.

(4) No disciplinary sanctions may be imposed upon any student without notice to the accused of the nature and cause of the charges.

(5) A student accused of violating this code of student rights and responsibilities is entitled, upon request, to a hearing and procedural due process as set forth in chapters 132V-16 and 132V-18 WAC. [Order 4, § 132V-14-040, filed 7/24/70.]

WAC 132V-14-050 Student responsibilities. Any student shall be subject to immediate disciplinary action as provided for in chapters 132V-16 and 132V-18 WAC who, either as a principal actor or aider or abettor, (1) materially and substantially interferes with the personal rights or privileges of others or the educational process of the college; (2) violates any provision of this chapter; or (3) commits any of the following acts which are hereby prohibited:

(a) Possessing, consuming or being demonstrably under the influence of any form of liquor or alcoholic beverage.

(b) Tendering to a faculty member any work product that the student fraudulently represents to the faculty member as the student's work product for the purpose of fulfilling or partially fulfilling any assignment or task required by the faculty member as part of the student's program of instruction.

(c) Falsely setting off or otherwise tampering with any emergency safety equipment, alarm, or other device established for the safety of individuals and/or college facilities.

(d) Larceny of the property of the district or of another, as defined in RCW 9.54.010 as now law or hereafter amended.

(e) Assault upon another in the manner set forth in RCW 9.11.010 or 9.11.020 or 9.11.030 as now law or hereafter amended.

(f) Smoking in any college facility used for instructional purposes (except as authorized by the faculty member or college employee in charge of the facility at the particular time), laboratory, gymnasium, or library (except smoking is allowed in the smoking foyer).

(g) Using, possessing, being demonstrably under the influence of, or selling any narcotic drug as defined in RCW 69.33.220(13), as now law or hereafter amended, or any dangerous drug as defined in RCW 69.40.060 as now law or hereafter amended, except when the use or possession of a drug is specifically prescribed as medication by an authorized medical doctor or dentist. For the purpose of this regulation, "sale" shall include the statutory meaning defined in RCW 69.04.005 as now law or hereafter amended.

(h) Entering any administrative office or any locked or otherwise closed college facility in any manner, at any time, without permission of the college employee or agent in charge thereof.

(i) Forgery, as defined in RCW 9.44.010, of any district record or instrument or tendering any forged record or instrument to an employee or agent of the district acting in his official capacity as such.

(j) Participation in an assembly which materially and substantially interferes with vehicular or pedestrian traffic, classes, hearings, meetings, the educational and administrative functions of the college, or the private rights and privileges of others.

(k) Filing a formal complaint with the dean of students falsely accusing another with having violated a provision of this chapter.

(l) Intentionally destroying or damaging any college facility, or other public or private real or personal property. [Order 4, § 132V-14-050, filed 7/24/70.]

WAC 132V-14-060 Authority of the president to prohibit trespass. The president is authorized in the instance of any event that he deems to be disruptive of order or which he deems impedes the movement of persons or vehicles or which he deems to disrupt or threatens to disrupt the ingress and/or egress of persons from college facilities, and the president acting through the dean of students or such other person as he may designate shall have authority and power, to:

(a) Prohibit the entry of, withdraw the license or privilege of a person or persons or any group of persons to enter onto or remain upon any portion of a college facility; or

(b) To give notice against trespass by any manner specified in section (1), (2), chapter 7, Laws of 1969, to any person, persons or group of persons against whom the license or privilege has been withdrawn or who have been prohibited from, entering onto or remaining upon all or any portion of a college facility. [Order 4, § 132V-14-060, filed 7/24/70.]

WAC 132V-14-070 Offcampus speakers. Any recognized student organization or student shall have the right to invite outside speakers to speak on campus facilities subject only to limitations on the availability of campus facilities and the following:

(1) No invitation shall be issued by a recognized student organization or student without prior written concurrence by the student government committee established to coordinate student activities.

(2) All requests for speakers shall be in writing and contain the name of the person making the request, the proposed date, time and location of the meeting, the expected size of the audience and topic of speech. Any request not acted upon by the appropriate student government committee within three school days after submission shall be deemed granted.

(3) A request may be denied if the appropriate student government committee determines, after inquiry, that the proposed speech will constitute a clear and present danger to the institution's orderly operation by the speaker's advocacy of such actions as:

(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 college facilities; or

(c) The forcible 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 lawful rights, of the college's officials, faculty members, other employees or students; or

(e) Other campus disorder of a violent nature.

(4) In determining the existence of a clear and present danger, the appropriate student government committee may consider all relevant factors, including whether such speaker has, within the past five years, incited violence resulting in the destruction of property at any comparable educational institution or has willfully caused the forcible disruption of regularly scheduled classes or other educational functions at any such institution.

(5) For the purpose of this rule "advocacy" means: Preparing the group addressed for imminent action and steeling it to such action, as opposed to the abstract espousal of the moral propriety of a course of action by resort to force; and there must be not only advocacy to action, but also a reasonable apprehension of imminent danger to the essential functions and purposes of the college.

(6) Where the request for an outside speaker is denied, any recognized student organization or student thereby aggrieved shall, upon written application to the dean of students have a right to appeal the committee's decision to the president within three school days following the filing of his appeal. The president shall have the power to grant or deny the request and his decision shall be final. If such request is neither granted or denied within the said three-day period, it shall be deemed granted and the speaker's invitation shall issue.

(7) Where the request for an outside speaker is granted and the speaker accepts the invitation, the recognized student organization or student who made the

request shall inform the appropriate student government committee in writing immediately of such acceptance. [Order 4, § 132V-14-070, filed 7/24/70.]

WAC 132V-14-080 Student records. (1) All student records shall be confidential. Official student academic records, supporting documents, and other student files shall be maintained only by members of the district's staff employed for that purpose. Separate files shall be maintained of the following: general academic records and supporting documents; records of discipline proceedings; medical and psychiatric records; financial aid records; counseling records.

(2) Access to his records and files is guaranteed every student subject only to reasonable regulation as to time, place and supervision.

(3) No record may be made in relation to any of the following matters except upon the express written request of the student:

(a) Race;

(b) Religion;

(c) Political or social views; and

(d) Membership in any organization other than honorary and professional organizations directly related to the educational process.

(4) No information in any student file may be released to anyone except with the prior written consent of the student concerned or as stated below:

(a) The academic record of an unemancipated minor student may be disclosed to the student's parent or legal guardian upon their written request, provided, that the student shall be notified of such disclosure;

(b) Members of the faculty with administrative assignments may have access for internal educational purposes as well as routinely necessary administrative and statistical purposes;

(c) If an inquiry is made in person or by mail, the following information may be given: Periods of enrollment, date of birth, confirmation of signature, and degrees and honors awarded including the dates thereof;

(d) Properly identified officials from federal, state and local government agencies may be given the following information upon express request in addition to that in subsection (c): Student's address and telephone number, name and address of parent or guardian if student is a minor, and any information required under legal compulsion;

(e) Unless under legal compulsion, personal access to a student's file shall be denied to any person making an inquiry.

(5) Upon graduation or withdrawal from the college, the records and files of former students shall continue to be subject to the provisions of this code of student rights and responsibilities. [Order 4, § 132V-14-080, filed 7/24/70.]

WAC 132V-14-090 Distribution and posting. All students may, without prior approval, distribute and post free or for charge, printed or otherwise published material upon college facilities under the following conditions:

(1) The distribution does not materially and substantially interfere with vehicular or pedestrian ingress or egress, the private rights or privileges of others or the educational process of the college.

(2) The distribution is made only at free distribution tables to be located and marked as such in: The lobby of Building 15; the cafeteria; the library; Building 18; Building 19; and any other place established by published rule of the student government committee established to coordinate student activities.

(3) The posting is made only upon the interior and exterior of the doors and the interior surface areas designated by published rule of the appropriate student government committee of all classroom buildings, the library foyer, and the cafeteria, provided, that the manner of posting does not physically damage any college facility, provided further, that the committee may designate by published rule other college facilities and surface areas where posting may be made and to require removal of posted material as is reasonably necessary to afford equal opportunity to all persons; and

(4) The president is hereby delegated the authority to provide for the approval, amendment, or repeal of the rules authorized by subsections (2) and (3), *supra*, and no such rule shall be effective without such prior written approval. [Order 4, § 132V-14-090, filed 7/24/70.]

Chapter 132V-16 WAC

DISCIPLINARY SANCTIONS AND PROCEDURES

WAC

132V-16-010	Purpose of disciplinary actions.
132V-16-020	Initiation of prosecution.
132V-16-030	Initial disciplinary proceedings.
132V-16-040	Appeals.
132V-16-050	Composition of student rights and responsibilities committee.
132V-16-060	Procedures for hearing before the student rights and responsibilities committee.
132V-16-070	Conduct of hearings.
132V-16-080	Evidence admissible in hearings.
132V-16-090	Decision by the committee.
132V-16-100	Final decision regarding disciplinary action.
132V-16-110	Disciplinary action.
132V-16-120	Readmission after suspension or expulsion.
132V-16-130	Reestablishment of academic standing.

WAC 132V-16-010 Purpose of disciplinary actions. Disciplinary action, up to and including expulsion from the college may be imposed upon a student for violation of the provisions of chapter 132V-14 WAC. Disciplinary action proceedings shall determine whether and under what conditions the violator may continue as a student at the college. [Order 4, § 132V-16-010, filed 7/24/70.]

WAC 132V-16-020 Initiation of prosecution. Students, faculty members, administrators and other employees of the district shall have concurrent authority to request the commencement of the disciplinary proceedings provided for in this chapter. [Order 4, § 132V-16-020, filed 7/24/70.]

WAC 132V-16-030 Initial disciplinary proceedings.

(1) All disciplinary proceedings will be initiated by the dean of students or his designated representative, who may also establish advisory panels to advise or act for the office in disciplinary proceedings.

(2) Any student charged by the dean of students or his designated representative with a violation of any provision of the code of student rights and responsibilities will be called for an initial conference with the dean of students or his designated representative, and informed in writing of the specific acts with which he is charged and of what provision or provisions of chapter 132V-14 WAC he is charged with having violated.

(3) After considering the evidence in the case and interviewing the accused student or students, the dean of students or his designated representative may take any of the following actions:

(a) Terminate the proceeding, exonerating the student or students;

(b) Dismiss the case after whatever counseling and advice he deems appropriate;

(c) Impose minor sanctions directly and in writing (disciplinary warning, disciplinary probation) subject to the student's right of appeal described below;

(d) Refer the matter to the student rights and responsibilities committee for a recommendation to the president of the college as to appropriate action; or

(e) Recommend to the president that the student be suspended or expelled. The student shall immediately be notified in writing of such recommendation and his right to a hearing before a hearing committee of the student rights and responsibilities committee prior to the president's final decision.

(4) A student accused of violating any provision of chapter 132V-14 WAC shall be given immediate written notification of any disciplinary action taken by the dean of students or his designated representative. In case of an unmarried student under twenty-one years of age, written notification of the disciplinary action taken by the dean of students or his designated representative shall also be sent to the parents or guardian of the student.

(5) No disciplinary action taken by or at the recommendation of the dean of students or his designated representative is final unless the student fails to exercise his right of appeal as provided for in these rules, and the president of the college or his designated representative, after reviewing the case including any statement the student may file with the president, shall either give written approval of the action taken by or recommendation of the dean of students, or give written direction as to what lesser disciplinary action, if any, is to be taken. [Order 4, § 132V-16-030, filed 7/24/70.]

WAC 132V-16-040 Appeals. Appeals contesting recommendations of disciplinary action and disciplinary actions shall be taken in the following order: Any disciplinary action taken by or recommendation of the dean of students or his designated representative may be appealed to the student rights and responsibilities committee; disciplinary recommendations made by the student rights and responsibilities committee may be appealed

by the student to the president of the college; and disciplinary action taken by the president and resulting in expulsion or suspension exceeding in duration one college quarter may be appealed by the student to the board of trustees and their decision shall be final. All appeals by a student must be made in writing to the committee, president or the board of trustees and presented to the committee, president or chairman of the board of trustees within seven days after the student has been notified of the action from which he has a right of appeal. Appeal to the board of trustees shall be on the record only, provided, that the board may waive this requirement and make such further inquiries as it deems proper. [Order 4, § 132V-16-040, filed 7/24/70.]

WAC 132V-16-050 Composition of student rights and responsibilities committee. Each campus of Tacoma Community College and any other college which may hereafter be created by the district shall have a student rights and responsibilities committee composed of nine members, who shall be chosen and appointed by no later than October 15 of each academic year to serve as a standing committee until their successors are appointed. The membership of the committee shall consist of three members of the administration, excepting the dean of students, chosen by the president; three faculty members chosen by the faculty association; and three students chosen by the student senate of the student government. Any student or person entitled to a hearing before such committee shall choose, in writing, five members of the committee to hear and decide his appeal, provided, he must choose at least one student, one faculty member and one member of the administration from the nine member committee. The balance of the hearing committee, two members, may be chosen from the remainder of the student rights and responsibilities committee, provided, that both shall not be from the same classification. [Order 4, § 132V-16-050, filed 7/24/70.]

WAC 132V-16-060 Procedures for hearing before the student rights and responsibilities committee. (1) Five members of the student rights and responsibilities committee for each campus will hear, de novo, and make recommendations to the president of the college on all disciplinary cases appealed to the committee by the student or referred to it by the dean of students or his designated representative.

(2) The student has a right to a fair and impartial hearing before the committee on any charge of violating a provision or provisions of chapter 132V-14 WAC. The student's failure to cooperate with the hearing procedures hereinafter outlined, however, shall not preclude a quorum of the committee from making its findings of fact, conclusions and recommendations as provided below. Failure by the student to cooperate may be taken into consideration by the committee in recommending to the president the appropriate disciplinary action.

(3) The student shall be given written notice of the time and place of his hearing before the committee, and be afforded not less than twenty days' notice thereof. Said notice shall contain:

(a) A statement of the time, place and nature of the disciplinary proceeding;

(b) A statement of the specific charges against him including reference to the particular sections of the rules of student conduct involved;

(c) To the extent known, a list of witnesses who will appear and a summary description of any documentary or other physical evidence that will be presented by the college at the hearing.

(4) The student shall be entitled to hear and examine the evidence against him and be informed of the identity of its source; he shall be entitled to present evidence in his own behalf and cross-examine witnesses testifying against him as to factual matters. The student shall have all authority possessed by the college to obtain information he specifically describes, in writing, and tenders to the dean of students no later than three days prior to the hearings or to request the presence of witnesses or the production of other evidence relevant to the issues of the hearings.

(5) The student may be represented by counsel of his choice at the disciplinary hearing. If the student elects to choose a duly licensed attorney admitted to practice in any state in the United States as his counsel, he must tender three days' notice thereof to the dean of students.

(6) In all disciplinary proceedings the college may be represented by the dean of students or his designee; he may then present the college's case against the student accused of violating the code of student rights and responsibilities, provided, that in those cases in which the student elects to be represented by a licensed attorney, the dean of students may elect to have the college represented by an assistant attorney general.

(7) The proceedings of the hearing shall be tape-recorded. An adequate written summary of all the evidence and facts presented to the committee during the course of the proceeding shall be taken. A copy thereof shall be available at the office of the dean of students.

(8) The hearing committee shall elect from among its five members a chairman for the purpose of presiding at the disciplinary hearing.

(9) The time of the hearing may be advanced by the committee at the request of the student or continued for good cause. [Order 4, § 132V-16-060, filed 7/24/70.]

WAC 132V-16-070 Conduct of hearings. (1) Hearings generally will be held in closed session, except when a student requests that persons other than those directly involved be invited to attend. If at any time during the conduct of a hearing any person is disruptive of the proceedings, the chairman of the hearing committee may exclude such person from the hearing room.

(2) Any student attending the committee hearing who continues to disrupt said proceedings after the chairman of the committee has asked him to cease and desist therefrom, shall be subject to disciplinary action. [Order 4, § 132V-16-070, filed 7/24/70.]

WAC 132V-16-080 Evidence admissible in hearings. (1) Only those matters presented at the hearing, in the presence of the accused student, will be considered in

determining whether the hearing committee has sufficient cause to believe that the accused student is guilty of violating the rules he is charged with having violated.

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

(3) The chairman of the hearing committee shall, in the course of presiding at the disciplinary hearing, give effect to the rules of privilege recognized by law and exclude incompetent, irrelevant, immaterial and unduly repetitious evidence. [Order 4, § 132V-16-080, filed 7/24/70.]

WAC 132V-16-090 Decision by the committee. (1) Upon conclusion of the disciplinary hearing, the hearing committee shall consider all the evidence therein presented and decide by majority vote whether to recommend to the president any of the following actions:

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

(b) That the college impose minor sanctions directly, such as a written disciplinary warning or reprimand;

(c) That the college impose any of the disciplinary actions as provided in these rules;

(d) Recommend to the president that the student be expelled or suspended from college including a recommendation of the duration of such suspension.

(2) The student shall be provided with a copy of the committee's findings of fact and conclusions regarding whether the student did violate any rule or rules of the code of student rights and responsibilities and the committee's recommendation to the president. The committee shall also advise the student in writing of his rights to present, within seven calendar days, a written statement to the president of the college appealing the recommendation of the committee. [Order 4, § 132V-16-090, filed 7/24/70.]

WAC 132V-16-100 Final decision regarding disciplinary action. (1) The president or his designee (except the dean of students) shall, after reviewing the record of the case prepared by the hearing committee together with any statement filed by the student, include therein either his written acceptance of the recommendations of the committee, or his written directions as to what lesser disciplinary action shall be taken.

(2) If the president decides that discipline is to be imposed after the review provided by the above section, the president or his designee shall notify the student in writing of the discipline imposed. In case of an unmarried student under twenty-one years of age, written notice of any action involving disciplinary action shall also be sent to parents or guardian of the student.

(3) In all cases of disciplinary action, the decision of the president shall be final except for those cases involving expulsion or suspension for a duration exceeding one college quarter and which has been appealed to the board. [Order 4, § 132V-16-100, filed 7/24/70.]

WAC 132V-16-110 Disciplinary action. The following disciplinary actions are hereby established and shall be the sanctions imposed upon violators of the code of student rights and responsibilities:

(a) Disciplinary warning: Formal action censuring a student for violation of chapter 132V-14 WAC. Disciplinary warnings shall be made in writing to the student and shall state that the continuation or repetition of the specific violation involved may result in one of the more serious disciplinary actions described below.

(b) Disciplinary probation: Formal action placing conditions upon the student's continued attendance for violation of chapter 132V-14 WAC. Notice shall be made in writing and specify the period of probation and the conditions, such as limiting the student's participation in extracurricular activities. Disciplinary probation may be for a specified term or for an indefinite period which may extend to graduation or other termination of the student's enrollment in the college.

(c) Suspension: Temporary dismissal from the college and termination of the student status of a student for violation of chapter 132V-14 WAC. Notice shall be made in writing and specify the duration of the suspension and any special conditions which must be met before readmission.

(d) Expulsion: Indefinite or permanent dismissal from the college and termination of the student status of a student for violation of chapter 132V-14 WAC. [Order 4, § 132V-16-110, filed 7/24/70.]

WAC 132V-16-120 Readmission after suspension or expulsion. Any student expelled or suspended from the college for disciplinary reasons may be readmitted only on written petition to the dean of students or his designee. Such petitions must state how specified conditions have been met and/or any reasons which support a reconsideration of the matter. Before readmission is granted, such petitions must be reviewed and approved by the president in those cases in which he made the final disciplinary action decision or by the board in those cases in which it made the final disciplinary action decision. [Order 4, § 132V-16-120, filed 7/24/70.]

WAC 132V-16-130 Reestablishment of academic standing. Students who have been suspended or expelled pursuant to disciplinary procedures set forth in this chapter or chapter 132V-18 WAC, and whose suspension or expulsion upon appeal is found to have been unwarranted shall be provided the opportunity to reestablish their academic and student standing to the extent possible within the abilities of the college, including an opportunity to retake exams or otherwise complete course offerings missed by reason of such action. [Order 4, § 132V-16-130, filed 7/24/70.]

Chapter 132V-18 WAC

SUMMARY SUSPENSION RULES

WAC

132V-18-010	Initiation of summary suspension proceedings.
132V-18-020	Notice of summary proceedings.
132V-18-030	Procedures of summary suspension hearing.

132V-18-040	Decision by dean of students.
132V-18-050	Notice of suspension.
132V-18-060	Suspension for failure to appear.
132V-18-070	Appeal.
132V-18-080	Summary suspension proceedings not duplicitious.

WAC 132V-18-010 Initiation of summary suspension proceedings. If the president, or in his absence his designee, (1) Has cause to believe that any student has violated any provision of chapter 132V-14 WAC, and (2) the president or his designee has further cause to believe that the student presents an imminent danger to himself, other students or persons on college facilities, or the educational process of the college, then the president or his designee shall, pursuant to the rules herein, have authority to suspend said student until the student's dangerous nature ceases, or an opportunity for a hearing as provided for in chapter 132V-16 WAC is provided before a hearing committee of the student rights and responsibilities committee and disciplinary action is taken pursuant thereto, whichever shall occur first. [Order 4, § 132V-18-010, filed 7/24/70.]

WAC 132V-18-020 Notice of summary proceedings. (1) If the president desires to exercise the authority to summarily suspend a student, he shall cause notice thereof to be served upon said student by registered or certified mail at the student's last known address, or by causing personal service of such notice upon said student.

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

(a) The charges against the student including reference to the provisions of chapter 132V-14 WAC involved; and

(b) That the student charged must appear before the dean of students or the dean's designee at a time specified in the notice. [Order 4, § 132V-18-020, filed 7/24/70.]

WAC 132V-18-030 Procedures of summary suspension hearing. (1) At the summary suspension hearing, the student against whom the violation or violations are alleged shall have the opportunity of proving to the dean of students or the dean's designee, that there is no cause to believe that the violation stated on the notice of summary suspension proceedings to the student did occur, and that the president or his designee has no cause to believe that immediate suspension of said student is necessary.

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

(3) The dean of students shall at the time of the summary suspension proceeding determine whether there is probable cause to believe that a violation of chapter 132V-14 WAC has occurred, and whether there is cause to believe that immediate suspension is necessary. In the course of making such a decision, said dean may only

consider the sworn affidavits or oral testimony of persons who have alleged that the student charged has committed a violation of chapter 132V-14 WAC and the oral testimony and affidavits submitted by the student charged. [Order 4, § 132V-18-030, filed 7/24/70.]

WAC 132V-18-040 Decision by dean of students. If the dean of students, following the conclusion of the summary suspension proceeding, finds that there is probable cause to believe that:

(a) The student against whom specific violations of chapter 132V-14 WAC are alleged has committed one or more such violations upon any college facility; and

(b) That summary suspension of said student is necessary for the safety of the student, other students or persons on college facilities, or the educational process of the institution; and

(c) Such violation or violations constitute grounds for disciplinary action as provided for in the code of student rights and responsibilities;

then the dean of students may, with the written approval of the president, suspend such student from college. [Order 4, § 132V-18-040, filed 7/24/70.]

WAC 132V-18-050 Notice of suspension. (1) If a student is suspended pursuant to the above rules, said student will be provided with a written copy of the dean of students' findings of fact and conclusions, as expressly concurred in by the president, as to whether said dean had probable cause to believe that the conditions for summary suspension exist and whether immediate suspension of said student should issue.

(2) The student suspended pursuant to the authority of this rule shall be served a copy of the notice of suspension by personal service or by registered mail. Notice by mail shall be sent to said student's last known address. The suspension shall be effective from the day the notice of suspension is mailed or personal service accomplished, whichever shall occur first. [Order 4, § 132V-18-050, filed 7/24/70.]

WAC 132V-18-060 Suspension for failure to appear. If the student against whom specific violations of chapter 132V-14 WAC have been alleged has been served pursuant to the notice required and then fails to appear at the time designated for the summary suspension proceeding, the dean of students may, with the written concurrence of the president, suspend the student from college. [Order 4, § 132V-18-060, filed 7/24/70.]

WAC 132V-18-070 Appeal. (1) Any student aggrieved by an order issued at the summary suspension proceeding may appeal the same to the board of trustees. No such appeal shall be entertained, however, unless written notice of the appeal, specifically describing alleged errors in the finding of the dean of students and the president, is tendered at the office of the president within seventy-two hours following the date notice of summary suspension was served or mailed to the student, whichever occurred first.

(2) The board of trustees shall, as soon as reasonably possible, examine the allegations contained within the

notice of appeal, along with the findings of the dean and president, the record of the summary suspension proceeding, and determine therefrom whether the summary suspension order is justified. Following such examination, the board may, at its discretion, stay the summary suspension pending determination of the merits of the disciplinary proceeding pursuant to the provisions of chapter 132V-16 WAC.

(3) The board shall notify the appealing student within forty-eight hours following its consideration of the notice of appeal, as to whether the summary suspension shall be maintained or stayed pending disposition of the disciplinary proceedings pursuant to the provisions of chapter 132V-16 WAC. [Order 4, § 132V-18-070, filed 7/24/70.]

WAC 132V-18-080 Summary suspension proceedings not duplicitous. (1) The summary suspension proceedings shall in no way substitute for the disciplinary proceedings provided for in chapter 132V-16 WAC. At the end of the suspension, the student shall be reinstated to his full rights and privileges as a student, subject to whatever sanctions may have been or may be in the future imposed for violation of the code of student rights and responsibilities.

(2) Any disciplinary proceeding initiated against the student because of violations alleged against any student in the course of the summary suspension proceeding provided for herein, shall be heard de novo, provided, that the records made and evidence presented during the course of any facet of the summary suspension proceeding brought against the student shall be available for the use of the student and of the college in the disciplinary proceeding. [Order 4, § 132V-18-080, filed 7/24/70.]

Chapter 132V-22 WAC

FACULTY TENURE RIGHTS AND PROCEDURES

WAC

132V-22-010	Purpose—Tenure.
132V-22-020	Definitions.
132V-22-030	Composition of review committees.
132V-22-040	Duties and responsibilities of review committee.
132V-22-050	Procedure relating to the dismissal of tenured and probationary faculty members.
132V-22-060	Procedure relating to the dismissal for cause of a tenured or probationary faculty member.
132V-22-100	Reduction in force.
132V-22-200	Academic employee hearing procedure.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

132V-22-070	Designation of administrative appointments. [Order 9, § 132V-22-070, filed 3/1/73; Order 3, § 132V-22-070, filed 5/29/70.] Repealed by Order 16, filed 12/28/73.
132V-22-080	Confidentiality of reports. [Order 3, § 132V-22-080, filed 5/29/70.] Repealed by Order 16, filed 12/28/73.
132V-22-110	Procedure. [Order 14, § 132V-22-110, filed 6/29/73.] Repealed by Order 16, filed 12/28/73.

WAC 132V-22-010 Purpose—Tenure. The Board of Trustees of Community College District No. 22 hereby establishes the following rules on faculty tenure, the

purpose of which is twofold. (1) To protect faculty appointment rights and faculty involvement in the establishment and protection of those rights at Tacoma Community College and all subsequent community colleges hereafter established within Community College District No. 22; and

(2) To assure that tenure is granted to faculty members of such character and scholarly ability that the district, so far as its resources permit, can justifiably undertake to employ them for the rest of their academic careers. [Order 16, § 132V-22-010, filed 12/28/73; Order 3, § 132V-22-010, filed 5/29/70.]

WAC 132V-22-020 Definitions. As used in this chapter (WAC 132V-22) the following terms and definitions shall mean: (1) "Appointing authority" shall mean the Board of Trustees of Community College District No. 22.

(2) The definition of "tenure", "faculty appointment", "probationary faculty appointment", "probationer", and "administrative appointment", shall be the same as are contained within section 33, chapter 283, Laws of 1969 ex. sess., as amended by sections 1 and 3 of chapter 5, Laws of 1970, and as hereafter amended.

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

(4) "President" shall mean the president of Tacoma Community College and of any other college hereafter established within Community College District No. 22, or in such president's absence, the acting president.

(5) "College" shall mean Tacoma Community College and any subsequent community college hereafter established within Community College District No. 22.

(6) "Tenure Review Committee" shall mean a committee composed of two faculty members who hold faculty appointments and a division chairman appointed pursuant to WAC 132V-22-030.

(7) "Full-time" shall mean an appointment for at least two-thirds of a standard full-time workload as specified in this negotiated agreement.

(8) "Dismissal" shall mean the termination of a tenured faculty appointment or a probationary faculty appointment by the appointing authority. [Order 16, § 132V-22-020, filed 12/28/73; Order 9, § 132V-22-020, filed 3/1/73; Order 3, § 132V-22-020, filed 5/29/70.]

WAC 132V-22-030 Composition of review committees. (1) A separate review committee shall be established for each full-time probationer which shall serve as a standing committee until such time as the appointment is terminated.

(2) Each review committee shall be composed of three persons, two of whom shall be tenured faculty appointees selected by a majority of the tenured faculty members and faculty department heads acting in a body prior to October 15 of the probationer's first full regular college year of employment and additionally, each review committee shall consist of the probationer's division chairman. The division chairman shall act as chairman of the committee and each such review committee shall meet at the call of the chairman when, in his discretion, the need

for such meeting arises, provided, that the committee shall meet with the probationer at least twice during each winter quarter, and additionally, within ten days of the receipt of a written request setting forth good cause to meet directed to the chairman by the probationer.

(3) If a vacancy occurs upon any review committee prior to the expiration of the probationer's appointment as such, an administrative or faculty member, as appropriate, shall be appointed to fill the vacancy pursuant to section (2) of this rule to serve for the duration of the committee's obligation. [Order 16, § 132V-22-030, filed 12/28/73; Order 9, § 132V-22-030, filed 3/1/73; Order 3, § 132V-22-030, filed 5/29/70.]

WAC 132V-22-040 Duties and responsibilities of review committee. (1) The general duty and responsibility of the review committee shall be to assess and advise the probationer of his professional strengths and weaknesses and to make reasonable efforts to encourage and aid him to overcome his deficiencies.

(2) The first order of business for each review committee shall be to establish the procedure it will follow in evaluating the performance and professional competence of the full-time probationer assigned thereto. The committee's evaluation of the probationer shall be directed toward and result in the determination of whether or not the probationer possesses the necessary personal characteristics and professional competence to perform effectively in his appointment. A review committee's evaluation procedures should include, as it deems necessary, the following:

(a) Classroom observations by members of the tenure review committee;

(b) Student evaluation administered by someone other than the probationer;

(c) Assessment of the probationer's contributions to the department, division, and institution by the department and division heads, by other faculty, by the representative faculty organization; and

(d) Self-evaluation.

(3) Each review committee shall be required to conduct an on-going evaluation of the full-time probationer assigned thereto and render the following written reports to the president, probationer, and the appointing authority on or before the designated times during each regular college year such appointee is on a probationary status, or, as is also required, within fifteen days of the president's written request therefor:

(a) A written evaluation of each full-time probationary faculty appointee's performance, including the degree to which the probationer has overcome stated deficiencies, on or before February 15. The review committee shall obtain the appointee's written acknowledgment of receipt of the written evaluation.

(b) A written recommendation regarding the employment or nonemployment of the probationer for the ensuing regular college year on or before February 15.

(c) A written recommendation that the appointing authority award or not award tenure, such written recommendations to be submitted at times during the regular college year deemed appropriate by each review committee, provided, that during such probationer's

third regular college year of appointment, the review committee shall, prior to February 15 of such regular college year, make a written recommendation as to the award or nonaward of tenure. The failure of any review committee to make such written recommendation by February 15 of a probationer's third consecutive regular college year shall require that the probationer's supervising dean make a written recommendation as to the award or nonaward of tenure, by the following February 25.

(4) The appointing authority shall only be required to give reasonable consideration to any recommendation of a review committee and is not bound thereby.

(5) All written evaluations and recommendations prepared and submitted by a review committee pursuant to these rules shall include the committee's findings and supportive data and analysis.

(6) If the probationer disagrees with the review committee's recommendation as to the award or nonaward of tenure, the probationer shall be provided an opportunity to challenge the review committee's recommendations before a committee of the appointing authority.

(7) On or before the last day of the winter quarter of a probationer's third consecutive regular college year of appointment, the appointing authority shall notify him of their decision to either grant him tenure or not renew his appointment for the ensuing year. [Order 16, § 132V-22-040, filed 12/28/73; Order 9, § 132V-22-040, filed 3/1/73; Order 3, § 132V-22-040, filed 5/29/70.]

WAC 132V-22-050 Procedure relating to the dismissal of tenured and probationary faculty members. A tenured faculty member shall not be dismissed except for sufficient cause, nor shall a faculty member who holds a probationary faculty appointment be dismissed prior to the written terms of the appointment except for sufficient cause. Sufficient cause may include, but is not limited to: (1) Incompetency in his professional assignment;

(2) Neglect of duty;

(3) Insubordination;

(4) Physical or mental inability to perform duties as a professional employee;

(5) Any unlawful act of violence;

(6) Any unlawful act resulting in destruction of college property;

(7) Any unlawful interference with the orderly conduct of the educational process. [Order 16, § 132V-22-050, filed 12/28/73; Order 3, § 132V-22-050, filed 5/29/70.]

WAC 132V-22-060 Procedure relating to the dismissal for cause of a tenured or probationary faculty member. When reason arises to question the fitness of a faculty member, the initial step shall be for the appropriate administrative officer to discuss the matter with him in personal conference. The matter may be terminated by mutual consent at this point; but if an adjustment does not result, the case shall be referred to the president. If the president deems that the case warrants dismissal, and if the reasons for the dismissal are other

than those specified in WAC 132V-22-100 Reduction in Force, the dismissal process shall proceed as follows:

A dismissal review committee will be established. The dismissal review committee shall be the same as the tenure review committee. If the tenure review committee is no longer available the dismissal review committee shall be made up of two teaching faculty and a member of the administrative staff appointed by the president. The members representing the teaching faculty shall be selected by a majority of the teaching faculty and faculty department heads acting as a body.

Remaining steps in the procedure for dismissal for cause of tenured or probationary faculty members are as specified in WAC 132V-22-200 Academic Employee Hearing Procedure. [Order 16, § 132V-22-060, filed 12/28/73; Order 15, § 132V-22-060, filed 6/29/73; Order 3, § 132V-22-060, filed 5/29/70.]

WAC 132V-22-100 Reduction in force. (1) Definition: A reduction in force is a dismissal of faculty members because of budget reasons, lack of funds, change in instructional or service programs, or lack of students participating in particular programs or services.

(2) Layoff Unit: The union-management committee will define the layoff units, compile lists of employees within each unit, and recommend same to the president.

(3) Basis for Reduction: If the number of full-time contracted professional employees is to be reduced, the college president, with advice from the appropriate supervising administrators, including department chairmen, shall determine in the case of each affected department or program what courses and services are most necessary to maintain quality education and services at Tacoma Community College. In making his determinations on reductions, the college president shall consider the following factors in addition to those reasons as defined in part (1) definition, above.

(a) The enrollment, the trends in enrollment, and their effect upon the department or program.

(b) The present and anticipated service needs of the college and its students and prospective students.

(c) Information concerning faculty and administrative vacancies occurring through retirement, resignation, and professional and other leave.

(d) Before arriving at proposed reduction in force decisions, the president will confer with representatives of the designated faculty organization and the student government regarding proposed reduction plans and will consider their opinions in the matter.

(4) Order of Reduction: If a reduction is determined to be necessary within a layoff unit, the employment needs of the department or program shall be the primary basis for identifying the order of reduction in force. Strong consideration will also be given to seniority as defined in Art. IX of the Negotiated Agreement: *Provided*, That consideration results in the retention of qualified professionals to replace and perform the necessary duties of the personnel to be reduce. In determining what duties a professional is qualified to perform the president will consider but not be limited to:

(a) general professional experience,

(b) actual work experience in the area under consideration, and

(c) educational background.

(5) Right to Recall: A full-time faculty member whose contract is not renewed as a result of this reduction in force procedure shall have the right to recall to any faculty position, either a newly created position or a vacancy: *Provided*, That the individual is determined to be qualified for such position by the college president following recommendation by the supervising dean, department chairman and/or program director. The right of recall shall extend one year from the date of layoff.

(6) Dismissal Review Committee: (1) A dismissal review committee shall be composed of three members of the faculty who shall be selected by a majority of the faculty and faculty department heads acting in a body and two administrators who shall be appointed by the college president.

(7) Procedure for Reduction in Force: In the event of a reduction in force the review committee shall consolidate all matters into a single hearing. At the hearing each individual professional staff member affected shall have the opportunity to be represented by counsel, respond to and present evidence and arguments on all issues involved, and to examine and cross-examine witnesses. At the hearing, each individual professional staff member affected shall have opportunity provided in the hearing for his counsel to protect his individual due process rights to respond to and present evidence and argument on all issues involved and to examine and cross-examine witnesses.

Remaining steps in the procedure for reduction in force are as specified in WAC 132V-22-200 academic employee hearing procedure. [Order 16, § 132V-22-100, filed 12/28/73; Order 14, § 132V-22-100, filed 6/29/73.]

WAC 132V-22-200 Academic employee hearing procedure. The following procedure shall apply to tenure dismissals and to reduction in force dismissals of academic employee(s). (1) The president shall deliver to the review committee and to the faculty member a short and plain statement which contains:

(a) The grounds for dismissal in reasonable particularity;

(b) A statement of the legal authority and jurisdiction under which the hearing is to be held;

(c) Reference to any particular statutes or rules involved.

(2) After receiving the president's recommendation for dismissal, the affected professional may request a hearing within the following ten days. If the president does not receive this request within ten days, it will be assumed the professional has chosen to withdraw from his employment and his right to a hearing will be deemed waived.

(3) In the event the president receives a request for a hearing, all parties shall be afforded an opportunity for hearing after not less than twenty days' notice. The notice shall include:

(a) A statement of the time, place, and nature of the proceeding;

(b) A statement of the legal authority and jurisdiction under which the hearing is to be held;

(c) A reference to the particular rules of the institution involved;

(d) A short and plain statement of the matters asserted.

(4) At the time of the hearing an impartial hearing officer appointed by the board shall sit as a nonvoting member of the committee. It shall be his responsibility to:

(a) Make all rulings regarding the evidentiary and procedural issues presented during the course of the dismissal review committee hearings;

(b) Meet and confer with the members of the dismissal review committee and advise them in regard to procedural and evidentiary issues considered during the course of the committee's deliberations;

(c) Appoint a court reporter, who shall operate at the direction of the presiding officer and shall record all testimony, receive all documents and other evidence introduced during the course of hearings, and record any other matters related to the hearing as directed by the presiding officer;

(d) Prepare the record if requested under section (6).

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

(6) Oral proceedings shall be transcribed if necessary for the purposes of rehearing, or court review. A copy of the record or any part thereof shall be transcribed and furnished to any party to the hearing upon request therefor and payment of the costs thereof.

(7) The record in a contested case shall include:

(a) All documents, motions, and intermediate rulings;

(b) Evidence received or considered;

(c) A statement of matters officially noticed;

(d) Questions and offers of proof, objections, and rulings thereon;

(e) Proposed findings and exceptions; and

(f) Any decision, opinion or report by the officer or committee chairman presiding at the hearing.

(8) Findings of fact shall be based exclusively on the evidence and on matters officially noticed.

(9) The institution, or its authorized hearing officer or committee, may:

(a) Administer oaths and affirmations, examine witnesses, and receive evidence, and no person shall be compelled to divulge information which he could not be compelled to divulge in a court of common law;

(b) Issue subpoenas;

(c) Take or cause depositions to be taken pursuant to rules promulgated by the institution, and no person shall be compelled to divulge information which he could not be compelled to divulge by deposition in connection with a court proceeding;

(d) Regulate the course of the hearing;

(e) Hold conferences for the settlement or simplification of the issues by consent of the parties.

(10) Within twenty days following the review hearing, the review committee shall prepare recommendations on the action they propose be taken and submit such recommendations to the appointing authority. A copy of the

recommendations shall be given the faculty member involved and the president.

(11) The board of trustees shall meet within thirty days subsequent to its receipt of the dismissal review committee recommendations. The dismissal review committee's recommendations shall be advisory only and in no respect binding in fact or law upon the decision maker, the board of trustees. In addition to the recommendations of the review committee, the board of trustees shall give consideration to other evidence or recommendations they deem necessary.

(12) Within fifteen days thereafter, the appointing authority shall inform the faculty member by letter of their decision regarding the case.

(13) Any faculty member dismissed shall have a right to appeal the final decision of the appointing authority within thirty days after receipt of the notice of dismissal.

The appeal to the board shall be based on the record. The filing of an appeal shall not stay enforcement of the decision of the board of trustees. [Order 16, § 132V-22-200, filed 12/28/73.]

Chapter 132V-24 WAC PUBLIC RECORDS

WAC

132V-24-010	Purpose.
132V-24-020	Definitions.
132V-24-030	Description of central and field organization of Community College District No. 22.
132V-24-040	Operations and procedures.
132V-24-050	Public records available.
132V-24-060	Public Records Officer.
132V-24-070	Office hours.
132V-24-080	Requests for public records.
132V-24-090	Copying.
132V-24-100	Exemptions.
132V-24-110	Review of denials of public records requests.
132V-24-120	Protection of public records.
132V-24-130	Records index.
132V-24-140	Adoption of form.
132V-24-990	Appendix "A"——Request for public record to Community College District No. 22.

WAC 132V-24-010 Purpose. The purpose of this chapter shall be to ensure compliance by the Community College District No. 22 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 11, § 132V-24-010, filed 4/27/73.]

WAC 132V-24-020 Definitions. (1) **PUBLIC RECORDS.** "Public record" includes 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, type-writing, 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. 22.** The Community College District No. 22 is an agency organized by statute pursuant to RCW 28B.50.040. The Community College District No. 22 shall hereinafter be referred to as the "district". Where appropriate, the term district also refers to the staff and board of trustees employees of the district. [Order 11, § 132V-24-020, filed 4/27/73.]

WAC 132V-24-030 Description of central and field organization of Community College District No. 22. District No. 22 is a community college district organized under RCW 28B.50.040. The Administrative Office of the district and its staff are located at Tacoma Community College, 5900 South 12th Street, Tacoma, Washington 98465. [Order 11, § 132V-24-030, filed 4/27/73.]

WAC 132V-24-040 Operations and procedures. The district is established under RCW 28B.50.040 to implement the educational purposes established by RCW 28B.50.020. The college district is operated under the supervision and control of a board of trustees. The board of trustees is made up of five members each appointed by the governor to a term of five years. The trustees meet the fourth Thursday of each month at 3:30 p.m. in the N.W. Room of Tacoma Community College, unless public notice is given of a special meeting. At such time the trustees exercise the powers and duties granted it under RCW 28B.50.140. [Order 11, § 132V-24-040, filed 4/27/73.]

WAC 132V-24-050 Public records available. All public records of the district, as defined in WAC 132V-24-020 are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by section 31, chapter 1, Laws of 1973 and WAC 132V-24-100. [Order 11, § 132V-24-050, filed 4/27/73.]

WAC 132V-24-060 Public Records Officer. The district's public records shall be in the charge of the Public Records Officer designated by the college president. The person so designated shall be located in the Administrative Office of the district. The Public Records Officer shall be responsible for the following: The implementation of the district's rules and regulations regarding release of public records, coordinating the staff of the district in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 1, Laws of 1973. [Order 11, § 132V-24-060, filed 4/27/73.]

WAC 132V-24-070 Office hours. Public records shall be available for inspection and copying during the customary office hours of the district. 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 11, § 132V-24-070, filed 4/27/73.]

WAC 132V-24-080 Requests for public records. In accordance with requirement of chapter 1, Laws of 1973 that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records 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 district which shall be available at its administrative office. The form shall be presented to the public records officer; or to any member of the district's staff, if the public records officer is not available, at the administrative office of the district 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 district'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 11, § 132V-24-080, filed 4/27/73.]

WAC 132V-24-090 Copying. No fee shall be charged for the inspection of public records. The district shall charge a fee of 10¢ per page of copy for providing copies of public records and for use of the district's copy equipment. This charge is the amount necessary to reimburse the district for its actual costs incident to such copying. If a particular request for copies requires an unusually large amount of time, or the use of any equipment not readily available, the district will provide copies at a rate sufficient to cover any additional cost. All fees must be paid by money order, cashier's check or cash in advance. [Order 11, § 132V-24-090, filed 4/27/73.]

WAC 132V-24-100 Exemptions. (1) The district reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 132V-24-080 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 district 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 11, § 132V-24-100, filed 4/27/73.]

WAC 132V-24-110 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 or his designee shall immediately consider the matter and either affirm or reverse such denial or consult with the attorney general 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 district has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first. [Order 11, § 132V-24-110, filed 4/27/73.]

WAC 132V-24-120 Protection of public records. Requests for public records shall be made in the Administration Building (building 14) of Tacoma Community College. Public Records and a facility for their inspection will be provided by the public records officer. Such records shall not be removed from the place designated for their inspection. Copies shall be made at Tacoma Community College. If copying facilities are not available at the college, the college will arrange to have copies made commercially according to the provisions of WAC 132V-24-090. [Order 11, § 132V-24-120, filed 4/27/73.]

WAC 132V-24-130 Records index. (1) **INDEX.** The district has available to all persons a current index which provides identifying information as to the following records issued, adopted or promulgated since June 30, 1972.

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

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

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

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

"(e) factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies,

and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or other; 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 part."

(2) **AVAILABILITY.** The current index promulgated by the district shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection. [Order 11, § 132V-24-130, filed 4/27/73.]

WAC 132V-24-140 Adoption of form. The district 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 11, § 132V-24-140, filed 4/27/73.]

WAC 132V-24-990 Appendix "A"—Request for public record to Community College District No. 22.

Appendix "A"

Request for public record to
Community College District No. 22

(a) -----
Signature Signature (Please Print)

Name of Organization, if Applicable

Mailing Address of Applicant Phone Number

(b) -----
Date Request Made at Community Time of Day
College District No. 22 Request Made

(c) Nature of Request -----

(d) Identification Reference on Current Index -----
Please Describe

(e) Description of Record, or Matter, Requested if not Identifiable by
Reference to the Community College District No. 22's Current
Index -----

Request: Approved ----- By -----
Date Public Records Officer

Denied Date -----

Reasons for Denial: -----

 Referred to ----- By -----
 Date Public Records Officer

[Order 11, Appendix A (codified as WAC 132V-24-990), filed 4/27/73.]

Chapter 132V-112 WAC ELECTION PROCEDURES

WAC

- 132V-112-003 Purpose.
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 132V-112-012 Contents of notice of election—Designation of chief election officer—Duties.
 132V-112-015 List of academic employees—Posting of list.
 132V-112-018 Election inspectors—Duties—Right to challenge voter—Improper conduct.
 132V-112-021 Ballots.
 132V-112-024 Record of vote—Signature—Challenge.
 132V-112-027 Incorrectly marked ballot.
 132V-112-030 Privacy for voter—Equipment.
 132V-112-033 Folding ballot—Ballot box.
 132V-112-036 Challenged ballot—Procedure.
 132V-112-039 Employees present entitled to vote—Sealing ballot box—Unused ballots.
 132V-112-042 Election inspectors duties after voting has terminated.
 132V-112-045 Disposition of challenged ballots—Talley sheets—Investigation by chief election officer.
 132V-112-048 Counting of ballots—Procedure—Certification of results of election—Retention of ballots—Signed voting lists.
 132V-112-051 Electioneering within the polls forbidden.
 132V-112-054 Contest of election—Time for filing objections—Investigation of objections.
 132V-112-057 Persons eligible to vote—Definition of "academic employee".
 132V-112-060 Election determined by majority of valid votes cast—Run-off election.
 132V-112-063 Time lapse for new election.

WAC 132V-112-003 Purpose. Pursuant to chapter 196, Laws of 1971 ex. sess., the Board of Trustees of Community College District No. 22 establishes the following rules to strengthen methods of administering employer-employee relations through the establishment of orderly methods of communication between academic employees of Community College District No. 22 and the Board of Trustees of Community College District No. 22. [Order 7, § 132V-112-003, filed 6/27/72.]

WAC 132V-112-006 Request for election—Canvass of academic employees by independent and neutral person or association. Any organization of academic employees of Community College District No. 22 desiring to be recognized as the majority organization representing such employees pursuant to chapter 196, Laws of 1971 ex. sess., shall request in writing of the Board of Trustees of Community College District No. 22 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. 22 will request some independent and neutral person or association to determine whether thirty per cent or more of the academic employees of Community College District No. 22 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 7, § 132V-112-006, filed 6/27/72.]

WAC 132V-112-009 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 academic employees of Community College District No. 22 have indicated that they desire to be represented by that organization for such purposes, the Board of Trustees of Community College District No. 22 will publish a notice that it will hold an election as soon as practical to determine whether the academic employees of Community College District No. 22 desire the requesting organization or any other organization to represent them for the purposes of chapter 196, Laws of 1971 ex. sess. Any other organization of academic 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. 22, file with the Board of Trustees a request in writing that its name be included on the ballot in the election to be held together with written proof of at least ten percent representation of the academic employees of the district. 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 7, § 132V-112-009, filed 6/27/72.]

WAC 132V-112-012 Contents of notice of election—Designation of chief election officer—Duties. The Notice published by the Board of Trustees of Community College District No. 22, pursuant to WAC 132V-112-009, 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 WAC 132V-112-003 through 132V-112-063. [Order 7, § 132V-112-012, filed 6/27/72.]

WAC 132V-112-015 List of academic employees—Posting of list. In any election conducted pursuant to WAC 132V-112-003 through 132V-112-063, lists of academic employees eligible to vote shall be prepared by the Board of Trustees listing academic 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 an academic employee to vote in the election. [Order 7, § 132V-112-015, filed 6/27/72.]

WAC 132V-112-018 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 WAC 132V-112-024 and 132V-112-036 through 132V-112-048. 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 7, § 132V-112-018, filed 6/27/72.]

WAC 132V-112-021 Ballots. The ballots used in any election held pursuant to WAC 132V-112-003 through 132V-112-063 shall be in the following form:

To select for Representation Purposes Pursuant to chapter 196, Laws of 1971 ex. sess., a Majority Organization to Represent Academic Employees of Community College District No. 22.

	Vote for one
ORGANIZATION X	<input type="checkbox"/>
ORGANIZATION Y	<input type="checkbox"/>
NO ORGANIZATION (Neither)	<input type="checkbox"/>

Do not sign your name or put other identifying marks on this ballot. Should you incorrectly mark this ballot or otherwise spoil it, you may return it to the chief election officer or his inspector and obtain a new ballot.

[Order 7, § 132V-112-021, filed 6/27/72.]

WAC 132V-112-024 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 academic 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 7, § 132V-112-024, filed 6/27/72.]

WAC 132V-112-027 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 7, § 132V-112-027, filed 6/27/72.]

WAC 132V-112-030 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 7, § 132V-112-030, filed 6/27/72.]

WAC 132V-112-033 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 7, § 132V-112-033, filed 6/27/72.]

WAC 132V-112-036 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 7, § 132V-112-036, filed 6/27/72.]

WAC 132V-112-039 Employees present entitled to vote—Sealing ballot box—Unused ballots. At the time for closing the polls, all academic 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 7, § 132V-112-039, filed 6/27/72.]

WAC 132V-112-042 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 academic employees, 2) all unused ballots, 3) all challenged ballots, and 4) the sealed ballot box containing all ballots cast. [Order 7, § 132V-112-042, filed 6/27/72.]

WAC 132V-112-045 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 7, § 132V-112-045, filed 6/27/72.]

WAC 132V-112-048 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 each 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 academic employees shall be kept by the chief election officer or some person designated by him for one year after the election. [Order 7, § 132V-112-048, filed 6/27/72.]

WAC 132V-112-051 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 7, § 132V-112-051, filed 6/27/72.]

WAC 132V-112-054 Contest of election—Time for filing objections—Investigation of objections. Any organization, the name of which appears on the ballot, or any academic employee may within five days after the certification of the results of an election under the provisions of WAC 132V-112-048, file objections to the conduct of the election with the chief election officer designated by the Board of Trustees pursuant to WAC 132V-112-012. 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 7, § 132V-112-054, filed 6/27/72.]

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WAC 132V-112-057 Persons eligible to vote—Definition of "academic employee". All academic employees of Community College District No. 22 shall be eligible to vote pursuant to WAC 132V-112-003 through 132V-112-063 who are employed at the time of the election provided for by such rules and who: 1) are employed on a full time basis, or 2) if employed on a part time basis, have been employed as an academic employee of the district for at least one other quarter (i.e. fall, winter, spring, or summer quarter) during either the current or the previous academic year. "Academic employee" shall mean any teacher, counselor, librarian, or department head, division head, or administrator, who is employed by Community College District No. 22, with the exception of the chief administrative officer of the district. [Order 7, § 132V-112-057, filed 6/27/72.]

WAC 132V-112-060 Election determined by majority of valid votes cast—Run-off election. An organization of academic employees which receives a majority of the valid votes cast in an election held in accordance with WAC 132V-112-003 through 132V-112-063 shall be recognized as representing the academic employees of Community College District No. 22 pursuant to chapter 196, Laws of 1971 ex. sess. If more than one organization of academic 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 7, § 132V-112-060, filed 6/27/72.]

WAC 132V-112-063 Time lapse for new election. If no organization of academic 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 academic 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 7, § 132V-112-063, filed 6/27/72.]

Chapter 132V-116 WAC PARKING AND TRAFFIC RULES AND REGULATIONS

WAC

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- 132V-116-250 Issuance of traffic citations.
- 132V-116-260 Fines and penalties.
- 132V-116-270 Appeal of fines and penalties.
- 132V-116-280 Liability of college.

WAC 132V-116-010 Authority. Pursuant to the authority granted by RCW 28B.50.140(10), the Board of Trustees of Community College District 22 empowers the President of the College District to make on-campus parking available for visitors, faculty, students and staff at a fee established and approved by the Board. The Board further authorizes the President to formulate rules and regulations which ensure the safety of operators of vehicles and pedestrians using the College's streets, crosswalks and paths. (Tacoma Community College Board Policy Handbook, Chapter VII, Section 7.1010; 5-76) [Order 77-2, § 132V-116-010, filed 6/3/77.]

WAC 132V-116-020 Purpose. The rules and regulations contained herein are established for the following purposes:

- (1) To protect and control pedestrian and vehicular traffic on property owned, operated and maintained by the College District.
- (2) To assure access at all times for emergency equipment.
- (3) To minimize traffic disturbances.
- (4) To facilitate the operation of the College by assuring access for vehicles.
- (5) To regulate the use of parking spaces. [Order 77-2, § 132V-116-020, filed 6/3/77.]

WAC 132V-116-030 Definitions. For the purposes expressed in this document, the following definitions and terms shall apply:

- (1) **COLLEGE:** Tacoma Community College, or any additional community college hereafter established within Community College District 22, State of Washington, and those individuals responsible for its control and operation.
- (2) **COLLEGE COMMUNITY:** trustees, students, employees, and guests on college-owned or controlled facilities.
- (3) **COLLEGE FACILITIES:** any or all property controlled or operated by the College.
- (4) **STUDENT:** any person enrolled at the College.
- (5) **SAFETY AND SECURITY OFFICER:** an employee of the College accountable to the Dean of Administrative Services and responsible for campus security, safety, parking and traffic control.

(6) **VEHICLE:** any conveyance which can be legally operated on the streets and highways of the State of Washington, or whose primary purpose is recreational.

(7) **VISITORS:** persons who come upon the campus as guest, and persons who lawfully visit the campus for purposes which are in keeping with the College's role as an institution of higher learning in the State of Washington.

(8) **PERMANENT PERMIT:** a permit which is valid for a College quarter, year or portion thereof.

(9) **TEMPORARY PERMIT:** a permit issued in lieu of a permanent permit for a period designated on the permit.

(10) **HANDICAPPED PERMIT:** a permit issued to a person with a physical, mental or sensory impairment.

(11) **COLLEGE TERM:** unless otherwise designated, the time period commencing with the summer quarter of the calendar year and extending through the subsequent fall, winter, and spring quarters. The summer quarter shall be considered the first quarter of the college year for parking and traffic control purposes.

(12) **CAMPUS:** the grounds and buildings of the College. [Order 77-2, § 132V-116-030, filed 6/3/77.]

WAC 132V-116-040 Applicable traffic rules and regulations. The traffic rules and regulations which are applicable for the College are:

- (1) The motor vehicle and traffic codes of the State of Washington.
- (2) The traffic ordinances of the City of Tacoma.
- (3) The other rules and regulations hereinafter described in this chapter. [Order 77-2, § 132V-116-040, filed 6/3/77.]

WAC 132V-116-050 Parking and traffic responsibility. The Dean of Administrative Services is responsible for parking and traffic management on campus. In general, the responsibility is delegated to the College's Safety and Security Supervisor, who is authorized to coordinate directly with the Dean of Administrative Services and others on campus as required by his/her duties. [Order 77-2, § 132V-116-050, filed 6/3/77.]

WAC 132V-116-060 Permits required for motor vehicles on campus. No student or employee shall stop, park, or leave a motor vehicle, whether attended or unattended, upon the campus without a parking permit issued pursuant to WAC 132V-116-030(8), (9) or (10), except that:

- (1) Any student parking on campus will be given ten (10) days from the beginning of his/her enrollment to obtain a permit from the Office of Safety and Security.
- (2) Any employee parking on campus must obtain a permit within ten (10) days after commencing employment with the College, and where applicable, will renew the permit within ten (10) days after its expiration. [Order 77-2, § 132V-116-060, filed 6/3/77.]

WAC 132V-116-070 Registration of vehicles. All students and employees who operate motor vehicles on the campus will register them with the Office of Safety

and Security. [Order 77-2, § 132V-116-070, filed 6/3/77.]

WAC 132V-116-080 Authorization for issuance of permits. The Office of Safety and Security is authorized to issue parking permits to members of the College community pursuant to the following regulations:

(1) Students may be issued parking permits upon the registration of their vehicles with the Office of Safety and Security.

(2) Employees may be issued parking permits pursuant to WAC 132V-116-060(2).

(3) Safety and Security Officers may issue temporary parking permits when such permits are necessary to conduct the business or operation of the College.

(4) Safety and Security Officers may issue temporary parking permits, not to exceed a period of five (5) working days, for the use of an additional car whenever the registered vehicle is being repaired. [Order 77-2, § 132V-116-080, filed 6/3/77.]

WAC 132V-116-090 Parking fees. Fees for parking in designated areas will be established by the Board of Trustees. [Order 77-2, § 132V-116-090, filed 6/3/77.]

WAC 132V-116-100 Valid permits. The following are valid permits when they are properly displayed and unexpired:

(1) A permanent permit.

(2) A temporary permit.

(3) A handicapped permit. [Order 77-2, § 132V-116-100, filed 6/3/77.]

WAC 132V-116-110 Display of permit. (1) A permanent parking permit shall be affixed to right rear bumper area of the vehicle. A temporary permit shall be placed within the vehicle on the dashboard where it can be plainly observed.

(2) Permits for motorcycles shall be affixed to the vehicles in visible locations. [Order 77-2, § 132V-116-110, filed 6/3/77.]

WAC 132V-116-120 Transfer of permits. A parking permit is not transferable. If a vehicle is sold or traded, the permit holder may obtain a new permit from the Office of Safety and Security. [Order 77-2, § 132V-116-120, filed 6/3/77.]

WAC 132V-116-130 Permit revocation. Parking permits are the property of the College and may be revoked for any of the following reasons:

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

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

(3) when it is determined that an application has been falsified; or

(4) when it is determined that a permit has been altered. [Order 77-2, § 132V-116-130, filed 6/3/77.]

WAC 132V-116-140 Right to refuse permit. The College reserves the right to refuse the issuance of a

parking permit when it is deemed to be in the best interests of the College. [Order 77-2, § 132V-116-140, filed 6/3/77.]

WAC 132V-116-150 Responsibility of permit holder. The permit holder is responsible for all violations of the Parking and Traffic Rules and Regulations involving the vehicle for which the permit was issued and to which it was affixed; provided, that such responsibility shall not relieve the operator of the vehicle who violates the rules and regulations. In the event that a vehicle in violation is not registered with the College, the current registered owner will be responsible for the violation(s) of the College regulations. [Order 77-2, § 132V-116-150, filed 6/3/77.]

WAC 132V-116-160 Designation of parking spaces. Parking spaces shall be designated for the following categories:

(1) Students

(2) Employees

(3) Handicapped persons

(4) Visitors

(5) Other business purposes [Order 77-2, § 132V-116-160, filed 6/3/77.]

WAC 132V-116-170 Parking within designated spaces. All vehicles must be parked in designated spaces only.

(1) No vehicle may be parked in any undesignated area except the following:

(a) Approved maintenance vehicles.

(b) Emergency vehicles.

(c) Approved construction vehicles.

(d) Approved delivery vehicles.

(2) Unless prior arrangements have been made, no vehicle shall be parked on campus for a period in excess of 72 hours. Vehicles which have been parked in excess of 72 hours may be impounded and stored at the expense of the owner.

(3) No vehicle shall be parked so as to occupy any portion of more than one (1) parking space.

(4) Parking in designated areas will be strictly enforced between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday. [Order 77-2, § 132V-116-170, filed 6/3/77.]

WAC 132V-116-180 Regulatory signs and directions. The Office of Safety and Security is authorized to erect signs, barricades, and other structures and to paint marks or other directions upon the entry ways, streets, and parking areas of the campus. Vehicle operators shall observe and obey all regulatory signs and directions and shall comply with traffic control. [Order 77-2, § 132V-116-180, filed 6/3/77.]

WAC 132V-116-190 Speed limit. No vehicle shall be operated on the campus at a speed in excess of 15 miles per hour or as posted. No vehicle shall use the campus parking areas for unauthorized activities. [Order 77-2, § 132V-116-190, filed 6/3/77.]

WAC 132V-116-200 Movement of vehicles. Except as authorized by the Office of Safety and Security, movement of motor vehicle traffic is limited to entrances, drives and parking areas. [Order 77-2, § 132V-116-200, filed 6/3/77.]

WAC 132V-116-210 Operation of bicycles. Bicycle operators shall observe the following rules and regulations:

(1) Bicycles and other non-engine cycles shall be operated in a responsible manner.

(2) No bicycle shall be parked inside a building nor blocking a building entrance.

(3) Bicycles should be secured to racks as provided so as not to endanger pedestrian traffic.

(4) Bicycle operators will observe traffic rules and regulations when operating on entrances, drives, and parking areas. [Order 77-2, § 132V-116-210, filed 6/3/77.]

WAC 132V-116-220 Report of accident. The operator of any vehicle involved in an accident on campus resulting in injury to or death of any person or total or claimed damage to either or both vehicles of any amount shall within 24 hours report such accident to the College's Office of Safety and Security. This does not relieve any person so involved in an accident from his responsibility to file a State of Washington Motor Vehicle Accident Report within 24 hours after such accident. [Order 77-2, § 132V-116-220, filed 6/3/77.]

WAC 132V-116-230 Special traffic and parking regulations and restrictions authorized. Upon special occasions causing additional and/or heavy traffic and during emergencies, the College's Safety and Security Supervisor is authorized to impose special traffic and parking regulations and restrictions for the achievement of the objectives specified in WAC 132V-116-020. [Order 77-2, § 132V-116-230, filed 6/3/77.]

WAC 132V-116-240 Enforcement. (1) All parking and traffic rules and regulations shall be enforced throughout the calendar year.

(2) The Dean of Administrative Services or his designee shall be responsible for the enforcement of the rules and regulations contained in this document. [Order 77-2, § 132V-116-240, filed 6/3/77.]

WAC 132V-116-250 Issuance of traffic citations. Safety and Security Officers or their subordinates will issue citations for any violations of these rules and regulations. Such citations will include the date, approximate time, vehicle identification number, infraction, name of the officer and schedule of fines. The traffic citations may be served in person, via mail, or by attaching a copy outside the vehicle. [Order 77-2, § 132V-116-250, filed 6/3/77.]

WAC 132V-116-260 Fines and penalties. Fines and penalties may be assessed for all violations of these rules and regulations.

(1) The Dean of Administrative Services, or in his absence the President or the Acting President, is the only College employee authorized to impound vehicles parked on College property.

(a) Vehicles wrongfully parked in designated areas or parked in undesignated areas are subject to impoundment.

(b) Impoundment and storage expenses shall be the responsibility of the owner of the impounded vehicle.

(c) The College shall not be liable for loss or damage of any kind resulting from such impoundment and storage.

(d) Impoundment of a vehicle does not remove the obligation for any fines associated with the citation.

(2) An accumulation of traffic citations by a student in excess of THIRTY (30) DOLLARS or the failure by a student to satisfy any traffic fines, regardless of the amount thereof, by the end of the academic quarter may result in disciplinary action initiated by the Dean of Student Services against the student.

(3) The Dean of Administrative Services shall direct all citations to the Office of Business Services for collection or paid at the cashier's station.

(4) A Schedule of Fines shall be set by the Board of Trustees.

(5) The following Schedule of Fines is adopted by the Board and shall be published on the traffic citation forms.

(a) vehicle parked in a manner so as to obstruct traffic; \$3.00

(b) occupying more than one space; \$2.00

(c) occupying space not designated for parking; \$2.00

(d) illegal parking (parked in area not authorized by permit; \$2.00

(e) failure to yield right-of-way; \$3.00

(f) parking in fire lane; \$3.00

(g) speeding; \$5.00

(h) failure to stop for stop sign/signal; \$5.00

(i) reckless/negligent driving; \$5.00

(j) no parking permit displayed; \$5.00

(6) If the fine is paid within 24 hours of the issuance of the citation, the fine will be reduced to \$1.00, except for moving violations.

(7) In the event a student fails or refuses to pay a fine, the following may be initiated by the Dean of Student Services:

(a) student may not be eligible to register for any more courses;

(b) student may not be able to obtain a transcript of his grades or credits;

(c) student may not receive a degree until all fines are paid;

(d) student may be denied future parking privileges;

(e) student's vehicle may be impounded.

(8) Upon failure of an employee to appeal from any fine or penalty as set forth herein, or upon a decision by the Dean of Administrative Services affirming the employee's debt to the College, whichever is applicable, the amount of the fine will be set-off against and deducted from any present or future salary or other financial obligation owed to the employee by the College. [Order 77-2, § 132V-116-260, filed 6/3/77.]

WAC 132V-116-270 Appeal of fines and penalties.

Any fines and penalties levied against a violator of the rules and regulations set forth herein must be appealed in writing, stating fully all grounds for appeal, within five (5) days from the date of the citation, to the Safety and Security Supervisor who will:

(1) After notice to the appealing party, confer with said party and review the appeal to determine whether a satisfactory solution can be reached without further administrative action. The Safety and Security Supervisor will advise the appellant, as soon as practicable, of his proposed decision.

(2) If the appellant is dissatisfied with the Safety and Security Supervisor's proposed decision, the appeal will be forwarded to the Dean of Administrative Services who will meet with all parties, review the circumstances of the appeal and render a decision within ten (10) days. [Order 77-2, § 132V-116-270, filed 6/3/77.]

WAC 132V-116-280 Liability of college. Except for the College owned and/or operated vehicles, the Board assumes no liability under any circumstances for vehicles on campus. [Order 77-2, § 132V-116-280, filed 6/3/77.]

Chapter 132V-325 WAC**STATE ENVIRONMENTAL POLICY ACT****WAC**

132V-325-010 Authority.

132V-325-020 Responsibility.

WAC 132V-325-010 Authority. It shall be the policy of Community College District 22 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. (Tacoma Community College Board Policy, Chapter VIII, Section 8.3030; 10-76) [Order 77-1, § 132V-325-010, filed 6/3/77.]

WAC 132V-325-020 Responsibility. In compliance with WAC 197-10-820, the District President or an administrative officer designated by the District President shall be the official responsible for carrying out this policy. [Order 77-1, § 132V-325-020, filed 6/3/77.]